

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 294 (2010)¹ Local democracy in Estonia

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(2007)6 of the Committee of Ministers, which provides that one of the functions of the Congress is “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(2007)6, which provides 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 Recommendation 81 (2000) on local democracy in Estonia;

d. the explanatory memorandum on the situation of local democracy in Estonia (CPL(19)5), presented by Mr Jos Wielen.

2. The Congress notes that:

a. Estonia became a member of the Council of Europe on 14 May 1993 and on 16 December 1994 ratified the European Charter on Local Self-Government (ETS No. 122), which came into force in respect of Estonia on 1 April 1995, and 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;

b. the Institutional Committee of the Congress appointed Mr Jos Wielen (Netherlands, L, EPP/CD) as rapporteur to prepare and submit a report on local democracy in Estonia;

c. Mr Wielen made an official visit to Estonia on 26 and 27 April 2010, accompanied by Mr Zoltán Szente, consultant, member of the Group of Independent Experts.

3. The Congress thanks the Estonian Government and Parliament, the President of the Supreme Court and the mayors of Tallinn and Haapsalu for the information provided and comments made during and after their meetings with the delegation, as well as the Estonian Congress delegation, its secretariat and the representatives of the Estonian local authorities associations.

4. It welcomes the progress made on certain issues by the Estonian national authorities in accordance with

Recommendation 81 (2000), such as the extension of the mandate of local government councils from three to four years, and the mergers of small local authorities on a voluntary basis.

5. However, the Congress stresses that some important points that were made in Recommendation 81 (2000) need to be reiterated.

6. Therefore, the Congress recommends that the Committee of Ministers invite the Estonian authorities to:

a. grant the city of Tallinn a special status, on the basis of Congress Recommendation 219 (2007) on the status of capital cities, establishing different legal arrangements to take account of the particular situation of the capital compared with other municipalities;

b. clarify their legislation concerning the mandatory tasks and functions of local government;

c. change the domestic legislation urgently to allocate a greater proportion of financial resources for local authorities in order to make them commensurate with the responsibilities provided for by the Estonian Constitution and national law, and allow local authorities to raise revenues from local taxes. This change in the legislation was already urged in Recommendation 81 (2000);

d. take measures to ensure that local authorities receive adequate revenues from shared state taxes, and that these are allocated in a transparent way;

e. set up a support fund for local authorities particularly affected by the economic crisis so that they are able to continue delivering certain social services;

f. start wide-ranging consultations with local authorities on the planned financial reform;

g. clarify the procedure of consultation with local authorities and national associations of local authorities in order to make discussion possible prior to the final decision making, as stated in Article 4, paragraph 6, of the European Charter of Local Self-Government. This procedure should take place in due time and be organised in a proper manner, in particular when a planned reform concerns local authorities or implies financial consequences for them;

h. encourage the Estonian authorities to ratify the Additional Protocol to the European Charter on Local Self-Government on the right to participate in the affairs of a local authority as soon as possible.

7. The Congress requests the Estonian authorities to keep the Congress informed on the follow-up which will be given to this recommendation.

1. Discussed and approved by the Chamber of Local Authorities on 26 October 2010, and adopted by the Congress on 28 October 2010, 3rd Sitting (see Document [CPL\(19\)5](#), explanatory memorandum), rapporteur: J. Wielen, the Netherlands (L, EPP/CD).