

Charter of the Congress of Local and Regional Authorities of Europe (15 March 2000)

Caption: On 15 March 2000, the Committee of Ministers of the Council of Europe adopts, as an annexe to Statutory Resolution (2000) 1, a revised Charter of the Congress of Local and Regional Authorities of Europe (CLRAE).

Source: Statutory Resolution and Charter. [ON-LINE]. [Strasbourg]: Council of Europe, [27.08.2003]. Available on http://www.coe.int/T/E/Clrae/_5._Texts/1._Statutory_texts/StatRes_Charter_E.pdf.

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URL: http://www.cvce.eu/obj/charter_of_the_congress_of_local_and_regional_authorities_of_europe_15_march_2000-en-5e1bf484-bc6c-4c95-a4cd-540356b46307.html

Publication date: 21/10/2012

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 702nd 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. ¹
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 an 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.

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