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Debate on Monitoring of the European Charter of Local Self-Government: Germany

Dear colleagues,

I am glad to present for your adoption today a draft recommendation on monitoring the application of the Charter in Germany, that was previously approved at the Monitoring Committee meeting in February.

But first, let me thank the representative at the Federal Ministry of the Interior and Community of Germany (name tbc), for participating remotely in our meeting today. I am pleased that we can continue to exchange views on local and regional democracy in Germany at this session.

Together with my co-rapporteur Jani KOKKO, we have prepared our report following the remote monitoring meetings in this country, we had from 26 to 28 May 2021.

In our work, we were assisted by an expert, Prof. Nikolaos CHLEPAS, member of the Group of independent Experts on the Charter, and the Congress secretariat.

I would like to thank the Permanent Representation of Germany to the Council of Europe and all those whom we spoke to during the remote meetings for their assistance and for the information provided during the consultation procedure.

We have had very fruitful discussions with the representatives of Federal, Land and local authorities and various institutions dealing with local self-government in Germany. For the detailed list of the interlocutors we have met, please consult the programme of the meetings appended to the report.

Let me first outline the administrative-territorial structure of Germany and some important legislative framework that regulates local self-government.

The Federal Republic of Germany is a federal parliamentary democracy, and it comprises sixteen Länder (constituent states), each one having its own constitution. Local authorities, that is counties and municipalities, are part of the Länder. Berlin, the capital city, has also a special administrative status: it is a Land.

The relationships between the Federation and the Länder are governed by the German constitution - the Basic Law. Therefore, the constitutional order in the Länder must conform to the principles enshrined in the Basic Law. Local government belongs to the competence of the Länder. The Länder have their own authorities at Land level and administrative structures.

Germany is ranked 7th highest in term of Local Autonomy according to a comparative study in 38 European countries.

Germany ratified the Charter in 1988. The latest Congress monitoring visit took place in 2011 and led to the adoption of Recommendation 320 (2012) on local and regional democracy in Germany.

Based on our findings, we have concluded that Germany is a country with a very strong and far-reaching tradition of local self-government, with a balanced federal structure and strong local institutions.

This is notably due to high standards of local democracy, a sophisticated legal framework regarding local autonomies, and a top-level judicial protection of local government. I would like to underscore a wide scope of responsibilities of local authorities in all Länder and a strong organisational and personnel autonomy that offers to local authorities many possibilities to develop relevant policies and choose the appropriate measures for their implementation.

Germany performed relatively well in handling the pandemic crisis: in our opinion, local and regional autonomy has been a major factor in that. I would also like to positively note the support given by the Federal government to local authorities that has prevented an economic collapse of German communities.

To sum up, and I suppose you have all guessed this by listening to this presentation or having read the document, our report is very positive.

The situation in Germany generally complies with the basic principles set out in the Charter. Of course, there are still some points to be addressed like in any country, and some of them have already been raised in the previous report. They mainly concern the position of counties, and local funding. My co-rapporteur will elaborate more on that.

To conclude, we trust that the German authorities at all levels will continue to invest further efforts to implement our recommendations.

Thank you for your attention.