

STATUTORY FORUM

A contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government

Resolution 460 (2020)¹

1. Referring to:

- a. The European Charter of Local Self-Government (ETS No. 122, 1985), hereafter “the Charter”, and in particular its explanatory report;
- b. Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe, hereafter “the Congress”, and the revised Charter adopted by the Committee of Ministers on 15 January 2020, which instructs the Congress to ensure the effective implementation of the principles of the European Charter of Local Self-Government, as part of its monitoring activity;
- c. The monitoring reports and recommendations adopted by the Congress with respect to the situation of local and regional democracy in member States of the Council of Europe;
- d. The relevant texts from other bodies and instances of the Council of Europe, in particular the recommendations of the Committee of Ministers, opinions of the European Commission for Democracy through Law (Venice Commission) and recommendations and resolutions of the Parliamentary Assembly;
- e. The case-law issued by domestic courts in member States when interpreting provisions of the Charter.

2. The Congress:

- a. welcomes the contemporary commentary on the explanatory report to the European Charter of Local Self-Government, as a reference text, which takes into consideration 30 years of application of this instrument by member States in Europe, and which is largely based on the normative and monitoring activity carried out by the Council of Europe;
- b. is convinced that this commentary will contribute to enhancing the knowledge on and ensuring higher respect for the Charter by making it easily accessible and understood in a contemporary manner;
- c. considers the contemporary commentary as a practical tool not only for the Council of Europe but also for national and other international stakeholders, be they national or local elected representatives or State institutions, administrations, jurisdictions, national associations of local and regional authorities, civil society or other international organisations as well as academia and researchers;
- d. invites its Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) to:
 - i. take the contemporary commentary on the explanatory report to the Charter systematically into consideration, in its work, particularly in the preparation of monitoring reports when assessing the implementation of the provisions of the Charter and the additional Protocol on the right to participate in the affairs of a local authority, in the Council of Europe member States (CETS No. 207);

1. Debated and adopted by the Statutory Forum on 7 December 2020, (see document [CG-FORUM\(2020\)02-05](#), explanatory memorandum), rapporteur: Jakob WIENEN, Netherlands (L, EPP/CCE).

ii. pursue a political dialogue with national, regional and local authorities in the framework of post-monitoring activities with all the member States concerned on the basis of that contemporary commentary on the explanatory report to the Charter;

e. invites other Congress bodies, in particular its Governance Committee, to take into account the contemporary interpretation during their respective activities, when it has to refer to the explanatory report to the Charter;

f. calls on its members to take ownership, use and disseminate the contemporary commentary as a relevant tool offering all levels of governance, and notably national authorities and jurisdictions, updated guidelines that can enable them to consolidate their political and legal culture in the field of local self-government. It also aims to prompt them to adopt mechanisms and procedures to ensure respect for the provisions of the Charter in their law-making and standard setting work reflecting 21st Century challenges and concerns;

g. asks its Bureau to make relevant bodies of the Council of Europe aware of this contemporary commentary and to invite them to take it into consideration in their work related to local self-government