

STATUTORY FORUM

Revision of the Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe

Provisions relating to ethics

Resolution 462 (2021)¹

The Congress,

1. taking into account the need to streamline and rationalise the ethics provisions including the mandatory declarations for members of the Congress, duties and obligations, the regime for acceptance of gifts, the disciplinary procedure and to provide for a separate Code of Conduct for Congress members;
2. taking into account the comments by the rapporteurs on the Rules and Procedures, who have proposed to the Bureau to modify the Congress Rules and Procedures;
3. adopts the amendments to the Rules and Procedures^[2] and the Code of Conduct of Congress members, as appended.

1. Debated and adopted by the Statutory Forum on 12 February 2021, (see Document [CG-FORUM\(2021\)01-01](#), explanatory memorandum), co-rapporteurs: Liisa ANSALA, Finland (L, ILDG), Harald SONDEREGGER, Austria (R, EPP/CCE) and Tamar TALIAHVILI, Georgia (R, SOC/G/PD).

^[2] As adopted by the Congress at its 31st Session, on 21 October 2016 (Resolution 409 (2016)) and revised by the Congress at its 32nd Session, on 30 March 2017 (Resolution 418 (2017)), 34th Session, on 27 March 2018 (Resolution 426 (2018)), 35th Session, on 7 November 2018 (Resolution 436 (2018)), 37th Session, on 29 October 2019 (Resolution 447 (2019)), and the 5th Statutory Forum, on 28 September 2020 (Resolution 454 (2020)).

Appendix - Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe²

Provisions relating to ethics

Rule 6 – Verification of credentials

[...]

5. Delegates must submit a declaration of interest stating that they have no interests, of an economic, commercial or financial nature, nor do any members of their family, which might have the potential to pose a conflict of interest, and include all relevant interests. They must also sign the Code of Conduct of Congress members. Failure to do so will result in the delegate not enjoying speaking and voting rights nor defrayal of expenses relating to participation in Congress proceedings.

6. Delegates whose credentials the Bureau of the Congress proposes should not be ratified may provisionally sit with the same rights as other delegates until the Congress has ruled on the matter. However, such delegates may not take part in any vote relating to the verification of credentials or of the official appointment procedures. If, following the vote by the plenary session those delegates' credentials have not been ratified, they are not considered members of the Congress and may not take part in proceedings.

7. The Secretary General of the Congress shall inform the Bureau at the earliest possible occasion of any failures to comply with Rule 6.5.

² As adopted by the Congress at its 31st Session, on 21 October 2016 (Resolution 409 (2016)) and revised at its 32nd Session, on 30 March 2017 (Resolution 418 (2017)), 34th Session, on 27 March 2018 (Resolution 426 (2018)), 35th Session, on 7 November 2018 (Resolution 436 (2018)), 37th Session, on 29 October 2019 (Resolution 447 (2019)), and its Statutory Forum, on 28 September 2020 (Resolution 454 (2020)).

CHAPTER XIV - DUTIES AND OBLIGATIONS OF THE MEMBERS OF THE CONGRESS, BREACHES THEREOF, DISCIPLINARY PROCEDURE AND SANCTIONS³

Rule 64 – Duties and obligations of the members of the Congress

1. In the exercise of their duties, the members of the Congress shall undertake to comply with the principles and rules set out in the Code of Conduct for members of the Congress appended to these Rules and Procedures.
2. Members of the Congress shall uphold the goals and principles of the Council of Europe as enshrined in the Statute of the Council of Europe and in particular those in Article 1.a and Article 3.
3. In exercising their duties as members of the Congress, members of the Congress shall:
 - a. carry out their duties responsibly, with integrity honesty and impartiality;
 - b. neither seek nor accept instructions from any person, group or institution other than the Congress;
 - c. neither seek nor accept any reward, payment other than defrayal of expenses, or distinction in connection with the exercise of their duties;
 - d. refrain from any act that may incur a conflict of interest, adversely affect their neutrality or be seen to do so and declare any relevant interests which may affect their neutrality;
 - e. act solely in the interests of the Congress and the Council of Europe and not serve private interests;
 - f. use resources made available to them responsibly and in the interests of the Congress and the Council of Europe;
 - g. use information with discretion, and not make personal use of information acquired confidentially in the course of their duties;
 - h. inform the President of the Congress of any pressure brought to bear against them or against any other Congress member.

Rule 65 – Gifts and other advantages

1. Under no circumstances shall a member request or accept from a State, an institution, or a natural or legal person any advantage, direct or indirect, offer of fees, gift, favour, invitation or excessive act of hospitality, which would be likely to influence the position of the member in the performance of their duty as a member of the Congress.
2. A member may, exceptionally, accept a gift or advantage only if refusing it would be considered contrary to the good practice in the relevant cultural context.

³ This rule complements the conduct to be respected by the members of the Congress during a monitoring mission (Chapter XVIII) and/or an election observation mission (Chapter XIX).

3. All gifts accepted in accordance with Rule 65.2, with a value of 100 euros or more shall be handed in to the Secretariat of the Congress which will ensure that they are promptly entered into the Council of Europe Gift Register.

Rule 66 - Allegations of breaches of the duties and obligations of the members of the Congress

1. Allegations of misconduct or breaches of the duties and obligations provided in Rule 64 by members of the Congress or of the Code of Conduct appended to the Rules and Procedures should be submitted to the Secretary General of the Congress directly or using the online form together with the necessary documentary evidence. Such information shall be treated confidentially.

2. The Secretary General will bring such allegations immediately to the attention of the Bureau which will consider the matter as soon as possible in accordance with the procedure set out in Rule 67.

3. In case of urgency, the President of the Congress, in consultation with the presidents of the chambers, may consider the matter in accordance with the procedure set out in Rule 67 and report to the bureau at its next meeting.

Rule 67 – Disciplinary procedure

1. The Bureau shall examine the allegation and evidence as soon as possible after the alleged breach has been brought to its attention.

2. The case including the evidence shall be presented by the Secretary General of the Congress.

3. The Bureau will inform the member of the Congress concerned of the procedure underway and give the member the possibility to reply to the allegation and request to appear before the Bureau in writing within 4 weeks.

4. The Bureau will then examine the case and may invite the member to appear before it. If the member of the Congress has not responded to the invitation within the space of 4 weeks, the case shall nevertheless be examined. The member may request an interview with the Bureau.

5. Following due process, the Bureau will deliberate and decide by secret ballot by a simple majority of the votes cast whether there was or not a breach of the duties and obligations provided in Rule 64; the member of the Congress concerned cannot be present during Bureau deliberations or voting.

6. Where the Bureau decides that there was a breach of the duties and obligations provided in Rule 64 it will decide upon a sanction in accordance with Rule 68.

7. The decision of the Bureau will have immediate effect except in cases of termination of a mandate where the provisions of Rule 69.3 apply. The decision shall be published as an official document within the following working day and be forwarded to the member concerned.

8. In the case of voluntary resignation from the Congress or an appointed position within the Congress of the member concerned, the Bureau shall determine, in view of the nature of the allegations, whether the procedure should be terminated.

Rule 68 – Sanctions

1. Sanctions may range from temporary to permanent withdrawal of all or part of a delegate's prerogatives as Congress member or holder of an elected office or appointed position.

2. Temporary sanctions consist in the deprivation of one or several of the following rights:

- to speak in committee/in session/in the Bureau;
- to table or sign an amendment, a proposal (Rule 27) or a memorandum (Rule 28);
- to be appointed rapporteur or Congress spokesperson;
- to be appointed member of a monitoring or election observation delegation;
- to stand as a candidate for President of the Congress or president or vice-president of a chamber or for chair or vice-chair of a committee;
- to represent the Congress or any of its committees;
- to participate in one or more sessions of the current Congress mandate.

The Bureau shall determine the duration of the temporary sanction.

3. Permanent sanctions are the following:

- withdrawal from a monitoring, fact-finding or election observation mission concerned by infringement of the Code of Conduct;
- contribution and name of the person concerned struck from a report prepared after the monitoring, fact-finding or election observation mission concerned;
- barring from future participation in any missions of a similar nature as rapporteur or member of the delegation;
- withdrawal of a delegate's specific rapporteurship or spokesperson status;
- loss of elected office or appointed position within the Congress;
- termination of a member's Congress mandate;
- loss of the status of honorary member.

4. The decision to terminate a member of the Congress' current mandate shall be presented to the Congress in the form of a draft resolution not subject to amendment.

Rule 69 – Special measures concerning termination of the mandate of the Congress, and chamber presidents and vice-presidents and committee chairs and vice-chairs

1. If the decision to terminate the current mandate of a member of the Congress concerns the President of the Congress, the President of a chamber or the chair of a committee, the person concerned shall neither attend nor chair any meetings of that body until the disciplinary procedure is completed and the draft resolution provided for in Rule 68.4 has been voted on. The provisions of Rule 16.7 shall apply in the interim.

2. If the decision to terminate the current mandate of a member of the Congress concerns the vice-president of a chamber, the person concerned shall not attend any bureau meetings nor replace the President of the Congress or of a chamber until the disciplinary procedure is completed and the draft resolution provided for in Rule 68.4 has been voted.

3. A president of the Congress who has been dismissed or who has resigned as a result of a disciplinary procedure shall not be granted the title of outgoing President of the Congress.

APPENDIX I: CODE OF CONDUCT OF CONGRESS MEMBERS

1. The purpose of this Code is to provide a framework of reference for members of the Congress of Local and Regional Authorities of the Council of Europe in the discharge of their duties.
2. It outlines general principles of behaviour which the Congress expects of its members. By adhering to these standards members can maintain and strengthen the openness and accountability necessary for trust and confidence in the Congress.
3. The Code applies to members in all aspects of their public life relevant to their duties as members of the Congress. Its provisions complement the obligations on members of the Congress to abide by the rules of conduct provided in the Rules and Procedures, as well as resolutions of the Congress and decisions of the Congress organs relating to members' conduct and discipline.
4. The application of this Code shall be a matter for the Congress.
5. Guidance on all matters covered by this Code and situations which may arise from its application may be sought from the Secretary General of the Congress who is responsible for ensuring its promotion.
6. While performing their mandate as members of the Congress, they shall:
 - a. carry out their duties responsibly with integrity and honesty;
 - b. take decisions solely in the public interest, without being bound by any instructions that would jeopardise members' ability to respect the present code;
 - c. not act in such a way as to bring the Congress into disrepute or tarnish the Congress' image;
 - d. use the resources available to them responsibly;
 - e. not use their public office for their, or anyone else's, private gain;
 - f. declare any relevant interests relating to their public functions and take steps to resolve any conflicts arising in a way that protects the public interest;
 - g. promote and support these principles by leadership and example;
 - h. undertake to comply with the rules set out hereafter.
7. Members shall respect the values of the Council of Europe and the general principles of behaviour of the Congress and not take any action which would cause damage to the reputation and integrity of the Congress or its members.
8. Members shall avoid conflicts between any actual or potential economic, commercial, financial or other interests on a professional, personal or family level on the one hand, and the public interest in the work of the Congress on the other, by resolving any conflict in favour of public interest; if the member is unable to avoid such a conflict of interests, it shall be disclosed.
9. Members shall draw attention to any relevant interest in accordance with the Congress Rules and Procedures.
10. No member shall act as a paid advocate in any work of the Congress.
11. Members shall not promise, give, request or accept any fee, compensation or reward intended to affect their conduct as members, particularly in their decision to support or oppose any motion, report, amendment, written declaration, recommendation, resolution or opinion. Members shall avoid any situation that could appear to be a conflict of interests and shall not accept an inappropriate payment or gift.

12. Members shall not use their position as a member of the Congress to further their own or another person's or entity's interests in a manner incompatible with this Code of Conduct.
13. Members shall use information with discretion, and in particular shall not make personal use of information acquired confidentially in the course of their duties.
14. Members shall inform the President of the Congress of any pressure put upon them or against any other Congress member.
15. Where, in the course of their duties as members of the Congress, they are presented with a gift they should refuse as it might influence or might be seen as likely to influence their position in the performance of their duty as a member of the Congress. They may exceptionally accept the gift if refusing it would be reasonably considered contrary to the good practice in the relevant cultural context. In such cases, where the gift has a value of 100 euros or more it should be handed to the Secretariat of the Congress which will ensure that it is promptly entered into the Council of Europe Gift Register.
16. Members shall ensure that their use of expense claims, allowances, facilities and services provided by the Council of Europe is strictly in accordance with the relevant regulations laid down on these matters.
17. Members undertake to sign a copy of this Code of Conduct upon taking up their mandate in the Congress.
18. Implementation of this Code is the responsibility of the Bureau of the Congress, in accordance with the powers and responsibilities granted to it by the Rules and Procedures. Any breaches thereto will be dealt with in accordance with the procedure provided by the Rules and Procedures.