

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 285 (2009)¹ Verification of new members' credentials and new appointment procedures

1. Pursuant to its Charter, adopted by the Committee of Ministers on 2 May 2007 (Statutory Resolution CM/Res(2007)6), the Congress draws the authorities' attention to the provisions set out in Articles 2.1 and 2.2 of the Charter when appointing members of their country's national delegations.

2. Concerning the appointment procedure, notably in anticipation of the delegation renewal session in October 2010, the Congress:

a. asks governments to update their official appointment procedure to bring it into line with the Congress Charter and the Rules of Procedure of the Congress and its Chambers;

b. draws member states' special attention to the fact that the official appointment procedure must henceforth make specific reference to the terms and conditions of dismissal of Congress members whose mandates do not stem from a direct election;

c. points out that, in the case of countries with authorities which cover a large area and exercise both local and regional powers and responsibilities, a list of these authorities must be appended to the procedure;

d. approves Sweden's new procedure including specific points concerning regard for balanced geographical, institutional and political representation and the need to include representatives of both sexes in the delegation, with at least 30% of the under-represented sex;

e. approves Finland's new procedure including specific references to the Congress Charter.

3. Concerning the composition of national delegations, the Congress:

a. congratulates all member states on complying with the provisions set out in Article 2.2.*d.* of the Congress Charter concerning the participation of at least 30% of the under-represented sex;

b. regrets, however, that some delegations have only been able to meet this objective by leaving vacant seats in their delegation; these seats must be filled by women;

c. also regrets that some countries have mainly assigned Substitutes' seats to members of the under-represented sex, whereas the spirit of Article 2.2.*d.* of the Congress Charter is that there should be an equitable distribution of seats between Representatives and Substitutes;

d. considers that the fact that a large number of seats remain vacant deprives some countries of full participation in Congress activities and suggests that the national authorities concerned renew or complete their delegation as soon as possible;

e. reiterates the desire it expressed in Resolution 170 (2004) on the verification of credentials of new members and new appointment procedures, for representatives of the Turkish Cypriot community to be included in the Cypriot delegation and decides, in the meantime, to continue to invite two representatives of the Turkish Cypriot community to take part in sessions and Standing Committee meetings, in accordance with the practice already established (following an initial decision of the Bureau of the Congress of 3 November 2004, confirmed in Resolution 234 (2007)), as well as possibly attending meetings of the Congress statutory committees for specific items;

f. takes note of the fact that several national delegations (Belgium, Croatia, Serbia) will shortly be changed to take account of the elections which have been or soon will be held and reminds these countries that their new delegation should duly reflect the new political situation at local and regional level in their countries and comply with Article 2.6 of the Congress Charter and Article 4.3 of the Rules of Procedure, which stipulate that there is a maximum period of six months during which members who no longer hold a local or regional authority mandate within the meaning of Article 2 of the Charter can remain members of the Congress;

g. reminds the authorities of all member states that proposals for changes in their national delegations must be forwarded to the Congress immediately after local and/or regional elections together with all the information required to assess whether these changes are in keeping with the provisions set out in Article 2 of the Congress Charter, in particular: the results obtained by the different political parties at the last local and/or regional elections, new members' political affiliations and the equitable geographical representation of the delegation;

h. accepts that the national delegations of some countries that have no regions (within the meaning of Recommendation 56 (1999)) appoint only Substitutes to the Chamber of Regions;

i. informs the authorities of Denmark, Serbia and "the former Yugoslav Republic of Macedonia" that, to ensure proper representation of their national delegation, they should appoint a head of delegation;

j. regrets that, contrary to the spirit of the Congress Charter, the maximum period of six months during which members who no longer hold a local or regional authority mandate can remain a member of the Congress is being applied not by way of exception but as a rule and that this is hindering the renewal of delegations and the participation of members who hold a proper mandate;

k. considers that, following the legal opinion given by the Council of Europe's Directorate of Legal Advice and Public International Law, the mandate of the deputy mayor of a Serbian municipality is in conformity with Article 2.1 of the Congress Charter.

4. Concerning the distribution of seats on committees, the Congress:

a. points out that Article 5 of the Statutory Resolution CM/Res(2007)6 stipulates that each Congress member has the right to at least one seat on a committee, including the Standing Committee, and informs delegations that special attention will be given to this point henceforth to ensure that all members can take part in Congress activities;

b. also expects countries to embrace the spirit of the Congress Charter by ensuring that Representatives' and not only Substitutes' seats on statutory committees are assigned

to members of the under-represented sex and will pay special attention to this point.

5. In the light of the above remarks and, subject to the specific requests made to certain member states, the Congress approves the new appointment procedures and the credentials of the new members of the 47 national delegations.

1. Debated and adopted by the Congress on 13 October 2009, 1st Sitting, (rapporteurs: A. Knape, Sweden (L, EPP/CD) and G. Krug, Germany (R, SOC)).