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Monitoring of the application of the European Charter of Local Self-government in the Slovak Republic

Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee)

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Summary

This is the fourth report assessing the implementation of the Charter in the Slovak Republic since the country ratified the Charter in 2000.

The rapporteurs note with satisfaction the synchronisation of the election and term of office of local and regional self-governments. The rapporteurs also highlight the positive effects of the creation of the Supreme Administrative Court, as well as the ongoing reform of the civil/public service.

However, the report highlights a few issues that deserve special attention, in particular, municipal fragmentation, inadequacy of local government finance and the ineffectiveness of the equalisation system. Another point highlighted by the rapporteurs concerns consultation processes that are not held in due time and in an appropriate way. Finally, the rapporteurs regret the absence of fiscal powers at regional level as well as limited and inadequate training of local staff.

Consequently, the rapporteurs suggest encouraging voluntary mergers, promoting intermunicipal co-operation and ensuring adequate funding to local and regional authorities. Likewise, the rapporteurs stress the importance of revising the equalisation system, improving the implementation of existing consultation mechanisms and implementing training plans for local public employees. Furthermore, the rapporteurs invite national authorities to enable regional fiscal autonomy and to enhance the buoyancy of subnational financial resources.

The report also encourages the Slovak Republic to sign and ratify the Additional Protocol to the Charter (CETS No. 207).

¹ L: Chamber of Local Authorities / R: Chamber of Regions.
EPP/CCE: European People's Party Group in the Congress.
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats.
ILDG: Independent Liberal and Democratic Group.
ECR: European Conservatives and Reformists Group.
NR: Members not belonging to a political group of the Congress.

DRAFT RECOMMENDATION²

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

- a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;
- b. Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 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 the effective implementation of the principles of the European Charter of Local Self-Government”;
- c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
- d. the Contemporary Commentary on the explanatory report to the European Charter of Local Self-Government adopted by the Congress Statutory Forum on 7 December 2020;
- e. the Congress priorities for 2021-2026, in particular priority 6b which concerns the quality of representative democracy and citizen participation;
- f. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;
- g. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;
- h. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;
- i. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
- j. the previous Congress Recommendation on the monitoring of the European Charter of Local Self-Government in the Slovak Republic ([Recommendation 387\(2016\)](#));
- k. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in the Slovak Republic.

2. The Congress points out that:

- a. the Slovak Republic joined the Council of Europe on 30 June 1993, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 23 February 1999 and ratified it on 1 February 2000. The Charter entered into force in respect of the Slovak Republic on 1 June 2000. The Slovak Republic has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of local authorities (CETS No 207);
- b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as the Monitoring Committee) decided to examine the situation of local and regional democracy in the Slovak Republic in the light of the Charter. It entrusted Matthias Gysin, Switzerland (L, ILDG) and Levan Zhorzholiani, Georgia (R, NR), with the task of preparing and submitting to the Congress a report on the implementation of the Charter in the Slovak Republic;
- c. The monitoring visit took place from 6-8 December 2022. The Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum;

² Preliminary draft recommendation approved by the Monitoring Committee on 4 July 2023.

d. The co-rapporteurs wish to thank the Permanent Representation of the Slovak Republic to the Council of Europe and all those with whom they had exchanges during these meetings.

3. The Congress notes with satisfaction:

a. the synchronisation of the election and terms of office of local and regional self-government, including mayors and regional governors;

b. the launch of the Supreme Administrative Court, ongoing civil/public service reform and implementation of programmes such as “Effective Public Administration”.

4. The Congress expresses its concerns on the following issues:

a. the continuing fragmentation of local government in the Slovak Republic, which results in numerous small municipalities with limited administrative capacity and financial resources. This impedes implementation of the Charter principles and reduces the potential for high-quality, standardised provision of services;

b. the ongoing problems regarding local government finance, particularly the inadequacy of local financial resources and the gap between the real cost of delegated tasks and the allocated funding with consequent high dependence on central financing;

c. the limited buoyancy of subnational finances, which hinders the capacity of local and regional authorities to carry out their functions fully and deliver all the necessary services to citizens;

d. the ineffectiveness of the current system of equalisation, which does not fully remediate the effects of the unequal distribution of potential sources of finance;

e. the malfunctioning of existing consultation processes between central, local and regional authorities and their associations, which are not held in due time and in an appropriate way on all matters of concern to subnational authorities;

f. the absence of fiscal powers at regional level;

g. the limited and inadequate training of local staff, which reduces the efficiency of delivery of public services at local level.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of the Slovak Republic to:

a. address the municipal fragmentation by encouraging voluntary mergers and actively promoting intermunicipal co-operation, including through joint Municipal Offices, which could make the necessary expertise and facilities available to smaller municipalities on a more structured basis;

b. ensure adequate funding to local authorities so that their financial resources match the broad range of tasks they must perform and link the delegation of the tasks with commensurate resources;

c. enhance the buoyancy of subnational financial resources to strengthen the financial independence of local and regional self-government;

d. revise the current equalisation system to take cognisance of the different endowments and potential of subnational government units and ensure the effectiveness of equalisation mechanisms in smoothing out regional and inter-municipal disparities;

e. improve the implementation of existing consultation mechanisms and avoid disproportionate bypassing of the standard consultation procedures, thereby enabling effective and timely consultation with subnational authorities on all matters that directly concern them;

f. institutionalise structures which would enable subnational representatives to participate meaningfully in the creation of central financial plans for taxation and subsequent redistribution of shared taxes in order to ensure optimal allocation and maximum impact of redistributed resources;

g. enable regional fiscal autonomy so that regional authorities can raise their own funds, in line with the requirements of the Charter;

h. implement plans for training and upskilling local public employees to ensure efficient public administration at local level;

i. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (ETS No. 207).

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in the Slovak Republic and the accompanying explanatory memorandum in their activities relating to this member State.

DRAFT

EXPLANATORY MEMORANDUM

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1. INTRODUCTION: AIM AND SCOPE OF THE VISIT, TERMS OF REFERENCE

1. Pursuant to Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities (hereinafter referred to as “the Congress”) appended to Statutory Resolution CM/Res (2020)1, the Congress regularly prepares reports on the state of local and regional democracy in Council of Europe member States. The monitoring missions of the Congress pursue the overall aim of guaranteeing that the commitments entered into by member states when ratifying the European Charter of Local Self-Government (hereinafter “the Charter”, ETS no. 122) are fully honoured.
2. The Slovak Republic joined the Council of Europe on 30 June 1993 and is one of the parties to the European Charter of Local Self-Government. It signed the European Charter of Local Self Government on 23 February 1999 and ratified it on 1 February 2000. The Slovak Republic has neither signed nor ratified 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).
3. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in the Slovak Republic vis á vis the Charter. A delegation from the Congress of Local and Regional Authorities of the Council of Europe, composed of rapporteurs Mr Matthias Gysin, Switzerland (L, ILDG) and Mr Levan Zhorzholiani, Georgia (R, NR) was appointed to carry out a monitoring visit in Bratislava, Trenčín and Kálnica from 6 to 8 December 2022. They were assisted by Dr Brid Quinn, member of the Group of Independent Experts on the European Charter of Local Self-Government (Ireland) and by the Secretariat of the Monitoring Committee.
4. The monitoring visit took place from 6 to 8 December 2022. The Congress delegation, as a regular practice, met the representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum.
5. The co-rapporteurs wish to thank the Permanent Representation of the Slovak Republic to the Council of Europe and all those who they had exchanges with during these meetings.
6. According to Rule 88.3 of the Rules and Procedures of the Congress of Local and Regional Authorities of the Council of Europe, the preliminary draft report was sent on 17 February 2023 to all interlocutors met during the visit for their comments and possible adjustments or corrections (hereinafter referred to as “consultation procedure”). The present report is based on the comments received, which were considered by the co-rapporteurs before submission for approval to the Monitoring Committee.

2. INTERNAL AND INTERNATIONAL NORMATIVE FRAMEWORK

7. The Slovak Republic was established on 1 January 1993 as a result of the “velvet divorce” within the former Czechoslovakia, which led to the creation of two sovereign states, the Czech Republic and the Slovak Republic. The Slovak Republic has a total population of 5 459 781 (2021) and an area of 49035 square kilometres. It joined the Council of Europe in 1993, the OECD in 2000 and the European Union and NATO in 2004. It is a member of the Schengen area since 2007 and the Euro zone since 2009.
8. The Slovak Republic is a parliamentary Republic, “a sovereign, democratic state governed by the rule of law” (Art. 1 of the Slovak Constitution of 1992). The Head of State is the President of the Republic, who is directly elected by the people every five years (Art. 101). The Slovak president has weak constitutional powers and is “mostly a moral voice or political authority”.³ Zuzana Čaputová was elected the Slovak Republic’s first female President in March 2019, having won 58% of the vote.
9. The legislative body of the Slovak Republic is the unicameral National Council (*Národná rada Slovenskej republiky*), composed of 150 representatives who are elected every four years from a single constituency. Parliamentary elections took place in February 2020, just prior to the Covid-19 pandemic. The outcome was a four-party coalition. One of the parties resigned from the coalition in September 2022, leaving a minority government in place. Just a week after the monitoring visit, a vote of no confidence in the government was passed by 78 of the 120 MPs present in the Parliament. The President asked the coalition to continue governing the country until a snap election can be called. Importantly, the state budget was approved by Parliament on

³ <https://bti-project.org/en/reports/Country-Report/SVK> p. 10
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22 December 2022. A referendum to shorten the Parliament's term was initiated by the opposition. This took place on 21 January 2023 but the low turn-out of only 27.3% meant that the referendum was not legally binding so political uncertainty persisted. After the referendum result was announced, the parties in the caretaker cabinet agreed to hold an election on 30 September 2023. The political uncertainty caused by these events takes attention away from subnational issues.

2.1 Local government system (constitutional and legislative framework, reforms)

10. The Slovak Republic is a unitary state. The Slovak Constitution proclaims that “the territory of the Slovak Republic is united and indivisible” (Article 3). There are two levels of sub-national government: regions (*samosprávne kraje*) and municipalities (*obce*). There are 8 regions and 2 927 municipalities,⁴ of which 140 are cities (*mestá*). According to Act No. 369/1990, section 22, decisions on city status are taken by the National Council which grants this status to Municipalities which serve as an administrative, economic, and cultural centre and provide public services to neighbouring municipalities. Cities have the same competences as municipalities. Many of the municipalities are relatively small with 84% of them having fewer than 2,000 inhabitants and only 2% having more than 20,000 inhabitants.⁵ Consequently, there are significant variations in financial and administrative capacity.

11. As well as regional and municipal self-government, there are also 79 state district offices (*okres*) which are responsible for executing state administration at the local level (regulated by Act No. 221/1996 and Act No. 222/1996). These have emerged through “the zig-zag of reforms” with district offices established during the 1990s, abolished in 2004 and re-established in 2014.⁶ The district offices play a significant role in the co-ordination and oversight of sub-national governments. The district offices manage, supervise and co-ordinate the execution of state administration carried out by district offices based in their territorial district; they act as the representative of national government in matters in which the administrative proceedings are decided by the district office and also serve as an appeal body.

2.2 Status of the capital city

12. According to Article 10 of the Slovak Constitution “the capital of the Slovak Republic is Bratislava”. Act No. 377/1990 sets out the structure of the city government, its legislative powers and competences. An amendment passed in 2021 outlines the procedure for cooperation between the city government and district local authorities in the management of roads. The Statute of the City of Bratislava confirms the city as a distinct legal entity and an independent self-governing territory.

13. The city has a population of 475 503 inhabitants. Within Bratislava, there are two levels of governance: city-wide and borough level, each with their own competences. The city-wide administration is managed by the Mayor of Bratislava and the city council. Bratislava has 5 districts, each of which is divided into boroughs (*mestských častí*), of which there are 17.⁷ Boroughs are legal entities which manage entrusted property and financial resources under the conditions laid down by the Bratislava Act and the Statute of the Capital City. Each borough has its own mayor, local council and local administration and draws up its own budget. The boroughs are quite uneven regarding population, scale and resources.

14. As for Bratislava region, it ranks in the top 25% of OECD regions in jobs and income whereas East Slovakia is in the bottom 25% of OECD regions.⁸ Bratislava is the seat of top Slovak institutions such as the office of the president, the parliament and the government, a number of scientific and cultural institutions, and of the only EU agency in the Slovak Republic – the European Labour Authority (ELA).

2.3 Legal status of the European Charter of Local Self-Government

15. The Slovak Republic joined the Council of Europe on 30 June 1993. It ratified the European Charter of Local Self Government on 1 February 2000. Today, the Slovak Republic is bound by the Charter in its entirety. The Charter was incorporated as an “acceptance of an international treaty”,⁹ and, in accordance with the Slovak constitution, was approved by Parliament and, like other international treaties, now supersedes domestic laws.

4 OECD/UCLG (2022) 2022 Country Profiles of the World Observatory on Subnational Government Finance and Investment.

5 https://www.oecd.org/regional/multi-level-governance/OECD_SNG_Nuancier_2021.pdf

6 Stogova O. V., Pasek I., Kovac D. (2021). Reform of Public Power in the Slovak Republic: Achievements and Prospects *Legal Horizons* № 14(2). P. 50-55.

7 <https://bratislava.sk/en/city-of-bratislava/city-administration/city-boroughs>

8 OECD (2020) at <https://www.oecd.org/cfe/Slovak-Republic-Regions-and-Cities-2020.pdf>

9 Klimovský, D., & Nemeč, J. (2021). Local self-government in Slovakia.

According to the Constitutional Court “rights guaranteed by the Charter are of framework nature and numerous provisions of the Charter rely on further detailed regulation by national legislation”.

16. The Slovak Republic has neither signed nor ratified 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). However, the rapporteurs were informed that the possibility of acceding to the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of the local authority is currently under consideration.

2.4 Previous Congress reports and recommendations

17. The Congress has produced several reports and recommendations since the Slovak Republic became a member. In 2001 a Report on the state of local and regional democracy in the Slovak Republic led to Recommendation 88 (2001) and Resolution 109 (2001) on local and regional democracy in the Slovak Republic, adopted by the Congress in 2001. In 2006, the Congress evaluated the process of regionalisation in the Slovak Republic. Subsequently, Recommendation 204 (2006), on regional democracy in the Slovak Republic was adopted.

18. The most recent monitoring mission to the Slovak Republic was conducted in 2015, the results of which are detailed in Report CG30(2016)09.¹⁰ The Congress subsequently adopted Recommendation 387 (2016)¹¹ which asked the Committee of Ministers to recommend the Slovak authorities to:

a. draw up a legislation which would clearly define the exclusive fields of competence of the regional and the local level respectively to avoid any overlapping of responsibilities, and consider elaborating a legislation allowing local authorities to take initiatives when the corresponding competence has not been expressly attributed to them and when this is not explicitly prohibited by the law (Article 4, paragraph 2);

b. simplify the legal, regulatory and administrative organization of small municipalities, especially in rural areas, for instance by promoting their merging in order to have stronger local authorities;

c. fully implement the 2015 conclusions of the National Audit Office's report on the financial situation of local governments, consider rebasing the tax redistribution system on the criteria of the local authorities' needs rather than on their fiscal effort for a fairer equalization system, notably in order for them to perform a comprehensive program of investments (Article 9, paragraphs 5 and 2 respectively);

d. reinforce the technical capacity and the managerial abilities of the human resources of the local and regional authorities by training civil servants at the regional level in order to satisfy the challenges of the regional governmental activities (Article 6, paragraph 2);

e. give Bratislava a full and operational status of capital city, or a self-governing region and revising the present structure of districts, in order to ensure a more efficient and expedient decision-making system on the general problems and policies affecting the city as a whole;

f. give larger access to remedies for local and regional authorities by considering the possibility of establishing a special appeal of unconstitutionality when a national law breaches one of the provisions of Chapter IV of the Slovak Constitution, and the opening of regional offices for the Defender of Rights, which may constitute an alternative remedy (Article 11);

g. sign and ratify the Additional Protocol to the European Charter of Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) in the near future.

¹⁰ <https://rm.coe.int/local-and-regional-democracy-in-the-slovak-republic-recommendation-exp/168071aa93>

¹¹ <http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168071a744>

3. HONOURING OF OBLIGATIONS AND COMMITMENTS: ANALYSIS OF THE SITUATION OF LOCAL DEMOCRACY ON THE BASIS OF THE CHARTER (ARTICLE BY ARTICLE)

3.1 Article 2 – Constitutional and legal foundation for local self-government

Article 2 – Constitutional and legal foundation for local self-government

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

19. Chapter Four of the Slovak Constitution (Articles 64 to 71) provides the constitutional and legal basis for local and regional government in the Slovak Republic. Article 64 states that local self-government consists of municipalities and Higher Territorial Units (the Higher Territorial Units are generally referred to as regions). Article 65 specifies the legal personality of municipalities and Higher Territorial Units which, under conditions laid down by law, independently manage their own property and financial resources and finance their activities through a combination of own revenues and state subsidies (Article 65(2)). Article 67.3 declares that “the state may intervene in activities of a municipality and a higher territorial unit only in a manner laid down by law”.

20. An important legislative source for implementation of the constitutional provisions regarding local self-government in the Slovak Republic is Act 369/1990 on Municipalities. The Act (version effective from 01.07.2022) outlines the legal status and functioning of municipalities and specifies their competences in paragraph 4.3. Significant also is Act 302/2001 on Administration of Higher Territorial Units /Self-Governing Regions. Other significant Acts relating to local self-government include: Act 138/1991 on Municipal Property; Act 523/2004 on Budgetary Rules in Public Administration; Act 211/2000 on Free Access to Information; Act 416/2001 on Decentralization; Act 42/1994 on Civil Protection; Act 54/1994 on the Citizen Register; Act 50/1976 on Territorial Planning and Building Control; Act 222/1996 on the Organisation of Local State Administration; Act 343/2015 on Public Procurement; Act 180/2014 on Conditions for Exercise of the Right to Vote; Act 552/2003 on the Public Service; Act 502/2001 on Financial Control and Auditing; Act 55/2017 on the Civil Service Code and Act 523/2004 on Budgetary Rules for Public Administration.

21. In the light of the above, the rapporteurs conclude that the principle of local self-government is recognised in both the Constitution and in domestic legislation. Therefore, the rapporteurs consider that the Slovak Republic complies with Article 2 of the Charter.

3.2 Article 3 – Concept of local self-government

Article 3 – Concept of local self-government

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.
2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

3.2.1 Article 3.1

22. Article 68 of the Slovak Constitution states that “a municipality and a Higher Territorial Unit may issue generally binding ordinances in the matters of local self-administration and in order to provide for the tasks ensuing for the self-administration from the law”. In addition to their own competences, municipalities carry out competences delegated to them by the state. Such competences are specified in legislation such as Act 369/1990 Coll. on municipal establishment and Act 461/2001 on the transfer of some responsibilities from state administration bodies to municipalities and Higher Territorial Units and subsequent amendments to these Acts. Act No. 302/2001 (last amended in 2021) established the 8 regions of the Slovak Republic, clarified their legal status and in paragraph 4.1 sets out their competences. Thus, local self-government is responsible for all matters relating to management of the municipality or region and its property, except those matters which are reserved for the state.

23. The responsibilities of local and regional authorities in the Slovak Republic are classified under the following headings: General public services (administration); Public order and safety; Economic affairs/transport; Environment protection; Housing and community amenities; Health; Culture and Recreation; Education; Social Welfare. All municipalities have the same competences regardless of their territorial size or number of inhabitants. The decentralisation reforms of 2000-2005 led to changed processes for state administration and strengthened the role and responsibilities of local authorities.

24. Subnational government in the Slovak Republic is responsible for a “substantial share of public affairs” which it regulates and manages in accordance with the Constitution and the legal system. Nemec (2018) concluded that “local self-government capacities are legally very well defined and secured”.¹² Local authorities can also issue ordinances to regulate their powers “under their own responsibility” and “in the interest of local population”. However, as the Preamble to the Charter states “ways and means by which those responsibilities are exercised and the resources required for their fulfilment” are among the core elements necessary to implement the principle of local self-government.

25. In this respect, the rapporteurs observed that local authorities’ ability to manage their share of public affairs effectively is often considerably constrained in practice, not by intervention or legislation, but by their small size and limited financial and staff capacity. With an average municipal population of 1,870 inhabitants, and an average municipal territory of 17 square kilometres,¹³ many Slovak municipalities are hindered in their ability to deliver effective local government. The fragmented nature of Slovak municipalities and the limited resources and capacity of smaller units would seem to indicate the merits of increased formal cooperation or even of merging groups of small municipalities to create bigger, more effective and more solvent units. However, the rapporteurs noted that there is no evidence of political or administrative intention to initiate or stimulate such a process and neither is there popular demand for such change.

26. During the visit, interlocutors agreed that a broad range of responsibilities has been assigned to local level but expressed serious concerns about the inadequacy of the ways and financial means to fulfil those responsibilities, a theme which will be explored in detail during the analysis of Article 9 (see *infra*).

27. Therefore, the rapporteurs conclude that Article 3.1 is partially complied with in the Slovak Republic.

3.2.2 Article 3.2

28. The Contemporary Commentary on the Charter¹⁴ points out that Article 3.2 embodies one of the most significant democratic principles in the provisions of the Charter, i.e., that the right of self-government must be exercised by democratically constituted authorities. Article 69 of the Slovak Constitution specifies the municipal bodies, namely the municipal council and the mayor. Each Slovak municipality (*obec*), including those with city status, elects the local council (*obecné zastupiteľstvo* in municipalities and *mestské zastupiteľstvo* in cities). The number of councillors varies in accordance with the population, e.g., 3 councillors for municipalities with up to 40 inhabitants and 23-41 councillors for municipalities with up to 100,000 inhabitants. Details connected with municipal elections are agreed by the acting municipal council. Elections involve secret, direct voting by citizens and foreigners with permanent residence on the territory of the municipality and are held every four years. Local residents may participate in the regular meetings of local bodies and assemblies. They may also file motions and complaints against local authorities.

29. Citizens of each region also directly elect a regional council (*zastupiteľstvo samosprávneho kraja*) and a president (*predseda*) every four years. Local and regional elections were held on 29 October 2022. This was the first time that the regional and municipal elections were held at the same time, a move aimed at saving money and increasing participation. The turnout in regional elections was the highest ever (43.7%, up 14% on five years ago) but the figure for the municipal elections, at 46.2% was the lowest ever.¹⁵

30. The municipal council is the body for debate and decision-making, but each municipality has a local board (*rada*) which acts as the council’s executive body and serves as a consultative body for the mayor. Members are drawn from and elected by the local council. The local board holds powers of initiative and control and is responsible for implementing the decisions of the local council. Similarly, each region has a commission (*komisia*), a consultative body with powers of initiative and control. Members are drawn from and elected by the regional council.

31. Each municipality elects a mayor (*starosta* in municipalities and *primátor* in cities) who represents the municipality in dealings with the state and legal and private entities. He or she discharges all the executive functions and decides on all municipal matters, except those reserved by law or by the municipal ordinances for the municipal council. In the 2022 elections, 70% of the mayors in municipal councils were returned to office,

¹² Nemec, J. (2018). Public administration reforms in Slovakia: Limited outcomes (Why?). *Network of Institutes and Schools of Public Administration in Central and Eastern Europe. The NISPAcee Journal of Public Administration and Policy*, 11(1), 115.

¹³ Nemec, 2018

¹⁴ Congress of Local and Regional Authorities, A contemporary commentary by the Congress on the Explanatory Report to the European Charter of Local Self-Government, CG-FORUM (2020)02-05prov, 12 February 2020, <https://rm.coe.int/contemporary-commentary-by-the-congress-on-the-explanatory-report-to-t/1680a06149> CG-FORUM(2020)02-05final

¹⁵ <https://www.osw.waw.pl/en/publikacje/analyses/2022-11-03/slovak-local-and-regional-elections-stability-above-all>
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with the strongest representation coming from independents and local candidates.¹⁶ The 2022 elections also saw the election of a record number of Roma¹⁷ mayors (52).¹⁸ The mayor cannot be dismissed by the State or by the municipal council. Act 369/1990 sets out grounds for the dismissal of the mayor in paragraph 13a, section 1. Among these grounds are: the expiry of the term of office; resignation; a final conviction for an intentionally committed criminal offence or a final conviction for a criminal offence, or the deprivation of the mayor's legal capacity or restriction of legal capacity.

32. The President (*predseda*) of each region is also elected by direct universal suffrage for a four-year mandate. Article 69.4 of the Constitution states that the President chairs regional council meetings and is the region's representative and statutory body. In the 2022 elections 6 out of the 8 regional presidents were re-elected.

33. The Slovak Constitution allows for referendums to be held at local or regional as well as at national level. Article 67 of the Constitution states that "territorial self-administration is performed at meetings of municipality residents, by a local referendum, by a referendum on the territory of a higher territorial unit". It also states that "the manner of execution of the local referendum and the referendum on the territory of a higher territorial unit shall be laid down by law". Local and regional referendums are statutorily regulated in Act no. 369/1990 Coll. on the municipal establishment (the referendum at the municipal level) and in Act no. 302/2001 Coll. on the self-government regional units. At municipal level, a referendum must be called by the municipal council in case of (a) a merger or a dissolution of municipalities; (b) a recall of the mayor; (c) a petition request of 30 per cent of municipal inhabitants; (d) a change of the name of the municipality; or (e) if it is statutorily required. Act no. 369/1990 also allows for optional referendum on any other important issue of local governance. At regional level, a referendum is obligatory in the event of the recall of the president of the regional council. Optional referendums may be called by the regional council on any important issues concerning the exercise of self-governance. Such referendums can be initiated either by a resolution of the council or by a petition of at least 30 per cent of the inhabitants of the self-governing regional unit. To be successful a referendum must elicit a turnout of at least half of the population of the subnational unit and simultaneously achieve endorsement by the majority of the participating citizens.

34. Local and regional referendums in the Slovak Republic are not constitutionally regulated and, as Baranik argues, "the legal effects of valid referendums rest primarily in the hands of politicians in the process of implementation of the results".¹⁹ Prior to Covid-19, some municipalities and regions had introduced participatory budgeting to give citizens greater involvement. Despite such innovations, a 2018 study commissioned by the Visegrád Group²⁰ found that 83% of Slovak citizens agreed (52% strongly and 31% rather) that power is exclusively held by politicians and that ordinary people are powerless within their political system. This figure was marginally higher than that in Poland, Hungary or the Czech Republic.

35. Efforts are being made to involve young people and consultation of young people in local and regional policy processes is at the discretion of the local and regional authorities. Since 2020, municipalities have had the option to set up youth parliaments to formalise youth participation in decision-making at the local level. In addition, from January 2022, youth parliaments could also be established on the regional level, either by the regions themselves or by individual organisations of local and regional authorities. The aim is to improve young people's access to decision-making processes and to promote youth participation (e.g., the Youth Parliament of the Bratislava Region). The Association of Regional Youth Councils (AKRAM) has been established to represent young people's interests at the regional level and facilitate consultation between young people and regional authorities through youth councils. For instance, it organised a conference in September 2022 where 21 youth parliaments came together to discuss the problems and challenges facing them and share examples of good practice.²¹

¹⁶ [Slovakian regional, mayoral elections back the status quo - ABC News \(go.com\)](https://www.abcnews.sk/slovensko/slovenska-republika/slovenske-regiony/2022/05/2022-slovenske-regiony-slovenske-regiony-back-the-status-quo-abc-news-go-com)

¹⁷ The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.

¹⁸ <https://domov.sme.sk/c/23061875/volby-2022-komunalne-romski-starostovia.html>

¹⁹ Baranik, K. (2021). Slovakia. In *The Legal Limits of Direct Democracy*. Edward Elgar Publishing.

²⁰ [Citizenship empowerment potential for civic participation in the Visegrad countries 2017-2018](https://www.visegradgroup.eu/publications/citizenship-empowerment-potential-for-civic-participation-in-the-visegrad-countries-2017-2018)

²¹ <https://www.akram.sk/o-nas>

36. In 2018, the Slovak Government approved the starting points for implementation of the 2030 Agenda for Sustainable Development. Target 5.5. aims to ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life.²² Although still significantly underrepresented, women are gradually becoming more visible in political life in the Slovak Republic²³ as the following tables show:

Table 1. Percentage of women in national and regional structures

	Share of ministers (%)		Share of members of parliament (%)		Share of members of regional assemblies (%)	
	Women	Men	Women	Men	Women	Men
Slovak Republic	22.5	77.5	21.3	78.7	13.9	86.1
EU	33.4	66.6	33	67	29.4	70.6

Source: European Institute for Gender Equality²⁴

37. Following the 2018 local and regional elections, women comprised 26.2% of municipal councillors, 25.5% of Mayors, 12.5% of regional governors and 13.9% of regional deputies. The proportion increased slightly following the 2022 elections as Table 2 indicates.

Table 2. Gender distribution of mayors and councillors 2022

	Number of male mayors	Number of female mayors	Share of male mayors %	Share of female mayors %	Number of male councillors	Number of female councillors	Share of male councillors %	Share of female councillors %
Bratislava	68	20	77.27	22.73	609	300	67.00	33.00
Slovak Republic	Total number	Total number	Average share	Average share	Total number	Total number	Average share	Average share
	2 134	770	73.86	26.14	14 917	5 545	71.96	28.04
		Share %				Share %		
		26.52				27.10		

Source: Statistical Office of the Slovak Republic (statistics on elections and referendums)

38. Slovak citizens have both direct and indirect channels for involvement in the political process. Formal representative channels are legally and constitutionally articulated but public involvement is still relatively low.

39. The rapporteurs consider that Article 3.2 is complied with in the Slovak Republic.

3.3 Article 4 – Scope of local self-government

Article 4 – Scope of local self-government

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
3. Public responsibilities shall generally be exercised, in preference, by those authorities who are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and

²² https://slovak.statistics.sk/wps/wcm/connect/605fd33f-91b4-400f-a7c5-a18d3340c9cd/The_Slovak_Republic_and_the_Sustainable_Development_Goals_of_the_2030_AGENDA.pdf?MOD=AJPE

²³ Maličká, L. (2022). Women Mayors in Slovakia. *JWEE*, (3-4), 27-45.

²⁴ <https://eige.europa.eu/gender-equality-index/2022/domain/power/SK>

decision-making processes for all matters which concern them directly.

3.3.1 Article 4.1

40. The Contemporary Commentary on the Charter advocates legal/constitutional prescription of the basic powers and responsibilities of local authorities in order to ensure predictability, permanence and protection. The Slovak Constitution and various legal enactments delineate the powers and responsibilities of local and regional self-government. Over the years powers and responsibilities for specific purposes have been attributed to both local and regional levels, particularly during the various phases of decentralisation. The competences of Slovak regions include: regional roads, territorial/ physical planning, regional development, secondary schools, hospitals, some social service facilities (retirements homes, social services for children, crises centre, orphanages, etc.), cultural facilities (galleries, museums, theatres, some libraries, etc.), and participation at civil protection, licences for pharmacies and private physicians. Despite being responsible for the comprehensive integrative development of the region, the Assembly of European Regions considers that the direct impact of the Slovak regions “on economic, social and environmental development of their territories is still relatively small”.²⁵

41. Municipalities have a wide range of responsibilities. Table 3 illustrates the competences implemented by municipalities.

Table 1. Municipal competences

Original competences	Transferred competences
<ul style="list-style-type: none"> • Pre-school • Territorial planning • Geodesy, cartography and real estate²⁶ • Social services and assistance • Financial management • Administration of local taxes and fees and administration of municipal property • Road maintenance • Public transport • Public lightning • Environment - Water supply, Sewage and municipal waste, • Culture and sports • Health • Funerals • Security • Fire protection • Local development 	<ul style="list-style-type: none"> • Education (primary school) • Building regulations • Local roads • Housing – State housing development fund • Office registration • Residence report and population register • Elections and referendums • Environment – surface and groundwater, air protection, nature and landscape protection, flood protection • Social services

Source: Adapted from CCRE TERRI Report 2021

42. The expansion of the range of competences and the transfer of new tasks indicates the evolving range of powers and responsibilities assigned to local and regional government in the Slovak Republic. Discussions during the monitoring visit indicated that interlocutors at all levels consider that the range of competences warrants re-examination and consolidation and that the process of allocating and reallocating competences needs analysis and systemisation. However, many interlocutors were seriously concerned about the ever-increasing range of competences transferred to sub-national government without legislative or financial support. ZMOS (Association of Towns and Communities) pointed to an increase in the scope of competence of local governments without proper legislative anchoring, particularly, in the fields of education, social services, environment, civil protection, sports and culture, as well as in the field of registers, whether in original or transferred scope. They also claimed that this is also a consequence of violations of valid legislation by the state administration. UMS (the Union of Towns and Cities of Slovakia) pointed that competences and responsibilities of regional / local self-government as well as vertical division of tasks are not guaranteed by a constitutional law or by the Constitution itself. Other interlocutors expressed concerns that the delegation and withdrawal of competences is not systematic. Subnational actors stated that central government cites inefficiencies as a reason for recentralisation but no systematic analysis is provided to support such assertions.

²⁵ <https://aer.eu/regionalisation-slovakia-voice-regions-rise-ror2017/>

²⁶ Where meant as a service to citizens, this competence is executed on district offices

Attention was drawn to the way in which municipalities demonstrated continuous innovation and adaptability during the Covid-19 crisis.

43. In light of the foregoing, the rapporteurs conclude that the basic powers and responsibilities of local authorities in the Slovak Republic are prescribed by statute. However, there is ongoing but limited attribution to local authorities of powers and responsibilities for specific purposes and it appears that such attribution frequently lacks adequate legislative and financial underpinning. Therefore, the rapporteurs consider that Article 4.1 is partially complied with in the Slovak Republic.

3.3.2 Article 4.2

44. Local and regional authorities in the Slovak Republic may issue ordinances that bind all individual or corporate bodies within their territory. Such ordinances apply to “the matters of local self-administration and in order to provide for the tasks ensuing for the self-administration from the law” (Article 68 of the Constitution). Only parliamentary acts can supersede or invalidate these ordinances. The power to issue such ordinances allows authorities to take initiative. During the visit, however some interlocutors have been critical of the perceived reluctance of municipalities to take initiative and innovate. An analysis of different types of co-creation within Slovak local government looked at examples in the welfare and environmental sectors and concluded that “local governments do not initiate co-creation and are not very active in the design and implementation phases”.²⁷ However, the analysis also praised some local authorities for their role in the implementation of social innovation interventions.

45. Slovak municipalities have their own budgets and manage their own assets “as well as any state-owned property that had been temporarily ceded to the municipality by the state under law”.²⁸ Again, this enables autonomy. However, the high proportion of delegated tasks and the constraints attached to them limits discretion. As already mentioned above, in practice, local authorities’ powers are often constrained, not by intervention, but by their small size and consequent limited fiscal capacity and expertise. The absence of such resources means local and regional authorities do not have full discretion to exercise their initiative. Therefore, the rapporteurs consider that Article 4.2 is partially complied with in the Slovak Republic.

3.3.3 Article 4.3

46. The various reforms to local and regional government which have taken place in the Slovak Republic, especially the 1990 and 2000-2005 reforms sought to foster subsidiarity. The rapporteurs are of the opinion that the reallocation of tasks from central government to local and regional levels enables many decisions to be made by those closest to the citizens, but the degree of subsidiarity is constrained by the unsatisfactory financial resources of local/regional government and the limited capacity of many small municipalities. This is particularly true about education. ZMOS contends that the scope of transferred tasks is not sufficiently analysed and consequently, the transferred payments are insufficient to enable sub-national authorities to take into account the specificities of regions, cities or municipalities, in the execution of their powers in the field of education, for example. Some interlocutors met during the visit indicated that greater subsidiarity could be achieved at regional level if certain functions currently carried out by the District Offices, especially in the area of environmental policy, were transferred to the regions. According to ZMOS, there was also a willingness to transfer upwards from municipalities specialised environmental tasks in order to ensure high-quality and legal fulfillment of competences. There were also suggestions that merging of the District Offices (currently attached to the Ministry of the Interior) and the self-governing regions would lead to greater effectiveness and efficiency and achieve greater subsidiarity.

47. Interlocutors from subnational level referred to insufficient communication between central and local levels of government and changing attitudes at the centre vis á vis subnational government. They often perceive that they are no longer seen as allies but are sometimes perceived negatively by central administration. Concerns were also expressed about the political links between levels of government. Mayors and councillors may also be members of Parliament but interlocutors feel that representatives with dual mandates do not support or advocate enough for local and regional government in their parliamentary role and that there is no agenda for regional and local government evident in the National Council. It was argued that better networking between the different levels of government could reinforce subsidiarity and increase efficiency, responsiveness and accountability.

²⁷ Klimovsky & J. Nemec, 2021: 380

²⁸ Klimovsky & J. Nemec, 2021: 363

48. In the light of the foregoing, the rapporteurs believe that tasks in the Slovak Republic are allocated in a manner which generally enables them to be exercised by those authorities which are closest to the citizen. Despite the fragmented system which weakens effectiveness and efficiency, the rapporteurs consider that Article 4.3 is complied with.

3.3.4 Article 4.4

49. The laws and Constitution of the Slovak Republic ensure that the powers of local and regional authorities are not limited by another authority except as provided for by the law. While Article 67 of the Constitution declares that restrictions relating to execution of the territorial self-administration may be imposed upon a municipality and higher territorial unit by law and on the basis of an international treaty, it also states that “the state may intervene in activities of a municipality and a higher territorial unit only in a manner laid down by law”. Article 4 of the Act on Municipalities states that municipalities independently decide and act in all areas related to municipal administration. The rapporteurs are of the opinion that this is also recognised in practice. For example, with regard to the national Urban Development plan, it is stated that “it has no ambition to be a strategy, as this would require different type of document, would have to be more specific, and define measurable goals to be reached by the state administration but also by municipalities. From the point of view of the autonomy in decision-making of municipal self-governments this is not possible to be enforced by state power”.²⁹

50. Although during the visit some interlocutors articulated the need for formulation of a general competence clause, they also confirmed that they regard the competences of municipalities and regions within the sphere of their responsibilities to be full and exclusive. Hence, the rapporteurs conclude that Article 4.4 is respected in the Slovak Republic.

3.3.5 Article 4.5

51. In its elaboration of Article 4.5, the Contemporary Commentary makes a link between local discretion and the autonomy of local authorities. According to the Commentary, “the delegation of powers and government functions may involve various mechanisms, ranging from legislation to ad-hoc government decisions or regulations”.

52. During the visit, interlocutors assessed that local and regional authorities in the Slovak Republic have discretion to take initiative within the scope of their competences and adapt the exercise of those tasks to local conditions. For example, during the Covid-19 crisis municipalities and regions used their discretion to find appropriate local solutions despite multi-level problems and inconsistent approaches at national level.³⁰ Interlocutors found that, in practice, their discretion was limited mostly by inadequate funding of delegated competences or sometimes prescriptive conditions attached to the tasks. They also cited long delays in reimbursement by central government of expenses incurred in fulfilling the obligations assigned to them during Covid-19 pandemic.

53. The OECD draws attention to the manner in which the high level of decentralisation has led to significant differences in how permits and licences are issued, depending on the municipality or region,³¹ an illustration of the opportunity for discretion within competences.

54. In the light of the foregoing, the rapporteurs consider that Article 4.5 is complied with in the Slovak Republic.

3.3.6 Article 4.6

55. This Article articulates a procedural requirement for timely and appropriate consultation of local authorities. According to Act No. 400/2015 on the development of legal documents, every ministry or regulation-drafting agency is obliged to publish a notification (“preliminary information”) of all legislative drafts on the Slov-Lex portal. In the preliminary information, the responsible ministry/authority usually describes the main goals and basic ideas of the proposal. It should also assess the existing status of the regulated area and inform users on the likely start of the consultation process on the legislative draft. The Slovak Republic is one of few OECD countries that require an impact assessment and the consultation of stakeholders for EC legislative proposals at the EU negotiation stage. The new Council for the Recovery and Resilience Plan of the Slovak Republic

29 Government Resolution no. 5/2018 of January 10, 2018

30 Buček, J. (2022). Local Self-Government and Governance During Covid-19 Pandemic in Slovakia. In *Local Government and the Covid-19 Pandemic* (pp. 481-505). Springer, Cham.; Klimovsky, D., Maly, I., & Nemec, J. (2021). Collaborative governance challenges of the covid-19 pandemics: Czech republic and Slovakia. *Central European Public Administration Review (CEPAR)*, 19(1), 85-106.

31 Multilevel governance | Regulatory Policy in the Slovak Republic : Towards Future-Proof Regulation | OECD iLibrary (oecd-ilibrary.org)

(NRRP Council) includes representation from local and regional authorities. During the Covid-19 crisis, the head of the central crisis staff was the Minister of the Interior of the Slovak Republic. During the pandemic, representatives of associations representing municipalities and regions became members of the permanent crisis staff but interlocutors had varying opinions about the effectiveness of the process. Therefore, formal procedures for consultation and involvement of the public and relevant representative bodies in the legislative process exist in the Slovak Republic. However, formal procedures do not guarantee the application of the principles of partnership and multi-level governance and the level of acceptance of the amendments to legislative proposals tabled by local and regional authorities differs from one legislative proposal to another. Some interlocutors considered that the level of involvement of local and regional authorities was notably insufficient during the preparation of the National Recovery and Resilience Plan.

56. Both ZMOS (Association of Towns and Communities) and UMS (the Union of Towns and Cities of Slovakia) are perceived as important consultative bodies and are frequently consulted by government, with ZMOS, in particular, having a clear statutory role. SK8, the representative body for the regions is increasing its impact. These bodies also lobby intensively for reform of the public administration system. Ministries and other central government bodies that draft regulations often create working groups when preparing legislation/regulations. Working groups usually contain experts from relevant ministries and/or relevant stakeholders, depending on the nature, scope and estimated impacts of regulation. ZMOS, UMS and occasionally SK8 are invited to join such groups. For example, local self-government representatives were involved in drawing up the vision and plan for the urban development of the Slovak Republic 2030. However, creation of working groups is not mandatory and it depends largely on the responsible Ministry. In March 2021, the then Prime Minister Eduard Heger, agreed to meet with ZMOS, UMS and the association of self-governing regions, SK8, each quarter.³² However, Covid-19 and political unrest has affected the process.

57. Political negotiations and discussions with national government are crucial roles carried out by ZMOS. The Association plays a significant formal role in the development of legislation when the normal legislative processes are used. Although ZMOS does not have the right of legislative initiative, there is a legal obligation to consult the Association during the legislative process. It must be informed about legislative proposals and has the right to comment on all draft bills. Significantly, ZMOS is a member of the Legislative Council of the Government of the Slovak Republic and a member of the Economic and Social Council (a tripartite consultative body where it represents the interests of all municipalities). During the legislative process, ZMOS conveys the perspective of the municipalities and cities to the members of the Legislative Council and outlines the possible impact of the proposed legislation at subnational level. UMS holds regular meetings with different central authorities and is also in regular contact with the Office of the President of the Slovak Republic regarding national legislation and its impact on the cities they represent. Interlocutors pointed out that SK 8 (the Association of Self-Governing Regions) is not among organisations for which consultation during inter-departmental reviews is mandatory. The regions may, however, be represented in informal meetings with the central government on an *ad-hoc* basis.

58. During the visit, interlocutors drew attention of the rapporteurs to the extent to the gaps between theory and practice. They raised issues about the nature and timing of consultations, the flawed follow-up procedures and the superficiality of some approaches to consultation. Concerns were raised by UMS about the range of legislation that does not go through the classic commenting procedure (e.g., proposals submitted by members of Parliament) with local self-government invited to consultations only after the government's intentions or legislation have been adopted. References were made to legislation regulating the activities of political parties and movements, and to the making of major amendments to construction legislation and legislation related to spatial planning (where municipalities are the main actors of the proceedings) as examples of occasions when the state did not invite representatives of local governments to discuss and comment on key laws, or when the evaluation of comments was very formal and ineffective. UMS cited instances where the organisation was informed rather than consulted about changes affecting cities and towns. Interlocutors also stated that they learnt about decisions affecting them through the media rather than through formal intergovernmental communication channels. There were some examples of productive consultation such as new rules for assessing value for money in cycling infrastructure projects which were prepared in cooperation with experts and local and regional authorities.

59. Concerns were raised about both the consultation process and the perceived failure to reflect the consultation inputs in the subsequent legislation or policies. One example cited by interlocutors is pre-primary education, which was made compulsory in 2021 without accepting comments, especially regarding financing and existing capacities. Even prior to this significant reform, the Supreme Audit Office had recognised they

³² <https://www.aktuality.sk/clanok/896504/premier-sa-so-zastupcami-samosprav-dohodol-na-kvartálnych-stretnutiach/>
16/42

need to “create a financial scheme in order to ensure the stabilisation of the network of kindergartens so that they are all able to meet the goals of the Slovak Republic in the training of preschool children”.³³

60. The Contemporary Commentary points out that “the Charter seeks to ensure that the form and timing of consultations are such that local authorities have the possibility of influencing the decision-making process and avoid situations where the right of local authorities to be consulted is overridden on such pretexts as urgency and cost-saving”.

61. Interlocutors were uneasy about the tendency to try to circumvent the normal legislative processes through over-use of legally permissible but allegedly democratically questionable strategies such as the abbreviated legislative procedure; the shortened commenting procedure; overuse of Private Members’ Bills (which require little consultation) and the use of amendments to existing legislation rather than new legislation (which can allow standard consultative procedures to be bypassed). Such strategies diminish the process and impact of consultation. Despite the existing practices of consultation, the OECD also advocates that “as a critical provider of administrative services and enforcement, regions and municipalities should be involved regularly during the development of regulation. Although many municipalities may already be represented through the Association of Towns and Communities, ZMOS, regulators could still reach out during consultations to smaller municipalities that may be unlikely to participate in an open consultation process”.³⁴

62. It is the opinion of the rapporteurs that, although statutory requirements for consultation are in place in the Slovak Republic, local self-government is frequently not consulted in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly. In addition, increasingly, the consultation obligations are being deliberately bypassed. Hence, the rapporteurs note that frequently consultation occurs more in the letter of the law rather than the spirit of the consultative obligations and commitments. Therefore, they conclude that Article 4.6 is not complied with in the Slovak Republic.

3.4 Article 5 – Protection of local authority boundaries

Article 5 – Protection of local authority boundaries

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

63. Article 66 of the Constitution of the Slovak Republic provides that “the unification, division or cancellation of a municipality shall be regulated by law”. In paragraph 2, the Act on Municipalities states that changes can be made only if approved by the municipality/municipalities involved. The merging or splitting of municipalities requires a referendum to be passed (in all the municipalities concerned in the case of a merger) and a formal agreement between the municipalities concerned is required.

64. During the visit, the rapporteurs heard no criticism from their local interlocutors about the protection of local boundary borders.

65. In light of the above, the rapporteurs consider that Article 5 is complied with in the Slovak Republic.

3.5 Article 6 – Appropriate administrative structures and resources

Article 6 – Appropriate administrative structures and resources for the tasks of local authorities

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.
2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

3.5.1 Article 6.1

66. While Act No. 369/1990 Coll. on Municipalities outlines the general principles governing the internal structure of the municipal office and the organisation of its administrative departments, local authorities in the Slovak Republic are free to determine and adapt the structures and processes of their administrative offices. They may establish their own budgetary, internal organisations and municipal companies or transfer some tasks to the private sector. Municipalities appoint their officials in compliance with national legislation and the by-laws

33 https://www.nku.gov.sk/documents/10272/524640/NKU_VS_2020_EN_2105_final.pdf/140c8ddb-2b39-4d71-81eb-9486dce91258?version=1.1 p.39

34 OECD (2020) p. 102

and regulations adopted. They appoint their own Chief Auditor to oversee the legality and efficiency of the use of financial resources. Salaries of most municipal employees are pre-determined by national law.

67. The fragmented nature of Slovak local government, with almost 3,000 municipalities, some with fewer than 100 citizens means that many municipalities do not have the human resources and expertise to deal with the increasingly more complex obligations of local governance, including on environmental issues. 233 joint municipal offices have been established to enable municipalities to carry out their delegated competences. National interlocutors emphasised the positive impact of the joint municipal offices, stating that joint municipal offices ensure a higher level of professionalism in the performance of municipal competences, and more effective use of resources. ZMOS also listed the positive impact of such collaborations but highlighted the voluntary and impermanent nature of these arrangements. Although Klimovský and Nemec (2021) point out that the modes of inter-municipal cooperation are not effectively supported from the central level, intermunicipal cooperation is having a positive impact, particularly among small municipalities.

68. During discussions with interlocutors, it was evident that there is general satisfaction with the current structures and processes which are perceived to facilitate effective management and decision-making. Therefore, the rapporteurs conclude that Article 6.1 is complied with in the Slovak Republic.

3.5.2 Article 6.2

69. Employment in the “public interest” in the Slovak Republic is framed by a number of laws such as: Act No. 55/2017 on State Service; Act no. 552/2003 on Work in Public Interest; Act No. 553/2003 on Remunerating Selected Employees for Work in Public Interest. All local/regional self-governments are required to announce and hold selection processes and may specify other special requirements for a post, if applicable. The law provides for the open competition for civil/public service posts, but in the opinion of the European Commission in 2018, “in reality, patronage is the main principle for the selection of new civil servants”.³⁵

70. The previous Congress monitoring report highlighted that public sector salaries are low, and the work in local administration is usually unattractive for young, qualified people. This is still the situation and interlocutors referred to problems with finding people with appropriate qualifications and experience. With the high number of small municipalities, it is neither possible nor realistic to provide high quality, specialised services in every location. Increased inter-municipal collaboration could help overcome some of the problems. Salary problems persist and training opportunities are limited. For example, the environmental sector appears particularly problematic. Act No. 364/2004 Coll. on water establishes more than 15 obligations of municipalities in relation to water, e.g., issuing permits for the abstraction of surface water, keeping records of water-related construction or hearing violations. Such tasks require specialised professional knowledge which is not readily available, particularly in small municipalities. ZMOS refer particularly to the difficulties in attracting people to work in the social sphere of subnational government referring to lack of interest in the performance of work in the field of social affairs. And the reason why this is happening is mainly insufficient financial evaluation of work in this sector. They also drew attention to the lack of training for many employees such as the absence of training for pedagogical employees in the field of management (principals of kindergartens) and in the field of information technology. Interlocutors also referred to the lack of training and digital skills among those carrying out registry tasks.

71. The Contemporary Commentary on the Charter urges that local authority employees should be entitled to training opportunities, remuneration and career opportunities similar to employees at other levels of government. It appears however that in the Slovak Republic current training is limited and inadequate. The National Reform Programme and the Effective Public Administration Programme both aim to strengthen institutional capacities and efficient public administration and include plans for training and upskilling public employees, but such reform has yet to be implemented.

72. Therefore, the rapporteurs consider that Article 6.2 is partially complied with in the Slovak Republic.

3.6 Article 7 – Conditions under which responsibilities at local level are exercised

Article 7 – Conditions under which responsibilities at local level are exercised

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.
2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.
3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

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3.6.1 Article 7.1

73. The conditions of office of elected representatives are clearly outlined legally and constitutionally. Citizens in the Slovak Republic are free to serve as elected representatives and do not seem to be prevented from holding political office owing to financial or material constraints.

74. Article 69 of the Slovak Constitution states that “the mayor of a municipality constitutes the municipality's executive body. He executes municipality administration and represents the municipality outwardly”. The Act on Municipalities amplifies this description of the role, citing as one of the core responsibilities of the mayor: “deciding on all municipal matters, except those reserved by law or by the municipal ordinances for the municipal council”. These role specifications give wide powers to the mayor. The role of the mayor combines both administrative and political leadership. Some interlocutors mentioned the need for more training for mayors and some referred to the limited facilities and equipment in offices of small municipalities.

75. Part time local elected representatives also enjoy appropriate conditions of office which enable for the free exercise of their functions. The Slovak Labour Code contains a public interest clause (paragraph 136), which decrees that employers must allow elected representatives the time necessary to perform the duties associated with their position.

76. During the visit, interlocutors did not raise concerns about how conditions of office are framed and implemented. Hence, the rapporteurs consider that Article 7.1 is complied with in the Slovak Republic.

3.6.2 Article 7.2

77. Mayors in the Slovak Republic are remunerated in line with the gross average salary in the country and the number of inhabitants of the municipality. Municipalities may increase this salary by up to 70%. Mayors may also receive allowances and be compensated for expenses incurred in the fulfilment of their tasks.

78. Part-time elected representatives do not receive a salary *per se* but municipalities pay appropriate financial compensation for expenses incurred in the exercise of public office. Klimovský and Nemec (2021) state that bigger municipalities also pay compensation for loss of earnings and corresponding social welfare protection.

79. Interlocutors seem satisfied with the current system of remuneration in light of the country's economic situation. The rapporteurs consider that Article 7.2 is complied with in the Slovak Republic.

3.6.3 Article 7.3

80. Although legally specified, the number of conditions which would prevent someone from holding local elective office in the Slovak Republic is quite limited. A municipal councillor cannot be simultaneously a municipal employee, or the head of a municipal budgetary organisation, and may not hold specific public administrative posts e.g., prosecutor, judge or ombudsman. There is no restriction on multiple mandates in the Slovak Republic so a person may sit in the municipal and regional councils as well as in the Parliament.

81. The rapporteurs note that any functions and activities which are deemed incompatible with the holding of local elective office are determined by statute or fundamental legal principles. During the monitoring visit the rapporteurs heard no complaints about the incompatibility between holding elected mandate and other activities.

82. In light of the foregoing, the rapporteurs conclude that Article 7.3 is complied with in the Slovak Republic.

3.7 Article 8 – Administrative supervision of local authorities' activities

Article 8 – Administrative supervision of local authorities' activities

1. Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
2. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

3.7.1 Article 8.1

83. The Slovak Constitution (Article 67.3) guarantees that the state may intervene in activities of a municipality and a higher territorial unit only in a manner laid down by law, which is in line with the requirements of the Charter. This means that duties and restrictions to subnational government can only be imposed by parliamentary legislation. Thus, municipalities are legally protected from unnecessary administrative interventions by the state and its bodies. There is internal (municipal and regional chief controllers elected by relevant councils) as well as external (Ministry of Finance, Supreme Audit Office, General Prosecutor's Office) supervision.

84. The General Prosecutor's Office (*Prokuratura*) is a distinctive facet of the Slovak system. It is an independent body established by the Constitution (Articles 149 to 151) and governed by Act No. 153/2001 on Prosecution. The General Prosecutor's Office defends the public interest, ensuring that the law is observed by all individuals and all governmental and public bodies. It ensures the legality of decisions, measures, and regulations adopted by local authorities.

85. The Act on Public Prosecution Service no. 153/2001, Coll. as amended includes among the tasks of the Service "supervision over compliance with laws by public administration authorities within the scope of its powers defined in this Act". The delegation was informed that between 2019 and 2021, despite 740 protests being declared regarding civil ordinances, only 15 warranted court proceedings. The Public Prosecutor cannot alter or annul subnational government decisions and is not entitled to impose sanctions for breach of the regulations by public administration authorities. Supervision, therefore, is essentially a review of the legality of the procedures and decisions. If requested, the General Prosecutor's office also provides subnational government with advice, tools or guidelines regarding civil ordinances.

86. In 2006, the Supreme Audit Office of the Slovak Republic was given the right to audit local authorities, including in areas where these bodies have exclusive responsibility. The SAO has the right to direct access to any information system used by self-government bodies. Its reports provide insights into the processes and activities of government agencies at all levels.

87. In the Slovak Republic, disputes, in which the public administration is involved, are decided by the Administrative Courts namely, the Supreme Administrative Court, regional courts and, in cases laid down in law, also district courts. The Supreme Administrative Court of the Slovak Republic was established in 2021 as part of reform of the "court map". It is the highest authority in matters of administrative justice and is the guarantor of the lawful conduct of elections. This reform is significant because there is now a clear separation of the administrative courts and the criminal courts. Reform of the administrative judiciary also led to the designation of three regional administrative courts in western, central and eastern Slovak Republic.³⁶

88. During the monitoring visit, no complaints were heard about the control of legality with regard to the administrative processes of subnational government. The rapporteurs consider that Article 8.1 is complied with in the Slovak Republic.

3.7.2 Article 8.2

89. The Slovak Constitution (Article 71.2) states that "the execution of state administration transferred to the municipality, or higher territorial unit by law is governed and controlled by the Government. Details shall be laid down by law". Thus, the administrative supervision based on legality outlined above is supplemented by administrative supervision based on expediency regarding the tasks that higher-level authorities (the supervisory bodies) have delegated to local authorities. Municipalities provide data to the respective

³⁶ Čítajte viac: <https://spectator.sme.sk/c/22895827/court-map-approved.html>

ministry/state authority in the area of transferred duties (for example, statistical information) and provide the state authorities with the necessary data for records or for official proceedings but there is little restrictive state supervision. As Stogova et al., argue “with the exception of cases established by law, local authorities are not subject to state supervision”.³⁷

90. As mentioned above, financial control of regions and municipalities is carried out by the Supreme Audit Office of the Slovak Republic (SAO SR) as an independent body carrying out control of the management of inter alia “municipalities and Higher Territorial Units, legal persons established by municipalities, legal persons established by Higher Territorial Units, legal persons with ownership interest of municipalities and legal persons with ownership interest of Higher Territorial Units”.³⁸ The Supreme Audit Office of the Slovak Republic has 8 regional offices located in the regional capitals which are responsible for auditing the property, property rights, financial resources, liabilities and claims, methods of levying and collecting taxes, custom duties, payment of contributions, charges and fines of self-governing regions and municipalities.

91. Based on the above, the rapporteurs consider that supervisory activity is generally focused on ensuring compliance with the law and with constitutional principles and conclude that Article 8.2 is complied with in the Slovak Republic.

3.7.3 Article 8.3

92. The Slovak Constitution guarantees that duties and restrictions to self-governments can only be imposed by parliamentary legislation. A number of national bodies carry out supervisory duties over subnational government but do so in a manner designed to ensure that their actions are in proportion to the importance of the interests which they are intended to protect. As mentioned earlier, the Public Prosecution Service ensures the legality control of local self-government decisions. The Supreme Audit Office of the Slovak republic carries out both compliance and performance audits at local level.

93. A survey carried out by a task force of the European Organisation of Supreme Audit Institutions (EUROSAI) showed that there was far less administrative supervision of municipalities in the Slovak Republic than was the case in many other countries surveyed.³⁹ However, a form of inter-administrative control operates in that sectoral legislation enables appeals before the local state administration body against measures or decisions adopted by a local authority.

94. Discussions with interlocutors indicated that they generally perceive administrative supervision of local authorities to be proportionate although some interlocutors referred to inconsistencies while others referred to the increased volume of national regulation which affect the implementation of subnational government's own competences. It appears that intervention by controlling authorities reflects the resources of those authorities and is kept in proportion to the importance of the interests which it is intended to protect. The rapporteurs are therefore of the opinion that Article 8.3 is respected in the Slovak Republic.

3.8 Article 9 – Financial resources

Article 9 – Financial resources of local authorities

1. Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
2. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
3. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
4. The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
5. The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
7. As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision

³⁷ Stogova O. V., Pasek I., Kovac D (2021). Reform of Public Power in the Slovak Republic: Achievements and *Prospects Legal Horizons* № 14(2). P. 50-55.

³⁸ Slovak Constitution, Article 61 2c

³⁹ [https://www.tfma.eu/files/files/TFMA_summary_administrative%20supervision%20of%20municipalities_final\(2\).pdf](https://www.tfma.eu/files/files/TFMA_summary_administrative%20supervision%20of%20municipalities_final(2).pdf)
22/42

- of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.
8. For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.

3.8.1 Article 9.1

95. The Contemporary Commentary on the Charter stresses that Article 9.1 establishes the right of local authorities to have their own resources and the freedom to spend them according to their own judgment. Accordingly, states must ensure that local authorities have the legal, budgetary, and fiscal capacity to make use of these rights and implement their policies.

96. Local and regional governments in the Slovak Republic carry out both delegated and own competences. The fragmented nature of Slovak subnational government and the small size of many municipalities restrict municipalities' revenue-raising power and spending efficiency. Local financing regulations apply equally to all municipalities regardless of size or population. Since the 1990s and particularly since 2005, measures for fiscal decentralisation have been put in place, aimed at giving greater powers to local authorities in the provision of local public goods and their financing and enhancing local policy making. Nevertheless, the level of subnational government spending in the Slovak Republic is much lower than the OECD average of unitary countries (12.7% of GDP and 27.5% of public expenditure) and the EU27 average (18.3% of GDP and 34.3% of public expenditure in 2020).⁴⁰ The composite ratio, which captures aspects of fiscal decentralisation of both revenue and expenditure, suggests the Slovak Republic has a degree of fiscal decentralisation (5% in 2018) that is lower than the EU average (16% in 2018).⁴¹

97. Table 1. Illustrates the sources of subnational government revenue and indicates the dependence on grants and subsidies.

Table 1: 2019 subnational government revenue by type

Taxes	Grants & subsidies	Tariffs & fees	Property	Social contributions
6.5%	77.4%	14.6%	0.7%	0.7%

Source: OECD 2021

98. A major component of the grants and subsidies is the share of Personal Income Tax (PIT) which comes from central government. The yield from personal tax income is non-earmarked but is allocated for original/ own competencies and local authorities may decide on its specific use within the range of those competences. Interlocutors expressed concerns about changes about to be introduced. As a response to the rising cost of living, the Ministry of Finance proposed an increase in the child tax allowance, starting in January 2023.⁴² According to interlocutors this would have the knock-on effect of reducing revenue from PIT, leading to a significant reduction in subnational government funding. It is estimated that the reform could cause a shortfall of up to €612 million in local government budgets.⁴³ Interlocutors consider that the legislation adopted at national level (child tax allowance) in combination with rising inflation and energy prices means significant deterioration in the financial situation of local and regional authorities.

99. Earmarked transfers are allocated for delegated competencies such as transport, education and regional development. These transfers come from the budget lines of the respective Ministries which engage subnational government to deliver specific services. Each Ministry has its own formula for calculating the transfers which are paid automatically. The adequacy of subnational government resources leads to perennial debate in the Slovak Republic. Subnational actors believe that municipalities are underfunded and constrained in their income generation possibilities. By contrast, many national interlocutors believe that the legal and constitutional provisions provide a framework which ensures that subnational government units have adequate financial resources of their own, which they may dispose of freely. They also referred to the ability of municipalities to balance their budgets and cited the reserves held by some municipalities. However, the Slovak Republic is far below the OECD and EU averages with regard to the ratio of sub-national investment to total public investment ratio (1.1%:1.9% and 1.6% respectively) and the ratio of sub-national revenue to total public

40 OECD/UCLG (2022) 2022 Country Profiles of the World Observatory on Subnational Government Finance and Investment at <https://www.sng-wofi.org/country-profiles/>

41 <https://portal.cor.europa.eu/divisionpowers/Pages/Slovakia-Fiscal-Powers.aspx>

42 <https://ekonomika.pravda.sk/ludia/clanok/640488-az-200-eur-na-dieta-matovic-ide-prekopat-rodinny-balik-na-otazky-kde-zoberie-peniaz-neodpoveda/>

43 <https://www.trend.sk/spravy/zmos-chysta-protestne-zhromazdenia-regionoch-aj-hlavnom-meste>

revenue (7.7%: 15.7% and 15.4%) or to GDP (18.5%: 42.2% and 34.2%).⁴⁴ These ratios are not indicative of sufficiency or superfluity of financial resources.

100. The rapporteurs consider that regions (Higher Territorial Units) are limited by low autonomy and inadequacy of funding. Some experts conclude that “the self-government aspect represented by the original competencies and own income base is minimized. The dependence of regional self-government on central power is manifested not only in the financial sphere but also in the area of competence”.⁴⁵ Regions do not have resources to ensure proper road networks, for example, or to implement regional development initiatives which they identify as necessary for their citizens.

101. Municipalities draft and approve their own budgets, within the framework of the legally binding system of budgetary classification. State authority cannot interfere with the municipalities’ budgetary autonomy. Similarly, regions are responsible for management of their own budget, of investment and public contracts. The Ministry of Finance respects the autonomy of municipalities and does not address binding instructions or guidelines to municipalities or to self-governing regions in the domain of budgeting.

102. The rapporteurs recognise that legally and constitutionally, subnational governments in the Slovak Republic are entitled to resources which they can choose how to use but in practice such resources are currently inadequate and a significant proportion of subnational government income is earmarked for delegated tasks. Therefore, the rapporteurs consider that Article 9.1 is partially implemented in the Slovak Republic.

3.8.2 Article 9.2

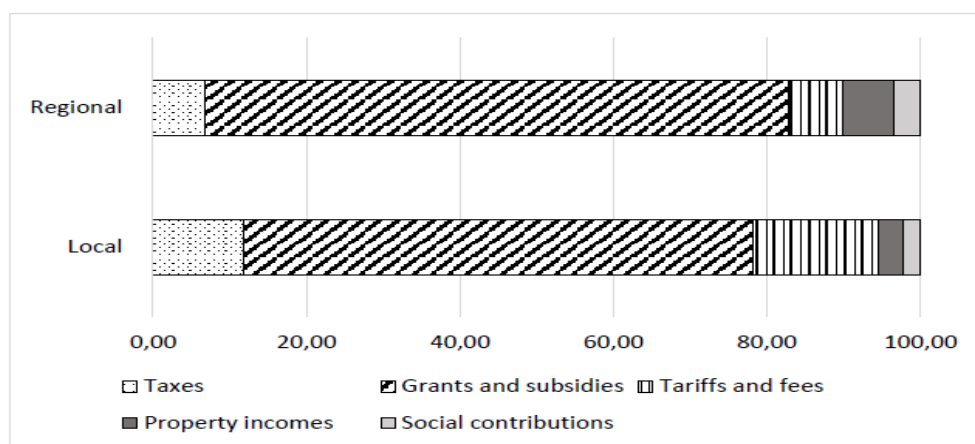
103. The commensurability of local government financing is one of the most controversial topics regarding local self-governance in the Slovak Republic. Article 71 of the Constitution states that “the execution of designated tasks of local state administration can be transferred by law to the municipality and higher territorial unit. The cost of the execution of state administration transferred in this manner will be covered by the state”. This is reinforced by Section 1 (Paragraph 5) of the Act on Municipalities which states that “financial resources and other financial assets required for the performance of state administration tasks delegated to municipalities shall be provided by the State”. Section 4, Paragraph 7 of the Act provides for the protection of financially weaker local authorities, keeping the principle of commensuration between responsibilities and resources, by ensuring that “state aid may be granted to municipalities which have insufficient revenues for performing their duties”. Some sources interpret the Act as applying the principle of commensuration “not only to delegated responsibilities but also *ex post* needs for resources necessary to perform their duties”.⁴⁶ This is not always evident in practice. Interlocutors cited the expansion of compulsory pre-school education in 2021 as being carried out without taking demographic and financial aspects into consideration and setting up an adequate subsidy system for expanding the capacities of preschool facilities and allowing sufficient time for adaptation to the new system.

104. It appears that the principle underpinning Article 9.2, i.e., that local authorities’ financial resources shall be commensurate with the responsibilities provided for by the constitution and the law is not universally accepted in the Slovak Republic. The rapporteurs heard differing points of view from local and central levels. Sub-national actors highlight their dependence on funds from the centre while national actors consider the system as satisfactory and the allocations as adequate. For municipalities, grants and subsidies are the main source of revenue, comprising more than three quarters of their income. For the regions, the main source of income is a share of personal income tax revenue which is unpredictable and prone to fluctuation. The regions do not have any taxing power. Figure 1 shows the income of subnational government between 2009 and 2018 (until 2015, motor vehicle tax was a dedicated source of local income for the regions). The dominance of grants and subsidies is clear.

⁴⁴ All figures from OECD 2021

⁴⁵ Mihálik, J., Horváth, P., & Švikruha, M. (2019). Give me liberty or give me money: the fiscal decentralization and autonomy of regional governance in Slovakia. *European Journal of Government and Economics (EJGE)*, 8(1), 96-109.

⁴⁶ Lentner, C., Nagy, L., Vasa, L., & Hegedűs, S. (2018). Comparative analysis of the process for compliance with the European Charter of Local Self-Government in The Czech Republic, Hungary and Slovakia. *Економічний часопис-XXI*, 173(9-10), 10-18.

Figure 1 Structure of the income of local and regional government in the Slovak Republic 2009-2018

Source: Cibik et al., 2019

105. In their written replies to the rapporteurs, the Ministry of the Interior drew attention to ongoing developments regarding subnational government finance. They pointed that one of the activities of the project "Delivering Good Governance in Slovakia" implemented by the Council of Europe is the preparation of a report on strengthening the financial independence of local and regional governments and improving their financial management capacities. It indicated the ongoing revision of the current financing system and applicable legislation in this area and exploring possibilities of improving the financial system in relation to self-government to deal with some of the recurrent problems regarding the commensurability of local government tasks and financing.

106. Overall, there are divergent views about the commensurability of local government finances. Many interlocutors from the local self-government sector were unequivocal in their assertion that local and regional governments do not receive enough funding for their assigned responsibilities. The most important expenditure area for most municipalities is primary education, a combined original and delegated competency which is financed mainly by transfers from the central level using formula-based financing, similarly, with regard to delegated competences in the environmental sphere. Interlocutors cited the city of Dunajská Streda as an example. The scope of the city's competences in relation to environmental protection is defined by law in terms of air protection, water protection, protection of trees, greenery and the like but the transfer of funding amounts to less than 10 cents per inhabitant per year. In the opinion of the rapporteurs, the state allocation is clearly not commensurate with the assigned responsibilities. A rural municipality was cited where the annual allocation for environmental obligations equates to 4 cent per inhabitant. Such assertions are supported by the 2020 Report of the Supreme Audit Office of the Slovak republic which notes that "18 of the 28 audited municipalities stated that they did not have sufficient funds not only to perform tasks related to the delegated performance of state administration to municipalities, but also to perform original competencies. In the area of delegated performance of state administration, they did not have enough funds, especially to ensure the needs of schools, but also for the activities of building authorities".⁴⁷ The Supreme Audit Office of the Slovak Republic report also states that "the long-term audit activity of the SAO in the area of self-government brings evidence that the financial impact of the new legislation on the self-government budget is often insufficiently assessed. Subsequently, after the legislation is put into practice, the local government must bear the financial demands from its original budgets without financial compensation from the State".⁴⁸ This amplifies the sentiments expressed by subnational actors who referred, for example, to gaps in funding related to increased teachers' salaries, social care responsibilities and digitalisation processes.

107. Administrative obligations are also perceived to be underfunded. For example, ZMOS asserts that the Ministry of the Interior subsidy should cover the complete costs of the registrar's activity but currently the subsidy is not adequate to cover the wages of employees and levies, material equipment and clothing of registrars. Some national level interlocutors expressed a different perspective, stating that subnational government had adequate resources as evidenced by surpluses held by many. They were, however, cognisant of the pressures arising from the Covid-19 and energy crises and Russia's war in Ukraine.

⁴⁷ https://www.nku.gov.sk/documents/10272/524640/NKU_VS_2020_EN_2105_final.pdf/140c8ddb-2b39-4d71-81eb-9486dce91258?version=1.1, p19

⁴⁸ *Ibid.*, p 20

108. During the consultation procedure, the Ministry of Finance highlighted the budget surpluses and bank reserves of the sub-national units as indicating that sub-national financial resources are commensurate with the responsibilities provided for by the constitution and the law. However, Tables 3 and 4 below demonstrate a continuing decline in the resources of municipalities, even taking into account the impact of the Covid-19 crisis.

Table 3 Surpluses of current municipal budgets in the years 2016 – 2022

Municipalities	Execution of the current budget						
	2016	2017	2018	2019	2020	2021	2022
	€	€	€	€	€	€	€
Total current income	3 747 306 208	3 916 634 187	4 244 797 134	4 675 126 987	4 880 638 845	5 166 370 090	5 493 464 405
Tax revenues (including penalties)	2 191 840 047	2 341 994 460	2 567 008 723	2 791 341 735	2 841 624 042	2 980 473 963	3 217 178 695
Non-tax revenues	511 129 767	511 745 646	523 003 416	526 484 702	447 928 251	483 059 674	572 406 813
Regular grants and transfers	1 044 336 395	1 062 894 080	1 154 784 995	1 357 300 550	1 591 086 552	1 702 836 454	1 703 878 897
Total current expenses	3 297 430 784	3 491 758 464	3 767 830 450	4 193 939 046	4 400 561 515	4 745 947 524	5 189 903 554
Current budget balance	449 875 424	424 875 723	476 966 684	481 187 941	480 077 330	420 422 566	303 560 850

Source: Ministry of Finance 2023

Table 4. Surpluses of current budgets of the higher territorial units in the years 2016 - 2022

Higher territorial units	Execution of the current budget						
	2016	2017	2018	2019	2020	2021	2022
	€	€	€	€	€	€	€
Total current income	1 239 651 530	1 309 245 132	1 404 441 163	1 546 641 437	1 595 999 141	1 655 917 200	1 787 176 347
Tax revenues (including penalties)	716 364 012	771 211 560	858 030 937	950 251 582	943 866 914	983 389 658	1 082 344 132
Non-tax revenues	97 170 860	99 803 199	100 980 604	103 441 165	92 312 935	91 423 785	108 969 590
Regular grants and transfers	426 116 658	438 230 372	445 429 622	492 948 690	559 819 292	581 103 757	595 862 625
Total current expenses	1 094 683 661	1 161 922 960	1 196 870 896	1 340 458 053	1 426 997 969	1 517 914 994	1 651 369 692
Current budget balance	144 967 868	147 322 172	207 570 267	206 183 384	169 001 172	138 002 206	135 806 655

Source: Ministry of Finance 2023

109. Interlocutors from sub-national level expressed serious concerns about having to supplement income from central government for delegated tasks. The ongoing reduction in their bank accounts and reserves illustrated by Table 5 reinforces those concerns.

Table 5. Status of bank accounts and reserve funds of sub-national government

Overview	2016	2017	2018	2019	2020	2021	2022
	mil. €	mil. €	mil. €	mil. €	mil. €	mil. €	mil. €
Status of bank accounts Municipalities	824,9	904,1	971,3	1 075,9	1 360,1	1 461,6	1 272,7
Regions	238,8	257,5	347,9	430,0	558,5	543,2	451,7
Year-on-year percentage increase Municipalities	28,7	9,6	7,4	10,8	26,4	7,5	-12,9
Regions	36,6	7,8	35,1	23,6	29,9	-2,7	-16,8
Reserve fund	150,2	205,9	198,3	212,8	373,1	422,7	398,0
Year-on-year percentage increase in % Municipalities	38,3	37,1	-3,7	7,3	75,3	13,3	-5,8
Regions	34,0	23,1	22,5	60,3	73,8	1,9	-6,1

Source: compiled from Ministry of Finance 2023

110. With regard to the main basic source of income of sub-national government, i.e., the share of personal income tax revenue (PIT), the percentage has decreased notably between 2016 and 2022, even when taking into consideration the impact of Covid-19.

Municipalities	Reality						
	2016	2017	2018	2019	2020	2021	2022
PIT	1 669 165	1 799 486	2 002 072	2 217 254	2 202 356	2 294 576	2 525 470
Interannual change of PIT (v %)	13,4%	7,8%	11,3%	10,7%	-0,7%	4,2%	10,1%
Interannual change of PIT (in one thousand €)	197 464	130 321	202 586	215 182	-14 898	92 220	230 894

Regions	Reality						
	2016	2017	2018	2019	2020	2021	2022
PIT	716 364	771 212	858 031	950 252	943 867	983 390	1 082 344
Interannual change of PIT (v %)	14,4%	7,7%	11,3%	10,7%	-0,7%	4,2%	10,1%
Interannual change of PIT (in one thousand €)	89 970	54 848	86 819	92 221	-6 385	39 523	98 954

Source: Ministry of Finance 2023

111. In light of the above, the rapporteurs consider that the relationship between the financial resources available to subnational government and the tasks they are obliged to perform is incompatible. Therefore, they conclude that Article 9.2 is not complied with in the Slovak Republic.

3.8.3 Article 9.3

112. Article 9.3 focuses on the need for local authorities to have at least a part of their financial resources derived from local taxes of which they have the power to determine the rate within the limits of statute. The power to levy local taxes is seen as direct evidence of local financial autonomy. Municipalities in the Slovak Republic do have tax raising power and are free to decide whether to levy particular taxes. The degree of tax autonomy which Slovak local governments have in setting rates for local taxes creates room for differentiation in tax revenues between individual municipalities. There are significant differences in the local tax capacity of local authorities, reflecting the difference in size and socio-economic development. By international standards, own revenues in the Slovak Republic are comparatively low. The Committee of the Regions carried out a fiscal autonomy ranking (i.e. relative share of subnational own revenues (excluding grants) compared to the total subnational revenues), Slovak municipalities score 35% and are ranked 19th of 27.⁴⁹

113. The taxes and charges which generate own revenue for municipalities include:

- revenues from local taxes and fees, in particular, real estate tax, dog tax, tourist tax, tax on the use of public areas, tax on vending machines, tax on operating gaming machines, tax on the entry and staying of motor vehicles in historical parts of towns, nuclear facility tax and local fees;
- revenues from asset management, and from possession and transferring of assets, and from activities of municipalities, and their budgetary organisations;
- revenues from interest on municipal investments;
- fines imposed by municipalities;
- reimbursable credit resources ;
- shares of profit paid by enterprises established by the municipality;⁵⁰

114. The general rate of land tax is 0.25% of the value while that of the building tax and the apartment tax is EUR 0.033 per m². The municipalities may increase or decrease these rates in accordance with the local conditions. The property tax amounted to 84.3% of municipal tax revenue in 2020 and 5.9% of total subnational government revenue. Yet, it only represents 0.5% of GDP.⁵¹

49 <https://portal.cor.europa.eu/divisionpowers/Pages/Decentralization-Index.aspx?countryName=slovakia>

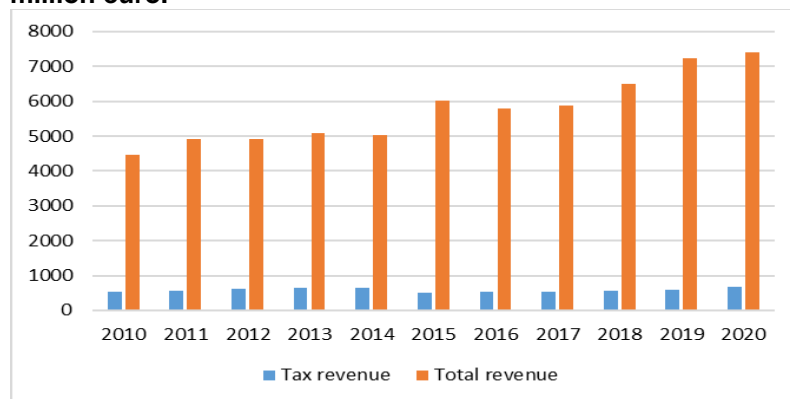
50 Lentner et al.(2018).

51 OECD/UCLG (2022) 2022 Country Profiles of the World Observatory on Subnational Government Finance and Investment

115. Since 2016, some municipalities impose a development fee, which has also become a form of revenue but the revenue from this fee can only be used to cover capital expenditures related to construction. However, the local development fee is not used by most small municipalities because of problems associated with the depopulation of municipalities and the need to attract new construction and enterprises to their municipality. Municipalities set the rates of all local taxes and decide on other elements such as exemptions or reductions.

116. During Covid-19, despite the uncertainty in their own fiscal situation, due to the temporary closure of many local businesses, local self-governments frequently decided to provide them with assistance (especially for small businesses in local tourism, catering and so on.). This usually included a reduction/postponement of property tax payments and reduced rents for those operating in public buildings or using public spaces. The ability to make such concessions was important to subnational government and illustrates the significance of such leeway to both citizens and local authorities. Only a small proportion of income is generated from local taxes as Figure 2 shows.

Figure 2 - Tax revenues and total revenues of local budgets of the Slovak Republic (2010-2020), in million euro.



Source: Buriachenko et al., (2022)

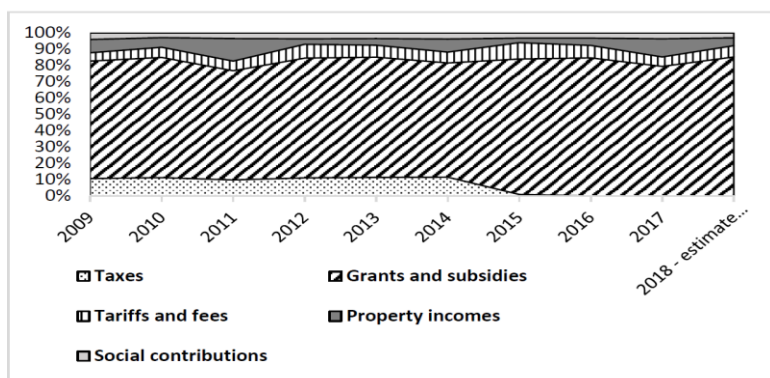
117. Regions (Higher Territorial Units/HTU) have limited sources of revenue. The current structure of income and revenues for regions is composed as follows:

- non-taxable income from the ownership and transfer of ownership of the assets of the HTU and from the activities of the higher territorial unit and its budgetary organizations;
- interest and other income from the funds of the HTU;
- penalties for violation of financial discipline imposed by the HTU;
- donations and revenues of voluntary collections for the benefit of a HTU;
- shares in other taxes of the state administration under a separate regulation;
- subsidies from the state budget for reimbursement of costs incurred by the state administration in accordance with the law on the state budget for the respective financial year and subsidies from state funds;
- other subsidies from the state budget in accordance with the law on the state budget for the respective financial year;
- purposeful subsidies from the municipal budget or from the budget of another HTU for the implementation of contracts according to special regulations;
- funds from the European Union and other funds from abroad provided for a specific purpose;
- other income provided for by special regulations (Act No. 583/2004 Coll.).⁵²

118. Regions' shared income is a share of personal income tax distributed by the centre. Until 2015 the regions received the proceeds of motor taxation. Since then, as some experts argue, "regional self-government has no tax revenues that have the character of local taxes".⁵³ Withdrawal of the motor vehicle tax from the exclusive competence of the regions and its assignment to the central national tax collection system is perceived negatively by regional and local actors. Regions collect fees in the area of healthcare, social services and transport (bus, tramway, trolleybus). Figure 3 illustrates the sources of income of the HTUs in the Slovak Republic.

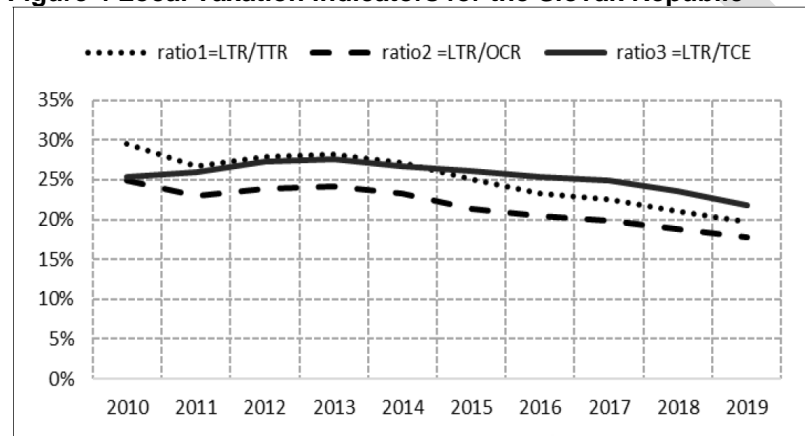
⁵² Mihálik, J., Horváth, P., & Švikruha, M. (2019). Give me liberty or give me money: the fiscal decentralization and autonomy of regional governance in Slovakia. *European Journal of Government and Economics (EJGE)*, 8(1), 96-109.

⁵³ Cibík, L., & Meluš, M. (2019). Fiscal decentralization in the Slovak Republic: Revenues and expenditures. *Lex Localis*, 17(3), 697-720. 28/42

Figure 3. Structure of incomes of Slovak regional self-government 2009-2018 (%)

Source: Cibik et al. 2019

119. The income of sub-national government had dropped even prior to the Covid-19 pandemic. As Figure 4 shows, there had been a declining trend in the share of resources from local government taxes as a proportion of total tax revenues, and at the same time local government taxes represent a declining share in the financing of current expenditures.

Figure 4 Local Taxation indicators for the Slovak Republic

Source: Flaska et al., 2021

120. The share of local taxes in the total tax revenues of local governments (Ratio 1) in the years 2010 to 2019 has decreased. The share of local taxes in the own current income of local government showed a similar course (Ratio 2). Similarly, there was a decrease in the share of local taxes as a proportion of total expenditure (Ratio 3). While total revenues have risen significantly, tax revenue has remained almost unchanged. This leads to a high dependence on transfers from central government. Some point out that “local taxes, in the sense of the Charter accounted only for approximately 23 % percent of municipal tax revenues in 2020”.⁵⁴ Interlocutors highlighted differences in socio-economic development between urban and rural municipalities and within and between regions. Clearly, the distribution of taxable resources across the country is not uniform. These differences affect sub-national government income streams and local taxation potential. This has a significant impact since as the Contemporary Commentary on the Charter states, local taxes are also a tool for making political choices, influencing the behaviour of local residents and companies and fostering local economic development.

121. The Contemporary Commentary also asserts that the power to levy local taxes is direct evidence of local financial autonomy. In the Slovak Republic, municipalities have the power, although limited, to levy local taxes but regions do not have autonomy in taxation, a key principle of the Charter.

⁵⁴ * (taxes, the specific rate of which the local authority is entitled to determine), Pál, Á., & Radvan, M. (2022). Financial Autonomy of the Local Self-governments in the Countries of the Visegrad Group in the Context of the European Charter of Local Self-government. *Lex Localis-Journal of Local Self-Government*, 20(4), p. 1156

122. Although some of the financial resources of municipalities derive from local taxes and charges which the municipalities may vary, because regions do not have taxing authority, the rapporteurs consider that Article 9.3 is only partially complied with in the Slovak Republic.

3.8.4 Article 9.4

123. The Contemporary Commentary on the Charter asserts that the diversification of income sources is crucial if local authorities are to maintain their autonomy during fluctuation in economic cycles. Local authorities' finances should not be based solely on taxes or transfers and should be bolstered by all possible sources of local income.

124. During the visit, interlocutors indicated that the share of income from local taxes and charges is not large enough to ensure the greatest possible financial independence of local authorities in the Slovak Republic since subnational authorities are strongly dependent on income from central level. Some diversity of potential incomes is possible for municipalities and regions in the Slovak Republic because of potential income streams from own resources and non-earmarked grants but as the figures cited earlier show, such streams tend to be minimal. Municipalities also derive funding from EU sources since many Operational Programmes focus on activities involving municipalities. However, interlocutors drew attention to problems with absorption capacity and accessing matching funding which limit the ability of municipalities to avail of EU funding. Interlocutors stressed that their financial resources are not sufficient for the necessary investment in infrastructure, for example, leaving them largely dependent on subsidies from national or EU programmes.

125. The principle of buoyancy would imply that local finances are responsive to the rising costs of delivered services. For the rapporteurs this does not seem to be the case in the Slovak Republic. Limited options for new sources of funding and the bounded potential for establishing and increasing local taxes make it difficult to consider local resources as having sufficient buoyancy to enable sub-national authorities to keep up with the actual changes in the costs for carrying out local government responsibilities and make the necessary investments in infrastructure, services, sustainability etc.

126. The Covid-19 crisis highlighted the limited buoyancy in local and regional government finances. Additional expenditure requirements and shortfalls in their own revenues increased the financial pressure on sub-national government. For example, the capital Bratislava claims that the revenue loss between March and June 2020 was approximately 13% of the city budget – 53 million EUR. The reduction in PIT meant that income from central government was also reduced. Central government implemented a system of repayable, interest-free loans to help municipalities meet their responsibilities. In August 2020, local governments were offered a credit facility of 200 million Euro to counter the expected negative impacts of Covid-19 on PIT. Almost 152€ million was approved and paid to 1727 municipalities “which is more than double the actual revenue shortfall”.⁵⁵ Some experts perceived this action as causing a situation “where the financial “losses” of municipalities due to Covid-19 would be disproportional [...] with a higher impact on the local level than on the central level”.⁵⁶ The drop-in economic activity and the significant shortfalls of non-tax revenues (e.g., local fees) reflected the lack of buoyancy and increased reliance on state funding. Some central-level interlocutors drew attention to the reluctance of local authorities to spend the surpluses they had built up prior to the Covid-19 crisis. There were also criticisms of the reluctance of many municipalities and cities to use possibilities on the revenue side of their budgets - e.g., increasing local fees, real estate tax, service charges, etc. However, a Ministry of Finance report does state that “from 2020, the property taxes contribute to higher revenues, with the municipalities breaking the long-term taboo and increasing the rates by 34 percent in average”.⁵⁷ Local level representatives pointed out how their savings have been depleted by the various crises. They also drew attention to the political, administrative, and financial problems created by failure to agree the national budget before the deadline by which municipalities were obliged to announce their fees, taxes and levies for 2023.

127. Interlocutors accept that there is some diversity of resource sources for subnational government in the Slovak Republic - more for municipalities than regions. Such diversification of revenues is, however, constrained by the lack of financial autonomy. Interlocutors cited many instances (in the educational, social and environmental spheres, particularly) of the delegation of tasks in a manner that does not indicate or include the source of funding to meet the cost of the new responsibility. Such a practice is not compatible with the principle

55 Černěnko, T., Neubauerová, E., & Zubaľová, A. (2021). Impact of the Covid-19 Pandemic on the Budget of Slovak Local Governments: Much Cry and Little Wool?. *Scientific Papers of the University of Pardubice. Series D. Faculty of Economics and Administration*, 29(1), p. 8

56 Nemec, J., & Špaček, D. (2020). The Covid-19 pandemic and local government finance: Czechia and Slovakia. *Journal of Public Budgeting, Accounting & Financial Management*. 837-846

57 https://www.mfsr.sk/files/archiv/64/2020_02_DV_20200212_EN_FINAL.pdf

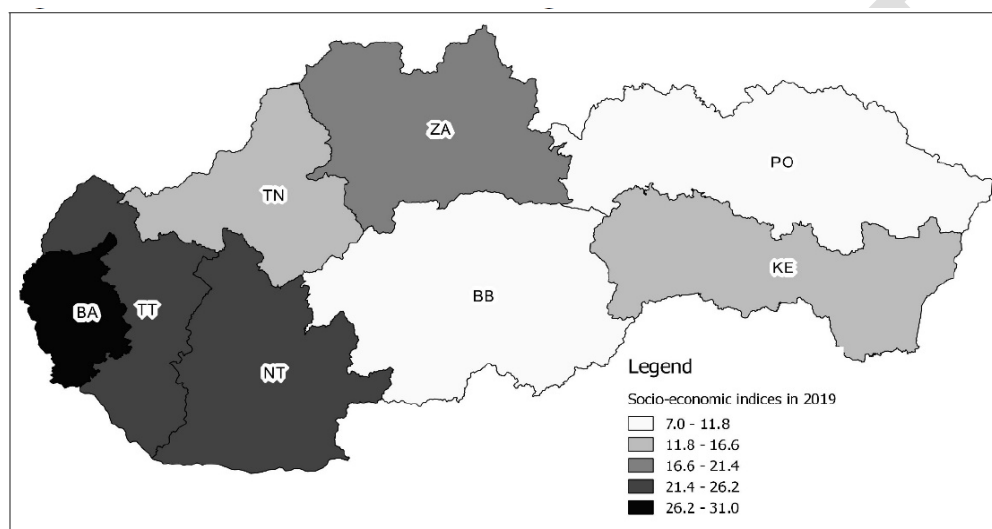
of buoyancy as outlined in the Charter. Many interlocutors warned that the situation is untenable and that without increased autonomy, diversification and buoyancy, they will be unable to continue to carry out their functions fully and deliver all the necessary services to citizens. In light of the above, the Rapporteurs consider that Article 9.4 is not complied with in the Slovak Republic.

3.8.5 Article 9.5

128. There are huge differences in natural endowments, economic development, population distribution and standards of living in the Slovak Republic. Consequently, there are wide variations in the revenue potential of municipalities and regions. The socio-economic attractiveness and prosperity of the regions also have an impact on the share of local taxes in tax revenues and expenditures.

129. Figure 4 illustrates those differences in regional socio-economic indicators in 2019.

Figure 4. Regional socio-economic indicators 2019



Source: *Flaska et al. 2021*

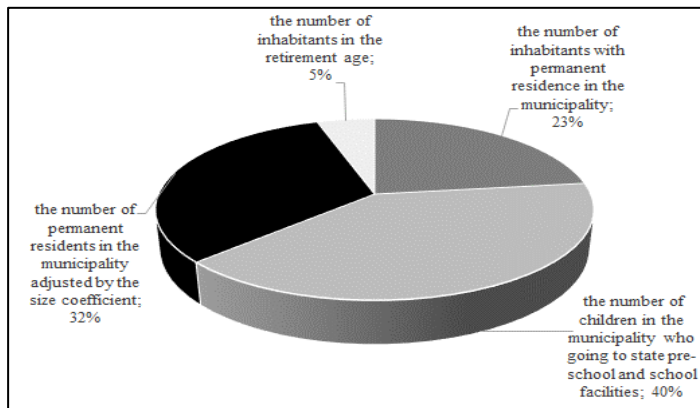
130. In order to compensate for such variations central government has put in place various strategies for equalisation. Act 564 of 2004 on the budgetary determination of income tax revenue to the territorial self-government regulates the inter-governmental sharing of income tax. Shared income tax is considered a suitable instrument to reduce horizontal inequalities in the tax base and enable sub-national units to provide public services.

131. The system for distributing PIT (Personal Income Tax) incorporates a formula designed to achieve a degree of equalisation. The amount of money allocated to each municipality and region is determined according to complex formulas that take into account several variables.

132. The tax revenue is distributed to the regions as follows:

- 15% according to the number of residents of a higher territorial unit with permanent residence on its territory as of January 1 of the previous calendar year
- 15% according to the number of inhabitants of a higher territorial unit between the ages of fifteen and eighteen with permanent residence on its territory as of January 1 of the previous calendar year
- 32% according to the number of residents of the higher territorial unit who have reached the age of sixty-two, with permanent residence in the territory of the higher territorial unit as of January 1 of the previous calendar year
- 9% according to the reverse density of the population of the higher territorial unit with permanent residence on the territory of the higher territorial unit as of January 1 of the previous calendar year
- 20% according to the length of the roads II. class and III. classes owned by a higher territorial unit as of January 1 of the previous calendar year
- 9% according to the area of the higher territorial unit.

133. The formula for redistribution of PIT among municipalities is quite complex and is summarised in Figure 5.

Figure 5. Criteria for distribution of Personal Income Tax (PIT)

Source: Klimovský and Nemeč (2021)

134. Certain commentators consider that this choice of equalisation indicators “is insufficient to guarantee effective horizontal and vertical redistribution”.⁵⁸ Interlocutors also expressed criticisms about the system of equalisation. There were concerns about the limited financial sources in smaller municipalities and the serious inter-regional disparities, issues which interlocutors felt should be addressed through an improved equalisation system. This was particularly highlighted with regard to social services. Interlocutors referred to the impact of new legislation on their powers and finances, citing the recent legislation providing for subsidisation of private suppliers of social care. This reduces municipal resources and creates a situation where municipalities do not have control over public resources given to private companies. Small municipalities do not have sufficient incomes to provide the ever-increasing range of care services and they feel financially unprotected since they do not have state-guaranteed procedures or measures to remedy this deficiency. Article 9 paragraph 5 of the Charter advocates the protection of financially weaker local authorities, but as ZMOS pointed out, such a “rescue mechanism” is not applied in the reality of the Slovak Republic.

135. Interlocutors referred to poor correlation between the current system of local finance/distribution of resources and between economic potential and needs of different municipalities. There were particular concerns about the situation of small municipalities, the limited rights and opportunities of larger and economically developed cities and municipalities as well as inequality between urban and rural areas. There was also criticism of the PIT redistribution, particularly the system of coefficients for calculating the HTU's share of PIT.

136. The Contemporary Commentary states that Article 9.5 of the Charter aims to ensure sufficient financial resources, allowing local authorities not only to cover the expenses relating to their own and delegated functions but also those relating to the political and administrative apparatus necessary to carry out the tasks assigned to them. The views and information gathered during the monitoring visit indicate that this is not the case. The current system of equalisation does not correct the effects of the unequal distribution of potential sources of finance and the resultant financial burden on municipalities. Therefore, the rapporteurs consider that Article 9.5 is not complied with in the Slovak Republic.

3.8.6 Article 9.6

137. The Contemporary Commentary on the Charter asserts that any means of fund allocation, including those based on a decision rather than legislation should be subjected to consultation. Article 9.6 also directly foresees consultation obligation of higher-level government on the way in which redistributed resources are to be allocated to local authorities.⁵⁹

138. The rapporteurs observed deficiencies and inadequacies in the system in place in the Slovak Republic. Various legislative provisions including §3 of Act No. 583/2004 Coll.; § 9 paragraph 4 of Act No. 523/2004 and §4 of Act No. 564/2004 Coll. specify requirements for consultation with subnational actors regarding budgets, resource redistribution etc. However, in practice, the consultation processes do not embody the aspirations of the legal instruments. Interlocutors from subnational level voiced concerns with regard to Article 9.6, citing the

⁵⁸ Klimovský and Nemeč (2021), p. 371

⁵⁹ P.9 of the Report accessible at <https://rm.coe.int/recurring-issues-2017-2020-rapporteurs-stewart-dickson-united-kingdom-/1680a28a72>

minimalist approach to consultation and the paltriness of consultation when it does occur. They asserted that the distribution of PIT, for example, is centrally decided without input from sub-national government, as is also the case with regard to debt management ceilings.

139. Article 9.6 implies meaningful involvement of local authorities or their representatives in financial matters, including estimating the costs involved in any new State legislation that must be implemented at local level. Again, this is not the norm in the Slovak Republic, for example with regard to the recent changes in the funding of private and church schools or the introduction of free school lunches and some social care supports. The rapporteurs heard that these changes led to costs for subnational government which were not included in the redistribution of resources and subnational actors did not have an opportunity to point this out before decisions were made.

140. The rapporteurs note the limited nature of consultation with subnational actors about redistributed resources and consider that Article 9.6 is not implemented in the Slovak Republic.

3.8.7 Article 9.7

141. Much of the funding transferred to sub-national government in the Slovak Republic is for specific purposes. Compensation for employees accounted for 54.6% of local government expenditure in 2020. Spending on education by far accounts for the highest proportion of spending by sub-national governments. They are obliged to build and maintain schools and are responsible for paying teachers' salaries on behalf of the state. In 2019 and 2020, teachers' salaries increased by 10%, seriously affecting municipal income.

142. Earmarked transfers from central government are for financing specific services and account for around one-third of municipal budgets.⁶⁰ The main grant is for education, including teachers' salaries. Other earmarked transfers include grants for delivering general public services e.g., (registries), for the building and transport sectors and targeted grants for regional development and tourism.

143. Own revenues include user charges and fees which represent a significant source of revenue (10.4% of subnational government revenue in 2020), slightly above the OECD average for unitary countries (9.1%). Other revenues include any operating surpluses of public enterprises controlled by subnational governments; revenue from business/commercial activities; ownership of property (sale of movable and immovable property); donations received; interest on deposits or other financial products; collection of traffic fines and other administrative offences. Taken together, they accounted for less than 1% of the subnational government revenue in 2020.⁶¹

144. Subnational governments were permitted to use their reserve funds, etc. to compensate for the adverse effects of Covid-19. Consequently, revenue at the subnational level was almost stable between 2019 and 2020 (-0.4%), due to an increase in tax revenue (+8.4%) and in grants and subsidies (+2.2%) designed to compensate for the drop in tariffs and fees (-13.3%) and the reduced revenue from assets (-62.8%) in 2020.⁶²

145. Article 9.7 urges that grants to local authorities shall not be earmarked for the financing of specific projects and that the provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction. In the Slovak Republic, about one third of grants are earmarked and many of the remaining grants have to be channelled to fulfil legal obligations. Local authorities have some discretion within their own jurisdiction but because of gaps between transfers and the costs of obligatory services (e.g., pre-school education, social care etc.) such discretion is limited. Hence, the rapporteurs consider that Article 9.7 is partially complied with in the Slovak Republic.

3.8.8 Article 9.8

146. Subnational government in the Slovak Republic is free to borrow or issue bonds, but legal limits have been set in order to prevent fiscal problems. Act No. 583 of 2004 on the Budget Rules of the Regional Self-Administration lays down that municipalities and Higher Territorial Units may use reimbursable resources only for financing of investments. Credit resources may be used exclusively for the purposes of reducing interim deficit. A 2011 amendment to Act No. 583 of 2004 (The Act on of Budgetary Rules of the Regional Self-Administration) and the introduction of Act No. 493 of 2011 on Fiscal Responsibility imposed further restrictions

60 OECD/UCLG (2022) 2022 Country Profiles of the World Observatory on Subnational Government Finance and Investment <https://www.sng-wofi.org/country-profiles/>

61 Ibid.

62 Ibid

on borrowing were imposed. Nowadays, loans can only be used for capital purposes; total debt cannot exceed 60% of the budget of the previous year; and annual debt payments may not exceed 25% of the budget of the previous year. Since 2016, central government may impose fines on regions and municipalities which exceed the debt limit. The Supreme Audit Office has noted that the indebtedness of local governments increased. In the period 2017-2019. It found that the unconsolidated debt increased by eight percent.⁶³

147. During the Covid-19 crisis adjustments were made to the borrowing conditions to enable subnational governments to deal with their loss of revenue and the unanticipated expenditure needs. They could also get interest-free loans from central government but this was a one-off measure and some interlocutors suggested that non-repayable financial grants would have been a better strategy. Central government also introduced some measures to reduce the impact of the energy crisis which seriously affected subnational government because of their responsibility for so many public services.

148. Local self-government in the Slovak Republic has the right to borrow but within a carefully regulated environment. The rapporteurs therefore consider that Article 9.8 is respected in the Slovak Republic.

3.9 Article 10 – Local authorities’ right to associate

Article 10 – Local authorities’ right to associate

1. Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest.
2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.
3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

3.9.1 Article 10.1

149. Article 66 of the Constitution enshrines the right of municipalities and regions to associate, stating that “a municipality has the right to associate with other municipalities in order to provide for the matters of common interest; a superior territorial unit has the same right to associate with other superior territorial units. Conditions shall be laid down by law”. This right is upheld and widely utilised. As mentioned earlier, fragmentation of municipal government in the Slovak Republic results in many small units which do not have the resources or capacity to carry out fully their wide range of responsibilities. Under Act No. 369/1990 on Municipality Government municipalities have the possibility of inter-municipal co-operation based on a contract concluded to carry out a specific task or activity.

150. It appears that collaboration is actively encouraged and there are many forms of inter-municipal co-operation. Some experts list the following types of collaborative agreement: (1) an agreement on the performance of tasks, (2) an agreement on the establishment of a joint municipal office, (3) an agreement on the establishment of a municipal association, (4) an agreement on the establishment of a legal entity, and (5) an agreement on the establishment of an association of legal entities. For example, Joint Municipal companies deal with issues such as waste management, water, sewage and local tourism.

151. The Ministry of the Interior drew attention to the increasing collaboration at national and local levels. They cited national cooperation which is carried out primarily based on contracts concluded between individual municipalities, within joint municipal offices, as well as in the form of micro-regions. There are now, more than 230 Joint Municipal Offices (JMOS) which serve as administrative offices for municipalities to implement transferred competencies and avail of economies of scale in providing certain administrative services. There are both single-purpose and multi-purpose JMOs and each municipality can belong to different JMOs for the execution of different tasks. The largest JMO provides its services on behalf of 80 municipalities.⁶⁴ However, ZMOS points out that the establishment of JMOs for the purpose of action in the sphere of environmental protection is not widespread with only 34% of the joint municipal offices carrying out this type of transferred state administration.⁶⁵ Another common form of intermunicipal cooperation is the micro-region. These are entities created by several municipalities for a given purpose and are generally associated the use of EU Structural Funds. For example, the Terchovska dolina micro-region brings together 17 small municipalities in the northwest of the Slovak Republic. There are no direct legal provisions concerning the micro regions. The Ministry of the Interior highlighted the effective collaboration within such initiatives.

⁶³ https://www.nku.gov.sk/documents/10272/524640/NKU_VS_2020_EN_2105_final.pdf/140c8ddb-2b39-4d71-81eb-9486dce91258?version=1.1

⁶⁴ Nemec (2018)

⁶⁵ Performance and financing of transferred competences, ZMOS, Bratislava 2019, p. 101

152. In addition to intergovernmental collaboration, there are many linkages with non-state actors. Examples of collaboration (in the welfare and environmental spheres) between local government and non-state actors such as third sector organisations and private companies can be mentioned⁶⁶ that local government is more active at the implementation stage than at the initiation or design stages. Other local collaborations are EU funded such as LEADER programmes fostering Diversification of Rural Economy and Quality of Life. EU funding was also cited by interlocutors as a stimulus for collaboration between cities and the regions with Bratislava, for example, linking with the surrounding regions. Integrated Territorial Strategies serve as a vehicle for 37 actions funded by the EU. Regions covering 87.97% of the population of the Slovak Republic will be eligible for regional investment aid in the 2022-2027 period.⁶⁷

153. In the light of the foregoing it appears that subnational government engages in various associative activities. Such collaborative activity has the potential to mitigate some of the problems associated with the fragmentation of the municipalities. The rapporteurs therefore consider that Article 10.1 is complied with in the Slovak Republic.

3.9.2 Article 10.2

154. There is a constitutional right to associate in the Slovak Republic and local self-government has an effective framework for co-operation with three particularly active organisations articulating subnational concerns and representing municipalities and regions both nationally and internationally. Every municipality may be a member of ZMOS, the Association of Towns and Communities which includes more than 95% of all cities and towns in the Slovak Republic. The Union of Towns and Cities of Slovakia (UMS) has sixty-three de jure members ("cities") in total. It is possible for a city to be both a member of UMS and of ZMOS. SK 8 is an Association representing the eight self-governing regions of the Slovak Republic. These three organisations play a prominent national role with ZMOS serving on the national Economic and Social Council.

155. There are also other collaborative organisations which bring together subnational actors such as:

- The Club of the Mayors of Slovak Towns and Cities
- The Association of Municipal Finance Officers of the Slovak Republic
- The Slovak City Managers' Association
- The Association of the Chief Controllers of Towns and Cities of the Slovak Republic
- The Association of Historic Towns and Cities of Slovakia.

These organisations foster greater effectiveness and mutual learning. The rapporteurs consider that Article 10.2 is fully complied with in the Slovak Republic.

3.9.3 Article 10.3

156. International collaboration is widespread among Slovak subnational actors, particularly in relation to the EU. The Slovak Republic has signed and ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities. The Slovak Republic is active in the various organs of the Council of Europe and has an active national delegation in the European Committee of the Regions (9 members and 9 alternates). Slovak subnational actors are also active in several multilateral associations or cooperation platforms such as European Metropolitan Authorities, Eurocities, Capital Cities and Regions Network etc. Many cities and regions are twinned or have established bilateral partnership with cities and regions throughout Europe. For example, Trenčín is twinned with cities in France, Italy, the Czech Republic, Hungary and Serbia.

157. For the 2021-2027 period, the Slovak Republic will be involved in 11 INTEREG programmes.⁶⁸ Examples of EU-supported transnational collaboration include projects between the Slovak Republic and Poland which are promoting tourism and other cross-border cooperation through Euroregions (Tatry Euroregion, Carpathian Euroregion); A heritage project with Austria (the Huncokárs). One of the pillars of the Interreg HUSK project 2021-2027 between Hungary and the Slovak Republic is administrative cooperation. Until Russia's war of aggression against Ukraine, the second pillar of the Good Governance and Cross-border Cooperation programme promoted institutional cross-border cooperation between the Slovak Republic and Ukraine with a focus on improving integrity and accountability. Subnational actors from Slovakia are also part of EGTCs (European Grouping of Territorial Cooperation) which promotes cross-border development.

⁶⁶ Klimovsky and Nemec (2021)

⁶⁷ [State aid Commission approves 2022-2027 regional aid map for the Slovak Republic 2022-2027.pdf](#)

⁶⁸ https://ec.europa.eu/regional_policy/whats-new/newsroom/18-07-2022-eu-cohesion-policy-commission-adopts-eur12-8-billion-partnership-agreement-with-slovakia-for-2021-2027_en

158. These examples show that international co-operation is common in the Slovak Republic and is without legal constraint. Interlocutors did not cite any institutional impediments to international collaboration. The rapporteurs conclude that Article 10.3 is fully complied with.

3.10 Article 11 – Legal protection of local self-government

Article 11 – Legal protection of local self-government

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

159. Article 11 of the Charter refers to an effective judicial remedy to ensure respect for local self-government. “Recourse to a judicial remedy” means access by a local authority to either a properly constituted court of law or an equivalent, independent, statutory body.⁶⁹

160. Slovak local authorities as legal entities have the right to go to court to defend their rights, ownerships or interests. Municipalities have access to the regular courts, where they can defend their autonomy, if they believe it was ignored or reduced by the central government or by State agencies.

161. According to Article 127a of the Slovak Constitution, the Constitutional Court decides “on complaints of the bodies of territorial self-administration against unconstitutional or unlawful decision or against other unconstitutional or unlawful action into the matters of self-administration”.

162. In the written replies to the rapporteurs, the Constitutional Court stated that matters of local self-government were considered in a decision of the Constitutional Court PL. ÚS 4/2016 of May 10, 2017. In that decision the Constitutional Court “claimed the applicability of the Charter and defined its status in the legal system, in the proceedings on conformity of legal regulation”. It found that local self-government is the legally and constitutionally guaranteed right of the local self-governing unit as a territorial community of people to decide independently about their affairs within the autonomous space specified by constitution or law. The Constitutional Court stated that the local self-government may therefore be considered as one of the basic democratic values, to which a privileged (constitutional) protection (Article 127a of the Constitution) is guaranteed. Subsequently, in its decision PL. ÚS 8/2020, the Constitutional Court confirmed its general views of the right to local self-government previously expressed in its decision PL. ÚS 4/2016.

163. The Constitutional Court informed the delegation that currently municipalities and the higher territorial units, as independent and territorial units of the Slovak Republic (Article 64a of the Constitution) or their associations, have no direct possibility to contest the conformity of a law or administrative regulation in the Constitutional Court proceedings. However, there will be an indirect possibility to do so, as of 1 January 2025, “when the new provision of Article 127 par. 5 of the Constitution shall enter into force”. The Constitutional Court underlined that it will be possible to contest the conformity of law or other legal regulation with Constitution, Constitutional Law or International Treaty, together with the individual constitutional complaint (Article 127 par. 1 of the Constitution), which may be filed by any natural person or legal entity (a municipality and superior territorial unit are considered to be legal entities) who claims that its fundamental rights and freedoms have been violated by a final decision, measure or other intervention. As explained by the Constitutional Court, indirect nature of the remedy means that the Senate of the Constitutional Court examining the constitutional complaint will decide whether it initiates the proceedings according to Article 125 par. 1 of the Constitution.

164. The Supreme Administrative Court may decide on the constitutionality and legality of elections to local self-government bodies.

165. Finally, the Public Defender of Rights (PDOR) is an independent body of the Slovak Republic which protects the fundamental rights and freedoms of natural and legal persons in proceedings before public administration bodies and other public authorities if their actions, decisions or inactions are in conflict with order or human rights. The PDOR is the body of appeal regarding both own and delegated competences of subnational government. It can control, notify and suggest proposals to public administration bodies to resolve a situation in which they have violated a person’s rights. It can also refer to the Constitutional Court. The rapporteurs note that during 2022, there was a gap of seven months before a new Defender was elected, a delay noted by the European Commission. Some national interlocutors mentioned a lack of awareness of the role of the PDOR among subnational politicians and the public.

⁶⁹ Contemporary Commentary, para 206.
36/42

166. It is the opinion of the rapporteurs that domestic legislation entitles local authorities to bring legal actions seeking to protect their rights. They consider that local authorities' right of access to a judicial remedy meets the basic requirements of Article 11.

4. OTHER MATTERS RELATED TO THE FUNCTIONING OF LOCAL AND REGIONAL SELF-GOVERNMENT

167. The Monitoring visit took place at a time the Slovak Republic was dealing with political change and the repercussions of Covid-19, Russia's war of aggression against Ukraine, the energy crisis, climate change and inflation. Some of these issues have topped the agenda in recent years, shaping political and economic activity and affecting the activities of sub-national government.

168. Regional and municipal elections were held on 29 October 2022. A high turnout was recorded in the regional elections of 43.7 per cent, up by nearly 14 percentage points. The turnout for the municipal elections was 46.2 per cent, down by 2.5 points.⁷⁰ Despite discontent about inflation and the refugee crisis, voters did not use the election to punish the government but returned many of the incumbents. President Caputova commented that "people have chosen experienced, democratic candidates and in most cases rejected extremism and populism".⁷¹

169. The war in Ukraine has impacted on subnational government in the Slovak Republic. In January 2023, more than 104,000 refugees from Ukraine were being hosted in the Slovak Republic, equating to (1.9% of the population⁷²). In her report on a fact-finding visit to the Slovak Republic, the Special Representative of the Council of Europe Secretary General on Migration and Refugees commended various groups including local authorities for their efforts to provide those fleeing Ukraine with immediate and basic necessities and other forms of support. However, she concluded "that local authorities should receive more support in face of the challenges that lie ahead".⁷³ Not only the influx of refugees but other impacts of the war such as the energy crisis or the surging prices of building materials and food products were dominant election issues during the 2022 local and regional elections. Local and regional governments, however, lack the competences and resources to deal with these huge impacts and have to rely on the Slovak government and EU measures in order to continue to fulfil their competences. Although BTI (an international organisation which analyses and compares transformation processes towards democracy) assessed that "the pandemic, and disagreements over measures implemented, have increased tensions between national, regional and local governments over competences and effectiveness"⁷⁴ the results of the recent elections suggest a preference for stability at subnational level.

170. During the Covid-19 pandemic, subnational government played a key role in addressing the multiple challenges despite communication and consultation problems with central level and practical problems at local level. An academic author concludes that "the personal and organisational capacities, communication linkages and local networks of local self-governments were beneficial and irreplaceable".⁷⁵ The financial impact of Covid-19 on local and regional authorities was major. For example, in the regions, revenue from suburban bus transport fell by EUR 30 million.⁷⁶ The social, political and financial impacts are likely to have long-term consequences for all levels of government.

171. Environmental concerns are increasing in the Slovak Republic and shaping national and local policies and governmental actions. Until recently, economic growth has been prioritised over protection of the environment.⁷⁷ The Slovak Republic relies on the most energy-intensive industries within the EU, with emissions of 22 million tons of CO₂ in 2019.⁷⁸ It relies strongly on its nuclear power plants for energy production. The European Commission started an infringement case against the Slovak Republic for failure to transpose a directive promoting the use of energy from renewable sources. In 2021 the government took steps to change the law. Other new laws, many of which have implications for local authorities, have also been introduced regarding, *inter alia*, restructuring of the national parks, eliminating plastic bottles and cans, improving waste

70 <https://balkaninsight.com/2022/11/08/slovak-far-right-still-harbours-national-hopes-despite-blow-in-local-elections/>

71 <https://abcnews.go.com/International/wireStory/slovakian-regional-mayoral-elections-back-status-quo-92379355>

72 [Ukraine_RefugeesinEurope_2023Jan11_HIU_U2700.pdf](https://www.refugeesinEurope.eu/2023/01/11/HIU_U2700.pdf)

73 Information Documents SG/Inf(2022)24

74 <https://bti-project.org/en/reports/Country-Report/SVK> p. 1

75 Buček, J. (2022). Local Self-Government and Governance During Covid-19 Pandemic in Slovakia. In: Nunes Silva, C. (eds) Local Government and the Covid-19 Pandemic. Local and Urban Governance. Springer, Cham

76 https://cor.europa.eu/en/engage/studies/Documents/Local%20and%20regional%20finances%20in%20the%20aftermath%20of%20COVID-19/CoR_Local_and_regional_finances_after_Covid-19.pdf

77 SGI (2022) : Sustainable Governance Indicators 2022 (Slovakia report) at [SGI 2022 | Slovakia \(sgi-network.org\)](https://www.sgi-network.org/)

78 Ibid

management and stopping the import of nuclear waste. A review of the country's national sustainable development strategy with a view to incorporating the 2030 Agenda for sustainable development is under way. The review process has included broad stakeholder participation and the creation of the Government Council for Agenda 2030, involving key line ministers, as well as representatives of NGOs, academia and the private sector. ZMOS, SK8, and UMS are represented in the Government Council of the Slovak Republic for the 2030 Agenda for Sustainable Development. The Ministry of the Environment of the Slovak Republic is currently finalising work on the draft of a new law on climate change. Representatives of local and regional self-government associations are participating in preparation of the law.

5. CONCLUSIONS AND RECOMMENDATIONS

172. Since the previous monitoring report in 2016, the Slovak Republic has experienced significant political, social and economic change. Domestic factors such as political turmoil, economic uncertainty, inflation, protests, a brain drain (to employment opportunities abroad) and labour shortages have combined with external factors and crises such as Covid-19, Russia's war of aggression against Ukraine and climate change to create disquiet and unrest. These pressures altered the environment in which local and regional government operates and impacted hugely on their actions and resources. Prior to the crises, progress was being made in various spheres and the Slovak Republic is to be commended for the reforms which were put in place.

173. Legislation had been introduced to begin or continue to address recurring issues such as corruption, (creation of the Supreme Administrative Court; the new Office for the Protection of Whistleblowers; judicial review;s; and amendments to the Infolaw) administrative inadequacy (creation of the Ministry of Investments, Regional Development and Informatization; the RIA 2020 Better Regulation Strategy; ongoing decentralisation digitalisation; amendment of the civil service law and further moves towards evidence-based policy-making), environmental problems (legislation to stop the import of nuclear waste, eliminate plastic bottles and cans, improve waste management; establishment of a Government Council for the European Green Deal and creation of the Government Council for Agenda 2030). The Metropolitan Institute of Bratislava was established in 2019. Such changes have had a positive impact at all levels, but concerns persist about corruption, some ineffective institutions and administrative processes and the limited opportunities for public participation in policy shaping and decision-making processes.

174. Despite national and international upheavals, sub-national government in the Slovak Republic has managed to respond to the needs of citizens, fulfil administrative and political obligations and adapt and develop within the complex inter-governmental system. Nonetheless, fragmentation into almost 3 000 municipalities impedes the effectiveness of local government and creates functional and financial challenges. However, as interlocutors reiterated, the historical significance of municipalities and citizens' attachment to and identification with the municipalities mean there is neither political nor popular will to merge municipalities. To overcome some of the problems of fragmentation, various types of formal and informal collaboration have evolved. Support, incentivisation and formalisation of such collaboration could be considered as a means of enhancing municipal governance.

175. Existing problems regarding the amount and allocation of subnational government finance have been exacerbated by the recent crises. The financing of both delegated tasks and own competences causes serious disharmony and there is a need for shared understanding of the dynamic character of public service costs. A comprehensive rather than a piecemeal approach to reforming subnational government finances is recommended in order to address these complex problems.

176. The complexity of inter-governmental relationships impedes subnational government's potential to defend and promote the local public interest. Poor co-ordination, inconsistent linkages, skills and expertise shortages and limited collaboration between different levels of government make it difficult to meet the needs of citizens and communities and ensure the optimum utilisation of the resources expended at subnational level. The administrative and fiscal capacity at local level and the quality of public administration needs to be strengthened. This can be achieved, inter alia, by upskilling local employees and making greater use of digital technologies and e-government, particularly through EU-funded opportunities. Attention also needs to be paid to improving the absorption capacity of governments at all levels in order to maximise the opportunities from various EU initiatives.

177. Lacunae in the system of consultation between central and sub-national levels were observed. Although clear obligations for consultation have been legislated for, in practice, these are often circumvented. Interlocutors cited many instances where consultation processes were lacking or arbitrarily restricted. The

manner in which the Covid-19 crisis was dealt with by the centre led to a deterioration in communication between central and sub-national authorities, damaged relationships and eroded trust.

178. The current crises have led to concerns about a weakening of democracy expressed by many interlocutors during the visit. They pointed to an absence of justification for and a perceived lack of communication about as well as inconsistent rules in the executive measures and rules introduced to deal with Covid-19. The ongoing political volatility, growing polarisation at all levels and the increased fragility of democratic institutions have a demotivating effect on democratic engagement. The Strong Cities Network has raised particular concerns about Slovak cities advocating that “Slovak cities need to be engaged in regional and global conversations about safeguarding local democracy from the hybrid threats of extremism, disinformation, hate and wider anti-government agitation”.⁷⁹ To conclude, the rapporteurs consider that there is a clear need to proactively foster resilience and positivity. Subnational government can and should play an important role in doing so.

⁷⁹ <https://strongcitiesnetwork.org/en/city-consultations-slovakia/>

APPENDIX – Programme of the Congress monitoring visit to the Slovak Republic

**MONITORING OF THE APPLICATION OF THE EUROPEAN CHARTER OF LOCAL
SELF-GOVERNMENT IN THE SLOVAK REPUBLIC**

**Bratislava, Trenčín and Kálnica
6-8 December 2022**

PROGRAMME

Congress delegation:

Rapporteurs:

Mr Matthias GYSIN

Rapporteur on Local Democracy
Chamber of Local Authorities, ILDG⁸⁰
Municipal Councillor (Duggingen)
Switzerland

Mr Levan ZHORZHOLIANI

Rapporteur on Regional Democracy
Chamber of Regions, NR⁸¹
Member of the Municipal Assembly (Tbilisi)
Georgia

Congress Secretariat:

Ms Svitlana PEREVERTEN

Co-Secretary to the Monitoring Committee

Mr Guillaume LOISEAU

Co-Secretary to the Monitoring Committee

Consultant:

Dr Brid QUINN

Member of the Group of Independent Experts on the
European Charter of Local Self-Government (Ireland)

Interpreters:

Pavol SVEDA

Ivo POLACEK

80 EPP/CCE: European People's Party Group in the Congress.
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats.
ILDG: Independent Liberal and Democratic Group.
ECR: European Conservatives and Reformists Group.
81 NR: Members not belonging to a political group of the Congress.

Tuesday 6 December 2022
Bratislava

- **Joint meeting with the National Delegation of the Slovak Republic to the Congress, Associations and expert**

National delegation:

- **Mr Maroš SAGAN**, Mayor of Cífer
- **Mr Marek NESTICKY**, Member of Trnava Regional Council

Association of Towns and Communities of Slovakia (ZMOS)

- **Mr Radomír BRTÁŇ**, ZMOS First Vice-President and Mayor of Košeca (Trenčín Self-Governing Region)
- **Mr Miroslav VILKOVSKÝ**, member of the ZMOS Council, Mayor of Levoča (Prešov Self-Governing Region)
- **Ms Martina KUBIŠOVÁ**, member of the ZMOS Council, Mayor of Kynceľová (Banská Bystrica Self-Governing Region)
- **Mr Maroš SAGAN**, member of the ZMOS Council, Mayor of Cífer
- **Mr Michal KALIŇÁK**, ZMOS General Director
- **Ms Zuzana ŠPAČEKOVÁ**, ZMOS Expert on Foreign and EU affairs and Regional Development
- **Ms Alžbeta ROTH-ŠVÁRNA**, ZMOS Coordinator of Foreign and EU Affairs

Union of Slovak Towns and Cities (UMS)

- **Mr Béla KESZEGH**, UMS Vice-President, Mayor of Komárno
- **Mr Dalibor SURKOŠ**, UMS Republic Council member, Mayor of Veľký Krtíš
- **Ms Jana ČERVENAKOVÁ**, UMS executive Vice-President
- **Ms Mária KOMPIŠOVÁ**, UMS expert on EU and Council of Europe agenda

Association of Self-Governing regions (SK8)

- **Mr Jan RACLAVSKY**, Trnavsky Self-Governing Region
- **Mr Marek NESTICKY**, Member of the Regional Assembly

Expert

- **Mr Daniel KLIMOVSKY**, Alternate Member of the Group of Independent Experts on the European Charter of Local Self-Government (Slovak Republic)

- **City of Bratislava**

- **Mr Matúš VALLO**, Mayor

- **Prosecutor General's Office of the Slovak Republic**
 - **Mr Jozef SEDLÁK**, Deputy Prosecutor General
 - **Mr Richard DUKES**, Head of the Civil Department
 - **Mr Peter MIHÁL**, Prosecutor of the Civil Department
 - **Ms Vladimíra GEDROVÁ**, International Relations and Protocol Officer
- **Public Defender of Rights**
 - **Mr Róbert DOBROVODSKY**, Public Defender of Rights
 - **Mr Tomáš ČITBAJ**, Head of the Legal Department
 - **Ms Eva TAKÁCSOVÁ**, Head of the Department of protection of the right to judicial and other legal protection and rights to the protection of the environment and cultural heritage

Wednesday 7 December 2022
Bratislava

- **Ministry of Interior**
 - **Mr Tomáš OPARTY**, State Secretary of Ministry of Interior
 - **Mr Adrián JENČO**, General Director of Public Administration Section
 - **Ms Naďa FIRÁK KURILOVÁ**, Department of Local State Administration and Self Government of Public Administration Section
 - **Ms Alexandra ANTALOVÁ**, Department of Foreign and European Affairs of the Office of the Minister
 - **Ms Marta FABIÁNOVÁ**, Press Department of the Office of the Minister
- **Ministry of Finance**
 - **Mr Ľuboš JANČÍK**, Deputy Minister of Finance
 - **Mr Juraj VALACHY**, Director of the Institute for Financial Policy
 - **Mr Jozef MIKŠ**, Director, Department of Budget Regulation and Local Government Financing
 - **Mr Vladimír VAŇO**, advisor to the Deputy Minister of Finance
- **Supreme Audit Office**
 - **Mr Lubomír ANDRASSY**, President of the Supreme Audit Office
- **Ministry of Investments, Regional Development and Informatization**
 - **Mr Dušan VELIČ**, State Secretary
 - **Mr Marián CIPÁR**, Director general
 - **Ms Dominika SEMANCOVÁ**, Director general

- **Bratislava Self-Governing Region**

- **Ms Alžbeta OŽVALDOVÁ**, Vice-President of the Bratislava Region
- **Mr Peter ŠVARAL**, Mayor of Rohožník, Councillor of the Bratislava Region
- **Ms Barbora LUKÁČOVÁ**, Director of the Department of Strategy, Territorial Development and Project Management
- **Mr Marek VIČEJ**, Director of the Finance Department
- **Ms Jana BRILOVÁ**, Head of Foreign Relations, Protocol and European Affairs
- **Mr Tomáš TELEKY**, Head of the Representation of the Bratislava Region to the EU

Thursday 8 December 2022
Trenčín and Kálnica

- **Municipality of Trenčín**

- **Mr Patrik ŽÁK**, Vice-Mayor of Trenčín
- **Mr Milan OVSENIK**, Project manager
- **Mr Róbert ŠVEHLA**, assistant to the Mayor

- **Trenčín Self-Governing Region**

- **Ms Eleonóra PORUBCOVÁ**, Vice-President of the Trenčín
- **Mr Michal BARTEK**, Vice-President
- **Mr Jozef BOŽIK**, Vice-President, mayor of the Partizánske
- **Mr Jozef TRSTENSKÝ**, Vice-President
- **Ms Zuzana MÁČEKOVÁ**, Deputy of the Trenčín Self-Governing Region, Mayor of the village of Uhrovec
- **Mr Tomáš BALAZ**, Head of the Legal, Asset Management and Public Procurement Department
- **Ms Renáta OZIMOVÁ**, Head of the Financial Department
- **Mr Marek BRIESTENSKÝ**, Authorized Director of the Office of the Trenčín Self-Governing Region

- **Municipality of Kálnica**

- **Mr Milan BORCOVAN**, Mayor of Kálnica