

CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

Recommendation 56 (1999)¹ on the statutory reinforcement and the revision of the Congress Charter

*(Extract from the Official Gazette of the Council of Europe
– June 1999)*

The Congress,

1. Welcoming the growing recognition of local and regional authorities within the Council of Europe since 1957, the date of the first session of the European Conference of Local Authorities;
2. Welcoming in particular the setting up, by the Committee of Ministers, following the first Summit of Heads of State and Government, of the current Congress of Local and Regional Authorities of Europe by Statutory Resolution (94) 3, adopted on 14 January 1994, which provided the Congress with its charter, and the developments within and increased recognition of the Congress since that time;
3. Welcoming especially the recognition of the importance of the Congress for the whole Organisation expressed in the Committee of Wise Persons' report "Building Greater Europe without dividing lines", presented in November 1998;
4. Recalling, in this context, Opinion No. 11 (1999) on the Committee of Wise Persons' report, adopted by the Standing Committee on 4 March 1999;
5. Welcoming the excellent relations between the Congress and the Assembly and welcoming in particular, in this context, Recommendation 1363 (1998) on "the Congress of Local and Regional Authorities of Europe: recent activities and proposals for reform";
6. Referring to Resolution 61 (1998) on statutory reinforcement and revision of the charter of the Congress;
7. Bearing in mind the exchange of views held by the three Presidents and the rapporteurs with the Ministers' Deputies on 4 March 1999 on the Committee of Wise Persons' report and the prospects for reform of the Congress structures;
8. Taking into account the transitory provisions of the charter, which call for a revision of the charter after a six-year period which comes to an end in the year 2000;

1. Debated by the Congress and adopted on 16 June 1999, 2nd sitting (see doc. CG (6) 5 draft Recommendation revised, presented by MM. Skard and Van Cauwenberghe, Rapporteurs).

9. Considering the opinions and proposals issued by the Council of European Municipalities and Regions and the Assembly of European Regions;

10. Bearing in mind Resolution 1188 (1999) adopted by the Parliamentary Assembly on 26 May;

11. Welcoming the adoption by the Committee of Ministers of the report on follow-up action on the final report of the Committee of Wise Persons, foreseeing the organisation of joint committee meetings between the Congress and the Committee of Ministers, "if the subjects to be discussed are of sufficient importance to justify such a meeting" [CM (99) 64, Main Recommendation 11];

12. Having regard to the Explanatory Memorandum presented by Jean-Claude Van Cauwenberghe and Halvdan Skard [document CG (6) 5 Part II],

Recommends:

that the Committee of Ministers:

13. Amend certain provisions of Statutory Resolution (94) 3 establishing the Congress of Local and Regional Authorities of Europe, in the light of the proposals contained in Appendix 1 to this recommendation;
14. Amend the charter of the Congress of Local and Regional Authorities of Europe adopted by the Committee of Ministers on 14 January 1994 in the light of the proposals contained in Appendix 2;
15. Implement the reforms referred to above, if possible by the end of 1999, but in any event in good time for preparation on the basis of the new charter of the 7th session of the Congress, to be held in the year 2000;
16. Instruct the Secretary General to present to the Committee of Ministers, by means of the relevant procedures and in line with budgetary prospects, the requests for budgetary and human resources necessary for the implementation of the proposed reforms, if appropriate over two financial years (2000 and 2001),

Recommends:

that the Parliamentary Assembly:

17. Continue its active support for the reforms proposed by the Congress, the underlying principles of which reflect the wishes expressed by the Assembly itself.

Appendix 1

Proposed amendments to Statutory Resolution (94) 3

1. In the 2nd indent of the preamble, after "... of its statute", add "and of the Congress of Local and Regional Authorities of Europe relating to statutory reinforcement and revision of the charter";
2. In the preamble, at the end of the third indent, add the following sentence: "and taking into account their contribution to the development of democracy at regional and local levels";
3. In Article 1, delete the words "which will be" in both places;

4. In Article 2 after paragraph 1, add a new paragraph worded as follows: “The Congress is, in its sphere of competence, a major component of democracy and political stability as it ensures the involvement of local and regional authorities in the process of European integration”;
5. In Article 2, current paragraph 2, line 2, add “/or” after “interests of the local and”;
6. Add at the end of Article 2, paragraph 2, the following sentence: “As far as it is concerned, the Committee of Ministers shall determine the procedure for such consultation”;
7. Add at the end of the current Article 2 a new paragraph worded as follows: “The Congress shall be authorised to send representatives to the meetings of the Steering Committees dealing with questions falling within the competence of local and/or regional authorities”;
8. At the end of the current Article 2 of the Statutory Resolution, and following the paragraph proposed in point 6 above, add the following paragraph: “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member states and in states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are upheld in practice in all member states”;
9. In Article 3, at the beginning of the first sentence of paragraph 1, add “Allowing for exceptions foreseen in the CLRAE charter, the CLRAE shall be composed of representatives holding a local or regional authority electoral mandate.” and delete “or a mandate as a person directly responsible to an elected local or regional body”;
10. Amend Article 4, paragraph 1, first sentence to read as follows: “The CLRAE shall meet in ordinary session at least once a year”;
11. Add after paragraph 2 of Article 4 the following provision, “The Standing Committee may meet jointly with one or more statutory committees. Decisions to this effect shall be taken by the Bureau of the Congress and the Bureaux of the two Chambers”;
12. In Article 4, paragraph 2, second sentence, insert after “standing committee” the following four statutory committees: “institutional committee, committee on culture and education, also responsible for media, youth, sport and communication, committee on sustainable development, also responsible for environment and spatial and urban planning, committee on social cohesion, also responsible for issues relating to employment, citizenship, community relations and public health, and a small number of”.

Appendix 2

Proposed amendments to the charter of the Congress

1. In Article 1, amend the number of the relevant article in the Statutory Resolution if necessary;

2. In Article 2, at the beginning of the first sentence of paragraph 1, add “Allowing for exceptions foreseen in a transitory provision of the present charter, the CLRAE shall be composed of representatives holding a local or regional authority electoral mandate.” and delete “or a mandate as a person directly responsible to an elected local or regional body”;

3. After Article 2, paragraph 3, add the following paragraph 3.a: “With regard to the Chamber of Regions, representatives must be from authorities placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of subsidiarity¹. If a country has authorities which cover a large area and exercise both local and regional responsibilities, representatives of such authorities shall also be entitled to sit in the Chamber of Regions. A list of these authorities shall be provided in the context of the national appointment procedure. Member states which do not have regional authorities within the meaning of this paragraph shall be able to send representatives to the Chamber of Regions and its organs in an advisory capacity”;²

4. Add at the end of Article 2, paragraph 5 the following: “In addition, the composition of national delegations may be amended to take account of the altered political situation following local and/or regional elections, at the latest one month prior to the plenary session. The new delegation should, in this event, also comply with the aforementioned criteria.”;

5. In Article 3, paragraph 1, after the first sentence, add the following: “It shall *inter alia* provide for consultation in each member state of the relevant associations and/or institutional bodies and the principles adhered to in apportioning representatives in the two Chambers.”;

6. After Article 3, include a new Article on the examination of credentials: “Each time members are appointed, the Bureau shall examine the credentials of the representatives thus appointed. This examination shall result in a vote in session or, if the appointment takes place at another time, in the Standing Committee. Refusal to accept the credentials of a representative can lead to consequences ranging from the non-payment of daily allowances to exclusion.”;

7. Amend the first sentence of Article 5 as follows: “The CLRAE shall meet in ordinary session at least once a year. In addition, the Standing Committee may meet jointly with one or more statutory committees. The Institutional Committee may meet once more than the other committees. Decisions to this effect shall be taken by the

1. This wording corresponds to article 3.1. of the draft European charter of regional self-government.

2. This provision does not affect the participation of these representatives as full members of the plenary Congress and its organs.

Bureau of the Congress and the Bureaux of the two Chambers.”;

8. In Article 6, paragraph 2, change the number six to “nine”;

9. Delete in article 7, paragraph 1, the second sentence which proved very difficult to put into operation. These competences could be entrusted to the different statutory Committees, in their sphere of competences, with the Bureau responsible for coordination;

10. In Article 7, add the following new paragraph: “The Standing Committee may invite the Chairs of the political groups to its meetings in an advisory capacity. It may also invite representatives of the statutory committees in the interests of co-ordination.”;

11. Add the following paragraph to Article 7: “The substitute of the President of the Congress may take part in the meetings of the relevant Chamber of the Standing Committee in so far as the President does not attend.”;

12. Amend Article 8 of the charter to read as follows:

“1. The two Bureaux shall constitute jointly the Bureau of the CLRAE, which shall be responsible, in the period between the sessions of the Standing Committee and the Congress, for ensuring the continuity of the Congress’s work.

2. The Bureau shall also be responsible for the preparation of the plenary session of the CLRAE, the co-ordination of the work of the two Chambers, in particular the distribution of questions between the two chambers, the co-ordination of the work of the statutory committees, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two Chambers.

3. When it deems it advisable, the Bureau may invite the Chairs of the political groups to its meetings, without voting rights.

4. The Bureau may consult representatives of the statutory committees in the interests of co-ordination.

5. The Bureau of the Congress shall be presided over by the President of the Congress.”;

13. Add after Article 8 a new article on the statutory committees:

“1. The Congress shall have the following statutory committees:

– an Institutional Committee, composed in the same manner as the Standing Committee; this committee shall be responsible for keeping track of reports on local and regional democracy in the member states and states awaiting accession, election monitoring, regionalisation in Europe and any specific question relating to local and regional infrastructure in member states. The Institutional Committee of the Chamber of Local Authorities shall monitor the implementation of the European Charter of Local Self-Government with its independent experts. The Institutional Committee of the Chamber of Regions shall monitor institutional

developments in the regions of Greater Europe on the basis of the texts adopted by the Congress to this effect;

– three other statutory committees, each comprising 60 members (30 from each Chamber):

- a Committee on Culture and Education, also responsible for media, youth, sport and communication;

- a Committee on Sustainable Development, also responsible for environment and spatial and urban planning;

- a Committee on Social Cohesion, also responsible for issues relating to employment, citizenship, community relations, public health.

2. The statutory committees may also meet in Chambers. They may hold their meetings during the sessions and on the occasion of the Standing Committee meetings, in accordance with the decisions taken by the Bureau of the Congress and the Bureaux of the two Chambers.

3. The statutory committees shall normally meet in Strasbourg or Paris. Where appropriate, the Bureau may authorise them to hold meetings in other locations.”;

14. Amend the end of Article 12, paragraph 1.b of the charter to read as follows: “... shall be adopted by a majority of two-thirds of the votes cast.”;

15. Article 14 of the charter should read as follows:

“1. The Secretariat of the Congress shall be provided by the Chief Executive of the Congress, elected by the Congress. The Chief Executive shall be answerable to the Congress and its organs and act under the authority of the Secretary General. Candidates shall be free to submit their applications directly. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress, after consulting the Secretary General. The Standing Committee shall establish specific rules of procedure to be followed by the Bureau when examining the candidatures.

2. The Congress shall elect its Chief Executive for a renewable term of five years, without the age limit applicable to all Council of Europe staff being exceeded.

3. The Secretary General shall appoint a Deputy Chief Executive, following consultation of the Bureau of the Congress,

4. The Secretary General shall appoint a Secretary for each Chamber, following consultation of the Bureau of the Chamber concerned.”.

16. For budgetary questions, a new article should be added to the charter and could be worded as follows:

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

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

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

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

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

6. The budget of the Congress (apart from the remuneration of permanent staff and the amounts allocated to political groups) shall constitute a package

which the Bureau of the Congress will be responsible for managing. However, the Bureau shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress and of the two Chambers. It may not exceed the limit of the overall budgetary provision allocated to the Congress.”;

17. Delete the current transitory provisions ;

18. Add a transitory provision worded as follows :

“As an exception to Article 2 paragraph 1, non-elected persons responsible to an elected local or regional body may be representatives in the Congress, provided they can be dismissed individually by, or following a decision of, the aforesaid directly elected body and that such a right of dismissal is stipulated in legislation.

This provision shall be re-examined after a six-year period.”