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Summary of reports

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I. REPORTS SUBMITTED TO THE PLENARY SITTINGS OF THE CONGRESS

Verification of new members' credentials

Co-rapporteurs:

Michail ANGELOPOULOS, Greece (L, EPP/CE), and Eunice CAMPBELL-CLARK, United Kingdom (R, SOC)

Bureau of the Congress

CG35(2018)02prov
Resolution

The rapporteurs will review the credentials of the new members in the light of the current criteria of the Congress Charter and *Rules and Procedures*.

Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions

Congress Spokesperson on Observation of Local and Regional Elections:

Jos WIENEN, Netherlands (L, EPP/CCE)

Monitoring Committee

CG35(2018)17prov
Resolution
Recommendation

In the context of mass migration in the area of the Council of Europe for political, humanitarian and socio-economic reasons as well as due to military conflicts, an increasing number of people have settled (or have been re-settled) in countries/regions other than their country/ region of origin. Since voting encourages migrants and Internally Displaced Persons (IDPs) to actively participate in the life of their community, voting rights, at the local level, may be seen as a natural starting point for successful long-term integration.

The present preliminary draft report examines the international standards with regard to voting rights of IDPs and non-citizens, outlines the major challenges to the implementation of such rights and describes the diversity of approaches chosen by Council of Europe member States in this respect.

European Local Democracy Week (ELDW): a new momentum

Congress Spokesperson on the European Local Democracy Week:

Gaye DOGANOGLU, Turkey (L, EPP/CCE)

Bureau of the Congress

CG35(2018)11prov
Resolution

The European Local Democracy Week (ELDW) is a pan-European initiative launched on 16 October 2007 in Valencia, Spain, with the aim of strengthening and increasing citizens' participation in decision making at local level and introducing participatory mechanisms into our democratic systems. This Congress initiative to launch the ELDW was supported by the Conference of European Ministers Responsible for Local and Regional Government.

For the last 10 years, local authorities in the 47 Council of Europe member States and their associations have been invited to organise public activities aimed at fostering dialogue between community residents and public authorities, by bringing them together in joint activities to hear each

other's concerns, decide on priorities for the community, and improve the functioning of local government.

On the occasion of the 10th anniversary of the ELDW in October 2018, the Congress, during its 33rd session, renewed its commitment to advancing this initiative and further developing it for the benefit of the citizens and local and regional authorities across Europe. It has thus mandated a Reflection Group to give a new dimension to the European Week of Local Democracy, examining all questions related to the evolution of the Week (Resolution 423 (2017)).

All the aspects relating to the ELDW were considered by the Reflection Group. The group's proposals were submitted to the national co-ordinators of the initiative to consult them and to gather their suggestions and comments.

European Code of Conduct for all persons involved in local and regional governance

Rapporteur:
Manuela BORA, Italy (R, SOC)

Governance Committee

CG35(2018)12prov
Resolution

Convinced that corruption, in all its forms, is a threat to democracy, economic development and social cohesion, the Congress is committed to promoting common European principles and standards of ethical behaviour expected of all persons involved in local and regional governance.

The European Code of Conduct for all Persons Involved in Local and Regional Governance updates and extends the Code of Conduct for the Political Integrity of Local and Regional Elected Representatives, adopted by the Congress in 1999. It takes into account the most important developments in local and regional governance over the past two decades, such as the increased outsourcing of public services, growing public expectations for high ethical standards and the changes brought about by new forms of communication. It aims to instruct all actors involved in local and regional governance on the conduct to adopt in the day-to-day performance of their tasks, and to inform the public about the conduct they are entitled to expect from these actors.

In its resolution, the Congress invites local and regional authorities to adopt this Code themselves or to draw up and promote similar codes of conduct. It also encourages them to design appropriate educational programs, to help their staff to identify and deal with potential ethical risk areas and conflicts of interest situations.

Conflicts of interest at local and regional levels

Rapporteur:
Peter JOHN, United Kingdom (L, SOC)

Governance Committee

CG35(2018)13prov
Resolution
Recommendation

While conflicts of interest occur in all aspects of public life, local and regional authorities are particularly at risk, by virtue of their proximity and closer contacts with citizens and local entrepreneurs. Although most countries have now regulated on this issue, the result is too often a proliferation of rules and regulations which can be difficult to manage and enforce. Greater impact can be achieved using a value-based approach, focusing on education, training, and transparency.

In its resolution, the Congress invites local and regional authorities to introduce and implement integrity policies, including both organisational ethics management and external integrity guardians. It

calls on them to promote the proactive disclosure of information before it is requested by the public, and to define rules on accepting gifts and invitations. It also encourages them to support and invest in soft instruments, such as ethical leadership.

In its recommendation, it asks the Committee of Ministers to call upon governments to specify exactly what constitutes a conflict of interest, and to ensure that local and regional authorities have clear procedures in place to identify, manage and solve conflict of interest situations.

Transparency and open government

Congress Spokesperson on Promoting Public Ethics and Preventing Corruption at the Local and Regional Levels:

Andreas GALSTER, Germany (L, EPP/CCE)

Governance Committee

CG35(2018)14prov
Resolution
Recommendation

Transparency and open government is one of the priorities identified by the Congress in its Roadmap of activities on the 'prevention of corruption and the promotion of public ethics at local and regional levels', adopted at the 31st Session in October 2016.

This report highlights the potential of open governance to improve democracy at local and regional levels. It explores the concept of 'Open government' and identifies local government activities to which it can apply, such as budgeting, law making, policy making, contracting and service delivery.

In its resolution, the Congress invites local and regional authorities to adopt and implement open government standards and to introduce training courses in their administrations to raise awareness on the importance of transparency. It calls on them to promote the participation of citizens in local public life, in particular by encouraging public participation in their policy and decision-making processes and promoting the involvement of citizens in defining budget priorities and evaluating procurement contracts.

In its recommendation, it asks the Committee of Ministers to call on governments to encourage local and regional authorities to publish key documents and information, promote public consultation processes, and support the monitoring and implementation of transparency measures

A Code of Conduct for Congress members – revision of the Congress Rules and Procedures

Co-rapporteurs:

Xavier CADORET, France (L, SOC), and Marc COOLS, Belgium (L, ILDG)

Bureau of the Congress

CG35(2018)16prov
Resolution

The objective of the proposed revision of the Congress' Rules and Procedures appended to the resolution is to update the current rules in order to give the Congress clearer provisions covering conflicts of interest, stronger rules dealing with unethical behaviour and procedures for instituting disciplinary action.

Existing rules on non-conformity with Council of Europe principles, on public order and on general conduct and gifts and other advantages are updated, with, in particular, the proposed creation of a Congress Gift Register.

In addition, the rapporteurs present new rules proposing declarations of interests and conflicts of interest as a prerequisite for Congress membership, procedures for submitting and dealing with allegations of breach of the Code of Conduct and for imposing sanctions and disciplinary action.

Revision of the Congress Charter: proposals for a sustainable future

Co-rapporteurs:

Xavier CADORET, France (L, SOC) and Marc COOLS, Belgium (L, ILDG)

Bureau of the Congress

CG35(2018)25prov
Recommendation

Since its reform in 2010 the Congress has continuously been striving to improve its functioning, streamline its procedures and proactively adapt its rules and it has focused its outcome on the core business of the Council of Europe as a whole. The Congress also contributed to Council of Europe's cuts and savings resulting from the zero-nominal growth policy applied by its member States.

In early 2018 an already difficult financial situation became even more challenging for the Organisation as a whole; the impact upon the Congress, which had seen a gradual substantial decrease in its budget since 2010, was particularly hard as approximately € 650 000, initially allocated in December 2017, was removed from its budget in February 2018, representing a reduction of 9.1 % of its annual budget.

The effect upon its work was immediate and drastic; the staff situation also became increasingly difficult when the freezing of posts within the Congress Secretariat compounded the gradual drop in staff numbers from 47 in 2010 to 37 in 2018.

The Congress Bureau, as a reaction to this challenging financial situation, decided to launch a reflection on the changes needed to secure not only the institutional functioning of the Congress but also its capacity to continue to deliver, to maintain its outreach, to contribute thematically to the work of the Council of Europe and to remain a relevant and visible part of the Organisation.

The proposed changes outlined in the recommendation and reflected in the appended revised Charter, based on the Congress' 25 years of experience, are intended to safeguard the Congress' future and ensure its sustainability by giving the Congress an enhanced capacity to react swiftly and autonomously to future challenges. They consolidate the existing statutory provisions in one text and include qualitative improvements.

Changes include the enhancement of the Congress' institutional independence by developing Congress-specific rules of functioning and greater flexibility in the distribution of delegates between chambers allowing national authorities to appoint delegates to the chamber which best corresponds to their internal structure and interests.

Local and regional democracy in Georgia

Rapporteurs: Michail ANGELOPOULOS, Greece (L, EPP/CCE) and Stewart DICKSON, United Kingdom (R, ILDG)

Monitoring Committee

CG35(2018)18prov
Recommendation

This report follows the third monitoring visit to Georgia since it ratified the European Charter of Local Self-Government in 2004.

The report highlights the substantial progress achieved by Georgia in the field of local democracy since the previous Congress monitoring and post-monitoring visits. The rapporteurs positively note the

integration of the subsidiarity and commensurability principles and the clause of general competence into the constitution. They also welcome such important measures as the development of a comprehensive reform strategy for decentralisation and modernisation of local government, the introduction of direct election of mayors, strengthening of the financial capacity of local self-government and the constitutional status of the Autonomous Republic of Adjara, the modernisation of the auditing system and the official recognition of the representative position of the National Association of Local Authorities of Georgia (NALAG).

However, the rapporteurs express their concerns about difficulties faced by some opposition members in access to information held by municipal administrations and the risks of over-concentration of power in the hands of the mayor in view of his/her role in the appointment of deputy mayors. They also regret, in particular, the deficiencies in the financial equalisation procedure and the lack of clarity in distribution of competences.

The rapporteurs therefore suggest adopting various measures aimed at restoring mutual trust between the representatives of the ruling party and the opposition which is necessary for the proper functioning of local democracy. They recommend to the Georgian authorities to establish an adequate legal framework with regard to sectorial legislation to strengthen the role of the Sakrebulo in the appointment of deputy mayors, to improve the financial equalisation formula and to continue the regional development efforts.

Lastly, Georgian authorities are invited to ratify provisions of the Charter that are de facto applied in Georgia and which are still not ratified, and to sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

Information report on the observation of early local elections in seven municipalities in the Republic of Moldova (20 May 2018)

Rapporteur:

Gunn Marit HELGESEN, Norway (R, EPP/CCE)

Monitoring Committee

CG35(2018)22
Information Report

Following the invitation by the Central Electoral Commission of the Republic of Moldova, the Congress deployed an 8-member delegation to assess the early local elections on 20 May 2018 in seven municipalities including the Capital City Chişinău and in Bălţi. On Election Day, three Congress teams visited some 50 polling stations in Chişinău, Bălţi and in three other municipalities.

Technically, the elections were well prepared and administered by an overall experienced electoral staff at the level of the polling stations. The counting observed was efficient and, with the exception of tensions observed by the Congress in some localities outside Chişinău and isolated inconsistencies mainly regarding the sealing of the ballot boxes, the Election Day can be described as orderly, calm and uneventful.

However, the broader context of the campaign environment was characterised by a lack of level playing field for all candidates. In particular, the Congress delegation was informed about cases of misuse of administrative resources, complaints concerning campaign financing violations and the lack of fair access to the media for all the competitors.

Therefore, the Congress delegation concludes that policies have to be implemented to ensure the fair representation of local populations in local elections, as well as to improve the accuracy of voters' lists and to better regulate the use of video equipment in polling stations.

Furthermore, the decision taken on 19 June 2018 by the Chişinău Court to invalidate the results of the second round of local elections in Chişinău (which was upheld by both the Chişinău Court of Appeals and the Supreme Court) raised questions with regard to the proportionality and transparency of the Courts. The cancellation of the election result of 3 June 2018 has contributed to further uncertainty and frustration among the population and to the already existing lack of trust in the state institutions.

The consultation of local authorities by higher levels of government

Rapporteur:

Anders KNAPE, Sweden (L, EPP/CCE)

Governance Committee

CG35(2018)20prov
Resolution

The right of local authorities to be consulted by higher levels of government, on matters that concern them is a core principle of local democracy, enshrined in the European Charter of Local Self-Government. For such consultation to be effective, it must be translated into a policy and regulatory framework that reflects the needs of local government in each member State.

The Congress pays great attention to the existence of effective and efficient systems of consultation in member States and advocates a thorough and comprehensive approach to consultation, in order to achieve better decisions and quality governance at local and national levels. Resolution 368 (2014) "Strategy on the right of local authorities to be consulted by other levels of government" calls upon national and local authorities and associations of local authorities to work together to establish systematic and regular consultations in their countries. The strategy identifies key actions to improve consultation in member States, notably for the Congress to provide guidelines for national associations in this respect.

These guidelines outline the main elements that such consultation procedures should include.

Coping with the debt burden: local authorities in financial difficulty

Rapporteur:

Heather McVEY, United Kingdom (L, SOC)

Governance Committee

CG35(2018)21prov
Resolution
Recommendation

The right of local authorities to adequate financial resources of their own is a key principle of local autonomy, enshrined in Article 9 of the European Charter of Local Self-Government.

Following Congress Resolution 372(2014) and Recommendation 362(2014), this report discusses the scope of the financial autonomy of local authorities, and their ability to raise their own revenues and finance their mandatory tasks and functions. It explores to what extent the adequacy principle and the right of local authorities to be consulted, as enshrined in the European Charter of Local Self-Government, are implemented.

In its resolution, the Congress regrets the lack of progress in implementing its 2014 recommendations on this issue. It notes that several member States still have no constitutional or legal recognition or guarantee of sufficient municipal finance, and that, even where local authorities are free to provide services or to generate their own revenues, the latter are often insufficient to cover the cost of services. It commits to keeping under review those countries which are not meeting their commitments under Article 9 of the Charter and to undertaking, where possible, post-monitoring and co-operation activities to improve the situation.

In its recommendation, it asks the Committee of Ministers to call on governments to increase their efforts to ensure full implementation of Article 9, notably through dialogue and consultations with local authorities and their national associations.

Information report on the municipal elections in Tunisia (6 May 2018)

Rapporteur:

Xavier CADORET, France (L, SOC)

Monitoring Committee

CG35(2018)10
Information Report

Following the invitation by the Tunisian Government, the Congress deployed an Electoral Assessment Mission of reduced scope to observe the municipal elections in Tunisia on 6 May 2018, which were the first elections held in this country at the local level after the Arab Spring of 2011.

The Congress delegation welcomed the fact that, despite difficult structural conditions, both in terms of the political and socio-economic situation of the country, the vote was successfully accomplished and carried out, by and large, in line with international legal standards for elections and good practices. It stressed that the electoral success of truly independent candidates and the number of female, young and disabled candidates who were elected gives rise to hope for further democratic progress at the local level.

In view of the low turnout, not least due to the socio-political situation and political disenchantment in the country, particular attention should be paid, according to the Congress, to the situation of the media, especially with regard to the creation of a regulatory framework which allows for a fully-fledged electoral campaign as part of a genuine democratic environment of elections. Simplification also with regard to eligibility requirements and the submission of candidatures could be conducive to the political participation process in general.

The Congress concludes that in the medium term, until the next municipal elections, the Tunisian authorities should strive for strengthening of the local level and further decentralisation steps which involve extraordinary opportunities for the country as a whole.

II. REPORTS SUBMITTED TO THE CHAMBER OF LOCAL AUTHORITIES

Local democracy in Lithuania

Corapporteurs:

Artur TORRES PEREIRA, Portugal (L, EPP/CEE) and Sigurdur Bjorn BLONDAL, Iceland (R, ILDG)

Monitoring Committee

CPL35(2018)02prov

Recommendation

This report is prepared following the third monitoring visit organised by the Congress since Lithuania ratified the European Charter of Local Self-Government in 1992.

The rapporteurs highlight an overall positive situation of local self-government in Lithuania. They note with satisfaction that Lithuania has applied significant efforts in the field of decentralisation, has anchored core principles of local self-government in the legislation, and has made progress in extending the municipalities' rights in managing State-owned land. In addition, local authorities and their Association (ALAL) are now regularly consulted, and citizens' participation in public decision making has been strengthened.

However, the report points out that in practice, many legal regulations tend to restrict municipal autonomy and local authorities' ability to act independently. In spite of a quick economic recovery from the financial crisis and increasing local budgets, local authorities' financial resources are still not commensurate with their responsibilities. The rapporteurs note that Vilnius still does not enjoy a special legal status as a capital city and the administrative capacities and functions of the Regional Development Councils remain limited.

Consequently, the rapporteurs recommend to the Lithuanian national authorities, *inter alia*, that they ensure a better implementation of the subsidiarity principle in practice, allocating sufficient resources to municipalities and providing them with access to capital markets for investment expenditure. They also suggest recognising the right of the Association to initiate legal proceedings before administrative courts and further developing citizens' participation at sub-municipal level.

Local democracy in Slovenia

Corapporteurs:

Henrik BRADE JOHANSEN, Denmark (L, ILDG) and Gaye DOGANOGLU, Turkey (L, EPP/CCE)

Monitoring Committee

CPL35(2018)03prov

Recommendation

This report follows the third monitoring visit carried out in Slovenia since this country ratified the European Charter of Local Self-Government in 1996.

The rapporteurs highlight that, overall, Slovenia complies with the provisions of the Charter which are extensively referred to by the Constitutional Court in its case law. The principle of local self-government is recognised both by the Constitution and the domestic legislation and Slovenian local authorities enjoy legal protection which is in line with the requirements of the Charter. A variety of instruments of public participation in the local decision making processes, including referendum, is also positively noted in the report.

Nonetheless, the Congress rapporteurs consider that the absence of consensus between central and local authorities on the current principles of municipal financing, leading to the dependence of

financial stability of local self-government on the state transfers, an over-regulation in certain areas of municipal tasks and shortcomings in the implementation of consultation process with local authorities still need to be tackled in Slovenia.

Therefore, the rapporteurs call on the Slovenian Government to achieve consensus on the system of municipal financing and to increase local fiscal autonomy on the basis of consultation with local authorities and their associations. The national authorities are urged to ensure that local authorities are more effectively consulted in practice, in due time and in an appropriate manner at every stage of planning and decision-making processes in all matters directly concerning them.

Further, the rapporteurs encourage the national authorities to simplify the existing legal regulations of certain tasks and responsibilities at local level. Finally, promoting mergers and various forms of inter-municipal cooperation in consultation with local authorities and based on financial incentives are suggested as being efficient means to ensure effective public service delivery at grass-roots level.

Information report on the municipal elections in the Netherlands (21 March 2018)

Congress Spokesperson on Observation of Local and Regional Elections
Stewart DICKSON, United Kingdom (R, ILDG)

Monitoring Committee

CPL35(2018)04
Information Report

After the vote observed in 2014, this is the second report prepared by the Congress on municipal elections organised in the Netherlands. Further to the invitation by the Dutch Minister for Foreign Affairs, the Congress Bureau decided to deploy an Electoral Assessment Mission of reduced scope in order to monitor the elections held on 21 March 2018 in 335 municipalities in the Netherlands.

The Congress delegation welcomed the good organisation of the Election Day, the transparency of the process and the general atmosphere of trust in which these elections took place. It also stressed that the Dutch regulation which entitles only voters residing permanently in a certain municipality to cast their vote at the local level, was in line with Congress recommendations. Voters could cast their ballot in any polling station within their constituency which was conducive to inclusiveness, service orientation and citizen participation.

Nevertheless, there is room for improvement in some areas, in particular with regard to introducing regulations for campaign financing also at the local level. Furthermore, the further modernisation of the electoral process should be pushed forward, notably for the counting process but also with regard to the long tradition of proxy voting which needs overhauling and could be replaced by early voting.

III. REPORTS SUBMITTED TO THE CHAMBER OF REGIONS**Border regions facing migration phenomena**

Rapporteur:
Eirini DOUROU, Greece (R, SOC)

Current Affairs Committee

CPR35(2018)02prov
Resolution
Recommendation

The report builds on previous Congress texts concerning the reception of refugees and integration of migrants to examine the potential benefits of cross-border co-operation among regions situated on the periphery of Europe or at the borders of countries within Europe. It argues for an “integrated approach”, adequately involving different levels of government, NGOs and partners in countries of origin and transit and underlines that all these stakeholders’ involvement and interconnectedness is crucial for developing effective integration policies.

Emphasising the role of local and regional authorities as key players in the network of governance that benefit migrants, the Congress invites them to exploit the potential of European-level networking with regard to integration, and co-operate with other relevant stakeholders (in particular their counterparts in countries of origin and transit). It calls on member States to highlight the need for European solidarity regarding the reception of migrants, to promote an integrated approach to integration including cross-border co-operation at the European level, bring regulatory clarity to the legal framework, and to provide adequate financial coverage to local and regional authorities.