

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 350 (2013)¹ Local and regional democracy in Denmark

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

a. Article 2, paragraph 1.*b.*, of Statutory Resolution CM/Res(2011)2 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, which states that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3, of the aforementioned Statutory Resolution CM/Res(2011)2, which states 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. its Resolution 307 (2010)REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member states in respect of their ratification of the European Charter of Local Self-Government (ETS No. 122);

d. its Recommendation 219 (2007) on the status of capital cities and Recommendation 132 (2003) on municipal property in the light of the principles of the European Charter of Local Self-Government;

e. its Resolution 299 (2010) on follow-up by the Congress of the Council of Europe Conference of Ministers responsible for Local and Regional Government (Utrecht, Netherlands, 16-17 November 2009), which states that the Congress will use the Council of Europe Reference Framework for Regional Democracy in its monitoring activities, as well as the reply given by the Committee of Ministers to Congress Recommendation 282 (2010) (CM/CONG(2011) Rec282final), encouraging the governments of member States to take account of the above mentioned reference framework in their policies and reforms;

f. its Recommendation 164 (2005) on local and regional democracy in Denmark adopted by the Congress in May 2005;

g. the explanatory memorandum (CG(25)12PROV) on the situation of local and regional democracy in Denmark, presented by Julia Costa and Jean-Pierre Liouville.

2. The Congress stresses the following:

a. The Kingdom of Denmark became a member of the Council of Europe on 5 May 1949. It is one of the Organisation’s founding States. It signed the European Charter of Local Self-Government on 15 October 1985 and ratified it on 3 February 1988. Denmark adopted all the provisions of the Charter. At the time of ratification it made a declaration to the effect that the Kingdom of Denmark considered itself bound by the European Charter of Local Self-Government in its entirety, but that the provisions of the Charter would apply to the Danish municipalities (*kommuner*) and counties (*amtskommuner*), apart from the Metropolitan Council (*Hovedstadsrådet*), which was abolished in 1989, and that the Charter would apply neither to Greenland nor to the Faroe Islands;

b. Denmark 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).

3. It notes that:

a. Ms Julia Costa, Rapporteur on Local Democracy, and Jean-Pierre Liouville, Rapporteur on Regional Democracy, were instructed by the Monitoring Committee to prepare a report on local and regional democracy in Denmark and to submit it to the Congress;²

b. The monitoring visit took place from 3 to 5 October 2012. During this visit, the Congress monitoring delegation met with the relevant central government bodies, members of the parliamentary committee concerned, national associations of local and regional authorities and representatives of the council of the capital region, Dragør, Sorø and Maribo, as well as with representatives of the Faroe Islands and Greenland, and the Danish Ombudsman;

c. The delegation would like to thank the Permanent Representation of Denmark to the Council of Europe, the Danish authorities, the national associations of local authorities and all those with whom it held discussions, for their readiness to help, their interest in the work of the Congress and their co-operation throughout the visit.

4. The Congress notes the following with satisfaction:

a. the generally positive (and in some ways exemplary) nature of local democracy in Denmark, which is reflected in a “Charter culture” as regards the implementation of the principles of local autonomy enshrined in the Charter;

b. the merging of municipalities on a voluntary basis after consultation with local authorities, on the one hand, and, alternatively, the possibility of inter-municipal co-operation agreements, where the mergers are rejected by the concerned local authorities;

c. the consultation with local and regional authorities during the process of planning and decision-making in all matters directly affecting them;

d. the compliance with most of the principles of the Charter, particularly those laid down in Articles 2, 3, 5, 6, 7, 8, 10 and 11;

e. the active participation by Danish citizens in the political decision making processes;

f. the 2007 reform which had been conducted in a participatory manner and which had the primary aim of reinforcing local democracy in Denmark.

5. The Congress regrets:

a. the lack of clarity as regards certain responsibilities, which are not clearly allotted to local authorities – a situation which may lead to duplication (Article 4, paragraph 1);

b. the inadequacy of financial resources freely available to local authorities in the framework of their competences (Article 9, paragraph 2);

c. the insufficiency of the mechanisms and procedures for financial equalisation at the local and regional levels and the consequent unequal distribution of financial burdens (Article 9, paragraph 5);

d. the often strict State supervision of municipal access to the capital markets (Article 9, paragraph 8);

e. the decreased powers and responsibilities of the capital city of Copenhagen;

f. the restricted competences of the regions and their inability to levy taxes or obtain financial resources other than contributions from the national level.

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

a. clearly define, in the light of Article 4, paragraph 1, of the Charter, the areas of responsibility of local authorities, including the competences set out in municipal decrees which are vague and which often overlap;

b. allocate appropriate and concomitant financial resources to all competences exercised by local authorities;

c. improve the procedures for financial equalisation among the municipalities in order to bring them into line with Article 9, paragraph 5, of the Charter in connection with local authorities, and draw on the Reference Framework for Regional Democracy in relation to the Danish regions;

d. revise the State's supervisory procedures vis-à-vis local authorities in order to facilitate their access to the national capital markets;

e. reinforce the responsibilities of the city of Copenhagen in the light of Recommendation 219 (2007) of the Congress on the status of capital cities;

f. revise and broaden the responsibilities of the regions and consider empowering them to levy taxes or to obtain their own specific financial resources;

g. sign and ratify in the near future the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

7. The Congress invites the Committee of Ministers of the Council of Europe to take account of the present recommendation on local and regional democracy in Denmark, as well as its explanatory memorandum, in its own monitoring procedures and other activities relevant to this member State.

1. Debated and adopted by the Congress on 31 October 2013, 3rd Sitting (see Document CG(25)12, explanatory memorandum); rapporteurs: Julia Costa, Portugal (L, EPP/CCE) and Jean-Pierre Liouville, France (R, SOC).

2. They were assisted in their work by Ms Esther Maurer, member of the Group of Independent Experts on the European Charter of Local Self-Government, and Ms Stéphanie Poirel, Secretary to the Monitoring Committee of the Congress.