Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Opinion 177 (1993)[1]

Draft statutory resolution relating to the setting up of the Congress of Local and Regional Authorities of Europe

Parliamentary Assembly

1. The Assembly received a communication from the Committee of Ministers on the setting up of the Congress of Local and Regional Authorities of Europe (Doc. 6934), which contained a draft statutory resolution.

2. The Assembly makes the following observations:

2.1. In terms of the method. The document on which the Assembly is invited to give an opinion is a preliminary draft which the Committee of Ministers has not yet finished examining. Consequently, if the substance of the text were to be amended before approval by the Committee of Ministers, the Assembly would like to be able to examine the text again in order to give its opinion on any amendments made.

2.2. On the draft statutory resolution

a. Article 1 of the preliminary draft resolution sets forth the change in the title of the Standing Conference of Local and Regional Authorities of Europe, becoming the "Congress of Local and Regional Authorities of Europe (CLRAE)". The Assembly expresses its agreement to this new title because it is in keeping with the concept of a single organ made up of two chambers as provided for in Article 4 (see below).

b. While it is satisfied with this proposal, the Assembly is aware of the importance of the future elaboration of the charter. In that spirit it reiterates the proposal which it previously made in the draft revised Statute of the Council of Europe (Article 46), that is, to the effect that approval by the Committee of Ministers should be preceded by consultation with the Parliamentary Assembly.

c. It consequently proposes to add in Article 1, after the words: "... will be adopted by the Committee of Ministers", the following new words: "... subject to the concurring opinion of the Parliamentary Assembly".

d. It proposes to delete the words "and interests" in Article 2, paragraph 2.

e. In Article 2, paragraph 3, it proposes to replace the words "shall be submitted" by the words "shall be sent".

f. In Article 2, in the second line of paragraph 3, it proposes to delete the word "or" (of "and/or").

g. Concerning Article 3, paragraph 1, the Assembly reiterates the importance which it attaches to the electoral mandate which it considers the only criterion for the appointment of members of the CLRAE.

1. See Doc. 6960, report of the Committee on the Environment, Regional Planning and Local Authorities, Rapporteur: Mr Parisi. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 4 November 1993.

h. Nevertheless, while it is convinced of the need for strict respect for the electoral mandate criterion wherever possible, the Assembly is aware, firstly, of the special cases constituted by certain west European countries and, secondly, of the radically changing situation in the countries of central and eastern Europe as regards local democracy.

i. Consequently, it proposes that exceptions, limited in number and in time, be consigned in the transitional provisions appended to the charter. These exceptions should concern exclusively those cases where a member state does not have a body composed of elected members at the level of local or regional government. The Assembly would like to have the opportunity to examine whether these exceptions are justified when it is consulted on the draft charter of the CLRAE.

j. In Article 3, paragraph 1, it proposes that the words "or a mandate as a person directly responsible to an elected local or regional assembly [body]" be deleted.

k. In Article 3, at the begining of paragraph 2, after the words "Each member state", it proposes to add the words "in which both types of territorial authority exist".

l. The drafting of Article 3, paragraph 3 would be more explicit if the duration of the session were to be defined. In fact, the actual duration of the session of the Standing Conference is the number of days during which the CLRAE meets annually, while Article 3, paragraph 3 more likely refers to the period between two sessions, that is one year.

m. The Assembly proposes to replace the text of Article 4, paragraph 1, with the following text: "The CLRAE meets in ordinary session once a year. Ordinary sessions are held at the seat of the Council of Europe unless the Congress and the Committee of Ministers decide that the session should be held elsewhere."

n. Article 4, paragraph 2, provides for the setting up of two chambers within the Congress: the Chamber of Local Authorities and the Chamber of Regions. The Assembly warmly welcomes this amendment in view of the prior situation, as it accedes to a request which it has made on several occasions over many years.

o. With regard to the proposed reference to Article 38 of the Statute of the Council of Europe, it considers that for clarity's sake it is preferable not to include it, all the more as this article, in its present drafting, does not concern the CLRAE.

p. .The Assembly proposes to add the following words at the end of Article 4, paragraph 2: "Each member shall bear the expenses of its own representation."