

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 387 (2016)¹ Local and regional democracy in the Slovak Republic

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. Article 2, paragraph 1.*b*, of Statutory Resolution [CM/Res\(2011\)2](#) relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, which states that one of the aims of the Congress shall be 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\(2011\)2](#) relating to the Congress, according to which “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. Resolution 307 (2010) REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member States in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122);

d. Resolution 109 (2001) and Recommendation 88 (2001) on local and regional democracy in the Slovak Republic, and Recommendation 204 (2006) on regional democracy in the Slovak Republic;

e. the appended explanatory memorandum on local and regional democracy in the Slovak Republic.

2. The Congress notes that:

a. the Slovak Republic – then Slovakia – acceded to the Council of Europe on 30 June 1993. It signed the European Charter of Local Self-Government (ETS No. 122, hereafter “the Charter”) on 23 February 1999 and ratified it on 1 February 2000;

b. the Slovak Constitution recognises in Chapter IV the principle of local and regional self-government;

c. the Slovak Republic is also a party to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106), which it ratified on 1 February 2000. On the same day the Slovak Republic also ratified the additional protocol to the convention (ETS No. 159). Finally, the Slovak Republic ratified Protocol No. 2 to the same convention (ETS No. 169) on 31 October 2000. However, it has not signed Protocol No. 3

to the same convention (CETS No. 206), the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) nor 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 Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (to be known as the “Monitoring Committee”) decided to review the situation with regard to local and regional self-government in the Slovak Republic in the light of the Charter. It tasked Mr Artur Torres Pereira (Portugal, L, EPP/CCE) and Mr Leen Veerbek (Netherlands, R, SOC), the rapporteurs on local and regional democracy in the Slovak Republic, with drawing up a report on local and regional democracy in the Slovak Republic and submitting it to the Congress;²

e. the monitoring visit took place from 7 to 9 December 2015. During the visit, the Congress delegation conducted several interviews with senior officials from the central administration, especially from ministries, as well as the President of the Bratislava Self-Governing Region, several mayors, members of the Slovak delegation to the Congress, members of the national parliament, and representatives of associations of municipalities and regions, the President of the Audit Office and the Defender of Rights (ombudsman), among others. The detailed programme of the visit is appended hereto;

f. the delegation wishes to thank the Permanent Representation of the Slovak Republic to the Council of Europe and all interlocutors met during the visit for their readiness to assist and the information they supplied. The delegation also thanks the Slovak delegation to the Congress and the national associations of local and regional authorities, which contributed to the organisation and smooth running of the visit.

3. The Congress notes with satisfaction:

a. the overall positive situation of local and regional democracy in the Slovak Republic;

b. the ratification of the following articles of the Charter, since the last visit of the Congress in 2006: Article 1, Article 3 paragraph 1, Article 4 paragraphs 3 and 5, Article 9 paragraphs 1, 5, 6 and 7 and Article 10 paragraphs 2 and 3, in September 2007, and its application to the whole territory of the Slovak Republic;

c. the efforts made by the Slovak authorities to foster decentralisation through the creation of two sub-national levels of authorities – regional and local – and the devolution of key powers to local authorities, which rendered the Slovak Republic a decentralised State;

d. the registration in 2006 of the association bringing together representatives from eight regions, which promoted freedom of association and political dialogue with the central State;

e. the active co-operation between local authorities, including transfrontier co-operation.

4. The Congress expresses its concerns regarding:

- a.* the weakness of the current system of communication and co-operation between the regional and the local level, both of which are independently connected only to the central level, which results in a frequent overlapping of responsibilities;
- b.* the difficult financial situation in some local authorities due to the poor financing of investment costs, notably for public services and infrastructures;
- c.* the very low voter turnout at local and regional elections;
- d.* the present status of the capital city of Bratislava, which does not allow for unified decision-making at city level.

5. In light of the foregoing, the Congress asks the Committee of Ministers to recommend the Slovak authorities to:

- a.* draw up legislation which would clearly define the exclusive fields of competence of the regional and local levels respectively so as to avoid any overlapping of responsibilities, and consider developing legislation allowing local authorities to take initiatives in areas where the corresponding competence has not been expressly attributed to them when this is not explicitly prohibited by the law (Article 4, paragraphs 1 and 2);
- b.* simplify the legal, regulatory and administrative organisation of small municipalities, especially in rural areas, by promoting mergers, for example, in order to have stronger local authorities;
- c.* fully implement the conclusions of the National Audit Office's report of 2015 on the financial situation of local governments and consider reorganising the tax redistribution system by basing it on the needs of local authorities, rather than on their fiscal effort, in order to ensure a fairer equalisation system and, in particular, to enable them to conduct a comprehensive programme of investments (Article 9, paragraphs 5 and 2 respectively);

d. reinforce the technical capacity and the managerial abilities of the human resources of local and regional authorities by training civil servants at the regional level in order to meet the challenges posed by regional governmental activities (Article 6, paragraph 2);

e. give Bratislava the full and operational status of a capital city or self-governing region, and revise the present structure of districts in order to ensure a more efficient and expedient decision-making system through which to address the general problems and political issues affecting the city as a whole;

f. give wider access to remedies for local and regional authorities by considering the possibility of establishing a special appeal of unconstitutionality when a national law breaches one of the provisions of Chapter IV of the Slovak Constitution, and by the opening of regional offices for the Defender of Rights, which may constitute an alternative remedy (Article 11);

g. sign and ratify the Additional Protocol to the European Charter of Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) in the near future.

6. The Congress calls on the Committee of Ministers to take account of this recommendation on local and regional democracy in the Slovak Republic and the accompanying explanatory memorandum in its activities relating to this member State.

1. Debated and adopted by the Congress on 24 March 2016, 3rd Sitting (see Document [CG30\(2016\)09-final](#), explanatory memorandum), co-rapporteurs: Artur Torres Pereira, Portugal (L, EPP/CCE) and Leen Verbeek, Netherlands (R, SOC).

2. They were assisted by Prof. Dr. Angel Manuel Moreno Molina, expert and Chair of the Group of Independent Experts, as well as the Secretariat of the Monitoring Committee of the Congress.