

33rd SESSION

Adopted texts

Recommendations

<i>Recommendation 403</i>	Local and regional democracy in Serbia
<i>Recommendation 404</i>	Local and regional democracy in Italy
<i>Recommendation 405</i>	Making public procurement transparent at local and regional levels
<i>Recommendation 406</i>	A better future for Europe's rural areas
<i>Recommendation 407</i>	Local and regional democracy in Switzerland
<i>Recommendation 408</i>	Observation of local elections in Finland (9 April 2017)
<i>Recommendation 409</i>	The functioning of the organs of local democracy in a context of linguistic diversity in the communes "with facilities" around Brussels in the Flemish region
<i>Recommendation 410</i>	Regional and minority languages in Europe today

Resolutions

<i>Resolution 419</i>	Verification of new members' credentials and new appointment procedures
<i>Resolution 420</i>	Local democracy in the Republic of Moldova: clarification of the conditions surrounding the suspension of the Mayor of Chişinău
<i>Resolution 421</i>	Making public procurement transparent at local and regional levels
<i>Resolution 422</i>	A better future for Europe's rural areas
<i>Resolution 423</i>	10 years of the European Local Democracy Week
<i>Resolution 424</i>	Regional and minority languages in Europe today

33rd SESSION**Local and regional democracy in Serbia**Recommendation 403 (2017)¹

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

a. Article 2, paragraph 1b 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. Resolution 409 (2016) of the Congress on the Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe, in particular Chapter XVII on the organisation of the monitoring procedures;

d. Recommendation 219 (2007) on the status of capital cities;

e. Recommendation 316 (2011) on local and regional democracy in Serbia;

f. Congress Resolution 299 (2010), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy [MCL-16(2009)11] in its monitoring activities, and the reply by the Committee of Ministers to Congress Recommendation 282 (2010) [CM/Cong(2011)Rec282 final], which encourages the governments of member States to take account of the abovementioned Reference Framework in connection with their policies and reforms;

g. The explanatory memorandum on local and regional democracy in Serbia drawn up by the rapporteurs Lucia Kroon, Netherlands (L, EPP/CCE) and Sören Schumacher, Germany (R, SOC) following a visit to Serbia from 28 February to 2 March 2017.

2. The Congress recalls that:

a. Serbia signed the European Charter of Local Self-Government (ETS No. 122; hereinafter the Charter) on 24 June 2005 and ratified it on 6 September 2007. The Charter came into force in Serbia on 1 January 2008. In accordance with Article 12, paragraph 1 of the Charter, the Republic of Serbia declared itself not bound by Article 4, paragraphs 3 and 5, Article 6, Article 7, paragraph 2 and Article 8, paragraph 3 of the Charter;

b. Serbia 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 No. 207) on 8 March 2017;

1. Debated and adopted by the Congress on 18 October 2017, 1st sitting (see Document [CG33\(2017\)19](#), explanatory memorandum), co-rapporteurs: Lucia KROON, Netherlands (L, EPP/CCE), and Sören SCHUMACHER, Germany (R, SOC).

c. The Monitoring Committee instructed Lucia Kroon, Netherlands (L, EPP/CCE) and Sören Schumacher, Germany (R, SOC) to prepare and submit to the Congress, as rapporteurs, a report on local and regional democracy in Serbia;

d. The Congress delegation² carried out a monitoring visit to Serbia from 28 February to 2 March 2017, visiting Belgrade, Novi Sad and Kovačica. During this visit, the monitoring delegation met representatives of the Standing Conference of Towns and Municipalities (the association of local and regional democracy in the country), the national delegation to the Congress of Local and Regional Authorities, mayors and municipal councillors, regional representatives and representatives of the government and ministries, national parliament and other central institutions of Serbia.

3. The Congress wishes to thank the Permanent Representation of Serbia to the Council of Europe, the Serbian authorities at the central, regional and local levels, the Standing Conference of Towns and Municipalities of Serbia, and all the other parties whom the delegation met during the visit, for their valuable co-operation and for the information provided to the delegation.

4. The Congress notes with satisfaction:

a. the ratification of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106) and the signature of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority;

b. the initiatives taken by the government with a view to modernising and improving the local self-government system on the basis of the Public Administration Reform Strategy;

c. the adoption of the legislation dealing with local government staff;

d. the existing good practices in terms of responding to the specific needs of a culturally diverse population and of protecting minority languages, notably in the Autonomous Province of Vojvodina.

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

a. the lack of adequate resources available to local self-government units for carrying out their functions due to a drastic reduction in financial resources in recent years (Article 9, paragraphs 1 and 2);

b. the lack of clarity in applying in practice the temporary recruitment ban within local authorities (Article 4, paragraph 2);

c. the proposal to transfer responsibility for appointing healthcare and education boards and directors from local to central government, which would undermine local self-government functions (Article 4, paragraph 4);

d. the absence of a legal clarification of the powers of the temporary body that may be convened by the government under certain conditions to replace an elected local assembly (Article 8, paragraph 1);

e. the failure to implement the constitutional provision concerning the budget of the Autonomous Province of Vojvodina and, as a consequence, the lack of concomitant financial resources made available to the province (Article 9, paragraphs 1 and 2);

f. the lack of transparency surrounding the system of equalisation and the distribution of state grants, in particular the lack of clarity in the criteria for distributing resources from the reserve fund of the Ministry of Finance (Article 9, paragraphs 5 and 7).

2. In their work, the rapporteurs were assisted by Professor Anders LIDSTRÖM, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress secretariat.

6. The Congress recommends that the Committee of Ministers invite the Serbian authorities to:

a. further pursue the declared objectives of the Public Administration Reform Strategy by finalising the legislative projects related to local and regional democracy and decentralisation and ensuring their effective implementation;

b. despite the austerity measures which are necessary, allocate financial resources to local authorities which are commensurate with their powers and responsibilities, thus lifting financial restrictions on local government;

c. clarify and improve the transparency of the criteria for approving the hiring of local government staff under the temporary recruitment ban;

d. keep responsibility for appointing boards and directors in healthcare and education at local level, in order to avoid undermining local government functions;

e. clarify the powers of the temporary body that may be convened by the government under certain conditions to replace an elected local assembly;

f. settle the dispute about the constitutional provision on the budget of the Autonomous Province of Vojvodina by enacting a Law on Financing the Autonomous Province of Vojvodina, in order to ensure that the province has sufficient resources to carry out its functions;

g. establish clear and transparent criteria for the distribution of state grants and the allocation of resources from the reserve fund of the Ministry of Finance.

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

33rd SESSION

Local and regional democracy in ItalyRecommendation 404 (2017)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 (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 (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. Congress Resolution 409 (2016) on the Rules and Procedures of the Congress and in particular, Chapter XVII on the organisation of the monitoring procedures;

d. Congress Resolution 299 (2010), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy [MCL-16(2009)11], in its monitoring activities, and the reply by the Committee of Ministers to Congress Recommendation 282 (2010) [CM/Cong(2011)Rec282 final], which encourages the governments of member States to take account of the above Reference Framework in connection with their policies and reforms;

e. Recommendation 337 (2013) on local and regional democracy in Italy;

f. Recommendation 35 (1997) on the implementation of the European Charter of Local Self-Government in Italy;

g. the appended explanatory memorandum on local and regional democracy in Italy drawn up by Jakob Wiene (Netherlands, EPP/CCE) and Stewart Dickson (United Kingdom, GILD/ILDG), rapporteurs, following their official visit to the country from 21 to 23 March 2017.

2. The Congress notes that:

a. Italy became a member of the Council of Europe on 5 May 1949 and signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 15 October 1985 before ratifying it on 11 May 1990, without reservations. The Charter entered into force with respect to Italy on 1 September 1990;

b. Italy ratified the European Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 106) on 29 March 1985. The Outline Convention entered into force on 30 June 1985. The country also ratified the Convention on the Participation of Foreigners in Public Life at Local Level on 26 May 1994. This Convention came into force on 1 May 1997;

1. Debated and adopted by the Congress on 18 October 2017, 1st sitting (see Document [CG33\(2017\)17](#), explanatory memorandum), co-rapporteurs: Jakob WIENEN, Netherlands (L, EPP/CCE), and Stewart DICKSON, United Kingdom (R, ILDG).

c. the Monitoring Committee of the Congress of Local and Regional Authorities of the Council of Europe appointed the co-rapporteurs on local democracy Jakob Wiene (Netherlands, EPP/CCE) and on regional democracy Stewart Dickson (United Kingdom, GILD/ILDG) to prepare and submit to the Congress a report on local and regional democracy in Italy;²

d. the monitoring visit took place from 21 to 23 March 2017. During the visit, the Congress delegation met with representatives of governmental institutions (Parliament, Ministries, Court of Audit, State Council) and of local authorities (mayors and presidents of provinces and regions). The delegation met as well with representatives of the national delegation of Italy to the Congress and the associations of local and regional authorities. The detailed programme of the visit is appended to the report;

e. the delegation wishes to thank the Permanent Representation of Italy to the Council of Europe, the Italian authorities at central and local levels, the secretariat of the Italian delegation to the Congress and the experts who met with the delegation for their valuable co-operation during the monitoring visit.

3. The Congress notes with satisfaction:

a. the efforts undertaken by the Italian authorities to foster decentralisation in the past years;

b. the recognition of the principle of local self-government in the domestic constitution.

4. The Congress expresses its concern with regard to:

a. the inadequate financial resources available to local authorities, particularly provinces, to accomplish their tasks due to the sharp decrease in their own revenues and state transfers as well as budget cuts (Article 9, paragraphs 1 and 2);

b. the fact that in practice local authorities are not consulted regarding the adoption of the budget, in particular in case of the implementation of budget cuts by the central government (Article 9, paragraph 6);

c. the unclear prospects of the development of the situation with the provinces as a result of the rejection of the Constitutional reform in December 2016;

d. the reduced ability of local authorities in practice to dispose of qualified staff in order to carry out their responsibilities as a consequence of the lack of career prospects, budget cuts and cross-cutting “freeze” on hiring new staff implemented in recent years (Article 6, paragraph 2);

e. the lack of appropriate remuneration or compensation for the elected representatives of provinces and metropolitan cities for the discharge of their duties that may also weaken the involvement of citizens in provincial politics (Article 7, paragraph 2);

f. the fact that the governing bodies of provinces and metropolitan cities are not elected by direct and universal suffrage (Article 3, paragraph 2);

g. the limited responsibility of the presidents of provinces and metropolitan mayors towards the respective deliberative bodies (Article 3, paragraph 2);

h. the weak financial situation of the regions having an ordinary status, in comparison with those having a special status;

i. the inefficiency of the equalisation system for smoothing out the differences in financial resources among regions (Article 9, paragraph 5).

2. The rapporteurs were assisted by Pr. Angel MORENO MOLINA, Chair of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

5. In the light of the above, the Congress recommends that the Committee of Ministers call upon the Italian authorities to:

a. reconsider, during consultations, the criteria and methodology of the calculation of the budget cuts and lift financial constraints imposed on local authorities, in particular provinces, to ensure that their resources are commensurate with responsibilities;

b. ensure that local authorities are effectively consulted, in law and in practice, through representatives of national associations, on financial matters which concern them directly;

c. reconsider the policy of gradual downsizing and abolition of provinces through restoring their competences and providing necessary financial resources for their fulfilment;

d. strengthen the process begun in June 2017, in relation to local human resources and the possibility of new recruiting, so that local authorities could dispose of a high-quality staff, essential to discharge properly their responsibilities;

e. establish a system of fair and appropriate remuneration of the representatives of provinces and metropolitan cities for the discharge of their duties ;

f. re-introduce direct elections for the governing bodies of the provinces and metropolitan cities;

g. introduce the possibility to formulate a vote of dismissal or censorship in the provincial/metropolitan councils against their president/mayor in order to strengthen the political accountability of presidents/mayors;

h. revise the financial rules and principles of the regions having an “ordinary status” to strengthen their fiscal autonomy and increase the proportion of their “own revenues”;

i. revise the current formula of the equalisation system to smooth out the differences in financial resources of regions based on the principle of territorial solidarity;

j. sign and ratify 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).

6. The Congress invites the Committee of Ministers of the Council of Europe to take into consideration the present recommendation on local and regional democracy in Italy, as well as the explanatory memorandum, in its activities related to this member State.

33rd SESSION**Making public procurement transparent at local and regional levels**Recommendation 405 (2017)¹

1. In its many forms, corruption poses a major threat to governance and democracy in Europe and undermines the confidence of citizens in democratic institutions. Its prevalence affects citizens, governments and business alike, increasing unpredictability and impeding new investments. With this in mind, at its 31st Session, the Congress of Local and Regional Authorities adopted a Roadmap of activities for preventing corruption and promoting public ethics at local and regional levels. This Roadmap includes the preparation of thematic reports, including on transparency in public procurement.
2. Public procurement lies at the heart of public service provision for local and regional governments. At the same time it can be particularly vulnerable to corruption, as it involves the transfer of public resources to the private sector or to non-profit organisations.
3. An essential part of good governance is therefore to ensure clean and efficient procurement, which, as an important area of public expenditure, carries significant risks of corruption.
4. Maximum transparency in all stages of the procurement cycle is the key principle for reducing the risks of corruption in procurement and maintaining public trust in local and regional administrations.
5. Public procurement tends to be vulnerable to corruption, particularly as it involves the transfer of public resources to the private sector or to non-profit organisations.
6. Corruption in the procurement process can take many forms, such as the allocation of government contracts to friends or political cronies at the expense of a transparent and competitive process, or the revolving door phenomenon, where civil servants benefit from their insider information or shape policy contracts while they are in office in order to benefit from it later when they work for a private contractor, or create other opportunities for themselves or friends.
7. Risks are present at all stages of the procurement process: in the needs assessment phase, an individual might inflate the needs, hence impacting the whole competition process, or make excessive provision costs for errors. In the design phase the risks are related to the drafting of the requirements or the unclear selection details; in the award phase, a corrupt official could insist on weaknesses of a particular supplier and on the supposed advantages of the others; in the implementation phase, the risks concerning the monitoring of the contractor could lead to deficient quality or increasing costs, signifying a waste of public funding.
8. Many local authorities are also at risk on account of the lack of contracting expertise among their staff, which makes the assessment of public procurement difficult. The staff involved in procurement processes sometimes lacks the competence to carry out complex contracting procedures and to monitor their application.

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)13](#), explanatory memorandum), rapporteur: Amelie TARSCHYS INGRE, Sweden (L, ILDG).

9. An effective tool in fighting corruption in public procurement is the information supplied by those with inside knowledge of the processes. These whistleblowers need to be protected. They face a real risk of reprisals and intimidating pressures which can be particularly daunting at local level.

10. In the light of these considerations, the Congress invites the Committee of Ministers to encourage the governments and parliaments of member States and, where applicable, regions with legislative powers, to:

a. establish national standards regarding public procurement, in order to make the process more transparent and easier to understand;

b. introduce e-procurement systems to minimise the amount of human discretion in the process, using standardised norms and procedures for communication and online tools;

c. ensure maximum transparency at all stages of the procurement cycle by publishing comprehensive and machine-readable data from the beginning of the procurement process;

d. ensure a common level of training and/or professional qualification for staff responsible for procurement processes;

e. establish a common set of indicators at national level to facilitate analysis of the risk of favouritism in procurement processes;

f. establish an independent body to investigate complaints;

g. regulate and track employment movements from public to private sectors to lower the risk of conflicts of interest through the “revolving door” process;

h. set up an anonymous whistleblower hotline in order to facilitate the reporting of malpractice and to ensure the protection of those who report such information.

33rd SESSION**A better future for Europe's rural areas**Recommendation 406 (2017)¹

1. A striking feature of Europe's rural areas is their social, economic and environmental diversity. While some rural areas are performing well in socio-economic terms, out-performing their neighbouring urban areas with prosperous populations working in well paid jobs, others are experiencing depopulation, demographic ageing, high levels of poverty, land abandonment, a heavy reliance on small-scale agricultural production, a limited level of basic service provision and infrastructure challenges.

2. Disparities between rural areas have become more marked since the 2008 financial crisis. While rural areas close to cities have demonstrated increasing dynamism and resilience, remote rural areas have been unable to return to their former levels of employment and productivity. Other long-term trends such as globalisation, technological change, and climate change are contributing to making the differences within and between rural areas even more pronounced.

3. Many rural areas are witnessing a shift to a "new rural economy", with reduced dependence on land-based activities and the emergence of a more diversified economy, including a range of manufacturing and service sector activities, facilitated by advances in information and communication technologies and more flexible working practices.

4. Against this backdrop, new approaches to rural policy are required, to support the exploitation and valorisation of local assets, the local identification of needs and opportunities, and to improve the competitiveness of rural areas through identifying new economic functions beyond agricultural production.

5. In the light of the above, the Congress:

a. Bearing in mind:

i. Congress Resolution 128 and Recommendation 107 (2002) on "The problems of Europe's countryside";

ii. Congress Resolution 252 (2008) and Recommendation 235 (2008) on "Services of general interest in rural areas, a key factor in territorial cohesion policies";

iii. Recommendation CM/Rec(2007)4 of the Committee of Ministers to member States on local and regional public services;

iv. The 2016 Cork 2.0 Declaration, "A better life in rural areas";

b. Aware of the social, economic and environmental diversity that characterises Europe's rural areas and localities;

c. Aware of the importance of rural areas in the preservation of Europe's natural and cultural heritage;

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)16](#), explanatory memorandum), rapporteur: Philippe LEUBA, Switzerland (R, ILDG).

d. Convinced that improved interrelations and partnerships among urban centres and rural areas are important preconditions for economic viability, environmental performance, territorial cohesion and social sustainability in the countries of the Council of Europe;

e. Convinced of the value of rural resources capable of delivering sustainable solutions to current and future societal challenges such as assuring a safe provision of quality food, developing the circular economy and combating climate change;

f. Concerned about rural depopulation and youth out-migration and the need to ensure that rural areas and communities remain attractive places to live and work;

g. Determined to secure the sustainability of Europe's rural areas and guarantee a high quality of life and well-being for those living in them;

6. Recommends that the Committee of Ministers call upon the governments of its member States to:

a. recognise the diversity of regions and the special qualities and assets of rural areas and communities;

b. devise new policies to support rural development, adapted to the specific features of rural areas, and grounded in a territorial and multi-sectoral investment approach by:

i. building on rural-urban interdependencies, in particular by being more aware of the linkages and inter-relationships between rural and urban areas and how to maximise them for mutual benefit;

ii. working strategically and holistically across policy portfolios on a territorial basis, focusing on places rather than supporting sectors;

iii. developing an integrated approach to rural development policies, involving all levels of government and various local stakeholders operating across all sectors, and encouraging initiatives and innovations from local private actors, associations or companies, in particular by providing them with a greater access to skills and know-how;

iv. placing emphasis on supporting the exploitation and valorisation of local assets of rural areas, rather than highlighting their needs and deficiencies;

v. promoting rural prosperity and the rural potential to deliver innovative, inclusive and sustainable solutions for current and future societal challenges, such as economic prosperity, food security, climate change, resource management, social inclusion, and integration of migrants;

vi. boosting knowledge and innovation, ensuring that rural businesses have access to appropriate technology, state-of-the-art connectivity and new management tools to deliver economic, social and environmental benefits;

c. promote greater equity and maximise well-being in rural areas by:

i. guaranteeing continuity and equity of access to quality services through appropriate legislation;

ii. paying particular attention to overcoming the digital divide and developing the potential offered by the connectivity and digitisation of rural areas;

iii. decentralising regional administrative services from regional capitals in order to provide qualified workplaces in rural zones and remote areas;

d. encourage and develop the collection of quantitative and qualitative data to gather accurate and up-to-date evidence about all aspects of rural areas and actors, with a view to ensuring more effective rural policies across Council of Europe member States;

e. guarantee, within the limit of financial and budgetary constraints, continuity in the provision of those local and regional public services which are considered to be essential for the population.

33rd SESSION**Local and regional democracy in Switzerland**Recommendation 407 (2017)¹

1. The Council of Europe Congress of Local and Regional Authorities 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 is “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, which provides 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. Congress Resolution 409(2016) on the rules and procedures of the Congress, in particular Chapter XVII on the organisation of the monitoring procedures;

d. Congress Recommendation 219 (2007) on the status of capital cities;

e. Congress Recommendation 285 (2010) on regional democracy in Switzerland;

f. Congress Resolution 299 (2010), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy [MCL-16(2009)11] in its monitoring activities, as well as the reply given by the Committee of Ministers to Recommendation 282 (2010) [CM/Cong(2011)Rec282 final] encouraging the governments of member States to take account of the aforementioned Reference Framework in their policies and reforms;

g. the explanatory memorandum on local and regional democracy in Switzerland, drawn up by the rapporteurs, Mr Marc Cools, Belgium (L, ILDG), and Mr Dorin Chirtoaca, Republic of Moldova (R, EPP/CCE), following a visit to Switzerland from 23 to 25 January 2017.

2. The Congress notes that:

a. Switzerland acceded to the Council of Europe on 6 May 1963. It signed the European Charter of Local Self-Government on 21 January 2004 and ratified it on 17 February 2005 with the exception of Articles 4.4, 6.2, 7.2, 8.2, 9.5 and 9.7. In Switzerland, the Charter applies only to the “political municipalities” (the first tier of local government). The cantons (the regional tier) are expressly excluded. In the Swiss context, “national” refers to the federal level, “regional” the cantonal level and “local” the municipal level;

b. the Monitoring Committee decided to examine the situation of local and regional democracy in Switzerland and appointed Mr Marc Cools, Belgium (L, ILDG), and Mr Dorin Chirtoaca, Republic of Moldova (R, EPP/CCE), co-rapporteurs, and instructed them to prepare and submit to the Congress a report on local and regional democracy in Switzerland;

1. Debated and adopted by the Congress on 20 October 2017, 3rd sitting (see Document [CG33\(2017\)14](#), explanatory memorandum), co-rapporteurs: Marc COOLS, Belgium (L, ILDG), and Dorin CHIRTOACA, Republic of Moldova (R, EPP/CCE).

c. the monitoring visit took place from 23 to 25 January 2017. During the visit, the Congress delegation² met representatives of the national institutions (the Parliament, the Federal Department of Justice and Police, the Federal Department of Home Affairs, the Federal Department of the Environment, Transport, Energy and Communication, the Federal Department of Finance, Swiss Federal Audit Office, judicial institutions (Federal Court), the Ombudsman (at local and cantonal level), various local authorities (City of Bern, City of Zurich, municipality of Oetwil an der Limmat), cantons (Canton of Jura, Canton of Zurich), members of the Swiss delegation to the Congress, the Association of Swiss Municipalities, the Conference of Cantonal Governments, the Swiss Association for the Council of European Municipalities and Regions and the Union of Swiss Towns. The detailed programme of the visit is appended;

d. the rapporteurs are aware that pursuant to Article 50 of the Federal Constitution the Swiss Confederation guarantees the municipalities the right to self-government within the limits of cantonal law. Consequently, the commitments entered into under the European Charter of Local Self-Government legally bind the Confederation, but it is primarily the cantons' responsibility to ensure the Charter's implementation. Their recommendations will therefore be addressed to the Swiss Confederation as a member of the Council of Europe, but the implementation of these recommendations will also be a matter for the cantons;

e. the delegation wishes to thank the Permanent Delegation of Switzerland to the Council of Europe and the secretariat of the Swiss delegation to the Congress for helping with the organisation and the successful conduct of the visit. The rapporteurs also express their gratitude to the country's national, cantonal and local authorities, the Swiss delegation to the Congress, the national associations of local and regional authorities and everyone they spoke to during the visit for their warm hospitality, their readiness to help and the quality of the information provided.

3. The Congress notes the following with satisfaction:

a. a high degree of self-government in all Swiss municipalities, although their situation may vary from one canton to another;

b. general compliance with the commitments entered into by the Swiss Confederation when it ratified the European Charter of Local Self-Government on 17 February 2005;

c. considerable financial autonomy of municipalities, which are in a healthy financial situation with a relatively low debt ratio;

d. the active role played by the associations of municipalities, especially the Association of Swiss Municipalities and the Union of Swiss Towns, which enables influence to be exerted on decision making, mainly at cantonal level but also at federal level;

e. the fact that direct-democracy procedures, such as popular initiatives, referendums and popular assemblies, are highly developed at the level of the municipalities, with the municipal authorities therefore being under constant public scrutiny;

f. the ratification by Switzerland, on 18 July 2017, of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

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

a. in practice, the weak direct involvement of municipalities, especially the large cities, in decision making at federal level from the preparatory stage;

b. the militia system could impede access to local elective office owing to the difficulties in striking a balance between occupational activities and the responsibilities that go with municipal posts. This means local mandates can only be exercised by certain categories of citizens;

c. municipal fragmentation in Switzerland, resulting in inadequate human and financial resources in small municipalities, especially to enable them to cope with increasing responsibilities;

2. The rapporteurs were assisted in their work by Professor André Roux, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress secretariat.

d. the issue of the democratic legitimacy of the administrative bodies belonging to intermunicipal structures, to which key municipal responsibilities are transferred and which are not made up of equal numbers of officials and elected representatives;

e. the fact that no account is taken in domestic legislation of the special situation of the city of Bern, given its specific character as the seat of the Federal Government and of the Parliament;

f. the exclusion of the cantons from the scope of the Charter.

5. In the light of the above, the Congress recommends that the Committee of Ministers call on the Swiss authorities to:

a. strengthen the participation of municipal representatives, mirroring the arrangements that apply to cantonal representatives, in expert committees and working groups tasked with drafting legislation at federal level, and grant the large cities specific status on consultative bodies and in consultation procedures so as to ensure that they represent themselves rather than only being represented by associations;

b. start discussions involving the three tiers of government (Confederation, cantons, municipalities) on bringing about improvements to the militia system currently in force;

c. continue to encourage mergers between municipalities, especially by providing financial incentives;

d. provide for the administrative bodies belonging to intermunicipal structures to be made up of a minimum percentage of elected representatives so as to safeguard their democratic nature;

e. determine in a special law the framework and arrangements governing the Confederation's funding of the cost to Bern of hosting not only the Federal Government and Parliament but also foreign embassies and diplomatic representations;

f. consider in consultation with the cantons the possibility of extending the scope of the Charter to the cantons, which would further safeguard their powers of self-government in relation to the Confederation;

g. consider the ratification of Articles 4.4, 6.2, 8.2 and 9.5 of the Charter, which are complied with de facto in Switzerland.

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

33rd SESSION**Observation of local elections in Finland (9 April 2017)**Recommendation 408 (2017)¹

1. Following the invitation from the Ministry of Justice and Employment and the Ministry of Local Government and Public Reforms of Finland, dated 8 August 2016, to observe the local elections held in the country on 9 April 2017, the Congress of Local and Regional Authorities refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution (2000)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Finland in June 1991 and 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) ratified in February 2012;

c. Congress Resolution 395(2015) on its Rules and Procedures.²

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the fact that the 9 April 2017 local elections were organised in an overall professional manner and that Election Day was held in an orderly and peaceful atmosphere.

4. It recognises the high level of transparency of the electoral processes, which ensures genuine public trust.

5. It praises the system of voters' registration, which provides for high-quality voters' lists and stipulates that only individuals who are permanently residing in a specific municipality are entitled to vote at the local level, which is in line with Congress Recommendation 369(2015) on Electoral lists and voters residing *de facto* abroad.

6. It also acknowledges the efforts made by the Finnish authorities to strengthen the position of female candidates through gender quotas on candidates' lists and the effective participation of women as elected local councillors.

1. Debated and approved by the Chamber of Local Authorities on 19 October 2017 and adopted by the Congress on 20 October 2017, 3rd sitting (see Document [CPL33\(2017\)05](#), explanatory memorandum), rapporteur: Lelia HUNZIKER, Switzerland (L, SOC).

2. See, in particular, Chapters XVIII and XIX on the practical organisation of election observation missions and on the implementation of the post-electoral dialogue.

7. In light of the above, the Congress suggests further improvements to be made in respect of the general electoral process and therefore invites the Finnish authorities to:

a. as a back-up measure to the on-going regional government reform, strengthen citizen participation at territorial level including the promotion of regional political parties and lists of independent candidates active in the regional context;

b. introduce mandatory training for all members of the election administration and all assistants at the level of polling stations in order to ensure a consistent level of knowledge and skills among the election administration;

c. intensify the voters' education efforts targeting the non-Finns who have the right to vote and to be elected in local elections, in order to further include them in the electoral process as both candidates and voters;

d. ensure that all candidates in the local elections submit information on their campaign financing, irrespective of the election results;

e. consider introducing incentives for local councils to elect mayors, in order to strengthen the political profile of mayors at the local level, notably in larger urban zones.

8. With regard to the regional administrative reform, the Congress invites the Finnish authorities to implement genuine decentralisation at regional level. In this respect, the Congress highlights the importance of financial autonomy for the newly created regions.

9. In addition, in the context of the first regional elections to be organised in 2018, the Congress encourages the Finnish authorities to schedule regional elections on a different day than the Presidential election, in order for regional topics not to be overshadowed by the national vote and so that voters can get full information on regional matters.

33rd SESSION**The functioning of the organs of local democracy in a context of linguistic diversity in the communes “with facilities” around Brussels in the Flemish region**

Recommendation 409 (2017)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. Congress Resolution 409 (2016) on the Rules and Procedures of the Congress and in particular, Chapter XVII on the organisation of the monitoring procedures;

d. Congress Recommendations 131(2003) and 366(2014) on local and regional democracy in Belgium;

e. Congress Recommendation 258(2008) on Local democracy in Belgium: non-appointment by the Flemish authorities of three mayors;

f. The appended explanatory memorandum on the functioning of local democracy structures in a context of linguistic diversity in the communes “with facilities” around Brussels in the Flemish region.

2. The Congress notes that:

a. Belgium is a founding member of the Council of Europe, which it joined in 1949. It ratified the European Charter of Local Self Government on 25 August 2004 with effect from 1 December 2004. The provisions not ratified relate to Article 3, paragraph 2, Article 8, paragraph 2, and Article 9, paragraphs 2, 6 and 7.

b. The Monitoring Committee of the Congress of Local and Regional Authorities of the Council of Europe instructed the co-rapporteurs on local democracy Henrik HAMMAR (Sweden, L, EPP), and on regional democracy David ERAY (Switzerland, R, ILDG),² to carry out a fact-finding visit to Belgium in order to clarify the functioning of local democracy structures in a context of linguistic diversity in the communes “with facilities” around Brussels in the Flemish region and to prepare and submit to the Congress a report on this subject;

1. Debated and approved by the Chamber of Local Authorities on 19 October, and adopted by the Congress on 20 October 2017, 3rd sitting (see Document [CPL33\(2017\)02](#), explanatory memorandum), co-rapporteurs: Henrik HAMMAR, Sweden (L, EPP/CCE), and David ERAY, Switzerland (R, ILDG).

2. They were assisted by Professor Angel Manuel MORENO MOLINA, Chair of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

c. The fact-finding visit took place on 2 and 3 February 2017 in Brussels. During the visit, the Congress delegation met with representatives from the national delegation to the Congress, local elected representatives and the Vice-Minister-President of the Government of Flanders and Flemish Minister for Local and Provincial Government, Civic Integration, Housing, Equal Opportunities and Poverty Reduction. The detailed programme of the visit is appended to the report;

d. The delegation wishes to thank the Permanent Representation of Belgium to the Council of Europe and the interlocutors who met with the delegation, for their open and constructive discussions.

3. The Congress expresses its concern with regard to:

a. the fact that the election of the mayor proposed by the local council has to be endorsed by the Flemish Minister of the Interior whereas the proposed mayor is member of the local council which was previously directly elected by the citizens. This form of validation could constitute, in some cases, a disproportionate supervision of local authorities by the regional Flemish Government and a breach of the spirit of the Charter's preamble and Articles 4 and 8.3 thereof;

b. the resulting non-implementation of Congress Recommendations 131(2003), 258(2008) and 366(2014) as regards the issue of the appointment system for mayors mentioned under 3.a;

c. the legal impossibility for local councillors in these communes - where the majority of local residents are French-speaking - to comment in French on a point on the meeting agenda of a local council, or on that of other local internal bodies. This constitutes an undue limitation of their capacity and right to participate effectively in the meetings and decisions of these bodies and is therefore an infringement on the exercise of local democracy, and more generally, renders it impossible for exclusively French-speaking citizens to follow the activities of the local council;

d. the difficulties for French-speaking Belgian citizens to take part in local affairs, or to use public services in an effective way, in particular in the field of social services, due to a restrictive interpretation of the Belgian federal language laws, as implemented and enforced by the Flemish Government, which could lead, in some cases, to discrimination.

4. The Congress recommends that the Belgian authorities :

a. revoke the system of appointment by the Flemish Minister of the Interior;

b. review the way in which the language laws are applied in municipalities with so-called special language arrangements, in order to allow the use of both French and Dutch by municipal councillors and by the mayor and aldermen at the meetings of the municipal council or in the meetings of other local bodies;

c. extend the recommendation made above (4b) to the citizens of the communes concerned so that they can participate in a meaningful way in local public affairs and can make effective use of the municipal public services (and notably the social ones);

d. reconsider the possibility of ratifying Article 3, paragraph 2, Article 8, paragraph 2, and Article 9, paragraphs 2, 6 and 7 of the European Charter on Local Self-government and thereby undertake to comply with all the provisions set out in the said Charter.

5. The Congress calls on the Committee of Ministers to transmit this recommendation to the Belgian authorities and to take it into account, as well as the accompanying explanatory memorandum, in its activities relating to this member State.

6. The Congress recommends that the Parliamentary Assembly, the European Commission against Racism and Intolerance (ECRI) and the Commissioner for Human Rights take into account these recommendations within the framework of their activities in this country.

33rd SESSION

Regional and minority languages in Europe todayRecommendation 410 (2017)¹

1. Recognising the close relation between language and culture, the Congress of Local and Regional Authorities, in line with Council of Europe priorities, has long strived to support and sustain historical regional and minority languages as a means to promote Europe's cultural wealth and traditions and linguistic diversity, and improve mutual understanding, based on the principles of democratic participation, cultural diversity and social cohesion.
2. The European Charter for Regional or Minority Languages (ETS No. 148), opened to signature in 1992, and which came into force in 1998, has been serving since then as the only legally binding European instrument specifically drawn up to protect and promote Europe's historical regional and minority languages, which are defined as those traditionally used within a State by nationals who form a group numerically smaller than the overall population.
3. Regrettably, as of 2017, only 25 European States have ratified the Charter, and additional eight European States have signed it, without ratification. This means that 14 European States neither ratified, nor signed the Charter.
4. While the States themselves remain the parties to the Charter, local and regional authorities have a crucial role to play in its effective implementation. This allows regional authorities in States which have not yet signed nor ratified the Charter a margin of manoeuvre for spontaneous implementations of the principles under the Charter.
5. Reaffirming the grounding principles of the Charter that still hold true, both observations – collected during the past decades of the existence of the Charter, including best practices, challenges and tensions – and new developments in society call for a renewal of the methods of the Charter's implementation without prejudice to the continuity of its fundamental principles and provisions.
6. Observations and complaints collected from 1998 – when the Charter entered in force – show that ratification of the Charter by any State is not a warrant or proof of the effective protection of the historical regional or minority languages without an effective and consistent implementation in daily practice. Also, in some cases, some setbacks have occurred in the level of the protection of the regional or minority language. This underscores the importance of the different types of stakeholders involved in the implementation of the Charter, and in particular, the role of the regional and local authorities.
7. An effective implementation of its provisions therefore requires taking note of the dramatic social and technical changes digitalisation has brought about. Bearing this in mind, ten years after its recommendation on language education on regional or minority languages, the Congress has undertaken to look at the contemporary application of the Charter in light of the new developments, in order to discuss the best course of action to be taken in this context by member States of the Council of Europe.

1. Discussed and approved by the Chamber of Regions on 19 October 2017, and adopted by the Congress on 20 October 2017, 3rd sitting (see Document [CPR33\(2017\)02](#), explanatory memorandum), co-rapporteurs: Lelia HUNZIKER, Switzerland (L, SOC), and Anna MAGYAR, Hungary (R, EPP/CCE).

8. When setting costs against benefits, empirical evidence indicates that protecting and nurturing cultural diversity – including linguistic diversity – results in a positive outcome, both from an economic and cultural perspective. Although maintenance policies do have a cost, it is often quite over-estimated, and more than largely compensated by what is often referred to as the “diversity dividend”, multilingual regions generally benefitting from more wealth, and offering higher incomes to the language-savvy individual. In some cases, e.g. healthcare offered by using their mother language especially for small children, expenses related to such services are hardly comparable to their benefits.

9. However, in spite of now well-established data, many member States of the Council of Europe have engaged, since the post-2008 recession, in budget cutbacks directed towards education and services provided to minority language speakers. These cuts in spending point to short-sighted policies at the State, community and regional levels which are not only culturally harmful but also against the best interests - economic or otherwise - of the regions.

10. Regrettably, the European Union has withdrawn from most of its direct funding of schemes that support regional or minority languages. Nevertheless, one way to develop the resource base that supports the economy in the often remote regions where users of such languages reside is an active use of regional structural support offered by the States or by the European Union through their respective funding schemes. For example, the INTERREG projects of the European Union² can be beneficial to the entire region, and also to regional or minority languages. Efforts in this direction are likely to develop pay-offs both economically and culturally, thus contributing to a virtuous circle for regional development. The protection of diversity in languages thus involves the necessity of re-entering direct funding of schemes of the European Union, that support regional or minority languages.

11. Public authorities need to adapt the implementation of the Charter according to the changes taking place in the *modus operandi* of almost all sectors in society due to digitalisation. These new developments provide both challenges and opportunities in protecting and nurturing Europe’s cultural wealth and traditions, including linguistic diversity. Without withholding traditional support, local and regional public policies should take into account the digital sector as a means of supporting, in so far as possible, the use of regional or minority languages in education, judicial and administrative settings, in the media, in cultural activities, economic and social life, and transfrontier exchanges.

12. Local and regional authorities are front-line providers of public services; national authorities should therefore co-ordinate their action with them in order to adequately adapt the implementation of the Charter. Local and regional authorities should gain full involvement and mandatory responsibilities as well as explicit entitlement from the national authorities, in order to implement the processes necessary to daily practice.

13. In light of the above, the Congress:

a. bearing in mind The European Charter for Regional or Minority Languages (ETS No. 148), Congress Recommendation 222(2007) on Language education in regional or minority languages, Recommendation 1773(2006) of the Parliamentary Assembly of the Council of Europe entitled the “2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE”, Congress Recommendation 364(2014) on The Role of regional media as a tool for building participatory democracy and Congress Recommendation 173(2005) on Regional media and transfrontier co-operation,

b. considering that:

i. in all instances, member States of the Council of Europe should be guided by the principle that cultural diversity is not only a fact, but an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity;

ii. the intercultural and multilingual approach of the Charter calls for each category of historical regional or minority languages being given their proper place and that the Charter is in no way directed against the need to learn official languages;

iii. any favourable provision in place regarding languages should not be negatively affected by the Charter, where certain languages or the minorities who practice them already enjoy a protected status defined in domestic law or under international agreement, the most favourable provisions should apply;

2. See <https://www.interregeurope.eu/>

iv. the purpose of the Charter being to protect and promote traditional languages which have come under threat within the States where they reside due to historical reasons, the non-discrimination clause of the Charter needs to be not only respected but also supported by measures taken by member States;

c. asks the Committee of Ministers to invite those member States which have not yet done so to consider signing and ratifying the European Charter for Regional or Minority Languages, encouraging current and future State parties to deepen their commitments to the regional or minority languages;

d. calls on member States of the Council of Europe to:

i. act in favour of safeguarding historical regional or minority languages, by facilitating and encouraging their use in speech and writing, in public and private life;

ii. refrain from bringing the weight of austerity measures to bear on regional or minority language policies, since their impact on public spending has been proven to be minor;

iii. meet the need for effective co-operation and interaction between local, regional and national governments regarding the protection and promotion of regional or minority languages, as a lack of clear division of administrative powers in relation to language issues would put the implementation of good practices at a regional level under risk;

iv. guarantee regional and local authorities explicit entitlement, their full involvement and mandatory responsibilities, with clearly identified budgets, in order to implement the processes necessary for their daily practice;

v. take steps to highlight the necessity to protect language diversity in Europe and encourage local and regional authorities to maintain multilingual policies, by actively reengaging in the direct funding of structural schemes that support regional or minority languages, both at national and European level;

vi. refrain from barring local and regional authorities from taking positive action within their competences for the promotion of regional or minority languages, and also, from short-sighted interpretation of the protection of these languages, including the misconception that all protective measures are forbidden which are not specified separately and explicitly in law;

vii. reconsider, and where appropriate increase, the protection level of the historical regional or minority languages, including the possibility of granting regional official language status, when necessary, in areas where the number and/or the proportion of users exceeds a certain level;

viii. take measures to consolidate and develop regional or minority language teaching and education on these languages in their regions, thereby contributing to the creation of a European space where regional or minority language education is systematically provided in a coherent fashion;

ix. develop better teaching methods in State language learning for minority students and promote regional or minority language learning among majority language speakers, ensuring speakers of those languages are able to benefit from the new forms of distance-learning by developing new applications that support their use;

x. fight the threat of “digital extinction” of regional or minority languages by supporting language technology development that takes them into account, including applications that are suited for local conditions and ensuring service provision in these languages, also in the digital realm;

xi. secure access to State-provided public services and procedures in regional or minority languages, including but not limited to judicial matters, tax and pension procedures, health care and social services, the ability of public authorities to provide digital services in regional or minority languages being essential, given the rapid development of such services in society at large;

xii. encourage and support public authorities at national, regional and local level to consult and co-operate with representatives of regional or minority language speakers in developing and implementing their language policies and language services;

xiii. secure, when pertinent, access to cross-border digital broadcasting and other services in a kin-State language to regional or minority language speakers, to side-step the rise of practices such as “geo-blocking”, which constitute a form of new virtual border.

Verification of new members' credentials and new appointment procedures

Resolution 419 (2017)¹

1. In full compliance with the Congress' Charter and Rules and Procedures, the countries listed in the appendix have changed the composition of their delegation due to either the loss of mandate or the resignation of some members of the delegation.
2. Furthermore, on the basis of the criteria set out in Article 2.1 of the Congress Charter, most of the delegations which had vacant seats have filled them since the last session.
3. The current state of the vacant seats is: 3 vacant representative seats and 12 vacant substitute seats out of a total of 648 seats. The countries concerned, Germany, Belgium, Bosnia and Herzegovina, Croatia, France, Poland and Sweden, are invited to complete their delegation.
4. The rapporteurs on the verification of credentials propose that Congress approve the credentials of the members of the national delegations also appended to this resolution.²

1. Debated and adopted by the Congress on 18 October 2017, 1st sitting (see Document [CG33\(2017\)02](#)), co-rapporteurs: Michail ANGELOPOULOS, Greece (L, EPP/CCE), and Eunice CAMPBELL-CLARK, United Kingdom (R, SOC).

² Due to its size the appendix to this resolution is not reproduced here. It is available online.

33rd SESSION

Local democracy in the Republic of Moldova: clarification of the conditions surrounding the suspension of the Mayor of ChişinăuResolution 420 (2017)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 of Local and Regional Authorities, which states that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;
 - b. Article 2, paragraph 3, of the aforesaid Statutory Resolution CM/Res(2015)9, which provides that “[t]he 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 409 (2016) of the Congress relating to the Rules and Procedures of the Congress and in particular Chapter XVII on organisation of monitoring procedures;
 - d. Recommendation 322 (2012) of the Congress on local and regional democracy in the Republic of Moldova;
 - e. the explanatory memorandum appended hereto on “Local democracy in the Republic of Moldova: clarification of the conditions surrounding the suspension of the Mayor of Chişinău”.
2. The Congress notes that:
 - a. the Republic of Moldova acceded to the Council of Europe on 13 July 1995. It signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 2 May 1996 and ratified it on 2 October 1997 without any reservations. The Charter came into force in respect of the Republic of Moldova on 1 February 1998;
 - b. the Republic of Moldova 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 No. 207);
 - c. the Bureau instructed Gunn Marit Helgesen (Norway, R, EPP/CCE), President of the Chamber of Regions of the Congress, to travel to Chişinău to visit Dorin Chirtoaca, Mayor of Chişinău and Vice-President of the Chamber of Regions, in order to clarify the conditions surrounding his suspension and prepare and submit to the Congress a report on this issue;
 - d. the rapporteur travelled to Chişinău on 30 August 2017, where she had meetings with Mr Chirtoaca, the mayor of the capital, the Head Prosecutor of the National Anti-corruption Centre, Congress of Local Authorities of Moldova (CALM) representatives and the Minister of Justice. The detailed programme of the visit is appended to this report;

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)23](#), explanatory memorandum), rapporteur: Gunn Marit HELGESEN, Norway (R, EPP/CCE).

e. the delegation would like to thank the Permanent Representation of the Republic of Moldova to the Council of Europe for its kind assistance in arranging this visit and the persons with whom it met for the open and constructive discussions.

3. The Congress expresses concern regarding:

a. failure to comply with Article 8.3 of the Charter inasmuch as the elected mayor of the capital of the Republic of Moldova has been suspended by a judicial authority and the anti-corruption prosecutor approached the municipal council on his own initiative to ask it to go to court to begin proceedings to suspend the mayor, which amounts to interference and risks politicising the judiciary, in the absence of provisions governing the specific procedure for suspending a local elected representative;

b. failure to comply with Article 3.2 of the Charter inasmuch as the Mayor of Chişinău has been replaced by an unelected individual, a local-government officer, having successively served as acting deputy mayor and then as acting mayor;

c. failure to comply with Article 7.1 of the Charter inasmuch as a local recall referendum is being organised to curtail the mayor's term of office, despite the fact that the Moldovan Constitution and the law on the conditions of office of local elected representatives prohibit any binding mandate.

4. The Congress recalls that member States of the Council of Europe that have signed and ratified the Charter have undertaken to comply with its provisions.

5. It further recalls that "local democracy" is a shared value across the continent and thus a constituent part of European democracy. This implies that local elected representatives must be able to exercise their functions freely, in fact and in law, in the same way that elected representatives at the national level must be able exercise theirs in any democratic state.

6. It emphasises that the general principle of local self-government entails decentralisation of public responsibilities and reasonable supervision on the part of national authorities and that the principle of proportionality, as defined in the Charter, requires national authorities and their representatives to use methods that encroach as little as possible upon local self-government when exercising their powers.

7. In the light of the foregoing, the Congress:

a. undertakes to monitor closely the situation of Dorin Chirtoaca, Mayor of Chişinău and Vice-President of the Congress, by arranging a fact-finding mission, including several visits if necessary, with a view to updating the information on his situation and on that of the capital city Chişinău, which will result in a recommendation to the Moldovan national authorities;

b. informs the Commission for Democracy through Law of the Council of Europe ("Venice Commission") of the present report and in particular requests its opinion on the constitutionality of the local recall referendum aimed at cutting short the term of office of the capital's mayor;

c. requests the Monitoring Committee to take account of this report in the monitoring exercise on the situation of local and regional democracy in the Republic of Moldova planned for 2018, particularly in the light of the complaint sent to the Congress in the meantime by the CALM, which denounces pressure being brought to bear on local elected representatives through recurrent court proceedings against them.

33rd SESSION**Making public procurement transparent at local and regional levels**

Resolution 421 (2017)¹

1. In its many forms, corruption poses a major threat to governance and democracy in Europe and undermines the confidence of citizens in democratic institutions. Its prevalence affects citizens, governments and business alike, increasing unpredictability and impeding new investments. With this in mind, at its 31st Session, the Congress of Local and Regional Authorities adopted a Roadmap of activities for preventing corruption and promoting public ethics at local and regional levels. This Roadmap includes the preparation of thematic reports, including on transparency in public procurement.

2. As public procurement is an essential part of public service provision for local and regional authorities, efficient procurement is key to good governance. However, as procurement involves a large proportion of public expenditure and, to an increasing extent, the transfer of public resources to the private sector or non-profit organisations, it is particularly vulnerable to various types of corruption.

3. Corruption in the procurement process takes many forms, including the allocation of government contracts to friends or political cronies at the expense of a transparent and competitive process or the formation of cartels to manipulate the tendering process.

4. The increased use of outsourcing and public-private partnerships to deliver public services can create conflicts of interest in public procurements. Public officials or politicians might use their insider knowledge of procurement plans, or their influence over procurement decisions, to benefit friends, relatives or allies bidding for contracts. Another significant source of corruption is the revolving door phenomenon, which consists of movements of personnel from jobs in local government to jobs in the private sector, often to companies involved in local government procurement. Civil servants can take advantage from their insider information or shape policy contracts while they are in office in order to benefit from it later when they work for a private contractor, or create other opportunities for themselves or friends.

5. Various risks are involved all along the procurement process: from the needs assessment phase to the implementation phase. In the needs assessment phase, an individual might inflate the needs, hence impacting the whole competition process, or make excessive provision costs for errors. In the design phase the risks are related to the drafting of the requirements or the unclear selection details. In the award phase, the corrupted official could insist on weaknesses of a particular supplier and on the supposed advantages of the others. Finally, in the implementation phase, the risks concerning the monitoring of the contractor could lead to deficient quality or increasing costs, signifying a waste of public funding.

6. As procurement processes become increasingly complex, local authorities can also be at risk from a lack of adequate contracting expertise among their staff. This puts them at a disadvantage compared to companies, which often have more resources to spend on legal expertise. Local and regional government staff are often ill-prepared to carry out complex contracting procedures and to monitor their application.

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)13](#), explanatory memorandum), rapporteur: Amelie TARSCHYS INGRE, Sweden (L, ILDG).

7. There are a number of practical steps that local and regional authorities can take to reduce their exposure to such corruption, beginning with transparency. Transparency in all stages of the procurement process is essential to reduce corruption risks and to enhance public trust in local and regional administrations.

8. The move to e-procurement systems has been demonstrated to have had a significant effect on reducing corruption risks in this sphere.

9. The establishment of codes of conduct, such as a prohibition on accepting rewards, gifts and other benefits, connected with integrity training programmes for local and regional elected representatives and appointed officials has also been shown to be useful in avoiding the risks of conflicts of interest in public procurements.

10. Corruption in public procurement is often revealed by reporting by insiders. These whistleblowers can face reprisals and therefore need to be adequately protected.

11. In light of the above, the Congress invites local and regional authorities of the member States of the Council of Europe to:

a. assess the different corruption risks involved in procurement and set up internal controls and evaluation mechanisms;

b. enhance transparency by publishing data and procurement details at all stages of the process, in order to encourage public scrutiny and involve civil society;

c. ensure that transparency requirements apply also to private contractors which provide outsourced services;

d. simplify the procedures for public procurement in order to make them accessible and clear for all parties concerned;

e. introduce e-procurement systems for public procurement, whereby tender announcements and tender documents are published on a publicly accessible website and tenders are submitted through purpose-built IT systems;

f. promote integrity pacts between contracting authorities and bidders, where the two parties agree on refraining from corrupt practices and submit to monitoring by civil society;

g. encourage the training of local public officers to carry out complex contracting and perform audit functions;

h. promote the emergence of an anti-fraud culture through education on risks and identification and prevention of fraud;

i. define reporting procedures which ensure that reports are treated confidentially and that a person cannot be harmed for reporting suspicions of wrong-doing;

j. introduce safeguards to prevent conflicts of interest in the procurement process, such as codes of conduct for all those involved in the procurement process, to make clear the ethical standards expected of them. These would include, for example, a prohibition on accepting rewards, gifts and other benefits;

k. design training programmes for the implementation of these codes;

l. consider introducing and regularly evaluating existing enforcement mechanisms, such as disciplinary proceedings and sanctions to reinforce the application of these codes.

12. The Congress resolves to take the above considerations and recommendations into account in its revision of the European Code of Conduct for the political integrity of local and regional elected representatives.

33rd SESSION**A better future for Europe's rural areas**

Resolution 422 (2017)¹

1. Across Europe, rural areas are characterised by their social, economic and environmental diversity. Some rural areas are performing well in socio-economic terms, even out-performing their neighbouring urban areas, with prosperous populations working in well paid jobs. Others are experiencing depopulation, demographic ageing, high levels of poverty, land abandonment, a heavy reliance on small-scale agricultural production, limited basic service provision and severe infrastructure challenges.

2. The disparities between rural regions have become more marked since the 2008 financial crisis. Whereas many rural areas close to cities have become more dynamic and resilient, the more remote rural areas have not been able to bounce back in terms of employment and productivity. The long-term developments of globalisation, information technology and climate change are also contributing to making the differences within and between rural areas even more pronounced.

3. Some rural areas are experiencing a shift to a “new rural economy”, with a reduced dependence on land-based activities and the emergence of a more diversified economy, including a range of manufacturing and service sector activities, helped by advances in information and communities technologies and more flexible working practices.

4. Against this backdrop, new approaches to rural policy need to be developed, supporting the exploitation and valorisation of local assets, the local identification of needs and opportunities, and improving the competitiveness of rural areas through identifying new economic functions beyond agricultural production. These policies deserve to be pursued and taken forwards.

5. In the light of the above, the Congress:

a. Bearing in mind:

i. Congress Resolution 128 (2002) and Recommendation 107 (2002) on “The problems of Europe's countryside”;

ii. Congress Resolution 252 (2008) and Recommendation 235 (2008) on “Services of general interest in rural areas, a key factor in territorial cohesion policies”;

iii. Recommendation CM/Rec(2007)4 of the Committee of Ministers to member States on local and regional public services;

iv. The 2016 Cork 2.0 Declaration, “A better life in rural areas”;

b. Aware of the social, economic and environmental diversity that characterises Europe's rural areas and localities;

c. Aware of the importance of rural areas in the preservation of Europe's natural and cultural heritage;

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)16](#), explanatory memorandum), rapporteur: Philippe LEUBA, Switzerland (R, ILDG).

d. Convinced that improved interrelations and partnerships among urban centres and rural areas are important preconditions for economic viability, environmental performance, territorial cohesion and social sustainability in the countries of the Council of Europe;

e. Convinced of the value of rural resources capable of delivering sustainable solutions to current and future societal challenges, such as assuring a safe provision of quality food, developing the circular economy and combating climate change;

f. Concerned about rural depopulation and youth out-migration and the need to ensure that rural areas and communities remain attractive places to live and work;

g. Determined to secure the sustainability of Europe's rural areas and guarantee a high quality of life and well-being for those living in them;

6. Calls upon local and regional authorities in rural areas of the Council of Europe member States to:

a. raise public and policy-makers' awareness on the diversity of rural areas and localities, of their potential and assets, and on the importance of rural areas in Europe's heritage;

b. devise a rural strategy for their area in partnership with all rural development actors and stakeholders, especially by encouraging broad stakeholder participation in evaluating service needs and implementation of the strategy;

c. set minimum service standards in order to guarantee continuity in the provision of essential services in rural areas, including the provision of access to reliable and affordable broadband and mobile coverage;

d. enhance the resilience of rural communities, through community engagement, knowledge exchange, capacity support and capacity-building;

e. improve education and training, by developing policies targeted at low-skilled workers as well as expanding higher education;

f. support entrepreneurship and innovation to diversify the local economy, including through mentoring and peer support, grant and/or loan funding from the public and private sectors, or providing help and advice on the different aspects of running a business, such as marketing, and networking;

g. decentralise regional administrative services from regional capitals in order to provide qualified workplaces in rural zones and remote areas;

h. disseminate information among the local stakeholders of national and international support programmes to support rural development projects, such as the European Union LEADER programme;

i. encourage and develop the collection of quantitative and qualitative data, to gather accurate and up-to-date evidence about all aspects of rural areas and actors, with a view to ensuring more effective rural policies across Council of Europe member States.

33rd SESSION

10 years of the European Local Democracy Week

Resolution 423 (2017)¹

1. Recalling the Declaration adopted by the Conference of European Ministers Responsible for Local and Regional Government on 16 October 2007 in Valencia, in which the ministers supported the Congress' initiative to launch the European Local Democracy Week in recognition of the importance of increasing citizen participation in decision making at the grassroots level and introducing participatory mechanisms into our democratic systems;

2. Considering:

a. 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);

b. Recommendation (2001)19 of the Committee of Ministers on the Participation of citizens in local public life;

c. Resolution 238(2007) of the Congress on the Proposition for a European Local Democracy Week;

d. Resolution 326(2011) of the Congress on Citizen participation at local and regional level in Europe;

3. Thanking the local and regional authorities and their associations for their commitment over the past 10 years, which enabled the European Local Democracy Week to become a truly pan-European event that has contributed to bringing together and fostering dialogue between citizens and local and regional elected representatives;

4. The Congress:

a. renews its commitment to advancing this initiative and further developing it for the benefit of local and regional authorities and the citizens across Europe, and to broadening this pan-European event to include the Council of Europe neighbouring regions, in the context of the ongoing decentralisation processes in numerous countries;

b. decides to establish a Reflection Group tasked with taking the European Local Democracy Week initiative forward to a new dimension, by building on the best practices of the past decade, which would examine all questions related to the evolution of the Week, notably:

i. concept, date and organisation of the Week;

ii. choice of the themes;

iii. modalities for identifying, rewarding and enhancing visibility of the most remarkable initiatives;

iv. highlighting good practices;

c. instructs the Congress Secretariat to submit to the Bureau a proposal concerning the possible composition of such a group and the practical arrangements for its meeting(s).

1. Debated and adopted by the Congress on 19 October 2017, 2nd sitting (see Document [CG33\(2017\)12](#)), Congress Spokesperson on the European Local Democracy Week: Gaye DOGANOGLU, Turkey (L, EPP/CCE).

33rd SESSION**Regional and minority languages in Europe today**Resolution 424 (2017)¹

1. The Congress of Local and Regional Authorities (hereafter “the Congress”), recognising the close relation between language and culture and in line with Council of Europe priorities, has long strived to support and sustain historical regional and minority languages as a mean to promote and improve Europe’s cultural wealth and traditions and linguistic diversity, and improve mutual understanding, based on the principles of democratic participation, cultural diversity and social cohesion.
2. The European Charter for Regional or Minority Languages (ETS No. 148), opened to signature in 1992, and which came into force in 1998, has been serving since then as the only legally binding European instrument specifically drawn up to protect and promote Europe’s historical regional and minority languages, which are defined as traditionally used within a State by nationals who form a group numerically smaller than the overall population.
3. Regrettably, as of 2017, only 25 European States have ratified the Charter, and an additional eight European States have signed it, without ratification. This means that 14 European States neither ratified, nor signed the Charter.
4. While the States themselves remain the parties to the Charter, local and regional authorities have a crucial role to play in its effective implementation. This allows regional authorities in States which have not yet signed nor ratified the Charter a margin of manoeuvre for spontaneous implementations of the principles under the Charter.
5. Reaffirming the grounding principles of the Charter that still hold true, both observations – collected during the past decades of the existence of the Charter, including best practices, challenges and tensions – and new developments in society call for a renewal of the methods used for the Charter’s implementation without prejudice to the continuity of its fundamental principles and provisions.
6. Observations and complaints collected from 1998 – when the Charter entered in force – show that ratification of the Charter by any State is not a warrant or proof of the effective protection of the historical regional or minority languages without an effective and consistent implementation in daily practice. Also, in some cases, some setbacks have occurred in the level of the protection of the regional or minority language. This highlights the importance of the different types of stakeholders involved in the implementation of the Charter. Hence the role of the regional and local authorities is essential.
7. An effective implementation of the provisions therefore requires taking note of the dramatic social and technical changes digitalisation has brought about. Bearing this in mind, ten years after its Recommendation on language education on regional or minority languages, the Congress has undertaken to look at the contemporary application of the Charter in light of the new developments, in order to discuss local and regional authorities’ renewed possibilities for action in this regard.

1. Discussed and approved by the Chamber of Regions on 19 October 2017, and adopted by the Congress on 20 October 2017, 3rd sitting (see Document [CPR33\(2017\)02](#), explanatory memorandum), co-rapporteurs: Lelia HUNZIKER, Switzerland (L, SOC), and Anna MAGYAR, Hungary (R, EPP/CCE).

8. The post-2008 economic context has been clearly characterised by a shift in how policies supporting regional or minority languages are perceived. This has resulted in important cuts in education and services provided in minority languages. Although national authorities play a major role in these austerity policies (local and regional authorities rarely receive clearly identified budgets from the national level for the implementation of regional or minority languages), local and regional authorities should also be reminded of the major benefits that stem from protecting and nurturing cultural diversity, including linguistic diversity. Offering attractive conditions to regional and minority languages, while generally costing little, can act as a bulwark against work force or brain drain, by increasing the willingness to stay in the regions concerned. Furthermore, empirical evidence shows that multilingual regions offer higher incomes to both multilingual individuals and the region as a whole. Last but not least, higher levels of individual multilingual skills have been shown to boost creativity factors.

9. Local and regional authorities being front-line providers of public services, they should co-ordinate their action with their national authorities in order to adequately adapt the implementation of the Charter. Local and regional authorities should be fully involved and take steps to gain mandatory responsibilities and explicit entitlement from the governance level, in order to implement the processes which are necessary to their daily practice. Similarly, local and regional authorities need to be fully involved and have clear entitlement in order to successfully take into account the changes taking place due to digitalisation in the *modus operandi* of almost all sectors in society. These new developments provide both challenges and opportunities for protecting and nurturing Europe's cultural wealth and traditions, including linguistic diversity. Without withholding traditional support, local and regional public policies should take into account the digital sector as a means of supporting, in so far as possible, the use of regional or minority languages in education, judicial and administrative settings, in the media, in cultural activities, economic and social life, and transfrontier exchanges.

10. In light of the above, the Congress:

a. bearing in mind the European Charter for Regional or Minority Languages (ETS No. 148), Congress Recommendation 222(2007) on "Language education in regional or minority languages", Recommendation 1773(2006) of the Parliamentary Assembly of the Council of Europe entitled the "2003 guidelines on the use of minority languages in the broadcast media and the Council of Europe standards: need to enhance co-operation and synergy with the OSCE", Congress Recommendation 364(2014) on The role of regional media as a tool for building participatory democracy, Congress Resolution 282(2009) on The digital divide and e-inclusion in the regions and Congress Recommendation 173(2005) on Regional media and transfrontier co-operation;

b. considering that:

i. member States of the Council of Europe should be guided by the principle that diversity is not only a fact, but an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity;

ii. in conformity with the ethos and provisions of the Charter which is characterised by an intercultural and multilingual approach, each category of regional or minority languages (official or not) must have its proper place in a democratic, inclusive society;

iii. while the States are the contractual parties, local and regional authorities have a crucial role to play in the practical implementation of the Charter;

c. invites local and regional authorities of the Council of Europe member States to:

i. call on their respective national authorities to sign and ratify the Charter, if they have not yet done so;

ii. call on their respective national authorities to guarantee local authorities explicit entitlement, full involvement and mandatory responsibilities, with clearly identified budgets in order to implement the processes necessary for daily practice;

iii. call on their respective national authorities to refrain from bringing the weight of austerity measures to bear on regional or minority language policies, since their impact on public spending has been proven to be minor;

iv. call on their respective national authorities to refrain from barring local and regional authorities from taking positive action within their competences for the promotion of regional or minority languages, and also, from short-sighted interpretation of the protection of these languages, including the misconception that all protective measures are forbidden which are not specified separately and explicitly in law;

v. act in favour of the safeguarding of historical regional or minority languages, by facilitating and encouraging their use in speech and writing, in public and private life, as a key resource that needs to be nurtured because they are a benefit to the regional and local economy, creativity, vibrancy and well-being;

vi. meet the need for effective co-operation and interaction between local, regional and national governments regarding the protection and promotion of historical regional or minority languages, noting that a lack of clear division of administrative powers in relation to language issues risks hindering good practice implementation at the regional level;

vii. take measures, where and when possible, to consolidate and develop regional or minority language teaching and education on these languages in their regions, by offering attractive conditions (preferably via identified budgets), thereby contributing to the creation of a European space where regional or minority language education is systematically provided in a coherent fashion;

viii. ensure, when and where possible, that regional or minority language speakers are able to benefit from the new forms of distance-learning that exist by developing new applications that support the use of these languages and secure service provision in these languages, also in the digital realm, including by dismantling new digital borders;

ix. secure access to locally or regionally provided public services and procedures in regional or minority languages, including but not limited to health care and social services, the ability of public authorities to provide digital services in regional or minority languages being essential, given the rapid development of such services in society at large;

x. encourage and support public authorities at national, regional and local level to consult and co-operate with representatives of regional or minority language speakers in developing and implementing their language policies and language services;

xi. improve when pertinent, regional and cross-border co-operation in order to provide access to services using regional or minority languages in kin-States.

11. The Congress invites local and regional authorities of member States which have not yet signed and ratified the Charter, to adopt local or regional versions of it containing provisions which match their competences, and to make use of the Charter and of the monitoring practice of the Council of Europe Ad Hoc Committee of Experts on Regional or Minority Languages in Europe as a body of best practices and practical examples on how to arrange conditions where historical regional or minority languages are protected and promoted.