

STATUTORY FORUM

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STATUTORY FORUM

Local elections in the Republic of Moldova (20 October 2019)

Recommendation 443 (2020)¹

1. Following the invitation of the authorities of the Republic of Moldova to observe local elections held in the country on 20 October 2019, the Congress of Local and Regional Authorities refers to:

- a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res(2020)1 on the Congress of Local and Regional Authorities of the Council of Europe;
- b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by the Republic of Moldova on 2 October 1997;
- c. Chapter XVIII of the Rules and Procedures of the Congress on the practical organisation of election observation missions.

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance. Observation of grassroots elections is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the fact that the polling day was, apart from some incidents, calm and orderly and the elections were, by and large, effectively administered, following a generally free, though rather low-key, campaign prior to the second round.

4. The Congress recognises efforts made by the Moldovan authorities to improve the legal framework for elections, in particular amendments aiming at a better regulation of financing of political parties and regulation of campaign activities, though the amendments were adopted shortly before the elections, contrary to the Venice Commission's Code of Good Practice in Electoral Matters.

5. In the light of the above, the Congress invites the authorities to overhaul the legal framework, notably to eliminate inconsistencies and close loopholes, and further optimise the practical side of electoral management, in particular to:

- a. revise the overly restrictive provisions related to the registration of independent candidates in order to provide a level playing field to all contestants running in local elections,² notably put the required threshold of collected signatures, as well as other pertinent provisions, in line with the Venice Commission's Code of Good Practice in Electoral Matters;
- b. undertake measures to strengthen the participation of women in politics as voters and candidates, notably, through implementation of the legal quota rules on a minimum of 40% for both sexes on the candidate lists and introduction of prioritisation rules for women candidates;

¹ Discussion and adoption by the Statutory Forum on 28 September 2020 (see document [CG-FORUM\(2020\)01-04](#)), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

² Recommendation 375(2015) and Resolution 382(2015) on Criteria for standing in local and regional elections.

c. establish clarity between the legal terms “domicile” and “temporary residence”, to avoid concerns related to supplementary voters’ lists on Election Day and to tackle the issue of “artificial voter migration”;

d. further strengthen the oversight and enforcement powers of bodies responsible for administration of elections, monitoring of the media and supervision of financial matters, including a better harmonisation of their roles, with regard to the implementation of provisions regulating financing of political parties and campaign activities and concerning the impartiality of media coverage during electoral campaigns;

e. consider introduction of measures aiming at better participation of candidates for Mayor of the capital city in the pre-election media debates;

f. improve accessibility of polling stations to support participation of voters with impaired mobility or other disabilities.

6. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this Recommendation regarding the 2019 local elections in the Republic of Moldova and of the explanatory memorandum in their activities relating to this member State.

STATUTORY FORUM

Local and regional elections in major crisis situations

Recommendation 444 (2020) ¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers, in particular, to:

- a. The International Covenant on Civil and Political Rights (ICCPR) (1966);
- b. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966);
- c. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950);
- d. The Statutory Resolution CM/RES(2020)1 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;
- e. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
- f. The Venice Commission Code of Good Practice in Electoral Matters, Opinion 190(2002);
- g. The Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member States” (2020);
- h. The Venice Commission report on Respect for Democracy, Human Rights and the Rule of Law during States of Emergency (2020).
- i. Recommendation 419(2018) of the Congress of Local and Regional Authorities on Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and regions adopted on 6 November 2018.

2. The Congress refers to the COVID-19 pandemic as a perfect example of crisis situation that shows the difficulties states and electoral authorities may be confronted with regarding the decision to hold or postpone elections, at all levels of government, in the face of risks to the life, health and security of the population.

3. It acknowledges that not all electoral standards can be kept in major crisis situations including pandemics, natural disasters or armed conflicts.

4. It stresses that a minimum core of electoral principles have to be upheld at all times for elections, including at local and regional level, to be meaningful and to enjoy the trust of the public in a democratic, pluralistic and accountable political environment.

¹ Discussion and adoption by the Statutory Forum on 28 September 2020 (see document [CG-FORUM\(2020\)01-05](#), explanatory memorandum), rapporteurs: Stewart DICKSON, United Kingdom (R, ILDG) and Jos WIENEN, Netherlands (L, EPP/CCE).

5. In the light of the foregoing, the Congress requests that the Committee of Ministers invite the respective authorities of Council of Europe member States to:

a. take into account, for their decision whether to hold or postpone elections for all tiers of government during major crisis situations, existing recommendations highlighting international human rights law, international electoral standards and best practices;

b. use the ongoing COVID-19 pandemic as an opportunity to gain insight and gather experience with a view to identifying best practice examples as regards elections to be held in exceptional circumstances in the domestic context;

c. foster, on the basis of this initial report, continued co-operation between institutions of the Council of Europe dealing with electoral matters, notably the Venice Commission, the Parliamentary Assembly and the Congress itself, in order to compare and evaluate best practice examples in the international context with regard to the organisation of elections in extraordinary circumstances including relevant mitigating measures and alternative voting methods on the Election Day.

STATUTORY FORUM

Monitoring of the European Charter of Local Self-Government in Portugal

Recommendation 445 (2020)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating 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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Sustainable Development Goals (SDGs) of the United Nations Development Programme for 2030, particularly Goals 11 for sustainable cities and communities and 16 for peace, justice and strong institutions;

e. the guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member states on the participation of citizens in local public life, adopted on 21 March 2018;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member states on supervision of local authorities' activities, adopted on 4 April 2019;

h. the previous Congress recommendation on local and regional democracy in Portugal: Recommendation 323 (2012) discussed and adopted by the Congress on 22 March 2012;

i. the appended explanatory memorandum on local and regional democracy in Portugal.

2. The Congress points out that:

a. Portugal joined the Council of Europe on 22 September 1976. It signed the European Charter of Local Self-Government (ETS No. 122, hereinafter: “the Charter”) on 15 October 1985 and ratified it on 18 December 1990 without reservation. The Charter entered into force in Portugal on 1 April 1991; it signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 26 May 2015 but has not yet ratified it;

1. Debated and adopted by the Statutory Forum on 28 September 2020 (see document CG-FORUM(2020)01-02, explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC/G/PD) and David ERAY, Switzerland (R, ILDG).

b. The Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter: the “Monitoring Committee”) decided to examine the situation of local and regional democracy in Portugal in the light of the Charter. It entrusted Mr Xavier CADORET and Mr David ERAY with the task of preparing and submitting to the Congress a report on the monitoring of the European Charter of Local Self-Government in Portugal;

c. In the course of two visits, which took place on 17 and 18 June 2019 and 27 November 2019, the Congress delegation met representatives of various institutions at all levels of government. The visit programmes are appended to the explanatory memorandum;

d. The co-rapporteurs wish to thank the Permanent Representation of Portugal to the Council of Europe and all those whom they spoke to during the visit.

3. The Congress notes with satisfaction that in Portugal:

a. the Portuguese Constitution gives prominence to local and regional self-government, which is acknowledged by all the stakeholders, although improvements are still required in institutional interaction between these two levels and that of the State (Articles 2 and 3 of the Charter);

b. the reforms carried out since 2013 in Portugal in the economic, social, political and administrative spheres have had lasting effects on local authorities and their budget situation, resulting in, among other things, a reduction of the number of municipalities and parishes (Article 4 of the Charter);

c. the appeal mechanisms enabling constituents to challenge the acts of territorial authorities are operative and there are fairly effective parallel procedures for oversight by the State (Article 8 of the Charter);

d. the possibilities of local authorities to associate and to develop inter-municipal structures seem suited to the challenges of territorial development on the mainland (Article 10 of the Charter).

4. The Congress expresses concern, however, over the following points:

a. local authorities and their representative associations are not systematically consulted on the basis of a clear, generally binding and functioning procedure (Articles 4.6 and 9.6 of the Charter);

b. the associations representing local authority interests and the local authorities themselves do not have the right to appeal directly to the Constitutional Court against a decision or a regulation which would contradict one of their rights, with the notable exception of the autonomous regions (Article 11 of the Charter);

c. Portuguese municipalities have been affected in unequal ways by the transfer of powers and do not all benefit from adequate funding support from the State to properly carry out their tasks (Article 9.2 of the Charter);

d. local and regional authorities lack sufficient autonomy with respect to local taxes including the local and regional tax collecting system (Article 9.3 of the Charter);

e. the co-operation between the state administration at local and regional level and local and regional self-government entities lacks a clear and coherent basis (Article 4.6 of the Charter);

f. the legal situation of associations of local authorities within autonomous regions seems uncertain (Article 10 of the Charter);

g. Portugal has not ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) nor the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159).

5. In the light of the above, the Congress recommends that the Committee of Ministers invite the Portuguese authorities to:

a. introduce a procedure for systematic consultation of local and regional authority associations prior to any decision, regulation or legislation, on any questions directly concerning them;

b. grant the associations representing local authority interests, and possibly local authorities themselves along the lines of the prerogative granted to the autonomous regions, the right to appeal directly to the Constitutional Court;

c. consider setting up, on a temporary and flexible basis, special aid programmes or procedures to enable municipalities in financial difficulties to rebalance their budgets on a lasting basis, under the supervision of the Court of audit;

d. give local authorities more autonomy with respect to local taxes including the local tax-collecting system;

e. consider setting up a national stability board, including local and regional representatives, in order to streamline budget objectives and procedures and guarantee compliance with national, European and international commitments and more harmonious co-operation between the different tiers of government;

f. clarify the legal situation of associations of local authorities in the autonomous regions through the passing of a new law in order to stabilise their status and optimise their action and their relations with the regional and state levels;

g. envisage ratifying, in the near future, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) signed on 26 May 2015 and the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159) signed on 9 May 1997.

6. The Congress asks the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of the present recommendation on local and regional democracy in Portugal and its explanatory memorandum in their activities relating to this member state.

STATUTORY FORUM

Monitoring of the European Charter of Local Self-Government in Austria

Recommendation 446 (2020)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating 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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, particularly Goal 11 for sustainable cities and communities and Goal 16 for peace, justice and strong institutions;

e. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities, adopted on 4 April 2019;

h. the previous Congress Recommendation 302 (2011) on local and regional democracy in Austria, adopted on 24 March 2011;

i. the appended explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Austria.

2. The Congress points out that:

a. Austria signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 15 October 1985 and ratified it on 23 September 1987, with entry into force on 1 September 1988; Austria is not bound by Article 4, paragraphs 2, 3 and 5, Article 7, paragraph 2, Article 8, paragraph 2 and Article 11 of the Charter;

¹ Debated and adopted by the Statutory Forum on 28 September 2020 (see document CG-FORUM(2020)01-03, explanatory memorandum), co-rapporteurs: Marc COOLS, Belgium (L, ILDG) and Andrew DISMORE, United Kingdom (R, SOC/G/PD).

b. Austria has not signed the Additional Protocol to the Charter on the right to participate in the affairs of a local authority;

c. the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter: the “Monitoring Committee”) decided to examine the situation of local and regional democracy in Austria in the light of the Charter. It instructed Marc COOLS, Rapporteur on local democracy (Chamber of Regions, ILDG) and Andrew DISMORE, Rapporteur on regional democracy (Chamber of Regional Authorities, SOC), with the task of preparing and submitting to the Congress a report on the monitoring of the European Charter of Local Self-Government in Austria. The delegation was assisted by Ms Diana-Camelia IANCU, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat;

d. the monitoring visit took place from 10 to 12 December 2019. During the visit, the Congress delegation met representatives of various institutions at all levels of government. The detailed visit programme is appended to the explanatory memorandum;

e. the co-rapporteurs wish to thank the Permanent Representation of Austria to the Council of Europe and all those whom they spoke to during the visit.

3. The Congress notes with satisfaction:

a. The constitutional and legal recognition and substantial implementation of the principle of local self-government in Austria at federal and *Länder* level;

b. the reforms carried out since 2011 in Austria with a view to clarifying the distribution of powers between the Federation, *Länder* and municipal authorities;

c. the introduction of the *Länder* Administrative Courts to strengthen Austrian federalism;

d. the constitutional extension of the powers of associations of local authorities to conclude, on the basis of Land legislation, agreements among themselves and jointly perform their functions, and to establish – with the consent of the *Länder* concerned – associations operating across Land borders;

e. the adoption of the New Government Plan with the objective, among other things, to tackle outstanding issues of the low level of fiscal autonomy of the *Länder* and municipalities, to adapt the criminal law to current challenges (in particular, section 153 of the Austrian Criminal Code) and to evaluate the powers of cities, municipalities and municipal associations to conclude agreements on the basis of Article 15a of the Federal Constitution.

4. The Congress expresses concern, however, over the following points:

a. the persistently low degree of fiscal autonomy of subnational authorities and their extensive reliance on intergovernmental transfers. This reduces financial sustainability of subnational governments and their ability to keep pace with the increasing costs of carrying out their tasks (9.1-9.4);

b. the criminal legislation regarding the mayors’ liability that places a disproportionate personal responsibility on local elected representatives and thus seems inconsistent with the principle of a free exercise of the local mandate (7.1). Coupled with inadequate social conditions, this leads to mayors’ vulnerability and prevents a broad range of potential candidates from standing for local election;

c. unbalanced distribution of exclusive regulatory powers to the benefit of federal and *Länder* authorities and a high degree of complexity in the allocation of powers which jeopardises the exercise of local self-government.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the Austrian authorities to:

- a. enlarge the *Länder's* and municipalities' tax-raising power, by providing them with greater freedom to set the rates and base of their own-source taxes. This will strengthen local fiscal autonomy and ensure the financial sustainability and long-term resilience of sub-national government;
 - b. modify the criminal legislation regarding the liability of mayors when they carry out their functions in such a way as to align it with the principle of free exercise of elected mandates, and improve social conditions under which elected functions are exercised;
 - c. simplify and clarify the allocation of powers and when drawing up relevant legislation refrain from unnecessarily limiting local authorities' tasks and responsibilities with due regard for the principle of subsidiarity;
 - d. refrain from over-regulation and make sure that the changes in legislative powers of the *Länder* leave enough margin for regional autonomy;
 - e. modify the Federal Constitutional Law to allow the associations of local authorities to participate in agreements between the Federation and the *Länder* on all matters that concern them;
 - f. enhance the support for training of local government staff, especially in small and medium-sized municipalities, to strengthen their capacity to deliver high-quality public services;
 - g. ratify Articles 4.2, 4.3 and 11 of the Charter since they are applied in practice;
 - h. sign and ratify, in the near future, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).
6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in Austria and the accompanying explanatory memorandum in their activities relating to this member State.

STATUTORY FORUM

Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe revised to integrate the provisions of the revised Congress Charter

Resolution 454 (2020)¹

1. The rapporteurs on the Rules and Procedures have proposed to the Bureau to modify the Congress Rules and Procedures to bring them in line with the Congress Charter adopted by the Committee of Ministers on 15 January 2020 (CM/Res(2020)1).
2. Furthermore, following the streamlining of the Charter, the rapporteurs propose to retain some of the procedural information previously contained in the Charter and transpose it into the Rules and Procedures.
3. In addition, in light of the COVID-19 pandemic which led to the cancellation of many activities in the Spring of 2020, and given the uncertainty surrounding the sanitary conditions prevailing in autumn 2020, the rapporteurs propose to provide the Congress with as much flexibility and latitude in the future as possible, with a new chapter on the organisation of sessions and meetings in exceptional circumstances.
4. The Congress adopts the Rules and Procedures, as appended.
5. The provisions concerning national delegations shall be applied in the context of the preparation of the renewal of the Congress and enter into force at the Congress' March 2021 renewal session.

¹ Debated and adopted by the Statutory Forum on 28 September 2020 (see Document CG-FORUM(2020)01-01final), co-rapporteurs : Liisa ANSALA, Finland (L, ILDG), Harald SONDEREGGER, Austria (R, EPP/CCE), Tamar TALIASHVILI, Georgia (R, SOC/G/PD).

Rules and Procedures

of the Congress of Local and Regional Authorities of the Council of Europe
(extract containing modified rules only)

INTRODUCTION

The Congress is governed by statutory resolutions adopted by the Committee of Ministers under the authority of the Statute of the Council of Europe. The relevant parts of the Charter of the Congress of Local and Regional Authorities of the Council of Europe appended to Statutory Resolution CM/Res(2020)1, govern aspects of the procedure of the Congress and are set out as boxed text in this document. They are reproduced for information purposes only.

The Congress itself has powers to adopt its Rules and Procedures to amplify the Charter. Rules must be consistent with the Charter. The current Rules and Procedures are set out in ordinary type in this document.

DEFINITIONS

“competence of the Congress” means anything covered by Article 2 of the Charter contained in Statutory Resolution CM/Res (2020)1 of the Committee of Ministers;

“matter” has the same meaning as “topics” in Article 9 of the Charter;

“renewal session” means the session at which national delegations as a whole are renewed when the 5 year mandate of the previous delegations under Article 5.5 of the Charter contained in Statutory Resolution CM/Res(2020)1 expires;

“substitute” means a delegate nominated as a substitute (as opposed to “representative”) by a member State in its national delegation. The role of a substitute is to replace a representative in plenary, chamber or committee meetings. If duly mandated, he or she can vote in plenary and or committee, however he or she may only vote in the chamber to which he or she belongs if mandated to replace a representative from that same chamber. A substitute may not stand for election;

“text” means any declaration, resolution, recommendation or opinion adopted during a sitting; “preliminary draft text” means any proposal for a text being examined by a bureau or a committee for approval; “draft text” means any proposal for a text approved by a bureau or a committee for presentation to a chamber or to the Congress or the Statutory Forum for adoption;

“votes cast” only affirmative and negative votes count in calculating the number of votes cast;

CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS

Rule 2 – Requirements for national delegations

3. Heads of delegation should preferably be representatives, and not substitutes.
4. The deputy head of a national delegation should preferably not be of the same chamber nor of the same gender nor political group as the head of the delegation, but either may be non-affiliated.

Rule 3 – Term of office and general qualifications for membership

1. A delegate who resigns his or her specific local or regional mandate or his or her Congress mandate must notify the date the resignation takes effect in writing to the President of the Congress and the national delegation no later than 30 days following that resignation. The delegate immediately loses his or her Congress mandate and the relevant authorities must nominate a new delegate as soon as possible.

6. In the case of local and/or regional elections taking place from four months before up to two months after a renewal session, the five year mandate foreseen in Article 5.4 of the Charter may be extended, for the existing delegation, for a maximum of four months after the session with the proviso that a new delegation be nominated in time for the second session of the new mandate.

10. The proposed members of any delegation which does not comply with Article 5.3 of the Charter may be present only at the session during which their credentials are examined. They may not speak, table any amendment, nor vote. Thereafter, they may not take part in proceedings until the situation leading to non-compliance has been resolved.

Rule 4 – Membership of the chambers

1. National authorities, in consultation with their national associations or respective regional co-ordination structures, may appoint their delegates to whichever chamber corresponds best with their internal structure.

2. The choice, once made, will last one full 5-year mandate and will not be subject to change within that period.

4. Only the members who are representatives in their national delegations and substitutes duly mandated to replace a representative from that same chamber have full voting rights in their chamber.

Rule 5 – Representatives and substitutes

5. Except when replacing a representative under the present rule, a substitute may neither speak nor vote.

6. A duly mandated substitute replacing a representative from another chamber participates in the sessions of the chamber to which he or she belongs and not in that of the representative he or she is replacing.

CHAPTER III – POLITICAL GROUPS

Rule 9 – Formation and funding of political groups

1. A political group must consist of at least 20 delegates drawn from at least six national delegations to be recognised as a political group by the Congress. The situation of the groups as at 1 January each year will be examined by the Secretary General of the Congress who will subsequently inform the Bureau.

CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS

Rule 14 – Entitlement to stand for presidencies and vice-presidencies

3. A representative may be a candidate for the office of president of a chamber only if:

- a. he or she sits in that chamber;
- b. he or she has been nominated in writing by at least 10 delegates sitting in that chamber from at least four national delegations;

4. A representative may be a candidate for the office of vice-president of a chamber only if:

- a. he or she sits in that chamber ; and

Rule 15 – Election procedures

1. The election of the President of the Congress must take place during the opening sitting of the renewal session, and at the opening sitting of the session two and a half years after a renewal session. Only representatives or substitutes duly mandated to replace a representative may vote. The technical aspects of voting procedures shall be detailed in the Administrative Rules.

2. The election of a president of a chamber must take place during the session of the chamber following the election of a President of the Congress, except after an extraordinary election of a president held under Rule 16.3 or, if it is not possible to elect a new President, in which case the provisions of Rule 41.2 apply.

3. Elections for the posts of President of the Congress and of presidents of the chambers must be by secret ballot (which may be held electronically) even where there is only one candidate, in which case the ballot must provide for votes in favour, votes against and abstentions.

[Paragraph 4 is deleted.]

6. Immediately after each chamber has elected a president, it must elect by secret ballot (which may be held electronically), seven vice-presidents. In the case of a non-electronic secret ballot and if tellers were not required for the election of the president, two tellers per ballot box are chosen by lot in order to observe the counting of the votes cast. An election must take place even if there are fewer than seven candidates. A delegate² entitled to vote may do so, using a single ballot paper, for up to seven candidates and must vote for at least four. The seven candidates receiving the greatest number of votes are declared elected in each chamber in order of precedence according to the number of votes each receives.

7. A candidate for the office of vice-president is eliminated from election if a representative belonging to the same national delegation has already been elected as president of the Congress or of that chamber.

9. If more than one representative from the same national delegation is candidate to be vice-president of the two chambers, only the representative with the highest percentage of votes is declared elected. In the event of a tie between several candidates, lots shall be drawn.

11. Elections may be held remotely if the Bureau of the Congress decides that for reasons of urgency, inability to hold in-person elections or other specific situations or pragmatic considerations these are necessary, provided that what it deems to be the requisite security, confidentiality and accessibility conditions can be met. The provisions in Chapter XII apply.

Rule 16 – Term of office

7. Where there is one candidate to the post of vice-president of a chamber, he or she is declared vice-president without proceeding to a ballot unless a ballot is requested by at least 20 representatives (or substitutes duly mandated according to Rule 5.1) from at least four delegations and whose credentials have been ratified by the Congress. Where such a ballot is requested, it shall be held immediately (this may be electronically), be secret and provide for votes in favour, votes against and abstentions.

Rule 17 – Duties of presidents

5. The President of the Congress represents the Congress in its relations with other bodies. In particular, he or she is responsible for informing the Parliamentary Assembly and the Committee of Ministers of Congress activities. He or she also keeps the Bureau informed at regular intervals about the state of the recommendations put forward to the Committee of Ministers by the Congress.

CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS

Rule 19 – Bureau procedure

5. The Bureau may take a decision by written procedure (e-mail) if the matter under consideration cannot wait for the next Bureau meeting. In this case voting is by simple majority and a lack of response by the required deadline is taken to be tacit agreement.

² Cf. Rule 32

CHAPTER VII – ORIGINATION AND DISTRIBUTION OF BUSINESS

Rule 22 – Division of business between the Congress and chambers

1. 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.
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.

Rule 23 – Distribution of matters to committees and working groups

4. Any reference to a committee lapses either:
 - a. two years and a half after it was made; or

CHAPTER VIII – PROCEDURE DURING SESSIONS

Rule 25 – Tacit adoption procedure

8. This procedure shall apply *mutatis mutandis* to the chambers.

Rule 27 – Declarations

5. If a draft declaration is included in a sessional agenda, then:
 - a. amendments may be tabled to the draft declaration by 10.00 on the day before the day on which the debate is scheduled;

Rule 31 – Speaking arrangements

1. Representatives and substitutes duly mandated according to Rule 5.1 wishing to speak in debate must enter their names on the speakers' list either before the opening of the sitting or in the course of the sitting. The president may, in the interest of the debate, depart from the order in which names have been entered.
7. Depending on the available time, the president may decide that speaking time will be reduced or that not all those who have entered their name on the speakers' list may speak. In case not all speakers may speak, the president should give priority to those speakers speaking on behalf of their national delegation – in particular for those delegations whose members have not yet taken the floor – or their political group.

Rule 32 – Voting arrangements

2. Representatives or substitutes duly mandated according to Rule 5.1 may vote in the affirmative, or in the negative, or abstain. Only affirmative and negative votes count in calculating the number of votes cast. Votes are decided by electronic voting or, if this is not possible:
 4. Voting by roll-call begins five minutes after warning bells have been rung. The roll is called in alphabetical order beginning with the name of a representative or a substitute duly mandated according to Rule 5.1 drawn by lot by the president. The names of those voting in a valid roll-call vote must be recorded in the minutes of the sitting.

5. Voting in elections takes place by secret ballot or may be held electronically.

Rule 35³ – Amendments and sub-amendments

1. An amendment to a draft text under consideration may be tabled and signed by:
 - a. five delegates from at least two delegations; or
2. Each amendment must specify which of the five signatories will submit it. He or she must be a representative or a duly mandated substitute.
3. Amendments may be tabled, in one of the Congress' two official languages (English and French) or its working languages only to draft texts and not to explanatory memoranda. The Secretariat must make them available, in English and French, as soon as possible if they are in order in accordance with Rule 35.10.
5. Amendments must be tabled by 10.00, 7 days before the day on which the debate on the text to which they refer is scheduled.
6. Rapporteur amendments must be tabled by 10.00, 2 days before the day on which the debate on the text to which they refer is scheduled.
8. Sub-amendments to previously tabled amendments must be tabled by 10.00, 4 days before the day on which the debate on the text to which they refer is scheduled.

Rule 36 – Procedural motions

1. A representative or a substitute duly mandated according to Rule 5.1 has a prior right to speak if he or she moves:

Rule 37 – Order in proceedings

1. A representative or a substitute duly mandated according to Rule 5.1 has a prior right to speak if he or she raises a point of order. A point of order must be confined to a question of procedure seeking a ruling from the President.

Rule 41 – Provisional President

3. In accordance with Rule 41.1, when a president of a chamber is to be elected at a non-renewal session the outgoing president presides until the election of the new president unless the outgoing president has been elected President of the Congress, in which case it is the outgoing 1st Vice-President of that chamber who acts as provisional president. At a renewal session the oldest representative present acts as provisional president.

CHAPTER X – COMMITTEES

Rule 48 – Election of chairs and vice-chairs of committees

2. These elections must take place during the opening sitting of a renewal session, and at the opening sitting of the session taking place two and a half years after a renewal session. Every representative of the committee, or duly mandated substitute, is entitled to vote in these elections.
4. The chair and vice-chairs of a committee remain in office for two and a half years and may be re-elected for a second (but no further) consecutive mandate. The relevant provisions of Rules 16 and 41 apply to chairs and vice-chairs of the committees *mutatis mutandis*.

³ Rules 26, 30, 33-35 and 39-40 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

Rule 53 – Voting and quorum

1. Voting in committee is by electronic voting or by means of a voting card distributed at the beginning of each meeting. If the committee Chair so decides, the provisions of Rule 15.11 and Chapter XII shall apply.
3. All representatives of a committee may vote on all reports to be adopted (plenary and chamber).

Rule 56 – Reports from committees

5. The committee may take a decision by written procedure (e-mail) if the matter under consideration (such as an election observation report) cannot wait for the next committee meeting. In this case, lack of response by the deadline set by the chair is considered tacit agreement.
11. A rapporteur, or in his or her absence the chair of the committee, should, as far as possible, inform the relevant committee of follow-up given to the report.

CHAPTER XI – WORKING GROUPS

Rule 58

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 of the Charter, 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).

CHAPTER XII – ORGANISATION OF SESSIONS AND MEETINGS IN EXCEPTIONAL CIRCUMSTANCES⁴

Rule 61 – Remote or hybrid sessions

1. In exceptional circumstances when a normal session cannot be organised, the President may, with the approval of the Congress Bureau, convene a session to be held by means of remote telecommunication systems or in a hybrid manner (combined remote and in-person participation of members).
2. The dates, times, length and running order of the sessions may be adjusted to take account of organisational, technical or sanitary constraints and shall be notified to members at least 45 days before the opening of the session. The procedure for voting and for tabling of amendments shall also be specified at this time.
3. The draft agenda and relevant documents shall be made available by the usual deadlines provided for by Rule 24.
4. Speaking times for delegates shall be as set out in Rule 31.
5. The method for voting on texts⁵ and tabling amendments shall be as provided for under Rules 30 and 35 unless decided otherwise by the Bureau of the Congress.
6. Proposals for future activities in accordance with Rule 28 and memoranda in accordance with Rule 29 are published if considered to be in order by the President and if received no later than 10 days before the opening of the session.

⁴ These circumstances shall be decided upon on an ad hoc basis by the Bureau, and may include large-scale sanitary crises, environmental disasters or acts of terrorism with a pan-European dimension.

⁵ Including declarations covered by Rule 27.

7. The Bureau shall decide upon the method for holding elections scheduled for such sessions, in accordance with Rule 15.

8. The session will be live streamed as for an in-person session.

Rule 62 – Remote or hybrid Bureau meetings

1. In exceptional circumstances (cf. Rule 61), the President may convene a Bureau meeting to be held by means of remote telecommunication systems or as a hybrid Bureau meeting (combined remote and in-person participation of members).

2. The relevant meeting documents will be made available as provided in these rules for in-person Bureau meetings.

Rule 63 – Remote or hybrid committee meetings

1. In exceptional circumstances (cf. Rule 61), the chair of a committee may convene a committee meeting by means of remote telecommunication systems or as a hybrid committee meeting (combined remote and in-person participation of members).

2. The relevant meeting documents will be made available as provided in these rules for in-person committee meetings.

CHAPTER XIII – CONGRESS THEMATIC SPOKESPERSONS

Rule 64 – Appointment and role

1. A committee or a bureau may propose a representative as a thematic spokesperson with responsibility for a particular issue relating to the Congress's priorities. Such a proposal, in the form of terms of reference, if not made by it, is subject to the approval of the Bureau of the Congress.

CHAPTER XIV – CODE OF CONDUCT OF CONGRESS MEMBERS⁶

Rule 68 – Submission of allegations of breach of the Congress Code of Conduct

6. In the case of voluntary resignation of the delegate concerned from his or her elected office or appointed position within the Congress, the Bureau shall determine, in view of the nature of the allegations, whether the procedure should be terminated.

Rule 69 – Type of sanctions or disciplinary action

2. Disciplinary action 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.

b. Permanent sanctions

- loss of elected office or appointed position within the Congress;

Rule 70 – Disciplinary action – procedure

5. A president of the Congress who has been dismissed or who has resigned as a result of a procedure instituted under Rule 65 shall not be granted the title of outgoing President of the Congress.

⁶ 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).

CHAPTER XV – RELATIONS WITH ASSOCIATIONS CONTRIBUTING TO THE COMPOSITION OF NATIONAL DELEGATIONS

Rule 71

National associations which are involved in the process of appointing national delegations are the natural partners of the Congress in the member countries and, as such, their representatives are:

- c. regularly invited to attend assizes or assemblies, especially in the context of the preparation of the priorities of the Congress for each 5-year mandate;

CHAPTER XVI – SPECIAL STATUS

Rule 72 – Special guest delegations

[Paragraph 8 is deleted.]

CHAPTER XVIII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS

Rule 83 – General provisions

1. The rules under this chapter define the arrangements for organising procedures for monitoring the commitments of Council of Europe member States which have signed and ratified the European Charter of Local Self-Government (ETS No. 122).

Rule 85 – Composition of a monitoring delegation

1. A monitoring delegation shall comprise two rapporteurs, either one from the Chamber of Local Authorities and one from the Chamber of Regions or two from the Chamber of Local Authorities as appropriate, as well as one consultant, and one or more members of the Congress secretariat. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English or French.

Rule 90 – Adoption and follow-up of recommendations

3. In pursuance of Article 12, paragraph 2, of the Congress Charter, 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.

CHAPTER XX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE

Rule 94 – General provisions

The present rules define the arrangements for organising the post-monitoring and post-electoral political dialogue with all levels of government of the Council of Europe member States with the aim of pursuing a political dialogue with national authorities of member States in order to implement the Congress recommendations addressed to the authorities.

CHAPTER XXI – SECRETARIAT AND BUDGET

Rule 100 – Secretary General of the Congress

3. The Secretary General of the Congress is elected in accordance with the following procedure:
 - e. Appointment of candidates
 - iii. The Bureau shall:
 - approve the order of preference or draft a new order of preference, if necessary, via a secret ballot,

- establish the final list of candidates to be proposed to the Congress taking all or part of the preselection committee's short-list, and
 - make the final list publicly available (in order of preference) together with the candidates' curricula vitae and presentation documents (not exceeding four A4 pages), no later than 20 days before the session at which the election is to be held.
- f. In accordance with Rule 40.1, candidates for the post of Secretary General proposed by the Bureau shall address the Congress for no longer than 3 minutes in order to present their candidacy. No questions may be asked.
- g. The election for the post of Secretary General shall be conducted by secret ballot (which may be held electronically), in accordance with Rule 15.3. If there is only one candidate, the ballot must provide for votes in favour, votes against and abstentions.
- h. In the event of a tie between several candidates, preference shall be given to the candidate from the under-represented sex in the grade of the post to be filled within the Council of Europe. If the candidates are of the same sex, the candidate who is senior in age shall be elected.

Rule 102 – Budget

1. The Secretary General of the Congress shall draw up an estimate of the budgetary needs of the Congress which will be examined by the Bureau of the Congress in the form of a preliminary draft recommendation. The preliminary draft recommendation, once approved by the Bureau, must be submitted in the form of a draft recommendation to the Congress for adoption.

APPENDIX I – Apportionment by country of seats on committees

	Number of seats	Monitoring	Governance	Current Affairs	Seat at delegations' discretion	
2	ANDORRA	1	1	1		
	LIECHTENSTEIN	1	1	1		
	MONACO	1	1	1		
	SAN MARINO	1	1	1		
3	CYPRUS	1	1	1		
	ESTONIA	1	1	1		
	ICELAND	1	1	1		
	LATVIA	1	1	1		
	LUXEMBOURG	1	1	1		
	MALTA	1	1	1		
	MONTENEGRO	1	1	1		
	SLOVENIA	1	1	1		
	NORTHERN MACEDONIA	1	1	1		
4	ALBANIA	2	1	1		
	ARMENIA	2	1	1		
	IRELAND	2	1	1		
	LITHUANIA	2	1	1		
5	BOSNIA AND HERZEGOVINA	2	1	1		1
	CROATIA	2	1	1		1
	DENMARK	2	1	1		1
	FINLAND	2	1	1		1
	GEORGIA	2	1	1		1
	MOLDOVA	2	1	1		1
	NORWAY	2	1	1		1
	SLOVAK REPUBLIC	2	1	1		1
6	AUSTRIA	2	2	2		
	AZERBAIJAN	2	2	2		
	BULGARIA	2	2	2		
	SWEDEN	2	2	2		
	SWITZERLAND	2	2	2		
7	BELGIUM	3	2	2		
	CZECH REPUBLIC	3	2	2		
	GREECE	3	2	2		
	HUNGARY	3	2	2		
	NETHERLANDS	3	2	2		
	PORTUGAL	3	2	2		
10	ROMANIA	4	3	3		
12	POLAND	4	4	4		
	SPAIN	4	4	4		
	UKRAINE	4	4	4		
18	FRANCE	6	6	6		
	GERMANY	6	6	6		
	ITALY	6	6	6		
	RUSSIAN FEDERATION	6	6	6		
	TURKEY	6	6	6		
	UNITED KINGDOM	6	6	6		

APPENDIX III – GUIDELINES FOR THE FUNDING OF POLITICAL GROUPS FROM THE CONGRESS BUDGET

5. In the first week of January of each year, the president of each political group shall send to the Secretary General of the Congress the complete list of members of the group. This information will be checked against the information contained in the Congress's database ("Who's who") which indicates the affiliation of each Congress member. As new members are appointed to the national delegations in the course of the year, the political groups inform the Congress Secretariat of the affiliation of these members. The provisions of paragraph 7 shall apply.

6. In the case of a discrepancy concerning the numbers of members affiliated to a group, the Secretary General of the Congress shall inform the group in question and ask it to clarify the number of registered members.

**ADMINISTRATIVE ARRANGEMENT
BETWEEN THE COUNCIL OF EUROPE AND
THE [Name and initials of the group]**

The Council of Europe, which has its Head Office at Avenue de l'Europe, F-67075 Strasbourg, France, represented by [Name], Secretary General of the Congress of Local and Regional Authorities (hereinafter referred to as "the Council of Europe"),

on the one hand, and

the [Name, initials and address of political group], represented by [Name], President, [address, e-mail] (hereinafter referred to as "the Beneficiary")

on the other hand,

have agreed as follows:

The Council of Europe and the Beneficiary shall abide by the Congress Rules and Procedures (2020) No 9, 10, 11 and 12, as well as by the obligations contained in the Guidelines for the funding of political groups from the Congress budget adopted by the Bureau of the Congress on 17 September 2013, as well as the present Administrative Arrangement. They agree to act as regards any matter dealt with in this Administrative Arrangement in a manner guaranteeing the smooth and efficient exchange of required information and transfer of funds.

ARTICLE 1 - SUBJECT

1. The subject of this Arrangement is the payment, by the Council of Europe, of an annual allocation for the expenses to be met for the functioning of the Beneficiary.
2. The Beneficiary will be awarded the funding on the following terms and conditions:
 - (a) Each year, once the overall Congress budget is approved by the Committee of Ministers of the Council of Europe, the Secretary General of the Congress shall allocate an amount for the functioning of all political groups for a given year proportionally to its registered members by 1 January of the relevant year;
 - (b) The budget allocated to the political groups shall be calculated in accordance with Rule 9.2. of the Congress Rules and Procedures;
 - (c) The figures for the calculation of the annual allocation to the [name of political group] will be established in an exchange of letters between the president of the [name of political group] and the Secretary General of the Congress in the first week of the relevant year.
 - (d) Each year, the allocation to each political group shall be calculated on the basis of the registered members of the group as of 1 January.

ARTICLE 2 - VALIDITY

This Administrative Arrangement will be applied in [specify the years]. A new Administrative Arrangement covering the following two-years will enter into force when signed by both parties concerned. The amount allocated for each year will be established according to Art. 1 (2) c of this Arrangement.

ARTICLE 3 - OBLIGATIONS OF THE BENEFICIARY

The Beneficiary undertakes:

- (a) to use this funding exclusively for its functioning and in particular for the following eligible expenses:
 - expenditure of secretariat staff (salaries, insurance)
 - administrative expenses (office postage, telephone, office supplies)
 - group meetings, missions and interpretation costs (other than those covered by the Congress on the occasion of Congress sessions) and translation costs;

- (b) to make no profit through the Council of Europe funding; unspent funds at the end of a budgetary year shall be considered an advance for the following year and shall be deducted from the following year's allocation when the instalment is paid;
- (c) to establish internal control procedures and independent auditing structures regularly reporting to the plenary assembly of the group;
- (d) to transmit to the Secretary General of the Congress of the Council of Europe preferably before the end of the Congress spring session, a request for payment signed by the President together with:
 - a provisional list of expenses for the year for which the Congress allocation is granted (model 1 in Appendix I of the Administrative Arrangement) in English or French);
 - a statement of expenses made during the previous year (model 2 in Appendix I of the Administrative Arrangement), in English or French;
 - the relevant extract of the minutes of the group's plenary assembly at which the auditors' report was adopted;
- (e) to relinquish the right to the payment of the funding if the documents specified in Article 3(d) and (i) are not received by the Council of Europe;
- (f) in accordance with the financial rules in force at the Council of Europe, to archive for at least the past 10 years its books and all supporting documents which shall be made available upon request by the Council of Europe Secretariat or its external auditors;
- (g) when acting under this Administrative Arrangement, to observe any applicable laws and to ensure that the Council of Europe is not held liable in respect of a third party;
- (h) to take appropriate measures to prevent irregularities, fraud, corruption or any other illegal activity in the management of the allocated amount. All suspected and actual cases of irregularity, fraud and corruption related to this Administrative Arrangement as well as measures related thereto taken by the Beneficiary must be reported to the Secretary General of the Congress;
- (i) to adapt its statutes if necessary, in order to comply with the Guidelines for the funding of political groups adopted by the Bureau of the Congress on 17 September 2013. Payment shall only be made once the statutes in force comply with these Guidelines.

ARTICLE 4 - PAYMENT ARRANGEMENTS

The Council of Europe shall pay the allocation mentioned above under Article 1(2) in a single instalment, at the latest one month after the receipt of the requested documentation as laid down in Art 3. (d) and when the group's statutes are in conformity with the Guidelines (Art. 3 (i));

2. Payments will be made in euros.

1. The above-mentioned allocation will be paid by bank transfer to the following account opened in the name of the Beneficiary:

Account holder: [...]

Full bank account number (RIB): [...]

IBAN Code: [...]

SWIFT Code: [...]

Bank name: [...]

Bank address: [...]

ARTICLE 5 - APPENDIX I

Appendix I to this Arrangement describes the model for submitting the provisional list of expenses for a given year and the model for submitting the statement of expenses at the end of the year. It forms an integral part of this Arrangement.

ARTICLE 6 - CONFLICT OF INTERESTS

1. The Beneficiary undertakes to take all necessary precautions to avoid any risk of a conflict of interests and shall inform the Council of Europe without delay of any situation constituting or likely to lead to any such conflict.
2. A conflict of interests exists where the impartial and objective exercise of the functions of any person under this Administrative Arrangement is compromised for reasons involving family or private life, political or national affinity, economic interest or any other interest shared with another party.

ARTICLE 7 - CONFIDENTIALITY

The Council of Europe and the Beneficiary undertake to preserve the confidentiality of any document, information or other material directly related to this Administrative Arrangement and duly classified as confidential, for a minimum of 10 years after the date of transmission of the statement of expenses under Article 3(d) of this Arrangement.

ARTICLE 8 - ELIGIBLE EXPENSES

Eligible expenses under this Arrangement-must:

- be necessary for the functioning of the political group, be provided for specifically in this Arrangement, and comply with the principles of sound financial management, in particular value for money and cost-effectiveness;
- have actually been incurred during the implementation period of this Arrangement;
- be recorded in the Beneficiary's or Beneficiary's partners' accounts, be identifiable, be backed by originals of supporting evidence (as the case may be, in electronic form).

ARTICLE 9 - ACCOUNTS AND TECHNICAL AND FINANCIAL CHECKS

1. The Beneficiary shall keep accurate and systematic records and accounts in respect of the implementation of the activities financed.
2. The accounting regulations and rules of the Beneficiary shall apply, on the understanding that these regulations and rules conform to nationally or internationally accepted standards.
3. The Beneficiary shall, for a minimum of 10 years from the date of transmission of the statement of expenses under Article 3(d) of this Arrangement keep financial and accounting documents concerning the activities financed.
4. The Council of Europe and its external auditors may undertake checks (related to the uses of the funds allocated by this Administrative Arrangement, in full respect of the political autonomy of the group.

ARTICLE 10 - BALANCE OF THE COUNCIL OF EUROPE FUNDING IN CASE OF TERMINATION OF THE POLITICAL GROUP

In cases where the Beneficiary ceases to exist, the funds that remain unspent after all liabilities incurred in this period have been satisfied, including any interest earned, will be reimbursed to the Council of Europe.

ARTICLE 11 - TERMINATION

The Council of Europe reserves the right to terminate this Arrangement and the Beneficiary undertakes to repay the funding in the following cases:

- if the Beneficiary fails to use the funding for the purpose of the activity; or
- if the Beneficiary fails to submit the documentation as laid down in Art.3.(d) and (i); or
- if the Beneficiary fails to fulfil any of the terms of this Arrangement.

ARTICLE 12 - AMENDMENTS

The provisions of this Arrangement may be amended only by written agreement between the Parties (the Council of Europe and the Beneficiary).

ARTICLE 13 – DISPUTES

Any dispute regarding this Arrangement shall – failing a friendly settlement between the parties – be submitted to arbitration in accordance with Rule No. 481 of 27 February 1976 (see Appendix II) issued by the Secretary General with the approval of the Committee of Ministers, as provided in Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe.

Done in two copies, in [*if the Parties are not physically present at the same place when signing the arrangement, insert the duty station of the person representing the Secretary General*] this date of [*if the Parties are not physically present at the same place when signing the arrangement, insert the date of the last signature*].

Date: ...

For the Council of Europe

For the Beneficiary

[*Name*]
Secretary General of the Congress

[*Name*]
President of [*Name of political group*]

APPENDIX I to the ADMINISTRATIVE ARRANGEMENT

Model 1

[Political group concerned: *[Name and initials]*]

**USE OF CONGRESS ALLOCATION
PROVISIONAL LIST OF EXPECTED EXPENSES FOR THE YEAR [... fill]**

Type of expenditure	Estimated Amount	Comment
Secretariat staff (salaries, insurance)		
Administrative expenses		
Meetings and interpretation and translation costs		
Miscellaneous/ others		
Total expenditure expected as at 31.12....		
Comments		
Signatures	President	Treasurer

APPENDIX I to the ADMINISTRATIVE ARRANGEMENT

Model 2

Political group concerned: [Name and initials]

**USE OF CONGRESS ALLOCATION
STATEMENT OF ACTUAL EXPENSES INCURRED IN THE YEAR [... fill]**

Type of expenditure	Amount	Period or Date	Comment
Secretariat staff (salaries, insurance)			
Administrative expenses			
Meetings and interpretation and translation costs			
Miscellaneous / others			
Total expenditure (31/12/..)			
Comments			
Signatures	President	Treasurer	Auditors (2)

Attachment: cf. Art 3 (d)

The relevant extract of the minutes of the plenary assembly of the group at which the auditors' report was adopted.

APPENDIX II to the ADMINISTRATIVE ARRANGEMENT
Rule No. 481 of 27 February 1976

The Secretary General of the Council of Europe,

Having regard to the Statute of the Council of Europe, of 5 May 1949, and in particular its Articles 11 and 40,

Having regard to the General Agreement on Privileges and Immunities of the Council of Europe signed on 2 September 1949, and in particular its Articles 1, 3 and 21, as well as the Special Agreement relating to the seat of the Council of Europe signed on 2 September 1949,

Considering that it is appropriate to determine the arbitration procedures for any disputes between the Council and private persons regarding supplies furnished, services rendered or immovable property purchased on behalf of the Council,

Having regard to the decision of the Committee of Ministers of the Council of Europe at the 253rd meeting of the Deputies,

Decides

ARTICLE 1

Any dispute relating to the execution or application of a contract covered by Article 21 of the General Agreement on Privileges and Immunities of the Council of Europe shall be submitted, failing a friendly settlement between the parties, for decision to an Arbitration Board composed of two arbitrators each selected by one of the parties, and of a presiding arbitrator, appointed by the other two arbitrators: in the event of no presiding arbitrator being appointed under the above conditions within a period of six months, the President of the Tribunal de Grande Instance of Strasbourg shall make the appointment.

ARTICLE 2

However, the parties may submit the dispute for decision to a single arbitrator selected by them by common agreement or, failing such agreement, by the President of the Tribunal de Grande Instance of Strasbourg.

ARTICLE 3

The Board referred to in Article 1 or, where appropriate, the arbitrator referred to in Article 2 shall determine the procedure to be followed.

ARTICLE 4

If the parties do not agree upon the law applicable the Board or, where appropriate, the arbitrator shall decide *ex aequo et bono* having regard to the general principles of law and to commercial usage.

ARTICLE 5

The arbitral decision shall be binding upon the parties and there shall be no appeal from it.

Strasbourg, 27 February 1976

Georg KAHN-ACKERMANN
Secretary General

STATUTORY FORUM

Local and regional elections in major crisis situations

Resolution 455 (2020) ¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers, in particular, to:

- a. The International Covenant on Civil and Political Rights (ICCPR) (1966);
- b. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966);
- c. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR (1950);
- d. The Statutory Resolution CM/RES(2020)1 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;
- e. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
- f. The Venice Commission Code of Good Practice in Electoral Matters, Opinion 190(2002);
- g. The Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member States” (2020);
- h. The Venice Commission report on Respect for Democracy, Human Rights and the Rule of Law during States of Emergency (2020);
- i. Recommendation 419(2018) of the Congress of Local and Regional Authorities on Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and regions adopted on 6 November 2018.

2. The Congress refers to the COVID-19 pandemic as a perfect example of crisis situation that shows the difficulties states and electoral authorities may be confronted with regarding the decision to hold or postpone elections, at all levels of government, in the face of risks to the life, health and security of the population. It acknowledges that not all electoral standards can be kept in major crisis situations including pandemics, natural disasters or armed conflicts. However, it stresses that a minimum core of electoral principles have to be upheld at all times for elections, including at local and regional level, to be meaningful and to enjoy the trust of the public in a democratic, pluralistic and accountable political environment.

¹ Discussion and adoption by the Statutory Forum on 28 September 2020 (see document CG-FORUM(2020)01-05, explanatory memorandum), rapporteurs: Stewart DICKSON, United Kingdom (R, ILDG) and Jos WIENEN, Netherlands (L, EPP/CCE).

3. Against this background, the Congress points to the role of election observation as an internationally recognised barometer for the assessment of the democratic development of a country. Having been granted the mandate to observe elections at the grassroots' level, it recalls the importance of this confidence-building measure within the set of statutory Congress activities which entails, in particular, the possibility to maintain a platform for dialogue with domestic authorities and to exchange with civil society, media representatives and domestic observers.

4. At the same time, the Congress recognises that major crisis situations may require also a "default strategy" as regards its core activities.

5. In the light of the foregoing, the Congress:

a. tasks its relevant bodies with developing an alternative strategy for on-site election observation as regards the rapid response to invitations from Council of Europe member States to observe grassroots' elections during major crisis situations while maintaining the integrity of the environment (protection of the health and life of election observers, ensuring safety, respecting domestic rules and mitigating measures in place in the countries holding elections as well as in the countries of origin of the Congress election observers);

b. underlines that any alternative strategy for on-site election observation will be of a temporary nature only during the duration of a major crisis and is no substitute for a fully-fledged election observation mission in the frame of the statutory activities of the Congress.

6. On the basis of this initial report, the Congress commits itself to continued co-operation with the Committee of Ministers, the Parliamentary Assembly and the Venice Commission as well as with international partner organisations in order to collect, compare and evaluate good practice examples related to elections during the COVID-19 crisis in view of further recommendations with regard to the local and regional level of government.