

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 374 (2015)¹ Local and regional democracy in Norway

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2.1.b of Statutory Resolution CM/Res(2011)2 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2.3 of the aforementioned Statutory Resolution CM/Res(2011)2, stipulating that “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”;

c. its Resolution 299 (2010) on follow-up by the Congress of the Council of Europe Conference of Ministers responsible for local and regional government (Utrecht, Netherlands, 16-17 November 2009), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy in its monitoring activities, as well as the reply given by the Committee of Ministers (CM/Cong(2011) Rec282final) to Congress Recommendation 282 (2010) on follow-up by the Congress to the Council of Europe Conference of Ministers responsible for local and regional Government (Utrecht, Netherlands, 16-17 November 2009) encouraging the governments of member States to take account of the aforementioned reference framework in their policies and reforms;

d. the explanatory memorandum relating to this recommendation on local democracy in Norway;

e. its Recommendation 141 (2003) on regional democracy in Norway and Recommendation 203 (2006) on the compliance of Norwegian legislation with Article 11 of the European Charter of Local Self-Government.

2. The Congress refers to the fact that:

a. Norway signed and ratified the European Charter of Local Self-Government on 26 May 1989 (ETS No. 122). The Charter entered into force in respect of Norway on 1 September 1989. No declaration or reservation was made;

b. Norway ratified the Additional Protocol to the European Charter of Local Self-Government on the right to

participate in the affairs of a local authority (CETS No. 207) on 16 December 2009;

c. the Monitoring Committee instructed Xavier Cadoret and Guilherme Pinto to prepare and submit to the Congress, as rapporteurs, the report on local democracy in Norway.²

d. The Congress delegation carried out a monitoring visit to Norway from 9 September 2014 to 11 September 2014 visiting Oslo, Skien, Nome and Bergen.

3. The Congress wishes to thank the Permanent Representation of Norway to the Council of Europe and the Norwegian authorities at central, regional and local levels, the Norwegian Association of Local and Regional Authorities, the Eastern Norway County Network and the Regional Council for Western Norway, experts as well as other interlocutors for their valuable co-operation at different stages of the monitoring procedure and the information conveyed to the delegation.

4. The Congress notes with satisfaction that:

a. the level of local and regional democracy is broadly satisfactory in Norway, as demonstrated by the extensive powers and financial resources of counties and municipalities that enables them to exercise these powers in a satisfactory manner;

b. the initiated reform process, including the current review of the Local Government Act, constitutes a promising opportunity to effectively improve the quality of public services and strengthen local democracy;

c. the central government actively promotes and largely consults different co-operation structures and associations bringing together local and regional authorities;

d. a wide range of opportunities for participatory democracy at local and regional level, such as citizens' initiatives and consultative referenda are available throughout the country.

5. The Congress expresses its concerns that:

a. the principle of local self-government is still neither expressly recognised in the legislation, as already emphasised in Recommendation 141 (2003), nor in the Constitution;

b. there is no judicial remedy for municipalities to challenge respective decisions of the central government, as required by Recommendation 203 (2006);

c. a clear specification of competences in statutory law is lacking and the governor and other supervising bodies may *de facto* exercise their supervision in a manner that exceeds the spirit of the law;

d. local authorities have mentioned the risk of an increase of delegated tasks without complementary funding, as part of the current reform process in Norway;

e. the control exercised by the government through a too dense and specific sectoral legislation may lead to a considerable degree of supervision.

6. In the light of this, the Congress requests that the Committee of Ministers invite the Norwegian authorities to:

a. further reinforce local self-government (and local democracy) by incorporating those principles into specific legislation and, if practicable, into the constitution;

b. bring their legislation and judicial practice into compliance with Article 11 of the European Charter of Local Self-Government by guaranteeing, in their domestic legal system, local authorities the full exercise of their right to judicial remedies against decisions taken by the State administration;

c. re-assess the current situation of administrative supervision carried out by governors and other supervising bodies on the own competences of local authorities so that this control does not exceed the spirit of the law;

d. implement the reform in a way to ensure that concomitant finances are provided for any new tasks delegated to local and regional authorities;

e. limit the control over local authorities solely to one of legality so as to avoid a recentralisation of transferred powers.

7. The Congress invites the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take into consideration the present recommendation on local and regional democracy in Norway, as well as the explanatory memorandum, in their respective activities related to this member State.

1. Debated and adopted by the Congress on 26 March 2015, 3rd Sitting (see Document CG/2015(28)5FINAL explanatory memorandum) co-rapporteurs: Xavier Cadoret, France (L, SOC) and Guilherme Pinto, Portugal (R, SOC).

2. In their work, the co-rapporteurs were assisted by Professor André Roux, consultant, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress secretariat.