



# RULES AND PROCEDURES

of the Congress of Local and Regional  
Authorities of the Council of Europe



Adopted by the Congress  
at its 31st Session,  
on 21 October 2016  
(Resolution 409 (2016))

Revised at its 32nd Session,  
on 30 March 2017  
(Resolution 418 (2017))

Revised at its 34th Session,  
on 27 March 2018  
(Resolution 426 (2018))

The Congress



Le Congrès

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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Layout: Congress of Local and Regional Authorities of the Council of Europe  
Printing: Council of Europe  
Edition: May 2018

## TABLE OF CONTENTS

<b>INTRODUCTION</b> .....	<b>9</b>
<b>DEFINITIONS</b> .....	<b>10</b>
<b>CHAPTER I – THE CONGRESS AND ITS CHAMBERS</b> .....	<b>14</b>
The Congress .....	14
The chambers.....	14
Aims and duties of the Congress .....	14
<b>CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS</b> .....	<b>16</b>
Rule 1 – Appointment of national delegations .....	16
Rule 2 – Requirements for national delegations.....	17
Rule 3 – Term of office and general qualifications for membership.....	18
Rule 4 – Membership of the chambers .....	22
Rule 5 – Representatives and substitutes.....	23
Rule 6 – Verification of credentials.....	24
Rule 7 – Non-conformity with Council of Europe principles .....	26
Rule 8 – Honorary membership.....	26
<b>CHAPTER III – POLITICAL GROUPS</b> .....	<b>27</b>
Rule 9 – Formation and funding of political groups .....	27
Rule 10 – Meetings of political groups .....	27
Rule 11 – Duties of political groups.....	27
Rule 12 – Presidents of political groups .....	28
<b>CHAPTER IV – SESSIONS OF THE CONGRESS AND CHAMBERS</b> .....	<b>29</b>
Rule 13 – Place and frequency .....	29
<b>CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS</b> .....	<b>30</b>
Rule 14 – Entitlement to stand for presidencies and vice-presidencies .....	30
Rule 15 – Election procedures.....	31
Rule 16 – Term of office .....	33
Rule 17 – Duties of presidents.....	35

**CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS.....36**

- Rule 18 – Constitution of the bureaux.....36
- Rule 19 – Bureau procedure .....37
- Rule 20 – Functions of the Bureau of the Congress .....38

**CHAPTER VII – ORIGATION AND DISTRIBUTION OF BUSINESS .....40**

- Rule 21 – Division of business between the Congress and chambers.....40
- Rule 22 – Distribution of matters to committees and working groups.....40

**CHAPTER VIII – PROCEDURE DURING SESSIONS .....42**

- Rule 23 – Agreement of agenda .....42
- Rule 24 – Tacit adoption procedure .....43
- Rule 25 – Matters for debate .....44
- Rule 26 – Declarations .....45
- Rule 27 – Proposals for future Congress activities presented by delegates .46
- Rule 28 – Memoranda presented by delegates .....46
- Rule 29 – Matters for vote .....47
- Rule 30 – Speaking arrangements .....47
- Rule 31 – Voting arrangements .....48
- Rule 32 – Majorities required.....49
- Rule 33 – Quorum .....50
- Rule 34 – Amendments and sub-amendments .....51
- Rule 35 – Procedural motions .....53
- Rule 36 – Order in proceedings .....54
- Rule 37 – Public nature of debate and minutes of proceedings.....54
- Rule 38 – Public order .....55
- Rule 39 – Secret ballots .....55
- Rule 40 – Provisional President.....55

**CHAPTER IX – STATUTORY FORUM.....57**

- Rule 41 – Constitution of the Statutory Forum .....57
- Rule 42 – Functions, powers and procedures of the Statutory Forum .....57

**CHAPTER X – COMMITTEES.....59**

- Rule 43 – Constitution and role of committees .....59
- Rule 44 – Setting up of other committees .....59
- Rule 45 – Powers and duties of committees .....60
- Rule 46 – Membership of committees.....60
- Rule 47 – Election of chairs and vice-chairs of committees .....62

Rule 48 – Duties and powers of chairs of committees .....	63
Rule 49 – Time, frequency and nature of meetings .....	63
Rule 50 – Attendance at meetings .....	64
Rule 51 – Agenda of committees .....	64
Rule 52 – Voting and quorum .....	64
Rule 53 – Procedure .....	65
Rule 54 – Appointment and duties of rapporteurs.....	65
Rule 55 – Reports from committees .....	66
Rule 56 – Common positions .....	68
<b>CHAPTER XI – WORKING GROUPS .....</b>	<b>69</b>
Rule 57 – Terms of reference and time-limit .....	69
Rule 58 – Applicability of committee rules.....	70
<b>CHAPTER XII – CONGRESS THEMATIC SPOKESPERSONS.....</b>	<b>71</b>
Rule 59 – Appointment and role.....	71
<b>CHAPTER XIII – ETHICS AND CONDUCT OF MEMBERS ..</b>	<b>72</b>
Rule 60 – General conduct .....	72
Rule 61 – Gifts and other advantages .....	72
<b>CHAPTER XIV – RELATIONS WITH ASSOCIATIONS CONTRIBUTING TO THE COMPOSITION OF NATIONAL DELEGATIONS.....</b>	<b>74</b>
Rule 62.....	74
<b>CHAPTER XV – SPECIAL STATUS .....</b>	<b>75</b>
Rule 63 – Special guest delegations .....	75
Rule 64 – Partner for Local Democracy status.....	77
<b>CHAPTER XVI – OTHER TYPES OF PARTNERSHIP .....</b>	<b>81</b>
Rule 65 – Admissibility of requests for partnership status.....	81
Rule 66 – Granting, renewing, suspending or withdrawing partnership status .....	81
Rule 67 – Terms and conditions of participation .....	82
Rule 68 – Statutory Partners .....	82
Rule 69 – Institutional Partners .....	83
Rule 70 – Observer Partners .....	83
Rule 71 – Guest Observers .....	83
Rule 72 – Consultation and co-operation with statutory bodies and other institutions of the Council of Europe.....	84
Rule 73 – Consultation and co-operation with other organisations.....	84

**CHAPTER XVII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS .....85**

Rule 74 – General provisions .....85  
Rule 75 – The monitoring procedure.....85  
Rule 76 – Composition of a monitoring delegation .....86  
Rule 77 – Working languages for the monitoring exercise .....88  
Rule 78 – The monitoring visit programme .....88  
Rule 79 – Monitoring visits .....90  
Rule 80 – Preparation of the draft report, draft recommendation and draft resolution .....91  
Rule 81 – Adoption and follow-up of recommendations .....93  
Rule 82 – Post-monitoring procedure.....93

**CHAPTER XVIII – PRACTICAL ORGANISATION OF ELECTION OBSERVATION MISSIONS .....95**

Rule 83 – General provisions .....95  
Rule 84 – Delegations, reports and co-operation with international observer institutions.....96

**CHAPTER XIX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE 100**

Rule 85 – General provisions .....100  
Rule 86 – The post-monitoring dialogue.....100  
Rule 87 – Composition of the delegation for post-monitoring dialogue..100  
Rule 88 – The post-electoral dialogue.....101  
Rule 89 – The composition of the post-electoral delegation .....101  
Rule 90 – Follow-up of post-monitoring and post-electoral political dialogue through co-operation activities .....102

**CHAPTER XX – SECRETARIAT AND BUDGET .....103**

Rule 91 – Secretary General of the Congress.....103  
Rule 92 – Director and secretariat of the chambers.....106  
Rule 93 – Budget .....107

**CHAPTER XXI – MISCELLANEOUS .....109**

Rule 94 – Official languages .....109  
Rule 95 – Working languages .....109  
Rule 96 – Other languages.....109  
Rule 97 – Access to and declassification of Congress documents .....109  
Rule 98 – Revision of the Charter .....109  
Rule 99 – Revision of Rules and Procedures of the Congress .....110

**APPENDIX I – Apportionment by country of seats on committees.....111**

**APPENDIX II – Proposal for future Congress activities....113**

**APPENDIX III – Guidelines for the funding of political groups from the Congress budget .....114**

### INTRODUCTION

The Congress is governed by statutory resolutions adopted by the Committee of Ministers under the authority of the Statute of the Council of Europe. The relevant parts of Statutory Resolution CM/Res(2015)9, and the Charter of the Congress of Local and Regional Authorities of the Council of Europe appended to it, govern aspects of the procedure of the Congress and are set out as boxed text in this document. They are reproduced for information purposes only.

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

Under these Rules and Procedures, the Bureau of the Congress is also authorised to adopt rules on certain matters. These are set out in a separate document (Administrative Rules).

Finally, the Secretary General of the Congress is empowered to make decisions in matters within his or her competence, and in particular for the efficient management of the human and financial resources of the Congress.

## DEFINITIONS

For the purposes of these Rules of Procedure, unless the context otherwise requires, definitions are as follows:

- “advisory capacity”** means without voting rights;
- “available”** in respect of any document or text means either published or provided in hard copy;
- “Bureau”** (caps) means the Bureau of the Congress;
- “Charter”** means the Charter of the Congress as adopted by the Committee of Ministers;
- “competence of the Congress”** means anything covered by Article 2 of Statutory Resolution CM/Res(2015)9 of the Committee of Ministers;
- “Congress”** means the Congress of Local and Regional Authorities of the Council of Europe;
- “day”** means a calendar day;
- “delegate”** means a member of a national delegation, whether he or she is a representative or a substitute;
- “matter”** has the same meaning as “question” in Articles 9 and 11 of the Charter;
- “non-affiliated”** means not belonging to a political group as defined in Chapter III;
- “opinion”** means a reply from the Congress following consultation by the Committee of Ministers or the Parliamentary Assembly;
- “plenary”** means proceedings of the Congress or of the Statutory Forum, but not of a chamber;

- “President”** (unless otherwise qualified) means the representative at the time performing the functions of President of the Congress;
- “proceedings”** means the business transacted at sittings of the Congress, either chamber, the Statutory Forum, the bureaux, any committee or any working group;
- “publish”** includes publishing on the Congress website;
- “recommendation”** means a text adopted by the Congress containing proposals addressed to the Committee of Ministers and/or the Parliamentary Assembly and/or European and international institutions and organisations;
- “reference list of mandates”** The list of all local and regional mandates that are considered to be in accordance with the Congress’ rules on delegations. This list is regularly updated by the Bureau;
- “renewal session”** means the session at which national delegations as a whole are renewed when the 4-year mandate of the previous delegations under Article 3.3 of the Statutory Resolution CM/Res(2015)9 expires;
- “report”** refers to a draft recommendation, draft resolution and/or draft opinion and its accompanying explanatory memorandum;
- “representative”** means a delegate nominated as a representative (as opposed to “substitute”) by a member State in its national delegation. A representative is a full member of the Plenary and of a chamber;
- “resolution”** means a text adopted by the Congress and addressed to the Congress itself or to the local and/or regional authorities of the member States;
- “session”** means a number of sittings of the Congress and its chambers held together;

- “sitting”** means a single official meeting of the Congress or a chamber where business is transacted;
- “sitting with full capacity”** in respect of a delegate means a delegate sitting in the Chamber of the Regions other than one who sits only in an advisory capacity in accordance with Article 2.4 of the Charter. All delegates sit with full capacity in the Chamber of Local Authorities;
- “specific local/or regional mandate”** refers to the effective local or regional mandate to which a delegate was either elected or for which he or she is politically accountable to a directly elected assembly (Article 2.1 of the Charter) and for which he or she was nominated and appointed to his or her national delegation. This mandate must be in accordance with the reference list of mandates;
- “substitute”** means a delegate nominated as a substitute (as opposed to “representative”) by a member State in its national delegation. A substitute to the Congress is a full member of a chamber;
- “to table”** means to deposit in a printed or electronic form with the Table Office;
- “Table Office”** refers to the division within the secretariat of the Congress which deals with all matters concerning the organisation of the session and the Rules and Procedures;
- “text”** means any declaration, resolution, recommendation or opinion adopted during a sitting; “preliminary draft text” means any proposal for a text being examined by a bureau or a committee for approval; “draft text” means any proposal for a text approved by a bureau or a committee for presentation to a chamber or to the Congress for adoption;
- “in writing”** means in English or French and includes by electronic means.

Timings are in accordance with the 24 hour clock, Paris time.

## CHAPTER I – THE CONGRESS AND ITS CHAMBERS

### The Congress

*The Congress of Local and Regional Authorities of the Council of Europe is a consultative organ composed of representatives of local and regional authorities of the member States of the Council of Europe. (Charter Art 1)*

*Its membership and functions are regulated by the present articles, by the Charter adopted by the Committee of Ministers and by the Rules of Procedure adopted by the Congress. (SR Art 1)*

*Its objectives are set out in Article 2 of Statutory Resolution CM/Res(2015)9. (Charter Art 1)*

### The chambers

*The Congress is composed of two chambers: the Chamber of Local Authorities which represents local authorities and the Chamber of Regions which represents regional authorities. (SR Art 4.2)*

*Within the framework of the Congress, work is also organised in the two chambers: the Chamber of Local Authorities and the Chamber of Regions. Each chamber has at its disposal a number of seats equal to that of the Congress itself. (Charter Art 7.1)*

### Aims and duties of the Congress

- 1. The Congress, in addition to its consultative functions, furthermore undertakes activities the aims of which shall be:*
  - a. to ensure the participation of local and regional authorities in the implementation of the ideal of European unity, as defined in Article 1 of the Statute of the Council of Europe, as well as their representation and active involvement in the Council of Europe's work;*
  - b. to submit proposals to the Committee of Ministers in order to promote local and regional democracy;*
  - c. to promote co-operation between local and regional authorities;*
  - d. to maintain, within the sphere of its responsibilities, contact with international organisations as part of the general external relations policy of the Council of Europe;*

- e. to work in close co-operation, on the one hand with the national, democratic associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities of the member States of the Council of Europe, and notably with the Committee of the Regions of the European Union.*
- 2. The Committee of Ministers and the Parliamentary Assembly shall consult the Congress on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the Congress represents.*
- 3. 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 implemented.*
- 4. The Congress shall also prepare reports and recommendations following the observation of local and/or regional elections.*
- 5. Recommendations and opinions of the Congress shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers as well as to European and international organisations and institutions. Resolutions and other adopted texts which do not entail possible action by the Assembly and/or the Committee of Ministers shall be transmitted to them for their information. (SR Art 2)*

## CHAPTER II – MEMBERSHIP OF THE CONGRESS AND ITS CHAMBERS

### Rule 1 – Appointment of national delegations

***Representatives and substitutes to the Congress shall be appointed by an official procedure specific to each member State. In particular, it shall provide for consultation in each member State of the relevant associations and/or institutional bodies and shall specify the principles to be adhered to in apportioning members in the two chambers. Each government shall inform the Secretary General of the Council of Europe of this procedure. Such a procedure shall be approved by the Congress in conformity with the principles contained in its Rules of Procedure. (Charter Art 3.1)***

1. Each member State must submit its official procedure (or any modification to that procedure), not later than two months before the session at which the procedure (or modification) is to apply for the first time, to the Secretary General of the Council of Europe, who in turn transmits it to the Secretary General of the Congress.

2. The Bureau of the Congress must examine each official procedure (or modification) submitted to the Secretary General of the Council of Europe and must report to the Congress as to whether it meets the requirements set out in Articles 2, 3 and 7 of the Charter as well as in these Rules.

3. If the Bureau of the Congress reports that an official procedure (or modification) does not meet those requirements, the Secretary General of the Congress must inform the member State concerned and seek rectification of the procedure to comply with the requirements of the Charter as well as these Rules. No person nominated under such a procedure shall be appointed as a member of the Congress.

4. The official procedure must take into consideration the mandates indicated in the Congress' reference list (Rule 3.4).

5. By submitting its proposed list of nominations [Official nomination form] each member State declares that its delegation to the Congress has been appointed by an official procedure that ensures that its delegation has the full confidence of the member State's local and regional authorities and its political parties and that all relevant national partners have been duly consulted.

## **Rule 2 – Requirements for national delegations**

1. The delegates from a member State form its national delegation which is made up of representatives and substitutes.
2. Each national delegation must elect a head of delegation and a deputy head according to its own procedures. The procedures must be notified to the Secretary General of the Congress.
3. Heads of delegation must be representatives, and not substitutes.
4. The deputy head of a national delegation may not be of the same chamber<sup>1</sup> and preferably not of the same gender or from the same political group as the head of the delegation, but either or both may be non-affiliated.
5. The European Charter of Local Self-government advocates the right for local and regional authorities to determine their own internal administrative structures; in this spirit each national delegation must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation.

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<sup>1</sup> Applicable only to countries with members sitting with full capacity in the Chamber of Regions.

### **Rule 3 – Term of office and general qualifications for membership**

*The Congress shall be composed of representatives of local or regional authorities, in conformity with Article 2.1 of the Congress Charter. Delegates shall be appointed according to the criteria and procedure established in the Charter, which will be adopted by the Committee of Ministers, each state ensuring in particular an equitable representation of its various types of local and regional authorities. (SR Art 3.1)*

*Each member State shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. (SR Art 3.2)<sup>1</sup>*

*Representatives and substitutes shall be appointed for a period of four years and shall maintain their functions until the opening of the session following the expiration of that period, referred to as renewal session, except in cases referred to in Article 2.6 of the Charter. (SR Art 3.3)*

*In the event of the death or resignation of a representative or substitute, or of loss of the mandate referred to in paragraph 1 above [Charter Art 2.1], a replacement shall be chosen, in accordance with the same rules and procedure, for the remainder of his or her predecessor's mandate. A representative or substitute who has lost his or her mandate, referred to in paragraph 1 [Charter Art 2.1] may not remain a member of the Congress for more than six months after the loss of his or her mandate. In the case of local and/or regional elections taking place up to four months prior to a renewal session, the four year mandate foreseen in Article 3.3 of the Statutory Resolution may be extended for a maximum of six months after the election. (Charter Art 2.6)<sup>2</sup>*

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

2. When a delegate loses his or her specific local or regional mandate, the head or secretary of the national delegation concerned must notify the

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<sup>1</sup> See also Charter Art 2.3.

<sup>2</sup> See also Rule 3.5

President of the Congress no later than 30 days after said loss takes effect,<sup>1</sup> and the relevant authorities must nominate a new delegate as soon as possible.

3. The membership of the delegate who lost his or her specific local or regional mandate expires on the date the credentials of the proposed successor are approved by the Bureau of the Congress or, if no replacement nomination has been made in the meantime, at the latest, six months after the day when the loss of the electoral mandate took effect.

***The Congress shall be composed of representatives of local and regional bodies who either hold a specific local or regional authority mandate resulting from direct elections or are politically accountable to a directly elected assembly, on the condition that they can be individually dismissed by, or following the decision of the aforementioned assembly and that dismissal is provided for by law. (Charter Art 2.1)***

4. A member State may re-nominate a delegate who has changed his or her specific mandate provided the new mandate is within the same chamber and said re-nomination and Bureau approval is carried out within the six-month deadline provided for under Article 2.6 of the Charter.

5. In the case of local and/or regional elections taking place up to two months after a renewal session, the four year mandate foreseen in Article 3.3 of the Statutory Resolution may be extended, for the existing delegation, for a maximum of four months after the session with the proviso that a new delegation be nominated in time for the second session of the new mandate.

6. Where a member State wishes to send to the Congress delegates who do not hold a specific local or regional authority mandate resulting from direct elections but who are politically responsible to a directly elected assembly, it must bring this to the attention of the Secretary General of the Congress and must specify the offices and conditions of dismissal of the delegates concerned. In order to be accepted, each mandate must be included in the reference list of mandates<sup>2</sup> drawn up by the Bureau of the Congress following consultation with the relevant committees. If a mandate is not on the list, the Bureau may consider whether it wishes to include it. Until

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<sup>1</sup> Taken to be the date of the elections unless other information is given by the national delegation.

<sup>2</sup> The list of all local and regional mandates which are considered to be in accordance with the Congress' rules on delegations. This list is regularly updated by the Bureau.

formal inclusion of their mandate on the list, in the form of a decision by the Bureau, delegates holding such a mandate are not eligible for nomination to the Congress. Specific local or regional mandates are individual and therefore not interchangeable with another mandate from the reference list of mandates. Members who change mandate must therefore be re-appointed by their national authorities and their credentials ratified by the Bureau and the Congress.

***The membership of each member State's delegation to the Congress shall be such as to ensure:***

- a. a balanced geographical distribution of members from the member State's territory;***
- b. equitable representation of the various types of local and regional authorities in the member State;***
- c. equitable representation of the various political forces reflecting either the latest local and regional elections or the effective political distribution within the statutory bodies of local and regional authorities in the member State;***
- d. equitable representation of women and men, meaning that all delegations must include members of both sexes with a minimum participation of at least 30% of the under-represented sex among the representatives and among the substitutes. (Charter Art 2.2)***

***The [...] Rules of Procedure [...] shall provide for [...] the modalities for assessing compliance with the criteria of Article 2.2 of the Charter; (Charter Art 13.1.a)***

7. Each member State must provide information, via the Secretary General of the Congress, to the Bureau of the Congress to demonstrate the conformity of their delegation with Article 2.2 of the Charter, and must inform the Secretary General of the Congress of their delegates' political affiliation and of the apportionment of the various political trends represented within their local and regional authority bodies, as a result of the last local and regional elections held in their countries.

8. A national delegation must comply with Article 2.2 of the Charter even if it is not composed of all the delegates to which it is entitled. In this respect it should be noted that:

- a. the political criterion must be applied across the whole delegation with members from different parties and independent members being equitably distributed among the representatives and substitutes;

- b. the 30% criterion for the under-represented sex is calculated on the basis of a complete delegation. Delegations in which there are vacant seats must therefore fully respect the 30% criterion. This rule is not applicable to delegations which lose a member of the under-represented sex during the course of a mandate causing the delegation to fall below the required threshold. However, upon each new appointment the 30% threshold must be re-established;
- c. while there is no binding age-related criterion in the Charter as yet, member States are encouraged to include in their delegations at least one member under the age of 35.

9. Members of any delegation which does not comply with Article 2.2 of the Charter may be present only at the session during which their credentials are examined. They may not speak, table any amendment, nor vote. Thereafter, they may not take part in proceedings until the situation leading to non-compliance has been resolved. Matters concerning expenses of such members shall be detailed in the Congress' Administrative Rules.

***In case a national delegation does not comply with Article 2.2 of the Charter, its members will only be able to sit in the Congress without any right to vote or reimbursement of expenses. (Charter Art 4.2)***

10. The number of vacant seats in a national delegation must not exceed one third of the total number of seats (representatives and substitutes) to which the member State concerned is entitled.<sup>1</sup> Should the delegation have one third of its seats vacant for more than a six-month period, it will be barred from participation in proceedings. A delegation barred from proceedings is not invited to any meeting or event organised by the Congress until such a time as the situation is resolved and the Bureau has agreed to reinstate the delegation's rights and privileges.

#### **Rule 4 – Membership of the chambers**

***Each member State, when notifying the Secretary General of the Council of Europe of the composition of its delegation, shall indicate those representatives and substitutes who will be members of the Chamber of Local Authorities and those who will be members of the Chamber of***

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<sup>1</sup> This rule is not applicable to delegations with fewer than 7 seats.

***Regions. Each state shall appoint the same number of members to each chamber. Countries having regions within the meaning of paragraph 4 of Article 2 of the Charter must appoint as far as possible the same number of representatives to the Chamber of Regions as to the Chamber of Local Authorities, or a number as close as possible in case of national delegations with an odd number of representatives. (Charter Art 3.2)***

***With regard to the Chamber of Regions, members 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 subsidiarity. 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 members to the Chamber of Regions and its organs in an advisory capacity. The list of these countries shall be determined by the Bureau of the Congress on the proposal of the committees concerned following consultation of the national delegations. (Charter Art 2.4)***

1. A member State which has a region or regions with legislative powers is encouraged to include at least one delegate from one such region in the Chamber of Regions.
2. The list of member States entitled to appoint members to sit in the Chamber of the Regions with full capacity shall be reviewed regularly by the Bureau on the basis of proposals of the relevant committees.

### **Rule 5 – Representatives and substitutes**

***Each member State shall have the right to the same number of seats in the Congress as it has in the Parliamentary Assembly. Each member State sends a number of substitutes equal to the number of representatives it sends. Substitutes shall be members of the chambers in the same capacity as representatives. (Charter Art 2.3)***

***The rules and procedures governing the choice of representatives to the Congress shall also apply to substitutes. (Charter Art 2.5)***

1. A representative prevented from attending a sitting of the Congress may nominate a substitute from his or her national delegation as his or her replacement for that sitting. The representative must give notice of the replacement in writing to the Secretary General of the Congress and to his or her national delegation as soon as possible and no later than 7 days prior to the sitting.
2. A substitute may only replace one representative at any one sitting.
3. A substitute replacing a representative is recorded in his or her own name when participating, whether by speaking or voting, in the Congress plenary.
4. A substitute replacing a representative at a sitting of the Congress plenary may exercise all the powers and enjoy all the voting, tabling and speaking privileges of a representative for the duration of the sitting concerned.
5. Except when replacing a representative under the present rule, a substitute may neither speak nor vote at a sitting of the Congress plenary.
6. A substitute acting as rapporteur may speak in plenary in that capacity.
7. A duly mandated substitute replacing a representative from another chamber participates in the sessions of the chamber to which he or she belongs and not in that of the representative he or she is replacing. However, substitutes from a delegation of a member State without regional authorities, when duly mandated to replace a representative, are entitled to vote on draft texts in the Chamber of Local Authorities even if they are a member of the Chamber of Regions.<sup>1</sup>

## **Rule 6 – Verification of credentials**

***Whenever representatives and substitutes have been appointed, the Bureau shall check their credentials. Its conclusions shall be put to the vote in the***

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<sup>1</sup> Rule 5.7 shall not apply to proceedings in committees.

***Congress during sessions and in the Statutory Forum between sessions.  
(Charter Art 4.1)***

***A representative or substitute whose credentials are not ratified shall not be considered a member of the Congress and may not therefore receive allowances for attending the Congress meetings. (Charter Art 4.3)***

***Moreover, the rules of the Congress shall provide for the time-limit and method of notification of the names of representatives and substitutes and the procedure for the examination of their credentials, by taking into account in particular Articles 2, 3 and 7 of the present Charter. (Charter Art 13.2)***

1. Each member State must submit the draft composition of its delegation, in accordance with its official procedure, to the Secretary General of the Council of Europe for presentation to the Bureau of the Congress at least six weeks before the opening of a renewal session.
2. Where a modification to the existing delegation is proposed, due to death, resignation or loss of mandate (as set out in Article 2.1 of the Charter) prior to any non-renewal session, the altered draft composition should be sent at the latest 14 days prior to the session at which the altered delegation will be examined for approval by the rapporteurs on behalf of the Bureau via e-mail.
3. In between sessions the Bureau, on the recommendation of its rapporteurs on the verification of new members' credentials, approves delegates' credentials thereby entitling them to participate in meetings organised by the Congress, with the powers of a fully appointed delegate and the covering of expenses. The approval of the Bureau must be confirmed at the following Congress session.
4. The rapporteurs on behalf of the Bureau of the Congress must report on the draft composition of delegations (or on any proposed modification to a delegation) so that their report can be considered at the start of the session before the Congress proceeds to any other business. Their report must propose a decision for each new or modified delegation in the form of a draft resolution with the relevant list appended.

5. Each head of national delegation must verify that the statement below has been signed<sup>1</sup> by every member of his or her delegation:

“The aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress.” (Statute of the Council of Europe, Chapter I, Article 1.a)

“Every member of the Council of Europe must accept the principles of the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and collaborate sincerely and effectively in the realisation of the aim of the Council as specified in Chapter I.” (Statute of the Council of Europe, Chapter II, Article 3)

“I the undersigned, ..., hereby affirm and state that I will subscribe to these aims and basic principles of the Council of Europe.”

6. Delegates must have signed the above statement in order to have their expenses relating to participation in Congress proceedings reimbursed.

7. Delegates whose credentials the Bureau of the Congress proposes should not be ratified may provisionally sit with the same rights as other delegates until the Congress has ruled on the matter. However, such delegates may not take part in any vote relating to the verification of credentials or of the official appointment procedures. If, following the vote by the plenary session those delegates’ credentials have not been ratified, they are not considered members of the Congress and may not take part in proceedings.

### **Rule 7 – Non-conformity with Council of Europe principles**

1. If it is brought to the attention of the Bureau of the Congress that a delegate has said, written or done anything in the exercise of his or her functions as a delegate that may be incompatible with the aims and basic principles of the Council of Europe, it must consider the matter as soon as possible. If the Bureau finds, following due process, that the delegate’s written or oral statement or action is contrary to the aims and basic principles

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<sup>1</sup> On-line validation via the Congress’ database is equivalent to a “signature” for the purposes of this rule.

he or she has committed himself or herself to in accordance with Rule 6.5, it may propose a disciplinary course of action to the Congress.

2. The Bureau may suggest one of the following courses of action: a reprimand, withdrawal of part or all of the delegate's prerogatives, or his or her suspension for a number of sessions to be proposed by the Bureau and which must not exceed one complete Congress mandate.

3. The Bureau's proposal, in the form of a draft resolution to be voted on in plenary, is not subject to amendment.

### **Rule 8 – Honorary membership**

1. Upon request by a Bureau of the Congress member, a head of a national delegation or a president of a political group, the Bureau may confer the title of honorary member upon former delegates to the Congress or its predecessor bodies who have shown outstanding commitment to the Congress and have been:

- a. President of the Congress or president of a chamber; or
- b. vice-president of the Congress; or
- c. president of a political group or chair of a committee; or
- d. delegate for at least ten years (not necessarily consecutively).

2. The Bureau may make provisions governing the rights and privileges of honorary members in the Administrative Rules.

## CHAPTER III – POLITICAL GROUPS

### Rule 9 – Formation and funding of political groups

1. Delegates may form political groups and become members of these groups. A political group must consist of at least 20 delegates drawn from at least six national delegations to be recognised as a political group by the Congress. The situation of the groups as at 1 January each year will be examined by the Secretary General of the Congress who will subsequently inform the Bureau.
2. Each group's budgetary allocation is calculated on the basis of the number of its members on 1 January each year. A complete list of the members must therefore be submitted to the Secretary General of the Congress in the first week of each year by the presidents of the political groups.
3. Rules on funding of political groups are decided upon by the Bureau of the Congress and added as an appendix to the current Rules and Procedures.

### Rule 10 – Meetings of political groups

*The political groups of the Congress shall meet principally on the occasion of sessions [...]. (Charter Art 6.3)*

Meeting rooms and interpretation shall be provided by the Congress for meetings of political groups. Interpretation shall be provided in accordance with Rules 94 and 95.

### Rule 11 – Duties of political groups

1. Each political group must adopt its constitution and/or rules of procedure, and must submit these, and any subsequent modification to them, to the Secretary General of the Congress who must submit them to the Bureau of the Congress for information.
2. Each group's constitution must commit the group to the respect and promotion of the aims and basic principles of the Council of Europe, notably political pluralism, human rights and the rule of law.

3. Each political group must at each renewal session inform the Bureau of the Congress of the names of its members, president, 1st vice-president, treasurer and secretary and the composition of its bureau and must keep the Bureau informed of any changes to these as soon as they occur. The Secretary General of the Congress must make this information publicly available.

**Rule 12 – Presidents of political groups**

1. Presidents of political groups must be representatives, not substitutes.

2. Presidents of political groups may participate in the work of the Bureau of the Congress on behalf of their group in accordance with Rule 18.3 and in the Statutory Forum in accordance with Rule 41.2.

3. A president of a political group may not at the same time:

- a. be a member of the Bureau of the Congress;
- b. be a chair of a committee; or
- c. act as rapporteur or head of delegation during election observation exercises.

4. A president of a political group who is elected to the Bureau of the Congress or loses his or her mandate as a delegate of the Congress must be replaced at bureaux meetings, until a new president is elected, by the group's 1st Vice-President. This replacement should not exceed six months.

## CHAPTER IV – SESSIONS OF THE CONGRESS AND CHAMBERS

### Rule 13 – Place and frequency

*The Congress shall meet in session at least once a year. Sessions shall be held at the seat of the Council of Europe unless the Congress or its Bureau and the Committee of Ministers decide by common consent that the session should be held elsewhere. (SR Art 4.1)<sup>1</sup>*

*The sessions of each of the two chambers shall be held either immediately before and/or after the session of the Congress. On the proposal of the Bureau of the Congress, either chamber may hold other sessions. (Charter Art 6.2)*

The Bureau of the Congress must set the dates of the Congress's sessions and the President of the Congress must inform the Chair of the Committee of Ministers and the President of the Parliamentary Assembly accordingly.

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<sup>1</sup> See also Charter Art 6.1.

## **CHAPTER V – PRESIDENCY OF THE CONGRESS AND CHAMBERS**

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

1. Candidates for the posts of President of the Congress, president of either chamber or vice-presidents must be representatives to the Congress. Substitutes may not be candidates for these posts.

***The Congress shall elect its president from the members, who are representatives, of each chamber on an alternating basis. [...] (Charter Art 14.1)***

2. A representative may be a candidate for the office of President of the Congress only if:

- a. he or she has been nominated in writing by at least 20 representatives from at least four national delegations;
- b. his or her candidature has been notified to the Secretary General of the Congress at the latest twenty-four hours before the opening of the sitting at which the election is to take place; and
- c. he or she does not belong to the same chamber as the outgoing President.

***Each chamber of the Congress shall elect from among its representatives a president [...]. (Charter Art 14.2)***

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

- a. he or she sits in that chamber (and, in the case of the Chamber of the Regions, sits with full capacity);
- b. he or she has been nominated in writing by at least ten delegates sitting with full capacity in that chamber from at least four national delegations;
- c. his or her candidature has been notified to the Executive Secretary of that chamber at the latest two hours before the opening of the sitting at which the election is to take place;
- d. he or she has not held two consecutive mandates as president of that chamber immediately before that election; and

- e. he or she does not belong to the same national delegation as the President of the Congress.
4. A representative may be a candidate for the office of vice-president of a chamber only if:
  - a. he or she sits in that chamber (and, in the case of the Chamber of the Regions, sits with full capacity); and
  - b. his or her candidature has been notified to the Executive Secretary of that chamber at the latest two hours before the opening of the sitting at which the election is to take place.

### **Rule 15 – Election procedures**

***The [...] Rules of Procedure [...] shall provide for [...] the procedure for the election of the President of the Congress and the president and vice-presidents of each chamber; (Charter Art 13.1.d)***

1. The election of the President of the Congress must take place during the opening sitting of the renewal session, and at the opening sitting of the session two years after a renewal session. Only representatives or substitutes duly mandated to replace a representative may vote. The technical aspects of voting procedures shall be detailed in the Administrative Rules.
2. The election of a president of a chamber must take place during the first sitting of the chamber following the election of a President of the Congress, except after an extraordinary election of a president held under Rule 16.3 or, if it is not possible to elect a new President, in which case the provisions of Rule 40.2 apply.
3. Elections for the posts of President of the Congress and of presidents of the chambers must be by secret ballot (which may be held electronically) even where there is only one candidate. The ballot must provide for votes in favour, votes against and abstentions.
4. Where there is one candidate to the post of vice-president of a chamber, he or she is declared vice-president without proceeding to a ballot unless a ballot is requested by at least 20 delegates sitting with full capacity in that chamber from at least four delegations and whose credentials have been ratified by the Congress. Where such a ballot is requested, it shall be

held immediately, be secret and provide for votes in favour, votes against and abstentions.

5. A candidate to the post of President of the Congress or of president of a chamber is elected if more than half of the votes cast are in his or her favour. If this is not the case, a new election must take place as follows:

- a. with regard to the post of President of the Congress, candidatures must be presented to the Secretary General of the Congress in accordance with Rule 14.2.a and 14.2.c, within four hours of notification of the result of the election to Congress members by the provisional President. The new election shall be held as soon as possible thereafter and preferably before the end of the session.
- b. with regard to the post of president of a chamber, candidatures must be presented to the Executive Secretary of that chamber in accordance with Rule 14.3.b within one hour of notification of the result of the election to that chamber's members by the provisional President. The new election shall be held as soon as possible thereafter and preferably before the end of the chamber session.

6. Where there is more than one candidate, the Congress or chamber votes by secret ballot which may be electronically. In the case of a non-electronic secret ballot, two tellers per ballot box, chosen by lot, are to observe the counting of the votes cast. If no candidate receives more than half of the votes cast, an additional round or rounds shall take place until one candidate has achieved more than half of the votes cast. At each round the candidate who has received the least number of votes shall be eliminated. In the event of a tie between two candidates in the final round, lots shall be drawn.

7. Immediately after each chamber has elected a president, it must elect by secret ballot (which may be electronically), seven vice-presidents. An election must take place even if there are fewer than seven candidates. A delegate (but in the case of the Chamber of Regions, only a delegate sitting with full capacity) may vote, using a single ballot paper, for up to seven candidates and must vote for at least four. The seven candidates receiving the greatest number of votes are declared elected in each chamber in order of precedence according to the number of votes each receives.

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

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

10. The presidents and vice-presidents of the chambers are the vice-presidents of the Congress. The president of the chamber to which the President of the Congress does not belong is 1st Vice-President of the Congress. The president of the other chamber is 2nd Vice-President of the Congress. The 1st vice-president of the chamber to which the President of the Congress does not belong is 3rd Vice-President of the Congress, and so on.

#### **Rule 16 – Term of office**

***The President [of the Congress] shall remain in office for two years. (Charter Art 14.1)***

***Each chamber of the Congress shall elect from among its representatives a president who shall remain in office for two years. (Charter Art 14.2)***

1. No representative may hold office as President of the Congress for two consecutive terms, whether complete or partial.

2. No representative may hold office as president of a chamber for more than two consecutive terms, whether complete or partial.

3. When the President of the Congress or a president of a chamber resigns or ceases to be a representative, or is incapable of acting as such in accordance with Rule 16.9 below, an extraordinary election to the office in question for the remainder of the term outstanding must be held at the start of the following session under the procedures described in Rules 15.3 to 15.5.

4. When a vice-president other than a president of a chamber ceases to be a representative or if his or her seat on the bureau becomes vacant, that position is filled by the next bureau member of his or her chamber according to order of precedence taking the number of votes and chamber alternation

into account. The Bureau of the Congress must make provision for the election of a new vice-president at the next chamber sitting.

5. The provisions of paragraphs 3 and 4 shall not apply if representatives holding the post of President of the Congress, president or vice-president of a chamber are reappointed to their national delegation with another specific local or regional mandate within six months after having lost the previous mandate. Provided that their nomination is within the same chamber and that their credentials have been ratified in accordance with the provisions of Rule 6, such representatives shall continue to hold their elective posts in the Congress for the remainder of the term outstanding.

6. Where there is more than one vacant position of vice-president in the same chamber to be filled, election takes place in accordance with Rule 15.6. In the event of a tie between two candidates in the final round, lots shall be drawn.

7. Each new vice-president is placed last in the order of precedence in his or her chamber. Where more than one new vice-president is elected to a chamber at the same election the order of precedence shall be established in accordance with the number of votes each receives, in line with Rules 15.7 and 16.4.

8. A representative who has not exercised any of his or her functions of president or vice-president for a period of six months is deemed to be incapable of acting in that office. In this case, the Bureau of the Congress must make provision for their replacement in accordance with Rules 16.3 or 16.4.

## **Rule 17 – Duties of presidents**

1. It is the duty of the president to open, suspend and close sittings; to propose at the end of each sitting the date, time and agenda of the next sitting; to guide debate; to ensure observance of the Rules and Procedures; to maintain order; to call on speakers; to open and close debates; to put questions to the vote; to announce the results of votes; and to decide to check whether there is a quorum before proceeding with a vote by roll-call.
2. The representative holding office as president may speak in a debate but must do so from the floor and not as president. When speaking from the presidential chair, the president is restricted to speaking on matters on which the president is authorised to speak under these Rules.
3. No-one may preside over any debate in which he or she takes part.
4. When the president speaks from the floor, a vice-president must occupy the chair for that debate.
5. The President of the Congress represents the Congress in its relations with other bodies. In particular, he or she is responsible for informing the Parliamentary Assembly and the Committee of Ministers of Congress activities. He or she also keeps the Congress informed at regular intervals about the state of the recommendations put forward to the Committee of Ministers by the Congress.
6. Each president must carry out the policy decided by the body of which he or she is president and is to maintain contacts with international organisations as part of the general external relations policy of the Council of Europe.
7. The president may delegate part of his or her responsibilities to a vice-president. If the president is absent or temporarily unable to discharge his or her responsibilities, they shall be exercised by the most senior vice-presidents available, and subject to the provisions of Rule 94.3.
8. When acting as president, a vice-president may exercise the powers of, and is subject to the obligations of the president.

## CHAPTER VI – BUREAUX OF THE CONGRESS AND CHAMBERS

### Rule 18 – Constitution of the bureaux

*Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: a Bureau [...]. (SR Art 4.2)*

*Each chamber shall elect its Bureau from among its representatives for a period of two years. It shall be composed of the president of the chamber and seven vice-presidents, respecting as far as possible a fair geographical distribution among member States. No member State shall have more than one representative on the Bureau of either chamber. The bureaux of the chambers may only meet on the occasion of a meeting of the Bureau of the Congress. (Charter Art 7.2)*

*The Bureau of the Congress is composed of the bureaux of the chambers plus the President of the Congress. (Charter Art 9.1)*

1. No member of the Bureau of the Congress may at the same time:
  - a. be the president of a political group;
  - b. be a chair of a committee; or
  - c. act as rapporteur or head of a delegation during election observation exercises.
2. Members of a bureau who are not available to participate in a bureau meeting may not be replaced.
3. The outgoing President of the Congress, the presidents of the political groups and the chairs of the committees are entitled to participate in the meetings of the Bureau of the Congress, but do not have the right to vote. Chairs of committees may be replaced at such meetings, but only by a vice-chair of the committee concerned. Presidents of political groups may be replaced by their 1<sup>st</sup> Vice-President, subject to the limitation set forth in Rule 12.4.
4. The presidents of the political groups and the chairs of the committees may participate in the meetings of the bureau of either chamber, irrespective of their chamber of origin, but do not have the right to vote. Replacements are as under Rule 18.3.

5. A bureau may also invite to the whole or part of its meetings any person in an advisory capacity (including a thematic spokesperson, a rapporteur on observation of elections, a rapporteur of a committee or a rapporteur of a working group) or any other persons or representatives of organisations whose contribution may be deemed useful, including delegations with special status or organisations enjoying partner status. Persons invited under this paragraph may speak only on those subjects for which they were invited.

### **Rule 19 – Bureau procedure**

***The Bureau of the Congress shall be presided over by the President of the Congress. (Charter Art 9.3)***

1. The bureau of a chamber is presided over by that chamber's president.

2. Meetings of the bureaux are to be held *in camera*. A bureau may decide to exclude from a particular meeting, or part of a meeting, any persons it considers necessary to exclude, except the members elected to that bureau (restricted *in camera*).

3. The draft agenda of a bureau meeting and all documents related to items on the agenda must be made available to participants in the bureau at least seven days before the date of the meeting. An item may be considered if this deadline has not been met, provided that more than half of the members of the bureau present agree.

4. Decisions in the bureaux are taken by consensus except where a vote is deemed necessary by the President or requested by a Bureau member; in this case voting is by simple majority of the members present. The President may take part in the Bureau's discussions and may vote, but does not have a casting vote.

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

6. Where urgent decisions are required in between Bureau meetings the President of the Congress may take them in agreement with the chamber presidents.

7. Except for the President and the chamber presidents, who may be accompanied by two advisors, Bureau participants<sup>1</sup> may be accompanied to meetings of a bureau by no more than one advisor who must not be under the authority of any national government for the purposes of this work. If a bureau participant is unable to participate in a bureau meeting, their advisor may attend the meeting without the right to speak.

### **Rule 20 – Functions of the Bureau of the Congress**

***The Bureau of the Congress [...] shall be responsible, in the period between the sessions of the Statutory Forum and the Congress, for ensuring the continuity of the Congress’s work. (Charter Art 9.1)***

***The Bureau shall also be responsible for the preparation of the session of the Congress, 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 committees and of the ad hoc working groups, preparation of the budget and the balanced allocation of budgetary resources between the Congress and the two chambers. [...] The mandate of the Bureau and its role shall be detailed in the Rules of Procedure. (Charter Art 9.2)***

1. The Bureau of the Congress is the executive organ of the Congress.
2. The Bureau examines and takes a decision on committee terms of reference and biennial work programmes as well as on the proposals for reports, events or other activities presented to it by the chambers, committees or working groups for approval.
3. The Bureau, on the proposal of the Secretary General of the Congress, may adopt administrative rules, in conformity with the Council of Europe’s rules. Rules approved in draft by the Bureau under this provision must be made available to delegates and will come into force at the time of the next meeting of the Bureau unless representations are made to the Bureau by at least five delegates from two national delegations that the rules should

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<sup>1</sup> Members of the bureaux, presidents of the political groups, chairs of the committees and outgoing President of the Congress.

not be brought into force. If such representations are made at the latest 7 days prior to the Bureau meeting, the Bureau must reconsider the matter but may then decide to adopt the rules with or without amendment.

## **CHAPTER VII – ORIGINATION AND DISTRIBUTION OF BUSINESS**

### **Rule 21 – Division of business between the Congress and chambers**

*As regards the distribution of questions, no question may be considered in both chambers. Any matter in which both chambers would have an interest shall be considered in the Congress. (Charter Art 9.2)*

*However, when a question is considered by the Bureau of the Congress as falling exclusively within the competence of a chamber:*

- a. the recommendations and opinions relating to such questions which are addressed to the Committee of Ministers, and/or to the Parliamentary Assembly shall be adopted either by the Congress or by the Statutory Forum between sessions, but without any consideration of the substance of the matter. In exceptional cases, the Bureau of the Congress may authorise the other chamber to formulate an opinion on these draft texts;*
- b. the resolutions relating to the question and which are addressed to the authorities that the chamber represents shall be adopted either by the Congress or by the Statutory Forum between sessions, without consideration of the substance of the matter. (Charter Art 11.2)*

Where the Bureau of the Congress considers that, although a matter falls exclusively within the competence of a chamber, the opinion of the other chamber is required on that matter, it may request the bureau of that chamber to appoint a delegate to follow the work of the competent chamber and to prepare a draft opinion which he or she must then submit to his or her chamber for adoption. If any such opinion is adopted by a chamber, it must be considered by the competent chamber.

### **Rule 22 – Distribution of matters to committees and working groups**

1. The Bureau of the Congress must consider all:
  - a. requests for an opinion presented by the Committee of Ministers or the Parliamentary Assembly;
  - b. proposals presented by delegates under Rules 27, 98.3 or 99.2;
  - c. proposals (including proposals for reports, events or other activities) presented by a committee or working group; and

- d. memoranda submitted by delegations with special status<sup>1</sup> or organisations enjoying partner<sup>2</sup> status with the Congress.
2. In each case, it must make one of the following decisions:
  - a. to refer the matter to a committee or working group for preparation of a report;
  - b. to refer the matter to a committee or working group for consultation;
  - c. to refer the matter to a committee or working group for information;
  - d. (in exceptional circumstances) to refer the matter to a working group set up for the purpose;
  - e. to take further action within the scope of its own activities, or
  - f. to take no further action.
3. Any reference under Rule 22.2.a and 22.2.d must be accompanied by clear terms of reference.
4. Any reference to a committee lapses either:
  - a. two years after it was made; or
  - b. at the request of the committee by decision of the Bureau of the Congress.

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<sup>1</sup> See Chapter XV.

<sup>2</sup> See Chapter XVI.

## CHAPTER VIII – PROCEDURE DURING SESSIONS

### Rule 23 – Agreement of agenda

***The [...] Rules of Procedure [...] shall provide for [...] the procedure for the establishment of the agenda and its transmission to members; (Charter Art 13.1.e)***

1. The Bureau of the Congress must draw up a draft sessional agenda for each session, coordinating the chambers' sittings in accordance with Article 9 of the Charter.
2. Any matter within the competence of the Congress may be placed on the draft sessional agenda.
3. The Bureau must indicate in respect of each matter on the draft sessional agenda:
  - a. whether it is to be discussed by a chamber or by the Congress;
  - b. at which sitting it is to be discussed;
  - c. what reports from the Bureau itself, from the committees or the working groups are to be considered in relation to it; and
  - d. whether any text is to be voted upon, or if the matter is for debate only.
4. The draft sessional agenda must be communicated to delegates at least 30 days before the opening of the session.
5. No report (except a report under Rule 6 (verification of credentials)), may be included in the agenda unless it has been made available to delegates at least twenty days before the first sitting of the session at which it is to be considered, or unless the Bureau considers in the circumstances that a report deals with a matter of urgency and ought to be included without this deadline being met.
6. The draft sessional agenda may propose that one or more representatives of any government, of a delegation with special status or of any organisation, regardless of whether it enjoys a partner status with the Congress, or any individual, should attend the whole or part of a sitting either to take part in debate or to reply to questions from delegates.

7. One or more members of a bureau or any ten delegates belonging to at least four national delegations may propose to the Bureau of the Congress, by means of a written request to the President and not later than three hours before the opening of the final meeting of the Bureau of the Congress before a session, that a matter not contained on the draft sessional agenda needs to be debated urgently. Such a matter is placed on the second or third day of the session unless the Bureau deems it necessary to deliberate on the matter on the first day of the session.

8. The Bureau of the Congress may propose changes to the draft sessional agenda, in particular if it considers (whether following proposals made to it or of its own accord) that a matter needs to be debated urgently, or if it considers that a draft declaration under Rule 26 needs to be considered.

9. The draft sessional agenda, containing any changes proposed by the Bureau of the Congress, must be submitted to the Congress at its first sitting.

10. The Congress may adopt or modify the draft sessional agenda. A two-thirds majority is required to modify a draft sessional agenda.

11. At the end of each sitting, the President must propose the date and time of the next sitting as well as any changes to the published agenda that the Bureau of the Congress considers necessary for the smooth transaction of business. A “sitting agenda” or notice is published for each day of the session.

### **Rule 24 – Tacit adoption procedure**

1. The Congress may decide to adopt a draft text without oral presentation or debate under the tacit adoption procedure.

2. It is for the Bureau of the Congress to decide when preparing the agenda for a session whether to propose that any report presented by a committee or a working group should be considered under the tacit adoption procedure.

3. Notice must be given to all delegates at least 30 days before the opening of the session of any report proposed to be considered under the tacit adoption procedure.

4. At the first sitting of the session concerned, the President announces the report or reports proposed to be considered under the tacit adoption procedure.

5. If twenty delegate(s) from at least four delegations object in writing to the President by midday on the day following the announcement to any draft text contained in such a report being considered under the tacit adoption procedure, the President must propose that the report be debated and voted on at the next possible sitting.

6. Any draft text to which no objection is made is regarded as adopted, and must be published as if it had been adopted after debate.

7. At the last sitting of the session, the President gives notice of any texts which have been adopted under the tacit adoption procedure during that session.

### **Rule 25<sup>1</sup> – Matters for debate**

***All the recommendations and opinions to be addressed to the Committee of Ministers and/or the Parliamentary Assembly as well as the resolutions addressed to the local and regional authorities as a whole shall be adopted by the Congress at its plenary sitting or by the Statutory Forum. (Charter Art 11.1)***

Matters for debate include any draft text or any other matter placed on the agenda by the Bureau of the Congress under Rule 23.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

## Rule 26 – Declarations

1. The Bureau of the Congress may table a draft declaration on any subject within the competence of the Congress.
2. The Bureau may decide:
  - a. to adopt the draft declaration as a Bureau declaration; or
  - b. to include the draft declaration in a draft sessional agenda, for adoption by the Congress or a chamber. This may be done whether or not the notice period under Rule 23.4 has been complied with, provided that at least 24 hours elapse between the time at which the draft declaration is made available and the time at which it is due to be debated.
3. Delegates may present proposals for a draft declaration provided they are in one of the two official languages and are received by the Secretary of the Bureau by the following deadlines:
  - 12.00 on the eve of the session, for consideration by the Bureau;
  - 12.00 on the first day of the session, for consideration by the three presidents.
4. Draft declarations proposed under Rule 26.3 shall be placed on the last day of the sessional agenda.
5. If a draft declaration is included in a sessional agenda, then:
  - a. amendments may be tabled to the draft declaration in accordance with Rule 34;
  - b. a debate on the draft declaration must be opened by a member of the Bureau on its behalf;
  - c. the draft declaration (and any amendments tabled to it must be put to the vote; and
  - d. if the draft declaration is adopted, it must be published as a Congress or chamber declaration, as the case may be.

### **Rule 27 – Proposals for future Congress activities presented by delegates**

1. Prior to, or during, a session of the Congress at least twenty delegates from at least four national delegations, or a political group, may table a proposal, not exceeding 300 words, for future Congress work on any matter within its competence. The template in Appendix II shall be used for this purpose.
2. Members of delegations with special status may add their signature to such a proposal though it will not be taken into account when counting signatories.
3. At the discretion of the Bureau, and subject to provisions it may set out on an ad hoc basis at a Bureau meeting no later than the eve of the session, other participants may be allowed to table proposals or add their signature to those already tabled.
4. If the President determines that the proposal is in order, it must be published during the session and is considered to be referred to the Bureau of the Congress for consideration and decision in accordance with Rule 22.1.

### **Rule 28 – Memoranda presented by delegates**

1. Prior to, or during, a session, memoranda not exceeding 200 words on subjects within the competence of the Congress may be tabled provided they have been signed by at least twenty delegates belonging to at least four national delegations.
2. Any delegate may add his or her signature to a memorandum. Members of delegations with special status may also add their signature though it will not be taken into account when counting signatories. When a signature is added, the memorandum must be published again at the beginning of the next session together with the names of all the delegates who have signed it.
3. At the discretion of the Bureau, and subject to provisions it may set out on an ad hoc basis at a Bureau meeting no later than the eve of the session, other participants may be allowed to table memoranda or add their signature to those already tabled.
4. Memoranda judged by the President of the Congress to be in order must be published.

5. No proceedings arise as the result of a memorandum.

### **Rule 29<sup>1</sup> – Matters for vote**

Voting takes place only on a draft text or where otherwise provided under these Rules.

### **Rule 30 – Speaking arrangements**

1. Representatives, substitutes duly mandated according to Rule 5.1 or, for a chamber, delegates from that chamber<sup>2</sup> wishing to speak in debate must enter their names on the speakers' list either before the opening of the sitting or in the course of the sitting. The president may, in the interest of the debate, depart from the order in which names have been entered.
2. Those wishing to speak may only do so if called upon by the president to take the floor. They must speak from their places.
3. The president of a chamber may, if need be, authorise a member from the other chamber to speak in the interest of the debate.
4. A speaker may not be interrupted, except on a point of order. However, he or she may, with the permission of the president, give way during his or her speech to allow another person with the right to speak in that debate to put a question to him or her.
5. The order of deliberations in the debate on a draft text is: presentation by the rapporteur or co-rapporteurs, opening of debate to the floor, reply of rapporteur or co-rapporteurs to the debate, possible reply by the chair of the relevant committee, close of the debate (and vote on amendments, if any, followed by vote on the text, possibly amended).
6. Speaking time for delegates is limited as follows:
  - a. Single rapporteurs presenting reports: 10 minutes;
  - b. Co-rapporteurs presenting reports: six minutes each;
  - c. Single rapporteurs replying to debates: five minutes;

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

<sup>2</sup> This rule does not apply to substitutes replacing representatives as provided for in Rule 5.7.

- d. Co-rapporteurs replying to debates: three minutes each;
  - e. Chairs of committees replying to debates (at their request): three minutes;
  - f. Other speakers (except on personal statements; on setting the agenda; on any procedural question or on amendments): three minutes;
  - g. Speakers on personal statements; on setting the agenda; on any procedural question or on amendments or sub-amendments: one minute.
7. Depending on the available time, the president may decide that speaking time will be reduced or that not all those who have entered their name in the register may speak.

***The conditions under which the Committee of Ministers and the Parliamentary Assembly may be collectively represented in the debates of the Congress or of the chambers and those under which their representatives may, in an individual capacity, speak therein shall be drawn up by the Committee of Ministers after consultation with the Congress and inserted in the Rules of Procedure of the latter. (Charter Art 12)***

8. When the Committee of Ministers or the Parliamentary Assembly has requested an opinion from the Congress, persons speaking on behalf of those bodies have the right to speak in any debate on that request.

### **Rule 31 – Voting arrangements**

***The [...] Rules of Procedure [...] shall provide for [...] questions concerning the right to vote [...]. (Charter Art 13.1.c)***

1. The right to vote is an individual one, linked to membership of a chamber.<sup>1</sup> Voting by proxy is not permitted.
2. Representatives, substitutes duly mandated according to Rule 5.1 or, for the chambers, delegates sitting with full capacity in the Chamber of Regions or delegates sitting in the Chamber of Local Authorities may vote in the affirmative, or in the negative, or abstain. Only affirmative and negative votes count in calculating the number of votes cast. Votes are decided by electronic voting or, if this is not possible:

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<sup>1</sup> Except where Rule 5.7 applies.

- a. by show of hands;
  - b. by standing, if, in the opinion of the president, the result of the show of hands is doubtful; or
  - c. by roll-call, if one-sixth of the delegates entitled to vote request this, or the president so decides (if necessary having ascertained whether a quorum is present).
3. The president is responsible for organising the counting of votes when electronic voting is not used.
4. Voting by roll-call begins five minutes after warning bells have been rung. The roll is called in alphabetical order beginning with the name of a representative, a substitute duly mandated according to Rule 5.1 or, for the chambers, a delegate sitting with full capacity, drawn by lot by the president. The names of those voting in a valid roll-call vote must be recorded in the minutes of the sitting.
5. Voting in elections takes place by secret ballot or may be conducted electronically.

### **Rule 32<sup>1</sup> – Majorities required**

*The [...] Rules of Procedure [...] shall provide for [...] the majorities required, it being understood that the recommendations and opinions addressed to the Committee of Ministers and the Parliamentary Assembly, and also recommendations addressed to a country shall be adopted by a majority of two-thirds of the votes cast; (Charter Art 13.1.c)*

1. In addition to the requirements under Article 13.1 of the Charter, decisions to:
  - a. modify the draft agenda under Rule 23;
  - b. withdraw or suspend a delegation's special guest status under Rule 63; or
  - c. set up a committee under Rule 44

must be adopted by a majority of two-thirds of the votes cast.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

2. Other decisions (except in respect of elections to which Rule 15 applies) are adopted by a majority of the votes cast and therefore a tied vote is decided in the negative.

### **Rule 33<sup>1</sup> – Quorum**

*The [...] Rules of Procedure [...] shall provide for [...] a quorum; (Charter Art 13.1.b)*

1. Business may be transacted whatever the number of delegates present who are entitled to vote, but a vote by standing or by roll call is not valid unless one sixth of those entitled to vote take part.

2. A vote which is not valid owing to the lack of quorum must be held again at a time to be determined by the President.

3. Rule 33.2 does not apply to a vote on a procedural motion under Rule 35. A vote on such a motion which is not valid is to be regarded as decided in the negative.

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

### **Rule 34<sup>1</sup> – Amendments and sub-amendments**

1. An amendment to a draft text under consideration may be tabled and signed by:
  - a. five delegates from at least two delegations for texts debated in plenary sittings or by any five delegates from at least two national delegations sitting in the Chamber of Local Authorities for debates in that chamber and by any five delegates from at least two national delegations sitting with full capacity in the Chamber of Regions for debates in that chamber.; or
  - b. a rapporteur in respect of his or her text, provided that in the case of reports presented by two co-rapporteurs, both co-rapporteurs are in agreement and sign the amendment.
2. Each amendment must specify the name of the delegate – one of the five signatories – who will submit it.
3. Amendments may be tabled, in one of the Congress' two official languages (English and French) or its working languages only to draft texts and not to explanatory memoranda. The Secretariat must make them available, in English and French, as soon as possible if they are in order in accordance with Rule 34.9 and Rule 34.10.
4. An amendment must relate directly to the draft text which it seeks to amend.
5. Amendments must be tabled in accordance with the following deadlines:
  - a. to a draft text due to be debated on the first day of a session, by 16.00 on the day before;
  - b. to any other text, by 10.00 on the day before the day on which debate is scheduled.
6. Rapporteur amendments must be tabled in accordance with the following deadlines: by 18.00 for a text due to be debated on the first day of a

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

session and by 12.00 on the day before the scheduled debate for texts to be debated on the remaining days of the session.

7. Rule 34.5 does not apply to amendments tabled under Rule 34.1.b (rapporteurs' amendments) nor to amendments tabled to declarations under Rule 26 or those tabled to texts dealing with a matter of urgency in accordance with Rule 23.5.

8. Sub-amendments to previously tabled amendments must be tabled in accordance with the following deadlines:

- a. to a draft text due to be debated on the first day of a session, by 19.00 on the previous day;
- b. to any other text, by 14.00 on the day before the day on which debate is scheduled.

9. A sub-amendment must relate directly to the amendment but must not contradict its sense. A sub-amendment may not be further amended.

10. The President is to decide whether an amendment or a sub-amendment is in order.

11. During the course of a debate oral amendments as an alternative to previously tabled amendments may only be proposed by the rapporteur(s). During examination of the oral amendment only the following may speak: one rapporteur, one speaker against and the chair of the committee or working group concerned.

12. Sub-amendments must be debated and put to the vote before the amendment to which they refer.

13. Amendments must be considered in the order in which they relate to the draft text, but the President may decide that amendments may be grouped for consideration together if it appears to him or her that this will aid debate. Where amendments are grouped, the President may decide that not all amendments in the group shall be voted upon.

14. If two or more contradictory amendments relate to the same paragraph, the amendment which differs most from the draft text has priority over the others and is placed chronologically first in the text and is put first to the vote. If it is agreed to, the other amendments are regarded as having been thereby rejected; if it is rejected, the amendment which, according to the

same principle, is next in priority is put to the vote, and similarly for each of the remaining amendments. It is for the President to decide the order in which such amendments are to be taken.

15. The same procedure is to be followed if two or more contradictory sub-amendments relate to the same amendment.

16. During examination of an amendment or sub-amendment, unless the President decides otherwise, only the following may speak: one of the authors of the amendment or sub-amendment, one speaker against and the rapporteur and the chair of the committee or working group concerned.

17. When an amendment or sub-amendment is called, one of its signatories is called to move it. If none of the signatories moves the amendment or sub-amendment, any representative (or duly mandated substitute) in the plenary sittings, or any member of a chamber (in that chamber) may do so. An amendment or sub-amendment that is not moved, falls.

18. An amendment or sub-amendment which has been withdrawn by its signatories may be moved by any other representative (or duly mandated substitute) in the plenary sittings, or any member of a chamber (in that chamber).

### **Rule 35 – Procedural motions**

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

- a. the deferment of the debate until one or more conditions have been fulfilled (but unless the president decides otherwise, this motion is only admissible if notified in writing at least one hour before the opening of the debate);
- b. the adjournment of a debate;
- c. the closure of a debate;
- d. the closure of the list of speakers; or
- e. reference back to a committee or working group.

2. None of these procedural motions may be moved more than once during a debate.

3. A procedural motion takes precedence over the main question, the discussion of which must be suspended.
4. In debate on a procedural motion only the following may speak: the proposer of the motion, one speaker against the motion and the rapporteur and the chair of the committee or working group concerned.
5. The president shall decide whether voting on a procedural motion is done electronically or by standing up.

### **Rule 36 – Order in proceedings**

1. A representative, a substitute duly mandated according to Rule 5.1 or, for the chambers, a delegate has a prior right to speak if he or she raises a point of order. A point of order must be confined to a question of procedure seeking a ruling from the president.
2. Where points of order are misused, the president may decide that the person concerned may not speak during the remainder of that debate.
3. The president must call to order any speaker who deviates from the subject of debate. If the president calls a speaker to order under this rule three times during any debate, then the president may decide that the person concerned may not speak during the remainder of that debate.

### **Rule 37 – Public nature of debate and minutes of proceedings**

<p><i>Sessions of the Congress and its chambers shall be public. (Charter Art 6.1)</i></p>
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The minutes of proceedings of each sitting must be made available and submitted to the next sitting of the Congress or a chamber, as appropriate, for adoption. Any delegate who participated in the meeting may challenge the accuracy of the minutes of proceedings, and may require a vote on the changes requested.

### **Rule 38<sup>1</sup> – Public order**

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<sup>1</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

1. The president must call to order speakers whom he or she considers to be abusing<sup>1</sup> speaking time. If the persons concerned do not follow his or her instructions the president may decide to withdraw their right to speak for a time to be specified on a case by case basis by the president or else for the remainder of the debate, in accordance with Rule 36.3.
2. Upon request of the president, any person disrupting the debate is to be removed by the ushers.

### **Rule 39<sup>2</sup> – Secret ballots**

1. Any representative who is a candidate for any post shall address the body electing to that post for no longer than three minutes in order to present his or her candidacy. No questions may be asked.
2. When a secret ballot takes place, no delegate or other person may canvass or solicit votes, or otherwise seek to influence the outcome of the ballot within ten metres of the room where the ballot is held.

### **Rule 40 – Provisional President**

1. When a President of the Congress is to be elected at a session which is not a renewal session, the outgoing President presides until the election of the new President.
2. At the beginning of each renewal session it is the oldest representative present who acts as provisional President and discharges the presidential duties until the new President is elected. If it is not possible to elect a new President, the Congress must proceed as soon as technically possible with the election of the president of the chamber of the outgoing President, who will be the 1<sup>st</sup> Vice-President of the Congress. In this situation the oldest representative shall continue to act as provisional President until the election of the 1<sup>st</sup> Vice-President and Rule 40.4 shall not apply. Once elected, the 1<sup>st</sup> Vice-President shall discharge the duties of President until the election of a new President.<sup>3</sup>

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<sup>1</sup> Abuse includes use of insulting language, discourse incompatible with Council of Europe values, threatening or improper behaviour or dress code.

<sup>2</sup> Rules 25, 29, 32-34 and 38-39 on procedure during Congress sessions apply to each chamber *mutatis mutandis*.

<sup>3</sup> This rule shall apply, *mutatis mutandis*, to all elected posts in the Congress.

3. In accordance with Rule 40.1, when a president of a chamber is to be elected at a non-renewal session the outgoing president presides until the election of the new president unless the outgoing president has been elected President of the Congress, in which case it is the outgoing 1<sup>st</sup> Vice-President of that chamber who acts as provisional president. At a renewal session the oldest delegate<sup>1</sup> present acts as provisional president.
4. No vote may take place while a provisional president is in the chair unless it concerns the examination of credentials or the election of the President of the Congress or of the chambers.
5. A provisional president must leave the chair as soon as a president is elected.

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<sup>1</sup>For the Chamber of Regions, read “oldest delegate sitting with full capacity”.

## CHAPTER IX – STATUTORY FORUM

### Rule 41 – Constitution of the Statutory Forum

*Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: [...] a Statutory Forum [...].(SR Art 4.2)*

*The Statutory Forum shall be composed of the heads of all national delegations together with the members of the Bureau of the Congress. [...]* (Charter Art 8.2)

1. Heads of national delegations may be replaced in case of absence from the Statutory Forum by their deputy heads who will have the right to vote. Bureau members may not be replaced.
2. The outgoing President of the Congress, the presidents of the political groups and the chairs of the committees may participate in the meetings of the Statutory Forum, but do not have the right to vote.
3. The chairs of working groups may be invited to participate in the Statutory Forum's meetings in a consultative capacity. The rapporteur of a committee or of a working group may also be invited to attend all or part of a Statutory Forum meeting.

### Rule 42 – Functions, powers and procedures of the Statutory Forum

*The Statutory Forum shall act on behalf of the Congress between sessions. In particular, it shall adopt reports, and organise debates and hearings in accordance with the objectives of the Congress.* (Charter Art 8.1)

*[...] The Statutory Forum shall be convened, as necessary, by the President upon decision of the Bureau. (Charter Art 8.2)*

1. The powers, functions and procedures of the Statutory Forum, except as otherwise provided, are those of the Congress.
2. The President of the Congress chairs the Statutory Forum.

3. The Statutory Forum may hold meetings in a member State after consent by the Bureau of the Congress.

4. When a report is submitted to the Statutory Forum for adoption, all delegates must be informed not less than twenty days before the meeting of the Statutory Forum where the report is to be examined and a copy of the report must be made available to them at the same time. If twenty delegates belonging to at least four national delegations notify objection to the Secretary General of the Congress at least 7 days before the meeting of the Statutory Forum, then the report must be examined at a session of the Congress.

5. The Statutory Forum deals with matters within the responsibility of the Congress and the chambers, and therefore all members of the Statutory Forum are entitled to vote on all draft texts presented to it.

## CHAPTER X – COMMITTEES

*Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: [...] committees [...], which are necessary to perform its tasks. The Congress will inform the Committee of Ministers on the setting up of its committees. (SR Art 4.2)*

*The [...] Rules of Procedure [...] shall provide for [...] the organisation of the work of the committees [...];  
(Charter Art 13.1.f)*

### Rule 43 – Constitution and role of committees

1. The work of the Congress is carried out by the following committees:
  - a. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (to be known as the “Monitoring Committee”);
  - b. the Governance Committee;
  - c. the Current Affairs Committee.
2. The terms of reference, detailing the responsibilities and role of these committees as well as their biennial work programmes must be approved by the Bureau and adopted by the Congress.

### Rule 44 – Setting up of other committees

1. The Congress may set up any committee it considers necessary, within the priorities of the Council of Europe and within the limits of its budget. The President of the Congress must inform the Committee of Ministers if any such committee is set up.
2. The terms of reference, detailing the responsibilities and role of such committees as well as their biennial work programmes must be approved by the Bureau and adopted by the Congress.

### **Rule 45 – Powers and duties of committees**

1. A committee must examine all matters referred to it under Rule 22.2 and may examine any other matters within its terms of reference. It reports to the Congress or to either chamber.
2. A committee may organise any meetings, conferences or hearings necessary to further its work programme, subject to the approval of the Bureau of the Congress.
3. If a committee wishes to report on a matter, it must first inform the Bureau via a terms of reference document (Rule 55.1), of the content, scope, expected results and objectives of the proposed report and how it will be relevant to Congress priorities established for the time period in question. It must not report on the matter unless the Bureau agrees.
4. Every committee must keep under review:
  - a. texts adopted following its reports;
  - b. the intergovernmental activities of the Council of Europe and the activities of the Parliamentary Assembly committees within its terms of reference; and
  - c. the work of the committees of the Committee of the Regions of the European Union within its terms of reference.
5. The issue must be decided by the Bureau, if:
  - a. a committee considers that a matter is outside its competence; or
  - b. more than one committee considers that a particular matter should be considered by it alone.

### **Rule 46 – Membership of committees**

*The number of seats in the committees will be set by the Congress in its Rules of Procedure.*  
(SR Art 5)

1. The number of seats in committees and their apportionment by country is agreed and updated by the Bureau of the Congress.
2. All delegates have the right to be appointed as a full member to one committee and/or as a replacement delegate to another committee. This rule applies except where it is necessary, because the number of representatives in

a national delegation is less than the number of committees, for a delegate from such a national delegation to be appointed to two committees. The appointments shall be co-ordinated by the head or secretary of the national delegations and notified to the Congress secretariat.

3. Where a delegation does not assign delegates to committees, individual members of the delegation may ask the President of the Congress for permission to participate as a full member on an ad hoc basis in a committee of their choice until such a time as their national delegation has distributed its seats.

4. Each national delegation must assign delegates to act as replacement delegates for each committee. The number of replacement delegates so assigned must be the same as the number of delegates which that delegation appoints to the committee. A delegate may only be assigned as a replacement delegate for one committee except in the case of national delegations where the number of representatives is less than the number of committees.

5. If a full member of a committee is not able to attend a meeting of a committee, he or she must notify the secretariat of his or her national delegation in writing who must:

- a. appoint one of the committee's replacement delegates for the whole of the meeting; and
- b. immediately inform the committee secretariat.

6. The replacement delegate:

- a. must come from the same national delegation; and
- b. exercises the same powers as the full member he or she replaces for the period of the replacement (except that if he or she replaces the chair or vice-chair of a committee, he or she may not perform any of the functions exercised by the chair or vice-chair by virtue of those offices).

7. All full members of a committee may participate in all committee proceedings, but only members of a chamber may vote on any matter within the competence of that chamber only. Rule 5.7 shall not apply to proceedings in committees.

#### **Rule 47 – Election of chairs and vice-chairs of committees**

1. Every committee must elect from among its full members a chair who is a representative, as well as a 1st, 2nd, 3rd, 4th and 5th Vice-Chair. These elections must take place during the opening sitting of the renewal session, and at the opening sitting of the session two years after a renewal session. Every full member of the committee, or duly mandated replacement delegate, is entitled to vote in the election.
2. Nominations for election as chair or vice-chair must be sent to the Secretary to the committee not later than 18.00 on the day before the sitting at which the election is to take place.
3. The chair and vice-chairs of a committee remain in office for two years and may be re-elected for a second (but no further) consecutive mandate. The provisions of Rules 16.5 and 40.2 apply to chairs and vice-chairs of the committees *mutatis mutandis*.
4. Where there is one candidate to be chair, he or she is declared chair without proceeding to a ballot unless a ballot is requested by at least 10 full members from at least four national delegations or their duly designated replacements in accordance with Rule 46.4. Where a ballot is requested, it shall be held immediately, be secret and provide for votes in favour, votes against and abstentions.
5. Where there is more than one candidate, the decision is made by secret ballot, which may be electronically. In the case of a non-electronic secret ballot, two tellers per ballot box, chosen by lot, are to observe the counting of the votes cast. If no candidate receives more than half of the votes cast, an additional round or rounds shall take place until one candidate has achieved more than half of the votes cast. At each round the candidate who has received the least number of votes shall be eliminated. In the event of a tie between two candidates in the final round, lots shall be drawn.
6. A candidate is elected if more than half of the votes cast are in his or her favour. If this is not the case, a new election must be held as soon as possible.
7. Immediately after a committee has elected a chair, it must elect by secret ballot (which may be electronically), its five vice-chairs. An election must take place even if there are fewer than five candidates. A committee member may vote for up to five candidates but must vote for at least three, using a single ballot paper. The vice-chairs are to be declared elected in order of precedence according to the number of votes each receives, except

that no candidate may be declared elected if four persons of the same gender as the candidate have already been elected as chair or vice-chairs of that committee.

8. Rule 39 [secret ballots] applies to ballots for committee posts.
9. Rules 47.1 to 47.5 apply with such modifications as the Bureau of the Congress thinks appropriate when it is necessary to elect a chair or vice-chair between renewal sessions.
10. No chair of a committee may at the same time:
  - a. be a member of the Bureau of the Congress;
  - b. be the president of a political group; or
  - c. act as rapporteur or head of delegation in monitoring or election observation exercises.

#### **Rule 48 – Duties and powers of chairs of committees**

1. The chair and vice-chairs of a committee co-ordinate its work.
2. The chair may take part in a committee's discussions and may vote, but does not have a casting vote.

#### **Rule 49 – Time, frequency and nature of meetings**

1. Committees meet at the convocation of their chairs, within the limits of the budgetary resources allocated by the Bureau of the Congress.

2. Committees must meet in Strasbourg or Paris. However, where it considers it appropriate to do so, the Bureau may authorise a committee to meet elsewhere.

3. Committee meetings are public, though the committees may decide, on an ad hoc basis, whether a meeting is to be held *in camera*. Committees may hold hearings which are open to all members, the public and the press.

### **Rule 50 – Attendance at meetings**

1. A delegate who is not a member of a committee may attend a meeting of a committee at his or her own expense. He or she may take the floor only with the authorisation of the chair of the committee, but may not vote.

2. A delegate who tabled a proposal under Rule 27 and referred to a committee under Rule 22 and who is not a member of that committee may be invited to take part in a consultative capacity in the committee's work in respect of that proposal, but may not vote.

3. Members of delegations with special status and organisations enjoying partner status may attend committee meetings without the right to vote unless the committee decides, in advance, to hold part or all of a meeting *in camera*.

### **Rule 51 – Agenda of committees**

All documents related to items on the agenda of a committee meeting must be made available to members of the committee at least 14 days before the date of the meeting. An item may be considered if this deadline has not been met, provided that more than half of the members present agree.

### **Rule 52 – Voting and quorum**

1. Voting in committee is by electronic voting or by means of a voting card distributed at the beginning of each meeting.

2. The quorum of a committee is one sixth of its membership (number of full members).

### **Rule 53 – Procedure**

1. Procedure in committee must, except where otherwise provided, follow procedure in plenary.
2. All committee meetings and documents are public unless a committee decides otherwise.
3. When the chair of a committee is to be elected at a non-renewal session the outgoing chair presides until the election of the new chair.
4. Until the chair of a committee is elected during a renewal session, the duties of the chair are discharged by the oldest full member present, and no discussion may take place unless it is concerned with the election of the chair.

#### **Rule 54 – Appointment and duties of rapporteurs**

1. A committee must appoint a rapporteur (or two co-rapporteurs in the case of monitoring reports) for each report it wishes to bring before the Congress for examination. Rapporteurs and co-rapporteurs for monitoring reports must be designated in accordance with Rule 76. Co-rapporteurs appointed for thematic reports where it is necessary to reflect both the local and regional dimensions of the issue, should fulfil the following criteria, they should be from:
  - a. different chambers;
  - b. different national delegations.
2. If a rapporteur is no longer able to act, the committee must appoint a replacement or, if it is unable to do so, the chair of the committee may appoint a replacement himself or herself.
3. Any member of a committee, or replacement delegate duly assigned to that committee, may present his or her candidature for the position of rapporteur to the committee, but a committee must ensure that there is a fair distribution of rapporteurships between the two chambers, the political groups and non-affiliated members, genders and national delegations.
4. Reports are drawn up in one of the two official languages of the Council of Europe, English and French. Rapporteurs must therefore have sufficient fluency in one of those languages to be able to draft in it.

5. Reports presented for adoption to a chamber may only be presented by rapporteurs who sit in that chamber.
6. A rapporteur who, in exceptional circumstances, is not available to participate in a committee meeting or a chamber or plenary sitting when his or her report is due to be examined may choose a member of his or her committee to replace him or her.
7. A rapporteur is responsible for the preparation and presentation of his or her report for approval by the committee and for adoption by the Congress or a chamber.
8. It is the duty of a rapporteur to represent the views of his or her committee as a whole.
9. This rule applies to rapporteurs appointed by a bureau.
10. Concerning election observation missions, electoral assessment missions and reports on transversal issues in electoral matters, rapporteurs must be appointed in accordance with Rule 84.11.

### **Rule 55 – Reports from committees**

1. The terms of reference of all reports to be prepared by a committee, whether for the plenary or the chambers, with the exception of reports following election observations and electoral assessments missions, shall be agreed upon by the committee prior to presentation to the Bureau of the Congress for its approval. Terms of reference shall include the political objective, the relevance to the priorities of the Council of Europe and the Congress, proposed follow-up, the timeline and implementation requirements.

2. The final report of a committee must comprise one or more draft texts and an explanatory memorandum.
3. The committee debates the entire report and members may suggest changes to the preliminary draft texts and the draft explanatory memorandum. It is the duty of the chair of the committee and rapporteur to ensure that each part of the report best represents the consensus view of the committee. Each part of the report (preliminary draft resolution, preliminary draft recommendation and draft explanatory report) is voted on individually.
4. The committee may take a decision by e-mail if the matter under consideration (such as an election observation report) cannot wait for the next committee meeting. In this case, lack of response by the deadline set by the chair is considered tacit agreement.
5. Where urgent decisions are required in between committee meetings the chair of the committee may take them on behalf of the committee.
6. A committee member may require a statement of dissent to be appended to a report.
7. Committees may present information or interim reports which do not contain a draft text.
8. After a report has been approved by a committee, the committee must propose to the Bureau of the Congress that it is submitted to:
  - a. the Congress, or a chamber for examination, debate and adoption;
  - b. the Congress for tacit adoption in accordance with Rule 24 above;  
or
  - c. the Statutory Forum for examination, debate and adoption.
9. If important new developments occur after a report has been approved in committee, the explanatory memorandum and draft texts may be revised (at the latest 15 days before the start of the session at which they are to be adopted) to reflect these developments, with the agreement of the rapporteurs and the committee chair. However, in no other cases may reports be modified after their approval in committee, other than through the use of the amendment procedure in session or in accordance with Rule 55.10.
10. If, following adoption of amendments during the session debate, changes are made to the draft texts which require adaptation of the

explanatory memorandum, it must be clearly indicated that this is the version revised in conformity with the adopted texts under the responsibility of the rapporteur(s).

11. A rapporteur, or in his or her absence the chair of the committee, should inform the committee of which he or she was rapporteur, one year after the adoption of the report, as to whether and how the recommendations of the report have been implemented. If necessary, the committee may propose further follow-up measures.

### **Rule 56 – Common positions**

1. A committee may agree a common position on any matter within its terms of reference.

2. A common position must be agreed by a majority of committee members present at the meeting.

3. If the committee wishes the matter to be taken forward, it may submit the common position for consideration by the Bureau of the Congress. The Bureau may decide that the common position should be included in a draft sessional agenda, whether or not the notice period under Rule 23.4 has been complied with, provided that there are at least 24 hours between the time at which the common position was available and the time at which it is due to be debated.

4. It is for the Bureau to decide whether the common position is to be included in the draft agenda of the Congress or of a chamber as a draft declaration.

5. If a common position is included in a sessional agenda as a draft declaration, then Rule 26.5 is applicable *mutatis mutandis*.

## CHAPTER XI – WORKING GROUPS

*Within the limits of available resources allocated to it and considering the priorities of the Council of Europe, the Congress shall undertake its activities and may set up the following bodies: [...] ad hoc working groups, which are necessary to perform its tasks. (SR Art 4.2)*

*When a question falls within the competence of the two chambers, the Bureau of the Congress may, in exceptional cases, set up an ad hoc working group common to both chambers. (Charter Art 10.1)*

*After the distribution of questions between the two chambers and the committees in accordance with Article 9, the bureau of the chamber competent to deal with a question may, in exceptional cases, set up an ad hoc working group with a limited number of members empowered with specific terms of reference (preparation of reports, organisation of conferences, follow-up to co-operation projects or to specific intergovernmental activities of the Council of Europe). (Charter Art 10.2)*

*Organisation of the work of ad hoc working groups shall be governed by the Rules of Procedure. (Charter Art 10.3)<sup>1</sup>*

### Rule 57 – Terms of reference and time-limit

A working group:

- a. is appointed with particular terms of reference set by the bureau which has set it up;
- b. is to have as few members as are necessary to discharge its responsibilities;
- c. is appointed for a limited time;
- d. must keep the appropriate bureau informed at regular intervals of its progress in discharging its terms of reference; and
- e. ceases to exist either when the terms of reference have been fulfilled or upon decision by the appropriate bureau.

<sup>1</sup> See also Charter Art 13.1.f.

**Rule 58 – Applicability of committee rules**

Rules 46 to 55 which apply to committees also apply to working groups, subject to the following exceptions:

- a. a working group member may designate any delegate (whether or not from his or her national delegation) as a replacement; and
- b. a working group does not elect vice-chairs, but, in the absence of its chair, may appoint another member of the working group to chair it for that meeting.

## **CHAPTER XII – CONGRESS THEMATIC SPOKESPERSONS**

### **Rule 59 – Appointment and role**

1. A committee or a bureau may propose a delegate as a thematic spokesperson with responsibility for a particular issue relating to the Congress's priorities. Such a proposal, in the form of terms of reference, if not made by it, is subject to the approval of the Bureau of the Congress.
2. Any appointment must be for a specific period and must include a duty to report back to the body which has appointed the spokesperson.
3. A spokesperson presents the Congress thematic position at meetings organised by the Council of Europe as well as at external events.
4. A spokesperson must speak one of the two official languages of the Council of Europe (English or French) fluently.

## CHAPTER XIII – ETHICS AND CONDUCT OF MEMBERS <sup>1</sup>

### Rule 60 – General conduct

1. Members of the Congress must respect the values of the Council of Europe and the general principles outlined in this Rule and refrain from any action or declaration which would cause damage to the reputation and integrity of the Congress or its members.
2. Members must commit themselves to the goals and principles of the Council of Europe (Rule 6.5).
3. In exercising their duties as members of the Congress, members must:
  - a. carry out their duties responsibly, with integrity and honesty;
  - b. act solely in the interests of the Congress and the Council of Europe and not serve private interests;
  - c. use resources made available to them responsibly and in the interests of the Congress and the Council of Europe;
  - d. use information with discretion, and not make personal use of information acquired confidentially in the course of their duties;
  - e. inform the President of the Congress of any pressure brought to bear against them.

### Rule 61 – Gifts and other advantages

1. Under no circumstances shall a delegate request or accept from a State, an institution, or a natural or legal person any advantage, direct or indirect, offer of fees, gift, favour, invitation or excessive act of hospitality, which would be likely to influence the position of the delegate in the performance of their duty as a member of the Congress.

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<sup>1</sup> This rule complements the conduct to be respected by the members of the Congress during a monitoring mission (Chapter XVII) and/or an election observation mission (Chapter XVIII).

2. A delegate may, exceptionally, accept a gift or advantage only if:
  - a. the value does not exceed 100 euros; and
  - b. refusing it would be considered contrary to the good practice in the relevant cultural context.
  
3. As a derogation from Rules 61.1 and 61.2, the President of the Congress and the presidents of the chambers may accept gifts whose value exceeds 100 euros which shall be kept on the premises of the Secretariat of the Congress.

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

*The Rules of Procedure shall also specify the ways in which the Congress will consult and work with the national associations of local and regional authorities involved in the process of appointing national delegations. (Charter Art 5)*

**Rule 62**

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

- a. invited to participate in the sessions and the Statutory Forum, at their own expense;
- b. involved in the preparation and carrying out of monitoring activities and election observation in their respective countries;
- c. regularly invited to attend assizes or assemblies, especially in the context of the preparation of the priorities of the Congress for each 4-year mandate;
- d. consulted on proposals concerning significant modifications in the statutory texts of the Congress.

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## CHAPTER XV – SPECIAL STATUS

*The Congress shall, in its Rules of Procedure, determine the forms and conditions of participation, in its work and in that of its chambers, of pertinent associations, organisations or delegations from member and non-member States. (Charter Art 5)*

### Rule 63 – Special guest delegations

1. The Congress may, on request, grant special guest status to delegations from local and regional authorities in European non-member States which have such status with the Parliamentary Assembly of the Council of Europe.
2. Any request for special guest status must be made in writing and sent, no later than three months before a Congress session, to the President who must submit this request to the Bureau of the Congress. It must stipulate the procedure for consulting associations of local and/or regional associations in the process of appointing members of the delegation.
3. If the Bureau deems the application admissible, it shall be presented, in the form of a draft resolution, accompanied by an explanatory memorandum, to the Congress for adoption at the following session.
4. With regard to the composition of a special guest delegation:
  - a. it has the same number of seats as the delegation to the Parliamentary Assembly;
  - b. it consists of representatives holding a local or regional mandate in accordance with Article 2 of the Charter, and does not include substitutes;
  - c. it reflects, as far as possible, an equitable geographical representation as well as the gender provisions set out in Article 2, ensuring that at least one representative of the underrepresented sex is included;
  - d. it divides its delegates as evenly as possible between the Chamber of Local Authorities and the Chamber of Regions in accordance with Charter articles 2.4 and 3.2;
  - e. it elects a head of delegation and must ensure the support of a secretary or secretaries who are independent from all national

- government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation.
- f. information on the composition and appointment of the delegation must be updated in accordance with the relevant procedures, and at least 15 days prior to each renewal session of the national delegations to the Congress.
5. The terms and conditions of participation of special guest delegations are:
- a. members can sit in all sessions of the Congress or of its chambers and in meetings of the Statutory Forum, without the right to vote. They may speak subject to the president's consent. They may not file amendments, but may sign proposals as well as memoranda, although their names shall not be included in the count of the number of signatures required. They may, at their own expense, submit documents relating to the various items on the Congress agenda;
- b. members may participate in all committee meetings without the right to vote. They may be accompanied by one advisor each, as well as by the secretary of delegation. They may speak subject to the chair of the committee's consent and may make proposals concerning the agenda.
6. Members of these delegations may participate in meetings of political groups at the discretion of the groups themselves and according to the conditions established by the groups.
7. Special guest status may be suspended or withdrawn at any time by the Congress, acting on a request by twenty delegates belonging to at least four national delegations, by a majority of two thirds of the votes cast.
8. If the delegation loses its special guest status with the Parliamentary Assembly or withdraws, its special guest status with the Congress is immediately considered null and void.

## **Rule 64 – Partner for Local Democracy status**

1. The Congress may grant Partner for Local Democracy status to delegations from non-member States of the Council of Europe in neighbouring regions<sup>1</sup> which meet the conditions set out in the present rule.
2. Only one such status may be attributed per state.
3. A formal request to be granted Partner for Local Democracy status must be addressed to the President of the Congress and must be drawn up jointly by the government of the requesting state and one or more associations of local and/or regional elected representatives in that state.
4. The formal request shall contain an explicit reference to the aspiration of the applicants to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to:
  - a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;
  - b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;
  - c. base the activity of their delegation on the principles of the European Code of Conduct for the political integrity of local and regional elected representatives;
  - d. inform the Congress Secretary General, on a regular basis, of the progress made in the field of decentralisation.
5. Each request must be accompanied by details of the procedure specific to each country, stipulating the arrangements for consulting associations of local and/or regional associations in the process of appointing members of the delegation.
6. The Bureau of the Congress will examine the request. It may consult with any of the committees that it considers pertinent and decide whether to

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<sup>1</sup> The southern coast of the Mediterranean, the Middle-East and Central Asia.

attribute the status. During this examination, the Bureau may take several elements into consideration:

- a. participation in the Council of Europe's neighbourhood policy;
- b. implementation of joint action or of a co-operation programme with the Council of Europe;
- c. ratification of the Council of Europe's open conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre);
- d. holding of the Partner for Democracy status with the Parliamentary Assembly.

7. If the Bureau decides to grant the status, it will submit its decision, in the form of a draft resolution, with an accompanying explanatory memorandum, to the Congress for vote.

8. With regard to the composition of each Partner for Local Democracy delegation:

- a. this shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules and Procedures, in particular with regard to Article 2. Delegations should therefore reflect, as far as possible, an equitable geographic and political representation, and all attempts should be made to fulfil the gender provisions of Article 2, ensuring that at least one representative of the under-represented sex is included among the representatives and one among the substitutes;
- b. the number of members will be laid down by the Bureau of the Congress on a case-by-case basis;
- c. it shall consist of representatives and substitutes holding a local or regional electoral mandate in accordance with the provisions of Article 2 of the Charter;
- d. it shall elect a head of delegation among its representatives and must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of

delegation;

e. information on its composition and nomination shall be updated as required in accordance with the relevant procedures, and at the latest 15 days prior to each renewal session of national delegations to the Congress.

9. The forms and conditions of participation in the work of the Congress and of its chambers and committees of delegations with Partner for Local Democracy status are as follows:

a. members may sit in all sessions of the Congress or its chambers and in meetings of the Statutory Forum, without the right to vote. They may speak subject to the president's consent. They may not table amendments but may table proposals as well as memoranda, though their names shall not be taken into account when counting the number of signatures required. They may, at their own expense, submit documents relating to the different items on the Congress agenda;

b. members may participate in all committee meetings without the right to vote. They may speak with the authorisation of the committee chair and may make proposals concerning the draft agenda;

c. travel and subsistence costs arising from the participation of the delegation will not be charged to the Congress's ordinary budget.

10. Members of these delegations may participate in meetings of political groups according to the conditions established by the groups.

11. The decision to grant, suspend or withdraw Partner for Local Democracy status shall be taken by the Congress, on the basis of a draft resolution submitted by the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

## **CHAPTER XVI – OTHER TYPES OF PARTNERSHIP<sup>1</sup>**

### **Rule 65 – Admissibility of requests for partnership status**

1. Any organisation requesting one of the partnership status described in this chapter must:
  - a. adhere to the values, principles and objectives of the Council of Europe;
  - b. have expertise in the areas of local and/or regional authorities;
  - c. be composed of elected members of European local and regional authorities.
2. Such an organisation must commit itself to:
  - a. promoting the values of the Congress and the Council of Europe;
  - b. participating in Congress activities and events.

### **Rule 66 – Granting, renewing, suspending or withdrawing partnership status**

1. International associations of local and regional authorities that meet the criteria of Rule 65 may ask to become a Statutory Partner, Institutional Partner or Observer Partner to the Congress or to one of its chambers.
2. A partnership status is granted for a renewable period of five years.
3. The request for partnership status should be addressed to the Secretary General of the Congress who, if he judges the application to be admissible, shall forward it to the appropriate bureau.
4. The Bureau of the Congress or the bureau of the relevant chamber shall decide on the application on the basis of the conditions set out in Rule 65 and specific criteria detailed in the rules governing the different types of partnership status.

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<sup>1</sup> Rules 65, 66 and 67 apply to all three partnership status.

5. The status takes effect on the date of the decision of the bureau concerned.
6. The decision to renew, suspend or withdraw partnership status shall be taken by the bureau concerned.

### **Rule 67 – Terms and conditions of participation**

1. Each partner is represented by two elected representatives who may sit in sessions of Congress or of its chambers, including the meetings of the Statutory Forum, without the right to vote. Each representative may be accompanied by one adviser. Representatives may speak subject to the consent of the President. They may, at their own expense, submit documents concerning the various points of the Congress' agenda.
2. The costs of travel and subsistence related to the participation of the delegation are not covered by the Council of Europe.

### **Rule 68 – Statutory Partners**

1. A Statutory Partner must meet the requirements set out in Rule 65 and also:
  - a. carry out activities of a pan-European dimension;
  - b. be widely recognised as representing a significant number of local and /or regional authorities across Europe;
2. In addition to the terms and conditions of participation set out in Rule 67, Statutory Partners may also:
  - a. send members or high-level representatives to attend meetings of the Congress Bureau and the chamber bureaux, except when items on the agenda are deemed confidential, with a right to speak subject to the President's consent, on the condition that they offer the Congress the same status in their executive bodies;
  - b. attend committee meetings without the right to vote, speak subject to the consent of the chair of the committee and make proposals concerning the agenda.

### **Rule 69 – Institutional Partners**

1. An Institutional Partner must meet the requirements set out in Rule 65 and also:

- a. carry out activities in favour of local and/or regional authorities, even if these are limited to a particular sphere of competence;
- b. represent local and/or regional authorities from, or based in, at least 5 member States.

2. In addition to the terms and conditions of participation set out in Rule 67, Institutional Partners may also attend committee meetings without the right to vote, speak subject to the consent of the chair of the committee and make proposals concerning the agenda.

### **Rule 70 – Observer Partners**

An Observer Partner need only meet the requirements set out in Rule 65.

### **Rule 71 – Guest Observers**

1. The Bureau of the Congress may, on an *ad hoc* basis, take a decision to grant “guest observer” status, for a renewable period of two years, to associations representing local and/or regional authorities from territories without a national delegation to the Congress, or who are non-European, and which do not fulfil the criteria set out in Rules 68-70.

2. The conditions for granting, renewing, suspending or withdrawing this “guest observer” status as well as their terms of participation shall be determined by the Bureau.

**Rule 72 – Consultation and co-operation with statutory bodies and other institutions of the Council of Europe**

1. Statutory bodies of Council of Europe partial agreements may be invited to appoint their representatives to participate in proceedings in an advisory capacity.
2. In his or her capacity as head of the representative body of civil society in the Council of Europe, the President of the Conference of International Non-governmental Organisations (INGOs) or his or her representative may speak during sessions of the Congress and its chambers and may also be invited to participate in Congress committee meetings.
3. Non-governmental organisations enjoying participatory status with the Council of Europe may participate in Congress activities and be consulted on an ad hoc basis.

**Rule 73 – Consultation and co-operation with other organisations**

The Congress and its chambers may, on the proposal of the relevant bureau decide to conclude specific co-operation agreements with organisations or institutions working in areas related to the Congress' activities or representing local and/or regional authorities of the member States of the Council of Europe.

## **CHAPTER XVII – ORGANISATION OF THE MONITORING PROCEDURES OF THE CONGRESS<sup>1</sup>**

### **Rule 74 – General provisions**

1. Pursuant to Resolution 307 (2010)REV2, the purpose of the rules under this chapter are to define the arrangements for organising procedures for monitoring the commitments of Council of Europe member States which have signed and ratified the European Charter of Local Self-Government ETS No. 122 with the aim of achieving the objective set forth in the aforementioned resolution.
2. This procedure applies in the same way whatever type of monitoring is being implemented, that is, systematic monitoring (monitoring of the implementation of the Charter in its entirety), specific monitoring (monitoring of the implementation of particular provisions of the Charter) and fact-finding missions (clarification of a specific issue which may lead to infringement of a Charter provision).
3. Each year the Monitoring Committee shall submit to the Bureau of the Congress, for adoption, the programme of visits scheduled under the Charter monitoring programme.

### **Rule 75 – The monitoring procedure**

1. The monitoring procedure shall be carried out approximately every five years in each Council of Europe member State which have signed and ratified the European Charter of Local Self-Government. It shall comprise five phases:
  - a. the monitoring visit;
  - b. the consultation procedure with the authorities encountered on the preliminary draft report;
  - c. examination of the draft report by the Monitoring Committee and the Congress and adoption of a recommendation by the Congress during the sessions; if the rapporteurs think it necessary, they may propose a draft resolution for adoption by the Congress;
  - d. transmission of the recommendation for debate to the Committee of Ministers, which may decide on its subsequent transmission to the authorities of the country concerned;

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<sup>1</sup> Chapter based on Resolution 307(2010)REV2 adopted by the Congress on 30 October 2013.

- e. an invitation issued to the authorities of the country concerned to address the session of the Congress or the session of one of its chambers.
2. Monitoring of the application of the Charter is based primarily on political dialogue which is consolidated as part of the post-monitoring activities and lays the groundwork for future co-operation activities.

### **Rule 76 – Composition of a monitoring delegation**

1. A monitoring delegation shall comprise two rapporteurs, one on local democracy and one on regional democracy (for countries whose members sit in the Chamber of Regions with full capacity (see Appendix for details)), one consultant, and one or more members of the Congress secretariat. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English or French.
2. The whole procedure shall be governed by the principles of independence, impartiality and equity, starting with the appointment of the rapporteurs and the consultant, which shall be based on geographical and political criteria geared to preserving the objectivity of the delegation which will conduct the monitoring visit.
3. The rapporteurs shall be appointed from among the full or alternate members of the Monitoring Committee of the Congress who put forward their names as candidates.
4. Upon express derogation by the Chair of the Monitoring Committee, a member of the Congress who is not a member of the Monitoring Committee may be appointed rapporteur.
5. Members of the Monitoring Committee who wish to be rapporteurs on local or regional democracy in a given country must submit their application to the secretariat of the committee for the attention of the Chair.
6. The rapporteurs must be appointed in a manner that ensures a balanced representation of the political groups and the group of members not registered with a political group of the Congress.
7. Candidates for monitoring exercises may be appointed for only one monitoring exercise at a time. The criteria for the composition of the delegation are as follows:

- a. the rapporteurs and the consultant must not be nationals of the country concerned by the monitoring procedure, or a bordering country or a country which has a particular relationship with the country to be monitored;
  - b. members of the Monitoring Committee are ineligible as rapporteurs for a given country if they have already been rapporteurs in respect of this country during the five years preceding their candidature;
  - c. the two rapporteurs must also belong to different political groups (or be non-registered);
  - d. the delegation's working language is either French or English.
8. The Chair of the Monitoring Committee shall verify the conformity of the candidates' profile with the aforementioned criteria (see Rule 76.7), and shall appoint the rapporteurs on local democracy and on regional democracy. He shall notify the appointments to the Monitoring Committee at its next meeting.
9. The maximum duration of the rapporteurs' mandate shall be five years, dating from their appointment.
10. A rapporteur's mandate may exceptionally be extended for a maximum of six months, on the grounds of the timetable for the presentation of the monitoring report at a Congress session.
11. The delegation shall be strictly limited to the rapporteurs, the consultant and the member(s) of the secretariat, in accordance with Rule 76.7. Consequently, delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in this rule.
12. The secretariat shall suggest dates for the visit to the rapporteurs and the consultant in line with the Monitoring Committee's general timetable of activities, the respective commitments of the members of the monitoring delegation and the availability of the delegation's talking partners in the country visited. If the members of the delegation agree on the dates for the visit, the Congress secretariat shall inform the country's Permanent Representation with the Council of Europe by letter from the Secretary General of the Congress. The rapporteurs and the consultant shall undertake to respect the dates established for the mission and refrain from any other commitment on these dates.

13. The occurrence of a serious political situation or other exceptional circumstances in a country in which a monitoring visit is scheduled may justify postponing the mission. The Monitoring Committee may propose to the Bureau of the Congress, for decision, postponing a monitoring mission, notably where there is a risk of interference between the visit and the holding of elections in the country in question.

14. Where two members of the Monitoring Committee have been appointed rapporteurs for a country by the Chair of the Committee and the consultant has agreed to provide technical assistance to the delegation, the rapporteurs and the consultant shall enter into a working relationship with the secretariat of the Monitoring Committee for the duration of the monitoring procedure.

15. The rapporteurs and the consultant must ensure proper communication with the Congress secretariat, which shall be informed in advance of any meetings or briefings organised with representatives of the authorities of the country visited or with members of the national delegation to the Congress.

#### **Rule 77 – Working languages for the monitoring exercise**

1. The working languages used for monitoring activities shall be the two official languages of the Council of Europe (French and English). Consequently, the rapporteurs and the consultant shall be chosen in such a way as to ensure that the members of the delegation can speak, communicate among themselves, and read and write in the official language pre-selected as the delegation's working language.

2. The working documents intended for monitoring activities will be available in English or in French.

#### **Rule 78 – The monitoring visit programme**

1. The Congress secretariat shall organise the visit. It shall draw up the programme with the rapporteurs in conjunction with the head and secretary of the national delegation to the Congress, the national associations of local and regional authorities where applicable, the co-ordinating bodies of federate entities and lastly, with the country's Permanent Representation to the Council of Europe.

2. Once the rapporteurs have approved the programme, the working meetings shall be planned and organised by the secretariat, which shall manage the specific logistics for the visit.

3. The visit programme must make provision for meetings with the authorities responsible for questions of local and regional democracy or for dealing with these questions, and also with the officials of the administrations concerned, notably:

- the minister(s) responsible for local and regional authorities;
- members of parliament (national and/or regional) – particularly those responsible for local or regional issues;
- local and regional elected representatives, including the Congress delegation, the mayor of the capital city and mayors of small and medium-sized municipalities;
- the president of the Constitutional Court and the national member of the European Commission for Democracy through Law (Venice Commission);
- associations representing local and regional authorities;
- representatives of civil society from non-governmental organisations, trade unions of the country visited, the media, etc;
- the national, regional and/or local ombudsperson;
- a specialist on questions linked to the application of the Charter in the country concerned.

Generally speaking, the rapporteurs can meet any individual whom they consider useful to interview for their task.

4. The consultant shall contribute to the preparation of the visit by drawing up a list of questions to be broached with the talking partners mentioned in the programme, concerning problems linked to the application of the Charter. This list shall also include the questions raised during the previous visit to the country. The consultant must also take into account any declarations made by the State when ratifying the Charter, and the current political context.

5. The list of topics which the delegation wishes to broach shall be sent, around 7 days prior to the visit, to the Permanent Representation to the Council of Europe of the State concerned as regards government interlocutors, and to the talking partners listed in the programme.

## **Rule 79 – Monitoring visits**

### *Number of visits*

1. The monitoring procedure shall in principle comprise one visit to the country concerned. If they consider it necessary, the rapporteurs may conduct a second visit subject to the agreement of the Monitoring Committee and after having informed the Bureau.

### *Running of the monitoring visit*

2. The secretariat shall supply all the delegation members with all the documents relevant to the visit, namely the programme, the substantive documents, information to help prepare the questions for talking partners (prepared in co-operation with the consultant), and information to help the rapporteurs introduce the exchanges during each visit.

3. These documents are designed to prepare the rapporteurs in such a way that they possess sound knowledge of the situation of local and regional democracy in the country visited, and that their questions are as relevant as possible to the country's political and institutional context.

4. Before the first meeting scheduled on the programme, the secretariat shall organise a briefing of the delegation. This briefing shall be attended by both rapporteurs and the consultant. The briefing is vital to the proper overall running of the visit, because it provides an opportunity for clarifying specific points and apportioning speaking time between the rapporteurs, anticipating any difficulties and organising the running of each meeting listed on the programme. For example, the briefing serves to define the roles of each participant during the meetings, particularly deciding which rapporteur is to introduce the delegation, ask the first question and sum up at the end of the meeting. This meeting also helps ensure the correct pronunciation of the names of persons to be interviewed or of municipalities to which the delegation may have to refer during the exchanges of views.

5. The rapporteurs are the main talking partners for the authorities encountered, and they must introduce the delegation and ask the questions. The consultant and the members of the secretariat can also put questions to the talking partners at the invitation of the rapporteurs.

6. A short preparatory meeting is also scheduled with the interpreters before the first meeting in order to ensure that they have all the necessary

information and the terminology used for the Congress's work on the Charter, and know the proper pronunciation of the names and exact titles of delegation members and talking partners.

7. After the last meeting scheduled in the programme, the secretariat shall organise a debriefing meeting with the delegation members before they split up. This working meeting is geared to establishing an initial assessment, identifying the salient points of the visit, and listing the problems noted vis-à-vis the application of the Charter, the good practices registered and the main thrust of the recommendations to be addressed to the authorities of the country visited. This meeting enables participants to take stock of the situation with an eye to the draft report, so that the consultant has all the data necessary for preparing a preliminary draft reflecting the rapporteurs' assessment as closely as possible.

### **Rule 80 – Preparation of the draft report, draft recommendation and draft resolution**

1. After the visit, the consultant has six weeks to send the secretariat of the Congress a written contribution for preparing the report on the situation of local and regional democracy in the country visited, to be presented by the rapporteurs. This contribution must be drawn up in French or English, in accordance with the outline report applicable to all monitoring reports, drawing on the conclusions discussed at the debriefing meeting. Furthermore, it must comply with the practical specifications set out in the contract letter drawn up by the secretariat and signed by the parties. Beyond the quality of the legal analysis, the consultant must endeavour to reflect in his or her contribution the thrusts indicated by the rapporteurs for the preparation of the report.

2. The report must also take account of the recommendations and/or resolutions previously adopted by the Congress, particularly the recommendations previously addressed to the country visited. It must also take into consideration the political context in which the monitoring visit took place and examine the situation of local and regional democracy in the light of other relevant Council of Europe texts<sup>1</sup> ratified by the country in question.

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<sup>1</sup> Such as the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144), the European Charter for Regional and Minority Languages (ETS No. 148), the Framework Convention for the Protection of National Minorities (ETS No. 157), Protocol No. 3 to the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) (CETS No. 206), etc.

3. After discussion with the rapporteurs and possible transmission of the text among the rapporteurs, the secretariat and the consultant, and once the rapporteurs' agreement on the preliminary draft report has been obtained, the latter shall be sent to all the talking partners encountered during the visit for comments. This consultation procedure shall include a deadline for sending all the comments received to the rapporteurs for examination. Factual errors will be corrected, and comments or proposed amendments to the rapport leaving room for interpretation or appraisal will be left to the discretion of the rapporteurs, who may decide to integrate these comments, in whole or in part, directly in the preliminary draft report, or to reject them, or else to append them to their report.

4. Under the authority of the rapporteurs and on the basis of the conclusions of the report, the text of the preliminary draft recommendation shall be drawn up by the secretariat. It shall then be submitted to the rapporteurs for final agreement.

5. The draft report and the preliminary draft recommendation are then debated by the Monitoring Committee, which shall adopt the draft report (which becomes final 15 days after the Committee meeting) and approve the preliminary draft recommendation, which shall be submitted at the Congress Session for adoption. The latter text may be amended in accordance with the formal procedure set out in Rule 34 of the Rules and procedures of the Congress and its chambers.

6. After adoption by the Congress, the Congress recommendation shall be sent to the Committee of Ministers, which may decide to transmit it to the national authorities of the monitored member State for implementation.

### **Rule 81 – Adoption and follow-up of recommendations**

1. In pursuance of Rule 55, the preliminary draft recommendation and, where applicable, the preliminary draft resolution, shall be submitted to the Monitoring Committee for examination and approval.

2. The draft report, recommendation and, where applicable, resolution, shall be presented by the rapporteurs and considered by the Congress with a view to their adoption during its session or a chamber sitting.

3. In pursuance of Article 2, paragraph 5, of the Statutory Resolution (CM/Res(2015)9 of the Committee of Ministers, the recommendation shall

be transmitted to the Committee of Ministers for debate. It may decide to transmit it to the authorities of the State in question and to the Parliamentary Assembly.

4. The implementation of the recommendation shall be monitored by the member States concerned and by the Congress, as well as by the Council of Europe intergovernmental bodies responsible for local and regional democracy as part of the continuous dialogue established with the authorities during the visit.

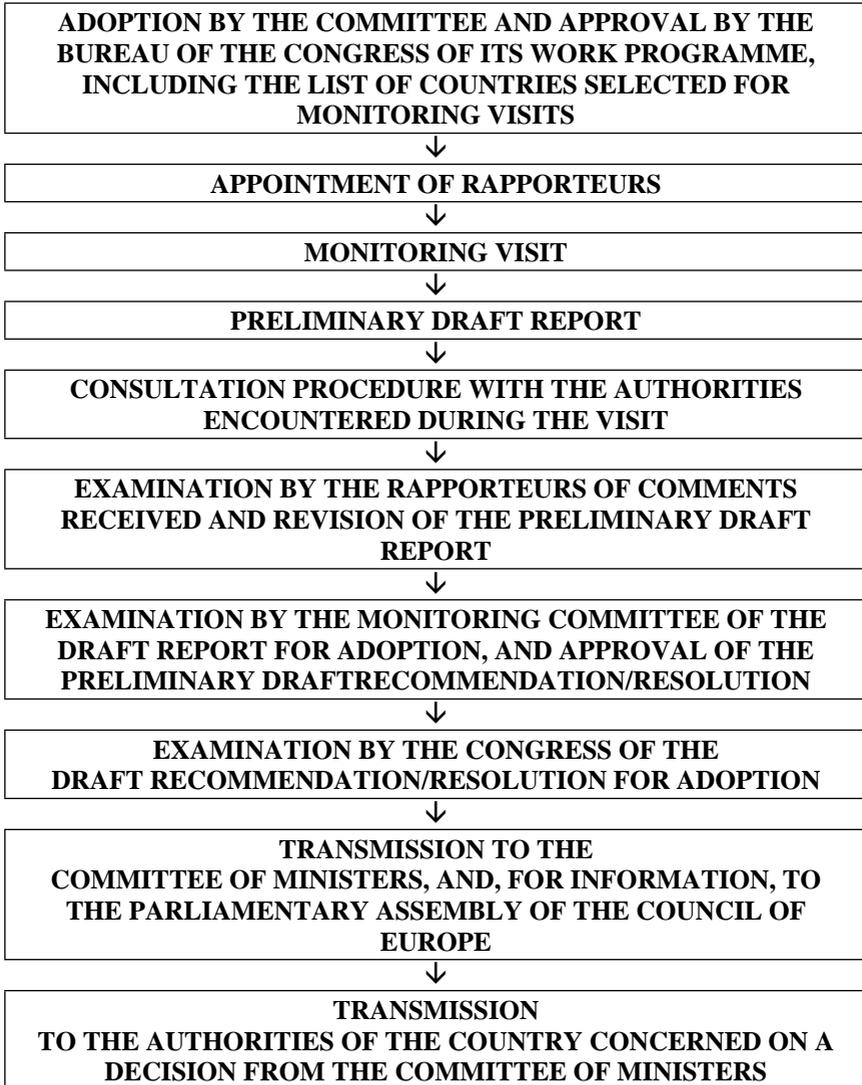
### **Rule 82 – Post-monitoring procedure**

The rules described above (Chapter XVII) shall apply *mutatis mutandis* to the post-monitoring procedure that can be implemented at the joint request of the Congress and the authorities of a member State which has been the subject of a recommendation on local and/or regional democracy.<sup>1</sup>

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<sup>1</sup> See Resolution 353 (2013)REV on Congress post-monitoring and post-observation of elections: developing political dialogue; rapporteur: Lars O. Molin, Sweden (L, EPP/CCE).

**Flow chart for monitoring procedures**



## CHAPTER XVIII – PRACTICAL ORGANISATION OF ELECTION OBSERVATION MISSIONS<sup>1</sup>

### Rule 83 – General provisions

1. Following an invitation by the authorities of a country to observe local and/or regional elections, the Congress Bureau decides on the acceptance of the invitation and on the scale of the operation (electoral assessment mission,<sup>2</sup> pre-election mission, observation mission). The Congress is free to emphasise the different steps. In the absence of a Bureau meeting, the Congress President will take the necessary decision, after consultation with the presidents of the chambers.

2. The Congress may also decide not to deploy an observation mission following an invitation, if the latter arrives too late to ensure a meaningful observation process. An official invitation should be received by the Congress at the latest 60 days prior to the Election Day.

3. The Bureau of the Congress may also decide to send a letter, expressing interest in observing local or regional elections, to the authorities of the country in which such a vote is scheduled, in particular in countries where the monitoring process revealed shortcomings and/or issues of concern with regard to local and regional democracy, as well as, on the contrary, cases of innovation or good practice.

4. A draft observation programme will be drawn up by the Congress secretariat. The Permanent Representative of the country concerned, the head and the secretary of the national delegation to the Congress will be duly informed. In general, the Congress secretariat will ensure regular correspondence with all the relevant stakeholders, in particular with the head of the Council of Europe outpost, in countries where such an office does exist.

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<sup>1</sup> Chapter based on Resolution 306 (2010)REV adopted by the Congress on 30 October 2013.

<sup>2</sup> Electoral assessment missions are observation visits of a reduced scope. Following such missions, the relevant Congress bodies (notably the Monitoring Committee) shall be provided with an information report prepared by the rapporteur. Electoral assessment missions are not followed by a Congress recommendation and/or resolution for adoption by the Congress plenary.

5. The Congress secretariat must ensure that high-quality information is provided to the members of the election observation delegation.

#### **Rule 84 – Delegations, reports and co-operation with international observer institutions**

1. The Congress secretariat will send a call for interest, including the application form, to the e-mail addresses of all Congress members. Secretaries and heads of national delegations will receive a copy. Any Congress members who express their interest in taking part in the mission and send back the form by a given deadline will be considered. Candidatures from members of national associations whose associations agree to cover their costs shall also be taken into consideration. In the same way as it strengthened its co-operation with national associations, the Congress may invite the European Union's Committee of the Regions to join the Congress delegation on its observation missions.

2. Based on candidatures received within the given deadline, the Secretary General of the Congress will propose a draft delegation, including the delegation's leadership, normally involving between 5 and 20 members.

3. The composition of delegations is determined according to an appointment system taking into account a balanced representation of the members with different political affiliations as well as non-affiliated members, of both Congress chambers as far as possible, of gender balance and a fair geographical representation and also taking into account the chronological order of candidacies put forward by Congress members.

4. A delegation shall comprise the Congress members determined under Rule 84.3 and one or more members of the Congress secretariat as well as a consultant in electoral matters, when appropriate. The delegation is generally accompanied by interpreters to facilitate communication between speakers of the language of the country in question and the delegation, whose working language is English and French.<sup>1</sup>

5. The delegation shall be strictly limited to the aforementioned participants and delegation members must not be accompanied by assistants or other persons whose participation is not explicitly provided for in Rule 84.4.

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<sup>1</sup> In meetings of the delegation with strategic Congress partners in the field, notably OSCE/ODIHR (the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe), the working language is English.

6. In order to ensure a meaningful participation in the work of the mission, the candidate's language skills (in at least one of the official languages of the Council of Europe) will be taken into consideration. In addition, experience in election observation and participation in training sessions are amongst the criteria.

7. Adequate language skills (in at least one of the two official languages of the Council of Europe), conversation techniques and capacities in political dialogue, as well as experience in election observation and monitoring activities and participation in training sessions of the Congress, are criteria for the appointment of the head of delegation.

8. Observation delegations should not include Congress members from the country in which the elections are going to be monitored and from countries with special relations with the respective country.

9. Members taking part in a pre-election visit are expected to also be available for the election observation mission itself.

10. The rapporteurs of the Monitoring Committee for the country where elections are monitored shall be *ex officio* members of the election observation delegation, but shall not have the right to act as head/rapporteur of the election observation delegation.

11. On the basis of the proposal provided by the Congress Secretary General, the Bureau will decide on the membership of the delegation, including the head of delegation and rapporteur (both functions can be carried out by the same person), in accordance with the aforementioned principles. In the absence of a Bureau meeting, the President of the Congress, in consultation with the presidents of the chambers, will take the necessary decisions.

12. In order to inform the media about the preliminary conclusions of the Congress election observation delegation, a press conference – chaired by the head of the delegation – will be held the day following the Election Day. Members of a Congress election observation delegation are expected to be present at this press conference.<sup>1</sup>

13. If the Congress is not the only international institution to observe local or regional elections in the respective country, an IEOM (international election observation mission) may be formed together with such institutions, notably with the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe (OSCE/ODIHR). This implies – according to standard procedure – a joint press conference on the day following the Election Day and a joint preliminary statement. However, if, after an election, a joint final assessment cannot be agreed on by the IEOM, the Congress reserves itself the right to hold – if necessary – its own press conference, making public its own assessment.

14. If a joint IEOM is formed together with other international organisations, all related activities (press conferences, drafting of media releases or political statements) have to be carried out in compliance with Congress requirements (the corporate identity of the Congress mission has to be retained, the specific role and profile of Congress observers should be highlighted, the scale of Congress operations must not be reduced and political messages by the Congress must not be distorted).

15. The report will be drawn up by the rapporteur with the assistance of the Congress secretariat and the consultant in electoral matters, when appropriate. It should reflect the opinion of the members of the entire delegation. The report must be comprehensive, noting positive and negative factors, distinguishing between significant and insignificant factors. It should identify patterns that could have an impact on the integrity of the election process and on the authenticity of the vote.

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<sup>1</sup> Electoral assessment missions are usually not concluded by a press conference.

16. The report must also take account of resolutions/ recommendations previously adopted by the Congress, including those arising from the monitoring of the country concerned, as well as relevant opinions and recommendations from other Council of Europe bodies and international organisations and institutions.

## **CHAPTER XIX – IMPLEMENTATION OF THE POST-MONITORING/POST-ELECTORAL POLITICAL DIALOGUE<sup>1</sup>**

### **Rule 85 – General provisions**

Pursuant to Resolution 353 (2013)REV, the purpose of the present rules is to define the arrangements for organising the post-monitoring and post-electoral political dialogue with all levels of government of the Council of Europe member States, with the aim of achieving the objective set forth in the aforementioned resolution, namely to pursue a political dialogue with national authorities of member States in order to implement the Congress recommendations addressed to the authorities.

### **Rule 86 – The post-monitoring dialogue**

The post-monitoring procedure may be carried out at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on local and/or regional democracy. Following this request, the procedure shall comprise four phases:

- a. an exchange of views with the Permanent Representative to the Council of Europe of the country concerned;
- b. a political exchange with national authorities and other relevant stakeholders in order to identify the priorities laid down in the adopted recommendation;
- c. the development of a roadmap by the Congress delegation, in co-operation with national authorities, in order to determine the main steps necessary to implement the recommendations;
- d. a political dialogue with the national authorities in order to agree on the roadmap.

### **Rule 87 – Composition of the delegation for post-monitoring dialogue**

The delegation may comprise the monitoring rapporteurs, the Chair of the Monitoring Committee or, in the case of non-availability of the above-mentioned persons, any Congress member who has a particular knowledge of the given country. In the latter case, the criteria provided by Rule 76 shall apply.

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<sup>1</sup> Chapter based on Resolution 353 (2013)REV adopted by the Congress on 30 October 2013.

### **Rule 88 – The post-electoral dialogue**

A post-electoral dialogue may be put into place at the joint request of the Congress and the national authorities to which the Committee of Ministers addressed a Congress recommendation on observation of local/ regional elections as well as of central election commissions and/or other national authorities in charge of electoral management and/or representatives of political forces and/or national associations of local and regional authorities. The Permanent Representative of the country concerned, the head and the secretary of the national delegation to the Congress will be duly informed of the post-electoral dialogue process. It comprises the following steps:

- a. a presentation of the Congress' recommendation to the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management;
- b. an exchange of views with the relevant national authorities, notably central election commissions and/or other national authorities in charge of electoral management, as well as other competent stakeholders;
- c. the drawing-up of an implementation timetable by the Congress delegation in co-operation with the relevant national authorities, notably central election commissions and/or other relevant authorities in charge of electoral management, as well as other competent stakeholders, in order to put the recommendations agreed on as priorities into practice.

### **Rule 89 – The composition of the post-electoral delegation**

The delegation may comprise the head of delegation/rapporteur – or in case of non-availability of the above-mentioned person(s) – any member of the Congress election observation mission as well as the rapporteur of the Monitoring Committee in charge of the respective country. If appropriate, the post-electoral delegation will be accompanied by the Congress Thematic Spokesperson on observation of local and regional elections and/or a consultant in electoral matters.

### **Rule 90 – Follow-up of post-monitoring and post-electoral political dialogue through co-operation activities**

1. When developing its programme of co-operation activities the Congress shall take into account:
  - a. recommendations resulting from monitoring activities as well as country-specific road maps developed as a result of post-monitoring dialogue with national authorities, and
  - b. recommendations and/or resolutions resulting from election observations, electoral assessments and reports on transversal issues in electoral matters as well as the conclusions of activities carried out in the framework of post-electoral dialogue.
2. If appropriate, an action plan and/or co-operation programme may be developed in association with other relevant departments of the Council of Europe on the basis of the above findings.

## CHAPTER XX – SECRETARIAT AND BUDGET

### Rule 91 – Secretary General of the Congress

***The Secretariat of the Congress shall be provided by the Secretary General of the Congress, elected by the Congress. The Secretary General of the Congress shall be answerable to the Congress and its organs and act under the authority of the Secretary General of the Council of Europe. (Charter Art 15.1)***

1. The Secretary General of the Congress is responsible for the efficient management of the human and financial resources of the Congress, and must ensure the smooth functioning of the Congress and its bodies and the follow-up of their decisions.
2. The Secretary General of the Congress is responsible for transmitting texts adopted by the Congress to the Parliamentary Assembly and the Committee of Ministers.

***Candidates to be Secretary General of the Congress shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his or her opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The Congress shall establish the procedure for the election of the Secretary General of the Congress on the basis of a proposal by the Bureau of the Congress. (Charter Art 15.1)***

***The Congress shall elect its Secretary General for a renewable term of five years, although he or she may not exceed the age limit applicable to all Council of Europe staff. (Charter Art 15.2)***

3. The Secretary General of the Congress is elected in accordance with the following procedure<sup>1</sup>:
  - a. The election shall take place at the last session prior to the expiry of the term of office of the incumbent. The President shall ask the Secretary General of the Council of Europe to advertise the post, to the extent possible, six months before that session, by means of a vacancy notice under an external recruitment procedure. The

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<sup>1</sup> Based on Resolution 344(2012) adopted by the Statutory Forum on 17 October 2012.

vacancy notice will be prepared by the Secretary General of the Council of Europe in accordance with the Council of Europe staff regulations.

- b. The President of the Congress shall ask the Secretary General of the Council of Europe to establish a timeline for the procedure which will enable the smooth running of the election and the required deadlines to be met.
- c. A preselection committee composed of the President of the Congress, the two chamber presidents and two other Congress vice-presidents designated by the Bureau shall be established at a Bureau meeting prior to the closing date of the vacancy notice. The preselection committee acts on behalf of the Bureau for the purposes of the preselection procedure and is responsible for ensuring the smooth running of the election preparations. It is assisted by the most senior member of the Congress secretariat who is not a candidate for the post.
- d. Preliminary consideration of applications
  - i. Following the initial examination of applications by the Secretary General of the Council of Europe in the light of the requirements stated in the vacancy notice, a list of candidates meeting those requirements (list A) is established.
  - ii. The President of the Congress shall then ask the Secretary General of the Council of Europe for an exchange of views with the Bureau preselection committee on the basis of list A with a view to the establishment of the Secretary General's opinion (list B).
  - iii. After this meeting the Secretary General of the Council of Europe shall transmit to the President of the Congress his or her opinion (list B) containing his or her commented choice of candidates, together with the remaining candidatures (those meeting the requirements but not selected, and those not meeting the requirements).
- e. Appointment of candidates

- i. The preselection committee shall:
    - meet in order to examine the opinion transmitted by the Secretary General of the Council of Europe (list B) and group the candidatures;
    - on the basis of this grouping, invite some or all of the candidates to attend an interview and subsequently establish an order of preference;
    - submit to the Bureau of the Congress the list by order of preference indicating in writing the reasons for their choice.
  
  - ii. On the basis of this work the Bureau shall examine the list by order of preference having particular regard to the following requirements:
    - the recruitment of persons of the highest integrity and competence for the post to be filled;
    - the necessity, under the Council of Europe's equal opportunities policy, of consistently ensuring parity in the numbers of men and women employed in each category and grade;
    - the need for equitable geographical distribution of vacancies among nationals of the member States (this appointment shall not be considered the prerogative of any one member State);
    - the need to take into account the qualifications and experience of persons already serving with the Council of Europe in order to offer members of the Secretariat reasonable promotion prospects;
  
  - iii. The Bureau shall approve the order of preference or draft a new order of preference, if necessary via a secret ballot, and establish the final list of candidates to be proposed to the Congress taking all or part of the preselection committee's short-list;
- f. In accordance with Rule 39.1, candidates for the post of Secretary General proposed by the Bureau must address the Congress for no longer than 3 minutes in order to present their candidacy. No questions may be asked.
- g. Voting shall be conducted by secret ballot in accordance with Rule 15.5 of the Rules and procedures, except in the event of a tie when

preference shall be given to the candidate from the under-represented sex in the grade of the post to be filled within the Council of Europe. If the candidates are of the same sex, the candidate who is senior in age shall be elected.

- h. Elections for the post of Secretary General must be by secret ballot (which may be held electronically) even where there is only one candidate. The ballot must provide for votes in favour, votes against and abstentions.

#### **Rule 92 – Director and secretariat of the chambers**

*The Secretary General of the Council of Europe shall appoint a Director, following consultation of the Bureau of the Congress. (Charter Art 15.3)*

*The Secretariat of each chamber shall be provided by the Executive Secretary of the chamber who is appointed by the Secretary General of the Council of Europe after an informal exchange of views with the president of the chamber concerned, during which he or she shall communicate his or her intentions and the reasons for his or her choice. (Charter Art 15.4)*

## Rule 93 – Budget

*The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.*

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

*The budget of the Congress shall constitute a specific vote of the Council of Europe budget.*

*The Congress shall inform the Secretary General of the Council of Europe 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 of the Council of Europe.*

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

*The Secretary General of the Congress shall implement the Congress' work programme on the basis of the political priorities defined by the Bureau and adopted by the Congress. In this context he/she shall be responsible for managing the budget of the Congress on the basis of the financial authority and responsibility delegated to him/her by the Secretary General of the Council of Europe. The Secretary General of the Congress 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. The Secretary General may not exceed the limit of the overall budgetary provision allocated to the Congress. The Secretary General shall regularly inform the Bureau of the state of consumption of the budget. (Charter Art 16)*

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

2. The Secretary General of the Congress must transmit the adopted recommendation to the Secretary General of the Council of Europe and to the Committee of Ministers in accordance with Rule 91.2.

3. Once the budget of the Congress has been adopted, it is for the Secretary General of the Congress to manage it and to report to the Bureau at regular intervals on its implementation.

## **CHAPTER XXI – MISCELLANEOUS**

### **Rule 94 – Official languages**

1. The official languages of the Congress are those of the Council of Europe: English and French. All texts for adoption by the Congress and its chambers must be drawn up in these languages.
2. Proposals and memoranda presented in accordance with the provisions of Rules 27 and 28 are published in the official languages. They may, however, be drawn up in one of the working languages.
3. Chairing of Congress and chamber sessions must be done in an official language.

### **Rule 95 – Working languages**

The working languages of the Congress will be decided upon by the Congress Bureau. Simultaneous interpretation must be provided between these languages during proceedings.

### **Rule 96 – Other languages**

During proceedings delegates have the opportunity to use other languages than the official and working languages. In this case, funding for the interpretation of these other languages into the official languages and the working languages must be at the initiative and cost of the delegations that made the request and not covered by the Congress budget.

### **Rule 97 – Access to and declassification of Congress documents**

Access to and declassification of Congress documents including those of its working structures are governed by Administrative Rules.<sup>1</sup>

### **Rule 98 – Revision of the Charter**

1. Without prejudice to the respective rights of the Committee of Ministers and the Parliamentary Assembly, the Congress may submit proposals to amend the Charter to the Committee of Ministers for decision.

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<sup>1</sup> See Rule 20.3.

2. The Bureau of the Congress or the bureau of either chamber may submit to the Congress proposals to amend the Charter. These proposals must be included in a sessional agenda and made available to delegates 30 days before the session.

3. Any proposal to amend the Charter must be tabled by twenty delegates belonging to at least four national delegations in accordance with Rule 27. If the Bureau approves the proposals for amendment, the Bureau must submit them, in the form of a draft recommendation, to the Congress under Rule 98.2.

### **Rule 99 – Revision of Rules and Procedures of the Congress**

***The Congress adopts its own Rules of Procedure which also concern the chambers. (Charter Art 13.1)***

1. The Bureau of the Congress may submit to the Congress a report containing proposals to amend the Rules and Procedures. These proposals must be included in a sessional agenda and made available to delegates 30 days before the session.

2. Any other proposal to amend these Rules must be tabled by twenty delegates belonging to at least four national delegations in accordance with Rule 27. If the Bureau approves the proposals for amendment, the Bureau must submit them, in the form of a draft resolution, to the Congress under Rule 99.1.

**APPENDIX I – Apportionment by country of seats on committees adopted by the Bureau of the Congress on 15 May 2012 and revised on 29 June 2015**

<b>Number of seats</b> NB: Countries without regions are shown in <i>italics</i> , their regional members are marked with an *		Monitoring	Governance	Current Affairs	Seat at delegations' discretion
2	<i>ANDORRA</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>LIECHTENSTEIN</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>MONACO</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>SAN MARINO</i>	1 L	1 (L or R*)	1 (L or R*)	
3	<i>CYPRUS</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>ESTONIA</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>ICELAND</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>LATVIA</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>LUXEMBOURG</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>MALTA</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>MONTENEGRO</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>SLOVENIA</i>	1 L	1 (L or R*)	1 (L or R*)	
	<i>"THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA"</i>	1 L	1 (L or R*)	1 (L or R*)	
4	<i>ALBANIA</i>	1 L + 1 R	1 (L or R)	1 (L or R)	
	<i>ARMENIA</i>	2 L	1 (L or R*)	1 (L or R*)	
	<i>IRELAND</i>	1 L + 1 R	1 (L or R)	1 (L or R)	
	<i>LITHUANIA</i>	2 L	1 (L or R*)	1 (L or R*)	
5	<i>BOSNIA AND HERZEGOVINA</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>CROATIA</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>DENMARK</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>FINLAND</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>GEORGIA</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>MOLDOVA</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>NORWAY</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)
	<i>SLOVAK REPUBLIC</i>	1 L + 1 R	1 (L or R)	1 (L or R)	1 (L or R)

6	AUSTRIA	1 L + 1 R	1 L + 1 R	1 L + 1 R
	AZERBAIJAN	1 L + 1 R	1 L + 1 R	1 L + 1 R
	<i>BULGARIA</i>	2 L	1 L + 1 R*	1 L + 1 R*
	SWEDEN	1 L + 1 R	1 L + 1 R	1 L + 1 R
	SWITZERLAND	1 L + 1 R	1 L + 1 R	1 L + 1 R
7	BELGIUM	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	CZECH REPUBLIC	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	GREECE	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	HUNGARY	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	NETHERLANDS	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	PORTUGAL	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
	SERBIA	1 L + 1 R + 1 (L or R)	1 L + 1 R	1 L + 1 R
10	ROMANIA	2 L + 2 R	1 L + 1 R + 1 (L or R)	1 L + 1 R + 1 (L or R)
12	POLAND	2 L + 2 R	2 L + 2 R	2 L + 2 R
	SPAIN	2 L + 2 R	2 L + 2 R	2 L + 2 R
	UKRAINE	2 L + 2 R	2 L + 2 R	2 L + 2 R
18	FRANCE	3 L + 3 R	3 L + 3 R	3 L + 3 R
	GERMANY	3 L + 3 R	3 L + 3 R	3 L + 3 R
	ITALY	3 L + 3 R	3 L + 3 R	3 L + 3 R
	RUSSIAN FEDERATION	3 L + 3 R	3 L + 3 R	3 L + 3 R
	TURKEY	3 L + 3 R	3 L + 3 R	3 L + 3 R
	UNITED KINGDOM	3 L + 3 R	3 L + 3 R	3 L + 3 R

## APPENDIX II – Proposal for future Congress activities<sup>1</sup>

[maximum 300 words]

### “Title”

The signatories request that the Bureau of the Congress consider the following proposal:

<b>Context</b> ( <i>why</i> )	Definition of the issue which has prompted this proposal.
<b>Subject and nature of the proposal</b> ( <i>which activities</i> )	A reasoned presentation of the proposed topic delegates wish the Congress to tackle as a future priority theme or work and the manner in which they suggest it be addressed (activity, etc.)
<b>Objective</b> ( <i>goal and results</i> )	Overview of the proposal’s general objective and expected results. Where applicable, the work already done by the Congress and which delegates suggest could be re-examined or built upon should be referred to.
<b>Local and regional dimension</b>	Relevance and competence of the Congress and of local and regional authorities in the topic being proposed.
<b>Conclusion</b>	

Signatures (minimum number ...):

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<sup>1</sup> See Rules 27 and 22.1 of the Congress Rules and Procedures or, where applicable, the ad hoc decision taken by the Bureau of the Congress in the framework of this session. If the President determines that this proposal is in order, it must be published during the session and is considered to be referred to the Bureau of the Congress for consideration and decision.

### **APPENDIX III – Guidelines for the funding of political groups from the Congress budget**

(Adopted by the Bureau on 17 September 2013)

*Preamble:*

*The Congress fully recognises the important role played by its political groups in particular for the promotion of democratic dialogue and pluralism.*

*Political groups contribute to structuring and enriching the work of the Congress through the variety of opinions and views they put forward, in particular when the Congress is debating or adopting texts.*

*Furthermore, when elections are held in the various Congress bodies, political groups contribute to fair electoral competition among candidates from different political parties.*

*Since its creation, the Congress has officially recognised the role of the political groups and since 2012 has included in its Rules of Procedure a specific chapter dealing with political groups (Chapter III) including their funding from the Congress budget.*

*As part of the democratic life of the Congress, the political groups need a basic infrastructure in order to play their role. A financial support to cover their basic needs from the Congress budget is therefore needed and justified.*

*In this spirit, the Bureau of the Congress, whilst fully respecting the autonomy of the Congress political groups, has adopted the following Guidelines and has endorsed an Administrative Arrangement model which clarify the funding of political groups from the Congress budget and obligations stemming from these texts.*

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1. As soon as possible after a Congress Bureau renewal (i.e. after the elections of the Congress President and Vice-Presidents), the Secretary General of the Congress and the president of each of the Congress political groups shall sign an Administrative Arrangement. These arrangements are for a two-year period. Each Administrative Arrangement shall remain valid even if the president of a political group or if the Secretary General of the Congress change.
2. Each year, once the overall Congress budget is approved by the Committee of Ministers of the Council of Europe, the Secretary General of the Congress shall allocate an amount for the functioning of all existing political groups. He/she shall inform the Bureau of the Congress of this allocation. In addition he/she shall foresee funds for covering the interpretation costs for group meetings during the Congress sessions.
3. This amount – apart from the interpretation costs for group meetings during the Congress sessions – shall be allocated to the groups existing at the beginning of a given year on the basis of the existing Congress Rules (2012).
4. Each year, the allocation to each political group shall be calculated on the basis of the registered members of the group as of 1 January.
5. In the first week of January of each year, the president of each political group shall send to the Secretary General of the Congress the complete list of members of the group. This information will be checked against the information contained in the Congress’s database (“Who’s who” ) which indicates the choice of affiliation made by each Congress member individually.
6. In case of discrepancy concerning the numbers of members affiliated to the group, the Secretary General of the Congress shall inform the group in question and ask each member to individually confirm his/her affiliation in the “Who’s who” database no later than the following week.
7. Once the number of registered members for the group is clarified, there shall be no revision of budget allocation during a given budgetary year even if the number of members affiliated to the political group changes during that year.

8. The political groups shall use the allocation from the Congress exclusively for their functioning and in particular for the following eligible expenses:

- expenditure of secretariat staff (salaries, insurance)
- administrative expenses (office postage, telephone, office supplies)
- group meetings, missions, interpretation costs (other than those covered by the Congress on the occasion of Congress sessions) and translation costs.

9. In order to ensure coherence with the financial regulations of the Council of Europe, the statutes of political groups shall comply with a number of criteria and should specifically include provisions for:

a. The election of at least one treasurer, who cannot simultaneously hold the office of president of the group; the statutes shall specify his/her responsibilities and the duration of his/her mandate; the president and treasurer(s) shall decide on the use of funds granted by Congress. The treasurer shall prepare the financial reports to be examined by the auditors of the group.

b. The election of two auditors, who cannot hold office as member of the body responsible for managing the budget of the group; the statutes shall specify their responsibilities and the duration of their mandate; the auditors shall verify that the entries have been correctly passed in the books of account; they shall report to the group's plenary assembly and sign the statement of expenses [*model 2 in Appendix I of the Administrative Arrangement*] which shall be forwarded to the Secretary General of the Congress.

10. The political groups shall transmit to the Secretary General of the Congress of the Council of Europe, preferably before the end of the Congress March session, a request for payment signed by the president of the political group together with:

- a provisional list of expenses for the year for which the Congress allocation is granted [*model 1 in Appendix I of the Administrative Arrangement, in English or French*];
- a statement of expenses [*model 2 in Appendix I of the Administrative Arrangement, in English or French*], made in the

previous year, signed by the president of the political group, the treasurer and the two auditors.

- the relevant extract of the minutes of the group's plenary assembly at which the auditors' report was adopted as an appendix to the statement of expenses [*model 2 in Appendix I of the Administrative Arrangement*].

11. By signing the Administrative Arrangement, each political group commits itself to revise if necessary, its statutes, at the latest by 31 March 2014, in order to ensure full coherence with the financial regulations of the Council of Europe and to comply with the Guidelines and in particular with the specific criteria listed above. Payment shall only be made once the statutes in force comply with these Guidelines.

12. Each year the allocation shall be paid in a single instalment as laid down in the Administrative Arrangement and provided that the requested documentation has been transmitted.

13. Unspent funds at the end of a budgetary year shall be considered an advance for the following year and shall be deducted from the following year's allocation when it is paid.

14. The Secretary General shall inform the Congress Bureau whether the political groups abide by the terms of the Administrative Arrangement signed. In case of non-respect, the Secretary General shall inform in writing the president of the political group concerned and ask him/her to remedy the situation as soon as possible. The Secretary General shall inform the Congress Bureau accordingly, which may decide that parts or the whole of the allocation may not be paid.

15. When a new group is formed in the course of a given year, specific modalities are to be applied:

- an arrangement is to be signed following the information of the Congress Bureau (Rule 9) on the creation of the group;
- a new group shall receive its allocation in the financial year of its foundation consisting of a budgetary allocation calculated on a pro rata temporis basis taking account of the number of members

registered in the given group at the date of the signature of the initial Administrative Arrangement;

- additional budgetary requirements for new groups shall be covered if possible by transfer from other budget lines of the Congress. If no additional funds are available for the given year, the Congress will pay this allocation to this new group from its budget in the following year.

16. If a group ceases to exist in the course of a given year, the allocations to the other groups remain unchanged. The Secretary General of the Congress informs the Bureau and requests the group in question to transfer any of its remaining funds back to the Congress.

17. These Guidelines shall become applicable for Administrative Arrangements effective after 31 December 2013. Guideline 4 shall also be applicable for the allocations for 2013.

The Congress of Local and Regional Authorities of the Council of Europe, successor of the Conference of Local Authorities established in 1957 and of the different assemblies which followed it, was created on 14 January 1994, with the adoption of Statutory Resolution (94) 3 by the Committee of Ministers, under the authority of the Statute of the Council of Europe. The Congress' Statutory Resolution and Charter were amended, most recently, by the Committee of Ministers' Resolution CM/Res(2015)9. The Congress itself has powers to adopt Rules and Procedures to specify and complement the Statutory Resolution and the Charter.

The current Rules and Procedures were adopted by the Congress on 22 October 2015. They cover all the major aspects of its functioning ranging from Congress membership, rules governing its different bodies (bureaux, Statutory Forum, committees, etc), procedure during sessions and other Congress meetings, procedures for monitoring local and regional democracy in member States through the application of the European Charter of Local Self-Government and for election observation, as well as those for post-monitoring and post-election, rules governing the ethics and conduct of members and those setting out different possibilities for partnership with the Congress.

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The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. The Congress of Local and Regional Authorities is an institution of the Council of Europe, responsible for strengthening local and regional democracy in its 47 member states. Composed of two chambers – the Chamber of Local Authorities and the Chamber of Regions – and three committees, it brings together 648 elected officials representing more than 200 000 local and regional authorities.

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