



Congress of Local and Regional Authorities of Europe
Congrès des pouvoirs locaux et régionaux de l'Europe

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FIRST SESSION

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REPORT

ON

**THE RULES OF PROCEDURE OF THE NEW CONGRESS
OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE**

(Rapporteur: Mr Mollstedt, Sweden)

EXPLANATORY MEMORANDUM

presented by the
restricted Working Group on the New Structures

Members of the Working Group :

Mr Mollstedt (President), Sweden
Mr Chenard, France
Mrs Farrington, UK
Mr Tchernoff, Netherlands

Observers :

Assembly of European Regions : Mr Maier
Council of European Municipalities and Regions : Mrs Gateau, later replaced by Mr Bongers

I. BACKGROUND

On 14 January 1994, the Committee of Ministers of the Council of Europe approved Statutory Resolution 94 (1) which establishes the new Congress of Local and Regional Authorities of Europe, and the new body's Charter.

The Committee of Ministers also empowered the existing structures of the Standing Conference of Local and Regional Authorities to pave the way for the first Plenary Session of the Congress and particularly to prepare the reports to be submitted to the Session in question.

II. THE RESTRICTED WORKING GROUP IN CHARGE OF THE NEW STRUCTURES

The Standing Committee of the former CLRAE, at its meeting in Stockholm (Sweden) in August 1993, asked its Bureau to set up a restricted Working Group in charge of studying possible structures for the new Congress. In the light of the mandate received from the Committee of Ministers in January, the Bureau commissioned this Working Group to prepare the draft Rules of Procedure of the new Congress.

The composition of this Working Group reflects the CLRAE's will to take into account the interests of all its members. Apart from two representatives of local authorities and two representatives of regional authorities, all of them members of the CLRAE, representatives of two major associations of local and regional authorities - the Assembly of European Regions and the Council of European Municipalities and Regions - have been invited to participate at the Group's meetings and contribute with their insight to the elaboration of the Rules of Procedure.

The Working Group has held several meetings throughout the year and reported back to the Bureau, which has monitored its activity. The two representatives of CEMR and ARE have also reported back to their associations. They have informed the restricted Working Group of their points of view and suggested some amendments. As a result of this flow of information, the Working Group has debated several drafts of the Rules of Procedure before adopting the present one.

III. CONTENTS AND STRUCTURE OF THE DRAFT RULES OF PROCEDURE

The result of the restricted Working Group's activity is a thorough set of regulations which intends to give the CLRAE a complete yet flexible reference for its many activities. Its length reflects not only the need to take into account the experience acquired over the twenty-eight years of existence of the Standing Conference of Local and Regional Authorities of Europe, but also the complexity of the new structure designed by the Charter of the Congress. The draft also draws from the experience of the Parliamentary Assembly of the Council of Europe.

All in all, nearly fifty articles cover all the different aspects of the CLRAE. Some of them - such as those regulating the conducting of debates - are an adapted version of previously existing articles which have proved efficient and sound in the past. In fact, many

rules are a mere transliteration of very widely accepted rules which are currently used by many a national parliament and other international legislative bodies. Some other rules have been drawn from the Charter of the CLRAE as approved by the Committee of Ministers, in which case a footnote indicates their source. Then again, some of the rules - like those regulating the preparation of texts by joint working groups or defining the new special guest status - are radically new. Needless to say, new rules will have to be tested in practice. This is the reason why the Resolution foresees the possibility of revising the Rules after the first two Sessions, thus combining pragmatism and flexibility. Generally speaking, the Working Group has borne in mind the need to submit to the Congress and its Chambers a useful tool with which they can start their work from the very outset.

1. Rules of Procedure of the Chambers

The restricted Working Group faced a dilemma with respect to the Rules of Procedure of the Chambers. On the one hand, both associations of local and regional authorities expressed their will that the Chambers be ready to start their work immediately after the opening ceremony, which logically requires a minimum set of rules. On the other hand, the Charter of the Congress clearly establishes that both Chambers have the right to adopt their own Rules of Procedure. The draft Resolution thus proposes that the Rules of Procedure of the Congress be applied, "mutatis mutandis", to both Chambers on a temporary basis while they adopt their Rules of Procedure. To cover those cases where it would be impossible to apply the Rules of Procedure of the Congress, the restricted Working Group has drafted a very short set of special rules applying to the Chambers only, which is appended to the draft Resolution. The Congress is called upon to propose them to the Chambers, yet the latter will still have the last say. The restricted Working Group deems this solution the most balanced one and believes it respects the separate legal identities of the Congress and the two Chambers which make it up. Besides, both Chambers will be able to draft their own Rules of Procedure after they have gained some experience.

2. Membership

Reflecting the new structure and the requirements set out in the Charter, the Rules of Procedure make a clear distinction between membership of the Congress and that of the Chambers. As far as the Congress is concerned, the old distinction between full members (now called representatives) and substitutes will remain. Yet the Charter clearly sets out that substitutes shall be members of the Chambers in the same capacity as representatives. Hence, no distinction between them is made as far as the Chambers are concerned and members of the Chambers will be referred to precisely as "members".

3. Observers and special guests

One of the consequences of the statutory improvement of the CLRAE within the Council of Europe's structure has been the introduction of the new status of special guest. Following the model of the Council of Europe's Parliamentary Assembly, the Congress will now be able to grant this status to delegations of local and regional authorities from European non-member States.

This also has wide-ranging consequences for the status of observer, if only because it makes it necessary to distinguish between both categories. The status of special guest applies to delegations of local and regional authorities from European non-member States which already hold that status with the Parliamentary Assembly. Its members will have to be appointed according to the same rules which apply to national delegations, particularly the requirement that they reflect the country's major political forces and that they be appointed in a democratic way. Moreover, the Congress will carry out a verification of their credentials, just as it does with national delegations. On the other hand, observer status now applies basically to international or European associations of local and regional authorities holding consultative status with the Council of Europe. The Congress, however, can also grant observer status to other organisations that request it.

4. Control of credentials

The Rules of Procedure call on the Bureau of the Congress to prepare a report on the control of the delegates' credentials. As far as the first session is concerned, however, the verification of credentials can only be carried out after the new Bureau has been duly elected and has had a chance to meet. In this sense, it must be reiterated that, as a general principle, credentials are valid unless challenged. This general rule should allow the Congress to meet and make decisions before the verification of credentials is carried out.

5. Election of the first President of the CLRAE

The election of the new President will be carried out according to the rules of the old Standing Conference. These rules are the same as those applied by the Parliamentary Assembly of the Council of Europe and by many other national and international assemblies, when electing their President. Therefore, the restricted Working Group has suggested that they should apply to the election of the President of the CLRAE, which will take place before the formal adoption of the new Rules of Procedure. For obvious reasons, the restricted Working Group considers that the debate on the new Rules of Procedure should be conducted by the new President.

6. Advisers

A majority of the members of the restricted Working Group have proposed to restrict the participation of advisers to Standing Committee meetings. The representatives of the two international organisations of local and regional authorities who took part in the elaboration of the Rules of Procedure, however, spoke for the participation of advisers at Bureau meetings also. The group's formal position - that advisers should not be allowed to take part in Bureau meetings - complies with the Rules of the former Standing Conference but differs from the practice of the former Bureau.