

48th SESSION

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

Recommendation 522 (2025)¹

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:

¹ 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).

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);

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 Joonas, 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.