

**35th SESSION****Local democracy in Lithuania**Recommendation 420(2018)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

*a.* Article 2, paragraph 1.b, of the Statutory Resolution CM/Res(2015)9 relating to the Congress, stipulating that one of the aims of the Congress is to “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

*b.* Article 2, paragraph 3, of the Statutory Resolution CM/Res(2015)9 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.* Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

*d.* the appended explanatory memorandum on local democracy in Lithuania.

2. The Congress points out that:

*a.* Lithuania joined the Council of Europe on 14 May 1993. It signed and ratified the European Charter of Local Self-Government (ETS 122, hereafter “the Charter”), in all its provisions, without declaration, on 22 June 1992. The Charter came into force in Lithuania on 14 September 1997;

*b.* The Committee on the Honouring of Obligations and Commitments by member states of the European Charter of Local Self-Government (hereinafter referred to Monitoring Committee) decided to examine the situation of local democracy in Lithuania in the light of the Charter. It instructed Mr Artur Torres Pereira, Portugal (L, EPP/CCE) and Mr Sigurdur Bjorn Blondal, Iceland (R, ILDG), with the task of preparing and submitting to the Congress a report on local democracy on Lithuania. The delegation was assisted by Prof. Tania Groppi, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat;

*c.* The monitoring visit took place the 23 and 24 January 2018. During the visit, the Congress delegation met the representatives of various institutions. The detailed programme of the visit is set out in the appendix to this document;

*d.* The co-rapporteurs wish to thank the Permanent Representation of Lithuania to the Council of Europe and all those whom it met during the visit for their readiness to assist the delegation and for the information, they so willingly supplied.

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<sup>1</sup> Discussed and approved by the Chamber of Local Authorities on 6 November 2018, and adopted by the Congress on 7 November 2018, 2nd sitting (see Document CPL35 (2018)02, explanatory memorandum), rapporteurs: Artur Torres PEREIRA, Portugal (L, EPP/CCE) and Sigurdur Bjorn BLONDAL, Iceland (R, ILDG).

3. The Congress notes with satisfaction that:

- a. The present situation of local self-government in Lithuania deserves an overall positive assessment;
- b. Lithuania signed and ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of local authority;
- c. the case-law of the Constitutional Court includes frequent references to the Charter, thus ensuring its applicability;
- d. the subsidiarity principle has been laid down in legislation;
- e. local authorities and their Association (ALAL) are regularly consulted by the government;
- f. progress has been made in extending the municipalities' rights in managing State-owned land;
- g. the budgets of the municipalities are recovering after the crisis and experienced a significant growth in 2018;
- h. citizens' participation has been strengthened by new rules on local surveys and on the elders;
- i. there is an ongoing discussion, both at national and local level, on the strengthening of the Regional Development Councils and the possibility of establishing a second tier of local government.

4. The Congress notes that the following points call for particular attention:

- a. although the subsidiarity principle has been included in legislation, it is not fully implemented in practice, as some interferences by State authorities within the municipal independent functions undermine the attribution to local authorities of full and exclusive powers;
- b. although progress has been made in extending the municipalities' rights in managing State-owned land, they still do not have the full possibility to manage those lands, which would enable them to promote territorial development;
- c. notwithstanding the quick recovery from the financial crisis and the improvement of the resources allocated to municipalities since 2013, those resources are not concomitant to the responsibilities which are vested in local government and the access to capital markets for municipalities is extremely limited;
- d. even if the system of consultation is good in general terms, in too many cases the deadline for receiving the local authorities' comments and suggestions on proposed measures is too short, thus limiting the capacity of local authorities to make meaningful and reasoned comment;
- e. the ALAL does not have the power to lodge applications to administrative courts for review of the legality of a regulatory administrative act infringing local self-government rights;
- f. citizens' participation remains weak and the municipalities are not considered close to their needs by the residents;
- g. Vilnius still does not enjoy a special legal status as a capital city;
- h. the Regional Development Councils still do not have an administrative apparatus and their functions remain limited.

5. In light of the above, the Congress requests that the Committee of Ministers invite the authorities of Lithuania to:

- a. ensure that the subsidiarity principle is applied in practice, by recognising to the municipalities full and exclusive powers and by reducing interferences by State authorities within the municipal independent functions;

*b.* ensure that the functions of the planning of land use and of the disposal of the State-owned land will be transferred to the municipalities as quickly as possible, once the existing transitional status comes to an end;

*c.* ensure the allocation of sufficient resources to the municipalities, respecting the principle that the resources should match the functions and giving municipalities access to capital markets for investment expenditures;

*d.* recognise the right of ALAL to lodge an application for review of the legality of a regulatory administrative act infringing the local self-government rights;

*e.* further encourage and develop citizens' participation at sub-municipal level;

*f.* relaunch the debate in the *Seimas* to give Vilnius a particular status in the law, in accordance with its position as capital city;

*g.* take measures to further develop the regional tier, increasing the competences and the capacities of their administrative apparatus.