The Congress of Local and Regional Authorities



19th SESSION CG(19)5 25 September 2010

The reform of the Congress: structure and working methods

Bureau of the Congress Rapporteurs: Halvdan Skard, Norway (L, SOC¹) Günther Krug, Germany (R, SOC)

A.	Draft resolution	2
В.	Explanatory memorandum	20

Summary

The Congress has reflected at length upon its mission, its political role, its place within the Council of Europe and on the European scene, and also upon its structures and working methods with the aim of improving its efficiency, transparency and the quality of its contribution to the work of the Council of Europe.

The proposals presented by the Rapporteurs are the result of consultation, at key stages, of the Congress' members, and also its partners, the national and European associations of local and regional authorities. If approved, they will enable the Congress to set in motion, in the aftermath of its 19th Session, as many practical improvements as it can in the immediate to short term, while planning for further important and wide-ranging modifications over the next two-year mandate.

Amongst proposals are such structural changes as an extended mandate of four years for members, the replacement of the Standing Committee by a Statutory Forum comprised of heads of delegations and Bureau members as well as three new committees to replace the four existing ones. In addition, the Bureau's political role will be reaffirmed and provisions governing the representation of the underrepresented sex in delegations will be clarified and strengthened.

The Rules of Procedure of the Congress, which are appended, have been revised to take into account the reform proposals. Changes to the Congress Charter and Statutory Resolution required by the reform have been submitted to the Congress for adoption as an appendix to a recommendation to the Committee of Ministers.

ILDG: Independent and Liberal Democrat Group of the Congress

EPP/CD : Group European People's Party – Christian Democrats of the Congress

SOC : Socialist Group of the Congress

NR : Member not belonging to a Political Group of the Congress



¹ R : Chamber of Regions / L : Chamber of Local Authorities

A. DRAFT RESOLUTION¹

- 1. Local and regional democracy and the principle of subsidiarity are the basic conditions for the construction of a Europe close to citizens, based on democracy, human rights and the rule of law.
- 2. The Congress reiterates the vital role of local and regional authorities, both at national and European level in implementing these values and for monitoring, promoting and developing local and regional democracy. It reaffirms its willingness to contribute to the work of the Council of Europe in its capacity as a political assembly of locally and regionally elected representatives.
- 3. The Congress will continue to ensure that its mission is in line with policy developments and trends in European societies.
- 4. In this regard, the Congress has reflected at length upon its mission, its political role, its place within the Council of Europe and on the European scene, and also upon its structures and working methods in light of a reform process which will enable it to improve its efficiency, transparency and the quality of its contribution to the work of the Council.
- 5. It welcomes the progress already achieved by adopting guidelines for the observation of elections and for the preparation of missions and progress reports as major steps of the reform process.
- 6. Moreover, the Congress wishes to make its reform part of that of the Council of Europe, which has been undertaken by Secretary General Thorbjørn Jagland with the support of the Committee of Ministers, while respecting the specific role and identity of the Congress.
- 7. The Congress supports the approach taken to involve all its members, national delegations and national associations of local and regional authorities at different stages of the reform. These transparent and democratic procedures have allowed it to benefit from the experience of all these entities.
- 8. While the Congress will now have the structures and working methods needed to fulfil its mission in a more targeted, more effective and more visible way, it will commit to an ongoing process of adaptation and improvement with a view to further strengthening its implementation of the core values of the Council of Europe: democracy, rule of law and human rights.
- 9. Given the above, the Congress resolves the following:

9.1 as regards the structures:

- a. the term of office of members of the Congress is extended to 4 years;
- b. in addition to the head of delegation, delegations shall elect a deputy;
- c. the renewal of the Bureau and of the Chairs and Vice-Chairs of the committees is on a two-yearly basis;

Bureau members:

Y. Mildon, President of the Congress, I. Micallef, President a.i of the Congress and President of the Chamber of Local Authorities, L. Sfirloaga, President of the Chamber of Regions, D. Suica, G. Krug, A. Knape, H. Zach, I. Borbely, J-C. Frécon, S. Orlova, F. Pellegrini, K. Andersen, E. Yeritsyan, I. Michas, O. Van Veldhuizen and N. Romanova

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

Bureau Secretariat : D. Rios, L. Taesch

¹ Preliminary draft resolution approved by the Bureau of the Congress on 17 September 2010

- d. at least 30% of Representatives and 30% of Substitutes in a delegation must be of the underrepresented sex. This provision shall enter into force with the next general renewal of delegations;
- e. the Bureau is the executive body of the Congress and the political steering organ responsible for ensuring continuity of activities between sessions of the Congress. It is responsible for the external relations and political affairs of the Congress. The presidents of political groups and chairs of committees shall be ex-officio members without voting rights;
- f. the Standing Committee shall become the Statutory Forum:
- i. the Forum is convened by the President of the Congress on the Bureau's decision and acts on behalf of the Congress;
- ii. the Forum is composed of the heads of all national delegations and members of the Bureau of the Congress. Heads of delegation may be represented *ad personam* by their deputy heads;
- g. three committees shall be created:
- i. a Committee on the Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (ECLSG) (to be known as the Monitoring Committee) responsible, in particular, for monitoring the European Charter of Local Self-Government (ECLSG) as well as institutional developments in Europe's regions, for preparing reports on the situation of local and regional democracy in Europe and for monitoring specific questions related to local and regional democracy in the member states;
- ii. a Governance Committee responsible for affairs falling within the scope of the Congress' statutory mandate such as governance, public finance, cross-border and interregional co-operation and edemocracy as well as co-operation with intergovernmental bodies;
- iii. a Current Affairs Committee responsible for ensuring a swift response to the major challenges of our society and preparing work on thematic issues such as social cohesion, education, culture and sustainable development from the point of view of the Council of Europe's core values;
- *h.* though composed of members from the Chamber of Local Authorities and the Chamber of Regions, the committees will meet in plenary only.

9.2 as regards the activities and documents of Congress:

- a. the texts adopted by the Congress shall be more succinct and more political, and will be subject to a clearer and more concrete follow-up procedure.
- b. priority will be given to issues inherent to the mission of Congress, such as the situation of local and regional democracy and election observation.
- **9.3** as regards the Rules of Procedure of the Congress, which are appended, they have been revised to take into account the foregoing.

9.4 as regards the Charter of the Congress and the Statutory Resolution of the Committee of Ministers:

- a. changes to the Charter and to the Statutory Resolution resulting from the reform will be submitted to the Congress for adoption as Recommendation XX (2010) to the Committee of Ministers.
- b. amendments to the Charter shall come into force after adoption by the Committee of Ministers, and shall subsequently be transposed into the Rules of Procedure.
- 10. The Congress decides to proceed with a general revision of the Rules of Procedure with a view to further simplifying, clarifying and streamlining the procedures and working methods of the Congress in line with the proposals of the Rapporteurs. The Congress therefore mandates the Bureau to appoint two co-Rapporteurs for this general revision and the secretariat to submit proposals to the Bureau following the adoption, by the Committee of Ministers, of a revised Statutory Resolution and Charter.
- 11. The Congress instructs the secretariat to implement all elements of the reform as outlined in Resolution 305 (2010) and its explanatory memorandum CG(18)16 adopted by the Standing Committee on 18 June 2010 which may be applied without amendments to the Rules of Procedure and to inform the Bureau about the measures taken.
- 12. The Congress adopts the Rules of Procedure of the Congress and its Chambers, as appended, which replace the Rules of Procedure of the Congress and its Chambers adopted in 2008.

Appendix

This appendix contains only those sections of the Rules subject to modification. Proposed additions appear in **bold**.

Text to be deleted is struck out.

Rules of Procedure of the Congress and its Chambers

[...]

In these Rules of Procedure:

"plenary session" is used in the same sense as "ordinary session", which is used in the Congress Charter:

[...]

Chapter II – Membership of the Congress and its Chambers

Rule 2 Official procedures for the appointment of Representatives and Substitutes

[...]

These procedures shall be submitted to the Bureau of the Congress for approval two months before the opening of the session to which they apply for the first time.

The Bureau shall consider whether they meet the requirements set out in Articles 2, 3 and 7 of the Charter as well as in these Rules of Procedure. The Bureau shall report to the Congress and, if necessary, inform the Secretary General of the Council of Europe of the approval or rejection of these procedures so that he/she can inform the state concerned. Any person who is appointed to the Congress following a procedure not ratified approved by the Congress shall not be considered a member of the Congress.

3. In order to ensure an equitable representation of women and men in the Congress, national delegations shall comprise members of both sexes with a participation of at least 30% of the underrepresented sex¹. This minimum of 30% concerns all members (both Representatives and Substitutes) of a delegation), and should be strictly complied with, even in the case of incomplete appointment of the delegation.

[...]

4 Members of the Chamber of Regions must be from authorities placed between central government and local authorities, enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity².

In particular, member states which do have regions with legislative powers shall include members from these regions in the Chamber of Regions.

If a country has authorities which cover a large area and exercise both local and regional responsibilities, representatives of such authorities shall also be entitled to sit in the Chamber of Regions. A list of these authorities shall be provided in the context of the national appointment procedure³.

See Article 2.2.*d* of the Charter

See Article 2.4 of the Charter

See Article 2.4 of the Charter

Member states which do not have regional authorities within the meaning of the previous paragraph shall be able to send members to the Chamber of Regions and its organs in an advisory capacity (not entitled to vote).¹

The list of those countries shall be determined by the Bureau of the Congress on the proposal of the Institutional—Governance Committee of the Congress, following consultation of the national delegations.²

Rule 3 Verification of credentials

[...]

2 Members whose credentials are contested by the Bureau shall provisionally sit with the same rights as other members of national delegations until the Congress, or the Standing Committee on its behalf, has ruled on the matter. However, such members may not take part in any vote relating to the verification of credentials or of the appointment procedures.

Where the composition of a national delegation does not comply with Article 2.2 of the Charter, its members can may only attend Congress meetingssittings without voting rights, nor-without refund of expenses (see Article 4.2 of the Charter), and without speaking rights of participation in debates.

[...]

Rule 4 Term of office of Representatives and Substitutes

[...]

2. In the event of the death or resignation of a Representative or Substitute or of loss of the mandate referred to in Article 2.1 of the Charter, a replacement shall be appointed in accordance with the same rules and procedures for the remainder of his/her predecessor's term. A Representative or Substitute who loses the mandate mentioned in Article 2.1 of the Charter may not remain a member of the Congress for longer than six months after the loss of his or her mandate.³ The date of loss of mandate shall be notified clearly by the national delegation to the Congress Secretariat within one month of said loss. A member who resigns his/her mandate shall notify the President of the Congress and inform their national delegation in writing stating clearly the date at which said resignation takes effect.

[...]

Rule 5 Substitutes

Any Representative prevented from attending a sitting of the Congress may nominate as his/her replacement a Substitute to the Congress from his/her national delegation. He/she must give notice thereof in writing to the Congress's secretariat and his/her national delegation as soon as possible.

[...]

4 Travel and subsistence expenses will only be reimbursed for Substitutes duly mandated to replace a Representative for any given meeting.

See Article 2.4 of the Charter

See Article 2.4 of the Charter

See Article 2.6 of the Charter

Rule 6 National delegations

[...]

2 Each national delegation shall appoint elect from among its members, and according to its own clearly stated procedures, a head of delegation and a deputy head. It shall also appoint a secretary of delegation who should be an official from a local or regional authority or association.

[...]

Chapter IV – Observer status and Co-operation agreements

Rule 8 Observer status and Co-operation agreements

[...]

The **Congress, or the** Standing Committee of the Congress **between sessions**, may grant observer status to other organisations that request it, **upon recommendation of the Congress Bureau**. In that case, these organisations will have the status of observer to the Congress and its Chambers.

[...]

Other organisations may apply for observer status with a Chamber. Where such an application is received, the relevant Chamber Standing Committee of the Chamber Shall make a decision on this upon recommendation of the Bureau of the Chamber. In this case, these organisations will have the status of observer to the relevant Chamber only.

[...]

Chapter VII - President, Standing Committee and Bureau of the Congress

[...]

Rule 12 Election of the President of the Congress

[...]

3 The President of the Congress shall be elected by secret ballot. Two tellers per ballot box, chosen by lot, shall count the votes cast.

If, after two ballots, no candidate has obtained an absolute majority of the Representatives or of their Substitutes duly nominated according to Rule 5.1 of these Rules of Procedure and whose credentials have been ratified by the Congress, the candidate who, on the third ballot, receives a relative majority of the votes cast shall be declared elected. In the event of a tie, lots shall be drawn.

When the Congress is presented with a sole candidate, the individual is declared elected by a show of hands without proceeding to a ballot, unless a ballot is requested by at least 25 Representatives or Substitutes duly nominated in accordance with Rule 5.1 of these Rules of Procedure and whose credentials have been ratified by the Congress.

See Article 5.1 of the Charter

[...]

Rule 13 Elections of the Presidents of the Chambers and of the Vice-Presidents

[...]

No member of a Chamber may be a candidate for the office of President of the Chamber unless he/she has been nominated in writing by at least ten members sitting with full capacity in the Chamber, from at least four national delegations. Candidatures should be notified to the Executive Secretary of the Chamber at the latest two hours before the opening of the first sitting of the Chamber.

The Presidents of the Chambers shall be elected by secret ballot. Two tellers per ballot box, chosen by lot, shall count the votes cast.

The candidate who has obtained the absolute majority of the votes cast in the first ballot shall be declared elected. If no candidate has obtained this majority, the candidate obtaining a relative majority of votes cast in the second ballot shall be declared elected. In the event of a tie, lots shall be drawn.

When the Chamber is presented with a sole candidate, the individual is declared elected by a show of hands without proceeding to a ballot, unless a ballot is requested by at least 15 members of the Chamber present.

[...]

Rule 14 Term of office of the President and the Vice-Presidents

[...]

3 Should it be necessary for one of the Vice-Presidents to be replaced, his/her successor shall be elected in accordance with his/her Chamber's internal provisions.these Rules of Procedure. In the order of precedence he/she shall come after the Vice-Presidents previously elected.

Rule 15 Standing Committee

[...]

The standing committees of the Chambers are responsible for ensuring the continuity of the work of the Chambers and for acting on their behalf between plenary sessions. Paragraphs 1, 2 and 8 of the present rule shall apply *mutatis mutandis* to the Chambers. The standing committees of the Chambers can only meet on the occasion of the meetings of the Standing Committee of the Congress. They may approve draft resolutions, recommendations and opinions on behalf of the Chambers and perform any other tasks entrusted by these Rules of Procedure.

Rule 16 Bureaux of the Congress and its Chambers

The Bureau, which is the political body and executive organ of the Congress shall be responsible in the period between the sessions of the Congress and the Standing Committee (of which the members of the Bureau are ex officio members) and the Congress, for ensuring the continuity of the Congress's work.² It shall perform the following tasks entrusted to it by the Standing Committee or by the Congress.:

Correction in English version only
See Article 9.1 of the Charter

The Bureau of the Congress shall be responsible for the preparation of the plenary session of the Congress, the preparation of the order of business, the agenda of the sessions, the allocation of reports between the sessions, the co-ordination of the work of the two Chambers, in particular the distribution of questions between them, the co-ordination of the work of the statutory committees and the ad hoc working groups, the preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two Chambers¹.—

The Bureau may prepare reports and submit them for consideration and vote to the Chambers or to the Congress and, during the periods between sessions, to the Standing Committee, in particular with regard to the general policies of the Congress, the budget or the observation of elections.

It determines and updates the apportionment of full members' seats on statutory committees and the list of member states sitting in the Chamber of Regions in a consultative capacity only, in conformity with Rules 2.4 and 36.2 of these Rules of Procedure.

- adoption of proposals for the Congress' biennial priorities and work programme, and monitoring and evaluation of its implementation;
- adoption of proposals for revision of the Rules of Procedure and Charter of the Congress;
- verification of the official appointment procedures of national delegations and special guest delegations;
- verification of the conformity of the appointment of Representatives and Substitutes with the principles set out in the Charter and those of Rule 2 of these Rules of Procedure:
- approval of apportionment of full members' seats on statutory committees and the list of member states sitting in the Chamber of Regions in an advisory capacity only, in conformity with Rules 2.4 and 36.2 of these Rules of Procedure;
- consideration of the budget and in particular of the balanced allocation of budgetary resources between the Congress and the two Chambers;¹
- preparation of sessions (setting the date and informing the Presidents of the Parliamentary Assembly and the Committee of Ministers accordingly, agendas, guest speakers, requests for urgent procedure or current affairs debates, session follow-up etc);
- overseeing of all aspects of election observation missions, in particular the designation of delegations and choice of rapporteurs;
- preparation of reports for consideration and vote by the Chambers, the Congress or the Standing Committee, in particular with regard to the general policies of the Congress, the budget or the observation of elections;
- co-ordination of the work of the two Chambers, in particular the distribution of questions between them;
- adoption of the statutory committees' terms of reference, biennial work programmes and the terms of reference of the ad hoc working groups and co-ordination of their work;
- deliberation and decision on applications for observer status or special guest status for recommendation to the Congress or the Standing Committee;
- recognition of political groups on the basis of an ad hoc set of rules;
- drafting of cooperation agreements with relevant outside institutions;
- decisions on Congress representation in executive organs of relevant international bodies;
- decisions on external meetings of the bureaux, the statutory committees or working groups as well as Congress participation in events organised by other organisations.
- The Bureau of the Congress shall consist of the President of the Congress and the members of the bureaux of the Chambers. It shall be presided over by the President of the Congress. In addition, the presidents of the political groups and the chairs of the committees may be invited to take part in the meetings of the Bureau of the Congress without the right to vote.

See Article 9.2 of the Charter

See Article 9.3 of the Charter

The bureaux of the Chambers shall consist of their Presidents and their seven Vice-Presidents. The presidents of the political groups and the chairs of the committees may participate in the bureau meetings of both chambers irrespective of their chamber of origin, without voting rights.

- 43 The outgoing President of the Congress may attend meetings of the Bureau of the Congress, without the right to vote, provided that he/she continues to enjoy current membership of the Congress.
- In general, Mmeetings of the Bureau will be held *in camera*. However, the Bureau of the Congress may decide to invite observers to the whole or part of its meetings and organise hearings of individuals and organisations. When it sees fit, the Bureau may also invite to the whole or part of its meetings, in an advisory capacity, the chairpersons of the political groups, of the statutory committees, of the working groups, as well as the rapporteur of a committee or of a working group. Persons invited may speak only on those subjects for which they were invited. Members of the Bureau may be accompanied by one adviser of their choice.
- Paragraphs 1, 4 and 5 of the present rule shall apply *mutatis mutandis* to the bureaux of the Chambers when discharging for the Chambers the same duties as the Bureau of the Congress for the Congress.

Chapter VIII - Duties of the Chair, discipline and order

Rule 17 Duties of the Chair

[...]

When in the Chair, the President shall vote but not speak in debate.

The President may speak in a debate, **for example as Rapporteur on an issue**, from the floor of the conference room; in such cases he/she may not resume the Chair until that debate is over.

[...]

Chapter IX – Agenda and order of business of sessions

Rule 19 Settlement of the agenda

The Bureau of the Congress shall draw up the agenda for each session, co-ordinating the Chambers' sittings in line with the provisions of Article 9 of the Charter. Any question within the competence of the Congress, as defined in Article 2 of Statutory Resolution CM/Res(2007)6 may be placed on the agenda. It shall indicate whether a question on the agenda is to be discussed by a Chamber or by the Congress, and at which sitting it is to be discussed. This draft shall be communicated to the members of the Congress at least one month before the opening of the session.

- 2 The Bureau of the Congress may update the draft agenda. It shall submit it to the Congress for approval at its first sitting.
- 3 Where the Bureau has voiced a favourable opinion on a request for a debate under urgent procedure or a current affairs debate, it shall propose the necessary reorganisation of the draft agenda.

4 The bureaux of the Chambers shall draw up the agenda for their Chamber's sessions— The provisions of the present rule shall apply *mutatis mutandis* to both Chambers.

[...]

Rule 21 Order of business

The Bureau of the Congress shall draw up a draft order of business for each session. It shall indicate whether a question on the agenda is to be discussed by a Chamber or by the Congress, and at which sitting it is to be discussed. This draft shall be communicated to the members of the Congress at least one month before the opening of the session.

2 The Bureau of the Congress may update the draft order of business. It shall submit it to the Congress for approval at its first sitting¹.

3 Where the Bureau has voiced a favourable opinion on a request for a debate under urgent procedure or a current affairs debate, it shall propose the necessary reorganisation of the draft order of business, principally, where necessary, by the withdrawal of one or more items of equivalent length.

4 The provisions of paragraph 1 and the first sentence of paragraph 2 of the present rule shall apply mutatis mutandis to both Chambers.

Chapter X – Holding of sittings and rules governing the proceedings

Rule 22 Agendas of the sittings

- 1 At the end of each sitting, the Congress and Chambers, acting on a proposal by the Chair, shall fix the date, time and **draft** agenda for their next sitting.
- The agendas shall be drawn up having regard to the order of business ratified pursuant to Rules 21.2 and 21.4 above. They shall indicate the texts submitted for consideration where there are related draft recommendations, resolution or opinions, and those submitted for debate only.

[...]

Rule 24 Reference to committees

- The Bureau of the Congress shall consider all requests for an opinion presented by the Committee of Ministers or the Parliamentary Assembly, all motions presented by the members of the Congress and admitted for future examination, all proposals presented by a committee as well as all memoranda submitted by special guest delegations or organisations enjoying observer status with the Congress. It shall decide to refer them to a committee or to a Chamber committee, or to submit them to a committee or to a Chamber committee for information, or, exceptionally, to set up a working group or to take no further action.
- Reference to a committee or to a Chamber committee a-shall be accompanied by clear terms of reference, appended to the decision of the Bureau and transmitted to the statutory committee or the Chamber committee-concerned.
- 3 Reference to a statutory committee or to a Chamber committee shall lapse after two years or, at the request of the committee concerned, by decision of the Bureau.

[]		

See Rule 42.7 of these Rules of Procedure

Rule 27

Amendments and sub-amendments

Any member may propose amendments and sub-amendments to a text under consideration by the Congress. Amendments must be tabled and signed by at least five Representatives (or duly mandated Substitutes) from at least two delegations.

[...]

The Chair shall decide whether the amendments and sub-amendments are in order. These shall be signed by their author and shall be tabled so as to leave sufficient time for them to be printed and distributed before they are discussed and, in any case, in so far as amendments are concerned, at the latest at 4.00 p.m. at 10.00 a.m. on the eve of the day on which the debate is opened on the texts to which they refer. However, after consultation with the Chair or the rapporteur of the statutory committee or the working group concerned, the Chair may exceptionally declare an oral amendment or sub-amendment to be in order if, in his/her opinion, it is designed to clarify, to take account of new facts or to lead to conciliation, and if there is no opposition to it being debated.

[...]

8 During examination of an amendment or sub-amendment, unless the Congress decides otherwise, the only speakers authorised shall be **one of** the authorauthors of, or another member moving, the amendment or sub-amendment, one speaker against and the rapporteur and the Chair of the statutory committee or working group, each of them for one minute. An amendment or sub-amendment which is not moved during the sitting by **one of** its author or by another memberauthors shall not be examined. An amendment or sub-amendment which has been withdrawn by its authorauthors may not be moved.

[...] Rule 28 Right to speak

[...]

3 Substitutes have the right to speak to the Congress when they are rapporteurs on a question under discussion or Chair of a statutory committee or a working group concerned by the question, or are duly mandated to replace a Representative.

[...]

Chapter XII -- Statutory committees

Rule 36

Constitution of statutory committees

- 1 In the course of each session for which the national delegations are renewed, the Congress shall constitute the following **three** statutory committees:
 - a a Committee on the Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (ECLSG) (to be known as the "Monitoring Committee");
 - b. a Governance Committee;
 - c. a Current Affairs Committee.
 - an Institutional Committee:
 - b a Culture and Education Committee;
 - c a Committee on Sustainable Development;
 - d a Committee on Social Cohesion.

2 bis The full terms of reference of the committees shall be approved by the Bureau.

2. The criteria for the apportionment of seats on the statutory committees shall be determined and updated by the Bureau of the Congress¹ in such a way as to guarantee the principle that each member of the Congress shall have the right to one seat on a committee. In this respect equitable distribution of Representatives and Substitutes shall be ensured when nominating the under-represented sex. A Congress member may be a full member of one committee only, including the Standing Committee². Both Representatives and Substitutes in the Congress may be full committee members. However, the total number of full members of committees, including the Standing Committee, to which each country is entitled equals the number of Representatives its national delegation has in the Congress.

[...]

The national delegations shall address candidatures for the statutory committees to the President Secretary General of the Congress no later than the day preceding the opening of the session. The President shall submit them to the Congress for approval or, between sessions, to the Standing Committee or, failing that, to the Bureau of the Congress. Any objection shall be submitted by the President of the Congress to the national delegation concerned. In the event that confirmed nominations or new nominations should give rise to objections, the Congress or the Standing Committee shall settle the matter by secret ballot as swiftly as possible.

[...]

Rule 37 Powers of the statutory committees

- 1 The powers of the statutory committees are as follows:
 - a Committee on the Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (ECLSG) (to be known as the "Monitoring Committee") responsible, in particular, for monitoring the European Charter of Local Self-Government (ECLSG) as well as institutional developments in Europe's regions, for preparing reports on the situation of local and regional democracy in Europe and for monitoring specific questions related to local and regional democracy in the member states;
 - b a Governance Committee responsible for affairs falling within the scope of the Congress' statutory mandate such as governance, public finance, cross-border and interregional cooperation and e-democracy as well as co-operation with intergovernmental bodies;
 - c a Current Affairs Committee responsible for studying the role of local and regional authorities with regard to the major challenges of our society and preparing work on thematic issues such as social cohesion, education, culture and sustainable development from the point of view of the Council of Europe's core values.

-

See Appendix 2 to these Rules of Procedure for the criteria for the apportionment by country of full members' seats on committees

See Article 5 of Statutory Resolution CM/Res(2007)6

- the Institutional Committee shall be responsible in particular for preparing reports on the situation of local and regional democracy in the member states and in states applying for membership¹, for regionalisation in Europe and for monitoring all specific questions related to local and regional democracy in the member states. The Institutional Committee of the Chamber of Local Authorities shall be responsible, for monitoring the European Charter of Local Self-Government. The Institutional Committee of the Chamber of Regions shall monitor institutional developments in the regions of greater Europe, on the basis of the corresponding texts adopted by the Congress. The Institutional Committee is assisted in its spheres of activity by a group of independent experts.
- b—the Culture and Education Committee shall be responsible for the media, youth, sport and communication.
- c the Committee on Sustainable Development shall be responsible for the environment and spatial and urban planning.
- d the Committee on Social Cohesion shall be responsible for social and economic issues, in particular employment, citizenship, inter-community relations, public health and equality between women and men.

[...]

2. bis Committees will meet in plenary, but will discuss issues of interest to their local and regional members and prepare reports for the Congress and the two chambers. All committee members may participate in discussions on the texts presented, however, voting on Chamberspecific texts will be restricted to members of those Chambers.

[...]

Rule 38 Statutory committees of the Chambers

The Chairs and Vice-chairs of the statutory committees shall comprise a committee for the Chamber of Local Authorities and a committee for the Chamber of Regions, which may meet separately, but only during plenary meetings of the committees. The committees of the Chambers shall examine questions and adopt reports that fall within the exclusive scope of the corresponding Chamber of the Congress. Any matter considered by a committee of a Chamber may not be considered by a plenary meeting of that committee²:

2 The provisions of these Rules of Procedure relating to the statutory committees shall apply, mutatis mutandis, to the committees of the Chambers.

Rule 39 Chairs and Vice-Chairs of the statutory-committees

1 At the first meeting immediately after its constitution, a statutory-committee shall elect its Chair and as well as its first, second and third Vice-Chairs each Chamber committee shall also elect its Chair³, as well as a Vice-Chair. The Chairs and Vice-Chairs of the Chamber committees are the Vice-Chairs of the committee.

[...]

See Article 2.3 of Statutory Resolution CM/Res(2007)6

See Article 4.2 of Statutory Resolution CM/Res(2007)6

See Rule 32.b of these Rules of Procedure

Only full members of a committee may stand for election to the Chair or Vice-Chair of that committee. In addition, in the committees of the Chamber of Regions, only members sitting with full capacity in this Chamber may stand for election to the Chair or Vice-Chair of that committee.

Candidatures for the position of Chair and three Vice-Chairs must be presented to the secretariat by 6 p.m. at the latest on the day before the opening of the first committee meeting.

[...]

Rule 40

Meetings of statutory committees

The statutory committees shall meet at the convocation of their Chairs, within the limits of the budgetary resources allocated by the Bureau of the Congress¹.

The Institutional Committee shall normally be authorised to hold one more meeting per year than the other statutory committees.

[...]

Rule 42 Reports of statutory committees

[...]

- After a report has been ratified by a statutory committee, the committee shall suggest to the Bureau whether it is to be:
 - a submitted to the Congress for debate and adoption;
 - b submitted to the Congress for tacit adoption in accordance with Rule 26 above;
 - c submitted to the Standing Committee for examination and adoption in accordance with Rule 15.6 of these Rules of Procedure.

[...]

- 7 With the exception of reports submitted under urgent procedure, reports of statutory committees shall be distributed at least twenty days² before the opening of the session at which they are to be discussed. If this deadline is not respected and at least ten Representatives or Substitutes from at least two national delegations so request when adopting the draft order of businessagenda, the discussion shall be adjourned until the next Standing Committee or until the following session.
- These paragraphs shall apply mutatis mutandis to the reports of the statutory committees of the Chambers.

See Article 9.2 of the Charter

Between sessions the date of "distribution" is the date of publication on the website. See Rule 25.2 of these Rules of Procedure.

Chapter XIII – Working groups of the Congress and its Chambers

Rule 43 **Constitution of working groups**

The Bureau of the Congress distributes questions between the statutory committees of the Congress and those of between the two Chambers. No question may be considered in both Chambers at the same time².

[...]

Each working group shall be made up of a limited number of full members and an equal number of alternates, set by the Bureau of the Congress. It is empowered with specific terms of reference, agreed upon by the Bureau of the Congress, which indicate the set number of members, a specific time-frame and may include, in particular, the following tasks:

[...]

Chapter XIV – Adoption of texts by the Congress and its Chambers

Rule 46 bis Rapporteurs

- A Rapporteur shall be appointed for each subject to be presented to the Congress session, a Chamber or the Standing Committee for adoption (recommendation, resolution, opinion) or for discussion.
- Any member may present their candidature for the position of Rapporteur to the body of which they are a member.
- Rapporteurs may be designated by the Bureau, by the bureaux of the Chambers, a statutory committee or working group.
- Rapporteurs are responsible for the preparation of the report and relevant texts for adoption, their presentation to the originating body for approval (Bureau, Chamber, statutory committee, working group) and presentation to the Congress or Standing Committee for adoption as well as subsequent follow-up.
- 5 Rapporteurs must be appointed in a manner that ensures a balanced representation of the political groups over the two-year period of the Congress' work programme.
- Thematic Rapporteurs may be appointed with a responsibility for a given issue which may be specific to one committee. Thematic Rapporteurs may be designated by, and report to, the relevant body (Bureau, Chamber or committee) for a specific time-frame, with their appointment subsequently validated by a Bureau decision. They may act as spokespersons for the Congress at outside events.
- 7 The Bureau may specify these provisions.

[...]

Correction in English version only

See Article 9.2. of the Charter

16/24

Rule 47 Hearings

[...]

7 The provisions of the present rule shall apply *mutatis mutandis* to hearings held by the standing committees of the Chambers.

Rule 48 Advisers

- 1 **Each Mm**embers of the Congress Bureau **and**₇ the Standing Committee or a statutory committee may be accompanied to the meetings of these bodies by **an-one** adviser of their choice.
- The provisions of paragraph 1 of this rule equally apply to members of the working groups of the Congress and of the Chambers.
- 3. Each national delegation may send two advisers to committee meetings or working groups in addition to the secretary of delegation.
- The cost of participation of such an advisers shall not be borne by the budget of the Congress.

[...]

Chapter XVI - Official documents of the Congress and its Chambers

Rule 52 Public documents

- 1 The public documents of the Congress are the following:
- a orders of business and agendas of the Congress;
- b minutes of proceedings of each sitting;
- c reports of debates;
- d reports to the Congress and requests for an opinion;
- e motions tabled by Representatives and Substitutes;
- f resolutions of the Congress;
- g opinions of the Congress;
- h recommendations of the Congress;
- i proposed amendments to draft resolutions, opinions and recommendations;
- i written declarations:
- k memoranda submitted by organisations which have the status of observer to the Congress;
- I memoranda submitted by delegations which have a special guest status;
- m any other document considered as a public document by the President of the Congress.

[...]

Appendix 2 to the Rules of Procedure of the Congress and its Chambers

Appendix 2 to the Rules of Proced Apportionment by country of seats					mber 2010
NB: Countries without regions as understood in Recommendation 56 (1999) are shown in <i>italics</i> .	Monitoring		Governance	Current Affairs	seat at delegation's discretion
ANDORRA 2 seats	1+0	1	1	1	
LIECHTENSTEIN 2 seats	1+0	1	1	1	
MONACO 2 seats	1+0	1	1	1	
SAN MARINO 2 seats	1+0	1	1	1	
CYPRUS 3 seats	1+0	1	1	1	
ESTONIA 3 seats	1+0	1	1	1	
ICELAND 3 seats	1+0	1	1	1	
LATVIA 3 seats	2+0	2	1	1	
LUXEMBOURG 3 seats	1+0	1	1	1	
MALTA 3 seats	1+0	1	1	1	
MONTENEGRO 3 seats	1+0	1	1	1	
SLOVENIA 3 seats	1+0	1	1	1	
"The former Yugoslav Republic of	1.0				
Macedonia" 3 seats	1+0	1	1	1	
ALBANIA 4 seats	2+0	2	1	1	
ARMENIA 4 seats	2+0	2	1	1	
IRELAND 4 seats	2+0	2	1	1	
LITHUANIA 4 seats	2+0	2	1	1	
Bosnia & Herzegovina 5 seats	2+0	2	1	1	1
CROATIA 5 seats	2+0	2	1	1	1
DENMARK 5 seats	2+0	2	1	1	1
FINLAND 5 seats	2+0	2	1	1	1
GEORGIA 5 seats	2+0	2	1	1	1
MOLDOVA 5 seats	2+0	2	1	1	1
NORWAY 5 seats	2+0	2	1	1	1
SLOVAK REPUBLIC 5 seats	2+0	2	1	1	1
AUSTRIA 6 seats	2+0	2	2	2	
AZERBAIJAN 6 seats	2+0	2	2	2	
BULGARIA 6 seats	2+0	2	2	2	
SWEDEN 6 seats	2+0	2	2	2	
SWITZERLAND 6 seats	2+0	2	2	2	
BELGIUM 7 seats	2+1	3	2	2	
CZECH REPUBLIC 7 seats	2+1	3	2	2	
GREECE 7 seats	2+1	3	2	2	
HUNGARY 7 seats	2+1	3	2	2	
NETHERLANDS 7 seats	2+1	3	2	2	
PORTUGAL 7 seats	2+1	3	2	2	
SERBIA 7 seats	2+1	3	2	2	
ROMANIA 10 seats	2+2	4	3	3	
POLAND 12 seats	2+2	4	4	4	
SPAIN 12 seats	2+2	4	4	4	
TURKEY 12 seats	2+2	4	4	4	
UKRAINE 12 seats	2+2	4	4	4	
FRANCE 18 seats	2+4	6	6	6	
GERMANY 18 seats	2+4	6	6	6	
ITALY 18 seats	2+4	6	6	6	
Russian Federation 18 seats	2+4	6	6	6	
UNITED KINGDOM 18 seats	2+4	6	6	6	

Appendix 4 to the Rules of Procedure of the Congress and its Chambers

Honorary membership

[...]

All honorary members of the Congress shall have access, upon presentation of their badge, to the same places as the members of the Congress during the sessions, with the exception of the committee meeting rooms while the committees are meeting.

At their request, which shall be renewed annually, they shall be included on the mailing lists for public documents of the Congress and its organs and given access to the non-confidential databases.

They may be invited to special events of the Congress, Chambers or committees at the initiative of the organisers at their own expense.

B. EXPLANATORY MEMORANDUM

Introduction

- 1. In June 2008 the Congress began a review of its working methods and political role, at the initiative of Congress Bureau member Suvi Rihtniemi and its Finnish delegation, and a first report was presented by Past President Halvdan Skard (Norway, L, SOC) to the Standing Committee in Brdo Slovenia on 10 June 2009.
- 2. At the same time, Thorbjørn Jagland, Secretary General of the Council of Europe, launched, in 2009, a wide-ranging reform strategy with the support of the Council's Committee of Ministers. In a series of meetings throughout early 2010, the Congress Bureau highlighted the importance and opportunity of taking into account a certain number of Secretary General Thorbjørn Jagland's proposals while respecting the specific role and identity of the Congress. The Bureau also appointed a co-rapporteur, Günther Krug (Germany, R, Soc), to reflect the concerns and proposals of both Congress chambers.
- 3. The issues identified by the Rapporteurs as central to the reform effort were: the place of the Congress within the Council of Europe, co-operation with external partners, the structures of the Congress, its activities and working methods, its transparency and communication policy, a need for greater impact of its activities and a greater involvement of its members in Congress work.
- 4. The first major outcome of these discussions and the work of the rapporteurs was presented to the Standing Committee on 18 June 2010 in the form of three reports tackling different aspect of the functioning of the Congress:
- a general report outlining the Rapporteurs' main proposals for reform of Congress structures, activities and working methods; and
- two specific reports presented by Ian Micallef, President of the Congress. These outlined on the one hand the rules on monitoring the application of the European Charter of Local Self-Government and, on the other, set out the regulations governing the Congress's observation of local and regional elections.
- 5. The general report and resolution on reform, adopted by the Standing Committee in 2010, with amendments reflecting discussions during that meeting, were sent out to members, national associations and other relevant external partners of the Congress in the form of a consultation document on 30 June 2010. Feedback was requested by 16 August 2010. A compendium containing all contributions has been made available on the Congress website.
- 6. The Rapporteurs held a meeting on 27-28 August and, on the basis of these contributions as well as subsequent feedback from the General Meeting of National Associations, convened in Strasbourg on 16 September 2010, drew up the following texts for adoption during the 19th session: the draft resolution contained in this document, with its appended revised Rules of Procedure and a draft recommendation with an appended revised Statutory Resolution and Charter. A third text on Congress priorities, presented by Ian Micallef, President of the Congress, complements and completes the proposals.
- 7. The next two phases are as follows:

Phase one: Certain provisions of the reform may be implemented by the Congress independently and promptly. These are reflected in the revised Rules of Procedure appended to this document and will be implemented as soon as possible after adoption by the Congress. These changes (paragraphs 12, 13, 14, 16, 17, 18, 20, 21, 23, 24 (partially), 27, 29 and 31) will come into force directly after adoption of the resolution.

Phase two: Other proposals, such as the establishment of a Statutory Forum to replace the Standing Committee, will require amendment of the Statutory Resolution and Charter and are therefore subject to approval by the Committee of Ministers (paragraphs 11, 15, 24,). Approval of the Statutory Resolution and Charter by the Committee of Ministers will enable the Congress to keep pace with the reform process within the Council of Europe. A general revision of the Rules of Procedure is foreseen in 2011 to reflect the new Charter as well as render the contents more streamlined and user-friendly and the resolution calls for two co-rapporteurs to be mandated with this task by the Congress

- 8. From the start the Congress' ambition has been to involve, at key stages, not only all Congress members in the discussions on the future role, functioning and impact of the body, but also its partners, the national and European associations of local and regional authorities. The results of this consultation, as well as all the relevant reform documents have been made available on-line in order to ensure maximum transparency.
- 9. The Rapporteurs are grateful for all contributions as well as the constructive discussions they have had the opportunity to take part in. While they have found that certain proposals were unanimously supported by respondents, on other issues they were presented with varying, and disparate options. It has been the Rapporteurs' task to present the Congress with the following proposals which are the fruit of their reflection and discussion.

1. Reforming the Congress's working structures

10. There is a general consensus that a thorough review of the working and decision-making structures of the Congress is essential to lay the groundwork for the success of the reform.

Members – greater participation

- 11. The consultation has confirmed the need to ensure greater participation and involvement of members in Congress work. One way is to ensure more continuity of membership, and the Rapporteurs propose to extend the mandate of members from 2 to 4 years, while maintaining the renewal, every two years, of the Congress President, Vice-Presidents and chairs of committees.
- 12. The Congress is among the first assemblies to have a stipulated threshold of 30% participation of the under-represented sex in its delegations. However, the Rapporteurs propose to clarify this clause by making it clear that this means that at least 30% of Representatives and 30% of Substitutes in a delegation must be of the under-represented sex. In order to give delegations time to adapt to this new provision, entry into force is foreseen with the next general renewal of delegations.

The Bureau – a reinforced, clarified mandate

- 13. In the first place, the Rapporteurs propose that the Bureau's central importance as the political steering body and executive organ of the Congress, responsible for ensuring the continuity of the Congress's work outside sessions, be reaffirmed. In addition, its mandate will be reinforced and clarified, including its responsibility for observing elections throughout Europe.
- 14. An important aspect of the Bureau's work is its coordinating function with the committees, working groups and political groups. To this end, the Rapporteurs suggest that the chairs of the committees and the Presidents of political groups be granted a seat in the Bureau meetings as members without voting rights.

The Standing Committee – a new role for the heads of delegation

15. With regard to the Standing Committee, the Rapporteurs have reacted to the divergent proposals received and changed their initial proposal. Their suggestion is now that the Standing Committee be renamed the Statutory Forum. Upon decision of the Bureau, the President of the Congress may convene this body between sessions to act on the Congress' behalf as required. The Statutory Forum shall consist of the heads of all national delegations and members of the Bureau. Heads of delegation may be represented *ad personam* by their deputy heads. Secretaries of delegation may participate in a Statutory Forum even in the absence of their head of delegation to ensure the flow of information to all members. This body will meet only in plenary sitting. This new format will enable maximum flexibility and reactivity while ensuring that the body is only convened if necessary.

Congress committees - more targeted, more timely

- 16. In order to focus the Congress' energy on its priorities as the watchdog of local and regional democracy in Europe and the core values of the Council of Europe, as well as to respond in a timely, more targeted, fashion to current affairs and the major challenges faced by society, the Rapporteurs propose creating three new committees as follows:
 - a Committee on the Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (ECLSG) (to be known as the Monitoring Committee) responsible, in particular, for monitoring the European Charter of Local Self-Government (ECLSG) as well as institutional developments in Europe's regions, for preparing reports on the situation of local and regional democracy in Europe and for monitoring specific questions related to local and regional democracy in the member states.
 - a Governance Committee responsible for affairs falling within the scope of the Congress statutory mandate such as governance, public finance, cross-border and interregional cooperation and e-democracy as well as cooperation with intergovernmental bodies;
 - a Current Affairs Committee responsible for ensuring a swift response to the major challenges of our society and preparing work on thematic issues such as social cohesion, education, culture and sustainable development from the point of view of the Council of Europe's core values.
- 17. The terms of reference of these committees shall be adopted by the Bureau. The Congress committees will meet only in plenary.
- 18. All Congress members may sit in a committee or a subsidiary structure (such as a. working group) and participate in missions to monitor local and regional elections. Membership in the "Statutory Forum" of the Congress shall not affect participation in Congress committees.
- 19. If this proposal is adopted by the Congress the committees will hold their first constitutive meetings during the 19th session.

Thematic Rapporteurs – spokespersons for the Congress

20. The Rapporteurs propose the nomination on an ad hoc basis of Thematic Rapporteurs with a specific area of expertise. They would be responsible for an issue that could be specific to one committee or transversal and would be designated by, and report to, the relevant body (Bureau, chamber, or committee), for a specific time-frame, with their appointment subsequently validated by a Bureau decision that may be re-examined at every renewal.

21. They would not only be able to draft reports calling on their expertise, they might act as spokespersons for the Congress at outside events. This would also enable more members to participate in the work of the Congress in different capacities.

2. Reforming the Congress' activities and working methods

- 22. The Rapporteurs have been pleased to note a general consensus on the need to refocus the Congress' activities on the Council of Europe's core values and its own political priorities, which include promotion of the Council of Europe Reference Framework for Regional Democracy and the observation of elections. The streamlining and redefining of the committee structure outlined above will enable a considerable increase in the rhythm of monitoring of the European Charter of Local Self-government to be achieved, thereby raising the profile of the Congress and highlighting its added value.
- 23. In addition, the following proposals aimed at the streamlining of the Congress' activities and working methods have the backing of the majority of respondents:

Congress documents – shorter and more political

24. Many contributions supported the view that that the Congress needs to produce fewer texts which are more political in content and more concise to ensure their greater dissemination and impact. There should be clear and concrete follow-up to these texts.

Terminology - less is more

25. In an effort to simplify its written communication and make it more user-friendly, the Congress will proceed with a revision of the terminology in use. This simplification will come into force in particular with the general revision of the Rules of Procedure, but the Rapporteurs propose that the use of "session" be generalised and replace the currently interchangeable terms "plenary session" and "ordinary session" which, in the absence of mini-sessions, no longer have any meaning.

Streamlining procedures, clarifying decision-making

- 26. In their report adopted by the Standing Committee in June 2010, the Rapporteurs identified a need for greater transparency and clarity with regard to the Congress' decision-making and functioning and proposed that a series of guidelines and procedures be drafted to cover many aspects of these processes including appointment of rapporteurs and the preparation and carrying out of monitoring missions and of election observations.
- 27. Two of these goals have already been achieved with the adoption, at the 2010 Standing Committee, of, on the one hand, new rules on monitoring missions which lay down a stricter framework concerning the mode of appointment and the guarantee of rapporteur impartiality and, on the other, a strategy and rules for the observation of local and regional elections which outlines the Congress' decision to intensify the impact and relevance of its missions by covering the whole electoral process and embraces the quality of the electoral campaign, the actual running of the elections and the post-electoral situation.
- 28. This ongoing process of clarification will include, in the short-term, the drafting of simple guidelines informing members how they may propose new issues or ideas for Congress activities, guidelines on participation in Congress events, guidelines outlining transparent and open procedures for calling for candidates and appointment of rapporteurs (language skills and availability required) and any other procedures that may need simplifying or codification.

Communication policy

- 29. While it is essential to reform and refocus the Congress' activities, it is imperative at the same time to review its communication policy to ensure that those activities are relayed and disseminated in the most cost-effective, high-impact way possible. The Congress' raised profile is to a great extent dependent on the effectiveness of this policy.
- 30. To ensure quality and consistency in respect of the visibility of Congress activities, a comprehensive communication policy paper including major target groups, Congress messages and objectives, communication techniques and tools will be prepared and presented for adoption at the 20th Session of the Congress in 2011.

Conclusion

- 31. The Congress is aware of its specific role as watchdog for democracy at local and regional level throughout Europe and has sought to enhance the effectiveness of its action, its pertinence and its visibility by embarking upon a thorough reform of its working procedures and structures and focusing its activities on its core mission.
- 32. As this document shows, the reform of the Congress is well underway, and a certain number of its stated goals have already been achieved in the first stage, including:
- the rhythm of monitoring has already been substantially increased and the criteria for missions and appointment of rapporteurs have been clarified by the adoption of new rules;
- new rules on the observation of elections have been matched by a new global strategy covering the entire election campaign from start to finish;
- 33. For the future the Congress has devised a further two stages which will enable it to set in motion, in the aftermath of its 19th Session, as many practical improvements as it can in the immediate to short term, while planning for further important and wide-ranging modifications over the next two-year mandate.
- 34. The Rapporteurs believe that the proposed reform will, by improving its efficiency, transparency and reactivity, ensure a stronger institutional profile for the Congress both within and outside the Council of Europe.