

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 494 (2023)¹ Monitoring of the application of the European Charter of Local Self-Government in Romania

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) 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 “[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 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 the priority that concerns the quality of representative democracy and citizen participation;

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

f. the 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. the previous Congress recommendation on local and regional democracy in Romania (Recommendation 300 (2011));

j. the explanatory memorandum on the monitoring of the application of the European Charter of Local Self-Government in Romania (Document CG(20)09).

2. The Congress points out that:

a. Romania joined the Council of Europe on 7 October 1993; signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 4 October 1994 and ratified it on 28 January 1998. Romania has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of local authorities (CETS No. 207).

b. Romania has made a reservation concerning Article 7, paragraph 2, and an interpretative declaration regarding Article 4, paragraphs 4 and 5, of the Charter.

c. 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 Romania in the light of the Charter. It instructed Marc Cools, Belgium (L, ILDG), and David Eray, Switzerland (R, EPP/CCE), with the task of preparing and submitting to the Congress a report on the implementation of the Charter in Romania. The delegation was assisted by Professor Tania Groppi, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

d. the monitoring visit took place from 12 to 13 October 2022. The Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum.

e. the co-rapporteurs wish to thank the Permanent Representation of Romania to the Council of Europe and all those who they had exchanges with during these meetings.

3. The Congress notes with satisfaction:

a. the progress made by Romania since Recommendation 300 (2011), especially on the consultation of the local authorities, even if there is still room for some improvements;

b. the substantial weight of the local authorities’ sector on the public expenditures;

c. the reform on metropolitan areas and the proposals to strengthen co-operation between rural communes;

d. the role of the Court of Accounts in enhancing the efficiency and transparency of the local sector;

e. the *de facto* respect of Article 7, paragraph 2, of the Charter on the financial compensation of elected local representatives.

4. The Congress draws the attention of national authorities to the following issues:

a. the weakness and fragmentation of the communes, in rural areas, undermining their capacity to carry out their competences;

1. Debated and adopted by the Congress on 23 March 2023, 3rd sitting (see Document [CG\(2022\)44-11](#), explanatory memorandum), co-rapporteurs: Marc COOLS, Belgium (L, ILDG), and David ERAY, Switzerland (R, EPP/CCE).

b. the necessity to improve and facilitate voluntary mergers or intermunicipal co-operation;

c. the transfer of powers concerning local public services is not always accompanied by financial resources commensurate with their responsibilities;

d. the lack of transparency in the allocation of financial resources between the central and local levels of government, which does not allow the real needs of local authorities to be addressed;

e. the limited use of their financial autonomy by local authorities, which depend mostly on State or European funds;

f. the limited possibility for local authorities to finance investments;

g. the necessity to strengthen the regional level;

h. the lack of a special autonomy for Bucharest, in the light of Recommendation 452 (2021) of the Congress on the status of capital cities;

i. the sometimes too short deadlines within which associations are consulted by the government;

j. the fact that Romania has not signed nor ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

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

a. improve and facilitate voluntary mergers or intermunicipal co-operation;

b. allocate to the local authorities financial resources commensurate with their responsibilities, as stated in Article 9, paragraph 2, of the Charter, thus enabling them fully to exercise their functions and to improve their possibility to finance investments;

c. improve existing measures to prevent all forms of political interference at local level and ensure transparent, equitable distribution of resources between the central and local levels;

d. continue the reforms on regional development in order to involve the regions in territorial administration;

e. establish a special autonomy for Bucharest, in the light of Recommendation 452 (2021) of the Congress on the status of capital cities, in order to provide substantial procedural safeguards to guarantee the capital city's autonomy and minimise the risk of interference from other levels of government;

f. comply with the deadlines set up in the legal framework in order to ensure a consultation in due time;

g. consider lifting its reservation to Article 7, paragraph 2, made at the time of the ratification of the Charter since the regulation concerning this matter seems *de facto* to be in compliance with this provision of the Charter;

h. 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.

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 application of the European Charter of Local Self-Government in Romania and the accompanying explanatory memorandum in their activities relating to this member State.