

**25<sup>th</sup> SESSION**  
**Strasbourg, 29-31 October 2013**

**CG(25)13PROV**  
9 October 2013

## **Revision of Congress resolutions on procedures for monitoring the implementation of the Charter and observation of local and regional elections**

Monitoring Committee

Rapporteur: Lars O. Molin, Sweden (L, EPP/CCE<sup>1</sup>)

Resolution 306 (2010) REV on observation of local and regional elections – strategy and rules of the Congress (for vote).....	3
Resolution 307 (2010) REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122) (for vote) .....	9
Resolution 353 (2013) REV on Congress post-monitoring and post-observation of elections: developing political dialogue (for vote) .....	21

### *Summary*

The three resolutions contained in the present document are updated versions of resolutions 306 (2010), 307 (2010) REV and 353 (2013) respectively. The revised versions of the abovementioned texts take into account the new institutional landscape of the Congress as well as the most recent reference texts, and develop the rules governing the activities of the Congress related to observation of local and regional elections and to the monitoring of the application of the European Charter of Local Self-Government.

This document makes these revised texts available in consolidated form after approval by the Monitoring Committee at its meeting on 3 July 2013.

---

<sup>1</sup> L: Chamber of Local Authorities / R: Chamber of Regions  
EPP/CCE: European People's Party Group in the Congress  
SOC: Socialist Group  
ILDG: Independent Liberal and Democratic Group  
ECR: European Conservatives and Reformists Group  
NR: Not registered

## Introduction<sup>2</sup>

The Congress of Local and Regional Authorities of the Council of Europe is the only institution in Europe with responsibility in respect of local and regional democracy, through monitoring of the European Charter on Local Self Government<sup>3</sup> and local election observation in member states of the Council of Europe. These statutory duties of the Congress constitute the basis of further activities including dialogue and co-operation with the national governments and intergovernmental sector, as well as joint co-operation programmes and activities.

In concrete terms, the Congress assesses the implementation of the European Charter of Local Self-Government by means of missions to member States and organises high-quality election observation missions according to recognised international standards. Both activities are based on guidelines adopted by the Congress<sup>4</sup> in order to ensure high professional quality, transparency, comparability and dialogue.

Seeking more impact and effectiveness, the Congress wishes, beyond the adoption of recommendations and resolutions, to pursue a political dialogue with national authorities and other relevant stakeholders involved in monitoring and election observation activities, in order to improve the implementation of these adopted texts by the respective bodies (governments, parliaments, regional and local authorities) of the member States concerned. These serve as the basis of future cooperation activities of the Congress to come, both within the framework of Council of Europe action plans and for bilateral cooperation.

The present resolutions take into account the experience gathered during the past years in the field of monitoring activities and observation of local and regional elections, and update and develop the resolutions adopted in recent years, namely resolutions 306 (2010), 307 (2010)REV and 353 (2013).

For ease of use these following texts are reproduced in a consolidated way.

---

<sup>2</sup> Draft revised resolutions approved by the Monitoring Committee on 3 July 2013.

### Members of the committee:

*L. O. Molin* (President), *M. Abuladze*, *K. Andersen*, *L. Ansala*, *A. Babayev*, *T. Badan*, *S. Batson*, *V. Belikov*, *J-M. Belliard*, *M. Bespalova*, *V. Broccoli*, *E. Brogi*, *Z. Broz*, *A. Buchmann*, *X. Cadoret*, *A. Cancescu*, *M. Cardenas Moreno*, *W. Carey*, *S. Chernov*, *V. Churchmann*, *L. Ciriani*, *M. Cohen*, *M. Cools*, *J. Costa*, *D. Çukur*, *BM. D'Angelo*, *M. de Vits*, *J. Dillon*, *R. Dodd* (alternate: *S. James*), *N. Dogan*, *G. Doğanoglu*, *V. Dontu*, *E. Flyvholm*, *J. Folling*, *U. Gerstner*, *A. Gkountaras*, *A. Gonzalez Terol*, *V. Groisman*, *M. Guegan*, *M. Gulevskiy*, *O. Haabeth*, *H. Halldorsson*, *S. Harutyunyan*, *GM. Helgesen*, *C. Hernandez Torres*, *B. Hirs*, *J. Hlinka*, *A. Ibrahimov*, *G. Illes*, *A. Jaunsleinis*, *M. Jegeni Yıldız*, *M. Juhkami*, *M. Kardinar*, *J-P. Klein*, *A. Kriza*, *I. Kulichenko*, *C. Lammerskitten*, *L. Lassakova*, *F. Lec*, *J-P. Liouville*, *I. Loizidou*, *A. Lubawinski*, *A. Magyar*, *D. Mandic*, *J. Mandico Calvo*, *T. Margaryan* (alternate: *E. Yeritsyan*), *G. Marsan*, *V. Mc Hugh*, *N. Mermagen*, *A. Mimenov*, *I. Misheva*, *V. Mitrofanovas*, *M. Monesi*, *G. Mosler-Törnström*, *A. Muzio*, *AT. Papadimitriou-Tsatsou*, *U. Paslawska*, *N. Peleshi*, *H. Pihlajasaari*, *G. Pinto*, *G. Policinski*, *T. Popov*, *A. Pruszkowski*, *R. Rautava*, *I. Reepalu*, *H. Richtermocova*, *N. Romanova*, *J. Sauwens* (alternate: *J-P. Bastin*), *A. Schorer* (alternate: *P. Schowtka*), *L. Sfirloaga*, *D. Shakespeare*, *I. Shubin*, *S. Siukaeva*, *A-M. Sotiriadou*, *D. Straupaite*, *A. Torres Pereira*, *A. Ugues*, *G. Ugulava*, *A. Uss*, *P. Uszok*, *V. Varnavskiy* (alternate: *A. Borisov*), *LO. Vasilescu*, *B. Vöhringer*, *L. Verbeek*, *L. Wagenaar-Kroon*, *F. Wagner*, *H. Weninger*, *J. Wiene*, *D. Wrobel*, *U. Wüthrich-Pelloli*, *J. Zimola*.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the committee: *S. Poirel* and *S. Cankoçak*.

<sup>3</sup> ETS No. 122

<sup>4</sup> Resolution 306 (2010) on "Observation of local and regional elections – strategy and rules of the Congress" "Resolution 307 (2010) Revised on "Procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122)"

## **Resolution 306 (2010) REV on observation of local and regional elections – strategy and rules of the Congress**

### **Draft revised resolution**

1. The rights of citizens to vote – and to be elected – at periodic, genuine democratic elections are internationally recognised human rights. Genuine democratic elections cannot be achieved unless a wide range of other human rights and fundamental freedoms can be exercised without discrimination. They serve to resolve peacefully the competition for political power within a country. They are part of a process to establish democratic governance. Like other human rights and like democracy in general, they cannot be achieved without the protection of the rule of law.

2. The citizens' rights to exercise their democratic choice in a universal, equal, free, secret and direct suffrage is above all the grounding of political participation at territorial level that is enshrined in the preamble to the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority adopted in November 2009<sup>5</sup> (“...the right to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe”).

3. Election observation – as a matter of concern for international organisations – has become widely accepted and plays an important role in providing accurate and impartial assessments about the nature of electoral processes. It has the potential to enhance the integrity of electoral processes, by deterring and exposing irregularities and fraud and by providing recommendations for improving processes. It can promote public confidence, promote electoral participation and mitigate the potential for election-related conflict. It also serves to enhance international understanding through the sharing of experiences and information about democratic development.

4. The practice of observing elections in the Council of Europe began after the fall of the Berlin Wall in 1989, as part of the application process of a number of new democracies. With the objective of supplementing the work done by the Parliamentary Assembly regarding national and presidential elections, the Congress – as guardian of territorial democracy – was charged with observing local and regional elections. Since 1990 the Congress has carried out more than 100 election observation missions in Europe and, occasionally, beyond.

5. Having regard to:

a. the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

b. the European Convention for the Protection of Human Rights and Fundamental Freedoms;

c. the European Charter of Local Self-Government and its Additional Protocol on the right to participate in the affairs of a local authority;

d. the Statutory Resolution CM/Res(2011)2 adopted by the Council of Europe Committee of Ministers, defining observation of local and/or regional elections as one of the priorities of Congress' action;

e. the Code of Good Practice in Electoral Matters (2002) of the European Commission on Democracy through Law of the Council of Europe (hereafter “Venice Commission”), to its Declaration of Principles for International Election Observation (2004);

f. Congress Recommendation 124 (2003) on “the Code of Good Practice in electoral matters”;

---

<sup>5</sup> CETS 207

*g.* Congress Resolution 233 (2007) on “co-operation between the Congress and national associations of local and regional authorities”;

*h.* Congress Resolution 274 (2008) on “Congress policy in observing local and regional elections”,

6. the Congress underlines the importance of election observation at local and regional level and its complementarity to the monitoring of implementation of the European Charter of Local Self-Government which constitutes the cornerstone of local democracy in Europe.

7. The Congress refers to the specific role of local and regional elected representatives as observers of local and regional elections and stresses:

*a.* that this contributes to the legitimacy and credibility of electoral processes at the grassroots level;

*b.* that the state and conditions of electoral processes at the grassroots level are assessed by local and regional elected political representatives of the 47 Council of Europe member states on a peer-to-peer basis.

8. The Congress notes that, in principle, observation of local and regional elections shall not be limited to certain countries. In accordance with the above-mentioned complementarity of election observation to the monitoring of implementation of the European Charter of Local Self-Government, observation of local and regional elections is relevant with regard to the entire family of Council of Europe member states.

9 The Congress affirms its interest in observing local and regional elections specifically in those countries where the monitoring process revealed shortcomings and/or issues of concern with regard to local and regional democracy.

10. The Congress organises an election observation mission only following the invitation of the authorities of the country concerned.

11. With regard to those countries where the Congress’ monitoring process revealed certain weaknesses with regard to local and regional democracy, the Congress will adopt an active attitude and express its interest to be invited by those authorities to observe local or regional elections.

12. The Congress, in order to make an accurate assessment of the conduct of elections, is of the opinion that it is not enough to evaluate the organisational framework of elections. With a view to achieving this goal, the Congress decided in 2010 to adopt a policy for the widening of the scope of observation of local and regional elections in Council of Europe member states. It examines the whole election environment including elements which are key for the functioning of democracy and for genuinely democratic elections, notably:

*a.* the political landscape of the country (historical background, political system, electoral system);

*b.* the legal framework (constitution, laws, electoral code);

*c.* the role of the media (freedom of expression, media pluralism);

*d.* the financing of the parties and of the election campaign;

*e.* the election campaign (visibility, media coverage, balance, voter education);

*f.* the post-election situation (formation of the local/regional government, role attributed to the opposition, follow-up of complaints and appeals);

*g.* other elements of possible relevance for the elections.

13. The Congress is of the opinion that, in accordance with the “Rules for the practical organisation of Congress election observation missions” specified in the present resolution, with regard to a pertinent follow-up to the recommendations that arise from the observation of local and regional elections, a post-observation procedure may be put into place in certain cases.

14. The Congress and the Parliamentary Assembly of the Council of Europe will exchange, on a regular basis, every two years, the conclusions of election observation reports in accordance with the decision taken at the 43<sup>rd</sup> Meeting of the Council for Democratic Elections (Venice Commission).

15. The Congress, aware of its institutional responsibility within the Council of Europe for consistently organising high-quality election observation missions according to recognised international standards, will continue to ensure that Congress members who take part in such missions will benefit from specialised training.

16. In the same way as it strengthened its co-operation with national associations, the Congress may invite the EU Committee of the Regions to join the Congress delegation on its election observation missions after receiving the invitation of the state in which the election observation takes place. Reciprocity between both institutions will be guaranteed when the report is presented to the Congress and the EU Committee of the Regions, as both the rapporteur of the Congress and a speaker of the EU Committee of the Regions will be invited when the report is debated.

17. In the interest of complementarity between the Congress and other international institutions involved in election observation, co-operation will be maintained and strengthened with the OSCE/ODIHR when the latter is observing local and/or regional elections in a country which invited the Congress to observe such elections.

18. In pursuance of Congress Resolution 353 (2013) REV on Congress post-monitoring and post-observation of elections: Developing political dialogue, the Monitoring Committee of the Congress examines and adopts the report following an election observation mission and approves the resolution and recommendation for adoption by the Congress Session (or by its Chambers).

19. In pursuance of Congress Resolution 353 (2013) REV, at the request of the Congress Monitoring Committee, the Bureau of the Congress may propose to national authorities to whom the Council of Europe Committee of Ministers addressed a Congress recommendation on observation of local or/and regional elections, an post-election observation procedure which comprises different steps, according to the aforementioned resolution.

20. In pursuance of Article 2.5 of the Statutory Resolution CM/Res(2011)2, recommendations shall be transmitted as appropriate to the Parliamentary Assembly and/or the Council of Europe Committee of Ministers as well as to European and international organisations and institutions. The recommendations shall also be transmitted to the head and the secretary of the national delegation to the Congress. In addition, the reports and recommendations will be made available to interested Council of Europe bodies, notably to the Venice Commission.

\* \* \*

In order to implement the present resolution, the Congress adopts the following rules for the practical organisation of Congress election observation missions and the Code of conduct for Congress observers.

#### **A. Rules for the practical organisation of Congress election observation missions**

1. Following an invitation by the authorities of a country to observe local and/or regional elections the Congress Bureau decides on the acceptance of the invitation and on the scale of the operation (assessment mission, pre-election mission, observation mission). The Congress is free to emphasise the different steps. In the absence of a Bureau meeting, the Congress President will take the necessary decision, after consultation with the Presidents of the Chambers.

2. The Bureau of the Congress may also decide to send a letter, expressing the interest in observing local or regional elections, to the authorities of the country in which such a vote is scheduled, in particular in countries where the monitoring process revealed shortcomings and/or issues of concern with regard to local and regional democracy, as well as, on the contrary, cases of innovation or good practice.
3. A draft observation programme will be drawn up by the Congress Secretariat. The Permanent Representative of the country concerned, the head and the secretary of the national delegation to the Congress will be duly informed. In general, the Congress Secretariat will provide for a regular correspondence with all the relevant stakeholders, in particular with the head of the Council of Europe outpost, in countries where such an office does exist.
4. The Congress Secretariat must ensure high-quality information for the members of the election observation delegation.
5. The Congress Secretariat will send a call for interest, including the application form, to the email addresses of all Congress members. Secretaries of national delegations will receive a copy. Congress members who express their interest in taking part in the mission and send back the form within a given deadline will be taken into account. Candidatures from members of national associations whose associations agree to cover their costs shall also be taken into consideration.
6. Based on candidatures received within the required deadline, a draft delegation including the delegation's leadership will be proposed by the Congress Secretary General including, normally, between 5 and 20 members.
7. The composition of delegations is determined according to an appointment system taking into account a balanced representation of the different political groups of the Congress, gender balance and a fair geographical representation and also taking into account the chronological order of candidacies put forward by Congress members.
8. In order to ensure a meaningful participation in the work of the mission, the candidate's language skills (in at least one of the official languages of the Council of Europe) will be taken into consideration. In addition, experience in election observation and participation in training sessions are amongst the criteria.
9. Adequate language skills (in at least one of the two official languages of the Council of Europe), conversation techniques and capacities in political dialogue as well as experience in election observation and monitoring activities as well as participation in training sessions of the Congress determine the appointment of the head of delegation.
10. Observation delegations should not include Congress members from countries with special relations with the country where elections are going to be monitored.
11. Members taking part in a pre-election visit are expected to also be available for the election observation mission.
12. The rapporteurs of the Monitoring Committee for the country where elections are monitored shall be ex-officio members of the election observation delegation, but shall not have the right to act as head/rapporteur of the election observation delegation.
13. On the basis of the proposal provided by the Congress Secretary General, the Bureau will decide on the delegation including the head of delegation and rapporteur (both functions can be carried out by the same person), in accordance with the aforementioned principles. In the absence of a Bureau meeting, the President of the Congress, in consultation with the Presidents of the Chambers, will take the necessary decisions.

14. In order to inform the media about the preliminary conclusions of the Congress election observation delegation, a press conference – chaired by the head of the delegation – will be held the day following the Election Day. Members of a Congress election observation delegation are expected to be present at this press conference.

15. If the Congress is not the only international institution to observe local or regional elections in the respective country, an IEOM (“International Election Observation Mission”) may be formed together with such institutions, notably with the OSCE/ODIHR. This implies – according to standard procedure – a joint press conference on the day following the Election Day and a joint preliminary statement. However, if, after an election, a joint final assessment cannot be achieved in the framework of the IEOM, the Congress reserves itself the right to hold – if necessary – its own press conference making public its own assessment.

16. If a “joint IEOM” is formed together with other international organisations, all related activities (press conferences, drafting of media releases or political statements) have to be carried out in compliance with Congress requirements (the corporate identity of the Congress mission has to be retained, the specific role and nature of Congress observers should be highlighted, the scale of Congress operations must not be reduced and political messages by the Congress must not be distorted).

17. The Report will be drawn up by the rapporteur with the support of the Congress secretariat and reflects the opinion of the members of the entire delegation. The Report must be comprehensive, noting positive and negative factors, distinguishing between significant and insignificant factors. It should identify patterns that could have an impact on the integrity of the election process and on the genuineness of the vote.

18. The Report must also take account of Resolutions/ Recommendations previously adopted by the Congress, including those arising from monitoring Reports with regard to the country concerned as well as relevant opinions and recommendations from other Council of Europe bodies and international organisations and institutions.

## **B. Code of conduct for Congress observers**

1. Congress members taking part in election observation missions have to have signed the Congress’ Declaration of Principle. They shall avoid, in the framework of the accomplishment of such missions, conflicts between any actual or potential financial or any other interests, on a professional, personal or family level, in connection with the country concerned by such an election observation. If a member is unable to avoid such a conflict of interest it should be made known to the Congress Secretariat. Any gifts or similar benefits of a value in excess of 200 Euros that a member has accepted in the last 24 months from the authorities of the country concerned shall be also registered with the Secretariat. During such missions, Congress members shall avoid any situation that could appear to be a conflict of interest or receiving an inappropriate payment or gift.

2. Members of Congress election observation missions should always stress that the rights of citizens to vote (and to be elected) at periodic, genuinely democratic elections are internationally recognised human rights. In particular, they should comply with the following rules:

a. to respect the sovereignty of the host country and to respect human rights and fundamental freedoms of its people at the same time;

b. to respect the laws of the host country (and to follow lawful instructions from the country’s governmental, security or electoral authorities);

c. to note if laws, regulations and actions of state/governmental/electoral officials unduly burden or obstruct the exercise of election;

*d.* to protect the integrity of the election observation mission (to follow the instructions of the Congress' delegation leadership, to attend the required training sessions, briefings, debriefings, to fully dedicate themselves to the observation mission, to read the background materials provided, to become familiar with the legal framework for elections and with other relevant rules and regulations);

*e.* to maintain strict political impartiality at all times (to avoid expressing or showing any bias or preference in relation to national authorities, political parties, candidates, issues etc.);

*f.* to avoid obstructing the election process (to take note of significant problems, irregularities, fraud etc. – but not to intervene, not to give instructions to election officials, political party representatives or other observers);

*g.* to ask questions of election officials, political party representatives and other observers (without obstructing the election process);

*h.* to maintain accuracy of observations and professionalism in drawing conclusions (observations should be comprehensive, noting positive and negative factors, distinguishing between significant and insignificant factors; observations should identify patterns that could have an impact on the integrity of the election process);

*i.* to keep a well-documented record of the observation (in particular by using the Election Evaluation Guide provided by the Venice Commission and the questionnaire);

*j.* to refrain from making statements/declarations to the media, via social networks or in public on conclusions drawn from the observation before the final statement of the mission (possible requests from the media have to be clarified with the Congress' delegation leadership); statements/declarations as described should not contradict or conflict the overall final assessment of the elections;

*k.* to co-operate with other international election observers, notably with OSCE/ODIHR; it should be pointed out that English is the de facto working language of OSCE/ODIHR election observation missions.

**Resolution 307 (2010) REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122)**

**Draft revised resolution**

1. The European Charter of Local Self-Government (hereafter “the Charter”) is the authoritative legal instrument guaranteeing respect for a minimum of rights forming the first European platform for local self-government.

2. The Congress refers to its Resolution 31 (1996) on Guiding principles for the action of the Congress when preparing reports on local and regional democracy in member states and applicant states.

3. It also recalls the Committee of Ministers’ Statutory Resolution CM/Res(2007)6<sup>6</sup>, which stipulates that it is for the Congress to monitor implementation of the Charter by the countries having ratified it, and states, *inter alia*, that:

*“2-3. The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented (...)*

*2-5. Recommendations and opinions of the Congress shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers as well as to European and international organisations and institutions. Resolutions and other adopted texts which do not entail possible action by the Assembly and/or the Committee of Ministers shall be transmitted to them for their information.”*

4. The Congress monitoring procedure is a crucial tool for checking that Council of Europe countries which have ratified the European Charter of Local Self-Government honour their commitments. In addition to checking in respect of states’ commitments, the procedure makes it possible to establish open and constructive dialogue between the Congress and the national, local and regional authorities of member states, via impartial and independent rapporteurs appointed on the basis of objective criteria. This monitoring procedure facilitates open and constructive dialogue between the Congress and the national, local and regional authorities of the member states

5. The Congress believes it necessary to organise these monitoring procedures on a regular basis in each member state which ratified the European Charter of Local Self-Government. Given the ever-changing nature of local and regional democracy, it believes that it should be possible to organise these visits at least once every five years.

6. The Congress stresses how important it is for the Council of Europe to ensure that the commitments entered into by all its member states are fully honoured.

7. Pursuant to the aforementioned texts, the Congress must ensure that it monitors the commitments entered into by the member states having ratified the European Charter of Local Self-Government and/or its Additional Protocol on the right to participate in the affairs of a local authority<sup>7</sup>.

8. Furthermore, pursuant to Resolution 299 (2010), the Reference Framework for Regional Democracy will be taken into consideration.<sup>8</sup>

---

<sup>6</sup> Statutory Resolution (2011) – extracts from Article 2.

<sup>7</sup> “Charter” is taken to mean the European Charter of Local Self-Government (ETS No. 122), including the additional protocol thereto (CETS No. 207).

<sup>8</sup> See the Final Declaration adopted by the European Ministers responsible for Local and Regional Authorities on 17 November 2009 in Utrecht (Netherlands) as part of their 16th Ministerial Conference. It should be noted that the Reference Framework is not a binding legal instrument.

9. Alongside the monitoring activities vis-à-vis the European Charter of Local Self-Government, the Congress will promote the Council of Europe conventions inasmuch as they entail obligations in respect of local and regional authorities.

10. For the purposes of supporting the development of local and regional democracy in the territory covered by the members states of the Council of Europe and promoting at this level the values of democracy, human rights and the rule of law, the Bureau of the Congress shall decide to implement the monitoring programme of the European Charter of Local Self-Government proposed by its Monitoring Committee as part of systematic monitoring exercises (monitoring the Charter in its entirety), under specific monitoring exercises (monitoring a particular aspect of the Charter) or by means of fact-finding missions (clarifying a specific question allegedly in breach of one of the provisions of the Charter).

11. The Bureau of the Congress shall instruct its Monitoring Committee to organise monitoring procedures on the honouring of these commitments in this/these country(ies). The monitoring procedure is also geared to verifying the content of any declarations made by the State, under Article 12 of the Charter, when depositing the instrument of ratification, and, where applicable, exploring with the authorities the possibility of ratifying, at a later date, the article(s) to which their declaration related.

12. On the basis of a list of candidates, the Chair of the Monitoring Committee shall appoint two rapporteurs from among its members, namely one full member or alternate from its Chamber of Regions and one full member or alternate from its Chamber of Local Authorities. Appointment of the rapporteurs shall comply with Article 2 of the rules governing the organisation of Congress monitoring procedures, as appended to the present resolution.

13. The Congress believes that, in the interest of ensuring compliance with the criteria of independence and impartiality of the rapporteurs, which are the very keys to the effectiveness of a monitoring mission, a rapporteur's mandate may not exceed five years and they may not be tasked with monitoring the same country for the five years following that initial period.

14. For the sake of the smooth running of the monitoring procedure, the committee may decide to extend the mandate of one of the rapporteurs, where there are grounds and if it is possible, for six months at the most, in particular to enable the rapporteur to present a report already entered on the agenda of a Congress part-session.

15. For the purposes of the present resolution, the mandate of rapporteurs shall commence on the date of their appointment.

16. The delegation shall be assisted by a consultant drawn from the Group of Independent Experts on the European Charter of Local Self-Government or by an independent consultant who has specialist knowledge of the country to be visited and substantial knowledge of the Charter and of local and regional democracy issues in Council of Europe member states.

17. The monitoring delegations shall meet with the authorities responsible for local and regional democracy and human rights issues, at the national, regional and local level, as well as any individuals liable to provide the delegation with relevant information under the procedure for monitoring commitments entered into by ratifying the Charter.<sup>9</sup>

18. The report must be drafted, as far as possible, within six weeks following the visit.

19. The report on the situation of local and regional democracy in a country to which a monitoring or fact-finding visit has been made shall be drafted by the rapporteurs in collaboration with the consultant and the secretariat.

---

<sup>9</sup> Cf. the rules establishing the practical procedure for organising monitoring visits (appended to the present resolution).

20. It must also take into account the recommendations and/or resolutions previously adopted by the Congress, particularly recommendations addressed to the country visited. The report shall also take into consideration the political context in which the monitoring visit took place and examine the situation of local and regional democracy in the light of other relevant Council of Europe texts<sup>10</sup> ratified by the country in question.

21. Once validated by the rapporteurs, the draft report shall be sent to the authorities of the country concerned and all talking partners with whom the delegation met, so that they may respond and send back their comments. The rapporteurs may use these contributions to amend the text of their report, which will be submitted to the Monitoring Committee for adoption. They may decide to publish the comments in an appendix to their report in order to illustrate a different viewpoint from that set out in the report.

22. The report shall be accompanied by a draft recommendation and if necessary a draft resolution.

23. Pursuant to Rule 42-5 of the Rules of Procedure of the Congress and its Chambers,<sup>11</sup> draft reports, recommendations and, where applicable, resolutions, shall be submitted for adoption to the Monitoring Committee, and then for adoption by the Congress at a plenary session or a session of the Chambers.

24. Pursuant to Article 2-5 of the Statutory Resolution mentioned above, the recommendation shall be transmitted to the Committee of Ministers and to the Parliamentary Assembly.

25. Rules governing the organisation of Congress monitoring procedures and a Code of Good Conduct for monitoring delegation members are appended to the present resolution.

\* \* \*

## **A. Rules governing the organisation of Congress monitoring procedures pursuant to Resolution 307 (2010) REV2 and the Code of Good Conduct**

### **I. Rules governing the organisation of Congress monitoring procedures**

1. Pursuant to Resolution 307 (2010) REV2, the purpose of the present rules is to define the arrangements for organising procedures for monitoring the commitments of Council of Europe member states having signed and ratified the European Charter of Local Self-Government<sup>12</sup> with the aim of achieving the objective set forth in the aforementioned resolution.

2. This procedure applies in the same way whatever type of monitoring is being implemented, ie systematic monitoring (monitoring the Charter in its entirety), specific monitoring (monitoring a particular aspect of the Charter) and fact-finding missions (clarification of a specific issue which may lead to infringement of a Charter provision).

3. Each year the Monitoring Committee shall submit to the Bureau of the Congress, for adoption, the programme of visits scheduled under the Charter monitoring programme.

---

<sup>10</sup> Such as the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), the Charter for Regional or Minority Languages (ETS No. 148), the Framework Convention for the Protection of National Minorities (ETS No. 157), Protocol No. 3 to the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 206), etc.

<sup>11</sup> As revised by the Congress at its 15th Plenary Session on 28 May 2008 (Resolution 256 (2008) and complemented by the Standing Committee on 2 December 2008 (Resolution 273 (2008)).

<sup>12</sup> ETS No. 122.

## 1. The monitoring procedure

4. The monitoring procedure shall be carried out approximately every five years in each Council of Europe member state having signed and ratified the European Charter of Local Self-Government. It shall comprise five phases:

- a. the monitoring visit;
- b. the consultation procedure with the authorities encountered on the preliminary draft report;
- c. examination of the report by the Monitoring Committee and the Congress and adoption of a recommendation by the Congress during the sessions. If the rapporteurs think it necessary, they may propose a draft resolution for adoption by the Congress;
- d. transmission for debate to the Committee of Ministers, which may decide on its subsequent transmission to the authorities of the country concerned;
- e. an invitation issued to the authorities of the country concerned to address the session of the Congress or the session of one of its Chambers.

This serves as a basis for future cooperation activities to come.

## 2. Composition of the monitoring delegation

5. A monitoring delegation shall comprise two rapporteurs, one on local democracy and one on regional democracy, one consultant, and one or more members of the Congress Secretariat. The delegation is generally accompanied by interpreters to facilitate communication between the language of the country in question and the delegation's working language (French or English).

6. The whole procedure shall be governed by the principles of independence, impartiality and equity, starting with the appointment of the rapporteurs and the consultant, which shall be based on geographical and political criteria geared to preserving the objectivity of the delegation which will conduct the monitoring visit.

7. The rapporteurs shall be appointed from among the Full or Alternate members of the Monitoring Committee of the Congress who put forward their names as candidates.

8. Upon express derogation by the Committee Chair, a member of the Congress who is not a member of the Monitoring Committee may be appointed rapporteur.

9. Members of the Monitoring Committee who wish to be rapporteurs on local or regional democracy in a given country must submit their application to the secretariat of the Committee for the attention of the Committee Chair.

10. The rapporteurs must be appointed in a manner that ensures a balanced representation of the political groups and the group of members not registered with a political group of the Congress.

11. Candidates for monitoring exercises may be appointed for only one monitoring exercise at a time. The criteria for the composition of the delegation are as follows:

- a. *The rapporteurs and the consultant must not be nationals of the country concerned by the monitoring procedure, or a bordering country or a country which has a particular relationship with the country to be monitored;*
- b. *Members of the Monitoring Committee are ineligible as rapporteurs for a given country if they have already been rapporteurs in respect of this country during the five years preceding their candidature;*
- c. *The two rapporteurs must also belong to different political groups (or be non-registered);*
- d. *The delegation's working language can be either French or English.*

12. The Chair of the Monitoring Committee shall verify the conformity of the candidates' profile with the aforementioned criteria (see Rule 12 of the present Rules), and shall appoint the rapporteurs on local democracy and on regional democracy. He shall notify the appointments to the Monitoring Committee at its following meeting.

13. The maximum duration of the rapporteurs' mandate shall be five years, dating from their appointment.

14. A rapporteur's mandate may exceptionally be extended for a maximum of six months, on grounds of the timetable for the presentation of the monitoring report at a Congress session.

15. The delegation shall be strictly limited to the rapporteurs, the consultant and the member(s) of the Secretariat, in accordance with Rule 3 of the present Rules and Resolution 307 REV2. Consequently, delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in Resolution 307 (2010) REV2.

16. The secretariat shall suggest dates for the visit to the rapporteurs and the consultant in line with the Monitoring Committee's general timetable of activities, the respective commitments of the members of the monitoring delegation and the availability of the delegation's talking partners in the country visited. If the members of the delegation agree on the dates for the visit, the Congress secretariat shall inform the country's Permanent Representation with the Council of Europe by letter from the Secretary General of the Congress. The rapporteurs and the consultant shall undertake to respect the dates established for the mission and refrain from any other commitment on these dates.

17. Monitoring of local and regional democracy cannot take place in a country which is currently chairing the Committee of Ministers of the Council of Europe. Similarly, a monitoring report on a given country cannot be debated in session during this country's chairmanship of the Committee of Ministers of the Council of Europe. Lastly, the occurrence of a serious political crisis in a country in which a monitoring visit is scheduled may justify postponing the mission. The Monitoring Committee may propose to the Bureau of the Congress, for decision, postponing a monitoring mission, notably where there is a risk of interference between the visit and the holding of elections in the country in question.

18. Where two members of the Monitoring Committee have been appointed rapporteurs for a country by the Committee Chair and the consultant has agreed to provide technical assistance to the delegation, the rapporteurs and the consultant shall enter into a working relationship with the secretariat of the Monitoring Committee for the duration of the monitoring procedure.

19. The rapporteurs and the consultant must ensure proper communication with the Congress Secretariat, which shall be informed in advance of any meetings or briefings organised with representatives of the authorities of the country visited or with members of the national delegation to the Congress.

### **3. Working languages for the monitoring exercise**

20. The working languages used for monitoring activities shall be the two official languages of the Council of Europe (French and English). Consequently, the rapporteurs and the consultant shall be chosen in such a way as to ensure that the members of the delegation can speak, communicate among themselves, and read and write in the official language pre-selected as the delegation's working language.

21. The working documents intended for monitoring activities will be available in English or in French.

### **4. The monitoring visit programme**

22. The Congress Secretariat shall organise the visit. It shall draw up the programme with the rapporteurs in conjunction with the head and secretary of the national delegation to the Congress, the national associations of local and regional authorities where applicable, the co-ordinating bodies of federate entities and lastly, with the country's Permanent Representation with the Council of Europe.

23. Once the rapporteurs have approved the programme, the working meetings shall be planned and organised by the secretariat, which shall manage the specific logistics for the visit.

24. The visit programme must make provision for meetings with the authorities responsible for questions of local and regional democracy or dealing with these questions, and also with the officials of the administrations concerned, notably:

- the minister(s) responsible for local and regional authorities;
- members of parliament (national and/or regional) – particularly those responsible for local or regional issues;
- local and regional elected representatives, including the Congress delegation, the mayor of the capital city and mayors of small and medium-sized municipalities;
- the president of the Constitutional Court and the national member of the Venice Commission;
- the national, regional and/or local ombudsman;
- a specialist on questions linked to the application of the Charter in the country concerned;
- associations representing local and regional authorities;
- representatives of civil society from non-governmental organisations, trade unions of the country visited, the media, etc.

Generally speaking, the rapporteurs can meet any individual whom they consider useful to interview for their task.

25. The consultant shall contribute to the preparation of the visit by drawing up a list of questions to be broached with the talking partners mentioned in the programme concerning problems linked to the application of the Charter. This list shall also include the questions raised during the previous visit to the country. The consultant must also take into account any declarations made by the state when ratifying the Charter, and of the current political context.

26. The list of topics which the delegation wishes to broach shall be sent, at least one week prior to the visit, to the permanent representation to the Council of Europe of the state concerned, and to the talking partners listed in the programme.

## **5. Monitoring visits**

### *i. Number of visits*

27. The monitoring procedure shall in principle comprise one visit to the country concerned. If they consider it necessary, the rapporteurs may conduct a second visit subject to the agreement of the Monitoring Committee and after having informed the Bureau.

### *ii. Running of the monitoring visit*

28. The secretariat shall supply all the delegation members with all the documents relevant to the visit, namely the programme, the substantive documents, information to help prepare the questions for talking partners (prepared in co-operation with the consultant), and information to help the rapporteurs introduce the exchanges during each visit.

29. These documents are designed to prepare the rapporteurs in such a way that they possess sound knowledge of the situation of local and regional democracy in the country visited, and that their questions are as relevant as possible to the country's political and institutional context.

30. Before the first meeting scheduled on the programme, the secretariat shall organise a briefing of the delegation, generally at the hotel in which the monitoring delegation is staying. This briefing shall be attended by both rapporteurs and the consultant. The briefing is vital to the proper overall running of the visit, because it provides an opportunity for clarifying specific points and apportioning speaking time between the rapporteurs, anticipating any difficulties and organising the running of each meeting listed on the programme. For example, the briefing serves to define the roles of each participant during the meetings, particularly deciding which rapporteur is to introduce the delegation, ask the first question and sum up at the end of the meeting. This meeting also helps ensure the correct pronunciation of the names of persons to be interviewed or of municipalities to which they may have to refer during their exchanges of views.

31. The rapporteurs are the main talking partners for the authorities encountered, and they must introduce the delegation and ask the questions. The consultant and the members of the secretariat can also put questions to the talking partners at the invitation of the rapporteurs.

32. A short preparatory meeting is also scheduled with the interpreters before the first meeting in order to ensure that they have all the necessary information and the terminology used for the Congress's work on the Charter, the proper pronunciation of the names and exact titles of delegation members and talking partners.

33. After the last meeting scheduled in the programme, the secretariat shall organise a debriefing meeting with the delegation members before they split up. This working meeting is geared to establishing an initial assessment, identifying the salient points of the visit, and listing the problems noted vis-à-vis the application of the Charter, the good practices registered and the main thrust of the recommendations to be addressed to the authorities of the country visited. This meeting enables participants to take stock of the situation with an eye to the draft report, so that the consultant has all the data necessary for preparing a preliminary draft reflecting the rapporteurs' final assessment as closely as possible.

## **6. Preparation of the draft report, draft recommendation and draft resolution**

34. After the visit, the consultant has six weeks to send the secretariat of the Congress a written contribution for preparing the report on the situation of local and regional democracy in the country visited, to be presented by the rapporteurs. This contribution must be drawn up in French or English, in accordance with the outline report applicable to all monitoring reports, drawing on the conclusions discussed at the debriefing meeting. Furthermore, it must comply with the practical specifications set out in the contract letter drawn up by the secretariat and signed by the parties. Beyond the quality of the legal analysis, the consultant must endeavour to reflect in his/her contribution the thrusts indicated by the rapporteurs for the preparation of the report.

35. The report must also take account of the recommendations and/or resolutions previously adopted by the Congress, particularly the recommendations previously addressed to the country visited. It must also take into consideration the political context in which the monitoring visit took place and examine the situation of local and regional democracy in the light of other relevant Council of Europe texts<sup>13</sup> ratified by the country in question.

36. After discussion with the rapporteurs and possible transmission of the text among the rapporteurs, the secretariat and the consultant, and once the rapporteurs' agreement on the preliminary draft report has been obtained, the latter shall be sent to all the talking partners encountered during the visit for comments. This consultation procedure shall include a deadline for sending all the comments received to the rapporteurs for examination. Factual errors will be corrected, and comments or proposed amendments to the rapport leaving room for interpretation or appraisal will be left to the discretion of the rapporteurs, who may decide to integrate these comments, in whole or in part, directly in the preliminary draft report, or to reject it, or else to append it to their report.

37. Under the authority of the rapporteurs and on the basis of the conclusions of the report, the text of the preliminary draft recommendation shall be drawn up by the secretariat. It shall then be submitted to the rapporteurs for final agreement.

38. The draft report and the preliminary draft recommendation are then debated by the Monitoring Committee, which shall adopt the draft report (which becomes final 15 days after the Committee meeting) and approve the preliminary draft recommendation, which shall be submitted at the Congress Session for adoption. The latter text may be amended in accordance with the formal procedure set out in Rule 34 of the Rules of Procedure of the Congress and its Chambers.

---

<sup>13</sup> Such as the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), the Charter for Regional and Minority Languages (ETS No. 148), the Framework Convention for the Protection of National Minorities (ETS No. 157), Protocol No. 3 to the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 206), etc.

39. After adoption by the Congress, the Congress recommendation shall be sent to the Committee of Ministers, which may decide to transmit it to the national authorities of the monitored member state for implementation.

## **7. Post-monitoring procedure**

**The rules described above shall apply *mutatis mutandis* to the post-monitoring procedure<sup>14</sup>.**

## **8. Adoption and follow-up of recommendations**

40. In pursuance of Rule 42-5 of the Rules of Procedure of the Congress and its Chambers<sup>15</sup>, the preliminary draft recommendation and, where applicable, resolution, shall be submitted to the Monitoring Committee for examination and adoption.

41. The draft report, recommendation and, where applicable, resolution, shall be presented by the rapporteurs and considered by the Congress with a view to their adoption during its session or a chamber sitting.

42. In pursuance of Article 2-5 of the Statutory Resolution of the Committee of Ministers, the recommendation shall be transmitted to the Committee of Ministers for debate. It may decide to transmit it to the authorities of the state in question and to the Parliamentary Assembly.

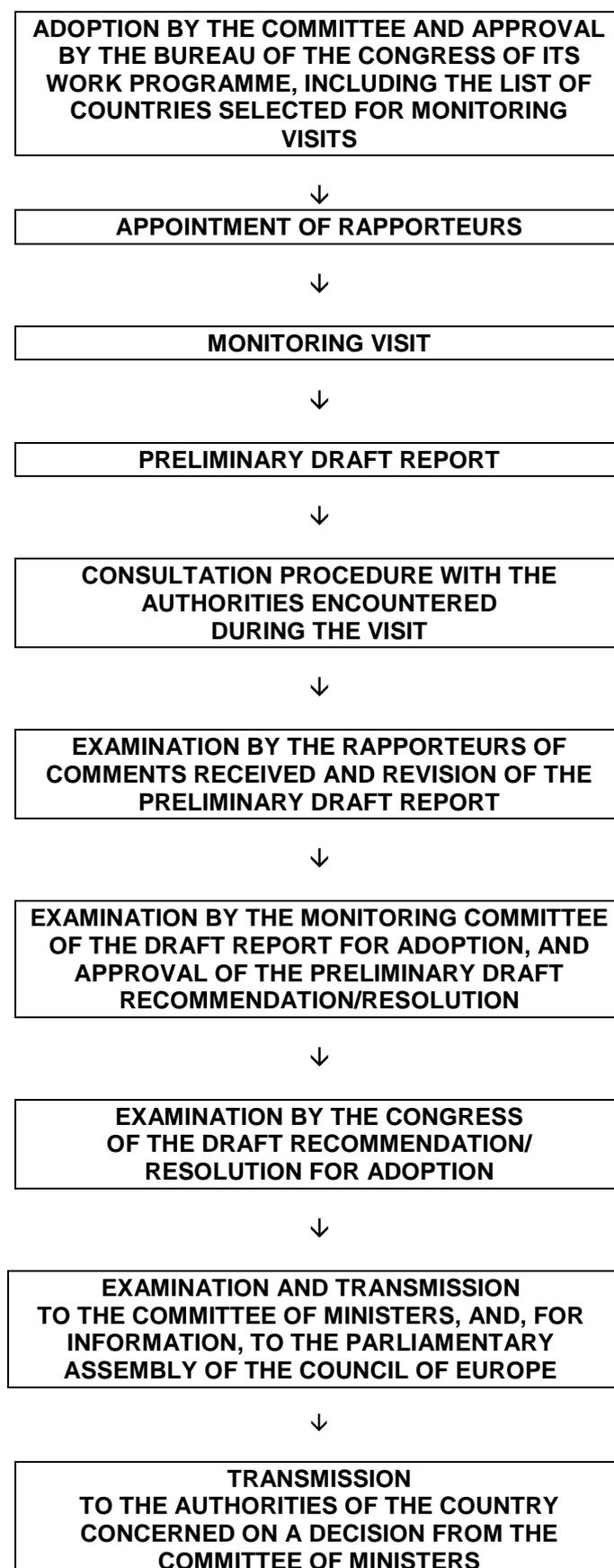
43. The implementation of the recommendation shall be monitored by the member states concerned and by the Congress, as well as by the Council of Europe intergovernmental bodies responsible for local and regional democracy under the continuous dialogue established with the authorities during the visit.

---

<sup>14</sup> See Resolution 353 (2013) REV "Congress post-monitoring and post-observation of elections: developing political dialogue" Jean-Marie BELLARD, France (R, EPP/CCE)

<sup>15</sup> As revised by the Congress at its 15th plenary session on 28 May 2008 (Resolution 256 (2008)) and complemented by the Standing Committee on 2 December 2008 (Resolution 273 (2008)).

## Flow chart for monitoring procedures



## **B. Code of Good Conduct for monitoring delegations**

44. A monitoring mission represents a huge workload and therefore requires major investment on the part of each person involved in the monitoring delegation.

45. The members of a monitoring delegation have different roles to play, but whatever their function and role, compliance with the same rules of conduct throughout the procedure is vital for the smooth running of the visit and for guaranteeing good relations with the national authorities encountered. Compliance with these rules will help to ensure the ultimate success of any monitoring mission and to prepare the work of co-operation with the authorities under any possible post-monitoring procedure.

46. Congress members taking part in monitoring missions have to have signed the Congress' Declaration of Principle. They shall avoid, in the framework of the accomplishment of such missions, conflicts between any actual or potential financial or any other interests, on a professional, personal or family level, in connection with the country concerned by such a monitoring procedure. If a member is unable to avoid such a conflict of interest it should be made known to the Congress Secretariat. Any gifts or similar benefits of a value in excess of 200 Euros that a member has accepted in the last 24 months from the authorities of the country concerned shall be also registered with the Secretariat. During such missions, Congress members shall avoid any situation that could appear to be a conflict of interest or receiving an inappropriate payment or gift.

### *i. The work of the rapporteurs*

47. Where two rapporteurs have been appointed to participate in a monitoring visit, they undertake to find out about the situation of local and regional democracy in a given country, to stay abreast of the current context before, during and after the visit, to attend all the meetings scheduled, including the briefings organised by the secretariat, and all working breakfasts, lunches and dinners. They also undertake to help prepare the report by examining the comments received.

48. Rapporteurs must obtain detailed information on the situation in the country by carefully reading the file prepared by the secretariat. Before the visit begins, they must know the main relevant features of the country and its political mode of functioning at the different government levels. In particular, they must know the general history of the country, its administrative organisation, the structures, number and nature of authorities existing, the different infra-national levels of government, the political system, etc. The secretariat will assist the rapporteurs with such preparatory work.

49. In this spirit, the rapporteurs may also use their knowledge of the country visited with the talking partners encountered during the visit, particularly by means of relevant questions directly relating to the Charter.

50. The rapporteurs' role is not one of inspection. Their task is to establish political dialogue with the authorities encountered on local democracy issues. They take part in a monitoring mission in their capacity as elected representatives, politicians going to meet the political authorities in the monitored country, to encourage the implementation of local and regional democracy in this country and to dialogue with the authorities encountered.

51. Consequently, if the rapporteurs wish to make any comparative comments, they should do so in an objective and constructive manner without trying to establish any classification of values among the Council of Europe member countries.

52. Listening, exchanging and showing courtesy are the key elements of positive discussion with the authorities.

53. During the meetings, the rapporteurs must foster exchanges of views, avoiding monologues as far as possible. They should try to prevent any tendency towards one-sided discourse.

54. The discussions should focus on the subject of the Congress's mandate, namely the implementation of the Charter and the operational system for local and regional self-government. This means that the delegation should not dwell on general political questions unrelated to the Charter, or more broadly on topics irrelevant to consideration of the situation of local and regional democracy in the country. The monitoring delegation must strictly comply with the Congress's mandate and field of activity.

55. The times of the meetings scheduled on the programme, as regularly recalled by the secretariat, must be scrupulously respected. Meeting overruns can upset the rest of the day's programme, and late arrival at the ensuing appointments can cause difficulties for authorities expecting the delegation to attend a meeting scheduled for a specific time on the programme.

56. The rapporteurs are representing the Congress. More generally, they are representing the Council of Europe in the member states visited. As in all representative duties, it is important to show professionalism and to observe elementary rules of courtesy during the meetings. Monitoring delegation members must accordingly pay attention throughout the meetings scheduled and actively participate in the exchanges of views with the talking partners, asking questions directly connected with the Charter. As for all working meetings, mobile phones must be put on silent mode and no phone calls may be taken during the meetings.

57. These rules apply to the rapporteurs, the consultant, the secretariat and the interpreters.

*ii. The work of the consultant*

58. The consultant must sign a contract setting out the following obligations: preparation of items of information for the talking partners, familiarity with the file, participation in the visit, technical expert assistance before, during and after the visit, preparation of a preliminary draft report in line with the indications provided by the rapporteurs, and follow-up to the comments from the rapporteurs and then from the authorities on this preliminary draft report.

59. The consultant must adhere to the established plan for Congress monitoring reports as transmitted to him or her in advance by the secretariat.

60. During the visit, he or she shall clarify a number of legal or financial technical questions with the rapporteurs. In this connection, he should attend the briefing and all the meetings set out in the programme, including delegation meetings (briefings and debriefings) and meetings with talking partners. He may, at the rapporteurs' suggestion, put questions to specified talking partners mentioned in the programme.

61. He shall prepare a preliminary draft report within six weeks following the visit, in accordance with the undertakings set out in his contract (respecting the report plan, the number of pages and the guidelines set out by the rapporteurs at the debriefing).

*iii. The work of the secretariat*

62. The secretariat of the Monitoring Committee of the Congress is the permanent dialogue partner for delegation members. It must help the delegation with the administrative, logistical and substantive aspects of the mission. The Congress secretarial staff responsible for the visit must discuss and establish the dates of the visit with the delegation members, propose a draft programme prepared in co-operation with the secretary and head of the national delegation to the Congress, organise the visit, prepare the rapporteurs' file, and work in co-operation with the consultant on the outline questions for the talking partners and the preliminary draft report.

63. The secretariat provides logistical assistance to delegation members. In this connection, it requests estimates for and recruits interpreters for the mission (French or English/language of the country visited), as well as the transporter driving the delegation on the spot to the meetings scheduled on the programme. It may organise travel for delegation members on request (prepaid tickets), reserves the hotel where the delegation will be staying during the visit, and manages the rapporteurs' the consultant's applications for reimbursement after the mission.

64. The secretariat also provides continuous basic assistance to the rapporteurs before, during and after the visit. It carries out the requisite research for compiling an information file for delegation members, and draws up notes, analyses and country profiles, as well as notes for introducing the rapporteurs during the visit. On request, the secretariat may also draft the speech presenting the draft report and draft recommendation for the committee and Congress session debates.

65. Its work consists in channelling political information between the rapporteurs and the talking partners, supplying the rapporteurs with relevant and substantive information so that they can assess the application of the Charter in the country visited under optimum conditions.

## **Resolution 353 (2013) REV on Congress post-monitoring and post-observation of elections: developing political dialogue**

### **Draft revised resolution**

#### 1. Referring to:

a. its Resolution 31 (1996) and to Statutory Resolution Res(2011)2 of the Committee of Ministers or the Council of Europe, which reiterates that the Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and in states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the Charter of Local Self-Government are implemented. The same Statutory Resolution states that the Congress shall also prepare reports and recommendations following the observation of local and/or regional elections;

b. Statutory Resolution CM/Res(2011)2 which makes clear that recommendations and opinions of the Congress shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers as well as to European and international organisations and institutions. Resolutions and other adopted texts which do not entail possible action by the Assembly and/or the Committee of Ministers shall be transmitted to them for their information;

c. its Resolution 307 (2010) REV2 in which it stresses the importance for the Council of Europe to ensure that the commitments entered into by all its member states are fully honoured;

d. its Resolution 306 (2013) REV which underlines the importance of election observation at local and regional level and its complementarity to the political monitoring process of the European Charter of Local Self-Government which constitutes the cornerstone of local democracy in Europe. This resolution points to the specific role of local and regional elected representatives as observers of local and regional votes for the legitimacy and credibility of the electoral process at local and regional level;

e. the Priorities 2012-2013 proposed by the Secretary General of the Council of Europe and supported by the Committee of Ministers,<sup>16</sup> which stress the need to increase the coherence and effectiveness of monitoring, allowing a better integration of monitoring results into the programme of activities;

#### 2. The Congress:

a. contributes at local and regional level to the fundamental aims of the Council of Europe to foster democracy on our continent;

b. underlines that its recommendations addressed to the Committee of Ministers following monitoring and election observation missions cannot be effective if not implemented by the authorities of the member state to which the text refers;

c. considers that its political dialogue with national authorities, in the framework of the monitoring process, should be pursued after the adoption of a recommendation, in the form of a post-monitoring dialogue, in order to discuss - together with the authorities - a roadmap to improve local and regional democracy in line with the recommendations addressed to national authorities by the Committee of Ministers;

d. stands ready, at the request of its Bureau or of its Monitoring Committee, approved by its Bureau, to hold political exchanges of views on the European Charter on Local Self-Government with national authorities and all stakeholders involved in the monitoring process, with the aim to agree on a roadmap to implement Congress recommendations resulting from the monitoring procedure;

---

<sup>16</sup> Documents CM(2011)48 rev and [CM/Del/Dec\(2011\)1112/1.6](#)

e. is prepared to enter , at the request of its Bureau or of its Monitoring Committee, approved by the Bureau, into a post-election observation dialogue with the national authorities and all stakeholders involved in the electoral process, with the aim to agree on a roadmap to implement its recommendations resulting from election observation missions;

f. concurs, on the basis of the defined roadmaps, with the relevant departments of the Council of Europe in the field of co-operation activities, aiming at providing input to, if appropriate, action plans or co-operation programmes;

g. confirms its will to continue contributing to the preparation and implementation of Council of Europe co-operation activities with the member States concerned to make the whole process meaningful and effective. It offers its operational capacities, mainly financed externally, for the implementation of projects to develop and improve local and regional democracy, and also for activities supported by member States and/or other donors, especially the European Union;

h. carries out, in the framework of the objectives set up in the reform programme of the Secretary General of the Council of Europe<sup>17</sup> a regular follow-up of the implementation of its recommendations in order to ensure the effectiveness and impact of its monitoring and election observation activities.

\* \* \*

## **Rules governing the implementation of political dialogue in the framework of Congress post-monitoring/post-observation of elections pursuant to Resolution 353 (2013) REV**

Pursuant to Resolution 353 (2013) REV, the purpose of the present rules is to define the arrangements for organising the post-monitoring and post-election observation political dialogue with all levels of government of the Council of Europe member states, with the aim of achieving the objective set forth in the aforementioned resolution, namely to pursue a political dialogue with national authorities of member states in order to implement the Congress recommendations addressed to the authorities.

### **1. The post-monitoring dialogue**

1.1. The post-monitoring procedure may be carried out at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on local and regional democracy. It shall comprise five phases following the adoption of the recommendation by the Committee of Ministers:

- a) an exchange of views with the Permanent Representative to the Council of Europe of the country concerned;
- b) a political exchange with national authorities and other relevant stakeholders in order to identify the priorities laid down in the adopted recommendation;
- c) the development of a roadmap by the Congress delegation, in co-operation with national authorities, in order to determine the main steps necessary to implement the recommendations;
- d) a political dialogue with the national authorities in order to agree on a roadmap;
- e) the roadmap will be the basis for developing, if appropriate, an action plan or co-operation programme in association with the other relevant departments of the Council of Europe.

---

<sup>17</sup> Speech DD(2010)22rev delivered by the Secretary General of the Council of Europe at the 1075th meeting of the Ministers' Deputies – Committee of Ministers of the Council of Europe on 20 January 2010

## 1.2. Composition of the delegation

The delegation may comprise the monitoring rapporteurs, the Chair of the Monitoring Committee or, in the case of non-availability of the above-mentioned persons, any Congress member who has a particular knowledge of the given country. In the latter case, the criteria provided by Resolution 307 (2010) REV2 shall apply.

## 2. The post-election observation dialogue

2.1. The post-election observation procedure may be put into place at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on observation of local or regional elections. It comprises the following steps:

- a) an exchange of views with the Permanent Representative to the Council of Europe of the country concerned;
- b) a political exchange with national authorities and other relevant stakeholders in order to identify the priorities laid down in the adopted recommendation;
- c) the development of a roadmap by the Congress delegation in co-operation with national authorities and other relevant stakeholders, in order to decide on major steps necessary to implement the recommendations;
- d) a political dialogue with the national authorities in order to agree on a roadmap;
- e) on the basis of this roadmap, if appropriate, an action plan or co-operation programme will be developed in association with other relevant departments of the Council of Europe.

## 2.2. Composition of the delegation

The delegation may comprise the head of delegation/rapporteur – or in case of non-availability of the above-mentioned person(s) – any member of the Congress election observation mission as well as the rapporteur of the Monitoring Committee in charge of the respective country.