

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 403 (2017)¹ Local and regional democracy in Serbia

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 of the Council of Europe and the revised Charter appended thereto, 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, which stipulates 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) on the revision of the Rules and Procedures of the Congress, in particular Chapter XVII of the latter on the organisation of the monitoring procedures of the Congress;

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

e. Congress 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 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) on the same subject [CM/Cong(2011)Rec282 final], which encourages the governments of member States to take account of the aforementioned reference framework in connection with their policies and reforms;

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

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;

c. the Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (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 of Serbia (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 of their financial resources in recent years (Article 9, paragraphs 1 and 2, of the Charter);
- 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 health-care 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 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).

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 the 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 health care 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 the financing of this province, in order to ensure that it 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.

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).

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.