

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 415 (2018)¹ Local democracy in Andorra

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, 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 the monitoring procedures;

d. the present explanatory memorandum on local democracy in Andorra, drawn up by the rapporteurs, Gaye DOGANOGLU, Turkey (L, EPP/CCE) and Zdenek BROZ, Czech Republic (L, ECR) following a visit to Andorra on 25 and 26 April 2017.

2. With regard to Andorra:

a. it signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 27 October 2010 and ratified it on 23 March 2011 with the exception of Article 9.2 on commensurate financial resources, Article 9.5 on financial equalisation, Article 9.8 on access to the national capital market; the Charter came into force for Andorra on 1 July 2011;

b. it 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 state of local democracy in Andorra has not previously been subject to a monitoring visit by the Congress, since the ratification of the Charter;

d. the Monitoring Committee instructed Gaye DOGANOGLU and Zdenek BROZ to prepare and submit to the Congress, as rapporteurs, a report on local democracy in Andorra. In their work, the rapporteurs were assisted by Tania GROPPi, expert, member of the Group of Independent

Experts on the European Charter of Local Self-Government, and by the Congress Secretariat;

e. the Congress delegation carried out a monitoring visit to Andorra on 25 and 26 April 2017, visiting Andorra la Vella, Canillo and Encamp. During the visit the delegation met representatives of national authorities (government, Ministry of Finance), the Court of Auditors, the General Council (Parliament), the Constitutional Court, local authorities, experts, the Ombudsperson and members of the national delegation of Andorra to the Congress. The detailed programme of the visit is in the explanatory memorandum.

3. The Congress wishes to thank the Permanent Representation of Andorra to the Council of Europe and the Andorran authorities at central and local levels, as well as other interlocutors for their valuable co-operation at the different stages of the monitoring process and for the information provided to the delegation.

4. The Congress notes with satisfaction:

a. a globally satisfactory level of local democracy in Andorra, as demonstrated by the low level of overlapping and conflict between the State and local authorities;

b. general compliance with the commitments entered into by the Principality of Andorra when it ratified the Charter on 23 March 2011;

c. a culture of consultation and close dialogue in Andorra between the State and local authorities, facilitated by their proximity due to the small size of the country and by long-standing traditions;

d. representation of municipalities in the parliament;

e. ongoing negotiation through a tripartite process involving the government, the parliament and local authorities concerning a reform of the competences and the financial resources, aimed at updating the entire system of transfers.

5. The Congress notes that the following points call for particular attention:

a. the absence of a formal recognition in law of mechanisms of consultation with local authorities on matters that directly affect them, even though systematic and effective consultations are held in practice;

b. the city of Andorra la Vella has still not been granted a special status, on the basis of Congress Recommendation 219 (2007) on the status of capital cities, establishing different legal arrangements to take account of the particular situation of the capital city compared to other municipalities.

6. In the light of the foregoing, the Congress requests that the Committee of Ministers invite the Andorran authorities:

a. to formalise in law the mechanism of consultation of local authorities by the central authorities which would further safeguard the right of local authorities to be consulted on all matters that concern them directly;

b. to grant the city of Andorra la Vella a special status, on the basis of Congress Recommendation 219 (2007),

establishing different legal arrangements to take into account the particular situation of the capital city compared to other municipalities;

c. to consider ratifying paragraphs 2 and 5 of Article 9 of the Charter, which are *de facto* applied in Andorra;

d. to pursue the reform efforts with regard to competences and financial resources of local authorities on the basis of the relevant principles of the Charter;

e. to consider signing and ratifying the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

7. The Congress calls on the Committee of Ministers to take account of this recommendation on local democracy in Andorra and the accompanying explanatory memorandum in its activities relating to this member State.

1. Debated and adopted by the Congress on 28 March 2018, 2nd sitting (see Document [CG34\(2018\)14](#), explanatory memorandum), co-rapporteurs: Gaye DOGANOGLU, Turkey (L, EPP/CCE) and Zdenek BROZ, Czech Republic (L, ECR).