

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 404 (2017)¹ Local and regional democracy in Italy

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(2015)9 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, paragraph 3, of Statutory Resolution CM/Res(2015)9, which stipulates that “[t]he 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. Congress Resolution 409 (2016) on the revision of the Rules and Procedures of the Congress, in particular Chapter XVII of the latter on the organisation of the monitoring procedures of the Congress;

d. Recommendation 35 (1997) on the implementation of the European Charter of Local Self-Government in Italy;

e. Congress 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 (MCL-16(2009)11) in its monitoring activities, and the reply by the Committee of Ministers to Congress Recommendation 282 (2010) on the same subject (CM/Cong(2011)Rec282 final), which encourages the governments of member States to take account of the above reference framework in connection with their policies and reforms;

f. Recommendation 337 (2013) on local and regional democracy in Italy;

g. the explanatory memorandum on local and regional democracy in Italy drawn up by Jakob Wienen (Netherlands, EPP/CCE) and Stewart Dickson (United Kingdom, ILDG), rapporteurs, following their official visit to the country from 21 to 23 March 2017.

2. The Congress notes that:

a. Italy became a member of the Council of Europe on 5 May 1949 and signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 15 October 1985, before ratifying it without reservations on 11 May 1990. The Charter entered into force with respect to Italy on 1 September 1990;

b. Italy ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106) on 29 March 1985. The Outline Convention entered into force on 30 June 1985. The country also ratified the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No.144) on 26 May 1994. This Convention came into force on 1 May 1997;

c. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) appointed the co-rapporteurs on local democracy Jakob Wienen (Netherlands, EPP/CCE) and on regional democracy Stewart Dickson (United Kingdom, ILDG) to prepare and submit to the Congress a report on local and regional democracy in Italy;²

d. the monitoring visit took place from 21 to 23 March 2017. During the visit, the Congress delegation met with representatives of governmental institutions (parliament, ministries, court of audit, State council) and of local authorities (mayors and presidents of provinces and regions). The delegation also met with representatives of the Italian delegation to the Congress and the associations of local and regional authorities. The detailed programme of the visit is appended to the explanatory memorandum;

e. the delegation wishes to thank the Permanent Representation of Italy to the Council of Europe, the Italian authorities at central and local levels, the secretariat of the Italian delegation to the Congress and the experts who met with the delegation for their valuable co-operation during the monitoring visit.

3. The Congress notes with satisfaction:

a. the efforts undertaken by the Italian authorities to foster decentralisation over the past years;

b. the recognition of the principle of local self-government in the domestic constitution.

4. The Congress expresses its concern with regard to:

a. the inadequate financial resources available to local authorities, particularly provinces, to accomplish their tasks, due to the sharp decrease in their own revenues and in State transfers, in addition to budget cuts (Article 9, paragraphs 1 and 2, of the Charter);

b. the fact that, in practice, local authorities are not consulted regarding the adoption of the budget, in particular as regards the implementation of budget cuts by the central government (Article 9, paragraph 6);

c. the uncertainty of the future situation regarding the provinces as a result of the rejection of the constitutional reform in December 2016;

d. the reduced ability of local authorities to employ qualified staff in order to carry out their responsibilities, as a consequence of the lack of career prospects, budget cuts and the cross-cutting “freeze” on hiring new staff that has been implemented in recent years (Article 6, paragraph 2);

e. the lack of appropriate remuneration or compensation for the elected representatives of provinces and metropolitan cities for the discharge of their duties, a situation that may also weaken the involvement of citizens in provincial politics (Article 7, paragraph 2);

f. the fact that the governing bodies of provinces and metropolitan cities are not elected by direct universal suffrage (Article 3, paragraph 2);

g. the limited responsibility of the presidents of provinces and mayors of metropolitan cities towards their respective deliberative bodies (Article 3, paragraph 2);

h. the weak financial situation of the regions having “ordinary status”, in comparison with those having “special status”;

i. the inefficiency of the equalisation system for smoothing out the differences in financial resources between regions (Article 9, paragraph 5).

5. In the light of the above, the Congress recommends that the Committee of Ministers call upon the Italian authorities to:

a. reconsider, during consultations, the criteria and methodology applied to the calculation of the budget cuts and lift the financial constraints imposed on local authorities, in particular in the provinces, to ensure that their resources are commensurate with their responsibilities;

b. ensure that local authorities are effectively consulted, in law and in practice, through representatives of national associations, on financial matters which concern them directly;

c. reconsider the policy of gradually downsizing and abolishing provinces by restoring their competences and providing

them with the necessary financial resources with which to exercise these competences;

d. strengthen the process begun in June 2017 in relation to local human resources and the possibility of new recruitment, so that local authorities can employ the highly qualified staff that are essential for them to properly discharge their responsibilities;

e. establish a system of fair and appropriate remuneration of the elected representatives of provinces and metropolitan cities for the performance of their duties;

f. reintroduce direct elections for the governing bodies of provinces and metropolitan cities;

g. introduce, in the provincial/metropolitan councils, the possibility to propose a vote for the removal or censure of their president/mayor in order to strengthen the political accountability of the latter;

h. revise the financial rules and principles of the regions having “ordinary status” in order to strengthen their fiscal autonomy and increase the proportion of their “own revenues”;

i. revise the current formula of the equalisation system in order to smooth out the differences in financial resources between the regions, based on the principle of territorial solidarity;

j. 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 (CETS No. 207).

6. The Congress invites the Committee of Ministers of the Council of Europe to take into consideration the present recommendation on local and regional democracy in Italy, as well as the explanatory memorandum, in its activities related to this member State.

1. Debated and adopted by the Congress on 18 October 2017, 1st sitting (see Document [CG33\(2017\)17](#), explanatory memorandum), co-rapporteurs: Jakob WIENEN, Netherlands (L, EPP/CCE), and Stewart DICKSON, United Kingdom (R, ILDG).

2. The rapporteurs were assisted by Ángel Manuel MORENO MOLINA, Chair of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.