

# CONGRESS OF LOCAL AND REGIONAL AUTHORITIES OF EUROPE

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## **Recommendation 88 (2001)<sup>1</sup> on local and regional democracy in the Slovak Republic**

The Congress,

1. Recalling:

*a.* Article 2, paragraph 3, of the Committee of Ministers' Statutory Resolution Res(2000)1 on the CLRAE which entrusts it with the preparation of country-by-country reports on the situation of local and regional democracy in member states and in applicant states;

*b.* its Resolutions 31 (1996), 58 (1997) and 106 (2000) establishing guiding principles on the preparation of the above-mentioned reports;

2. Recalling the colloquy on regionalisation in the Slovak Republic (Bratislava, 4-5 December 2000) in co-operation with the Association of Towns and Municipalities of Slovakia (ZMOS);

3. Having sent to the Slovak Republic a delegation comprising its two co-rapporteurs, Mr Anders Knappe (Sweden, Chamber of Local Authorities) and Mr Miljenko Doric (Croatia, Chamber of Regions), a consultant, Professor Angel-Manuel Moreno Molina (Spain), and the Secretariat (4-5 December 2000 and 22-23 February 2001), and having examined their report;

4. Thanking all of the representatives of the Slovakian authorities, who allowed the rapporteurs to study the current system of local and regional democracy and the planned reforms, and especially thanking the Association of Towns and Municipalities of Slovakia for its assistance in organising the visits of the CLRAE delegation to the Slovak Republic;

5. Welcoming the Slovak Republic's ratification of the European Charter of Local Self-Government on 1 February 2000, but regretting nevertheless that, on ratifying it, the Slovak Republic formulated reservations concerning Article 3, paragraph 1, Article 4, paragraphs 3 and 5, Article 6, paragraph 2, Article 9, paragraphs 1, 5, 6 and 7, and Article 10, paragraphs 2 and 3 and, therefore, wishing to ensure that the principles of the Charter are effectively implemented in the Slovak Republic;

6. Welcoming the Slovak Republic's ratification of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities on 1 February 2000 and of its two additional protocols ratified respectively on 1 February and 31 October 2000;

7. Considering that changes in territorial administration of the country should be made with a view to improving local

democracy, bringing the practice of local government into line with the standards set out in the European Charter of Local Self-Government and creating appropriated regional structures;

8. Having noted the Slovak Government's determination to reform the country's territorial system and the system of public administration generally, as soon as possible, those reforms being among the government's priorities;

9. Welcoming also the recent amendments to the Slovak Constitution enabling the government to pursue its policy of decentralisation and regionalisation;

10. Having also noted the difficulty of reaching a political consensus in the Slovak Republic with regard to the names and the capital towns of the future regions and above all the number of such regions;

11. Having examined the preliminary version of the draft legislation on the regions of the Slovak Republic, which has however, still not been discussed by the Slovak Parliament;

12. Regretting the delay in the reform of public administration and of the legislative process, which should provide the legal basis for organising the first regional elections in late 2001 and for actually establishing the regions early in 2002,

13. Recommends that the parliamentary and governmental authorities of the Slovak Republic:

*a.* speed up the public administration reform and continue the efforts made to date in the legislative sphere to establish regions with real powers and to set up, by means of regional elections, the elected bodies without which such regions cannot operate;

*b.* decide on the number of regions, taking account of the citizens' aspirations and in respect of large minorities;

*c.* clearly define, in appropriate legislation, the powers vested in the regional authorities, their financial resources and an administrative framework;

*d.* continue the public administration reform by enacting the additional legislation required to ensure that it is effectively implemented;

*e.* seek the most appropriate ways of rationalising territorial ministerial delegations as the districts are gradually phased out;

*f.* consider limiting the scope of the reservations formulated by the Slovak Republic when it ratified the European Charter of Local Self-Government, especially in respect of Article 3, paragraph 1, on the right and the ability of local authorities to manage a substantial share of public affairs (a principle which constitutes one of the most important aspects of the concept of local self-government);

*g.* reconsider the relevance of the reservation concerning Article 10, paragraphs 2 and 3, of the European Charter of Local Self-Government on the right of local authorities to

become members of national and international associations;

*h.* continue to further develop transfrontier co-operation and especially to promote transfrontier co-operation between local and regional authorities;

*i.* ensure, in accordance with Article 9 of the European Charter of Local Self-Government, that a permanent fixed percentage of public income is allocated to local authorities, allowing them to increase their own resources substantially by raising additional taxes and applying other levies and replace at least some of the special grants to local authorities by general grants giving them more room for manoeuvre;

*j.* as part of the planned legislative reforms, increase and extend the municipalities' own powers, thereby diminishing their dependence, resulting from state-delegated powers, and ensure that the municipalities are given further powers in the form of general responsibility for local affairs;

*k.* acknowledge the municipalities' and future regions' autonomy with regard to their staff, in accordance with the general principles set out in rules and regulations specific to public officials;

*l.* systematically consult local authorities and future regions and their representative associations when drawing up and discussing draft legislation concerning them;

*m.* set up an administrative court to ensure that local government bodies enjoy legal protection through a right of recourse to a judicial remedy, in accordance with Article 11 of the European Charter of Local Self-Government; make similar provisions for the future regions;

*n.* provide for a genuine financial reform aimed at the effective and rapid transfer of tax-raising powers to local authorities and to the future regions, and also provide for appropriate financial equalisation mechanisms;

*o.* step up efforts to train local government staff and those of future regions, given that successful decentralisation is always largely dependent on the professionalism, motivation and efficiency of local and regional government officers;

*p.* implement the interstate agreements concluded with nearly all neighbouring countries with a view to an effective implementation of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its two protocols;

*q.* encourage mergers between municipalities and intermunicipal co-operation so as to enable local authorities to provide efficient public services and carry out major investment projects;

*r.* continue the dialogue with the Congress during the reform process currently under way, through consultations and exchanges of views with its members and experts, in order to benefit from the experience of other European countries in the sphere of local and regional democracy;

*s.* appoint an appropriate delegation to participate in the Congress's Chamber of Regions as soon as possible after the establishment of the regions and the election of their representatives.

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1. Debated by the Congress and adopted on 30 May 2001, 2nd Sitting (see Doc. CG (8) 5 draft recommendation presented by Mr A. Knapé and Mr Doric, rapporteurs).