

The Congress of Local and Regional Authorities



20th SESSION

Strasbourg, 22-24 March 2011

Local and regional democracy in Romania

Recommendation 300 (2011)¹

1. The Congress of Local and Regional Authorities, having regard to:

a. Article 2, paragraph 1b of Statutory Resolution [CM/Res\(2007\)6](#), which provides that one of the functions of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3 of Statutory Resolution [CM/Res\(2007\)6](#), which provides 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, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. Recommendation 219 (2007) on the status of capital cities;

d. Recommendation 12 (1995) on local democracy in Romania;

e. Information report CG/INST(8)55rev.1/2002 on local and regional democracy in Romania, presented by Jean-Claude Frécon (France, L, SOC) and Lambert van Nistelrooij (Netherlands, R, EPP/CD) and the follow-up to information report CG/INST(9)45/2003 on the situation of local and regional democracy in Romania, presented by Jean-Claude Frécon (France, L);

f. Congress Resolution 299 (2010), which states that the Congress will use the Council of Europe Reference Framework for Regional Democracy in its monitoring activities;

2. Recalling that:

a. Romania became a member of the Council of Europe on 7 October 1993 and ratified, on 28 January 1998, the European Charter of Local Self-Government (ETS no. 122, hereinafter referred to as the Charter), which came into force for Romania on 1 May 1998;

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

¹ Debated and adopted by the Congress on 22 March 2011, 1st sitting (see document [CG\(20\)9](#) explanatory memorandum), Rapporteur: J.C. Frécon, France (L, SOC).



c. the Institutional Committee² of the Congress appointed Jean-Claude Frécon (L, SOC, France), Vice-President of the Congress, and Mariacristina Spinosa (R, SOC, Italy) as rapporteurs to prepare and submit a report on local and regional democracy in Romania;

d. the co-rapporteurs carried out an official visit to Romania from 24 to 26 May 2010, accompanied by Jean-Mathias Goerens (Luxembourg), a consultant and member of the Group of Independent Experts.

3. Thanks the government authorities, the Romanian delegation to the Congress and its Secretariat, as well as the representatives of the local authorities and representatives of the various associations and experts for the information provided and the comments made during and after their meetings with the delegation.

4. Notes with satisfaction:

a. the progress made by Romania since Recommendation 12 (1995), especially through legislative reforms, and the advances made on implementing the principles of local and regional self-government in co-operation with the associations of local authorities, and the new structures that derive from those reforms in order to modernise local and regional government in Romania;

b. the progress made on reforming regional development as a key component of administrative and economic decentralisation;

c. the political discussions underway and the perspective for a significant evolution concerning the status of the capital city of Bucharest;

d. the government's intentions, through the Reform Programme, to promote and implement instruments for developing ways of monitoring the decentralisation process at the sector level and for identifying and developing new tools to help improve the quality of the public services provided to the citizens;

e. the measures taken by the government to implement the programmes to increase administrative management capacity, especially through the local management of human resources, and by the specific programmes financed by the government and/or the European funds with a view to increasing the quality of life in rural areas.

5. Notes with concern:

a. that the transfer of powers concerning local public services is not always accompanied by financial resources commensurate with their responsibilities as foreseen by Article 9(2) of the Charter ;

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

c. the complaints from local government associations that there is insufficient consultation with the local authorities in the decision-making process on all questions directly concerning them ;

d. the absence of political consensus to develop legislation concerning the status of the capital city of Bucharest ;

² Following the Congress reform, the monitoring activities carried out by this Committee were taken over by the Monitoring Committee set up on 1st December 2010.

6. The Congress recommends that the Committee of Ministers invite the Romanian authorities to:
- a. continue the reforms begun on regional development in order to involve the regions in territorial administration, on the basis of the principles established by the Reference Framework for Regional Democracy adopted in Utrecht on 17 November 2009 at the Conference of European Ministers responsible for Local and Regional Government;
 - b. improve existing measures to prevent all forms of political interference at local level and ensure transparent, equitable distribution of resources between the central and local levels;
 - c. take all necessary measures to avoid any political misuse of the functions entrusted to prefects;
 - d. allocate to the local authorities financial resources commensurate with their responsibilities, as stated in Article 9(2) of the Charter, thus enabling them fully to exercise their functions;
 - e. continue to improve the consultation mechanisms in accordance with Article 4 (6) of the Charter, so that the local authorities are systematically consulted, in due time and in an appropriate manner, during planning and decision-making processes on all matters that concern them directly;
 - f. establish a special status to Bucharest, in accordance with Congress Recommendation 219 (2007);
 - g. clarify the current legislation in order to provide a precise legal framework for the districts of the municipality of Bucharest so that these administrative-territorial sub-units can be granted a legal personality;
 - h. revise Law no. 67/2004 in the light of the recommendations and observations of the Venice Commission in order to relax the conditions with which some organisations of national minorities have to comply in order to stand at local elections;
 - i. continue to implement measures aimed at the full integration of these national minorities into the local communities, especially by quickly examining new measures that facilitate their access to public services;
 - j. provide the local authorities with effective judicial protection by granting them a genuine right to bring an action in the domestic courts if there has been a breach of one of the principles guaranteed by the Charter ratified by Romania;
 - k. consider lifting its reservation to Article 7(2) made at the time of the ratification of the Charter since the regulations concerning this matter seem *de facto* to be in compliance with this provision of the Charter;
 - l. consider, in the near future, signing and then 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).