

46th SESSION

Monitoring of the application of the European Charter of Local Self-Government in Andorra

Recommendation 505 (2024)¹

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, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 1, paragraph 3, of Statutory Resolution CM/Res(2020)1, under which “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 the 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 on the quality of representative democracy and citizen participation;

f. the Sustainable Development Goals (SDGs) of the United Nations Sustainable Development Agenda for 2030, particularly goals 11, for sustainable cities and communities, and 16, for 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 Andorra [Recommendation 415 (2018)];

k. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Andorra.

¹ Debated and approved by the Chamber of Local Authorities on 27 March 2024 and adopted by the Congress on 27 March 2024, 2nd sitting (see document CPL(2024)46-02, explanatory memorandum), Co-rapporteurs: Jean-Paul BASTIN, Belgium (L, EPP/CCE), Christine CHEVALLEY, Switzerland (L, ILDG).

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 (Monitoring Committee) decided to examine the situation of local and regional 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 authority. 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 the people it met on 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 globally 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 special autonomy under Congress Recommendation 452 (2021);

c. paragraphs 2 and 5 of Article 9 of the Charter have still not been ratified despite Congress Recommendation 415 (2018), which was attached to the previous report on local democracy in Andorra, whereas these provisions are 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 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 on the Status of Capital Cities 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 this recommendation on the monitoring of the European Charter of Local Self-Government in Andorra and the accompanying explanatory memorandum in their activities relating to this member State.