

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 500 (2023)¹ Monitoring of the application of the European Charter of Local Self-Government in the Slovak Republic

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

a. Article 2, paragraph 1.*b.*, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe 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 Contemporary commentary on the explanatory report to the European Charter of Local Self-Government, adopted by the Congress Statutory Forum on 7 December 2020;

e. the *2021-2026 Priorities of the Congress*, in particular the priority 6b that concerns the quality of representative democracy and citizen participation;

f. 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;

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

h. 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;

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

j. the previous Congress Recommendation on the monitoring of the application of the European Charter of Local Self-Government in the Slovak Republic (Recommendation 387 (2016));

k. the explanatory memorandum to this Recommendation on the monitoring of the application of the European Charter of Local Self-Government in the Slovak Republic.

2. The Congress points out that:

a. the Slovak Republic joined the Council of Europe on 30 June 1993, signed the European Charter of Local Self Government (ETS No. 122, “the Charter”) on 23 February 1999 and ratified it on 1 February 2000. The Charter entered into force in respect of the Slovak Republic on 1 June 2000. The Slovak Republic 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);

b. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) decided to examine the situation of local and regional democracy in the Slovak Republic in the light of the Charter. It entrusted Matthias Gysin, Switzerland (L, ILDG), and Levan Zhorzhiani, Georgia (R, NR), with the task of preparing and submitting to the Congress a report on the implementation of the Charter in the Slovak Republic;

c. the monitoring visit took place from 6 to 8 December 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;

d. the co-rapporteurs wish to thank the Permanent Representation of the Slovak Republic to the Council of Europe and all those with whom they had exchanges during these meetings.

3. The Congress notes with satisfaction:

a. the synchronisation of the election and terms of office of local and regional self-government, including mayors and regional governors;

b. the launch of the Supreme Administrative Court, ongoing civil/public service reform and the implementation of programmes such as Effective Public Administration.

4. The Congress expresses its concern on the following issues:

a. the continuing fragmentation of local government in the Slovak Republic, which results in numerous small municipalities with limited administrative capacity and financial resources. This impedes implementation of the Charter principles and reduces the potential for high-quality, standardised provision of services;

b. the ongoing problems regarding local government finance, particularly the inadequacy of local financial resources and the gap between the real cost of delegated tasks and the allocated funding, with consequent high dependence on central financing;

1. Debated and adopted by the Congress during the 45th Session on 26 October 2023 (see document [CG\(2023\)45-18](#), explanatory memorandum), rapporteurs: Matthias GYSIN, Switzerland (L, ILDG), and Levan ZHORZHOLIANI, Georgia (R, NR).

c. the limited buoyancy of subnational finances, which hinders the capacity of local and regional authorities to carry out their functions fully and deliver all the necessary services to citizens;

d. the ineffectiveness of the current system of equalisation, which does not fully remediate the effects of the unequal distribution of potential sources of funding;

e. the malfunctioning of existing consultation processes between central, local and regional authorities and their associations, which are not held in due time and in an appropriate way on all matters of concern to subnational authorities;

f. the absence of fiscal powers at the regional level;

g. the limited and inadequate training of local staff, which reduces the efficiency of delivery of public services at the local level.

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

a. address the fragmentation of municipalities by encouraging voluntary mergers and actively promoting intermunicipal co-operation, including through joint municipal offices, which could make the necessary expertise and facilities available to smaller municipalities on a more structured basis;

b. ensure adequate funding to local authorities so that their financial resources match the broad range of tasks they must perform and link the delegation of tasks to commensurate resources;

c. enhance the buoyancy of subnational financial resources to strengthen the financial independence of local and regional self-government;

d. revise the current equalisation system to take cognisance of the different endowments and potential of subnational government units and ensure the effectiveness of equalisation mechanisms in smoothing out regional and intermunicipal disparities;

e. improve the implementation of existing consultation mechanisms and avoid disproportionate bypassing of the standard consultation procedures, thereby enabling effective and timely consultation with subnational authorities on all matters that directly concern them;

f. institutionalise structures which would enable subnational representatives to participate meaningfully in the creation of central financial plans for taxation and subsequent redistribution of shared taxes in order to ensure optimal allocation and maximum impact of redistributed resources;

g. enable regional fiscal autonomy so that regional authorities can raise their own funds, in line with the requirements of the Charter;

h. implement plans for training and upskilling local public employees to ensure efficient public administration at the local level;

i. 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 the Slovak Republic and the accompanying explanatory memorandum in their activities relating to this member State.