

28th SESSION
Strasbourg, 24-26 March 2015

Local and regional democracy in Norway

Recommendation 374 (2015)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 (2011)² 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 (2011)² 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 299 (2010), which provides 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 aforementioned Reference Framework in their policies and reforms;

d. the present explanatory memorandum on local democracy in Norway drawn up by the rapporteurs, Xavier Cadoret, (France, L, SOC) and Guilherme Pinto (Portugal, R, SOC) following an official visit to Norway from 9-11 September 2014.

e. Recommendation 141 (2003) on regional democracy in Norway and Recommendation 203 (2006) on the compliance of Norwegian legislation with Article 11 of the European Charter of Local Self-Government.

2. The Congress recalls that:

a. Norway signed and ratified the European Charter of Local Self-Government on 26 May 1989. The Charter entered into force in respect of Norway on 1 September 1989. No declaration or reservation was made;

1. Debated and adopted by the Congress on 26 March 2015, 3rd Sitting (see Document [CG/2015\(28\)5FINAL](#) explanatory memorandum) co-rapporteurs: Xavier CADORET, France (L, SOC) and Guilherme PINTO, Portugal (R, SOC).

b. Norway ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority on 16 December 2009;

c. the Monitoring Committee instructed Xavier Cadoret, (France, L, SOC) and Guilherme Pinto (Portugal, R, SOC) to prepare and submit to the Congress, as rapporteurs, the report on local democracy in Norway².

d. The Congress delegation carried out a monitoring visit to Norway from 9 September 2014 to 11 September 2014 visiting Oslo, Skien, Nome, and Bergen.

3. Wishes to thank the Permanent Representation of Norway to the Council of Europe and the Norwegian authorities at central, regional and local levels, the Norwegian Association of Local and Regional Authorities, the Eastern Norway County Network and the Regional Council of Western Norway, experts as well as other interlocutors for their valuable co-operation at different stages of the monitoring procedure and the information conveyed to the delegation.

4. The Congress notes with satisfaction that:

a. the level of local and regional democracy is globally satisfactory in Norway, as demonstrated by the extensive powers and financial resources of counties and municipalities that enables them to exercise these powers in a satisfactory manner;

b. the initiated reform process, including the current review of the Local Government Act, constitutes a promising opportunity to effectively improve the quality of public services and strengthen local democracy;

c. the central government actively promotes and largely consults different co-operation structures and associations bringing together local and regional authorities;

d. a wide range of opportunities for participatory democracy at local and regional level, such as citizen's initiatives and consultative referenda are available throughout the country.

5. The Congress expresses its concerns that:

a. the principle of local self-government is still neither expressly recognised in the legislation, as already emphasised in Recommendation 141 (2003), nor in the Constitution;

b. there is no judicial remedy for municipalities to challenge respective decisions of the central government, as required by Recommendation 203 (2006);

c. the governor and other supervising bodies may *de facto* exercise their supervision in a manner that exceeds the spirit of the law and which lacks a clear specification of competences in statutory law;

d. local authorities have mentioned the risk of an increase of delegated tasks without complementary funding, as part of the current reform process in Norway;

e. the control exercised by the government through a too dense and specific sectoral legislation may lead to a considerable degree of supervision.

6. In the light of this, the Congress requests that the Committee of Ministers invite the Norwegian authorities to:

a. further reinforce local self-government [and local democracy] by incorporating those principles into specific legislation and, if practicable, into the constitution;

b. bring their legislation and judicial practice into compliance with Article 11 of the European Charter of Local Self-Government by guaranteeing, in their domestic legal system, local authorities the full exercise of their right to judicial remedies against decisions taken by the state administration;

2. In their work, the co-rapporteurs were assisted by Mr André ROUX, consultant, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress secretariat.

c. re-assess the current situation of administrative supervision carried out by governors and other supervising bodies on the own competences of local authorities so that this control does not exceed the spirit of the law;

d. implement the reform in a way to ensure that concomitant finances are provided for any new tasks delegated to local and regional authorities;

e. limit the control over local authorities solely to one of legality so as to avoid a recentralisation of transferred powers.