



## SUMMARIES OF THE COUNCIL OF EUROPE TREATIES

The summaries available hereunder are designed to meet a practical need, that of supplying the public at large with concise descriptions of the Council of Europe treaties. The summaries are necessarily short and can therefore only give a first introduction to the main features of each treaty.

### Subject-matter: LOCAL AND REGIONAL AUTHORITIES

**European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities** ([ETS No. 106](#)), open for signature, in Madrid, on 21 May 1980.

Entry into force: 22 December 1981.

The Convention is intended to encourage and facilitate the conclusion of cross-border agreements between local and regional authorities within the scope of their respective powers. Such agreements may cover regional development, environmental protection, the improvement of public services, etc., and may include the setting up of transfrontier associations or consortia of local authorities.

To allow for variations in the legal and constitutional systems in the Council of Europe's member States, the Convention sets out a range of model agreements to enable both local and regional authorities as well as States to place transfrontier co-operation in the context best suited to their needs.

Under the Convention, Parties undertake to seek ways of eliminating obstacles to transfrontier co-operation and to grant to authorities engaging in international co-operation the facilities they would enjoy in a purely national context.

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**European Charter of Local Self-Government** ([ETS No. 122](#)), open for signature, in Strasbourg, on 15 October 1985.

Entry into force: 1 September 1988.

The Charter commits the Parties to applying basic rules guaranteeing the political, administrative and financial independence of local authorities. It provides that the principle of local self-government shall be recognised in domestic legislation and, where practicable, in the constitution. Local authorities are to be elected in universal suffrage.

Local authorities, acting within the limits of the law, are to be able to regulate and manage public affairs under their own responsibility in the interests of the local population. Consequently, the Charter considers that public responsibilities should be exercised preferably by the authorities closest to the citizens, the higher level being considered only when the co-ordination or discharge of duties is impossible or less efficient at the level immediately below.

To this end, it sets out the principles concerning the protection of local authority boundaries, the existence of adequate administrative structures and resources for the tasks of local authorities, the conditions under which responsibilities at local level are exercised, administrative supervision of local authorities' activities, financial resources of local authorities and legal protection of local self-government.

The principles of local self-government contained in the Charter apply to all the categories of local authorities. Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among a "hard core".

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**Convention on the Participation of Foreigners in Public Life at Local Level** ([ETS No. 144](#)), open for signature, in Strasbourg, on 5 February 1992.

Entry into force: 1 May 1997.

The Convention aims to improve integration of foreign residents into the life of the community. It applies to all persons who are not nationals of the Party and who are lawfully resident on its territory.

The Convention provides that the Parties undertake to guarantee to foreign residents, on the same terms as to its own nationals, the "classical rights" of freedom of expression, assembly and association, including the right to form trade unions. Moreover, the Parties will make efforts to involve foreign residents in processes of consultation on local matters. Under some conditions provided by law, the rights of freedom of expression and of assembly may be restricted.

The Convention opens the possibility of creating consultative bodies at local level elected by the foreign residents in the local authority area or appointed by individual associations of foreign residents.

The Convention provides also that the Parties may undertake to grant to every foreign resident the right to vote in local elections, after five years of lawful and habitual residence in the host country, and to stand for election.

The Parties are to inform foreign residents about their rights and obligations in relation to local public life. Parties to the Convention must keep the Secretary General of the Council of Europe informed about developments in the participation of foreign nationals in local public life.

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**Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities** ([ETS No. 159](#)), open for signature, in Strasbourg, on 9 November 1995.

Entry into force: 1 December 1998.

The Protocol aims to strengthen the Outline Convention by expressly recognising, under certain conditions, the right of territorial communities to conclude transfrontier co-operation agreements, the validity in domestic law of the acts and decisions made in the framework of a transfrontier co-operation agreement, and the legal corporate capacity ("legal personality") of any co-operation body set up under such an agreement.

As the general legal framework for co-operation of local/regional authorities across borders in Europe, the Outline Convention together with its Protocol will be useful to the new member States in their governmental reform processes.

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**Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning interterritorial co-operation** ([ETS No. 169](#)), open for signature, in Strasbourg, on 5 May 1998.

Entry into force: 1 February 2001.

The Protocol aims to strengthen inter-territorial co-operation between European countries. It follows the Council of Europe's declaration at the Vienna 1993 summit to build a tolerant and prosperous Europe through transfrontier co-operation.

The Protocol complements the existing Convention and Protocol which are concerned with relations between adjacent communities that share common borders. These two legal texts have proved so successful that twinning agreements have begun to spring up between areas that are further apart. Protocol 2 will act as a legal text to cover these new arrangements. It recognises the right of authorities to make such agreements and sets out a legal framework for them to do so.

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**Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECGs) ([CETS No. 206](#))**, open for signature, in Utrecht, on 16 November 2009.

Entry into force: 1 March 2013.

Protocol No. 3 to the Madrid Convention provides for the legal status, establishment and operation of “Euroregional Cooperation Groupings”. Composed of local authorities and other public bodies from the Contracting Parties, the aim of a grouping is for transfrontier and interterritorial co-operation to be put into practice for its members, within the scope of their competences and prerogatives. Under the Protocol the Council of Europe may draw up model national laws for facilitating adoption by the Contracting Parties of appropriate national legislation for enabling the “Euroregional Co-operation Groupings” to operate effectively.

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**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](#))**, open for signature, in Utrecht, on 16 November 2009.

Entry into force: 1 June 2012.

The Additional Protocol adds a new dimension to the European Charter (ETS No. 122) by providing an international legal guarantee of the right to participate in the affairs of a local authority. The right to participate in the affairs of a local authority denotes the right to seek to determine or to influence the exercise of a local authority's powers and responsibilities. Parties to this protocol are required to take legal and other measures to facilitate the exercise of and give effect to this right. The Protocol also requires measures be taken which are necessary to ensure that the ethical integrity and transparency of the exercise of local authorities' powers and responsibilities are not jeopardised by the exercise of the right to participate.