

34th SESSION

Local democracy in Andorra

Recommendation 415 (2018)¹

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(2015)9 relating to the Congress, which provides 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(2015)9 relating to the Congress, stipulating 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. Chapter XVII of the Rules and Procedures of the Congress on the organisation of the monitoring procedures;

d. the present explanatory memorandum on local democracy in Andorra, drawn up by the rapporteurs, Ms Gaye Doganoglu, Turkey (L, EPP/CCE) and Mr Zdenek Broz, Czech Republic (L, CRE/ECR) following a visit to Andorra from 25 to 26 April 2017.

2. With regard to Andorra:

a. it signed the European Charter of Local Self-Government (ETS No 122) on 27 October 2010 and ratified it on 23 March 2011 with the exception of Article 9.2 on commensurate financial resources, Article 9.5 on financial equalisation, Article 9.8 on access to national capital market; the Charter came into force for Andorra on 1 July 2011;

b. it has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS n° 207);

c. the state of local democracy in Andorra has not previously been subject to a monitoring visit by the Congress, since the ratification of the European Charter of Local Self-Government;

d. the Monitoring Committee instructed Ms Gaye Doganoglu and Mr Zdenek Broz to prepare and submit to the Congress, as rapporteurs, a report on local democracy in Andorra. In their work, the rapporteurs were assisted by Prof. Dr. Tania Groppi, expert, member of the Group of Independent Experts on the European Charter of Local Self-Government, and by the Congress secretariat;

e. The Congress delegation carried out a monitoring visit to Andorra from 25 to 26 April 2017, visiting Andorra la Vella, Canillo and Encamp. During the visit the delegation met representatives of national authorities (Government, Ministry of Finance), Court of Auditors, General Council (Parliament), Constitutional Court, local authorities, experts, Ombudsman and members of the National delegation of Andorra to the Congress. The detailed programme of the visit is appended.

¹ Debated and adopted by the Congress on 28 March 2018, 2nd sitting (see Document [CG34\(2018\)14](#), explanatory memorandum), co-rapporteurs: Gaye DOGANOGLU, Turkey (L, EPP/CCE) and Zdenek BROZ, Czech Republic (L, ECR).

3. The Congress wishes to thank the Permanent Representation of Andorra to the Council of Europe and the Andorran authorities at central and local levels, as well as other interlocutors for their valuable co-operation and for the information provided to the delegation.

4. The Congress notes with satisfaction:

a. a globally satisfactory level of local democracy in Andorra, as demonstrated by the low level of conflicts between State and local authorities;

b. general compliance with the commitments entered into by the Principality of Andorra when it ratified the European Charter of Local Self-Government on 23 March 2011;

c. a culture of consultation and close dialogue between the State and local authorities facilitated by their proximity due to the reduced dimension of the country and by long-standing traditions;

d. representation of municipalities in the composition of the Parliament;

e. on-going negotiation in a tripartite process, involving the government, the parliament and local authorities of a reform of the competences and the financial resources aimed at updating the entire system of transfers.

5. The Congress notes that the following points call for particular attention:

a. the absence of a formal recognition in law of mechanisms of consultation with local authorities on matters that directly affect them even though systematic and effective consultations are held in practice;

b. the city of Andorra la Vella has not been granted a special status, on the basis of Congress Recommendation 219 (2007), establishing different legal arrangements to take account of the particular situation of the Capital city compared to other municipalities.

6. In light of the foregoing, Congress requests that the Committee of Ministers invite the Andorran authorities:

a. to formalise in law the mechanism of consultation of local authorities by the central authorities which would further safeguard the right of local authorities to be consulted on all matters that concern them directly;

b. to grant the city of Andorra la Vella a special status, on the basis of Congress Recommendation 219 (2007), establishing different legal arrangements to take into account the particular situation of the Capital city compared to other municipalities;

c. to consider ratifying paragraphs 2 and 5 of Article 9, which are de facto applied in Andorra;

d. to pursue the reform efforts with regard to competences and financial resources of local authorities on the basis of the relevant principles of the Charter;

e. to consider signing and 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).

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