

## Statute of the Council of Europe (5 May 1949) — consolidated version

**Caption:** Consolidated version of the Statute of the Council of Europe, including successive amendments made to the original Statute of 5 May 1949, the last of which date from April 2003.

**Source:** Statute of the Council of Europe (London, 5.V.1949). European Treaty Series (ETS) Nos 1/6/7/8/11. [ON-LINE]. [Strasbourg]: Council of Europe - Treaty Office, [17.04.03]. Disponible sur <http://conventions.coe.int/treaty/EN/cadreprincipal.htm>.

**Copyright:** All rights of reproduction, public communication, adaptation, distribution or dissemination via Internet, internal network or any other means are strictly reserved in all countries.

The documents available on this Web site are the exclusive property of their authors or right holders.

Requests for authorisation are to be addressed to the authors or right holders concerned.

Further information may be obtained by referring to the legal notice and the terms and conditions of use regarding this site.

**URL:** [http://www.cvce.eu/obj/statute\\_of\\_the\\_council\\_of\\_europe\\_5\\_may\\_1949\\_consolidated\\_version-en-0d25d34f-04fc-4aae-88d0-7022cc9bd38d.html](http://www.cvce.eu/obj/statute_of_the_council_of_europe_5_may_1949_consolidated_version-en-0d25d34f-04fc-4aae-88d0-7022cc9bd38d.html)

**Publication date:** 02/12/2013

## Statute of the Council of Europe – Consolidated Version (5 May 1949)

Statute of the Council of Europe (London, 5.V.1949).....	
Chapter I – Aim of the Council of Europe.....	
Chapter II – Membership.....	
Chapter III – General.....	
Chapter IV – Committee of Ministers.....	
Chapter V – Consultative Assembly.....	
Chapter VI – Secretariat.....	
Chapter VII – Finance.....	
Chapter VIII – Privileges and immunities.....	
Chapter IX – Amendments.....	
Chapter X – Final provisions.....	
Texts of a statutory character.....	
adopted by the Committee of Ministers in the course of its 8th and 9th Sessions with a view to their ultimate inclusion in a revised Statute.....	
I – Resolution adopted by the Committee of Ministers at its 8th Session, May 1951.....	
Admission of new members.....	
Powers of the Committee of Ministers.....	
Joint Committee.....	
Specialised authorities.....	
Relations with intergovernmental and non governmental international organisations.....	
II – Partial Agreements.....	
Statutory resolutions.....	
Statutory Resolution (93) 26 on observer status.....	
Statutory Resolution (93) 27 on majorities required for decisions of the Committee of Ministers...	
I. Opening of Conventions and Agreements for signature.....	
II. Partial Agreements.....	
Statutory Resolution (93) 28 on partial and enlarged agreements.....	
I. Participation in activities.....	
II. Decision on participation.....	
III. Budget.....	
IV. Functioning of the Agreement.....	
V. Additional members and observers.....	
VI. European Community.....	
VII. Transitory provisions.....	
Statutory Resolution (2000) 1 relating to the Congress of Local and Regional Authorities of Europe.....	
Appendix to Statutory Resolution (2000)1 – Charter of the Congress of Local and Regional Authorities of Europe (CLRAE).....	
Transitional provisions.....	

[Statute of the Council of Europe of 5 May 1951 <sup>(1)</sup>, amended on 22 May 1951 <sup>(2)</sup>, 18 June 1951 <sup>(3)</sup>, 18 December 1951 <sup>(4)</sup> and 4 May 1953 <sup>(5)</sup>]

## **Statute of the Council of Europe (London, 5.V.1949)**

The Governments of the Kingdom of Belgium, the Kingdom of Denmark, the French Republic, the Irish Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland,

Convinced that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation;

Reaffirming their devotion to the spiritual and moral values which are the common heritage of their peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy;

Believing that, for the maintenance and further realisation of these ideals and in the interests of economic and social progress, there is a need of a closer unity between all like-minded countries of Europe;

Considering that, to respond to this need and to the expressed aspirations of their peoples in this regard, it is necessary forthwith to create an organisation which will bring European States into closer association,

Have in consequence decided to set up a Council of Europe consisting of a committee of representatives of governments and of a consultative assembly, and have for this purpose adopted the following Statute.

## **Chapter I – Aim of the Council of Europe**

### **Article 1**

- a) 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.
- b) This aim shall be pursued through the organs of the Council by discussion of questions of common concern and by agreements and common action in economic, social, cultural, scientific, legal and administrative matters and in the maintenance and further realisation of human rights and fundamental freedoms.
- c) Participation in the Council of Europe shall not affect the collaboration of its members in the work of the United Nations and of other international organisations or unions to which they are parties.
- d) Matters relating to national defence do not fall within the scope of the Council of Europe.

## **Chapter II – Membership**

### **Article 2**

The members of the Council of Europe are the Parties to this Statute.

### **Article 3**

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.

### **Article 4**

Any European State which is deemed to be able and willing to fulfil the provisions of Article 3 may be invited to become a member of the Council of Europe by the Committee of Ministers. Any State so invited shall become a member on the deposit on its behalf with the Secretary General of an instrument of accession to the present Statute.

### **Article 5**

a) In special circumstances, a European country which is deemed to be able and willing to fulfil the provisions of Article 3 may be invited by the Committee of Ministers to become an associate member of the Council of Europe. Any country so invited shall become an associate member on the deposit on its behalf with the Secretary General of an instrument accepting the present Statute. An associate member shall be entitled to be represented in the Consultative Assembly only.

b) The expression “member” in this Statute includes an associate member except when used in connexion with representation on the Committee of Ministers.

### **Article 6**

Before issuing invitations under Article 4 or 5 above, the Committee of Ministers shall determine the number of representatives on the Consultative Assembly to which the proposed member shall be entitled and its proportionate financial contribution.

### **Article 7**

Any member of the Council of Europe may withdraw by formally notifying the Secretary General of its intention to do so. Such withdrawal shall take effect at the end of the financial year in which it is notified, if the notification is given during the first nine months of that financial year. If the notification is given in the last three months of the financial year, it shall take effect at the end of the next financial year.

### **Article 8**

Any member of the Council of Europe which has seriously violated Article 3 may be suspended from its rights of representation and requested by the Committee of Ministers to withdraw under Article 7. If such

member does not comply with this request, the Committee may decide that it has ceased to be a member of the Council as from such date as the Committee may determine.

## **Article 9**

The Committee of Ministers may suspend the right of representation on the Committee and on the Consultative Assembly of a member which has failed to fulfil its financial obligation during such period as the obligation remains unfulfilled.

## **Chapter III – General**

### **Article 10**

The organs of the Council of Europe are:

- i) the Committee of Ministers;
- ii) the Consultative Assembly.

Both these organs shall be served by the Secretariat of the Council of Europe.

### **Article 11**

The seat of the Council of Europe is at Strasbourg.

### **Article 12**

The official languages of the Council of Europe are English and French. The rules of procedure of the Committee of Ministers and of the Consultative Assembly shall determine in what circumstances and under what conditions other languages may be used.

## **Chapter IV – Committee of Ministers**

### **Article 13**

The Committee of Ministers is the organ which acts on behalf of the Council of Europe in accordance with Articles 15 and 16.

### **Article 14**

Each member shall be entitled to one representative on the Committee of Ministers, and each representative shall be entitled to one vote. Representatives on the Committee shall be the Ministers for Foreign Affairs. When a Minister for Foreign Affairs is unable to be present or in other circumstances where it may be desirable, an alternate may be nominated to act for him, who shall, whenever possible, be a member of his government.

### **Article 15**

- a) On the recommendation of the Consultative Assembly or on its own initiative, the Committee of Ministers shall consider the action required to further the aim of the Council of Europe, including the conclusion of conventions or agreements and the adoption by governments of a common policy with regard to particular matters. Its conclusions shall be communicated to members by the Secretary General.
- b) In appropriate cases, the conclusions of the Committee may take the form of recommendations to the governments of members, and the Committee may request the governments of members to inform it of the action taken by them with regard to such recommendations.

#### **Article 16**

The Committee of Ministers shall, subject to the provisions of Articles 24, 28, 30, 32, 33 and 35, relating to the powers of the Consultative Assembly, decide with binding effect all matters relating to the internal organisation and arrangements of the Council of Europe. For this purpose the Committee of Ministers shall adopt such financial and administrative arrangements as may be necessary.

#### **Article 17**

The Committee of Ministers may set up advisory and technical committees or commissions for such specific purposes as it may deem desirable.

#### **Article 18**

The Committee of Ministers shall adopt its rules of procedure, which shall determine amongst other things:

- i) the quorum;
- ii) the method of appointment and term of office of its President;
- iii) the procedure for the admission of items to its agenda, including the giving of notice of proposals for resolutions; and
- iv) the notifications required for the nomination of alternates under Article 14.

#### **Article 19**

At each session of the Consultative Assembly the Committee of Ministers shall furnish the Assembly with statements of its activities, accompanied by appropriate documentation.

#### **Article 20**

a) Resolutions of the Committee of Ministers relating to the following important matters, namely:

- i) recommendations under Article 15.b;
- ii) questions under Article 19;
- iii) questions under Article 21.a.i. and b;
- iv) questions under Article 33;
- v) recommendations for the amendment of Articles 1.d, 7, 15, 20 and 22; and
- vi) any other question which the Committee may, by a resolution passed under d below, decide should be subject to a unanimous vote on account of its importance, require the unanimous vote of the representatives

casting a vote, and of a majority of the representatives entitled to sit on the Committee.

b) Questions arising under the rules of procedure or under the financial and administrative regulations may be decided by a simple majority vote of the representatives entitled to sit on the Committee.

c) Resolutions of the Committee under Articles 4 and 5 require a two thirds majority of all the representatives entitled to sit on the Committee.

d) All other resolutions of the Committee, including adoption of the budget, of rules of procedure and of financial and administrative regulations, recommendations for the amendment of articles of this Statute, other than those mentioned in paragraph a.v above, and deciding in case of doubt which paragraph of this article applies, require a two thirds majority of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee.

## **Article 21**

a) Unless the Committee decides otherwise, meetings of the Committee of Ministers shall be held:

- i) in private, and
- ii) at the seat of the Council.

b) The Committee shall determine what information shall be published regarding the conclusions and discussions of a meeting held in private.

c) The Committee shall meet before and during the beginning of every session of the Consultative Assembly and at such other times as it may decide.

## **Chapter V – Consultative Assembly**

### **Article 22**

The Consultative Assembly is the deliberative organ of the Council of Europe. It shall debate matters within its competence under this Statute and present its conclusions, in the form of recommendations, to the Committee of Ministers.

### **Article 23 <sup>(6)</sup>**

a) The Consultative Assembly may discuss and make recommendations upon any matter within the aim and scope of the Council of Europe as defined in Chapter I. It shall also discuss and may make recommendations upon any matter referred to it by the Committee of Ministers with a request for its opinion.

b) The Assembly shall draw up its agenda in accordance with the provisions of paragraph a above. In so doing, it shall have regard to the work of other European intergovernmental organisations to which some or all of the members of the Council are parties.

c) The President of the Assembly shall decide, in case of doubt, whether any question raised in the course of the session is within the agenda of the Assembly.

**Article 24**

The Consultative Assembly may, with due regard to the provisions of Article 38.d, establish committees or commissions to consider and report to it any matter which falls within its competence under Article 23, to examine and prepare questions on its agenda and to advise on all matters of procedure.

**Article 25 <sup>(7)</sup>**

a) The Consultative Assembly shall consist of representatives of each member, elected by its parliament from among the members thereof, or appointed from among the members of that parliament, in such manner as it shall decide, subject, however, to the right of each member government to make any additional appointments necessary when the parliament is not in session and has not laid down the procedure to be followed in that case. Each representative must be a national of the member whom he represents, but shall not at the same time be a member of the Committee of Ministers.

The term of office of representatives thus appointed will date from the opening of the ordinary session following their appointment; it will expire at the opening of the next ordinary session or of a later ordinary session, except that, in the event of elections to their parliaments having taken place, members shall be entitled to make new appointments.

If a member fills vacancies due to death or resignation, or proceeds to make new appointments as a result of elections to its parliament, the term of office of the new representatives shall date from the first sitting of the Assembly following their appointment.

b) No representative shall be deprived of his position as such during a session of the Assembly without the agreement of the Assembly.

c) Each representative may have a substitute who may, in the absence of the representative, sit, speak and vote in his place. The provisions of paragraph a) above apply to the appointment of substitutes.

**Article 26 <sup>(8)</sup>**

Members shall be entitled to the number of representatives given below:

Albania	4	
Andorra	2	
Armenia	4	
Austria	6	
Azerbaijan	6	
Belgium	7	
Bosnia and Herzegovina	5	
Bulgaria	6	
Croatia	5	
Cyprus	3	
Czech Republic	7	
Denmark	5	
Estonia	3	



Finland	5	
France	18	
Georgia	5	
Germany	18	
Greece	7	
Hungary	7	
Iceland	3	
Ireland	4	
Italy	18	
Latvia	3	
Liechtenstein	2	
Lithuania	4	
Luxembourg	3	
Malta	3	
Moldova	5	
Netherlands	7	
Norway	5	
Poland	12	
Portugal	7	
Romania	10	
Russia	18	
San Marino	2	
Serbia and Montenegro		7
Slovak Republic	5	
Slovenia	3	
Spain	12	
Sweden	6	
Switzerland	6	
"the former Yugoslav Republic of Macedonia"	3	
Turkey	12	
Ukraine	12	
United Kingdom of Great Britain and Northern Ireland	18	

### Article 27 <sup>(9)</sup>

The conditions under which the Committee of Ministers collectively may be represented in the debates of the Consultative Assembly, or individual representatives on the Committee or their alternates may address the Assembly, shall be determined by such rules of procedure on this subject as may be drawn up by the Committee after consultation with the Assembly.

### Article 28

- a) The Consultative Assembly shall adopt its rules of procedure and shall elect from members its President, who shall remain in office until the next ordinary session.
- b) The President shall control the proceedings but shall not take part in the debate or vote. The substitute of

the representative who is President may sit, speak and vote in his place.

c) The rules of procedure shall determine *inter alia*:

- i) the quorum;
- ii) the manner of the election and terms of office of the President and other officers;
- iii) the manner in which the agenda shall be drawn up and be communicated to representatives;
- iv) the time and manner in which the names of representatives and their substitutes shall be notified.

## Article 29

Subject to the provisions of Article 30, all resolutions of the Consultative Assembly, including resolutions:

- i) embodying recommendations to the Committee of Ministers;
- ii) proposing to the Committee matters for discussion in the Assembly;
- iii) establishing committees or commissions;
- iv) determining the date of commencement of its sessions;
- v) determining what majority is required for resolutions in cases not covered by sections i to iv above or determining cases of doubt as to what majority is required,

shall require a two thirds majority of the representatives casting a vote.

## Article 30

On matters relating to its internal procedure, which includes the election of officers, the nomination of persons to serve on committees and commissions and the adoption of rules of procedure, resolutions of the Consultative Assembly shall be carried by such majorities as the Assembly may determine in accordance with Article 29.v.

## Article 31

Debates on proposals to be made to the Committee of Ministers that a matter should be placed on the agenda of the Consultative Assembly shall be confined to an indication of the proposed subject-matter and the reasons for and against its inclusion in the agenda.

## Article 32

The Consultative Assembly shall meet in ordinary session once a year, the date and duration of which shall be determined by the Assembly so as to avoid as far as possible overlapping with parliamentary sessions of members and with sessions of the General Assembly of the United Nations. In no circumstances shall the duration of an ordinary session exceed one month unless both the Assembly and the Committee of Ministers concur.

## Article 33

Ordinary sessions of the Consultative Assembly shall be held at the seat of the Council unless both the Assembly and the Committee of Ministers concur that the session should be held elsewhere.

## Article 34 <sup>(10)</sup>

The Consultative Assembly may be convened in extraordinary session, upon the initiative either of the Committee of Ministers or of the President of the Assembly after agreement between them, such agreement

also to determine the date and place of the session.

## **Article 35**

Unless the Consultative Assembly decides otherwise, its debates shall be conducted in public.

## **Chapter VI – Secretariat**

### **Article 36**

- a) The Secretariat shall consist of a Secretary General, a Deputy Secretary General and such other staff as may be required.
- b) The Secretary General and Deputy Secretary General shall be appointed by the Consultative Assembly on the recommendation of the Committee of Ministers.
- c) The remaining staff of the Secretariat shall be appointed by the Secretary General, in accordance with the administrative regulations.
- d) No member of the Secretariat shall hold any salaried office from any government or be a member of the Consultative Assembly or of any national legislature or engage in any occupation incompatible with his duties.
- e) Every member of the staff of the Secretariat shall make a solemn declaration affirming that his duty is to the Council of Europe and that he will perform his duties conscientiously, uninfluenced by any national considerations, and that he will not seek or receive instructions in connexion with the performance of his duties from any government or any authority external to the Council and will refrain from any action which might reflect on his position as an international official responsible only to the Council. In the case of the Secretary General and the Deputy Secretary General this declaration shall be made before the Committee, and in the case of all other members of the staff, before the Secretary General.
- f) Every member shall respect the exclusively international character of the responsibilities of the Secretary General and the staff of the Secretariat and not seek to influence them in the discharge of their responsibilities.

### **Article 37**

- a) The Secretariat shall be located at the seat of the Council.
- b) The Secretary General is responsible to the Committee of Ministers for the work of the Secretariat. Amongst other things, he shall, subject to Article 38.d, provide such secretariat and other assistance as the Consultative Assembly may require.

## **Chapter VII – Finance**

### **Article 38 <sup>(11)</sup>**

a) Each member shall bear the expenses of its own representation in the Committee of Ministers and in the Consultative Assembly.

b) The expenses of the Secretariat and all other common expenses shall be shared between all members in such proportions as shall be determined by the Committee on the basis of the population of members.

The contributions of an associate member shall be determined by the Committee.

c) In accordance with the financial regulations, the budget of the Council shall be submitted annually by the Secretary General for adoption by the Committee.

d) The Secretary General shall refer to the Committee requests from the Assembly which involve expenditure exceeding the amount already allocated in the budget for the Assembly and its activities.

e) The Secretary General shall also submit to the Committee of Ministers an estimate of the expenditure to which the implementation of each of the recommendations presented to the Committee would give rise. Any resolution the implementation of which requires additional expenditure shall not be considered as adopted by the Committee of Ministers unless the Committee has also approved the corresponding estimates for such additional expenditure.

## **Article 39**

The Secretary General shall each year notify the government of each member of the amount of its contribution, and each member shall pay to the Secretary General the amount of its contribution, which shall be deemed to be due on the date of its notification, not later than six months after that date.

## **Chapter VIII – Privileges and immunities**

### **Article 40**

a) The Council of Europe, representatives of members and the Secretariat shall enjoy in the territories of its members such privileges and immunities as are reasonably necessary for the fulfilment of their functions. These immunities shall include immunity for all representatives to the Consultative Assembly from arrest and all legal proceedings in the territories of all members, in respect of words spoken and votes cast in the debates of the Assembly or its committees or commissions.

b) The members undertake as soon as possible to enter into agreement for the purpose of fulfilling the provisions of paragraph a) above. For this purpose the Committee of Ministers shall recommend to the governments of members the acceptance of an agreement defining the privileges and immunities to be granted in the territories of all members. In addition, a special agreement shall be concluded with the Government of the French Republic defining the privileges and immunities which the Council shall enjoy at its seat.

## **Chapter IX – Amendments**

### **Article 41**

- a) Proposals for the amendment of this Statute may be made in the Committee of Ministers or, in the conditions provided for in Article 23, in the Consultative Assembly.
- b) The Committee shall recommend and cause to be embodied in a protocol those amendments which it considers to be desirable.
- c) An amending protocol shall come into force when it has been signed and ratified on behalf of two thirds of the members.
- d) Notwithstanding the provisions of the preceding paragraphs of this article, amendments to Articles 23 to 35, 38 and 39 which have been approved by the Committee and by the Assembly shall come into force on the date of the certificate of the Secretary General, transmitted to the governments of members, certifying that they have been so approved. This paragraph shall not operate until the conclusion of the second ordinary session of the Assembly.

## **Chapter X – Final provisions**

### **Article 42**

- a) This Statute shall be ratified. Ratifications shall be deposited with the Government of the United Kingdom of Great Britain and Northern Ireland.
- b) The present Statute shall come into force as soon as seven instruments of ratification have been deposited. The Government of the United Kingdom shall transmit to all signatory governments a certificate declaring that the Statute has entered into force and giving the names of the members of the Council of Europe on that date.
- c) Thereafter each other signatory shall become a Party to this Statute as from the date of the deposit of its instrument of ratification.

In witness whereof the undersigned, being duly authorised thereto, have signed the present Statute.

Done at London, this 5th day of May 1949, in English and French, both texts being equally authentic, in a single copy which shall remain deposited in the archives of the Government of the United Kingdom which shall transmit certified copies to the other signatory governments.

### **Texts of a statutory character**

(<sup>12</sup>)

**adopted by the Committee of Ministers in the course of its 8th and 9th Sessions with a view to their ultimate inclusion in a revised Statute**

### **I –Resolution adopted by the Committee of Ministers at its 8th Session, May 1951**

The Committee of Ministers,

Having regard to certain proposals made by the Consultative Assembly for the revision of the Statute of the Council of Europe;

Considering that the provisions hereinafter set out are not inconsistent with the present Statute,

Declares its intention of putting into effect the following provisions:

### **Admission of new members**

The Committee of Ministers, before inviting a State to become a member or associate member of the Council of Europe, in accordance with Articles 4 and 5 of the Statute, or inviting a member of the Council of Europe to withdraw, in accordance with Article 8, shall first consult the Consultative Assembly in accordance with existing practice.

### **Powers of the Committee of Ministers**

(Article 15 of the Statute)

The conclusions of the Committee may, where appropriate, take the form of a convention or agreement. In that event the following provisions shall be applied:

- i) The convention or agreement shall be submitted by the Secretary General to all members for ratification;
- ii) Each member undertakes that, within one year of such submission or, where this is impossible owing to exceptional circumstances, within eighteen months, the question of ratification of the convention or agreement shall be brought before the competent authority or authorities in its country;
- iii) The instruments of ratification shall be deposited with the Secretary General;
- iv) The convention or agreement shall be binding only on such members as have ratified it.

### **Joint Committee**

i) The Joint Committee is the organ of co ordination of the Council of Europe. Without prejudice to the respective rights of the Committee of Ministers and the Consultative Assembly, the functions of the Joint Committee shall be, in particular:

- a) to examine the problems which are common to those two organs;
- b) to draw the attention of those two organs to questions which appear to be of particular interest to the Council of Europe;
- c) to make proposals for the draft agenda of the sessions of the Committee of Ministers and of the

Consultative Assembly;

d) to examine and promote means of giving practical effect to the recommendations adopted by one or other of these two organs.

ii)a) The Joint Committee shall be composed in principle of twelve members, five representing the Committee of Ministers and seven representing the Consultative Assembly, the latter number to include the President of the Consultative Assembly, who shall be a member ex officio.

The number of members may be increased by agreement between the Committee of Ministers and the Assembly. Nevertheless, the Committee of Ministers shall, at its discretion, be entitled to increase the number of its representatives by one or two.

b) The Committee of Ministers and the Consultative Assembly shall each be free to choose its own method of selecting its representatives on the Joint Committee.

c) The Secretary General shall be entitled to attend the meetings of the Joint Committee in an advisory capacity.

iii)a) The President of the Consultative Assembly shall be the Chairman of the Joint Committee.

b) No proceedings of the Committee shall be regarded as valid unless there is a quorum consisting of three of the representatives of the Committee of Ministers and five of the representatives of the Consultative Assembly.

c) The conclusions of the Joint Committee shall be reached without voting.

d) The meetings of the Joint Committee shall be convened by the Chairman and shall take place as often as is necessary and, in particular, before and after the sessions of the Committee of Ministers and of the Consultative Assembly.

e) Subject to the foregoing provisions, the Joint Committee may adopt its own Rules of Procedure.

### **Specialised authorities**

i)a) The Council of Europe may take the initiative of instituting negotiations between members with a view to the creation of European specialised authorities, each with its own competence in the economic, social, cultural, legal, administrative or other related fields.

b) Each member shall remain free to adhere or not to adhere to any such European specialised authority.

ii) If member States set up European specialised authorities among themselves on their own initiative, the desirability of bringing these authorities into relationship with the Council of Europe shall be considered, due account being taken of the interests of the European community as a whole.

iii)a) The Committee of Ministers may invite each authority to submit to it a periodical report on its activities.

b) In so far as any agreement setting up a specialised authority provides for a parliamentary body, this body may be invited to submit a periodical report to the Consultative Assembly of the Council of Europe.

iv)a) The conditions under which a specialised authority shall be brought into relationship with the Council may be determined by special agreements concluded between the Council and the specialised authority concerned. Such agreements may cover, in particular:

- 1) reciprocal representation and, if the question arises, appropriate forms of integration between the organs of the Council of Europe and those of the specialised authority;
- 2) the exchange of information, documents and statistical data;
- 3) the presentation of reports by the specialised authority to the Council of Europe and of recommendations of the Council of Europe to the specialised authority;
- 4) arrangements concerning staff and administrative, technical, budgetary and financial services.

b) Such agreements shall be negotiated and concluded on behalf of the Council of Europe by the Committee of Ministers after an opinion has been given by the Consultative Assembly.

v) The Council of Europe may co ordinate the work of the specialised authorities brought into relationship with the Council of Europe in accordance with the foregoing provisions by holding joint discussions and by submitting recommendations to them, as well as by submitting recommendations to member governments.

### **Relations with intergovernmental and non governmental international organisations**

i) The Committee of Ministers may, on behalf of the Council of Europe, conclude with any intergovernmental organisation agreements on matters which are within the competence of the Council. These agreements shall, in particular, define the terms on which such an organisation shall be brought into relationship with the Council of Europe.

ii) The Council of Europe, or any of its organs, shall be authorised to exercise any functions coming within the scope of the Council of Europe which may be entrusted to it by other European intergovernmental organisations. The Committee of Ministers shall conclude any agreements necessary for this purpose.



iii) The agreement referred to in paragraph i may provide, in particular:

a) that the Council shall take appropriate steps to obtain from, and furnish to, the organisations in question regular reports and information, either in writing or orally;

b) that the Council shall give opinions and render such services as may be requested by these organisations.

iv) The Committee of Ministers may, on behalf of the Council of Europe, make suitable arrangements for consultation with international non governmental organisations which deal with matters that are within the competence of the Council of Europe.

## **II – Partial Agreements**

**(Resolution adopted by the Committee of Ministers at its 9th Session, August 1951)**

The Committee of Ministers,

Having regard to Article 20.a of the Statute, which provides that recommendations by the Committee of Ministers to member governments require the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee;

Having regard to Recommendation 3 adopted by the Consultative Assembly in August 1950;  
Desirous, whenever possible, of reaching agreement by unanimous decision, but recognising, nevertheless, that in certain circumstances individual members may wish to abstain from participating in a course of action advocated by other members;

Considering that it is desirable for this purpose that the procedure of abstention already recognised under Article 20.a of the Statute should be so defined that the individual representatives on the Committee of Ministers should be able, by abstaining from voting for a proposal, to avoid committing their governments to the decision taken by their colleagues,

Resolves:

1) If the Committee, by the unanimous vote of the representatives casting a vote and of a majority of the representatives entitled to sit on the Committee, decides that abstention from participation in any proposal before it shall be permitted, that proposal shall be put to the Committee; it shall be considered as adopted only by the representatives who then vote in favour of it, and its application shall be limited accordingly.

2) Any additional expenditure incurred by the Council in connection with a proposal adopted under the above procedure shall be borne exclusively by the members whose representatives have voted in favour of it.

## **Statutory resolutions**

**No. (93) 26 on observer status**

**No. (93) 27 on majorities required for decisions of the Committee of Ministers**

**No. (93) 28 on partial and enlarged agreements**

**No. (2000) 1 relating to the Congress of Local and Regional Authorities of Europe**

**Statutory Resolution (93) 26 on observer status**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to the Parliamentary Assembly's proposals for institutional reforms within the Council of Europe;

Bearing in mind the changed political situation in Europe and the world;

Convinced that this situation requires increased co-operation between the Council of Europe and non-member States sharing the Organisation's ideals and values;

Considering that an institutional framework should be given to such co-operation;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows :

I. Any State willing to accept the principles of democracy, the rule of law and of the enjoyment by all persons within its jurisdiction of human rights and fundamental freedoms, and wishing to co-operate with the Council of Europe may be granted by the Committee of Ministers, after consulting the Parliamentary Assembly, observer status with the Organisation.

II. States enjoying observer status shall be entitled to send observers to those of the Council of Europe Committees of experts which were set up under Article 17 of the Statute and to which all member States are entitled to designate participants.

III. States enjoying observer status shall be entitled, upon invitation by the host country, to send observers to conferences of specialised ministers.

IV. Decisions on inviting States enjoying observer status to participate in the activities of Partial, Enlarged or Enlarged Partial Agreements shall be taken in accordance with the rules applicable to the respective agreement.

V. Observer status gives no right to be represented on the Committee of Ministers or the Parliamentary Assembly unless a specific decision has been taken by one of these organs on its own behalf.

VI. States enjoying observer status may appoint a permanent observer to the Council of Europe.

VII. An international intergovernmental organisation willing to co-operate closely with the Council of Europe and deemed able to make an important contribution to its work, may be granted by the Committee of Ministers, after consulting the Parliamentary Assembly, observer status with the rights set out in Articles II, III and IV for States enjoying observer status.

VIII. The Committee of Ministers may suspend and, after consulting the Parliamentary Assembly, withdraw observer status.

### **Statutory Resolution (93) 27 on majorities required for decisions of the Committee of Ministers**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers, under the terms of Articles 15a and 16 of the Statute of the Council of Europe,

Having regard to the Parliamentary Assembly's proposals for institutional reforms within the Council of Europe;

Bearing in mind the increased membership of the Council of Europe and the need to strengthen the Organisation's capacity for action;

Considering it therefore desirable to reduce the number of cases where unanimity is required for decisions of the Committee of Ministers;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows :

#### **I. Opening of Conventions and Agreements for signature**

Decisions on the opening for signature of Conventions and Agreements concluded within the Council of Europe shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

#### **II. Partial Agreements**

In accordance with the Statutory Resolution on Partial and Enlarged Agreements decisions authorising certain member States to pursue an activity as a Partial Agreement shall be taken by a two-thirds majority of the representatives casting a vote and a majority of the representatives entitled to sit on the Committee, as set out in Article 20.d of the Statute.

## **Statutory Resolution (93) 28 on partial and enlarged agreements**

**(Adopted by the Committee of Ministers on 14 May 1993 at its 92nd Session)**

The Committee of Ministers,

Considering that the Statute of the Council of Europe gives the Organisation competence in a wide range of spheres, in which it pursues the aim of achieving a greater unity between its members;

Considering that Partial Agreements allowing members to abstain from participating in a course of action advocated by other members, as established in the Statutory Resolution adopted by the Committee of Ministers at its 9th Session on 2 August 1951, have proved fruitful;

Considering that in some cases the problems dealt with in the Council of Europe outstrip the geographical framework of the territory of its members and that the Organisation must be ready to examine any proposal emanating from non-member States for the joint carrying out of an intergovernmental activity;

Considering that provision ought therefore to be made for flexible and non-institutionalised arrangements whereby some or all members as well as non-members of the Council of Europe may pursue an intergovernmental activity together on an equal footing, within the framework of a Partial, Enlarged Partial or Enlarged Agreement;

Having regard to the Parliamentary Assembly's favourable opinion,

Resolves as follows:

### **I. Participation in activities**

Activities or a series of activities which are not pursued as a joint effort by all member States of the Council of Europe or to which one wishes to associate non-member States of the Council of Europe may be carried out:

- by some member States of the Council of Europe as a Partial Agreement;
- by some member States of the Council of Europe together with one or more non-member States as an Enlarged Partial Agreement;
- by all member States of the Council of Europe together with one or more non-member States as an Enlarged Agreement.

### **II. Decision on participation**

The Committee of Ministers may, by the majority stipulated in Article 20.d of the Statute of the Council of Europe:

- authorise some member States to carry out an activity or a series of activities within the framework of the

Organisation, the activity or series of activities being adopted only by the representatives who vote in favour of it and being limited accordingly;

- in its composition restricted to representatives of member States of a Partial Agreement, invite any non-member State to join the Partial Agreement or certain of its activities;
- invite any non-member State to join the member States of the Council of Europe in carrying out an activity or series of activities.

### **III. Budget**

The Partial Agreement, Enlarged Partial Agreement or Enlarged Agreement (hereinafter "the Agreement") shall be financed by a budget constituted by contributions from the member States and non-member States participating in it.

The scale according to which the contributions of non-member States are calculated shall be decided in agreement with the latter; as a general rule, that scale shall conform to the criteria for determining the scale of contributions to the general budget of the Council of Europe.

The budget shall be adopted annually by an organ composed of the representatives on the Committee of Ministers of the member States participating in the activity and where appropriate of representatives of the non-member States participating in the activity who shall thus be entitled to vote.

The Financial Regulations shall apply, *mutatis mutandis*, to the adoption and management of the budget of the Agreement.

### **IV. Functioning of the Agreement**

The decision setting up the Agreement shall provide for its organs and lay down specific arrangements for the pursuit of its activities. Unless otherwise stipulated in the decision, the general rules in force in the Council of Europe concerning committee structures, terms of reference and working methods and, in particular, the Rules of Procedure for the Meetings of the Ministers' Deputies shall apply, *mutatis mutandis*, to the organs of the Agreement.

Secretarial services for the organs of the Agreement shall be provided by the Secretary General of the Council of Europe.

### **V. Additional members and observers**

Unless otherwise provided in the decision setting-up the Agreement,

- any member State of the Council of Europe may join at any moment any Agreement by making a declaration to this effect to the Secretary General;
- any non-member State of the Council of Europe may be invited to join an Enlarged or Enlarged Partial Agreement by decision of the Committee of Ministers, following consultation of the non-member States already participating;
- any non-member State and any international intergovernmental organisation may be invited by the

Committee of Ministers, following consultation of the non-member States already participating, to take part as an observer in the activities of a Partial, Enlarged Partial or Enlarged Agreement. No budget contribution shall be required from observers.

## **VI. European Community**

The European Community may be invited by the Committee of Ministers to participate in a Partial, Enlarged Partial or Enlarged Agreement. The modalities of its participation shall be determined in the decision inviting it to participate.

## **VII. Transitory provisions**

This text replaces the Statutory Resolution on Partial Agreements adopted by the Committee of Ministers at its 9th Session on 2 August 1951.

Partial Agreements already established shall continue to function according to their own rules.

### **Statutory Resolution (2000) 1 relating to the Congress of Local and Regional Authorities of Europe**

(<sup>13</sup>)

**(Adopted by the Committee of Ministers on 15 March 2000 at the 702nd meeting of the Ministers' Deputies (<sup>14</sup>))**

The Committee of Ministers, under the terms of Articles 15.a and 16 of the Statute of the Council of Europe,

Having regard to Statutory Resolution (94) 3 relating to the setting up of the Congress of Local and Regional Authorities of Europe;

Having regard to the Parliamentary Assembly's proposal for institutional reforms within the Council of Europe;

Having regard to the proposals of the Standing Conference of Local and Regional Authorities of Europe relating to the reform of its Statute and of the Congress of Local and Regional Authorities of Europe relating to statutory reinforcement and revision of the Charter;

Having consulted the organisations representing local and regional authorities of Europe, in particular the Assembly of European Regions and the Council of European Municipalities and Regions, and taking into account their contribution to the development of democracy at regional and local levels;

Considering that one of the bases of a democratic society is the existence of a solid and effective local and regional democracy in conformity with the principle of subsidiarity included in the European Charter of Local Self-Government whereby public responsibilities shall be exercised, in preference, by those authorities which are closest to the citizens, having regard to the extent and nature of the public tasks and the requirements of efficiency and economy;

Wishing to enhance and develop the role of local and regional authorities within the institutional structure of the Council of Europe;

Bearing in mind that the creation of a consultative organ genuinely representing both local and regional authorities in Europe has already been approved in principle by the heads of state and government of the Council of Europe at the Vienna Summit;

Considering that the provisions hereinafter set out are not inconsistent with the Statute of the Council of Europe,

Resolves as follows:

### **Article 1**

The Congress of Local and Regional Authorities of Europe (hereinafter referred to as the CLRAE) is the organ representing local and regional authorities. 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 CLRAE.

### **Article 2**

1) The CLRAE shall be a consultative body 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.

2) The Committee of Ministers and the Parliamentary Assembly shall consult the CLRAE on issues which are likely to affect the responsibilities and essential interests of the local and/or regional authorities which the CLRAE 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) Recommendations and opinions of the CLRAE shall be sent as appropriate to the Parliamentary Assembly and/or the Committee of Ministers. 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.

### **Article 3**

1) Allowing for exceptions foreseen in its Charter, the CLRAE shall be composed of Representatives holding a local or regional authority electoral mandate. 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.

2) Each member state shall have the right to the same number of seats in the CLRAE as it has in the Parliamentary Assembly. Each member state may send a number of Substitutes equal to the number of Representatives appointed according to the same criteria and procedure.

3) Representatives and Substitutes shall be sent for a period of two ordinary sessions of the CLRAE and shall maintain their functions until the opening of the following session.

### **Article 4**

1) The CLRAE shall meet in ordinary session once a year. Ordinary sessions shall be held at the seat of the Council of Europe unless the Congress and the Committee of Ministers decide by common consent that the session should be held elsewhere.

2) The CLRAE shall exercise its functions with the participation of two Chambers: one representative of local authorities (hereinafter referred to as the "Chamber of Local Authorities") and the other representative of regional authorities (hereinafter referred to as the "Chamber of Regions"). The CLRAE may set up, within the limits of the budgetary resources allocated to it and considering the priorities of the Council of Europe, the following bodies: a Bureau, a Standing Committee, statutory committees and if need be *ad hoc* working groups, which are necessary to perform its tasks. The Congress will inform the Committee of Ministers on the setting up of its committees. The Bureau, Standing Committee and Statutory Committees may meet in Chamber only during the plenary meetings of these bodies, and any matter considered by a Statutory Committee meeting in Chamber may not be considered by the plenary meeting of that Committee.

### **Article 5**

The number of seats in the statutory committees will be set by the Congress in its Rules of Procedure, in such a way as to guarantee the principle according to which each Congress member has the right to a seat on a committee.

### **Article 6**

1) The current text replaces Statutory Resolution (94) 3 relating to the setting up of the Congress of Local and Regional Authorities of Europe adopted by the Committee of Ministers on 14 January 1994, at the 506th meeting of the Ministers' Deputies.

2) The text of the Charter of the Congress of Local and Regional Authorities of Europe appended to the current Statutory Resolution replaces the text of the Charter adopted by the Committee of Ministers on 14 January 1994 at the 506th meeting of the Ministers' Deputies.

## **Appendix to Statutory Resolution (2000)1 – Charter of the Congress of Local and Regional Authorities of Europe (CLRAE)**



**(Adopted by the Committee of Ministers on 15 March 2000 at the 702<sup>nd</sup> meeting of the Ministers' Deputies)**

## **Article 1**

The objectives of the CLRAE are set out in Article 2 of Statutory Resolution (2000) 1 relating to the Congress of Local and Regional Authorities of Europe.

## **Article 2**

- 1) Allowing for exceptions foreseen in a transitory provision of the present Charter, the CLRAE shall be composed of Representatives who shall be chosen from among holders of a local or regional authority electoral mandate.
- 2) The membership of each member state's delegation to the CLRAE shall be such as to ensure:
  - a) a balanced geographical distribution of Representatives 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 in the statutory bodies of local and regional authorities in the member State;
  - d) equitable representation of women and men on the statutory bodies of local and regional authorities in the member State.
- 3) Each member State shall have the right to the same number of seats in the CLRAE as it has in the Parliamentary Assembly. Each member State may send 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.
- 4) With regard to the Chamber of Regions, Representatives must be from authorities placed between central government and local authorities and enjoying prerogatives either of self-organisation or of a type normally associated with the central authority and having a genuine competence to manage, on their own responsibility and in the interests of their populations, a substantial share of public affairs, in accordance with the principle of 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 Representatives to the Chamber of Regions and its organs in an advisory capacity <sup>(15)</sup>.
- 5) The rules and procedures governing the choice of Representatives to the CLRAE shall also apply to Substitutes.
- 6) Representatives and Substitutes shall be sent for a period of two ordinary sessions of the CLRAE and shall maintain their functions until the opening of the following session. 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, a replacement shall be chosen, in accordance with the same rules and procedure, for the remainder of his or

her predecessor's mandate. In addition, the composition of national delegations may be amended to take account of the altered political situation following local and/or regional elections, at the latest one month prior to the plenary session. The new delegation should, in this event, also comply with the aforementioned criteria.

### **Article 3**

1) Representatives and Substitutes to the CLRAE 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 Representatives 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 CLRAE in conformity with the principles contained in its Rules of Procedure.

2) Each member State, when notifying the Secretary General 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 Regions.

### **Article 4**

Each time members are appointed, the Bureau shall examine the credentials of the Representatives thus appointed. This examination by the Bureau shall result in a vote in session or, if the appointment takes place at another time, in the Standing Committee. Refusal to accept the credentials of a member can lead to consequences ranging from the non-payment of daily allowances to straightforward exclusion.

### **Article 5**

1) International associations of local and regional authorities which have consultative status with the Council of Europe shall have Observer status with the CLRAE. Other organisations may, on request, obtain Observer status with the CLRAE, if its Standing Committee so decides, or with one of its Chambers under the latter's Rules of Procedure.

2) The CLRAE 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. The Bureau of the CLRAE shall assign to each Special Guest state the same number of seats as it has in the Parliamentary Assembly. The appointment of Special Guest delegations shall be based on the same criteria set out in Articles 2 and 3.

3) Observers and members of the delegations mentioned in paragraph 2 shall take part in the proceedings of the CLRAE and of its Chambers, with the right to speak, subject to the President's consent, but not to vote. The other conditions of their participation in the Standing Committee, Statutory Committees and in working groups shall be laid down in the Rules of Procedure of the CLRAE.

### **Article 6**

1) The CLRAE shall meet in ordinary session once a year. Ordinary sessions shall be held at the Council of Europe's headquarters, unless otherwise decided, by common consent, by the CLRAE or its Standing Committee and the Committee of Ministers.

2) The sessions of each of the two Chambers shall be held either immediately before and/or after the session of the CLRAE. On the proposal of the Bureau of the CLRAE, either Chamber may hold other sessions after prior agreement with the Committee of Ministers.

### **Article 7**

1) The CLRAE shall organise its work within the framework of 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.

2) Each Chamber shall appoint its Bureau which shall be composed of the President of the Chamber and seven members, 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.

#### **Article 8**

1) The Standing Committee shall act on behalf of the CLRAE between sessions.

2) The Standing Committee shall consist of two Representatives from each national delegation. Members of the Bureau of the CLRAE shall be included among those Representatives. States which are represented in only one Chamber shall have only one seat on the Standing Committee.

#### **Article 9**

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

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

3) The Bureau of the Congress shall be presided over by the President of the Congress.

#### **Article 10**

1) After the distribution of questions between the two Chambers and the statutory 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 (a maximum of eleven) 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).

2) When a question falls within the competence of the two Chambers, the Bureau of the CLRAE may, in exceptional cases, set up a *ad hoc* working group common to both Chambers.

3) Organisation of the work of *ad hoc* working groups shall be governed by the Rules of Procedure.

4) The CLRAE and its two Chambers may consult, in accordance with the provisions to be set out in their Rules of Procedure, representatives of international associations of local and regional authorities mentioned in Article 5 as well as national associations of local and regional authorities designated by national delegations. The cost of participation in these consultations shall be borne by such organisations or associations.

#### **Article 11**

1) 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 CLRAE at its plenary session or by the Standing Committee.

2) However, when a question is considered by the Bureau of the CLRAE 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 by the Standing Committee, 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 by the Standing Committee without consideration of the substance of the matter.

## Article 12

The conditions under which the Committee of Ministers and the Parliamentary Assembly may be collectively represented in the debates of the CLRAE 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 CLRAE and inserted in the Rules of Procedure of the latter.

## Article 13

1) The CLRAE and each of its Chambers shall adopt their own Rules of Procedure. In particular, each set of rules shall provide for:

a) a quorum;

b) questions concerning the right to vote and the majorities required, it being understood that the recommendations and opinions addressed to the Committee of Ministers and the Parliamentary Assembly shall be adopted by a majority of two-thirds of the votes cast.

c) the procedure for the election of the president, vice-presidents and other members of the Bureau;

d) the procedure for the establishment of the agenda and its transmission to delegates;

e) the organisation of the work of the statutory committees and of the *ad hoc* working groups.

2) Moreover, the rules of the CLRAE shall provide for the time-limit and method of notification of the names of Representatives and their Substitutes and the procedure for the examination of their credentials, by taking into account in particular Articles 2 and 7 of the present Charter.

## Article 14

1) The Congress shall appoint its president from the members of each Chamber on an alternating basis. The President shall remain in office for two ordinary sessions.

2) Each Chamber of the CLRAE shall choose from among its members a president who shall remain in office for two ordinary sessions.

## Article 15

- 1) The Secretariat of the Congress shall be provided by the Chief Executive of the Congress, elected by the Congress. The Chief Executive shall be answerable to the Congress and its organs and act under the authority of the Secretary General. Candidates shall be free to submit their applications directly to the Secretary General of the Council of Europe, who will transmit them to the President of the Congress, together with his opinion. Following examination of these candidatures, the Bureau shall submit a list of candidates to the vote of the Congress. The Standing Committee, on behalf of the Congress, shall establish the procedure for the election of the Chief Executive of the Congress, in order to clarify points which are not dealt with in the current Charter.
- 2) The Congress shall elect its Chief Executive for a renewable term of five years, without the age limit applicable to all Council of Europe staff being exceeded.
- 3) The Secretary General shall appoint a Deputy Chief Executive, following consultation of the Bureau of the Congress.
- 4) In relation to the Secretaries of each Chamber, the Secretary General shall appoint them 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.

## Article 16

- 1) The Committee of Ministers shall adopt the budget of the Congress, as part of the Ordinary Budget of the Council of Europe.
- 2) This budget shall be designed, in particular, to cover the expenditure occasioned by the CLRAE sessions, by the meetings of the two Chambers and CLRAE organs, and by all other clearly identifiable expenditure linked to the activities of the CLRAE. For plenary sessions, only the participation costs of Representatives shall be defrayed by this budget.
- 3) The budget of the Congress shall constitute a specific vote of the Council of Europe budget.
- 4) The CLRAE shall inform the Secretary General and the Committee of Ministers of its budgetary needs. Its requests shall be examined in the general context of the draft budget presented by the Secretary General.
- 5) The rates and methods of calculating Congress members' per diem allowances shall be subject to a specific decision by the Committee of Ministers.
- 6) The budget of the Congress (apart from the remuneration of permanent staff and the amounts allocated to political groups) shall constitute a package which the Bureau of the Congress will be responsible for managing. However, the Bureau shall abide by the financial regulations of the Council of Europe and see to it that the necessary funds are earmarked for the functioning of the statutory bodies of the Congress and of the two Chambers. It may not exceed the limit of the overall budgetary provision allocated to the Congress.

## Transitional provisions

- 1) As an exception to Article 2. paragraph 1, non-elected persons responsible to an elected local or regional body may be Representatives in the Congress, provided they can be dismissed individually by, or following a decision of, the aforesaid directly elected body and that such a power of dismissal is stipulated by law. This provision shall be re-examined after a six-year period.
- 2) The Chief Executive of the Congress, provided for under Article 15, shall be elected once the necessary

conditions are in place.

(<sup>1</sup>) The Statute of the Council of Europe has been numbered “1” in the European Treaty Series. Amendments and texts of statutory character adopted later have been numbered 6, 7, 8 and 11.

(<sup>2</sup>) Amendments to the Statute of the Council of Europe (Strasbourg, 22 May 1951), ETS No. 6.

(<sup>3</sup>) Amendments to the Statute of the Council of Europe (Strasbourg, 18 June 1951), ETS No. 8.

(<sup>4</sup>) Amendments to the Statute of the Council of Europe (Strasbourg, 18 December 1951), ETS No. 7.

(<sup>5</sup>) Amendments to the Statute of the Council of Europe (Strasbourg, 4 May 1953), ETS No. 11.

(<sup>6</sup>) As amended in May 1951.

(<sup>7</sup>) First sentence of paragraph a, as amended in May 1951. The last two sub-paragraphs of paragraph a were added in May 1953; first sub-paragraph of paragraph a amended in October 1970.

(<sup>8</sup>) As amended in December 1951, in May 1958, in November 1961, in May 1963, in May 1965, in February 1971, in December 1974, in October 1976, in January 1978, in November 1978, in November 1988, in May 1989, in November 1990, in November 1991, in May 1992, in May 1993, in June 1993, in October 1993, in November 1994, in February 1995, in November 1995, in February 1996, in November 1996, in April 1999, in January 2001, in May 2002 and in April 2003.

(<sup>9</sup>) As amended in May 1951.

(<sup>10</sup>) As amended in May 1951.

(<sup>11</sup>) Paragraph e of Article 38 was added in May 1951.

(<sup>12</sup>) This edition of the "Texts of a statutory character" incorporates the verbal emendations with a view to a precise concordance of the French and English versions which were approved at the 40th meeting of the Ministers' Deputies (8-16 June 1956).

(<sup>13</sup>) Note by the Secretariat : this text replaces Statutory Resolution (94) 3 relating to the setting up of the Congress of Local and Regional Authorities of Europe adopted by the Committee of Ministers on 14 January 1994, at the 506th meeting of the Ministers' Deputies. See Article 6.

(<sup>14</sup>) The same day the Committee of Ministers adopted the Charter of the Congress of Local and Regional Authorities of Europe set out in the Appendix to this Resolution.

(<sup>15</sup>) This provision does not affect the participation of these Representatives as full members of the plenary Congress and its organs.