

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 308 (2011)¹ Local and regional democracy in Slovenia

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 relating to the Congress of Local and Regional Authorities of the Council of Europe, 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 the above-mentioned Statutory Resolution CM/Res(2011)2, 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. its Resolution 299 (2010) on the 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 (MCL-16(2009)11) in its monitoring activities, as well as the reply made by the Committee of Ministers to the 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;

d. the explanatory memorandum on local democracy in Slovenia drawn up by the rapporteurs, Jos Wienen and Merita Jegeni Yıldız, following an official visit to Slovenia from 8 to 10 November 2010. In their work, the rapporteurs were assisted by a consultant, Mrs Inga Vilka (Latvia), a member of the Group of Independent Experts on the European Charter of Local Self-Government.

2. The Congress recalls that:

a. Slovenia signed the European Charter of Local Self-Government (ETS No. 122) on 11 October 1994 and ratified it on 15 November 1996 with a commitment to observe all the provisions thereof with no reservations or declarations;

b. Slovenia 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

16 November 2009. The Congress notes with satisfaction that Slovenia ratified it on 6 September 2011;

c. the state of local and regional democracy in Slovenia had been the subject of a Congress monitoring report in 2001. The Institutional Committee² decided on 2 July 2010 to carry out a visit to monitor the state of local and regional self-government in Slovenia and its compliance with the European Charter of Local Self-Government. It instructed Mr Wienen and Mrs Jegeni Yıldız, as rapporteurs, to update the above-mentioned report on local democracy in Slovenia and to submit the new report to the Congress;

d. the Congress delegation carried out a monitoring visit to Slovenia from 8 to 10 November 2010.

3. The Congress wishes to thank the Permanent Representation of Slovenia to the Council of Europe, the Slovenian authorities at central, regional and local levels, the Association of Municipalities and Towns of Slovenia (*Skupnost občin Slovenije*, SOS) and the Association of Municipalities of Slovenia (*Združenje občin Slovenije*, ZOS), 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. It notes with satisfaction that:

a. Slovenia, in general, complies with the provisions of the European Charter of Local Self-Government, and in particular provides options for citizen participation in local communities;

b. the distribution of shared state taxes (mainly personal income tax) was changed in 2006 and later in 2008 giving way to a system based on a per capita amount, calculated by the Ministry of Finance in accordance with the law and negotiated with the local authorities;

c. the Capital City Act was passed in 2004;

d. the Slovenian Government has committed itself to the creation of regions, by amending the constitutional provisions on regional self-government which is a significant step towards that goal;

e. there are good practices concerning the integration of Roma minorities in some municipalities through, for instance, the pre-schooling system or the involvement of a Roma representative in municipal councils.

5. Taking note that a certain number of points taken up in Congress Recommendation 89 (2001) on local and regional democracy in Slovenia still remain relevant, the Congress notes with regret that:

a. the Slovenian municipalities' level of tax revenue autonomy is relatively low;

b. the consultation process between the local authorities and the central government has not improved and there are still shortcomings in its implementation;

c. the fragmentation of municipalities continued until 2006, following the outcome of local referendums, giving rise to

problems in terms of the provision of local government services and the carrying out of tasks in smaller municipalities;

d. the difficulty in reaching a consensus on the number of regions constitutes the principal reason that the process of regionalisation is blocked.

6. In the light of the above, the Congress asks the Committee of Ministers to invite the Slovenian authorities to take the necessary steps, in particular through legislation, to:

a. increase the local authorities' revenue autonomy by widening local tax and fees revenue and ensure that the criteria used to calculate the per capita amount is revised and tied in more closely with local government functions;

b. strengthen the legal provisions concerning the process of consultation between the associations of local authorities and the government, to give them their full meaning by making them more efficient on all questions that have an impact on local authorities, and not only on financial matters;

c. promote, where appropriate, the merger of local authorities, following their consultation, for a better functioning local democracy;

d. clarify the issue of the criteria and the number of regions rapidly in order to launch the process of regionalisation, by taking into account the principles laid down in the Reference Framework for Regional Democracy;

e. disseminate the good practices concerning the integration of Roma into local communities in order to improve their participation in local political life.

1. Debated and adopted by the Congress on 18 October 2011, 1st Sitting (see Document [CG\(21\)12](#), explanatory memorandum), rapporteurs: J. Wielen, the Netherlands (L, EPP/CD) and Mrs Jegeni-Yıldız, Turkey (R, EPP/CD).

2. Following the reform of the Congress, monitoring activities carried out by this committee were transferred to the Monitoring Committee established on 1 December 2010.