

41st SESSION

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Summary of reports

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Reports submitted to the plenary sittings of the Congress

Verification of new members' credentials

Xavier CADORET, France (L, SOC/G/PD) and Aleksandra MALETIĆ, Serbia (R, EPP/CCE)

Bureau of the Congress

CG(2021)41-02prov
Resolution

The rapporteurs responsible for the verification of the credentials of new members have examined the proposals for delegations as set out in Document CG(2021)41-16 and have concluded that they comply with the criteria of the Charter of the Congress of Local and Regional Authorities of the Council of Europe.

They therefore propose that the Congress approve the credentials of the members of the national delegations as set out in the above-mentioned document.

Home sharing platforms: challenges and opportunities for municipalities

Jelena DRENJANIN, Sweden (L, EPP/CCE) Chair of the Governance Committee

Governance Committee

CG(2021)41-13prov
Resolution
Recommendation

While the collaborative short-term rental accommodation sector has brought much opportunity to cities and their residents, local and regional authorities are struggling to manage the rapid growth of the sector.

This report provides an overview of the challenges and opportunities that home-sharing poses to local and regional authorities across Europe, the regulatory approaches cities have taken in response and the enforcement challenges that cities have encountered and provides recommendations based on the analyses presented.

In its resolution, the Congress invites local and regional authorities to establish or revise regulations regarding short-term rentals with a specific focus on their long-term vision of the collaborative economy accommodation sector as it relates to the protection of residents and preservation of city centres while attracting qualified workers, new businesses, and tourists.

In its recommendation, it asks the national authorities to provide the local and regional authorities increased power to enforce regulations through enhanced data provision partnership with providers allowing municipalities to effectively monitor the implementation of local regulations.

Monitoring of the European Charter of Local Self-government : Spain

Bryony RUDKIN, United Kingdom (L, SOC/G/PD) and David ERAY, Switzerland (R, ILDG)

Monitoring Committee

CG(2021)41-07prov
Recommendation

This report follows the third monitoring visit, carried out remotely, in Spain since the country ratified the European Charter of Local Self-Government in 1988.

The report notes that Spain is generally fulfilling its obligations with regards to the Charter and municipalities are at the core of Spanish democracy. The Charter is incorporated under Spain's national law, enabling legal interpretation by the domestic courts. Moreover, local authorities can directly challenge laws or regulations passed by State and autonomous communities that adversely affect the constitutionally guaranteed local autonomy.

Nevertheless, the division of responsibilities between levels of government has not been clarified, and the general competence clause of municipalities has been narrowed to limited matters and subjected to several conditions. Also, the report notes the persistence of the transfer of powers to municipalities without adequate financial resources. Furthermore, the difficulties of management of small municipalities and the insufficient financial equalisation procedures or equivalent measures to correct the effects of the unequal distribution of financial resources between smaller and larger municipalities have not been solved.

Therefore, it is recommended that the Spanish government grant full discretion to local authorities to exercise their initiative in any matter which is not excluded from their competence nor assigned to any other authority. National authorities are invited to clarify the division of responsibilities among levels of government, whilst providing an appropriate legal framework and institutional settings for consultation of local authorities. The recommendation also invites Spanish authorities to ensure that each transfer of powers to local authorities is accompanied by adequate financial resources along with greater management support for smaller municipalities. Finally, the government is encouraged to 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.

Monitoring of the European Charter of Local Self-government : Netherlands

Vladimir PREBILIĆ, Slovenia (L, SOC/G/PD)

Monitoring Committee

CG(2021)41-05prov
Recommendation

This report follows the fourth monitoring visit carried out remotely in the Netherlands since the country ratified the European Charter of Local Self-Government in 1991.

The report acknowledges the long tradition of local democracy and local self-government in the Netherlands, rooted in a political culture that favours negotiation, compromise and agreement between levels of government. It also welcomes the positive evolution of the 2015 decentralisation reform, which has led to the transfer of additional tasks and responsibilities to the local level, particularly in the social sphere, nature management and spatial planning.

However, the report expresses particular concerns over the appointment procedure of mayors and King's Commissioners, which has not been changed in the legislation to provide for their democratic election by the citizens. Furthermore, there is no direct recognition of the principle of local self-government in the legal framework of the Netherlands. The report also deplores the persistent lack of clarification and overlap of competences between municipalities and provinces. It points out that local government financial resources are not commensurate with the additional tasks municipalities must perform since the 2015 decentralisation reform, in particular in the social sphere.

Consequently, the recommendation urges national authorities to replace the appointment of mayors and King's Commissioners by democratic election, to ensure the citizen's rights to participate in the conduct of

local public affairs and comply with fundamental principles of democracy. It also invites the Dutch authorities to match the additional competences that the municipalities must perform following decentralisation, in particular in the social and youth support area, with commensurate financial resources; to expand the municipal and provincial taxing capacity; to diversify the local financial resources; to revise the legislation regulating intermunicipal cooperation to strengthen the position of the municipal council. Finally, Dutch authorities are encouraged to ratify Articles 7.2 and 8.2 of the Charter which are already applied in practice.

Monitoring of the European Charter of Local Self-government : Albania

Xavier CADORET, France (L, SOC/G/PD) and Carla DEJONGHE, Belgium (R, ILDG)

Monitoring Committee

CG(2021)41-14prov
Recommendation

This report follows the third monitoring visit, carried out remotely, in Albania since the country ratified the European Charter of Local Self-Government in 2000.

It acknowledges that substantial progress has been made towards securing local self-government since the adoption in 2013 of the last Congress recommendation on local and regional democracy in Albania, particularly thanks to the implementation of the 2015-2020 comprehensive decentralisation and local governance strategy and the ensuing reforms of the legislation on local self-government.

However, the rapporteurs have also noted that the transfer of powers from central government to the local authorities has not yet resulted in a sufficiently clear allocation of functions between the central and local levels; delegated powers are exercised under the close supervision of the various ministries concerned and local authorities' room for initiative is fairly limited; municipalities, including the largest ones, still have insufficient financial resources to meet all their needs. Moreover, human resources continue to pose problems particularly in rural areas, and the regional tier of government has not benefited fully from territorial reforms of recent years.

Consequently, the recommendation invites national authorities to continue the decentralisation process initiated by the 2015-2020 "National cross-cutting strategy for decentralisation and local governance" and confirmed by the 2020-2022 Action plan, and to further harmonise the legislation on the division of responsibilities between central and local authorities. The rapporteurs recommend that national authorities revise the local government salary structure to allow authorities more flexibility and increase their ability to recruit and retain qualified staff. They also urge the Albanian authorities to ratify the Additional Protocol to the European Charter of Local and Self-Government on the right to participate in the affairs of a local authority.

Reports submitted to the Chamber of Local Authorities
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Monitoring of the European Charter of Local Self-government : North Macedonia

Harald BERGMANN, Netherlands (L, ILDG), and Zdenek BROZ, Czech Republic (L, ECR)

Monitoring Committee

CG(2021)41-02prov
Recommendation

This report follows the fourth monitoring visit, carried out remotely, in North Macedonia since the country ratified the European Charter of Local Self-Government in 1997.

A positive climate was noted with regard to the reform on further decentralisation in North Macedonia. The report welcomes the strong emphasis placed by the government in its development strategy, as evidenced by the adoption of a new *Programme for Sustainable Local Development and Decentralisation 2021-2026*. It also notes with satisfaction that since the previous recommendation in 2012, the Additional Protocol to the European Charter of Local Self-Government was signed and ratified.

Nevertheless, the report expresses concerns over the persistence of a lack of clarity in law and in practice regarding the division of competences, which leads to an overlapping of competences. It underlines that local authorities lack adequate financial resources to perform their tasks, and that municipalities continue to be highly dependent on central government transfers. The report notes that there is a general need to increase compliance with integrity obligations in local appointments.

Consequently, the recommendation invites the authorities of North Macedonia to clarify the division of competences and devolve further powers to local self-government as part of the decentralisation process. To this end, national authorities must ensure the adequate and commensurate funding to enable municipalities to carry out new tasks provided by the legislation. The recommendation suggests that the government of North Macedonia increase municipalities' own share of local budget revenues and introduce a broader system for equalisation of their revenues. Finally, national authorities are encouraged to increase digitalisation, implement capacity-building programmes at local level and further consolidate anti-corruption measures.

Monitoring of the European Charter of Local Self-government : Cyprus

Marc COOLS, Belgium (L, ILDG) and Gunn Marit HELGESEN, Norway (R, EPP/CCE)

Monitoring Committee

CPL(2021)41-04prov
Recommendation

This report follows the fourth monitoring visit carried out remotely in Cyprus since this country ratified the European Charter of Local Self-Government in 1988.

The report underlines that the Charter is further taken into account in the development of relevant legislation on local self-government. Moreover, it notes with satisfaction that the planned local self-government reform aims at modernising it and in particular increasing the competences and responsibilities of Cypriot local authorities as well as their financial capacities.

However, the report identifies several shortcomings, notably that the principle of self-government is not recognised neither in the Constitution nor in applicable laws. Furthermore, it points out that the sphere of responsibility of local authorities is limited in comparison with common European standards. The report also underlines that local authorities largely depend financially on State transfers and grants and that the principles of adequacy and commensurability of local finances are largely ignored in the legal scheme. Similarly, the current system lacks appropriate financial equalisation mechanisms.

Therefore, the recommendation invites national authorities to introduce and recognise the principle of local self-government in the applicable laws governing the municipalities and the communities. It calls on authorities to entrench the municipal tasks in the law and clarify the distribution of municipal competences. It also urges national authorities to enshrine in the law the principle of adequacy of local finances. In addition, national authorities are encouraged to review the legislation in order to define in the law the conditions of office for local elected representatives.