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Chamber of Regions

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REPORT

**ON THE RULES OF PROCEDURE
OF THE CHAMBER OF REGIONS**

(Rapporteur: Mr Karl STARZACHER, Germany)

EXPLANATORY MEMORANDUM

On 14 January 1994, the Committee of Ministers of the Council of Europe adopted, following the Vienna Summit of Heads of State /Heads of Government held on 9 October 1993, statutory Resolution (94) 3 creating the Congress of Local and Regional Authorities of Europe (CLRAE), composed of two Chambers, one of which is the Chamber of Regions (CoR). Together with this Resolution, the Committee of Ministers adopted the Charter of the Congress.

Article 12 of the Charter foresees that "the CLRAE and its Chambers shall adopt their own rules of procedure", and then indicates minimum requirements for such Rules.

The Congress as such did adopt its Rules of Procedure on 31 May 1994, by Resolution 1 (1994). The objective of the present report is to propose for adoption the Rules of procedure of the CoR. These new rules will then replace the interim "special rules applying to the Chambers" adopted by CoR on 1 June 1994.

At its meeting held on 12/13 September 1994, the Bureau of the CoR appointed Mr Starzacher as rapporteur on the Rules of Procedure. At that time, no specific Working Group was created for that matter; the Bureau decided that it would follow itself the preparation of the report. A first draft text of such Rules of Procedure was then examined at the Bureau meeting held in Geneva on 20 December 1994. The matter was further discussed at the Bureau meeting held in Strasbourg on 9 February 1995. It was then agreed that a select Group comprising Mr CHEVROT (France) and Mr FREIBAUER (Austria) should assist Mr Starzacher in preparing a final version of the report for adoption at the Bureau meeting held in Strasbourg on 24 April 1995. Due to lack of time, the Select Group has never been able to meet as such, but consultations have been held in writing on several occasions.

From the start, it was obvious to all those concerned that the Rules of the Chambers could not be considered in isolation. In particular, the Rules of Procedure of the Chambers had to be in compliance with the Charter, but also with the Rules of Procedure of the Congress, unless the latter would be changed, on certain questions. That is why the Bureau of the Congress decided, at its restricted meeting held on 23 June 1994, that coordination meetings should be held between those responsible for the Rules of procedure in by the two Chambers and the Congress' rapporteur on its own Rules of Procedure. Therefore, subsequently, such meeting have been organised between MM MOLLSTEDT, CHENARD, and STARZACHER. Such meetings have indeed been held on 7 November 1994, 9 March and 24 April 1995, in Strasbourg.

The rapporteur is well aware of the necessity of such coordination that has taken place in a very positive spirit. There is also no doubt to the fact that CoR's Rules of Procedure have to be in compliance with the Charter of the Congress and its Rules of Procedure. This is clearly stated in Rule 40. But he is also aware that the Rules of the Congress need to be amended in order to allow for certain rules proposed for CoR to enter into force. He is convinced that this will be the case and relies therefore on the report prepared by Mr MOLLSTEDT. Furthermore, the draft Resolution foresees that the Rules in general enter into force on 2 June 1995; the Rules of the Congress should have been amended before. In the meantime, and during the forthcoming session, the Chamber should therefore function as during the first session, by applying as far as possible the Congress' Rules of Procedure and the special interim rules referred to above. In the discussions concerning the preparation of the present report, some ideas have also been developed that should be kept in mind for future discussions on the revision of the Charter of CLRAE.

The rapporteur is of the opinion that the Committee of Ministers pursues, with its decisions mentioned above, the objective of strengthening and enlarging the role of local and regional authorities within the framework of the Council of Europe. At the same time it has, through the creation of the two Chambers, recognised the differences and conflicting interests between local authorities on one hand, and regional authorities on the other. The rules of procedure of the CLRAE and of its two Chambers must contribute to the implementation of this objective, that is, the partial autonomy granted by the Committee of Ministers to the Chambers must be guaranteed and implemented by the rules of procedure.

However, the rapporteur feels that the Rules of procedure of CoR should be coherent in themselves and easy to use for the reader. Generally speaking, he has therefore aimed at presenting a full text, avoiding to leave important matters to simple references to other texts like the Rules of Procedure of the Congress or the Charter.

It was also felt that the CoR should be able to function at all levels, and that the silence of the Charter concerning the possibility of Standing Committee meetings at Chamber level was probably not intentional and that such meetings could be held. The rapporteur appreciated that a similar necessity was also felt in the Chamber of Local Authorities. It is therefore suggested that, whilst waiting for a reform of the Charter on this point, such meetings should be called "Chamber of Regions of the Standing Committee", or, for the internal use, "Chamber of the Standing Committee". The rapporteur feels all the more encouraged in this view by Resolution 1053 (1995) of the Parliamentary Assembly, on "the regions in the Council of Europe and the establishment of the Congress of Local and Regional Authorities of Europe", adopted on 31 January 1995 following a report presented by Mr PINTO (Portugal).

In general, it is felt that the Standing Committee is a more representative body than the Bureau. In particular, all member States are represented on the Standing Committee. The rapporteur has therefore, wherever possible, favoured a shift of competencies from the Bureau to the Regional Chamber of the Standing Committee.

Rule 17(2) provides for the possibility of organising supplementary sessions of CoR. The rapporteur attaches great importance to that possibility. He is aware however that this will not be easy to achieve, in the present state of affairs. The clause proposed is therefore rather restrictive. No doubt that this item should be taken up again in the discussion concerning a future revision of the Charter.

Other changes have been made in the draft rules as compared to the previous situation. But it would be fastidious to enumerate them all. Attention may however be drawn to the fact that the time limits for the presentation of candidatures have been changed in Rules 5 and 6. In certain cases, the electoral procedure has also been changed. In particular, in the case of a split vote, the candidate elected shall be drawn by lot without reference to his age.