

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 367 (2014)<sup>1</sup> Revision of the Congress Charter

1. The key role of local and regional democracy in building a Europe run for, and in close contact with, its citizens has become increasingly acknowledged over the last decade. The Congress, as the pan-European political assembly of local and regional elected representatives from all 47 member States of the Council of Europe is therefore more than ever relevant.

2. In order to meet this challenge of relevance, focusing on the core issues of democracy, human rights and the rule of law at the local and regional level, the Congress Bureau decided, in 2010, to review the Congress's mission and political role, its working structures and working methods with a view to revitalising it and increasing its efficiency.

3. Based on the Bureau's proposals, the Congress thoroughly reformed its priorities, processes and internal organisation, in line with the aims of the concurrent reform of the inter-governmental structures launched by Secretary General of the Council of Europe Thorbjørn Jagland.

4. The Congress has undertaken an ongoing process of refining and revising its working methods and approach and, four years after its large-scale reform, the Bureau believes the time has come to appraise and take stock of the Congress's new way of functioning as well as the innovative political dimensions of its work.

5. In February 2014, the Bureau therefore tasked its rapporteurs, Marc Cools (Belgium, L, ILDG) and Urs Wüthrich-Pelloli (Switzerland, R, SOC), with examining the Congress's two key administrative texts, the Charter and Rules of Procedure, to ensure that they:

- a. describe accurately and clearly the Congress's current procedure and practice;
- b. reflect the evolution of the Congress's work in the field;
- c. eliminate discrepancies;
- d. establish a clearer separation of content and scope between the Charter and the Rules.

6. In light of the above, the Congress endorses the rapporteurs' proposals for revision and recommends that the Committee of Ministers amend the Charter of the Congress of Local and Regional Authorities of the Council of Europe, last amended by the Committee of Ministers on 19 January 2011, along the lines of the proposals contained in the appendix to Statutory Resolution CM/Res(2014)x which is attached to this recommendation.

7. The Congress decides to incorporate the amended provisions of the Charter, and any other changes deemed necessary for its improvement, into the Rules of Procedure following the adoption of the revised Statutory Resolution and Charter by the Committee of Ministers.

## APPENDIX

### **Preliminary draft Statutory Resolution CM/Res(2014)X relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised charter appended thereto (adopted by the Committee of Ministers on XXX at the XX meeting of the Ministers' Deputies<sup>2</sup>)**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to Statutory Resolution Res(94)3 relating to the setting up of the Congress of Local and Regional Authorities of Europe;

Having regard to the Statutory Resolution Res(2000)1 relating to the Congress of Local and Regional Authorities of Europe;

Having regard to Congress Recommendation 162 (2005) on the revision of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;

Having regard to Statutory Resolution CM/Res(2007)6 and Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of Europe and the revised charter appended thereto:

Considering that one of the bases of a democratic society is the existence of a solid and effective local and regional democracy in conformity with the principle of subsidiarity included in the European Charter of Local Self-Government whereby public responsibilities shall be exercised, in preference, by those authorities which are closest to the citizens, having regard to the extent and nature of the public tasks and the requirements of efficiency and economy;

Bearing in mind that the creation of a consultative organ genuinely representing both local and regional authorities in Europe was approved in principle by the Heads of State and Government of the Council of Europe at the Vienna Summit;

Having regard to the conclusions of the Warsaw Summit deciding to "pursue, in partnership with the Parliamentary Assembly and the Congress of Local and Regional Authorities of the Council of Europe, intergovernmental co-operation on democracy and good governance at all levels" and stating that "the Congress of Local and Regional Authorities of the Council of Europe must continue to promote local democracy and decentralisation, taking into account the internal organisation of the countries concerned, so as to reach all levels of European society";

Wishing to enhance and develop the role of local and regional authorities within the institutional structure of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows:

#### **Article 1**

The Congress of Local and Regional Authorities of the Council of Europe (hereinafter referred to as the Congress) is a consultative organ composed of representatives of local and regional authorities. Its membership and functions are regulated by the present articles, by the Charter adopted by the Committee of Ministers and by the Rules of Procedure adopted by the Congress.

#### **Article 2**

1. The Congress, in addition to its consultative functions, furthermore undertakes activities the aims of which shall be:

*a.* to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe's work;

*b.* to submit proposals to the Committee of Ministers in order to promote local and regional democracy;

*c.* to promote co-operation between local and regional authorities;

*d.* to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;

*e.* to work in close co-operation, on the one hand with the national, democratic associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities of the member states of the Council of Europe, and notably with the Committee of the Regions of the European Union.

2. The Committee of Ministers and the Parliamentary Assembly shall consult the Congress on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents.

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.

4. The Congress shall also prepare reports and recommendations following the observation of local and/or regional elections.

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.

#### **Article 3**

1. The Congress shall be composed of representatives of local or regional authorities, in conformity with Article 2.1 of the Congress Charter. Delegates shall be appointed according to the criteria and procedure established in the Charter, which will be adopted by the Committee of Ministers, each state ensuring in particular an equitable representation of its various types of local and regional authorities.

2. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state may send a number of substitutes equal to the number of representatives appointed according to the same criteria and procedure.

3. Representatives and substitutes shall be appointed for a period of four years and shall maintain their functions until the opening of the session following the expiration of that period, referred to as renewal session, except in cases referred to in Article 2.6 of the Charter.

#### **Article 4**

1. The Congress shall meet in session at least once a year. Sessions shall be held at the seat of the Council of Europe unless the Congress or its Bureau and the Committee of Ministers decide by common consent that the session should be held elsewhere.

2. The Congress is composed of two chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: a Bureau, a Statutory Forum, committees and ad hoc working groups, which are necessary to perform its tasks. The Congress will inform the Committee of Ministers on the setting up of its committees.

#### **Article 5**

The number of seats in the committees will be set by the Congress in its Rules of Procedure.

#### **Article 6**

1. The present text replaces Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers on 19 January 2011 at the 1103rd meeting of the Ministers' Deputies.

2. The text of the Charter of the Congress appended to the current statutory resolution replaces the text of the Charter adopted by the Committee of Ministers on 19 January 2011 at the 1103rd meeting of the Ministers' Deputies.

*Appendix to Statutory Resolution CM/Res(2014)X Charter of the Congress of Local and Regional Authorities of the Council of Europe (adopted by the Committee of Ministers on X at the X meeting of the Ministers' Deputies)*

### Article 1

The Congress of Local and Regional Authorities of the Council of Europe is a consultative organ composed of representatives of local and regional authorities of the member states of the Council of Europe. Its objectives are set out in Article 2 of Statutory Resolution CM/Res(2014)X relating to the Congress of Local and Regional Authorities of the Council of Europe.

### Article 2

1. The Congress shall be composed of representatives of local and regional bodies who either hold a specific local or regional authority mandate resulting from direct elections or are politically accountable to a directly elected assembly, on the condition that they can be individually dismissed by, or following the decision of the aforementioned assembly and that dismissal is provided for by law.

2. The membership of each member state's delegation to the Congress shall be such as to ensure:

*a.* a balanced geographical distribution of members from the member state's territory;

*b.* equitable representation of the various types of local and regional authorities in the member state;

*c.* equitable representation of the various political forces reflecting either the latest local and regional elections or the effective political distribution within the statutory bodies of local and regional authorities in the member state;

*d.* equitable representation of women and men meaning that all delegations must include members of both sexes with a minimum participation of at least 30% of the under-represented sex among the representatives and among the substitutes.

3. Each member state shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member state sends a number of substitutes equal to the number of representatives it sends. Substitutes shall be members of the chambers in the same capacity as representatives.

4. With regard to the Chamber of Regions, members must be from authorities placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity. If a country has authorities which cover a large area and exercise both local and regional responsibilities, representatives of such authorities shall also be entitled to sit in the Chamber of Regions. A list of these authorities shall be provided in the context of the national appointment procedure. Member states which do not have regional authorities within the meaning of this

paragraph shall be able to send members to the Chamber of Regions and its organs in an advisory capacity. The list of these countries shall be determined by the Bureau of the Congress on the proposal of the committees concerned, following consultation of the national delegations.

5. The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes.

6. Representatives and substitutes shall be appointed for a period of four years. In the event of the death or resignation of a representative or substitute, or of loss of the mandate referred to in paragraph 1 above, a replacement shall be chosen, in accordance with the same rules and procedure, for the remainder of his or her predecessor's mandate. A representative or substitute who has lost his or her mandate, referred to in paragraph 1 may not remain a member of the Congress for more than six months after the loss of his or her mandate. In case of local and/or regional elections taking place up to four months prior to a renewal session, the four year mandate foreseen in Article 3.3 of the Statutory Resolution may be extended for a maximum of six months after the election.

### Article 3

1. Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member state. In particular, it shall provide for consultation in each member state of the relevant associations and/or institutional bodies and shall specify the principles to be adhered to in apportioning members in the two chambers. Each government shall inform the Secretary General of the Council of Europe of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in its Rules of Procedure.

2. Each member state, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of Regions. Each state shall appoint the same number of members to each chamber. Countries having regions within the meaning of paragraph 4 of Article 2 of the Charter must appoint as far as possible the same number of representatives to the Chamber of Regions as to the Chamber of Local Authorities, or as close as possible a number in case of national delegations with an odd number of representatives.

### Article 4

1. Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Its conclusions shall be put to the vote in the Congress during sessions and in the Statutory Forum between sessions.

2. In case a national delegation does not comply with Article 2.2 of the Charter, its members will only be able to sit in the Congress without any right to vote or reimbursement of expenses.

3. A representative or substitute whose credentials are not ratified shall not be considered a member of the Congress and may not therefore receive allowances for attending Congress meetings.

#### Article 5

The Congress shall, in its Rules of Procedure, determine the forms and conditions of participation, in its work and in that of its chambers, of pertinent associations, organisations or delegations from member and non-member states. The Rules of Procedure shall also specify the ways in which the Congress will consult and work with the national associations of local and regional authorities involved in the process of appointing national delegations.

#### Article 6

1. The Congress shall meet in session at least once a year. Sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the Congress or its Bureau and the Committee of Ministers. Sessions of the Congress and its chambers shall be public.

2. The sessions of each of the two chambers shall be held either immediately before and/or after the session of the Congress. On the proposal of the Bureau of the Congress, either chamber may hold other sessions.

3. The political groups of the Congress shall meet principally on the occasion of sessions and Statutory Forum meetings.

#### Article 7

1. Within the framework of the Congress, work is also organised in the two chambers: the Chamber of Local Authorities and the Chamber of Regions. Each chamber has at its disposal a number of seats equal to that of the Congress itself.

2. Each chamber shall elect its bureau from among its representatives for a period of two years. It shall be composed of the president of the chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member states. No member state shall have more than one representative on the Bureau of either chamber. The Bureaux of the chambers may only meet on the occasion of a meeting of the Bureau of the Congress.

#### Article 8

1. The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings in accordance with the objectives of the Congress.

2. The Statutory Forum shall be composed of the heads of all national delegations together with the members of the Congress Bureau. The Statutory Forum shall be convened, as necessary, by the president upon decision of the Bureau.

#### Article 9

1. The Bureau of the Congress is composed of the bureaux of the chambers plus the President of the Congress, and shall be responsible, in the period between the sessions of the Statutory Forum and the Congress, for ensuring the continuity of the Congress's work. Presidents of the political groups and chairs of the committees will be *ex officio* members of the Bureau without voting rights.

2. The Bureau shall also be responsible for the preparation of the session of the Congress, the co-ordination of the work of the two chambers, in particular the distribution of questions between the two chambers, the co-ordination of the work of the committees and of the ad hoc working groups, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two chambers. As regards the distribution of questions, no question may be considered in both chambers. Any matter in which both chambers would have an interest shall be considered in the Congress. The mandate of the Bureau and its role shall be detailed in the Rules of Procedure.

3. The Bureau of the Congress shall be presided over by the President of the Congress.

#### Article 10

1. When a question falls within the competence of the two chambers, the Bureau of the Congress may, in exceptional cases, set up an ad hoc working group common to both chambers.

2. After the distribution of questions between the two chambers and the committees in accordance with Article 9, the bureau of the chamber competent to deal with a question may, in exceptional cases, set up an ad hoc working group with a limited number of members empowered with specific terms of reference (preparation of reports, organisation of conferences, follow-up to co-operation projects or to specific intergovernmental activities of the Council of Europe).

3. Organisation of the work of ad hoc working groups shall be governed by the Rules of Procedure.

#### Article 11

1. All the recommendations and opinions to be addressed to the Committee of Ministers and/or the Parliamentary Assembly as well as the resolutions addressed to the local and regional authorities as a whole shall be adopted by the Congress in plenary sitting or by the Statutory Forum.

2. However, when a question is considered by the Bureau of the Congress as falling exclusively within the competence of a chamber:

*a.* the recommendations and opinions relating to such questions which are addressed to the Committee of Ministers and/or to the Parliamentary Assembly shall be adopted either by the Congress or by the Statutory Forum between sessions, but without any consideration of the substance of the matter. In exceptional cases, the Bureau of the Congress may authorise the other chamber to formulate an opinion on these draft texts;

*b.* the resolutions relating to the question and which are addressed to the authorities that the chamber represents shall be adopted either by the Congress or by the Statutory Forum between sessions, without consideration of the substance of the matter.

#### Article 12

The conditions under which the Committee of Ministers and the Parliamentary Assembly may be collectively

represented in the debates of the Congress or of the chambers and those under which their representatives may, in an individual capacity, speak therein shall be drawn up by the Committee of Ministers after consultation with the Congress and inserted in the Rules of Procedure of the latter.

### Article 13

1. The Congress adopts its own Rules of Procedure which also concerns the chambers. In particular, each set of rules shall provide for:

*a.* the modalities for assessing compliance with the criteria of Article 2.2 of the Charter;

*b.* a quorum;

*c.* questions concerning the right to vote and the majorities required, it being understood that the recommendations and opinions addressed to the Committee of Ministers and the Parliamentary Assembly, and also recommendations addressed to a country shall be adopted by a majority of two-thirds of the votes cast;

*d.* the procedure for the election of the President of the Congress and the president and vice-presidents of each chamber;

*e.* the procedure for the establishment of the agenda and its transmission to members;

*f.* the organisation of the work of the committees and of the ad hoc working groups.

2. Moreover, the rules of the Congress shall provide for the time-limit and method of notification of the names of representatives and substitutes and the procedure for the examination of their credentials, by taking into account in particular Articles 2, 3 and 7 of the present Charter.

### Article 14

1. The Congress shall elect its president from the members, who are representatives, of each chamber on an alternating basis. The president shall remain in office for two years.

2. Each chamber of the Congress shall elect from among its representatives a president who shall remain in office for two years.

### Article 15

1. The Secretariat of the Congress shall be provided by the Secretary General of the Congress, elected by the Congress. The Secretary General of the Congress shall be answerable to the Congress and its organs and act under the authority of the Secretary General of the Council of Europe. Candidates shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his or her opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The Congress shall establish the procedure for the election of the Secretary General of the Congress on the basis of a proposal by the Bureau of the Congress.

2. The Congress shall elect its Secretary General for a renewable term of five years, although he or she may not exceed the age limit applicable to all Council of Europe staff.

3. The Secretary General of the Council of Europe shall appoint a Director, following consultation with the Bureau of the Congress.

4. The Secretariat of each chamber shall be provided by the executive secretary of the chamber who is appointed by the Secretary General of the Council of Europe after an informal exchange of views with the president of the chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice.

### Article 16

1. The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.

2. This budget shall be designed, in particular, to cover the expenditure occasioned by the Congress sessions, by the meetings of the two chambers and Congress organs, and by all other clearly identifiable expenditure linked to the activities of the Congress. For plenary sessions, only the participation costs of representatives shall be defrayed by this budget.

3. The budget of the Congress shall constitute a specific vote of the Council of Europe budget.

4. The Congress shall inform the Secretary General of the Council of Europe and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General of the Council of Europe.

5. The rates and methods of calculating Congress members' per diem allowances shall be subject to a specific decision by the Committee of Ministers.

6. The Secretary General of the Congress shall implement the Congress' work programme on the basis of the political priorities defined by the Bureau and adopted by the Congress. In this context he/she shall be responsible for managing the budget of the Congress on the basis of the financial authority and responsibility delegated to him/her by the Secretary General of the Council of Europe. The Secretary General of the Congress shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress and of the two chambers. The Secretary General may not exceed the limit of the overall budgetary provision allocated to the Congress. The Secretary General shall regularly inform the Bureau of the state of consumption of the budget.

1. Debated and adopted by the Congress on 16 October 2014, 3rd Sitting (see Document CG(27)10FINAL explanatory memorandum), rapporteurs Marc Cools, Belgium (L, ILDG) and Urs Wüthrich-Pelloli, Switzerland (R, SOC).

2. The same day, the Committee of Ministers adopted the Charter of the Congress of Local and Regional Authorities of the Council of Europe set out in the appendix to this resolution.