

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 373 (2015)¹ Local and regional democracy in Poland

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 of the Committee of Ministers 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 is “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 307 (2010) REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member States in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122);

d. its Recommendation 83 (2000) on evaluation of regionalisation in central Europe, especially in Poland adopted by the Standing Committee of the Congress on 25 May 2000 and Recommendation 120 (2002) on local and regional democracy in Poland adopted by the Congress on 14 November 2002;

e. the explanatory memorandum to the present recommendation on local and regional democracy in Poland.

2. The Congress recalls that Poland signed the European Charter of Local Self-Government on 19 February 1993 and ratified it on 22 November 1993. It entered into force in respect of Poland on 1 March 1994. Poland did not sign 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).

3. It notes that:

a. the Monitoring Committee instructed Jos Wienen, rapporteur on local democracy and Cynthia Hughes, rapporteur on regional democracy, to prepare and submit to the Congress the report on local and regional democracy in Poland;²

b. the monitoring visit to Poland took place from 20 to 23 May 2014 in the cities of Lublin, Opole Lubelskie and Gdansk and in the regions of Masovia, Lublin and Pomerania.

4. The Congress wishes to thank the Permanent Representation of Poland to the Council of Europe and the Polish authorities at central and local levels, representatives of Polish NGOs as well as other interlocutors for their valuable co-operation at different stages of the monitoring procedure and the information conveyed to the delegation.

5. The Congress notes with satisfaction that:

a. Poland’s acceptance of the European Charter of Local Self-Government has been full and without declarations;

b. in Poland’s transition to democracy, the Charter has been a guiding instrument in the creation of its local and regional bodies and is a key element of the Polish legal order;

c. the local and regional reforms carried out in Poland since 1990 have been successful in decentralising the country’s administration and laying the foundations for a civic and democratic society;

d. in Poland self-government is strongest at the local level;

e. good practice in consultation and dialogue is exemplified by the Joint Committee.

6. The Congress draws attention however to the following points of concern:

a. the level of autonomy enjoyed by local government is increasingly being eroded by central government regulation;

b. competences delegated to the local and regional level are increasing but adequate concomitant funding to carry out the tasks is lacking, for example in the field of education;

c. local and regional government bodies with higher revenues find the equalisation system burdensome at this time of economic stagnation as contributions are calculated on revenues earned in an earlier growth period;

d. the division of competences between local and regional authorities with regard to spatial planning lacks clarity and co-ordination suffers as a result.

7. In the light of this, the Congress recommends that the Polish authorities:

a. legislate to reinforce local authorities’ autonomy through funding from own resources and thereby reduce the dependency of local and regional authorities on State transfers;

b. fully implement Recommendation 120 (2002) so that the devolution of powers is accompanied by the transfer of adequate financial resources and find a new compromise for concomitant financing;

c. adjust the equalisation system so as to be more reactive to changes in the economic climate, for example by reviewing the scale of contributions;

d. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority in the near future.

8. 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 Poland, 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)12FINAL explanatory memorandum), co-rapporteurs: Jos Wienen, Netherlands (L, EPP/CCE) and Cynthia Hughes, United Kingdom (R, SOC).

2. In their work, the co-rapporteurs were assisted by Professor Dr Angel M. Moreno, Consultant, President of the Group of Independent Experts on the European Charter of Local Self-Government and Ms Sedef Cankocak, Co-secretary to the Congress' Monitoring Committee.