

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Recommendation 505 (2024)<sup>1</sup> Monitoring of the application of the European Charter of Local Self- Government in Andorra

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:

*a.* Article 2, paragraph 1.*b.*, of the Charter of the Congress of Local and Regional Authorities of the Council of Europe, appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, which stipulates 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, according to which “[t]he 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 by the Congress on the explanatory report to the European Charter of Local Self-Government, adopted by the Statutory Forum on 7 December 2020;

*e.* the Congress priorities for 2021-2026, in particular Priority 6.*b* on the quality of representative democracy and citizen participation;

*f.* the Sustainable Development Goals of the United Nations 2030 Agenda for Sustainable Development, particularly Goals 11 on sustainable cities and communities and Goal 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;

1. Debated and approved by the Chamber of Local Authorities during the 46th Session on 27 March 2024 and adopted by the Congress on 27 March 2024 (see document [CPL\(2024\)46-02](#), explanatory memorandum), co-rapporteurs: Jean-Paul BASTIN, Belgium (L, EPP/CCE), and Christine CHEVALLEY, Switzerland (L, ILDG).

*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 application of the European Charter of Local Self-Government in Andorra (Recommendation 415 (2018));

*k.* the explanatory memorandum to the current recommendation on the monitoring of the application of the European Charter of Local Self-Government in Andorra.

2. The Congress points out that:

*a.* the Principality of Andorra joined the Council of Europe on 10 November 1994. It signed the European Charter of Local Self-Government (ETS No. 122, “the Charter”) on 27 October 2010 and ratified it on 23 March 2011 with the exception of Article 9.2 on commensurate financial resources, Article 9.5 on financial equalisation and Article 9.8 on access to the national capital market. The Charter came into force for Andorra on 1 July 2011. Andorra has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

*b.* the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (“the Monitoring Committee”) decided to examine the situation of local democracy in Andorra in the light of the Charter. It instructed Jean-Paul Bastin, Belgium (L, EPP/CCE), and Christine Chevalley, Switzerland (L, ILDG), to prepare and submit to the Congress a report on the application of the Charter in Andorra. The delegation was assisted by Professor André Roux, member of the Group of Independent Experts on the European Charter of Local Self-Government, and by the Congress secretariat;

*c.* a Congress delegation visited Andorra on 19 and 20 September 2023 and met representatives of various institutions at all levels of government. The programme of the visit is appended to the explanatory memorandum;

*d.* the co-rapporteurs wish to thank the Permanent Representation of Andorra to the Council of Europe and all those whom they met during the visit.

3. The Congress is pleased to note that in Andorra:

*a.* the level of local democracy is generally satisfactory. The Principality of Andorra appears to be a State which fully supports local self-government;

*b.* Andorran municipalities currently have very broad powers, in accordance with the subsidiarity principle, and the human and financial resources they need to exercise these in generally satisfying conditions. Recent reforms (in 2017, 2018 and 2021) affecting municipal powers and local finances have reflected progress in this respect;

*c.* there is a culture of consultation and close dialogue between the State and local authorities stemming from long-standing traditions and facilitated by the country’s small dimensions, which enable direct contacts and interpersonal relationships;

*d.* the autonomy of parishes was guaranteed from the outset in the constitution and is reflected in particular in the composition of the Andorran Parliament (*Consell General*), in which the municipalities are directly represented.

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

*a.* no law sets out the consultation and negotiation procedures between the State and the municipalities for all major decisions concerning them;

*b.* the city of Andorra la Vella has not been given special autonomy following Congress Recommendation 452 (2021) "The status of capital cities";

*c.* paragraphs 2 and 5 of Article 9 of the Charter have still not been ratified despite being recommended by the Congress in Recommendation 415 (2018), following the previous report on local democracy in Andorra, as these provisions are already applied in the country.

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

*a.* to formalise in law the mechanisms for dialogue with and consultation of local authorities which already exist in practice;

*b.* to establish special autonomy for Andorra la Vella in the light of Recommendation 452 (2021) of the Congress in order to establish legal provisions taking account of the capital's particular situation compared to other municipalities;

*c.* to consider ratifying paragraphs 2 and 5 of Article 9, which are already applied in Andorra;

*d.* to 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.

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