

40th SESSION
Second part

Report
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AMENDMENTS

Monitoring of the application of the European Charter of Local Self-Government in Azerbaijan

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

Rapporteurs:¹ Bernd VÖHRINGER, Germany (L, EPP/CCE)
Stewart DICKSON, United Kingdom (R, ILDG)

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Summary

This report follows the third monitoring visit to Azerbaijan since the country ratified the European Charter of Local Self-Government in 2002.

It welcomes some improvements that were identified in Azerbaijan such as the ratification of Article 10.3 of the Charter following the adoption of the previous Congress recommendation; the improvement of the quality and transparency of the work of municipalities; the use of the delegation of functions to municipalities for the first time in 2020; and the increased representation of women and youth in municipal councils after the last municipal elections in 2019.

Nevertheless, major concerns remain as to a number of factors that impair the development of local self-government in Azerbaijan. Local authorities do not conform with basic democratic principles and do not benefit from the principles of autonomy laid down in the Charter. To quote a few examples, municipalities in Azerbaijan are not considered state institutions which exercise public services as part of overall administration but rather an expression of civil society; the distribution of powers and functions between municipalities and local executive authorities as well as their factual relations remain ill-defined; the powers of municipalities is not full and exclusive; no separate law exists on the capital city, and Baku remains the only capital city in the Council of Europe area with no directly elected governance; consultation of municipalities and of their weak national associations is not an established practice and is not regulated in detail in the legislation; it remains a challenge for municipalities to hire qualified staff, also due to non-competitive salaries and limited personal development opportunities; municipal own revenues are largely insufficient to fulfil the functions entrusted to municipalities

1. L: Chamber of Local Authorities / R: Chamber of Regions.
EPP/CCE: European People's Party Group in the Congress.
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats.
ILDG: Independent Liberal and Democratic Group.
ECR: European Conservatives and Reformists Group.
NR: Members not belonging to a political group of the Congress.

by legislation; the legislation still provides that municipalities must report to parliament on their activities, and the right to judicial protection is limited and not used by municipalities. Finally, in the context of the COVID-19 pandemic, municipalities have been completely side-lined and their budget has been considerably reduced

Consequently, the recommendation invites the Azerbaijani authorities, among other things, to unambiguously recognise municipalities as state institutions exercising public power as part of the overall public administration; to amend the Law on the Status of Municipalities and the other laws transferring tasks and functions to municipalities by ensuring that the powers and duties entrusted to municipalities are full and exclusive; to adopt a law on the status of the capital city and establish a unified and democratically elected municipal government in Baku; create a legislative framework for consultation of municipalities and their associations in the process of drafting legislation relevant to them; to complete the process of repealing from legislation the obligation for municipalities to report to parliament on their activities and adopt a law regulating reporting by municipalities; to reduce financial dependence of municipalities from the state by increasing and making sustainable their own revenues, to ensure that the right to judicial protection of municipalities is guaranteed in practice. Lastly, national authorities are called, in dealing with the COVID-19 pandemic, to make sure that municipalities are involved and that their financial resources are not disproportionately impacted.

A resolution has also been elaborated which invites the Congress to continue to closely follow the state of progress of local democracy in Azerbaijan and to expand its political dialogue with Azerbaijani authorities in the framework of post monitoring process.

DRAFT RESOLUTION²

1. The Congress of Local and Regional Authorities of the Council of Europe recalls that:

a. Azerbaijan joined the Council of Europe on 25 January 2001, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 21 December 2001 and ratified it with reservations on 15 April 2002 (Articles 4.3; 7.2; 9.5; 9.6; 10.3). The Charter entered into force in Azerbaijan on 1 August 2002;

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in Azerbaijan in the light of the Charter. It instructed Bernd Vöhringer, Germany (L, EPP/CCE) and Stewart Dickson, United Kingdom (R, ILDG), with the task of preparing and submitting to the Congress a report on local and regional democracy in Azerbaijan;

c. The monitoring visit took place remotely from 23 to 25 February 2021. During the visit, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

d. The present resolution is elaborated in accordance with Congress priorities set up for 2021-2026, in particular priority 6b that concerns the quality of representative democracy and citizen participation.

2. The Congress expresses its concern that its previous reports in 2003 and 2012, respectively, raised recurring shortcomings regarding the situation of local and regional democracy in Azerbaijan and the limited implementation of the European Charter of Local Self-Government which make these recommendations still valid.

3. In the light of the above, the Congress:

a. resolves to continue closely following the state of progress of the local and regional democracy in Azerbaijan, through a regular item on the agenda of the Monitoring Committee meetings;

b. undertakes to expand its political dialogue with the Azerbaijani national authorities in the framework of a post-monitoring process, so that they comply with the provisions set out in the Charter, in particular when implementing Congress recommendation on local and regional democracy (2021).

2 Preliminary draft resolution approved by the Monitoring Committee at a remote meeting on 28 April 2021.

Members of the committee:

G. MOSLER-TOERNSTROEM (Chair); P. AGABITI; H. AKGUN; N. ALEMAN OJEDA; L. ANSALA; C. BAS; V. BELIKOV; J. BENGEOVOORD; G. BERGMANN; H. BERGMANN; D. BIANCALANA; K. BILLE; A. BINDI; Z. BROZ; M. BUFI; T. BUYUKAKIN; X. CADORET; M. CAVARA; M. COOLS; J. CROWE; S. DICKSON; A. DISMORE; R. DODD; S. DOGUCU; D. ERAY; N. FARMAKIS; M. FAVA; R. FEJSTAMER; J. FISCHEROVA; V. FURDUI; M. GALIT; L. ARLITO BATALLA; M. GOLASZEWSKI; A. GONZALEZ GIJÓN; V. GORODINSCHII; BA. GRAM; O. GRIGOLIA; T. GUIGNARD; I. HANZEK; M. HARDY; L. HARRIBEY; A. HARUTYUNYAN; J. HASLER; GM. HELGESEN; B. HIRS; J. HLINKA; B. HORDEJUK; A. IBRAHIMOV; G. IGUALORTIZ; G. ILLES; A. JOZIC; M. JUHKAMI; S. JUJIC; K. KALADZE; A. KALEVA; G. KAMINSKIS; N. KAVTARADZE; B. KERIMOGLU; H. KLEMP; B. KLIMEK; A. KNAPE; J. KOKKO; O. KORINNYI; K. OUKAS; P. KULHANEK; C. LAMMERSKITTEN; A. LEADBETTER; F. LEC; S. LEVSHIN; J-P. LIOUVILLE; ST. LOKSLID; M. LUKASHUK; I. LUNGU; KT. MAGNUSSON; A. MAGYAR; P. MANGIN; G. MARSAN; O. MELNICHENKO; A. MIMENOV; S. MINERVA; V. MITROFANOVAS; R. MONDORF; G. MOYNIHAN; J. NACHTERGAELE; E. OPREA; L. PASHYNNA; C. PATAKI; G. PAUK; M-L. PENCHARD; V. PREBILIC; C. RADULESCU; J. ROCKLIND; E. RUDELIENE; B. RUDKIN; S. SCHUMACHER; P. SMOLOVIC; R. SPIEGLER; G. STOYANOVA; K. SZEMEREYNE PATAKI; T. TAGHIYEV; P. THORNTON; B. TOCE; K. TOLKACHEV; L. TOSOLINI; F. TRAVAGLINI; I. TSIAMIS; S. TUCAKOVIC; M. TURCAN; V. VARNAVSKIY; E. VELIAJ; L. VERBEEK; P. VERCELLOTTI; R. VERGILI; B. VOEHRINGER; A. VYRAS; H. WENINGER; E. YERITSYAN; E. ZABOLOTNYI; H. ZAMAZEVA.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the committee: S. POIREL, Secretary to the Committee and S. PEREVERTEN, co-Secretary to the Committee.

DRAFT RECOMMENDATION³

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

a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating 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 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, 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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. The Congress priorities set up for 2021-2026 in particular priority 6b that concerns the quality of representative democracy and citizen participation;

e. Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;

f. Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

g. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

h. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;

i. previous Congress Recommendation 326 (2012) on the monitoring of the European Charter of Local Self-Government in Azerbaijan, adopted on 17 October 2012;

j. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Azerbaijan.

³ Preliminary draft recommendation approved by the Monitoring Committee at a remote meeting on 28 April 2021.

Members of the committee:

G. MOSLER-TOERNSTROEM (Chair); P. AGABITI; H. AKGUN; N. ALEMAN OJEDA; L. ANSALA; C. BAS; V. BELIKOV; J. BENGEOORD; G. BERGMANN; H. BERGMANN; D. BIANCALANA; K. BILLE; A. BINDI; Z. BROZ; M. BUFI; T. BUYUKAKIN; X. CADORET; M. CAVARA; M. COOLS; J. CROWE; S. DICKSON; A. DISMORE; R. DODD; S. DOGUCU; D. ERAY; N. FARMAKIS; M. FAVA; R. FEJSTAMER; J. FISCHEROVA; V. FURDUI; M. GALIT; L. ARLITO BATALLA; M. GOLASZEWSKI; A. GONZALEZ GIJÓN; V. GORODINSCHII; BA. GRAM; O. GRIGOLIA; T. GUIGNARD; I. HANZEK; M. HARDY; L. HARRIBEY; A. HARUTYUNYAN; J. HASLER; GM. HELGESEN; B. HIRS; J. HLINKA; B. HORDEJUK; A. IBRAHIMOV; G. IGUALORTIZ; G. ILLES; A. JOZIC; M. JUHKAMI; S. JUJIC; K. KALADZE; A. KALEVA; G. KAMINSKIS; N. KAVTARADZE; B. KERIMOGLU; H. KLEMP; B. KLIMEK; A. KNAPE; J. KOKKO; O. KORINNYI; K. OUKAS; P. KULHANEK; C. LAMMERSKITTEN; A. LEADBETTER; F. LEC; S. LEVSHIN; J-P. LIOUVILLE; ST. LOKSLID; M. LUKASHUK; I. LUNGU; KT. MAGNUSSON; A. MAGYAR; P. MANGIN; G. MARSAN; O. MELNICHENKO; A. MIMENOV; S. MINERVA; V. MITROFANOVAS; R. MONDORF; G. MOYNIHAN; J. NACHTERGAELE; E. OPREA; L. PASHYNNNA; C. PATAKI; G. PAUK; M-L. PENCHARD; V. PREBILIC; C. RADULESCU; J. ROCKLIND; E. RUDELIENE; B. RUDKIN; S. SCHUMACHER; P. SMOLOVIC; R. SPIGLER; G. STOYANOVA; K. SZEMEREYNE PATAKI; T. TAGHIYEV; P. THORNTON; B. TOCE; K. TOLKACHEV; L. TOSOLINI; F. TRAVAGLINI; I. TSIAMIS; S. TUCAKOVIC; M. TURCAN; V. VARNAVSKIY; E. VELIAJ; L. VERBEEK; P. VERCELLOTTI; R. VERGILI; B. VOEHRINGER; A. VYRAS; H. WENINGER; E. YERITSYAN; E. ZABOLOTNYI; H. ZAMAZEVA.

N.B.: The names of members who took part in the vote are in italics.

Secretariat of the committee: S. POIREL, Secretary to the Committee and S. PEREVERTEN, co-Secretary to the Committee.

2. The Congress points out that:

a. Azerbaijan joined the Council of Europe on 25 January 2001, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 21 December 2001 and ratified it with reservations on 15 April 2002 (Articles 4.3; 7.2; 9.5; 9.6; 10.3). The Charter entered into force in Azerbaijan on 1 August 2002;

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in Azerbaijan in the light of the Charter. It instructed Bernd Vöhringer, Germany (L, EPP/CCE) and Stewart Dickson, United Kingdom (R, ILDG), with the task of preparing and submitting to the Congress a report on local and regional democracy in Azerbaijan;

c. The monitoring visit took place remotely from 23 to 25 February 2021. During the visit, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

d. The co-rapporteurs wish to thank the Permanent Representation of Azerbaijan to the Council of Europe and all those whom they met during the visit.

3. The Congress notes with satisfaction that in Azerbaijan:

a. On 13 November 2013 Article 10.3 has been included in the list of Charter provisions that are binding in the country;

b. in the last decade, the legislation relevant to local self-government has been partly amended introducing some improvements, including in the system of financing municipalities and in the merit-based selection of municipal staff;

c. an Automated Municipality Information System has been introduced, making payments to and by municipalities electronic and thereby enhancing transparency and improving the collection of local taxes and fees;

d. for the first time, in 2020 the government made use of the opportunity to delegate functions to municipalities, allocating corresponding funds;

e. the process of amalgamation of smaller municipalities continues in an uncontroversial way; in the last municipal elections in 2019 the number of female and young representatives in the municipal councils has significantly improved.

4. The Congress expresses however its concerns on the following issues:

a. municipalities remain unable to exercise the basic functions attributed to them by legislation; in particular, the distribution of powers and functions between municipalities and local executive authorities as well as their factual relations remain ill-defined and this is detrimental to the development of democratically accountable local self-government as prescribed by the Charter;

Amendment 1

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.a remove the first part of the first sentence until the words "in particular".

The sub-paragraph 4.a would read:

a. the distribution of powers and functions between municipalities and local executive authorities as well as their factual relations remain ill-defined and this is detrimental to the development of democratically accountable local self-government as prescribed by the Charter;

Amendment 13

Presented by the rapporteurs

In sub-paragraph 4.a add "in practice" to the first sentence.

The sub-paragraph 4.a would read:

a. municipalities remain unable **in practice** to exercise the basic functions attributed to them by legislation; in particular, the distribution of powers and functions between municipalities and local executive authorities as well as their factual relations remain ill-defined and this is detrimental to the development of democratically accountable local self-government as prescribed by the Charter;

b. the services provided by the municipalities are only supplementary and local social, economic and environment programmes may be aimed only at resolving issues not covered by the relevant state programmes and this makes the powers of municipalities not full and exclusive as required by the Charter;

Amendment 2

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.b delete the words in the first line "the services provided by the municipalities are only supplementary and" and the word "only" in the second line.

The sub-paragraph 4.b would read:

b. local social, economic and environment programmes may be aimed at resolving issues not covered by the relevant state programmes and this makes the powers of municipalities not full and exclusive as required by the Charter;

c. no separate law exists on the capital city, which remains the only capital city in the Council of Europe area which has no directly elected governance;

d. land maps indicating precise borders of municipalities are not yet available for all municipalities, giving rise to some controversy as to the resources produced on a piece of land whose classification is not clear;

Amendment 3

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.d replace the words "for all municipalities" with the words "in some municipalities".

The sub-paragraph 4.d would read:

d. land maps indicating precise borders of municipalities are not yet available in some municipalities, giving rise to some controversy as to the resources produced on a piece of land whose classification is not clear;

e. consultation of municipalities and their national associations, while taking place informally, is not an established practice and is not regulated in detail in the legislation;

f. conversely, legislation provides for several instruments that would allow citizens' participation in the life of municipalities, but they are only sparingly used; the ratification of 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) could help improve the practice of citizens' participation in the country;

g. it remains difficult to hire qualified staff for municipalities, which offer less attractive jobs than the state administration, also due to non-competitive salaries and limited personal development opportunities;

h. the procedure for dismissal of the chair of the municipalities for the cases in which he/she can be removed from office is not sufficiently specified in legislation;

Amendment 4

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

Delete sub-paragraph 4.*h* and renumber the following sub-paragraphs accordingly.

i. despite previous calls on the authorities to repeal the provision, and despite an amendment that restricted the cases in which this happens, the legislation still provides that municipalities must report to Parliament on their activities; at the same time, a comprehensive law regulating reporting by municipalities has not yet been adopted;

Amendment 5

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.*i* delete the words "at the same time, a comprehensive law regulating reporting by municipalities has not yet been adopted".

The sub-paragraph 4.*i* would read:

i. despite previous calls on the authorities to repeal the provision, and despite an amendment that restricted the cases in which this happens, the legislation still provides that municipalities must report to Parliament on their activities;

j. municipal own revenues remain largely insufficient to fulfil the functions entrusted to municipalities by legislation and prevent municipalities from taking up activities in areas formally open to them; municipalities also have no power to determine the rate of their own taxes and are overall financially dependent from the state;

Amendment 6

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.*j* delete the words "and are overall financially dependent from the state;"

The sub-paragraph 4.*j* would read:

j. municipal own revenues remain largely insufficient to fulfil the functions entrusted to municipalities by legislation and prevent municipalities from taking up activities in areas formally open to them; municipalities also have no power to determine the rate of their own taxes;

k. the right to judicial protection is provided against, rather than for, municipalities, as in practice municipalities never challenge acts in court, while are sometimes suited for violation of rights of citizens, especially on property and land issues, due to the unclear division between state-owned and municipal-owned land;

Amendment 7

Presented by Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Aida JALILZADA, Azerbaijan, R, ECR; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 4.k replace the word “never” with “in some cases”.

The sub-paragraph 4.k would read:

k. the right to judicial protection is provided against, rather than for, municipalities, as in practice municipalities in some cases challenge acts in court, while are sometimes suited for violation of rights of citizens, especially on property and land issues, due to the unclear division between state-owned and municipal-owned land;

Amendment 14

Presented by the rapporteurs

In sub-paragraph 4.k replace the word “never” with “rarely”.

The sub-paragraph 4.k would read:

k. the right to judicial protection is provided against, rather than for, municipalities, as in practice municipalities **rarely** challenge acts in court, while are sometimes suited for violation of rights of citizens, especially on property and land issues, due to the unclear division between state-owned and municipal-owned land;

l. in the context of the COVID-19 pandemic, municipalities have been completely sidelined and their budget has been considerably reduced.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Azerbaijan to:

a. unambiguously recognise municipalities as state institutions exercising public power as part of the overall public administration; clarify in legislation the relations between municipalities and local state executive bodies, as well as the overlapping responsibilities between municipalities and local executive authorities which currently create a condition of de facto subordination of the former to the latter;

Amendment 8

Presented by Aida JALILZADA, Azerbaijan, R, ECR

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 5.a delete the words “which currently create a condition of de facto subordination of the former to the latter;”.

The sub-paragraph 5.a would read:

a. unambiguously recognise municipalities as state institutions exercising public power as part of the overall public administration; clarify in legislation the relations between municipalities and local state executive bodies, as well as the overlapping responsibilities between municipalities and local executive authorities;

b. amend the Law on the Status of Municipalities and the other laws transferring tasks and functions to municipalities by ensuring that the powers and duties entrusted to municipalities are full and exclusive and

that the municipalities have full discretion to exercise their initiative with regard to any matter not excluded from their competence;

c. adopt a law on the status of the capital city and establish a unified and democratically elected municipal government in Baku;

d. complete the process of drawing maps of the municipal lands and resolve the remaining issues related to the division between state-owned and municipal-owned land, indicating size and borders of each municipal territory;

e. create a legislative framework for consultation of municipalities and their associations in the process of drafting legislation relevant to them and more broadly to local issues;

f. support the use of instruments of citizens' participation, including when continuing the process of amalgamation of municipalities and when addressing the issue of local government in the re-integrated territories; 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) ;

g. improve the working conditions for municipal staff, including in terms of salaries and liability, in order to make civil service in the municipalities attractive for qualified personnel;

h. specify the dismissal procedure of the chair of the municipalities for the cases in which he/she can be removed from office;

Amendment 9

Presented by Aida JALILZADA, Azerbaijan, R, ECR

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

Delete the sub-paragraph 5.*h* and renumber the following sub-paragraphs accordingly.

i. complete the process of repealing from legislation the obligation for municipalities to report to parliament on their activities and adopt a law regulating reporting by municipalities, in line with Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities;

Amendment 10

Presented by Aida JALILZADA, Azerbaijan, R, ECR

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 5.*i* delete the words "and adopt a law regulating reporting by municipalities".

The sub-paragraph 5.*i* would read:

i. complete the process of repealing from legislation the obligation for municipalities to report to parliament on their activities, in line with Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities;

j. reduce financial dependence of municipalities from the state by increasing and making sustainable their own revenues, by allowing municipalities to determine the rates of their taxes and by granting that the principle of concomitant financing be ensured in case of state transfers;

Amendment 11

Presented by Aida JALILZADA, Azerbaijan, R, ECR

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 5.j delete the words “reduce financial dependence of municipalities from the state by”; replace the word “their” by “municipalities”, the word “municipalities” by “them”; replace “increasing” by “increase” and “making” by “make”.

The sub-paragraph 5.j would read:

j. increase and make sustainable municipalities' own revenues, by allowing them to determine the rates of their taxes and by granting that the principle of concomitant financing be ensured in case of state transfers;

k. ensure that the right to judicial protection of municipalities is guaranteed in practice, starting by resolving the pending land and property issues that give rise to claims for liability against municipalities and their representatives;

Amendment 12

Presented by Aida JALILZADA, Azerbaijan, R, ECR

Signed by: Anar IBRAHIMOV, Azerbaijan, R, EPP/CCE; Samira HUSEYNOVA, Azerbaijan, L, SOC/G/PD; Humbat HUSEYNOV, Azerbaijan, L, EPP/CCE; Cemal BAS, Turkey, L, EPP/CCE.

In sub-paragraph 5.k replace the word “in practice” with “more effectively” and the words “starting by” with “in particular in”.

The sub-paragraph 5.k would read:

k. ensure that the right to judicial protection of municipalities is guaranteed more effectively, in particular in resolving the pending land and property issues that give rise to claims for liability against municipalities and their representatives;

Amendment 15

Presented by the rapporteurs

In sub-paragraph 5.k replace “starting” with “in particular”.

The sub-paragraph 5.k would read:

k. ensure that the right to judicial protection of municipalities is guaranteed in practice, **in particular** by resolving the pending land and property issues that give rise to claims for liability against municipalities and their representatives;

l. in dealing with the COVID-19 pandemic, make sure that municipalities are involved and that their financial resources are not disproportionately impacted.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in Azerbaijan and the accompanying explanatory memorandum in their activities relating to this member State.