

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 347 (2012)¹

The right of local authorities to be consulted by other levels of government

1. An important part of the work of local and regional authorities is to liaise and interact with other levels of government to ensure that their interests and the interests of their citizens are properly taken into account in the preparation of policies, decisions and legislation that affect them.

2. While the European Charter of Local Self Government (ETS No. 122) establishes the obligation for member States to consult local authorities, it is for the authorities in each member State to ensure that they have robust procedures and structures in place to enable them to carry out their role in the consultation and decision-making process, in line with the charter provisions and in the spirit of local autonomy.

3. National associations – where they exist – have a key role to play here in representing their local and regional authorities at central level. Where a member State has more than one national association, they should co-operate together as closely as possible, with the aim of identifying common positions on issues that concern them, in order to enhance their ability to influence other levels of government.

4. The Congress of Local and Regional Authorities of the Council of Europe therefore, referring to the European Charter of Local Self-Government and to its Recommendation 171 (2005) on consultation of local authorities:

a. calls on the local, intermediate and regional authorities of its member States to inform their national associations in good time of any issues where they believe the national association should act on their behalf with regard to consultation by other levels of government;

b. calls on national associations of local and regional authorities to:

i. lobby their national and, where appropriate, regional governments, where they do not yet apply the relevant articles of the European Charter of Local Self-Government, to review their commitments with a view to extending their implementation of the charter to cover all the articles concerning consultation;

ii. allocate the appropriate resources and establish structures and procedures to ensure effective representation of local and regional authorities in consultation procedures with other levels of government;

iii. ensure that they are regularly invited to review relevant legislative and policy initiatives by other levels of government;

iv. where several associations exist, make efforts to co-operate with each other, with a view to achieving common positions, in order to enhance their capacity to influence national, and if appropriate regional, policies;

v. where the right of local authorities to petition exists, ensure that they make good use of it to protect the interests of their members and their citizens;

vi. regularly exchange with each other good practice on consultation issues;

c. resolves to:

i. develop guidelines for national and regional authorities on the application of the relevant articles of the European Charter of Local Self-Government;

ii. stimulate the creation of national associations of regional authorities in member States, where such associations still do not exist;

d. asks its Governance Committee to:

i. appoint a thematic rapporteur for the monitoring and evaluation of the effectiveness of the consultation processes in member States in developing multilevel governance;

ii. present a strategy in 2013 to further strengthen the consultation processes between the different levels of government in order to improve the quality of the legislation and, thus, the local and regional policies, and the effectiveness of such consultation processes in the member States;

iii. present a report in 2016 on the progress made and describe the situation of the consultation processes in the member States;

e. asks its Monitoring Committee to ensure that its recommendations on the situation of local and regional democracy in member States consider the compliance of the internal law of the countries with Articles 4.6, 5 and 9.6 of the European Charter of Local Self-Government and its implementation, when it monitors the charter, in the light of the present recommendation and resolution.

1. Debated and adopted on 18 October 2012 by the Congress (see Document [CG\(23\)11](#), explanatory memorandum), presented by I. Henttonen, Finland (L, ILDG) on behalf of B.-M. Lövgren, Sweden (L, ILDG); rapporteur.