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Monitoring of the application of the European Charter of Local Self-Government in San Marino

Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (Monitoring Committee)

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Summary

This report follows the second monitoring visit to San Marino since the country ratified the European Charter of Local Self-Government in 2013.

The rapporteurs note with satisfaction the introduction of the subsidiarity principle in law and other positive developments since the previous monitoring exercise, such as enhanced consultation procedures with local authorities, the establishment of maintenance funding as well as the strengthened possibilities for Township councils and individual councillors to establish international relations. Additionally, foreign citizens were granted voting rights in local elections.

However, the report raises several matters of concern regarding the limited competencies and decision-making powers at the local level, the lack of autonomy and discretion for local authorities in addition to their limited financial resources and overly detailed administrative supervision. Furthermore, concerns arise from the insufficient use in practice of legally established consultation mechanisms and the absence of professional staff for local authorities.

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.

The national authorities of San Marino are therefore invited to revise the system of allocating competences in order to implement the subsidiarity principle and grant local authorities a substantial share of public affairs, review the financial foundations of local authorities and provide them with necessary human resources, ensure proportionate state supervision over local competences, and implement consultation procedures in a more systematic and timely manner. The rapporteurs also recommend that San Marino 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 (CETS No. 207).

RECOMMENDATION 522 (2025)²

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 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 3, 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 Sustainable Development Goals (SDG) 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;
 - e. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;
 - f. 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;
 - g. Recommendation CM/Rec (2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
 - h. Congress Recommendation 418 (2018) “Monitoring of the European Charter of Local Self-Government in San Marino”;
 - i. the Explanatory memorandum on the monitoring of the European Charter of Local Self-Government in San Marino;
 - j. the Contemporary Commentary by the Congress on the explanatory report to the European Charter of Local Self-Government adopted by the Statutory Forum on 7 December 2020.
2. The Congress points out that:
 - a. San Marino joined the Council of Europe on 16 November 1988, signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 16 May 2013 and ratified it on 29 October 2013 with the exception of paragraphs 3 and 8 of Article 9 of the Charter. The Charter entered into force in San Marino on 1 February 2014;
 - b. when ratifying the Charter, San Marino made an interpretative declaration with regard to Article 9 of the Charter, which reads as follows:

“The Republic of San Marino maintains that Article 9 of the Charter must be interpreted as an article establishing a general principle of financial autonomy, according to which local authorities are entitled to freely dispose, in the framework of the national economic policy, of the resources allocated to them for the exercise of their powers”;
 - c. San Marino 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);

2. Debated and approved by the Chamber of Local Authorities and adopted by the Congress on 26 March 2025 (see document CPL(2025)48-03, explanatory memorandum), co-rapporteurs: Alexander BOOMGAARS, Netherlands (L, SOC/G/PD) and Tanja JOONA, Finland (L, ILDG).

d. the Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (“the Monitoring Committee”) decided to examine the situation of local democracy in San Marino in light of the Charter. It instructed Tanja Joona, Finland (L, ILDG) and Alexander Boomgaars, Netherlands (L, SOC/G/PD) with the task of preparing and submitting to the Congress a report on the application of the Charter in San Marino. The delegation was assisted by Professor Eva Marín Hlynisdóttir, from the Group of Independent Experts on the European Charter of Local Self-Government, and by the Congress Secretariat;

e. the monitoring visit took place from 17 to 18 September 2024. During the visit, the Congress delegation met representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

f. the co-rapporteurs wish to thank the Permanent Representation of San Marino to the Council of Europe and all those whom they met during the visit.

3. The Congress notes with satisfaction that in San Marino, as a result of the reform process:

a. the principle of subsidiarity was explicitly introduced in Law 158/2020 on Township Councils;

b. some positive developments have taken place since the previous monitoring visit. These include enhanced consultation procedures with local authorities, their entitlement to issue binding opinions on public projects and the possibility of participating in environmental proceedings, the introduction of dedicated maintenance funding, and increased compensation for local officials;

c. the possibilities for Township councils and individual councillors to establish international relations have also been strengthened;

d. foreign citizens have been granted voting rights in local elections.

4. The Congress expresses its concerns with respect to the following issues, which remain relevant since the previous monitoring visit:

a. the continuing situation of limited competencies and decision-making powers at the local level, due to the central organisation of almost all services;

b. the persisting lack of autonomy for local authorities, preventing them from exercising the competencies under their responsibility, and the lack of discretion over the tasks assigned to them;

c. the ineffective use of legally established consultation mechanisms, particularly concerning the distribution of financial resources, which hampers local authorities’ meaningful participation in consultations;

d. the limited resources available to local authorities, who remain heavily dependent on central government financing and financial decision-making, and are restricted in the use of their resources, with their income almost exclusively derived from earmarked grants;

e. the absence of professional staff for local authorities, which are also unable to decide on their internal administrative structures, preventing those authorities from carrying out their tasks effectively;

f. the extensive and overly detailed administrative supervision, in particular given the narrow scope of local responsibilities.

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

a. revise, in consultation with Townships, the system of allocating competences by assigning a substantial share of public affairs to the responsibility of Townships, in order to implement the principle of subsidiarity, set out in law;

b. during this revision, grant local authorities full discretion to exercise their powers within the scope of their responsibilities, which should be devolved fully and exclusively to ensure genuine local self-government;

- c. implement consultation procedures in a more systematic and timely manner to ensure meaningful engagement with local authorities on all matters that concern them directly, including the distribution of financial resources;
 - d. review the financial foundations of local authorities to provide them with adequate and diversified financial resources, on which they can decide independently and which should be commensurate with their responsibilities, and reduce earmarking of transfers;
 - e. provide local authorities with the necessary human resources and discretion to manage their own internal administrative structures, enabling them to carry out local self-government effectively, in the interest of the local population;
 - f. make sure that state supervision over local competences is proportionate to the importance of the interests it seeks to protect;
 - g. 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 European Charter of Local Self-Government in San Marino and the accompanying explanatory memorandum in their activities relating to this member State.

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1. INTRODUCTION: AIM AND SCOPE OF THE VISIT, TERMS OF REFERENCE

1. Article 1 paragraph 3, of Committee of Ministers Statutory Resolution CM/Res (2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, stipulates 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”.

2. San Marino joined the Council of Europe on 16 November 1988 and signed the European Charter of Local Self-Government (CETS No. 122, hereafter “the Charter”) on 16 May 2013 before ratifying it on 29 October 2013, declaring reservations to paragraphs 3 and 8 of Article 9 and making an interpretative declaration concerning the same Article. The Republic of San Marino has not ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

3. The previous Congress monitoring report on local democracy in San Marino was adopted by the Congress at its 34th Session, on 28 March 2018 and resulted in Congress Recommendation 418 (2018).

4. The second monitoring visit to review the state of local democracy in San Marino took place from 17 to 18 September 2024. The Monitoring Committee entrusted Mr Alexander Boomgaars (Netherlands, L, SOC/G/PD) and Mrs Tanja Joonas, (Finland, L, ILDG), as co-rapporteurs on local democracy, with the task of preparing a report on the application of the Charter in San Marino. The rapporteurs were assisted by Prof. Eva Marín Hlynisdóttir, member of the Group of Independent Experts on the European Charter of Local Self-Government, and by the Congress Secretariat. They will hereinafter be referred to as “the delegation”.

5. During the visit, the Congress delegation met with various members of national and local government in San Marino. The detailed programme of the visit is appended to this report.

6. The rapporteurs would like to thank the Permanent Representation of San Marino to the Council of Europe for the assistance with the organisation of the visit. They also express their gratitude to all the interlocutors met during the visit for their warm welcome, their availability and the valuable information provided during and after the visit.

7. According to Rule 88.3 of the Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe, the preliminary draft report was sent on 18 December 2024 to all interlocutors met during the visit for their comments and possible adjustments or corrections (hereinafter referred to as “consultation procedure”). The present report is based on the comments received, which have been considered by the rapporteurs before submission for approval to the Monitoring Committee.

2. INTERNAL AND INTERNATIONAL NORMATIVE FRAMEWORK

8. San Marino is one of the world’s oldest republics founded in AD 301. Around 1600 an institutional collection of legislative provisions was introduced on which all subsequent regulations and reforms have been based.

9. The territory of the Republic of San Marino is 61.2 square kilometres. The republic is one of the smallest countries in the world. The capital city is the city of San Marino. As of January 2024, the total population of San Marino was around 34 000 of which approx. 5 600 were of foreign citizenry.³ The ethnic composition is by large majority Sammarinese, followed by 15% of Italian origin. In the initial months of the Russian Federation’s full-scale invasion of Ukraine in 2022 the government of San Marino hosted more than 400 Ukrainian citizens fleeing the war.⁴

3. San Marino Statistical Office, “San Marino – National Summary Data Page”, available at <https://www.statistica.sm/pub1/StatisticaSM/en/e-gdds/nsdp.html>, accessed on 30 August 2024.

4. San Marino Ministry of Foreign Affairs (2022), *A Welcoming Community. March-June 2022: The Response of the Republic of San Marino to the emergency of the war in Ukraine*, Author, San Marino, available at https://pazzini.eu/upload-pazzini/flip_comunita_accogliente_ENG/#p=24, accessed on 30 August 2024.

10. San Marino is a parliamentary representative democratic republic. The main institutional organs are the Captains Regent (Heads of State), the Great and General Council (Parliament), the Congress of State (Government), the Guarantors' Panel on the Constitutionality of Rules (Constitutional Court), the Council of the Twelve (having administrative competence). In addition to the township councils all above mentioned bodies play an important role in the organisation and general management of the local level in San Marino.

11. Since the 14th century, San Marino was ruled through the Council of Sixty, now known as the Great and General Council (it. *Consiglio Grande e Generale*). The sixty members of the unicameral Great and General Council are elected every five years through nine administrative districts.

12. Government is usually run by a coalition as it is difficult to gain majority in the Council.⁵ The last general election took place on 9 June 2024 where eight parties were registered to participate. Voter turnout was 50.7% (turnout for resident voters was 77% and for non-resident 9.75%) with the following results: Christian Democratic Party of San Marino (PDCS) – 22 seats, Free (Libera) – Socialist Party (PS) – 10 seats, Future Republic (RF) – 8 seats, Party of Socialists and Democrats (PSD) – 8 seats, Tomorrow-Motus Liberi – 5 seats, Reformist Alliance (AR) – 4 seats, R.E.T.E. Citizens' Movement – 3 seats.⁶ In a needs assessment report before the 2024 election, the Organisation of Security and Co-operation in Europe (OSCE) expressed a high level of confidence in the electoral process and in the ability of the election administration to manage the elections in a professional, impartial and transparent manner.⁷

13. The Congress of State is the equivalent of national government in other countries. Its members are normally appointed by the Great and General Council. The Congress is currently composed of 10 "Secretaries of State" (corresponding to ministers). There is no prime minister of the San Marino government, but the Secretary of foreign affairs is generally viewed as the most important secretary often taking up a role equivalent to a prime minister. The Secretary of State for Internal Affairs, Civil Service, Institutional Affairs, Relations with the Castle Councils and Regulatory Simplification is responsible for the local government affairs in San Marino.⁸

14. The Council of the Twelve is elected by the Great and General Council from among its members and remains in office for the entire legislature. It is chaired by the Captains Regent. Until the institutional reforms of 2002, the Council of the Twelve also had jurisdictional powers. Following the 2002 reforms, it exercises administrative powers concerning the management of real estate in the specific moment of purchase and sale and registration by foreigners or companies. Also as part of the 2002 institutional reforms, the Guarantors' Panel on the Constitutionality of Rules was established as Constitutional Court of San Marino.

15. The ancient institution of the two Captain Regents serves as head of state. Through the centuries the two individuals serving simultaneously have been chosen from within the Great and General Council for a six-month term of office. They may not be elected again until after three years have elapsed. They are jointly heads of state and coordinate the works of the Congress of State without voting rights, representing the complex constitutional power of San Marino. Among other things, they promulgate laws, direct and coordinate procedures before the State Congress is formed and swear in members of the Great and General Council, of the Government and of the Township Councils.⁹

16. Article 2 in the Declaration of the Citizen's Rights and Fundamental Principles of San Marino ("Declaration") from 1974 with subsequent amendments¹⁰ protects institutions of direct democracy:

5. Veenendal W.P. (2024), "Politics of the four European microstates: Andorra, Liechtenstein, Monaco and San Marino" in Baldacchino G. and Wivel A. (eds), *Handbook on Politics in Small States*, Edward Elgar, Cheltenham UK.

6. Available at: <https://www.elezioni.sm/on-line/home/elezioni-politiche/elezioni-del-09062024.html>, accessed 1 October 2024.

7. Organisation for Security and Co-operation in Europe (OSCE), *San Marino, Early Parliamentary Elections, 9 June 2024: Needs Assessment Mission Report*, Author, available at: <https://www.osce.org/odihr/elections/san-marino/570300>, accessed 30 August 2024.

8. Available at: <https://www.consigliograndeegenerale.sm/on-line/home/in-evidenza-in-home-page/segreterie-di-stato.html>, accessed 1 October 2024.

9. Regulation no. 11 of 29 September 2023, Provisions on the protocol of the Captains Regent, available at: <https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>, accessed 1 October 2024.

10. DECREE No. 79 of 8 July 2002 - Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order. Coordinated text of Law No. 59 of 8th July 1974, with the amendments resulting from Law No. 95 of 19th September 2000 and Law No. 36 of 26th February 2002, available at:

“The Republic’s sovereignty shall be vested in the people, who shall exercise it through the statutory forms of representative democracy. The law shall regulate the Arengo and the other institutions of direct democracy.”

17. Referendum is an important element of democracy in San Marino. Essentially there are three types of referendum procedures. Voters can propose the guidelines and principles under which a law shall regulate the matter which is the subject of the referendum (it. *propositivo o d’indirizzo*). If the entry into force of a law is subject to popular consent, a confirmative referendum must take place (it. *confermativo*). Finally, a referendum can be held to repeal a law or a part of it (it. *abrogativo*). Voters are then asked to confirm the enactment of a law. Referendums cannot be invoked to abolish institutional organs or fundamental principles enshrined in the Declaration of the Citizen’s Rights and other Constitutional Laws. They cannot be invoked for issues relating to taxes, the national budget, the granting of amnesty or pardon, and the ratification of international conventions and treaties.¹¹

2.1 Local government system (constitutional and legislative framework, reforms)

18. The Republic of San Marino is divided into nine administrative sub-units, called Townships or Castles (it. *Castello*): The City of San Marino (pop. 4106), Borgo Maggiore (pop. 6960), Serravalle (pop. 11192), Acquaviva (pop. 2123), Chiesanuova (pop. 1182), Domagnano (pop. 3591), Faetano (pop. 1173), Fiorentino (pop. 2616) and Montegiardino (pop. 997).¹² Each township is run by a council, composed of seven members in townships with equal or more than 2500 inhabitants and five members in townships with fewer than 2500 residents. The seats in the council were reduced by two in each group from the previous Law on Townships Councils no. 127 of September 2013 as well as changing the cutoff point from 2000 to 2500. The council is presided over by the castle captain (it. *Capitano di Castello*), who can also be referred to as the mayor.



Figure 1. local authorities of San Marino

<https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>, accessed 1 October 2024.

11. Qualified Law on Referendum and popular legislative initiative no 1 of 29 May 2013 with subsequent changes as in Qualified law no. 1. 17 March 2016, available at: <https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>, accessed 1 October 2024.

12. San Marino Statistical Office, “Resident Population Per Municipality”. (Population numbers from 1. January 2024), available at: <https://www.statistica.sm/pub1/StatisticaSM/en/Dati-statistici/Popolazione/Struttura-Demografica.html#>, accessed 1 October 2024.

19. Constitution of San Marino is not contained in a single text. Instead, its constitutional framework is based on various legislative instruments, the most notable being the Statutes of 1600 and the Declaration of Citizen's Rights and Fundamental Principles of San Marino from 1974, which was later revised in 2002 to establish, inter alia, the Guarantors' Panel on the Constitutionality of Rules, a court responsible for assessing the compliance of laws with the Declaration of Rights (acts as a Constitutional Court).

20. The principle of local self-government is not directly recognised in the Declaration of the Citizen's Rights and Fundamental Principles of San Marino, but the townships are explicitly mentioned in Article 16 relating to the constitutionality of laws and regulations, which mentions township councils among the parties which can file a direct request with the Guarantors' Panel for the verification of the conformity of laws with the fundamental principles enshrined in the Declaration on the Citizen's Rights and other Constitutional Laws.

21. The organisation and regulation of local government in San Marino is defined through ordinary laws, decrees, and regulations. The main legal instrument is the Law on Township Councils no. 158 of 24 September 2020. This law, organised in five chapters and 39 articles, replaced the previous Law on Township no. 127 of 27 September 2013¹³ and introduced, inter alia, the following changes:

- the possibility, for foreign citizens who have been residing in the Republic of San Marino for at least 10 years, to vote for the election of the Head of the Township Council and for the Township Council;
- the right of the Township Council to join the proceedings as civil party for offences committed in the territory under its jurisdiction in criminal proceedings for Public Disaster, Risk of Disaster, Threats to Public Health, Deterioration of the Natural Environment.
- the possibility for the Head of the Township Council to send to the competent Authorities a list of small maintenance works that may be carried out autonomously by the Council by relying on the Lists of Socially useful workers;
- the obligation for the designated offices and companies to inform the Township Councils in advance of the possible start and end dates of ordinary and extraordinary maintenance activities on public works and infrastructures within their territory;
- the possibility for the Township Councils to decide which small ordinary maintenance works not exceeding 3 000€ (three thousand) are to be carried out in a binding manner, with reference to roads, public lighting, pedestrian routes and public green areas;
- the mandate for the Congress of State to adopt, after consultation with the Board of the Township Councils, regulations updating the criteria for the allocation of funds;
- the definition of the amounts of the emoluments and attendance fees of the Head of the Township Council, the Secretary of the Township Council and the members of the Township Council.

Pursuant to Article 23 of this Law, the township council shall be officially informed in advance of all public projects within the Township territory, promoted by institutional bodies or by affiliated private individuals.

22. Article 22 of the Law on Township Councils states that "The duties and functions of the Township Council shall be deliberative, advisory, promotional, controlling and for the management of local services."

23. Article 23 outlines the competences and powers of the township councils, which include issuing binding opinions on street trading authorisations, market authorisation and regulation, and certain public projects, unless these are deemed strategic for the country. Councils provide mandatory or optional opinions on matters such as commercial permits, property transfers, disaster prevention, and cultural preservation, as well as proposing street names and promoting local historical and artistic initiatives. They participate in road safety planning and ensure the publication of relevant acts.

24. The townships have a special role in relation to environmental protection (Art. 27, Law on Township Councils No. 158/2020). The head of township may request urgent inspections from the Prevention

13. Available at: <https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>, accessed 1 October 2024.

Department of Social Security Institution, in some cases, such as illegal dumps they are legally obligated to request an inspection (Art. 27, Paragraph 3). In case of criminal proceedings for Public Disaster, Risk of Disaster, Threats to Public Health through Deterioration of the Environment, Deterioration of the Natural Environment and Negligent Deterioration of the Natural Environment, the Township council has the right to join as a civil party for offences committed within their territory, but only in cases where the state does not join the proceedings as a civil party (Art. 27, Paragraph 5).

25. The townships do not have independent financial resources and are heavily constrained in their disposal of available resources. Their duties include managing the annual budget and assets transferred to the townships. The townships act as facilitators between the local population and the Congress of State and the Great and General Council by submitting interpellations, requests and proposals to the Congress of State, invite members of public institutions and government to attend sessions to report on issues that fall under their competence and responsibilities. They are able within the limits of their annual budget to decide on issues of humanitarian and social nature, and issues such as recreation, culture and sports, in cooperation (or independently) with public and private institutions and associations.

26. Chapter five of the Law on Township Councils addresses the organisation of the township such as list of works, expenditure, budget and attendance fee. Article 31 states that the townships must submit to the State institutional secretariat a list of public works with the intended finances by 15 June each year. In addition, the Head of township may also send a list of small maintenance works to the competent Authorities (Paragraph 1). The Township Council must be informed by designated offices and companies in advance on start and end dates of ordinary and extraordinary maintenance work on public works and infrastructure within their territory (paragraph 5).

27. The Congress of state decides on the allocation of funds between individual townships (Art. 32, paragraph 2). In relation to small ordinary maintenance work on roads, public lighting, pedestrian routes and public green areas, the township councils shall decide on the allocation in a binding manner but not exceeding 3000 Euros (paragraph 3). Paragraph 6 states that in the case of the Public Works Autonomous State corporation not being able to carry out works immediately the townships may resort to private companies (companies of San Marino taking priority).

28. In relation to compensation for council members the law states that “The State Budget shall provide for an annual fund in a dedicated expenditure chapter for expenses relating to the emoluments, calculated and recognised, for the service rendered by the Head of the Township Council and the Secretary of the Township Council and the attendance fees of the Head of the Township Council , the Secretary of the Township Council and the members of the Township Council, for each regularly convened meeting, for a maximum of twelve annual meetings” (Art. 34, paragraph 1). Expenses related to meetings exceeding the number of 12 are funded by the fund for the functioning of the township councils.

29. Local elections take place every five years (Article 5, of the Law on Township Councils no. 158 of 24 September 2020). San Marino citizens residing in San Marino who are over 18 years old, can vote for the candidates in their area. Voter registration is passive. However, in accordance with Article 2 of Law No. 6 of 31 January 1996, citizens who are mentally ill or who have been convicted are deprived of their right to vote. As mentioned earlier, since the enforcement of Law on Township Councils no. 158 from 2020, residents with foreign citizenship are allowed to vote in local elections. Paragraph 3 of Article 8 of this Law states that:

“Foreign citizens shall also be voters and be allowed to vote for the election of each Head of the Township Council and of the members of each Council, if they meet the legal requirements for San Marino citizens who are voters as set forth in the preceding paragraph, if they are resident in the Republic and have been residing in the territory of the Republic for an uninterrupted period of ten years at the date of the annual revision of the electoral lists referred to in Article 6 of Law no. 6 of 31 January 1996, and subsequent amendments, of the year in which the elections for the renewal of the Head of the Township Council and of the members of the Council are held”.

30. The last local elections took place on 29 November 2020. Originally scheduled for 15 December 2019 they were postponed to 21 June 2020 and again to 29 November 2020 due to the

Covid-19 pandemic. 25607 citizens were eligible to vote, and turnout was 41.6% compared to 46.28% in 2014.¹⁴ Turnout of foreign citizens was 40.23% out of 2809 foreign citizens eligible to vote.¹⁵ A single list was submitted in five townships Borgo Maggiore, Acquaviva, Domagnano, Faetano and Montegiardino. In such cases the election is valid if at least 35% of eligible voters have voted and the list has obtained a majority of valid votes (Article 18, paragraph 9).

31. Candidates run on lists on which the mayoral candidate takes the lead. In the 2020 elections 15 lists ran for the council headed by 11 men and four women. All heads of township councils are currently men.

2.2 Status of the capital city

32. The capital city of the Republic of San Marino is the City of San Marino located near the centre of the country on the western slope of Mountain Titano. The historic centre of the city along with the mountain Titano is a Unesco World Heritage site. The Population is around 4000 as of 2024 and the city is the third largest township.

33. The population of the city of San Marino along with its neighbouring city Borgo Maggiore as well as the city of Serravalle makes up around 2/3 of the population of the Republic.

34. The city of San Marino is the Republic's main centre of government and key government institutions and agencies are situated there as well as the main institutions of higher education. The city also includes the historic centre of the country with important monuments and museums; hence it is a major tourist attraction, with millions of visitors every year.

35. There is no clause in the Law on Township Councils no. 158/2020 on the special situation of the capital city of San Marino. The capital is governed by general laws and regulations pertaining to local government. During the monitoring visit, the representatives of the city council informed the delegation that costs linked to the infrastructure of the capital and its role as the centre of government and an important historical centre were not taken into account when calculating financial transfers. However, representatives of the capital city did not request special status for the capital.

2.3 Legal status of the European Charter of Local Self-Government

36. San Marino signed the European Charter of Local Self-Government on 16 May 2013 before ratifying it on 29 October 2013, declaring reservations to paragraphs 3 and 8 of Article 9 and making an interpretative declaration concerning Article 9 overall "The Republic of San Marino maintains that Article 9 of the Charter must be interpreted as an Article establishing a general principle of financial autonomy, according to which local authorities are entitled to freely dispose, in the framework of the national economic policy, of the resources allocated to them for the exercise of their powers".

37. The Republic of San Marino has not signed or ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

38. There is no explicit norm prescribing the primacy of the Charter over the ordinary legislation. Article 1, paragraph 4 of the Declaration on the Citizens' Rights and Fundamental Principles of San Marino¹⁶ states that "Regularly signed and implemented international agreements on the protection of human rights and freedoms shall prevail over domestic legislation in case of conflict. International agreements protecting freedoms and human rights, regularly signed and made enforceable, shall prevail over domestic legislation in case of conflict". However, notwithstanding this, the question remains open about whether the Charter would fall under the category of "protecting freedoms and human rights" or not. There is no domestic case-law which would determine the primacy of the Charter over the ordinary legislation.

14. Available at: <https://www.elezioni.sm/on-line/home/elezioni-giunte/elezioni-del-29112020/generalita/affluenza.html>, accessed on 1 October 2024.

15. Available at: <https://www.elezioni.sm/on-line/home/elezioni-giunte/elezioni-del-29112020/generalita/affluenza/affluenza-cittadini-stranieri.html>, accessed on 1 October 2024.

16. DECREE No. 79 of 8 July 2002 - Declaration on the Citizens' Rights and Fundamental Principles of San Marino Constitutional Order. Coordinated text of Law No. 59 of 8th July 1974, with the amendments resulting from Law No. 95 of 19th September 2000 and Law No. 36 of 26th February 2002, available at: <https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>, accessed 1 October 2024.

2.4 Previous Congress reports and recommendations

39. The previous monitoring visit by the Congress in San Marino took place in 2018 and resulted in the adoption of Congress recommendation 418 (2018) "Local democracy in San Marino". The rapporteurs drew attention to issues that require further improvement for optimal functioning of local government in San Marino:

- a. the limited competences and decision-making powers conferred to municipalities that hinder their ability to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population (Article 3, paragraph 1) due to the concentration of nearly all public responsibilities at the level of the State (Article 4, paragraph 3);
- b. the absence of autonomy of local authorities to exercise their competences (Article 4, paragraph 2) which are not full and exclusive (Article 4, paragraph 4);
- c. the ineffective implementation of legally established consultation mechanisms and procedures (Article 4, paragraph 6, and Article 9, paragraph 6);
- d. inadequate financial resources available to local authorities for exercising their powers;
- e. the lack of their own professional staff within the local authorities (Article 6) to allow for effective management of local affairs;
- f. the absence of the explicit recognition of the principle of local self-government at the constitutional level.

40. The Congress recommended that the Committee of Ministers invite the authorities of San Marino to:

- a. allocate a substantial share of public affairs to the responsibility of local authorities in line with the principle of subsidiarity and ensure that local authorities dispose of the necessary legal and administrative means, property and finances to regulate and manage it;
- b. clarify the areas where the townships will have full and exclusive powers and give them full discretion to exercise their initiatives with regard to any matter within their competences;
- c. ensure proper implementation of consultation procedures and mechanisms in practice to permit effective consultations with local authorities, in due time and in an appropriate way on all matters that directly concern them;
- d. revise the financial basis of the functioning of local self-government so as to endow local authorities with adequate financial resources which should be commensurate with their responsibilities;
- e. promote the employment of professional staff in municipalities;
- f. establish, in close consultation with townships, a clear timetable and pursue the reform process of local self-government in San Marino in line with the principles of the Charter;
- g. enshrine the principle of local self-government at the constitutional level in order to strengthen the position of local government in line with the spirit of the Charter;
- h. 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.

3. HONOURING OF OBLIGATIONS AND COMMITMENTS: ANALYSIS OF THE SITUATION OF LOCAL DEMOCRACY ON THE BASIS OF THE CHARTER (ARTICLE BY ARTICLE)

3.1 Article 2 – Constitutional and legal foundation for local self-government

Article 2 – Constitutional and legal foundation for local self-government

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

41. Article 2 of the Charter states that the principle of local self-government must be enshrined in legislation and where possible explicitly recognised at the constitutional level.

42. As earlier mentioned, there is no unified constitution in San Marino. The constitutional order derives from a number of legislative instruments of which the most significant are the Statutes of 1600 and the Declaration of Citizen Rights of 1974 as amended in 2002.

43. Although Article 3 of the Declaration states that “Each power of the State shall act in the mutual respect for their autonomy and competence” and township councils are mentioned in Article 16, relating to the functioning of the Guarantor’s Panel on the constitutionality of rules, the principle of local self-government is not explicitly enshrined in constitutional documents.

44. At the same time, the principle of local self-government is recognised in Law no. 158 of 24 September 2020 on Township Councils, which also explicitly mentions the principle of subsidiarity. Article 1 of this Law states that “Each Township shall be an institutional and territorial entity, to which the law attributes legal personality, in addition to administrative, representative and proposal functions concerning the territory to which the entity refers, also for the purposes of implementing the principle of subsidiarity.”

45. In light of the above mentioned, the rapporteurs consider that the system currently in force in San Marino meets the requirements of Article 2 of the Charter, although an explicit constitutional recognition of the principle of local self-government would be advisable, as suggested in the previous Congress recommendation on local democracy in San Marino.

3.2 Article 3 – Concept of local self-government

Article 3 – Concept of local self-government

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.
2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

3.2.1 Article 3.1

46. The purpose of Article 3.1 is to ensure that local authorities under their own responsibility have the power to make and enforce decisions in relation to a substantial share of public affairs. The Charter does not define precisely which affairs local authorities should be responsible for.

47. The Contemporary commentary on the Charter¹⁷ clarifies that local authorities should not be limited to simply acting as agents for higher-level authorities, hence it is of importance that tasks managed by local authorities are substantial and by no means residual as in secondary tasks or routine duties. Thus, their ability to act must be real. The Contemporary commentary cautions that restricting the sphere of action of local authorities to matters without wider implications would risk relegating them to a marginal role.

48. The scope of tasks and responsibilities of local authorities of San Marino is stated in Articles 22 and 23 of the Law on Township Councils. These responsibilities primarily include issuing opinions on street trading, market regulation, and commercial disruptions; contributing to road system planning and safety initiatives; as well as street naming, heritage preservation, and promoting local traditions. The rapporteurs note that most of local authorities’ competences are consultative and advisory in nature.

49. The previous Congress monitoring report CG34(2018)¹⁸ has already highlighted an “enormous deficit of municipal competence which cannot be overlooked because of the well-known particularities and the size of the country”.

17. Congress of Local and Regional Authorities, A Contemporary commentary by the Congress on the Explanatory Report to the European Charter of Local Self-Government, CG-FORUM (2020)02-05prov, 12 February 2020, paragraph 31, available at: <https://rm.coe.int/contemporary-commentary-by-the-congress-on-the-explanatory-report-to-t/1680a06149>, accessed 1 October 2024.

18. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807a8d25>, accessed 1 October 2024.

50. The revision of the Law on Township Councils in 2020 increased the role of local authorities in minor maintenance works, allowed them to express binding opinions on ordinary projects of public interest within the Township territory and join criminal proceedings as a civil party in relation to environmental issues.

51. However, in the opinion of the rapporteurs, these changes can only be described as marginal. The scope of local competences has not been substantially enlarged and the level of local authorities' responsibilities continue to remain extremely low, in any comparison, and even if the small size of the country is taken into account.

52. Furthermore, in general terms, decisions made by the council continue to be commonly subjected to final decision making of agencies and authorities at higher level of government. This is demonstrated in numerous requirements of the Township Council as stated in the Law for submitting proposals to central authorities or issuing opinions on various issues, such as "The Council shall be responsible for submitting proposals and decisions concerning the road system within the Township's territory, subject to the favourable opinion of the relevant offices" (Article 23, paragraph 3 of the Law on Township Councils).

53. Regular funding of local authorities is decided by the Congress of State. Article 32, paragraph 3 of the Law on Township Councils states that "each Township Council shall decide which small ordinary maintenance works not exceeding €3 000 (three thousand) are to be carried out in a binding manner, with reference to roads, public lighting, pedestrian routes and public green areas". During the monitoring visit, members of local councils met informed the rapporteurs that although stated as a binding decision on behalf of local authorities in the law, local authorities needed permission to proceed and there were incidents of such decisions being annulled by higher level public agencies.

54. The rapporteurs consider that the townships do not have independent financial resources and are heavily constrained in their disposal of available resources, which will be further analysed in the section pertaining to Article 9 of the Charter.

55. In view of the above-mentioned and the limited extent of powers devolved to the Townships, the rapporteurs do not consider that local authorities in San Marino have the right and the ability to regulate and manage a substantial share of public affairs under their own responsibility. They conclude that the system currently in force in San Marino does not meet the requirements of Article 3.1 of the Charter.

3.2.2 Article 3.2

56. As stated in the Contemporary commentary, Article 3.2 entails that "local representatives must be elected in free elections by secret ballot on the basis of direct, equal, universal suffrage."¹⁹

57. The Law on Township Councils states that the head of the township council and the council members shall be elected in direct elections, every 5 years. Voters are all citizens of San Marino at 18 and above as well as foreign citizens who are San Marino residents and have been residents for an uninterrupted period of 10 years (Art. 8). In accordance with Article 2 of Law No. 6 of 31 January 1996, citizens who are mentally ill or who have been convicted are deprived of their right to vote. Foreign citizens voted for the first time in the last local elections in 2020, with participation of 40.23% compared to general participation which was 41.6%.²⁰

58. Dual mandate as a member of township council or head of council and a member of the Great and General Council are not permitted (Art. 19, paragraph 1).

59. As stipulated by Article 10 of the Law on Township Councils: "Each list, including the candidate for Head of the Township Council who is the leading candidate, shall be composed of not more than sixteen and not less than eight persons in Townships with a population of two thousand five hundred inhabitants or more, not more than twelve and not less than six persons in Townships with a population of less than

19. Contemporary commentary, paragraph 39.

20. Available at: <https://www.elezioni.sm/on-line/home/elezioni-giunte/elezioni-del-29112020/generalita/affluenza/affluenza-cittadini-stranieri.html>, accessed 1 October 2024.

two thousand five hundred inhabitants.” In the 2020 elections 15 lists ran for the council headed by 11 men and four women.²¹

60. The candidate for Head of the Township belonging to the list obtaining the highest number of votes shall be proclaimed elected (Art. 18, paragraph 1). Depending on the local population, “the list to which the candidate for Head of the Township Council who has obtained the highest number of votes belongs shall obtain five and four seats respectively, including that of Head of the Township Council.” (Art. 18, paragraph 4).

61. The rapporteurs consider that the system currently in force in San Marino meets the requirements of Article 3.2 of the Charter.

3.3 Article 4 – Scope of local self-government

Article 4 – Scope of local self-government

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
3. Public responsibilities shall generally be exercised, in preference, by those authorities who are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

3.3.1 Article 4.1

62. Article 4.1 entails requirement for statutory legislation in relation to basic powers and responsibilities either in the Constitution (or constitutional documents) or the law, providing for clarity and legal certainty as indicated in the Contemporary commentary, this is to ensure that local self-government is predictable, permanent and protected. This does not prevent the assignment of tasks for specific purposes.

63. As mentioned earlier, the basic powers and responsibilities are described in Law on Township Councils no. 158 of September 2020 in Article 22 (Duties of the Township Council) and Article 23 (Competences and powers of the Township Council).

64. The rapporteurs consider that the system currently in force in San Marino meets the requirements of Article 4.1 of the Charter.

3.3.2 Article 4.2

65. Article 4.2 stipulates that local authorities must have full discretion to decide on any matters not explicitly excluded from their competence by law or assigned to any other authority. The Contemporary commentary²² also notes that national legal traditions range from the “ultra vires” principle, which requires a statutory basis for any local government action to the “general competence” clause for municipalities in France or the “Aufgabenerfindungsrecht” in Germanic legal systems while highlighting that many countries have actually adopted the so-called clause of general competence for local authorities.

21. Decree on Township election results, 1 December 2020 no. 207/Risultati delle elezioni dei Capitani di Castello e delle Giunte del 29 Novembre 2020, available at: <https://www.consigliograndeegenerale.sm/on-line/home/archivio-leggi-decreti-e-regolamenti.html>, accessed 1 October 2024.

22. The Contemporary commentary, paragraph 57.

66. The Contemporary commentary further clarifies that the discretion of local authorities should not be curtailed by overregulation or other rule setting that prevent local authorities from exercising their initiatives. It further notes that restrictions on local bodies' "full discretion to exercise their initiative" can also stem from management, fiscal and budgeting rules that require a sound legal basis for spending²³.

67. There is no clause of general competence for local authorities in the Law on Township Councils nor in the Constitution (Documents) of San Marino. Responsibilities are narrowly defined, and local authorities' role is primary facilitating instead of decision-making as they facilitate, promote or implement decisions made at higher levels of government as described in Article 22 of the Law on the Township Councils. This was confirmed during the meetings with local councillors who repeatedly complained both about the lack of tasks and the lack of full discretion over the few tasks assigned to them.

68. The local councillors met by the delegation further explained that they did not have full discretion over the regular funding which is decided by the Congress of State in accordance with the Law on Township Councils (Article 32, paragraph 3) nor were the binding opinions expressed by local authorities (Article 23, paragraph 4) really effective as such decisions were often annulled by higher-level public agencies.

69. Consequently, the rapporteurs consider that San Marino does not comply with Article 4.2 of the Charter.

3.3.3 Article 4.3

70. This article underpins the principle of subsidiarity, which aims to ensure that decisions are made by authorities closest to the citizens. The Contemporary commentary points out that distribution of responsibilities must be decided in relation to the size or scale as well as nature of the task and requirements of efficiency. The subsidiarity criterion, as argued by the Contemporary commentary, should take primacy when assigning responsibilities, this is "vitaly important for the protection of local authorities against trends towards upscaling and re-centralisation that threaten to render local self-government meaningless."²⁴ The Contemporary commentary highlights in its paragraph 61 that when applied to local authorities, the principle of subsidiarity has a dual rationale: on the one hand, it increases (through proximity) the transparency and democratic basis of governmental decision-making; on the other hand, it increases the efficiency of governmental action since local bodies are the best suited to fulfil certain tasks (such as providing social assistance or housing) due to their direct knowledge of citizens' needs.

71. The subsidiarity principle was added in 2020 to Article 1, paragraph 2 of the Law on Township Councils of 2020, which now stipulates that "each Township shall be an institutional and territorial entity, to which the law attributes legal personality, in addition to administrative, representative and proposal functions concerning the territory to which the entity refers, also for the purposes of implementing the principle of subsidiarity. This principle shall be expressly recognised in the context of international European cooperation and constitutional traditions common to European States, for the purposes of achieving an effective administration that meets the citizens' needs."

72. This article leaves a considerable scope for interpretation of how many tasks local authorities should be assigned to and how extensive these responsibilities should be. In general, local councillors and national authorities met by the delegation showed a mutual understanding of the inherent problems attributed to extensive decentralisation in small countries like San Marino. During the visit, the term "small" (it. *piccolo/piccola*) was frequently used at all levels of government, both in verbal and written communication, to argue both for and against further decentralisation also in the context of implementing the principle of subsidiarity. Some interlocutors saw little need to decentralise additional competences to local authorities, reasoning that in a small country, national-level competences are naturally exercised in close proximity to citizens. Others, however, expressed support for decentralising more powers to strengthen local self-government.

73. In any case, the rapporteurs are of the opinion that the application of the principle of subsidiarity in San Marino, which is enshrined in the legislation, raises concerns, given the limited scope of

23. The Contemporary commentary, paragraph 59.

24. *Ibid.*, paragraph 63.

decision-making powers assigned to the local level, even if the principle of subsidiarity is interpreted with due regard to the small size of the country. Local authorities play a marginal role in the provision of services and do not seem to be a natural part of the governmental mechanism.

74. Moreover, during the visit, local councillors in general asked for more discretion over even those limited tasks that are assigned to them. This indicates that local authorities do not have full responsibility over their tasks, which also goes against the principle of subsidiarity enshrined in Article 4.3 of the Charter.

75. During the consultation procedure, the Ministry for Internal Affairs, Public Sector, Institutional Affairs, Relations with the Township Councils and Regulatory Simplification ("Ministry of Internal Affairs"), pointed out that the introduction of the principle of subsidiarity in law in 2020 was an opportunity to strengthen the role of local institutions and to bring administrative decisions closer to the needs of citizens. However, it conceded that like any new legislation, its implementation takes time to be fully understood and effectively enforced.

76. In light of the above, the rapporteurs welcome the explicit introduction of the principle of subsidiarity in legislation, but they consider that in practice given the current scope of decision-making at the local level, the situation in San Marino still does not comply with Article 4.3 of the Charter.

3.3.4 Article 4.4

77. The Contemporary commentary in relation to Article 4.4 states that powers assigned to local authorities "shall normally" be full and exclusive and that they may not be undermined or limited "except as provided for by the law. It stipulates that limitations on local authorities' powers should be exceptional and based on objective reasons and interpreted narrowly. This provision also discourages the overlapping of responsibilities between levels of government since care should also be taken to establish clear definitions of responsibilities between different authorities and balance in the distribution of roles as "competencies should normally be full and exclusive."²⁵

78. The Contemporary commentary further warns that, while the lack of resources at lower levels of government frequently requires complementary action by higher-level authorities, "quite often this does not take place on the basis of parity and partnership and local authorities end up being reduced to mere agents of regional or national authorities".

79. As previously mentioned, in San Marino the scope of local authorities' responsibilities is significantly limited. Furthermore, most decisions made by local authorities must be coordinated with public agencies or are subject to favourable opinion of central authorities. The rapporteurs note that in practice, local authorities are largely confined to consultative and advisory functions. Ultimately, the state retains a dominant role in areas which would typically be fully and exclusively assigned to local authorities. The rapporteurs also consider that this imbalance in the distribution of competences is exacerbated by the minimal financial resources over which local authorities have discretion, an issue which will be further addressed under Article 9.

80. Consequently, the rapporteurs consider that San Marino does not comply with Article 4.4 of the Charter.

3.3.5 Article 4.5

81. Article 4.5 entails that local authorities should be able to exercise delegated powers freely. As stated in the Contemporary commentary its aim is to protect local authorities as decision makers and ensure that insofar as possible, local authorities have discretion to adapt the exercise of their delegated powers to local conditions.

82. Furthermore, Article 4.5 aims at ensuring that local authorities are not merely acting as agents of higher-level authorities. The Contemporary commentary clarifies that when local authorities perform tasks on behalf of higher-level authorities and without exercising their own discretion, they are acting as agents of those authorities. Obviously, if a great deal of local self-government activity is devoted to

25. The Contemporary commentary, paragraph 69.

performing tasks on behalf of higher-level authorities and this is done without local discretion, then the autonomy of local authorities may be seriously undermined.²⁶

83. As it has been repeatedly pointed out, local authorities of San Marino have a very narrow scope of competences, and even with those competences they mainly perform advisory and consultative functions, with the state retaining approval or decision-making power. As the rapporteurs learned during the visit, local authorities often play a facilitating role between central authorities and local communities, rather than exercising genuine local autonomy.

84. Nevertheless, during meetings with local councillors, local differences were detected, such as varying emphasis on tasks and differences in priorities in different localities. This suggests that local authorities, to some extent - although rather limited - are able to respond to the different needs of the local population.

85. Consequently, the rapporteurs consider that San Marino partly complies with Article 4.5 of the Charter.

3.3.6 Article 4.6

86. Article 4.6 states that consultation (insofar as possible) with local authorities on matters that concern them directly in both a timely and appropriate way is obligatory. The Contemporary commentary states that such consultation procedure should allow local authorities the possibility to formulate and present comments and proposals and that this consultation should take place at the preparation stage of decision making.²⁷

87. The Law on Township Councils does entail several procedures for consultation with local authorities. Interaction between local authorities and higher-level authorities is twofold. The first concerns the obligation of local authorities to inform higher level authorities of their wishes an example of which is found in Article 22, paragraph 3, a-c.

- a) transmitting their own decisions, agendas, requests and suggestions to public authorities and bodies;
- b) submitting interpellations, requests and proposals to the Congress of State, which is required to respond in writing within sixty days or within a time limit agreed with the requesting Council;
- c) inviting members of the Congress of State and of the Great and General Council as well as representatives of institutions or institutional organisations to attend their sessions to report on issues that fall under their direct competence and responsibility;

88. The second type of interaction is when higher-level authorities inform local authorities of their intentions or decisions. An example of this is Article 23, paragraph 4 stipulating that “The Township Council shall be officially informed in advance of all public projects within the Township territory, promoted by institutional bodies or by affiliated private individuals. The Council may express an opinion within thirty days of receipt of such information. The opinion shall be binding unless such projects are strategic for the Republic and thus entail decisions or acts by the Great and General Council or the Congress of State”.

89. Other examples of higher-level authorities being expected to consult local authorities are found in Article 25 (Relations with the Public Administration), where “Public Administration may request advisory opinions on the annual State Budget from each Township Council” (paragraph 1) and Article 31 (List of works), paragraphs 2-5.

2. By September of each year, the Ministry of Territory and Environment, the Ministry of Finance and Budget, and the Ministry responsible for the Relations with the Township Councils shall organise a meeting with the Township Councils and the Directors of Autonomous State Corporations in order to establish a schedule for public works planned for the following year.

26. The Contemporary commentary, paragraph 75.

27. *Ibid.*, paragraph 77.

3. The schedule shall define a multiannual programme for the execution of public works and the necessary appropriations, taking into account the intervention priorities indicated by the Councils and the programming needs of the Public Corporations.

4. The Ministries responsible for the Relations with the Township Councils and for the Relations with the Autonomous Public Works State Corporation shall periodically organise a meeting between the competent offices and the Township Councils on planned public works.

5. The designated offices and companies shall inform the Councils in advance of the possible start and end dates of ordinary and extraordinary maintenance activities on public works and infrastructures within their territory.

90. Furthermore, a Board of Township Councils (*Consulta delle Giunte di Castello*) is mandatory in San Marino. This Board represents “in a unitary manner the petitions and prerogatives attributed to the Township Councils.” (Art. 30 paragraph 1 of the Law on Township Councils No. 158/2020). It is composed of all the Townships heads and remains in offices for the duration of the elected councils. The board may also support and encourage various initiatives such as democratic debate on local self-government. It may establish relations with local institutions in other countries and international organisations. It may also draw up projects, proposals and initiatives to be submitted to the Congress of State and promote in a unitary manner the issues listed in Article 22 of the Law on Township Councils. A spokesperson for the Board is elected by absolute majority for one year at a time. The Board must coordinate with national government as stated in Paragraph 8: “A representative of the State Institutional Secretariat and a representative of the Minister responsible for the Relations with the Township Councils shall be invited to the Board meetings.”

91. The rapporteurs note however that the obligatory consultation processes on behalf of higher-level authorities described in the Law on Township Councils are heavily concentrated on public works and maintenance. In the meetings between the delegation and local councillors, the latter repeatedly complained about the consultation processes being superficial and in many cases being used by national authorities as a channel to inform local authorities of their decisions. They also pointed to the lack of or belated response from public agencies in relation to local authorities’ inquiries.

92. The rapporteurs conclude that based on the Law on Township Councils, the basic conditions of consultation framework are in place, although in a very narrow area of responsibilities. Hence, local authorities are able to obtain information on decisions and policies directly concerning them, they are also able to express their opinion on some decisions and policies, however this consultation does not seem systematic and local authorities are not always given enough time to prepare recommendations.

93. Consequently, the rapporteurs consider that San Marino is partly compliant with Article 4.6 of the Charter.

3.4 Article 5 – Protection of local authority boundaries

Article 5 – Protection of local authority boundaries

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

94. Article 5 introduces procedural rules for changes in local authority boundaries. As stated in the Contemporary commentary it is a mandatory procedural requirement that proposals for changes in territorial boundaries of local authorities must be subjected to a consultation process. Such consultation should also take place early in the decision-making process, to guarantee a real possibility for local communities to express their concerns.²⁸

95. The territorial organisation of San Marino into nine Townships rests an ancient tradition of the San Marino Castelli. The Law on Township Councils does not state any consultation mechanism in place in relation to possible changes of territorial boundaries. During the consultation procedure, the Ministry of Territory, Environment, Agriculture, Civil Protection and Relations with the Autonomous Public Works State Corporation informed the rapporteurs, that the territorial borders of the San Marino Townships have not been under discussion. In the meetings between the delegation and local

²⁸ The Contemporary commentary, paragraph 90.

councillors, concerns were raised on several occasions in relation to the dwindling birth rate, which again results in difficulties in providing ample services in local communities.

96. Given the long tradition of the Castelli and the proximity between citizens and government on all levels and general participatory mechanisms in place in San Marino, the delegation consider it is not likely that lack of consultation in this area would be a problem in the nearest future - although these rights would be best protected by explicitly including them in the legislation.

97. Consequently, the rapporteurs consider that San Marino complies with Article 5 of the Charter.

3.5 Article 6 – Appropriate administrative structures and resources

Article 6 – Appropriate administrative structures and resources for the tasks of local authorities

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.
2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

3.5.1 Articles 6.1 and 6.2.

98. The aim of Article 6.1 is to protect local self-government by guaranteeing that local authorities can organise their internal administrative structures that they use to deliver services. As the Contemporary commentary highlights local authorities should have discretion to determine their own internal administrative structures or organisation.

99. It notes that the power to organise their own affairs is a part of the autonomy enjoyed by local entities and this power must be very broad and should include not only the power to decide on their internal local organisation but also the power to establish independent bodies such as local companies or agencies to improve the delivery of local services, as well as the power to conclude agreements with other local authorities.

100. Additionally, Article 6.2 enshrines the organisational and institutional autonomy of local governments. It points out that local authorities should have the powers to hire their own staff and local authority employees should also be entitled to training opportunities, remuneration and career opportunities similar to employees at other levels of government. The Contemporary commentary highlights that local bodies need to have human resources to carry out their tasks, as the local entity would otherwise be an empty and powerless government structure.

101. Local authorities in San Marino cannot hire their own professional staff and cannot determine their own internal administrative structures. The elected members of the councils are obliged to conduct all tasks assigned to the local authorities. The Law on Township Councils specifically mention the Head of the Township Council and the Secretary of the Township Council (elected from among municipal councillors) as these figures are assigned special roles within the organisation of local authorities.

102. As pointed out during the meetings between the delegation and members of both central and local authorities, the daily management of local authorities is organised by the local councillors, while issues that do not fall under their jurisdiction are handled by relevant public agencies. Hence local authorities heavily depend on public agencies when managing their municipalities on a daily basis. The elected members also often rely on civic engagement of citizens to assist them in fulfilling some tasks.

103. During the visit, the local councillors frequently mentioned the heavy workload of elected members of local government and the difficulties in interacting with public agencies as reasons for the need to provide local authorities with professional staff.

104. Based on the above mentioned, the rapporteurs conclude that local authorities do not have autonomy in the field of human resources as required by the Charter. The situation in San Marino is therefore not compliant both with paragraphs 1 and 2 of Article 6.

3.6 Article 7 – Conditions under which responsibilities at local level are exercised

Article 7 – Conditions under which responsibilities at local level are exercised

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.
2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.
3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

3.6.1 Article 7.1

105. Article 7.1 of the Charter seeks to ensure that citizens are free to serve as elected representatives and are not prevented from holding political office owing to financial or material considerations. As stated by the Contemporary commentary, elected members of local government should be provided with facilities, equipment and technical support needed to carry out their tasks as well as training for performing their duties. This provision should be applied regardless of the officials' political affiliation.²⁹

106. Local elected representatives met by the delegation confirmed that they had not encountered any significant obstacles in carrying out their functions. Moreover, there were no signs of obstacles in relation to taking their duties and there was no description of differences due to local councillors' background or political affiliation.

107. In order to ensure the free exercise of local councillors' functions, Article 7 of the Law on Township Councils states that "Members of the Township Council and the Head of the Township Council may not be punishable for opinions expressed or votes cast within the Township Council". The law does not explicitly mention protection against threats from social media or against violation of councillors' privacy. During the meetings with local elected officials, there was no indication of elected members experiencing threatening behaviour on behalf of the population.

108. Consequently, the rapporteurs consider that the system currently in force in San Marino complies with Article 7.1. of the Charter.

3.6.2 Article 7.2

109. Article 7.2 aims to ensure that local elected representatives receive "appropriate financial compensation" which according to the Contemporary commentary should include compensation for expenses experienced during exercise of office as well as compensation for the loss of personal earnings in addition to social welfare protection. Compensation schemes should avoid any disparities between local authorities based on financial means.³⁰

110. The meetings held by the delegation with local councillors demonstrated that overall, local councillors believed their compensation was too low, compared to workload and at least to some extent provided an obstacle to carrying out their functions. This was especially the case for those with more responsibilities, such as the Secretary of the Council and Head of Council. Some local elected representatives claimed that it was often up to a private employer to enable elected members to fulfil their institutional duties or to use their vacation days.

111. The compensation of local authorities has been increased since the last monitoring visit. It is now defined in Article 34, paragraph 3 in the law of Township Councils, according to which "the annual amounts of the emoluments and attendance fees of the Head of the Township Council, the Secretary of the Township Council and the members of the Township Council shall be as follows:

- a) Emoluments for service rendered by the Heads of the Township Council:
 - 1) Township Councils with seven members €6 000 (six thousand/00) per year;

29. The Contemporary commentary, paragraph 109.

30. *Ibid.*, paragraphs 113; 114; 117.

- 2) Councils with five members €4 320 (four thousand three hundred and twenty/00) per year;
- b) Emoluments for service rendered by the Secretary of the Township Council:
- 1) Township Councils with seven members €3 600.00 (three thousand six hundred/00) per year;
 - 2) Township Councils with five members €2 400 (two thousand four hundred/00) per year;
- c) Amount of attendance fees of the Head of the Township Council, the Secretary of the Township Council and the Members of the Township Council: €70 (seventy/00).”

112. There is also a possibility for Heads of the Township Councils or their delegates to take “extraordinary paid leaves up to maximum of five days, also divisible into hours per calendar year” as per Article 35, paragraph 1. During the consultation procedure, the delegation of San Marino to the Congress informed the rapporteurs that it does not consider five days sufficient, for example, to be able to attend Congress sessions. In this respect, the rapporteurs would suggest that the central authorities engage in consultations with local authorities to explore possible solutions for improving this situation.

113. In accordance with Article 35, paragraph 2 of the Law on Township Councils, the Heads as well as members of the council shall be entitled to extraordinary unpaid leave, also divisible into hours if they have to fulfil institutional duties related to their mandate during working hours.

114. In light of the above, the rapporteurs consider that the system currently in force in San Marino generally complies with Article 7.2 of the Charter.

3.6.3 Article 7.3

115. Article 7.3 is concerned with the incompatibility of holding the local elected office and any other functions and activities. This does not refer to any circumstances either personal or factual that could be preventing the person from becoming an elected official. As pointed out in the Contemporary commentary a dual mandate may create a conflict of interest and would not satisfy the good governance principle.³¹

116. Article 19 of the Law of Township Councils addresses incompatibilities. The first paragraph states that the office of Head of Township and of Member of the Council is incompatible with the office of Member of the Great and General Council. If elected to both members must choose between offices within 15 days. Furthermore, close relations between members of the council are not permitted. “Ascending and descending relatives, siblings living in the same household, spouses, persons who have entered into a civil registered partnership or de facto partners shall not be members of the same Council at the same time” (paragraph 3).

117. The rapporteurs consider that the arrangement currently in force in San Marino meets the requirements of Article 7.3 of the Charter.

3.7 Article 8 – Administrative supervision of local authorities’ activities

Article 8 – Administrative supervision of local authorities’ activities

1. Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
2. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

31. The Contemporary commentary, paragraph 122.

3.7.1 Article 8.1

118. In accordance with the Contemporary commentary, supervision refers to any form of intervention in the decision-making process of a local entity by which a higher administrative level explicitly or tacitly approves, clears, agrees, suspends or annuls a proposal or a final decision, rule or plan approved by a local entity. It notes that from the perspective of local self-government, Article 8 on supervision is probably one of the most relevant, since “supervision” is the very opposite of autonomy, to the same extent as control is the very opposite of freedom or self-administration. The greater the supervisory powers of the higher levels of government are, the smaller the actual scope of local self-government will be.

119. In San Marino, administrative supervision of local authorities takes place through various mechanisms integrated into the Law on Township Councils. This includes submitting reports, minutes and other information on local authorities’ decision making to central authorities. Examples of this are submittance of a yearly financial statement (Article 33, paragraph 7, of the Law on Township Councils) and submitting Council minutes to the relevant public agencies (Article 21, paragraph 4 of the same Law).

120. Based on Articles 31 and 32 of the Law on Township Councils, local authorities are also required to inform central authorities beforehand of their intentions in relation to public works. Hence, this oversight on behalf of higher-level authorities is quite extensive. This was also confirmed to the rapporteurs by elected members of the councils during the visit.

121. As for financial control by the central administration, the allocations approved for the management, functioning and activities of the township councils are assessed *ex ante* by the Commission for the Control of Public Finance when the financial resources are allocated to the relevant budget chapters of the township councils. In addition, the township councils are required by law to submit their annual accounts to the Ministry responsible for relations with the Township Councils by 28 February of the following financial year. These accounts are then sent to the Commission for the Control of Public Finance for the relevant control by 30 April.

122. In light of the above, the rapporteurs conclude that the supervision mechanisms are established by law and therefore, the situation in San Marino complies with Article 8.1 of the Charter.

3.7.2 Article 8.2

123. Article 8.2 defines the principles and parameters of administrative supervision. This may consist of checks on legality or checks on expediency. In its paragraph 131, the Contemporary commentary clarifies that checks on legality are the type of checks by which the supervisory authority may only determine whether the local authority has complied with the applicable laws and regulations (on the substance or the procedure) in adopting its decisions. As far as checks on expediency are concerned, the supervisory body may rule or decide differently on the merits: that is to say, it can change the import of local decisions for reasons of expediency or policy assessment.

124. As stated by the Contemporary commentary the Charter proclaims a general preference for checks on legality over checks on expediency, the former being the only checks that in general comply with the Charter. Checks on expediency may only be used for delegated tasks.³² Furthermore, as for the matters that can be “supervised”, the Charter refers to the broad concept of activities, which covers all types of plans, projects, rules, decisions or strategies approved at local level.

125. As previously mentioned, local authorities in San Marino submit financial statements and minutes to central authorities, which may be interpreted as a check on legality on behalf of central authorities.

126. Furthermore, in accordance with the Law on Township Councils, the townships must submit to the State institutional secretariat a list of public works with the intended finances by 15 June each year. The Head of Township may also send a list of small maintenance works to the competent authorities. During

32. The Contemporary commentary, paragraphs 133-134.

the consultation procedure, the delegation of San Marino to the Congress informed the rapporteurs that in practice the lists of works submitted by 15 June are not always complied with and while needs are formally listened to, they are not taken into consideration in practice, the central government deciding autonomously. The administrative supervision of local authorities' decisions in relation to public works or small maintenance works is a mixture of check on legality and check on expediency.

127. As stated by local councillors during the monitoring visit, local decisions are sometimes changed for reasons of expediency or policy assessment, making regular checks on expediency more frequent than generally preferred by the Charter.

128. Consequently, the rapporteurs consider that the arrangement currently in force in San Marino partially complies with Article 8.2 of the Charter.

3.7.3 Article 8.3

129. Article 8.3 concerns the principle of proportionality in the administrative supervision. Any supervision on behalf of higher authorities should be proportionate to the importance of the interests it intends to protect.

130. The Contemporary commentary further clarifies that under the principle of proportionality, the regional or State body should intervene only to the extent necessary, taking into account the relevance of the public interest at stake, or the seriousness of the legal violation allegedly committed by the local authority. It should first consider the possibility of "de minimis" action (warnings, requests, negotiations) before using more intrusive powers, such as annulling or suspending a decision, plan or project adopted at local level. A system under which local authorities must obtain prior approval from regional or State bodies for minor or even trivial decisions would not comply with the principle of proportionality.

131. In San Marino, the supervisory mechanisms described in the Law on Township Councils seem extensive as most decisions made by local authorities are subjected to a detailed scrutiny on behalf of central authorities. This was confirmed during the meetings with local officials, when elected members highlighted the lack of discretion over the tasks assigned to them. At the same time, locally elected members met by the rapporteurs also pointed to a complete lack of any powers in relation to administration, with administrative responsibilities reserved for the central level of government.

132. During the visit, the rapporteurs were left with the impression that while scope of local responsibilities is very narrow, the level of administrative oversight by central authorities appears to be rather broad and detailed.

133. Considering the breadth of administrative supervision of local authorities' decision-making compared to the narrow scope of their competences, the rapporteurs conclude that the arrangement in force in San Marino partially complies with Article 8.3 of the Charter.

3.8 Article 9 – Financial resources

Article 9 – Financial resources of local authorities

1. Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
2. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
3. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
4. The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
5. The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
7. As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.
8. For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.

134. The Republic of San Marino has not ratified Article 9, paragraph 3, and Article 9, paragraph 8. In addition, when ratifying the Charter, it made the following interpretative declaration: “The Republic of San Marino maintains that Article 9 of the Charter must be interpreted as an article establishing a general principle of financial autonomy, according to which local authorities are entitled to freely dispose, in the framework of the national economic policy, of the resources allocated to them for the exercise of their powers.” As explained in the previous monitoring report CG34(2018)³³, this interpretative declaration is almost a reservation since the kind of “general principle of financial autonomy” it implies would simply mean that the authorities are free to dispose of the resources “given to them”. The rapporteurs take note of this reservation, although in their opinion such an interpretation of financial autonomy is not in line with the spirit of the Charter. The application of Article 9 will be further analysed paragraph by paragraph, while non-ratified provisions of the Charter, in accordance with standard monitoring practices, will not give rise to recommendations addressed to the government.

3.8.1 Article 9.1

135. Article 9.1 of the Charter ensures the right of local authorities to have their own resources and the liberty to spend them as they wish. Therefore, as stated by the Contemporary commentary higher-level authorities are expected to make certain that local authorities have the legal, budgetary and fiscal capacity to make use of these rights. It further clarifies that local entities' own resources are typically made up of various components, such as local taxes, charges, fees, profits under private and commercial law, interest on their bank accounts and deposits.

136. Moreover, this Article states that resources should be “adequate”, however as discussed in the Contemporary commentary this is not an absolute term but must be exercised in relation to national economic policy.³⁴ Additionally, the wording “adequate financial resources” incorporates the requirement to ensure proportionality between mandatory functions of local authorities and the funding available.

137. The Contemporary commentary further highlights the link between Article 9.1 and Article 9.3 of the Charter as these two paragraphs deal with the issue of adequate financing and consequently with fiscal

³³ Available at:

<https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807a8d25>, accessed 1 October 2024

³⁴. The Contemporary commentary, paragraphs 144; 147.

autonomy, where local authorities enjoy two substantial powers: the power to have enough resources and the power to raise revenues according to the local situation (i.e., the socio-demographic and socioeconomic conditions).

138. In San Marino, the allocation of funds for township councils is determined annually by the Congress of State. The system of financing of local authorities is centralised. 50% of the annual fund is distributed equally between township councils and 50% is distributed in proportion to the number of residents (Art 33, paragraph 3 of the Law on Township Councils).

139. Article 33, paragraph 5 of the same Law states that “the fund allocated to each Township Council shall be managed autonomously by the Council.” However, information provided by the Ministry of Finances reveals that, on average, expenditure relating to township councils accounts for less than 1% of government expenditure.

140. Local authorities in San Marino have no fiscal powers and cannot raise tax revenues. Differences exist between individual Townships as to whether they have some other additional sources of revenue. During the meetings of the delegation with local authorities it became clear that only some municipalities could generate additional income, for example through property rentals or market management. However, these revenues did not appear to be significant enough to ensure adequate independent income.

141. The State, in collaboration with the State Autonomous Corporation for Public Works (AASLP), is primarily responsible for fundamental activities like road maintenance, signage, and snow removal. According to the Ministry of Finance, this partnership operates on an annual budget of around EUR 3 million and follows a shared intervention schedule. Local authorities can make additional requests for works not covered by this programme, as per Article 32, paragraph 3 of the Law on Township Councils.

142. According to Article 32, paragraph 3 of the Law on Township Council, local authorities are allocated an allowance of €3 000 (three thousand) per year to cover small-scale ordinary maintenance work in relation to roads, public lightning, pedestrian and public green areas. In the opinion of the rapporteurs, and as confirmed by local elected representatives during the visit, this amount appears insufficient.

143. Based on the above-mentioned, the rapporteurs consider that local authorities of San Marino are not entitled to their “own” funding of which they may freely dispose as required by Article 9.1 of the Charter. The rapporteurs therefore conclude that the current system does not comply with requirements of Article 9.1.

3.8.2 Article 9.2

144. This provision requires that financial resources of local authorities should be in balance with the responsibilities assigned to them. As the Contemporary commentary further clarifies, this paragraph enshrines the so-called “principle of commensurability” of local authorities’ financial resources. This means that the resources available to local authorities should be sufficient and commensurate with their functions and tasks and the revenues and mandatory tasks of local authorities should be balanced to ensure that the financial resources available to those authorities are satisfactory in comparison to the tasks assigned to them by law.

145. During the delegation meetings with member of central and local authorities it was evident that there was a great discrepancy in the understanding of adequate funding in relation to the number of tasks between local and central authorities. Members of national authorities were more inclined to consider that local authorities were adequately financed while locally elected officials were convinced that their tasks were underfunded.

146. As is evident from the Law on Township Councils, local authorities of San Marino have a very narrow scope of responsibilities and limited possibilities to independently decide what to do, when to do it and how to do it. The extremely low share of local government expenditure (which accounts for less than 1% of government expenditure) indicates that the funds allocated to local authorities are minimal.

147. In 2023 the total amount of all budget allocations to local authorities stands at around €345 000 representing an increase of around 25% since the last monitoring visit in 2017. Also, the ratio to total expenditure has gone down from 0.0448% in 2017 to a meagre 0.0012% in 2023.

148. In addition, the local councillors met during the visit repeatedly described the increasing workload of the assigned tasks as well as the pressure from local population to provide more services and assistance. Subsequently, local authorities are heavily dependent on volunteers and voluntary work to provide the needed services and administrative support. Therefore, in the opinion of the rapporteurs, it is highly questionable if local financial resources are in balance with the responsibilities assigned to local authorities.

149. In light of the above-mentioned, the rapporteurs consider that the current system in San Marino does not comply with Article 9.2 of the Charter.

3.8.3 Article 9.3

150. The Republic of San Marino has not ratified Article 9.3.

151. Article 9.3 deals with local taxes and charges. As pointed out in the Contemporary commentary the tax-levying power is a key part of the financial autonomy of local authorities. It highlights that local taxes remain local authorities' main source of income, whether collected directly or shared with other tiers of government. They are also a tool for making political choices, influencing the behaviour of local residents and companies and fostering local economic development. While it is local voters who are affected by a tax, they are also its main beneficiaries. This opens the way for political accountability.³⁵

152. The Charter does not state that a local authority's own resources must contain a uniform proportion of local taxes, but it does make it mandatory for at least part to derive from local taxes and charges.

153. As a general comment on Article 9.3 and Article 9.8, the Ministry of Finance highlighted during the consultation procedure that San Marino "is a unique example of a fully centralised welfare state", where the central government covers all operating costs for essential services such as pensions, healthcare, and education, considering the limited size of its territory and population.

154. Notwithstanding this, while some municipalities in San Marino occasionally collect fees for the use of facilities they own, local authorities in San Marino do not have any tax-raising powers.

155. Consequently, the rapporteurs conclude that the situation in San Marino is not compliant with Article 9.3 of the Charter.

3.8.4 Article 9.4

156. Article 9.4 relates to the necessity for local authorities to have a diverse source of income to be able to withstand both internal and external fluctuations in economics. Moreover, as stated in the Contemporary commentary, diversification of financial resources should enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.³⁶

157. The Contemporary commentary highlights that the diversification of local income helps local authorities to react promptly to changes in costs of local services and protects them from inflation or unexpected economic difficulties. In practice, local authorities' revenues are directly linked to their expenditure and to their power to take decisions on it, so the diversification of revenues is a key aspect of financial autonomy, reflecting the ability to generate or adjust revenues. The principle of diversification also implies leeway to adopt decisions on various sources of income and is a further dimension of local self-government.

158. As previously mentioned, local authorities in San Marino have no fiscal powers. The only major source of income for municipalities is state grants. Funding is decided centrally on a yearly basis based

35. The Contemporary commentary, paragraph 159.

36. *Ibid.*, paragraph 161.

on the Law on Township Councils and further stipulated in the Budget law no. 171/2022 for the 2023 financial year³⁷.

159. Consequently, the rapporteurs consider that the arrangement currently in force in San Marino does not comply with Article 9.4 of the Charter.

3.8.5 Article 9.5

160. Article 9.5 stipulates that some kind of financial equalisation mechanism should be integrated into systems of local self-government. As pointed out in the Contemporary commentary, this provision addresses the question of the financial situation of municipalities that are financially disadvantaged due to their being located in economically or geographically weak areas (transition, mountain or island regions), or simply because they are too small to obtain the amount of resources needed to perform their tasks. Its main purpose is to counteract the effects of unequal distribution of potential sources of finance. This may be achieved either through direct transfers from central government or through redistribution between local authorities.

161. The Article also aims to make sure that local authorities have the necessary financial resources to cover the costs of their functions as well as individual costs of each municipality in running the system of local authorities.³⁸

162. As the Contemporary commentary further clarifies, financial equalisation may take different forms, usually involving a system of transfers to the poorer authorities. A system of polynomial calculation is usually employed, under which different variables and quantitative and statistical data are harmonised. For the purpose of reducing financial disparities between local authorities, the Charter also calls for transparent and predictable financial equalisation mechanisms that must respond to changes in the economic climate.

163. According to the data provided by the Ministry of Finance, the state finances the costs of running local authorities such as properties expenditure related to maintenance and cleaning (including water, gas, electricity, waste management).

164. As stipulated in Article 33 of the Law on Township Councils, 50% of the annual fund for local authorities is assigned to them based on the proportion to the number of residents in each Township, thus compensating for differences in expenses in individual municipalities. The rapporteurs consider that this mechanism can be regarded as a basic equalisation arrangement, which only takes account of the number of residents.

165. In light of the above mentioned, the rapporteurs consider that the arrangement currently in force in San Marino is partially compliant with Article 9.5 of the Charter.

3.8.6 Article 9.6

166. Article 9.6 refers to the general principle of consultation found in Article 4.6. Article 9.6 relates explicitly to the system for distribution of resources to local authorities. As stated in the Contemporary commentary, consultation must take place on the way in which financial resources are to be distributed to local authorities by higher-level authorities.³⁹ It further stipulates that under Article 9.6, consultation is not merely a compulsory procedure that has to take place in a timely manner before a final decision is made. It must also cover the manner in which a decision is made and the criteria for doing so, not only the decision itself.

37. Chapter 1-2-3810 "Fund for the functioning and emoluments of the Township Councils". The amount allocated for the 2023 financial year is 330 000€ (Article 33 of Law no. 158/2020); Chapter 1-2-3812 "Special leave for Heads of Township Councils". The amount allocated for the 2023 financial year is 5 000 € (Article 35 of Law no. 158/2020) and Chapter 1-2-3820 "Contribution for the financing of market management" (introduced by Law no. 130 of 26 July 2010 and Article 33 of Law no. 158/2020). The amount allocated for the 2023 financial year is 13 790€. (Subsequently repealed by Article 36 of Delegated Decree no. 50/2024 as of 1 July 2024). However, there is the intention to reintroduce it.

38. The Contemporary commentary, paragraph 168.

39. The Contemporary commentary, paragraph 174.

167. Furthermore, local authorities should be consulted “in an appropriate manner”, which means that sufficient time must be available for consultation based on adequate information provided to local authorities. Since consultation will be about the allocation of resources, procedures must ensure openness, transparency and fairness.

168. Consultation regarding financial distribution is explicitly integrated into Article 24 as well as Articles 31, 32 and 33 of the Law on the Township Councils.

169. The representatives of local authorities as well as representatives of individual ministries and agencies met by the delegation confirmed that local authorities are consulted in relation to the distribution of funds both ordinary and extraordinary. However, there was some scepticism on behalf of local authorities as for the effectiveness and usefulness of this consultation.

170. In light of the above-mentioned, the rapporteurs consider that the situation in San Marino partially complies with Article 9.6 of the Charter.

3.8.7 Article 9.7

171. Article 9.7 concerns grants transferred to local authorities from higher authorities and distinguishes between “earmarked” and “non-earmarked” grants. The Contemporary commentary warns that the trend towards earmarked grants might limit local authorities’ ability to exercise policy discretion. Earmarked grants are subject to tighter government control.

172. It expresses regret that, in some countries, earmarked grants are awarded not only for the completion of specific projects (usually in the case of joint-financing schemes) but also even for financing specific operating costs (such as paying the salaries of primary school teachers). In those cases, the scope of local self-government is severely reduced. The approach involving fewer earmarked grants is therefore supported and encouraged by the Charter as the one that best complies with the principle of local self-government.

173. The Contemporary commentary further notes that the ratio between two types of grants is seen as a relevant indicator for measuring financial autonomy of local authorities.⁴⁰

174. In San Marino, funding for local authorities is almost exclusively based on grants. As stipulated in the Budget law no. 171/2022 for the 2023 financial year:

- Chapter 1-2-3810 “Fund for the functioning and emoluments of the Township Councils”. The amount allocated for the 2023 financial year is €330 000 (Article 33 of Law no. 158/2020).
- Chapter 1-2-3812 “Special leave for Heads of Township Councils”. The amount allocated for the 2023 financial year is €5 000 (Article 35 of Law no. 158/2020).
- Chapter 1-2-3820 “Contribution for the financing of market management” (introduced by Law no. 130 of 26 July 2010 and Article 33 of Law no. 158/2020). The amount allocated for the 2023 financial year is €13 790. (Subsequently repealed by Article 36 of Delegated Decree no. 50/2024 as of 1 July 2024). However, there is the intention to reintroduce it.

175. From the above it follows that that most funding for local authorities is ear-marked, which, in the opinion of the rapporteurs, further reduces the scope of local autonomy.

176. During the consultation procedure, the Ministry of Finance argued that direct State funds are designed to supplement the resources earmarked for major infrastructure projects, covering the additional expenses that the local communities have to bear to ensure the quality of services and liveability of the territories and such funding allows local authorities to play a key role in mediating between citizens’ needs and State policies. The Ministry considers that these funds allow local administrations to respond in a timely and flexible manner to the specific needs of the locality. However, the possibility of merging all direct State funds into a single chapter without any specific purpose limitation would be brought to the attention of the Minister.

177. In the meantime, the rapporteurs consider that the arrangement currently in force in San Marino does not comply with Article 9.7 of the Charter.

40. *Ibid.*, paragraph 180.

3.8.8 Article 9.8

178. The Republic of San Marino has not ratified Article 9.8 of the Charter

179. Article 9.8 refers to possibilities of local authorities to borrow for capital investment. Such borrowing enables local authorities to finance important projects. As stated in the Contemporary commentary, borrowing is an opportunity to increase resources for implementing projects needing long-term investment.⁴¹ The Contemporary commentary further notes that borrowing and possible restrictions on it are another dimension of local government, so the exclusion of local authorities from the national capital market may limit their autonomy.

180. Local authorities in San Marino cannot borrow on national and international markets.⁴² Consequently, the rapporteurs consider that the situation in San Marino is not compliant with Article 9.8 of the Charter.

3.9 Article 10 – Local authorities’ right to associate

Article 10 – Local authorities’ right to associate

1. Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest.
2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.
3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

3.9.1 Article 10.1

181. Article 10.1 refers to local authorities’ rights to create co-operation between themselves, either to reach more efficiency in delivering local services or to be more effective in carrying out tasks beyond the capacity of individual local authorities. This general entitlement as explained by the Contemporary commentary is supplemented by the right to form consortia, i.e., to create separate organisations.⁴³

182. Article 30 of the Law on Township Councils stipulates that a “Board of the Township Councils shall be established in order to represent in a unitary manner the petitions and prerogatives attributed to the Township Councils” (paragraph 1). The Board consists of the Heads of Township Councils. The Board may:

- a) support, promote and encourage a democratic debate on local self-governments also through the establishment of relations with other local institutions in foreign countries, as well as with bodies representing local self-governments established in international organisations;
- b) draw up projects, proposals and initiatives to be submitted to the Congress of State;
- c) promote in a unitary manner the initiatives and powers provided for in Article 22 above.

183. Local authorities are also able, under Article 27, paragraph 5, to be involved in a civil action in relation to environmental protection as a group.

184. During the monitoring visit, the local councillors expressed a positive experience with the arrangement of inter-municipal cooperation and described it as useful both in relation to formal arrangements stipulated by law and to more informal methods of communication and coordination.

185. The rapporteurs consider that the situation in San Marino complies with Article 10.1 of the Charter.

3.9.2 Article 10.2

186. This Article deals with the promotion of common interests through formal organisations both internationally and internally. As explained by the Contemporary commentary, such associations play

41. The Contemporary commentary, paragraph 184.

42. As per written response from the Minister of Finance and Budget, September, 18. 2024.

43. The Contemporary commentary, paragraphs 191-192.

a vital role in representing and defending interests of local authorities and in some cases carry out activities on their behalf.⁴⁴

187. In San Marino, the Board of Township Councils, established in accordance with Article 30, paragraph 1 of the Law on Township Councils, plays the same role as national associations of local authorities in other countries.

188. The Board can “represent in unitary manner the petitions and prerogatives attributed to the Township Councils”. The second paragraph of Article 30 stipulates that “the Board may support, promote and encourage a democratic debate on local self-governments also through the establishment of relations with other local institutions in foreign countries, as well as with bodies representing local self-governments established in international organisations”.

189. The rapporteurs consider that the situation in San Marino complies with Article 10.2 of the Charter.

3.9.3 Article 10.3

190. Article 10.3 of the Charter concerns the co-operation of individual local authorities with other local authorities in the international setting; hence, it establishes the right to engage in cross-border co-operation. As pointed out in the Contemporary commentary this right is another important form of co-operation between local authorities. This right is not incompatible with oversight on behalf of higher authorities.⁴⁵

191. Article 20, paragraph 4 of the of the Law on Township Councils, stipulates that Heads of “Township Councils may make short trips abroad for institutional purposes, after consultation with the Ministry of Foreign Affairs and the Ministry of Internal Affairs”. The same goes for Article 22, paragraph 5 which enables “Township Councils to establish direct relationships with bodies or administration in other States and with international organisations”, this right is subject to higher authorities’ approval.

192. Consequently, the rapporteurs consider that the situation in San Marino complies with Article 10.3 of the Charter.

3.10 Article 11 – Legal protection of local self-government

Article 11 – Legal protection of local self-government

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

193. Article 11 of the Charter relates to the rights of local authorities to defend in courts the principles of local self-government. This is of special importance in the context of lawsuits where rights and powers of local government are challenged or restricted.⁴⁶

194. As discussed in the previous monitoring report, Article 16 of the Declaration⁴⁷, provides the Guarantor’s Panel with jurisdiction in relation to disagreements of competence between “constitutional bodies”. It is possible to interpret this provision as referring to legal standing of local authorities as well as higher-level authorities in such procedures. However, as to date no case has been brought before the Guarantor’s Panel on issues related to local self-government. During the monitoring visit, the local councillors mentioned the tradition of settling disputes without a recourse to judicial remedy.

195. As stated by Article 27 of the Law on Township Councils, the councils have right to join criminal proceedings in relation to cases related to environmental protection.

44. The Contemporary commentary, paragraph 198.

45. *Ibid.*, paragraphs 201; 203.

46. The Contemporary commentary, paragraph 208.

47. DECREE No. 79 of 8 July 2002 - Declaration on the Citizens’ Rights and Fundamental Principles of San Marino Constitutional Order. Coordinated text of Law No. 59 of 8th July 1974, with the amendments resulting from Law No. 95 of 19th September 2000 and Law No. 36 of 26th February 2002. <https://www.consigliograndeegenerale.sm/on-line/home/legislative-texts-in-english/docCat.17004457.1.150.20.html>

196. "In criminal proceedings for Public Disaster, Risk of Disaster, Threats to Public Health through Deterioration of the Environment, Deterioration of the Natural Environment and Negligent Deterioration of the Natural Environment, the Township Council shall have the right to join the proceedings as civil party for offences committed in the territory under its jurisdiction in cases where the State does not join the proceedings as civil party. In the event that several Townships are involved, a civil action may be brought by two or more Township Councils or by the Board of the Heads of the Township Councils" (Art. 27, paragraph, 5). "For the purposes of paragraph 5 the Investigating Judge shall timely notify the Council of the existence of the criminal proceedings" (Art. 27, paragraph 6).

197. Furthermore, the Guarantor's Panel grants the township councils (at least five) the power to challenge an ordinary law for constitutionality review.

198. The rapporteurs consider that the situation in San Marino complies with Article 11 of the Charter.

4. OTHER MATTERS RELATED TO THE FUNCTIONING OF LOCAL AND REGIONAL SELF-GOVERNMENT

Citizens' participation

199. The previous monitoring report⁴⁸ pointed out that the Republic of San Marino had developed a wide range of institutes of direct democracy, such as different types of referendum procedures and legislative initiatives by citizens. Moreover, due to the small territorial and population size of the country, the ratio between elected representatives at the local and national levels and citizens is very high providing for additional participatory methods and a high level of access of citizens to the governmental system.

200. This notion of high levels of citizen participation was confirmed by elected officials of both local and national levels during this monitoring visit. An example of a formal version of civic engagement is the establishment of youth councils and the integration of youth representatives being integrated into decision-making processes.

201. In Recommendation 418(2018) the Congress recommended that authorities of San Marino 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 (CETS No. 207).

202. During the consultation procedure, the Ministry of Internal Affairs pointed out that ratifying additional treaties or protocols was both costly and time consuming for a small republic like San Marino and thus other tasks had to be prioritised. It was however stated that there was no political objection to the instrument in question.

203. In light of the extensive democratic participatory methods and procedures already in place in San Marino, the rapporteurs encourage the country to sign and ratify the Additional Protocol.

The management of crisis situations

Covid-19 pandemic

204. The local authorities of San Marino seem to have had very little formal role in the management of the Covid-19 pandemic. As an example local authorities are not mentioned in Decree no. 42 from 5 March 2020 regulating the role of the Extraordinary Commissioner (it. *Commissario Straordinario*) who oversaw the management, organisation and execution of the Covid-19 pandemic response in San Marino. This is confirmed in Decree no. 20 from 18 February 2022 regarding the uplifting of Covid-19 restrictions which mentions the townships once in relation to the organisations of local markets.⁴⁹ During

48. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016807a8d25>, accessed 1 October 2024.

49. Available at: <https://www.consigliograndeegenerale.sm/on-line/home/archivio-leggi-decreti-e-regolamenti.html>, accessed 1 October 2024.

the delegation's meetings with local authorities this was again confirmed as elected officials claimed to have played a marginal role during the Covid-19 pandemic.

Consequences of Russia's aggression against Ukraine

205. Decree no. 41 of 22 March 2022 addressed the issue of temporary resident permits for the Ukrainian citizens. The decree did not define any specific role for the Township authorities and the municipalities are not mentioned in the law.⁵⁰ Hence, it seems that the township councils played a marginal role in the management of the emergency following the full-scale invasion of Ukraine by Russia in 2022. This is confirmed by the booklet, *A Welcoming Community*, published by the Ministry of Foreign Affairs addressing the first response in March-June 2022. The booklet confirms that local authorities did not have any formal role in the management of the emergency.⁵¹ During the delegation's meetings with local authorities, local officials did not describe any specific roles for local authorities in relation to the reception of refugees.

Climate Change

206. Local authorities seem to play a marginal role in relation to remedies or problems brought on by climate change. This may partially be due to the small size of the state territory.⁵² During the meeting between the delegation and both local authorities and central authorities it was apparent that issues concerning climate change were in general not the responsibility of local authorities. It was also pointed out that there is no crisis funding for emergency due to climate change and response systems are based on civil protection systems such as police force in addition to a corps of volunteers. As mentioned earlier, the 2020 Law on Township Councils granted Township Councils the right to join criminal proceedings in cases related to environmental protection.

5. CONCLUSIONS AND RECOMMENDATIONS

207. The institutional arrangement of directly elected local government is a relatively recent development in the governmental organisation of San Marino, one of the smallest states in the world (with a population of approximately 34000). In recent centuries, San Marino has mostly been a centralised state, where local authorities have had limited functions, lacked financial autonomy within the meaning of the Charter, and where the bargaining position of local elected councillors vis-à-vis higher authorities has been weak.

208. It is noteworthy that during the visit the small territorial and population size of the country was frequently cited at all levels of government as an argument both in favour of decentralisation to strengthen the powers of local authorities, and as an obstacle to doing it.

209. Concerning the situation in San Marino, the rapporteurs would like to reiterate the following assessment made in Recommendation 63 (1999) on local democracy in the Republic of San Marino⁵³ "The small size of the State of San Marino and the small number of residents do not constitute any obstacle to the implementation of the principle of local self-government, which requires that independent, democratic local bodies should exist regardless of the size or nature of states."

210. They highlight that by ratifying the Charter, the Republic of San Marino committed itself explicitly to strengthening the autonomy of local government. Consequently, local authorities should become a natural part of the governmental mechanism, with well-defined roles and a substantial share of responsibilities.

50. Available at: <https://www.consigliograndeegenerale.sm/on-line/home/archivio-leggi-decreti-e-regolamenti.html>, accessed 1 October 2024.

51. San Marino Ministry of Foreign Affairs (2022), *A Welcoming Community. March-June 2022: The Response of the Republic of San Marino to the emergency of the war in Ukraine*, Author, San Marino, available at: https://pazzini.eu/upload-pazzini/flip_comunita_accogliente_ENG/#p=1, accessed 1 October 2024.

52. Argument put forth in a written commentary from the minister of Internal Affairs, Public Functions, Institutional Affairs, Relations with the Castello Councils and Regulatory Simplification. September, 17 2024

53. Recommendation 63(1999) on local democracy in the Republic of San Marino. CPL (6) 4, available at: <https://rm.coe.int/168071a7a1>, accessed 1 October 2024.

211. Several steps towards strengthening local autonomy have been taken since the last monitoring visit in 2017 and are welcome, including but not limited to the explicit mentioning of the principle of subsidiarity in Law 158/2020 on Township Councils, the provision of voting rights for foreign citizens in local elections, the enhanced capacity of councils as well as individual councillors to establish international relationships, stronger consultation procedures through the introduction of the councils' formal rights to be informed in advance of public projects within the Township territory, enabling councils to express binding opinions in relation to public projects within the Township territory, as well as creating the right for Township Council to join criminal proceedings as a civil party in relation to environmental issues.

212. Despite these positive developments, several issues identified in the previous Congress Recommendation remain unresolved and the degree of San Marino's compliance with the Charter should be substantially improved.

213. Although the local authorities' powers over public projects in their territory have been strengthened, local authorities share of responsibilities for public affairs remains extremely limited in the European context. Furthermore, even when local authorities have specific roles and responsibilities, central authorities appear to be able to override their decisions or plans easily. The principle of subsidiarity, albeit enshrined in law, still needs to be implemented in practice.

214. Local authorities lack genuine financial autonomy as defined by the Charter, making it very difficult for them to organise and exercise their initiative on any matter. The use of the limited financial resources allocated to them is restricted to certain areas of responsibility and frequently subjected to central authority's ex-ante permission. Supervision mechanisms are rather broad in application, but also detailed.

215. Local authorities have no professional staff and must rely on assistance from central level authorities' public agencies for administrative tasks. Municipal operation continues to rely on the civic engagement of elected politicians and citizens.

216. The rapporteurs note that mechanisms of consultation are in place in San Marino, but their functioning in practice needs improvement. An element of distrust in the ability of local authorities to manage their responsibilities in an effective and efficient manner as required by the Charter transpired from some discussions. However, the rapporteurs consider that no evidence was provided to substantiate this lack of trust and highlight that trust-building should be a key element in future reforms needed to achieve compliance with the standards of local self-government enshrined in the Charter.

217. Finally, the rapporteurs note that in San Marino there is a strong set of institutional instruments and procedures that can support the further development of democratic participatory institutions at the local level. They recommend once again that San Marino 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 (CETS No. 207).

218. In light of the foregoing, the rapporteurs would also suggest elaborating a specific report on the application of the Charter in small states to explore this subject in comparative terms.

APPENDIX – Programme of the Congress monitoring visit to San Marino

PROGRAMME

CONGRESS MONITORING VISIT TO THE REPUBLIC OF SAN MARINO

San Marino, Domagnano, Serravalle

17-18 September 2024

PUBLIC PROGRAMME

Congress delegation:

Rapporteurs:

Mr Alexander BOOMGAARS

Rapporteur on local democracy
Chamber of local authorities, SOC/G/PD⁵⁴
Alderman, Hoorn Municipal Council
Netherlands

Ms Tanja JOONA

Rapporteur on local democracy
Chamber of regional authorities, ILDG
Councillor, Ylitornio Municipal Council
Finland

Congress secretariat:

Ms Svitlana PEREVERTEN

Co-secretary to the Monitoring Committee

Expert:

Ms Eva Marín HLYNSDOTTIR

Member of the Group of Independent Experts on the European
Charter of Local Self-Government (Iceland)

Interpreters:

Ms Maria Pia FALCONE

Ms Maria FITZGIBBON-ALAR

The working languages, for which interpretation was provided during the meetings, were Italian and English.

54. EPP/CCE: Group of the European People's Party in the Congress
SOC/G/PD: Socialists, Greens and Progressive Democrats Group
ILDG: Independent and Liberal Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Tuesday, 17 September 2024
City of San Marino

JOINT MEETING WITH THE SAN MARINO NATIONAL DELEGATION, NATIONAL ASSOCIATION AND YOUTH DELEGATE

- **NATIONAL DELEGATION**

- **Mr Alessandro BINDI**, Head of the National Delegation of San Marino to the Congress, Township Councillor of Castello di Acquaviva
- **Mr Pietro RENZI**, member of the National Delegation of San Marino, Township Council Councillor, Castello di Faetano
- **Ms Augusta TADDEI**, member of the National Delegation of San Marino, Township Council Councillor, Città di San Marino

- **BOARD OF THE TOWNSHIP COUNCILS (Consulta delle Giunte di Castello)**

- **Mr Roberto ERCOLANI**, Spokesperson, Mayor of Serravalle (Capitano di Castello)
- **Mr ENZO SEMPRINI**, Mayor of Acquaviva (Capitano di Castello)
-
- **Ms Isabella VENTURINI**, State Institutional Secretariat
- **Ms Erica ZONZINI**, Secretary to the National delegation in the PACE

- **YOUTH DELEGATE**

- **Ms Maya TENTONI**

CITY COUNCIL OF SAN MARINO (Giunta di Castello di San Marino)

- **Mr Alberto SIMONCINI**, Mayor of San Marino (Capitano di Castello)
- **Ms Augusta TADDEI**, Township Councillor, Città di San Marino
- **Mr Daniele VOLPINI**, Township Councillor, Città di San Marino
- **Mr Marino GUALTIERI**, former Township Councillor, Città di San Marino

SECRETARIAT OF STATE FOR INTERNAL AFFAIRS, PUBLIC SECTOR, INSTITUTIONAL AFFAIRS, RELATIONS WITH THE TOWNSHIP COUNCILS AND REGULATORY SIMPLIFICATION

- **Mr Andrea BELLUZZI**, Minister
- **Mr Stefano PALMUCCI**, Expert, Directorate of Legal Affairs, Department of Foreign Affairs

GUARANTORS' PANEL ON THE CONSTITUTIONALITY OF RULES (Collegio Garante Della Costituzionalità Delle Norme)

- **Mr Giuseppe DE VERGOTTINI**, Vice-President
- **Mr Andrea GRATTERI**, Alternate Member

PUBLIC FINANCE CONTROL COMMISSION (Commissione di Controllo della Finanza Pubblica)

- **Mr Lorenzo SIMONCINI**, President

Wednesday 18 September 2024
City of San Marino, Domagnano, Serravalle

SECRETARIAT OF FINANCES AND BUDGET

- **Ms Erica MATTEINI**, Finance and Budget Department expert
- **Ms Laura ZANOTTI**, Personal assistant to the Minister
- **Ms Valentina BERTOZZI**, expert

SECRETARIAT OF TERRITORY, ENVIRONMENT, AGRICULTURE, CIVIL PROTECTION AND RELATIONS WITH THE STATE COMPANY FOR PUBLIC WORKS

- **Mr Matteo CIACCI**, Minister for Territory, Environment, Agriculture, Civil Protection and Relations with the State Company for Public Works

DOMAGNANO TOWNSHIP COUNCIL (GIUNTA DI CASTELLO)

- **Mr Marcello ANDREANI**, Mayor of Domagnano (Capitano di Castello)
- **Mr Fabio FABBRI**, Township Councillor
- **Ms Cinzia MATTEONI**, Township Councillor
- **Mr Gabriel GUIDI**, Township Councillor, former Head of Township Council
- **Mr Alberto LAZZARI**, Secretary

SERRAVALLE TOWNSHIP COUNCIL (GIUNTA DI CASTELLO)

- **Mr Roberto ERCOLANI**, Mayor of Serravalle (Capitano di Castello)
- **Mr Matteo TAMAGNINI**, Township Councillor
- **Ms Maria Nicoletta GASPERONI**, Township Councillor
- **Mr Eros MERLINI**, Secretary