

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 319 (2012)¹ Local and regional democracy in the Czech Republic

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

a. Article 2, paragraph 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, 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, paragraph 3 of the above-mentioned 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) REV on the “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 77 (2000) on local and regional democracy in the Czech Republic and Resolution 93 (2000) pertaining to the previous monitoring visits carried out in November 1999 and March 2000;

e. the explanatory memorandum on local and regional democracy in the Czech Republic drawn up by the Rapporteurs, Emil Calota and Philippe Receveur, following an official visit to the Czech Republic from 13 to 15 June 2011.

2. The Congress notes that:

a. the Czech Republic signed the European Charter of Local Self-Government on 28 May 1998 and ratified it on 7 May 1999 with entry into force on 1 September 1999. The Czech Republic does not consider itself bound by Article 4, paragraph 5, Article 6, paragraph 2, Article 7, paragraph 2, Article 9, paragraph 3, paragraph 5 and paragraph 6;

b. the Czech Republic has not signed 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);

c. the Congress Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee)

decided on 23 March 2011 to carry out the second monitoring of the state of local and regional self-government in the Czech Republic and its compliance with the European Charter of Local Self-Government. It instructed Emil Calota and Philippe Receveur to prepare and submit to the Congress, as Rapporteurs, a report on local and regional democracy in the Czech Republic;

d. the Congress delegation carried out a monitoring visit to the Czech Republic from 13 to 15 June 2011 visiting Prague, Brno and Velký Osek.

3. The Congress wishes to thank the Permanent Representation of the Czech Republic to the Council of Europe and the authorities at central, regional and local levels, the Association of Regions of the Czech Republic and the Union of Towns and Communities of the Czech Republic), 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. considerable progress has been accomplished since the last monitoring mission and that the legal framework that is now established is generally in conformity with the European Charter of Local Self-Government for local and regional authorities alike;

b. the mechanisms of consultation with local and regional authorities on matters concerning them directly are functioning well;

c. the creation of a regional tier of government recommended by Congress Recommendation 77 (2000) has been achieved;

d. Articles 4 (paragraph 5) and 9 (paragraphs 3, 5 and 6) of the European Charter of Local Self-Government are *de facto* operational, even though the Czech Republic has not ratified them.

5. The Congress draws particular attention to the following:

a. the system of financing remains heavily centralised while concomittant financing of delegated tasks is not always ensured and a genuine system of local taxes which would leave local and regional authorities free to determine their rate does not seem to be on the agenda;

b. the problem of fragmentation and the high number of municipalities which gives rise to problems in terms of the provision of local government services and the carrying out of tasks in smaller municipalities;

c. even though consultation mechanisms are in place as regards the associations of local authorities, these procedures should be formally recognised in a law which would provide details on the consultation process;

d. although the overall system of administrative controls function well, it should be further co-ordinated and simplified in order to ease the burden put on municipalities and regions through the supervision and data collection exercised by different branches of central government;

e. as regards the regional tier, there is still room for improvement, particularly as regards their dependency on the central government when it comes to the extent of their tasks and financial resources and their relationship between the regions and the major towns (outside Prague).

6. In the light of this, the Congress recommends that the Committee of Ministers invite the Czech Republic to:

a. ensure financing corresponding to the delegated tasks;

b. find a consensus on the possible alternatives which would lead to a process to gradually reduce the high number of municipalities by, for example, merging the smallest units, for a better functioning local democracy without destabilising the rural population which remains an important challenge for the government, or by developing intermunicipal co-operation;

c. develop and formalise the mechanisms of consultation with local and regional authorities on matters concerning them directly by a specific law, which would provide details on the consultation process, ensuring that such consultation takes place in “due time and in an appropriate way” as stipulated by Article 4 paragraph 6 of the European Charter of Local Self-Government;

d. co-ordinate and simplify the overall system of administrative supervision (keeping it in proportion within the meaning of Article 8 paragraph 3 of the European Charter of Local Self-Government) in order to ease the burden put on municipalities and regions through supervision and data collection exercised by different branches of central government;

e. ratify Articles 4 paragraphs 5 and 9 paragraph 6 of the European Charter of Local Self-Government, on which reservations had been formulated, since these are *de facto* operational;

f. sign and ratify, in the near future, the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority as well as the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159).

Debated and adopted by the Congress on 21 March 2011, 2nd Sitting (see document CG(22)6 explanatory memorandum), Rapporteurs: E. Calota, Romania (L, SOC), and P. Receveur, Switzerland (R, EPP/CD).