

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 277 (2009)¹ Verification of new members' credentials and new appointment procedures

1. The Congress of Local and Regional Authorities of the Council of Europe referring to its Charter, as adopted by the Committee of Ministers on 2 May 2007, and, in particular, to the new rules on the types of mandate of Congress members and on balanced representation of women and men;

2. With regard to the official procedures for the appointment of national delegations, asks the member states:

a. to update the official appointment procedure following the adoption of the new Charter of the Congress in 2007 and the revision of the Rules of Procedure of the Congress and its Chambers in 2008 (Resolution 256 (2008));

b. to make specific reference to the terms and conditions of dismissal of Congress members whose mandates do not stem from a direct election but are politically responsible to a directly elected assembly;

c. in connection with the Chamber of Regions and in the case of countries with authorities which cover a large area and exercise both local and regional responsibilities, to append a list of these authorities to the procedure;

3. With regard to the composition of the national delegations set out in list I of this 16th Session:

a. congratulates all the member states for meeting the requirements of Article 2.2.d of the Charter of the Congress regarding the participation of at least 30% of the under-represented sex;

b. regrets, however, that some countries have failed to embrace the spirit of Article 2.2.d of the Charter and mainly assigned Substitutes' seats to members of the under-represented sex;

c. regrets that some of the seats of some national delegations are still vacant, thereby depriving these countries of full participation in Congress activities;

d. points out that some of these vacant seats will have to be filled by women for the delegations concerned to meet the requirements of Article 2.2.d of the Charter;

e. notes that following the elections of May 2008, there are seven vacant seats in the Serbian delegation and invites the Serbian authorities to fill these as soon as possible;

f. 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's statutory committees for specific items;

g. as in previous years (2007-2008) and as a compromise, allows the national delegations of some of the countries without regions within the meaning of Recommendation 56 (1999) on the statutory reinforcement and the revision of the Congress Charter to appoint only Substitutes to the Chamber of Regions, and informs the other countries concerned of the possibility;

h. takes note of the complaint from the National League of Associations of Mayors of the Republic of Moldova that none of its members have been appointed to the national delegation and asks the Moldovan authorities, depending on the results of the next local and regional elections, to ensure that the national league is represented;

i. asks the Turkish authorities, when renewing the delegation after the local and regional elections to be held at the end of March 2009, to pay increased attention to the political and geographical balance of the Turkish national delegation, particularly as regards the appointment of representatives of South-East Anatolia;

4. Endorses the position of the Bureau of the Congress following the reservations expressed in Resolution 255 (2008) on local elections in Armenia as to the compliance of certain mandates with Article 2.1 of the Charter of the Congress and considers that:

a. under the legislation currently in force, the mandate of the representative of the regional administration appointed to the Federation Council by the Head of the Executive of constituent entities of the Russian Federation does not satisfy the requirements of Article 2.1 of the Charter, and therefore that the credentials of the two members appointed in May 2008 must be rejected on 3 March 2009, and the Russian Federation must be invited to appoint two new Representatives as soon as possible;

b. the mandate of the Queen's Commissioner of the Netherlands complies with Article 2.1 of the Charter and so the credentials of the member currently holding this mandate can be confirmed;

5. Endorses the view of the Bureau of the Congress, concerning the non-ratification of the credentials of a representative of an Italian commune which does not hold a general mandate nor political accountability to a directly elected assembly, in conformity with Article 2.1 of the Congress Charter;

6. Endorses the view of the Bureau of the Congress, following the visit to Portugal in connection with the Institutional Committee's monitoring duties, that the Portuguese parishes (*freguesias*) are a level of local self-government and hence

that there is nothing that makes the presence of a Representative and a Substitute from these parishes in the Chamber of Local Authorities and the Portuguese delegation to the Congress incompatible with the Charter of the Congress; confirms the credentials of the two members in question accordingly;

7. With regard to the apportionment of seats on committees, invites all the national delegations to comply with the Statutory Resolution of the Congress, particularly Article 5, under which each Congress member has the right to at least one seat on a committee, including the Standing Committee;

8. Reminds all national delegations of the rules in Article 2.6 of the Congress Charter governing changes in national delegations between sessions when delegations are renewed:

a. delegation members may be replaced in the event of death, resignation or loss of mandate – the Congress Secretariat must be informed of any change as soon as possible;

b. a national delegation can be amended at the latest one month prior to the next plenary session to take account of

the altered political situation following local and/or regional elections concerning a substantial proportion of the local or regional authorities of the member state concerned;

9. States that the loss of mandate of an elected member referred to in Article 2.6 of the Congress Charter, is considered to have occurred on the date of the elections during which the mandate was lost. The relevant date for replacing members who are politically responsible to an elected assembly, is the date on which the assembly withdrew the mandate;

10. Having regard to the comments above and subject to the requests made of specific member countries, approves the credentials of the new members of the 47 national delegations.

1. Debated and adopted by the Congress on 3 March 2009, 1st Sitting (rapporteurs: A. Knape, (Sweden, L, EPP/CD) and G. Krug (Germany, R, SOC)).