

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 421 (2018)¹ Local democracy in Slovenia

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 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 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 abovementioned Statutory Resolution CM/Res(2015)9, 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. Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the explanatory memorandum on local democracy in Slovenia drawn up by the rapporteurs, Henrik Brade JOHANSEN, Denmark (L, ILDG), and Gaye DOGANOGLU, Turkey (L, EPP/CCE), following a visit to Slovenia from 20 to 22 February 2018.

2. The Congress notes that:

a. Slovenia signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 11 October 1994 and ratified it in its entirety on 15 November 1996. The Charter came into force in Slovenia on 1 March 1997;

b. Slovenia 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) on 16 November 2009 and ratified it on 6 September 2011;

c. the state of local and regional democracy in Slovenia was the subject of a Congress monitoring report in 2010. The Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee) decided to carry out a visit to monitor the state of local self-government in Slovenia and its compliance with the European Charter of Local Self-Government. It instructed Henrik Brade JOHANSEN, Denmark (L, ILDG), and Gaye DOGANOGLU, Turkey (L, EPP/CCE), as rapporteurs

to update the abovementioned report on local democracy in Slovenia and to submit it to the Congress;

d. the Congress delegation carried out a monitoring visit to Slovenia from 20 to 22 February 2018.

3. The Congress wishes to thank the Permanent Representation of Slovenia to the Council of Europe, the Slovenian authorities at central and local levels, including the Association of Municipalities and Towns of Slovenia (Skupnost občin Slovenije, SOS) and the Association of Municipalities of Slovenia (Združenje občin Slovenije, ZOS), as well as other interlocutors for their valuable co-operation at different stages of the monitoring procedure and for the information provided to the delegation.

4. It notes with satisfaction that:

a. Slovenia, in general, complies with the provisions of the European Charter of Local Self-Government;

b. the Slovenian Government has adopted the Development Strategy for Local Self-Government up to 2020, expressing its vision of modernisation of local self-government in the medium term;

c. the Constitutional Court extensively applies the Charter in its decisions;

d. there are many instruments of public participation in the local decision-making processes, including referendums.

5. Taking into account that some issues raised in the previous Congress recommendation of 2011 remain relevant, the Congress notes that the following points call for the particular attention of national authorities:

a. the absence of consensus between local and central authorities on the principles of municipal financing, including the fiscal autonomy of Slovenian local authorities, which makes the financial stability of local self-government dependent on State transfers;

b. over-regulation in certain areas, such as construction control, municipal police and pre-school education, which increases the cost of provision of services for local authorities and limits their discretion to manage their own affairs;

c. there are still shortcomings in the actual implementation of the consultation process with local authorities on all matters that concern them directly, which reduces the meaningfulness of consultations and limits the influence of local authorities on final decision making;

d. municipal fragmentation up to 2015 negatively affected the capacities of smaller municipalities to carry out municipal tasks and to provide high quality service.

6. In the light of the above, the Congress asks the Committee of Ministers to invite the Slovenian authorities to:

a. achieve consensus, through all possible means, on the basis of consultations with local authorities and their associations, on the principles of municipal financing and on ways to strengthen their fiscal autonomy, with a view to

guaranteeing the commensurability of local self-government resources with increasing responsibilities;

b. in consultation with local authorities and their associations, rationalise, where possible, in order to simplify existing legal regulations of certain tasks and responsibilities at local level to allow more discretion to local authorities in adapting practice to local conditions, and to alleviate the human resources and financial costs that they have to finance from their own resources;

c. increase the regularity of consultations with local authorities and their associations and respect legal deadlines in order to allow local authorities to be consulted in “due time”,

and to strengthen the impact of local authorities on decision-making processes for all matters that concern them directly;

d. promote mergers of local authorities and different forms of intermunicipal co-operation based on consultations with local authorities and incentive measures with a view to ensuring effective public service delivery.

1. Discussed and approved by the Chamber of Local Authorities on 6 November 2018, and adopted by the Congress on 7 November 2018, 2nd sitting (see Document [CPL35\(2018\)03](#), explanatory memorandum), rapporteurs: Henrik Brade JOHANSEN, Denmark (L, ILDG) and Gaye DOGANOGLU, Turkey (L, EPP/CCE).