

**33rd SESSION****Local and regional democracy in Italy**

Recommendation 404(2017)<sup>1</sup>

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 Wienen (The 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;

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<sup>1</sup> Debated and adopted by the Congress on 18 October 2017, 1st sitting (see Document [CG33\(2017\)17](#), explanatory memorandum), co-rapporteurs: Jakob WIENEN, the 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 (The 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;<sup>2</sup>

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).

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

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<sup>2</sup> 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.

- 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.