

STATUTORY FORUM

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Monitoring of the European Charter of Local Self-Government in Portugal

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 report follows a two-part monitoring visit to Portugal which took place in June and November 2019. This is the third monitoring report since the country ratified the European Charter of Local Self-Government in 1990.

The report notes with satisfaction that the Portuguese constitution gives prominence to local and regional self-government, the reforms carried out since 2013 have had lasting effects on local authorities and their budget situations and the appeal mechanisms enabling constituents to challenge the acts of territorial authorities are operative and they are fairly effective parallel procedures for oversight by the State.

The rapporteurs however draw the attention of national authorities to the fact that local authorities and their representative associations are not systematically consulted on the basis of a clear and binding procedure; Portuguese municipalities are affected in unequal ways by the transfer of powers and do not all benefit from adequate funding support from the state to properly carry out their tasks; local and regional authorities lack sufficient autonomy with respect to local taxes; the co-operation between the state administration at local and regional levels lacks a clear and coherent basis and the legal situation of associations of local authorities within autonomous regions seems uncertain.

Consequently, national authorities are invited to introduce a procedure for systematic consultation of representative associations of local and regional authorities prior to any decision which concerns them directly; to consider temporarily setting up special aids procedures to enable municipalities in financial difficulties to rebalance their budgets under the supervision of the court of audit; to provide local authorities with more autonomy with respect to local taxes; consider setting up a national stability board including local and regional representatives, in order to streamline budget objectives and procedures and guarantee more harmonious co-operation between the different tiers of government and clarify the legal situation of associations of local authorities in the autonomous regions in order to stabilise their status and action.

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 Democrat Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a Political Group of the Congress.

RECOMMENDATION 445 (2020)²

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, 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 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, 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 XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Sustainable Development Goals (SDGs) of the United Nations Development Programme for 2030, particularly Goals 11 for sustainable cities and communities and 16 for peace, justice and strong institutions;

e. the guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. 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;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member states on supervision of local authorities’ activities, adopted on 4 April 2019;

h. the previous Congress recommendation on local and regional democracy in Portugal: Recommendation 323 (2012) discussed and adopted by the Congress on 22 March 2012;

i. the appended explanatory memorandum on local and regional democracy in Portugal.

2. The Congress points out that:

a. Portugal joined the Council of Europe on 22 September 1976. It signed the European Charter of Local Self-Government (ETS No. 122, hereinafter: “the Charter”) on 15 October 1985 and ratified it on 18 December 1990 without reservation. The Charter entered into force in Portugal on 1 April 1991; it signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 26 May 2015 but has not yet ratified it;

b. The Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter: the “Monitoring Committee”) decided to examine the situation of local and regional democracy in Portugal in the light of the Charter. It entrusted Mr Xavier CADORET and Mr David ERAY with the task of preparing and submitting to the Congress a report on the monitoring of the European Charter of Local Self-Government in Portugal;

c. In the course of two visits, which took place on 17 and 18 June 2019 and 27 November 2019, the Congress delegation met representatives of various institutions at all levels of government. The visit programmes are appended to the explanatory memorandum;

d. The co-rapporteurs wish to thank the Permanent Representation of Portugal to the Council of Europe and all those whom they spoke to during the visit.

2. Debated and adopted by the Statutory Forum on 28 September 2020 (see document CG-FORUM(2020)01-02, explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC/G/PD) and David ERAY, Switzerland (R, ILDG).

3. The Congress notes with satisfaction that in Portugal:

- a. the Portuguese Constitution gives prominence to local and regional self-government, which is acknowledged by all the stakeholders, although improvements are still required in institutional interaction between these two levels and that of the State (Articles 2 and 3 of the Charter);
- b. the reforms carried out since 2013 in Portugal in the economic, social, political and administrative spheres have had lasting effects on local authorities and their budget situation, resulting in, among other things, a reduction of the number of municipalities and parishes (Article 4 of the Charter);
- c. the appeal mechanisms enabling constituents to challenge the acts of territorial authorities are operative and there are fairly effective parallel procedures for oversight by the State (Article 8 of the Charter);
- d. the possibilities of local authorities to associate and to develop inter-municipal structures seem suited to the challenges of territorial development on the mainland (Article 10 of the Charter).

4. The Congress expresses concern, however, over the following points:

- a. local authorities and their representative associations are not systematically consulted on the basis of a clear, generally binding and functioning procedure (Articles 4.6 and 9.6 of the Charter);
- b. the associations representing local authority interests and the local authorities themselves do not have the right to appeal directly to the Constitutional Court against a decision or a regulation which would contradict one of their rights, with the notable exception of the autonomous regions (Article 11 of the Charter);
- c. Portuguese municipalities have been affected in unequal ways by the transfer of powers and do not all benefit from adequate funding support from the State to properly carry out their tasks (Article 9.2 of the Charter);
- d. local and regional authorities lack sufficient autonomy with respect to local taxes including the local and regional tax collecting system (Article 9.3 of the Charter);
- e. the co-operation between the state administration at local and regional level and local and regional self-government entities lacks a clear and coherent basis (Article 4.6 of the Charter);
- f. the legal situation of associations of local authorities within autonomous regions seems uncertain (Article 10 of the Charter);
- g. Portugal has not 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) nor the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159).

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

- a. introduce a procedure for systematic consultation of local and regional authority associations prior to any decision, regulation or legislation, on any questions directly concerning them;
- b. grant the associations representing local authority interests, and possibly local authorities themselves along the lines of the prerogative granted to the autonomous regions, the right to appeal directly to the Constitutional Court;
- c. consider setting up, on a temporary and flexible basis, special aid programmes or procedures to enable municipalities in financial difficulties to rebalance their budgets on a lasting basis, under the supervision of the Court of audit;
- d. give local authorities more autonomy with respect to local taxes including the local tax-collecting system;

e. consider setting up a national stability board, including local and regional representatives, in order to streamline budget objectives and procedures and guarantee compliance with national, European and international commitments and more harmonious co-operation between the different tiers of government;

f. clarify the legal situation of associations of local authorities in the autonomous regions through the passing of a new law in order to stabilise their status and optimise their action and their relations with the regional and state levels.

g. envisage ratifying, in the near future, 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) signed on 26 May 2015 and the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159) signed on 9 May 1997.

6. The Congress asks the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of the present recommendation on local and regional democracy in Portugal and its explanatory memorandum in their activities relating to this member state.

EXPLANATORY MEMORANDUM

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

1. Pursuant to Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, 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”.

2. According to the general principles laid down in Congress Resolution 307 (2010), the monitoring missions of the Congress pursue the overall aim of guaranteeing that the commitments entered into by all member states having ratified the European Charter of Local Self-Government (hereinafter “the Charter”, ETS no. 122) are fully honoured. The missions also take account of the extent to which member states satisfy the Council of Europe’s Reference framework for regional democracy, adopted by the Council of Europe Conference of Ministers responsible for Local and Regional Government in Utrecht, in November 2009.³

3. Portugal joined the Council of Europe on 22 September 1976. It signed the Charter on 15 October 1985 and ratified it without reservations on 18 December 1990, with entry into force on 1 April 1991.

4. Portugal signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 26 May 2015 but has not yet ratified it.

5. The Monitoring Committee appointed MM Xavier Cadoret, President of the Chamber of Local Authorities, Vice-President of the Bureau of the Congress and Mayor of Saint-Gérard-le-Puy (France), and David Eray, Chair of the Swiss delegation to the Congress, Minister of the Republic and Jura Canton (Switzerland), as rapporteurs for local and regional democracy in Portugal respectively. They were instructed to submit to the Congress a report and a recommendation on local and regional democracy in the country. During their visit, the two co-rapporteurs were accompanied by a member of the Congress secretariat and were assisted by Mr Nicolas Kada, professor of public law at Grenoble Alpes University (France) and member of the Group of Independent Experts on the European Charter of Local Self-Government. They would like to thank the expert for his assistance in drawing up this report.

6. The Congress delegation visited Portugal on 17 and 18 June 2019 where it met a number of individuals and bodies in Lisbon, Sintra and Alcàcer do Sal. It returned on 27 November 2019 for more specific talks with delegations from the autonomous regions of Madeira and the Azores.

7. The delegation met the Secretary of State for Local Authorities, the Secretary of State for Regional Development, the Vice-President of the Constitutional Court, the President of the Court of Audit, the Fundamental Rights Defender (Ombudsman), a member of the Assembly of the Republic and member of the Committee on Environment, Spatial Planning, Devolution, Local Government and Housing, the Portuguese delegation to the Congress, the Deputy Mayor of Barcelos responsible for sport, urban cleaning, civil protection and the fire service, representatives of the Azores and Madeira, members of the National Association of Portuguese Municipalities (ANMP) and the National Association of Freguesias (ANAFRE) and the Mayor of Alcàcer do Sal.

8. The co-rapporteurs wish to thank everyone they met for their welcome and their time as well as the Permanent Representation of Portugal to the Council of Europe, all of whom contributed to the smooth running of the delegation’s visits and provided all the information requested. They also thank the Portuguese delegation to the Congress and its secretariat for ensuring that the visits took place in excellent conditions.

2. INTERNAL AND INTERNATIONAL NORMATIVE FRAMEWORK

2.1 Local government system (Constitution and ordinary legislative framework, reforms)

9. The Portuguese Constitution originally made provision for the existence of three local authorities on the Portuguese mainland (defined as “territorial bodies corporate, [which] shall possess representative bodies

3 [https://wcd.coe.int/ViewDoc.jsp?Ref=MCL\(2009\)12&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=MCL(2009)12&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)
[https://wcd.coe.int/ViewDoc.jsp?Ref=MCL\(2009\)12&Language=lanFrench&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=MCL(2009)12&Language=lanFrench&Ver=original&Site=COE&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

and shall seek to pursue the interests of the local people”): *freguesias* (parishes), municipalities and administrative regions (Art. 235, no. 2, and 236, no. 1). In the insular autonomous regions of the Azores and Madeira, which have political and administrative autonomy and their own government bodies, the only local authorities are *freguesias* and municipalities (Art. 236, no. 2). The constitutional legislature therefore thought it expedient to create administrative regions, as an intermediate level between the municipality and the State, replacing the districts, which had fulfilled that function until then. Forty-three years after the entry into force of the Constitution (1976), this intermediate local authority between municipality and the State still does not exist on the Portuguese mainland. The debate on the creation of administrative regions was overshadowed during the economic crisis but returned to the fore some time ago.

10. Portugal attempted a reform aimed at regionalisation in 1998, and a law implementing a referendum system was passed (Law no. 15-A/98, of 3 April 1998). Another law, no. 19/98 of 28 April 1998, then simultaneously created 8 administrative regions: Entre Douro e Minho; Trás-os-Montes e Alto Douro; Beira Litoral; Beira Interior; Estremadura e Ribatejo; Lisbon and Setúbal; Alentejo and Algarve. The President of the Republic then called a referendum on 8 November 1998, asking two questions. In a turnout of less than 50% (48.12%), a clear majority voted against regionalisation at national level (63.52 %). The “no” vote was also the clear winner for the second question regarding the regional level. This brought regionalisation to a halt and there have been no fresh initiatives since 1998, although the constitutional text has kept its references to administrative regions as local authorities.

11. Given this failure to set up administrative regions on the Portuguese mainland, the legislature embarked upon a supra-municipal and regional territorial reform in order to compensate for the lack of this type of local authority. The reform followed three thrusts: the creation of devolved state bodies at regional level known as Regional co-ordination and development boards (*Comissões de Coordenação e Desenvolvimento Regional* - CCDRs), the creation of inter-municipal entities in the form of metropolitan areas and inter-municipal communities, and the strengthening of syndicates of municipalities (*municípios*) and *freguesias* with specific purposes.

12. The Regional co-ordination and development boards (CCDRs) are devolved state departments with administrative and financial autonomy, whose role is to ensure co-ordination and dovetailing of the different regional-level sectoral policies and also to implement environmental policies and territorial and urban planning, while providing technical support to local authorities and their syndicates at the level of the territory concerned (cf. Article 2 no. 1 of legislative decree no. 228/2012 of 25 October 2012). There are five of them: the North CCDR, with its headquarters in Porto; the Centre CCDR, based in Coimbra; the Lisbon and Vale do Tejo CCDR, based in Lisbon; the Alentejo CCDR, based in Évora and the Algarve CCDR, based in Faro. The CCDRs are intended to make up, in part, for the lack of administrative regions constituting local authorities on the mainland. One of the most important tasks of the CCDRs is the management, on the mainland, of the regional-level operational programmes of the European structural and investment funds for the period 2014-2020.

13. During the consultation procedure, the Private Office of the Secretary of State for Regional Development stated that in 2018, pursuant to a provision of Law No. 50/2018 of 16 August, the Assembly of the Republic set up the Independent Devolution Commission (CID) by Law No. 58/2018 of 21 August, in particular to promote an in-depth study of the organisation and functions of the State – at regional, metropolitan and intermunicipal levels – concerning the form that sub-state organisation should take (i) and to develop a programme for the decentralisation of public entities and services, ensuring consistency in central government presence throughout the country (ii). At the end of its terms of reference (31 July 2019), the CID presented a report on the work carried out, containing the recommendations and proposals it considered relevant, which were taken as a benchmark for any subsequent legislative initiatives that might prove necessary.

14. The Secretary of State for Regional Development told the rapporteurs that the CID report also set out a vision of the national regional development policy. This policy sought to ensure consistency, competitiveness and equity, and was not exclusively the result of centralised decisions, since it included contributions from the regional entities and contained guarantees that decision-making processes with a national scope would ensure that the general interests of the country were compatible with the interests of its various territories. To this end, it was suggested that there should be a transfer of powers to the administrative regions which was gradual, scheduled, monitored and evaluated on an ongoing basis. During the first four years, it would coincide with the first term of office of the elected governing bodies and should result in an increase in the capacity of the CCDR to take action, make decisions and ensure co-ordination in the fields of regional development, spatial and urban planning, the environment and regional cross-border co-operation. It would

also increase the capacity of regional authorities to be involved in the drawing up of regional and thematic programmes, with a particular focus on regions benefiting from the European Structural and Investment Funds.

15. During the consultation process, the rapporteurs were also informed by the Secretary of State that in the first quarter of 2020, the Government was preparing an amendment to Decree-Law No. 228/2012, which sets out the structure of the CCDR, and which would make provision for the election of the presidents and vice-presidents of the CCDR by an electoral college composed of members of the municipal executive and deliberative bodies, including the chairs of the parish councils.

16. It would also appear that, still in 2020, the Ministry of Territorial Cohesion will be drawing up a Regional Development Strategy, which will serve to establish a link between regional and sub-regional approaches, giving greater scope and visibility to the aspirations of the area, adapting instruments to the nature of the problems and opportunities, and ensuring, in line with the processes of devolution and decentralisation, that resources are brought closer to the decisions of the relevant stakeholders. This strategy is intended to promote territorial cohesion and make the strategic guidelines of the National Regional/Spatial Planning Policy Programme, the National Reform Programme and other Territorial Management Instruments compatible with the Sustainable Development Goals.

17. The Portuguese legislature has also created inter-municipal communities, which correspond to public syndicates of local authorities for the joint exercise of their respective powers. The municipalities are free to decide whether or not to join an inter-municipal community and may opt out of them at any time. That said, there is not a single municipality on the mainland that is not a member of an inter-municipal community. The setting up of inter-municipal communities is the responsibility of town councils, and the agreement establishing one, a contract governed by civil law defining its statute, can enter into force only if approved by municipal assemblies. The powers of inter-municipal communities do not include decision-making powers, other than those linked to the exercise of powers transferred by the state administration and the joint exercise of powers delegated by the member municipalities. These powers are geared to: strategic planning and management of the economic, social and environmental development of the territory concerned; co-ordination of municipal investments of inter-municipal interest; participation in the management of regional development support programmes, especially in connection with European Union structural and investment funds; planning of actions of public entities, of a supra-municipal nature; co-ordination of actions between the municipalities and the central administration departments in various spheres, such as public services networks, sanitation and wastewater and residue treatment facilities, the health care facilities network, the education and vocational training network, territorial planning, protection of nature and natural resources, civil protection and public safety, mobility and transport, public facility networks, promotion of economic, social and cultural development, and the cultural, sports and leisure facilities network (Article 81 of Law No. 75/2013 and Law No. 50/2018). The organs of the inter-municipal community are the inter-municipal assembly (consisting of members of each municipal assembly), inter-municipal council (consisting of the mayors of the member municipalities), the inter-municipal executive secretariat (consisting of secretaries elected by the inter-municipal council) and the strategic council for inter-municipal development (consultative body representing the institutions, entities and organisations which hold interests or may be involved in the area covered by inter-municipal interests).

18. Finally, there are syndicates of municipalities and *freguesias* with specific purposes, freely created by wish of the collegiate executive bodies of interested municipalities and *freguesias* following approval by the deliberative organs. These entities are also set up under contract, in accordance with civil law. The legislature allows considerable latitude in this area, leaving it to the statutes to stipulate the name, headquarters, composition and vocation of the syndicate, the assets, services and any other contribution injected by municipalities or *freguesias* for the exercise of their powers, the prerogatives of its organs, organic structure and the method of appointment and functioning of its organs, the duration and the rights and obligations of the associated municipalities or *freguesias* (article 109, No. 1 and 2).

19. Law No. 75/2013 also provided for greater administrative devolution, through the transfer of state prerogatives to local authorities and inter-municipal entities, as well as through the delegation of state prerogatives to these entities. Under Articles 6, 26 no. 1 and 237 no. 1 of the Constitution, the powers of local authorities are defined in accordance with the principles of administrative devolution and subsidiarity. That said, local authority powers are not of a fixed nature but must be continually reinforced and extended. Accordingly, Law no. 75/2013 provided, in Article 112, for “bringing decision-making closer to citizens, promoting territorial cohesion, strengthening inter-regional solidarity, improving the quality of the services provided to communities and rationalising the available resources”. And Article 113 stipulates that “the State

shall carry out administrative devolution through the gradual, continual and sustained transfer of powers in all the areas of interest specific to the communities of local authorities and inter-municipal entities, particularly within the framework of economic and social functions”.

20. In the course of 2018 and 2019, Law No. 50/2018 of 16 August and 21 decree-laws were implemented, resulting in the transfer of powers from central government to the municipalities, parishes and interurban entities, particularly in the areas of education, health, justice, culture, social action and housing. At the same time, in order to finance the transfer of powers, the local finance law was revised, by law No. 51/2018 of 16 August, which should result in achieving the objective, set in the National Reform Programme, of local authorities' share of national revenues reaching 19% in 2019, as a result of more intensive devolution. The years 2018 and 2019 (when 22 laws initiated by the Government were passed by Parliament) were therefore very prolific in terms of legislation, heralding a vast policy of transferring new powers to the mainland municipalities and their groupings up to 2021. The resistance observed in many municipalities, however, reflects concerns about the financial support provided by central government for these new powers to be exercised at local level.

2.2 Status of the capital city

21. While the Charter contains no specific provision regarding capital cities, its fundamental principles concerning local democracy must of course be applied to them too.⁴ In the case of Portugal, Article 236.3 of the Constitution provides for the possibility of the law establishing other forms of territorial organisation for local authorities, in both the large urban areas and on the islands, in line with their specific conditions. Lisbon and Porto fulfilled the conditions but the legislature preferred to opt for the creation of public syndicates of municipalities, although these do have specific rules applicable to them. Law no. 10/2003 of 13 May 2003 established new rules for creating metropolitan areas and for their powers and the functioning of their organs. This law opened up the possibility of forming new metropolitan areas in addition to those of Lisbon and Porto, defined as public entities of an associative nature and with territorial competence: these were not local authorities, therefore. With the State providing funding to set them up, seven large metropolitan areas were created at the time, but Law no. 46/2008 of 27 August 2008 opted for a radical change by defining only two metropolitan areas (Lisbon and Porto) and abolishing the other ones that had been created. Law no. 75/2013 of 12 September 2013, amended by laws nos. 25/2015 of 30 March 2015, 69/2015 of 16 July 2015 and 50/2018 of 16 August 2018, established a legal system of inter-municipal entities, comprising metropolitan areas and inter-municipal communities, and a legal system of syndicates of local authorities. But the metropolitan areas of Lisbon and Porto are of a different nature as they do not enjoy freedom of association. The metropolitan area of Lisbon created by this law brings together 18 municipalities, with nearly 3 million inhabitants, and the metropolitan area of Porto covers 17 municipalities and a little over 1.5 million inhabitants but the municipalities have no freedom as regards joining or leaving the metropolitan area, contrary to the terms of Article 10 of the European Charter of Local Self-Government.

22. For the metropolitan area of Lisbon (as indeed for that of Porto), the powers involved relate to public investment of metropolitan interest, territorial development planning and strategy, European Union funding to support regional development, transport, water, energy and the treatment of solid waste and wastewater within the metropolitan area framework, health care, cultural and sports facilities, education and vocational training, territorial planning and the environment, civil protection and public safety. Nevertheless, these are mostly powers linked to participation, promotion and co-ordination between the region's municipalities and central administration departments, and not completely free decision-making powers (except where the metropolitan area exercises the powers transferred by the central administration or jointly exercises the powers delegated by the member municipalities)

23. The organs of a metropolitan area consist of a metropolitan council, a metropolitan executive committee and a strategic council for metropolitan development. The metropolitan council is the deliberative body of the metropolitan area and comprises the mayors of the municipalities making it up. It has the power to approve metropolitan plans in several important areas but is nevertheless dependent on legislative acts defining the legal system applicable to it. The metropolitan executive committee is the executive body of the metropolitan area, consisting of a first secretary and four metropolitan secretaries, elected by the metropolitan area's municipal assemblies on a proposal drawn up and approved by the metropolitan council. The metropolitan council monitors and supervises the activities of this metropolitan executive committee; it

⁴ In this connection the Congress adopted Recommendations 133 (2003) on “Management of capital cities” and 219 (2007) on the “Status of capital cities”, whose provisions relate to the statute, powers and functioning of the capital cities of Council of Europe member states.

also votes on its dismissal. Finally, the strategic council for metropolitan development is a consultative body comprising representatives of the institutions, entities and organisations which hold interests or may be involved in the area covered by metropolitan interests.

24. According to the deputy mayor of Lisbon (sport, urban cleaning, civil protection and fire service) met by the rapporteurs in June 2019, the capital depends largely on its own resources whereas it should by rights enjoy a special status more favourable in financial terms. It is true that Lisbon is a special case among the municipalities: it is the only one whose budget does not mostly come from state funding. However, its functioning is regarded as highly bureaucratic, and there is a desire therefore for an overhaul of the executive function as well as certain adjustments as regards powers and funding. To take one example, civil protection comes under the city's general budget but there is no transfer of funding from the State for it. Finally, there are a participatory budget (5 million euros of the 1.4 billion general budget in 2019) and a few tools for citizen participation.

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

25. Portugal joined the Council of Europe on 22 September 1976. It signed the European Charter of Local Self-Government on 15 October 1985 and ratified it on 18 December 1990 without reservations. The Charter entered into force in respect of Portugal on 1 April 1991. Portugal signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority on 26 May 2015 but has not yet ratified it.

26. The rapporteurs therefore note that the Charter forms an integral part of Portugal's legal order. However, beyond the text of the Convention, the constitutional basis of local self-government lies chiefly in Article 235 of the Constitution: the first paragraph of that article guarantees the existence of local authorities as constituents of the country's democratic organisation. Indeed, this provision matches the content of Article 3 paragraph 1 of the Charter, even though the previous monitoring report quite rightly noted that this constitutional guarantee related only to the existence of local authorities in general and not the existence of every actual local unit.

27. Furthermore, some divergences in wording between the Constitution and the Charter may give rise to differences in interpretation, in the view of the rapporteurs. Article 235 paragraph 2 of the Constitution, for example, defines the function of local authorities and states that they are shall "seek to pursue the interests of the local people". This is not exactly what is said in Article 3 paragraph 1 of the Charter, which defines local self-government as "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." The wording of Article 235 paragraph 2 of the Constitution appears to rule out any possibility of local authorities regulating and managing a substantial share of public affairs under their own responsibility. In reality, the legislation on devolution in Portugal is intended to be more liberal and confers numerous responsibilities on different types of local authorities, be they parishes (*freguesias*), the municipalities or the autonomous regions, which comes closer to the definition set out in Article 3 paragraph 1 of the Charter.

28. Under Article 8 (2) of the Constitution regarding the entry into force of international conventions and as stated back in 2003 in the Congress monitoring report on Portugal (paragraph 18) and reiterated in the 2012 monitoring report (paragraph 103)⁵, "the Charter is effectively an international convention within the meaning of this provision. It is therefore clear that the Charter in its entirety (as far as the material content of each provision justifies it) may be referred to in Portuguese courts and taken into account when resolving legal disputes between local and regional authorities and central government, and between local authorities and the autonomous regions in which they are to be found". If we add that the main aspects of local and regional self-government were set out in the Portuguese Constitution of 1976, it can be said that the Charter has had no direct bearing on the formulation of the constitutional provisions on local self-government.

⁵ Explanatory memorandum to Recommendation 127 (2003) on local and regional democracy in Portugal, paragraph 18 and article-by-article analysis of local democracy in the monitoring report, 22nd session, CG 22(11), paragraph 103.

2.4 Previous Congress reports and recommendations

29. The Congress has undertaken two monitoring visits (2003, 2011) and three post-monitoring visits (2013, 2014, 2015) with the aim of guiding the Portuguese authorities in the implementation of the recommendations adopted by the Congress. These visits resulted in the drawing up of a roadmap (2015).

30. For national implementation of the troika requirements (European Central Bank, European Commission and International Monetary Fund), Portugal launched an intensive reform programme, with major ramifications for relations between national and infra-national entities, territorial structures, the internal functioning of self-government bodies, as well as financial management and supervision systems.

31. After its previous visits, the Congress noted that the Portuguese government and associations showed real political willing to co-operate, through new consultation and co-ordination structures, in improving the structure and functioning of local and regional self-government in Portugal, to build on the reform dynamic based on the country's international commitments to create sustainable democratic structures at national and local level and to conform to the European Charter of Local Self-Government (ETS no. 122) together with recommendations on local and regional democracy. In particular, the recommendations were aimed at:

- improving processes of consultation with associations of local and regional self-government bodies;
- guaranteeing the fiscal autonomy of local authorities and the overall development of national and infra-national financial relations;
- guaranteeing the participation of local authorities in reforming the law on local finance.

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.

32. Article 6 of the Portuguese Constitution sets out the principle of the unitary State and enshrines the system of insular autonomous regions and the principles of subsidiarity, autonomy of local authorities and the democratic devolution of public administration. Title VIII of the Constitution (on local government) sets out more detailed provisions. The Assembly of the Republic has exclusive competence to legislate on local and regional affairs (Articles 164 and 165 of the Constitution). Article 2 of the Charter is therefore strictly complied with.

33. Owing to a strict hierarchy of norms, the rapporteurs noted that the Constitutional Court had a key role to play in protecting the Constitution, in accordance with its Article 221: it had the task of “assessing cases of unconstitutionality and unlawfulness in accordance with Articles 277 and following”. The Court's role focuses therefore on supervising the conformity of legal acts with the Constitution (and the European Convention on Human Rights). On the other hand, it does not have the task of verifying the conformity of those acts with the European Charter of Local Self-Government. The institutions entitled to lodge a constitutional appeal are the President, the Assembly of the Republic, the Ombudsman and the Prosecutor general.

34. The role of the Constitutional Court is important: while it is a true court of law, its composition is subject to political considerations as the judges are chiefly appointed, for a non-renewable 9-year term, by the Assembly of the Republic (10 out of 13), with the other 3 co-opted by the first 10 to be appointed. The judges are appointed for a non-renewable term of nine years and must ensure compliance with all of the Constitution's provisions, including those relating to local and regional self-government. That said, there is no procedure open to local authorities for referring a matter to the Constitutional Court: a prior application to an ordinary court is always required before a procedure can be initiated before the Constitutional Court: it is therefore a verification prompted by an objection.

35. Finally, Article 8 (2) of the Constitution contains provisions for the entry into force of international conventions: the Charter definitely constitutes an international convention according to that provision, and Portuguese courts may therefore refer to it and take it into account when they have to settle disputes between local and regional authorities and the central state administration and between local authorities and the

administrative region to which they belong. This is a further possibility afforded by Portuguese law for ensuring compliance with the Charter.

36. In the light of the above, the rapporteurs consider that Article 2 of the Charter is correctly applied in Portugal.

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

37. In the view of the rapporteurs, the Constitution precisely regulates everything to do with local authorities: it expressly lays down the principles of devolution. Title VIII of Part III of the Constitution is devoted to local authorities, stating that they are territorial bodies corporate, possessing representative bodies, with the aim of upholding the interests of their communities (Art. 235); the categories of local authorities are parishes (*freguesias*), municipalities (*municípios*) and administrative regions (Art. 236), and they have specific powers conferred upon them, defined by law in accordance with the principle of administrative devolution (Art. 237).

38. The principle of autonomy in the area of finances and assets is recognised: local authorities have their own assets and finances (Art. 238); the organisational structure of each local authority comprises a deliberative assembly and a collegiate executive body (Art. 239), and local authorities have their own regulatory power within the limits laid down by the Constitution, laws, regulations of higher-level local authorities and those established by oversight authorities (Art. 241).

39. Oversight of local authorities, defined as supervision of lawfulness (verification of local authority bodies' compliance with the law), may be exercised only in certain cases and in certain forms stipulated by law (Art. 242); local authorities have their own staff, and the rules governing state staff and officials are applicable to them (Art. 243).

40. Consequently, the rapporteurs consider that Article 3 paragraph 1 of the Charter is complied with.

3.2.2 Article 3.2

41. Under the Constitution, the members of elected local authority bodies are elected by universal, direct and secret suffrage on a periodical basis, under the proportional representation system (Art. 239). However, not all of them are elected directly, as the parish committee chairs are *ex officio* members of municipal assemblies.

42. Competence to legislate on local elections, the status of members of local authority bodies, direct consultations of voters at local level, the system for creating and abolishing local authorities and finally changes to their territory lies exclusively with the Assembly of the Republic (Art. 164). The general rules governing the drawing up and organisation of local authority budgets, the statute of local authorities (including the system of local finance) and the participation of citizens' organisations in the exercise of local authority are also matters lying within the remit of the Assembly of the Republic. This means that the government can intervene in these spheres only if expressly authorised to do so by the Assembly (Art. 165).

43. Finally, laws revising the Constitution must respect not only universal, direct, secret and periodic suffrage for the appointment of elected local authority office-holders but also the autonomy of those local authorities (Article 288); foreigners and stateless persons staying or residing in Portugal enjoy the same rights and are subject to the same obligations as Portuguese citizens, meaning that they have the right to participate in local elections and seek election as local representatives themselves.

44. The rapporteurs also note that, where the use of direct democracy mechanisms in local authorities is concerned, holding a local referendum has been a possibility since 1990 with respect to any important question falling within the exclusive competence of a local authority. The result of a referendum has the value of a binding decision if at least half of the registered voters turn out. However, certain matters (such as the budget) may not be put to a referendum. Any local referendum initiative requires prior authorisation from the Constitutional Court. Beyond that mechanism, there are other more conventional means of ensuring that citizens are involved in decision-making by Portuguese local authorities: opening meetings of deliberative bodies to the public, possibility for voters to demand the convening of an extraordinary meeting, publishing of deliberations, right of petition, application to the Ombudsman, court actions and popular action for example.

45. In the view of the rapporteurs, Article 3 paragraph 2 of the Charter is therefore complied with, as the relevant provisions are largely covered in the Constitution.

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

3.3.1 Article 4.1

46. In the eyes of the rapporteurs, following their talks on the spot, Portugal's politico-administrative system is undeniably devolved and fully respects local authority autonomy. It is chiefly Law 159/99 of 14 September 1999 which offers the most detailed definition of the current system of flexible devolution, allowing the gradual adaptation of local authorities. Law 169/99 of 18 September 1999 then specified the allocation of powers between the different levels of authorities.

47. The principles set out in these laws are more or less clear references to the regional policies and values of the European Union: territorial cohesion, subsidiarity (Article 2 of the law). The law also emphasises the necessary co-ordination between the local authorities and state departments, stating in its Article 3 that central and local authorities shall exercise their powers in such a way as to preserve unity in the implementation of public policies and avoid dispersal or overlapping of action.

48. Consequently, the rapporteurs consider that Article 4 paragraph 1 of the Charter is complied with.

3.3.2 Article 4.2

49. The principle of state unity and the principle of respecting the system of sharing responsibilities between the State and local authorities in the area of public investments constitute a restriction on the autonomy legally granted to local authorities. The municipalities have assumed their responsibilities for mandatory spheres of competence but remain very reluctant over the idea of taking charge of other public policies, owing to the lack of a financial guarantee. The lack of an intermediate level, owing to the fact that the regions provided for in the Constitution have remained hollow constructs in practice, leaves the following powers (which should have been regionalised) without a home:

- economic and social development,
- planning,
- environment,
- social facilities,
- communications networks,
- education and vocational training,
- culture and heritage,
- youth and sports,
- tourism.

50. The rapporteurs noted that the municipalities could delegate some of their powers to parishes and joint forces in associations. In the absence of a regional level, there is still territorial cohesion between districts and the State, to ensure that local action plans are in line with national plans. The autonomy of Portuguese municipalities is therefore relative: without autonomous territorial co-ordination via regions, they cannot perform their public action efficiently and, accordingly, remain dependent on the State, notably to obtain the funding needed for their functioning.

51. The rapporteurs consider that Article 4 paragraph 2 of the Charter is therefore generally complied with in spirit but could be applied more rigorously in practice.

3.3.3 Article 4.3

52. The main local level concerned, as regions have not been created, is formed of municipalities. These all benefit from a transfer of universal powers on a mandatory basis but they may also become involved on a voluntary basis in partnership policies via contracts (cf. Article 8). This form of devolution, where municipalities are alone (or nearly) in their dealings with the State, has the initial advantage of avoiding conflicts and overlapping in public policies but also the major drawback of excessively extending the list of local powers well beyond their means.

53. The rapporteurs note that a great many powers are transferred to the municipal level:

- rural and urban facilities (green spaces, roads, cemeteries, markets);
- energy (public lighting, mains power distribution);
- transport and communications (municipal road network, urban transport, municipal aerodromes and heliports);
- heritage, culture and science (municipal cultural centres, scientific centres, libraries, theatres and museums);
- consumer protection (information and protection, mediation, arbitration);
- health care (municipal medical facilities, health care centres);
- welfare (nurseries, kindergartens, programmes to combat exclusion);
- urban development (municipal planning strategies);
- municipal police (creation of municipal police forces);
- external co-operation (devolved co-operation).

54. Where the allocation of powers between municipalities and parishes is concerned, there is a significant concentration of powers in the municipalities.

55. Consequently, the rapporteurs consider that Article 4 paragraph 3 of the Charter is complied with, in that prominence is given to the municipal level.

3.3.4 Article 4.4

56. The rapporteurs note that some powers and responsibilities are transferred to local authorities via legal instruments specifying the type and method of transfer, as follows:

- the transfer of powers linked to exclusively municipal matters which are of a general nature and universally applicable;
- the transfer of powers linked to matters relating to regional action programmes, with these powers being exercised by municipalities in line with the priorities laid down by regional development co-ordination councils, which are mere decentralised administrative units and therefore dependent on central government pending true regionalisation;

- the transfer of powers linked to matters relating to national action programmes, with these powers being exercised by municipalities in line with the priorities laid down by the Assembly of the Republic at the request of the government.

57. The rapporteurs consider, therefore, that Article 4 paragraph 4 of the Charter is complied with.

3.3.5 Article 4.5

58. Article 237 paragraph 1 of the Constitution stipulates that the powers and the organisation of local authorities must be established by law. The regulatory power of local authorities is governed by Article 241 of the Constitution, which allows local authorities to adopt their own regulations within the limits of the Constitution and the laws and regulations issued by a higher category of local authority, or by an authority with oversight over the local authority in question.

59. The rapporteurs conclude, therefore, that Article 4 paragraph 5 of the Charter is complied with.

3.3.6 Article 4.6

60. The issue of consultation of local authorities in planning and decision-making processes was discussed during the monitoring visits and proved to be a sensitive one, even though there is now a national monitoring commission: the associations of local authorities are still calling for changes in this area, but both the government and the Assembly of the Republic do not appear to envisage reforms at this stage. These associations feel that there is a need for close monitoring if devolution is to be made a reality. The president of the ANAFRE expressed his regrets to the rapporteurs that the municipalities have no say on territorial reorganisations and have no access to the Constitutional Court and that the independent commission looking at the reorganisation of the State does not involve the regions in its discussions. For its part, the ANMP considered that it is given a proper hearing when the government prepares new legislation, although the discussion time is sometimes very short, and its comments are not always all taken into consideration.

61. The rapporteurs consider, therefore, that, despite noteworthy progress made since the last monitoring visit, Article 4.6 of the Charter is not yet fully heeded and accordingly conclude that it is only partially complied with.

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.

62. In Article 164, the Portuguese Constitution states that the “creation, abolition and modification of local authorities” fall within the legislative responsibility of the Assembly of the Republic. Accordingly, it is for Parliament and Parliament alone to legislate on the creation and abolition of local authorities and changes to their boundaries. That said, when examining the draft legislation concerned, the Assembly of the Republic must take account of the reports and assessments produced by local authority bodies.

63. In the view of the rapporteurs, this means that there is real consultation of the local authorities concerned or national local authority associations, as could be seen in the reorganisation of boundaries undertaken from 2012 onwards in line with commitments entered into under the Programme of economic adjustment and reform devised with the EU and the IMF, particularly at the level of the parishes.

64. Article 249 of the Constitution therefore guarantees prior consultation of the local authorities concerned (or their national associations) if territorial boundaries are reformed. Nevertheless, this relates to consultation solely of the “local authorities concerned”, and no procedure involving all local authorities in decision-making exists as such in Portugal.

65. Despite these reservations, the rapporteurs consider that Article 5 of the Charter is complied with.

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

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. The Constitution indicates, in Article 237 paragraph 1, that local authorities have a right to autonomy within the limits established by law. This constitutional right includes the definition of internal administrative structures. This means that, in keeping with their own powers, local authorities decide on their internal organisation. Within each authority, it is for the deliberative body to approve the pattern of institutional organisation proposed to it by the executive body.

67. This means that each authority may organise its departments for optimum fulfilment of its missions: accordingly, the structure of departments and their functioning must be tailored to the authority's permanent goals. In addition to this prime goal of efficiency, most of Portugal's local and regional authorities pursue two others: the digitisation of dealings with the communities they serve and greater transparency of administrative procedures.

68. Consequently, the rapporteurs consider that Article 6 paragraph 1 of the Charter is complied with.

3.5.2 Article 6.2

69. Article 243 paragraph 1 of the Portuguese Constitution stipulates that "local authorities shall possess their own staff, as established by law". Local authority civil servants therefore have an institutional guarantee comprising principles common to all public administration staff as well as others specific to local authorities. As Article 243 paragraph 2 of the Constitution puts it: "The rules governing state staff and officials shall apply to local government staff and agents, as laid down by law, *mutatis mutandis*". The principles common to all public administration staff and therefore also applicable at local level include the following:

- the competence of the national legislature to lay down the bases of the staff regulations;
- equal access to public-sector employment, in particular, via competitive examination;
- the obligation to serve the public interest within the limits of the powers of the employing corporate entity;
- exclusivity in the exercise of the function, i.e. supervision of the rules governing the accumulation of functions and incompatibilities;
- protection in respect of political authority (neither pressure nor privilege);
- the right to be heard and defend one's case in disciplinary proceedings.

70. The rapporteurs further note that local authority staff must comply with the principles specific to them, which are set out in a basic list drawn up by the Constitution:

- the principle of local authority autonomy in staff management (recruitment, career management and leaving service);
- the equivalence of local authority staff regulations with those of state administration staff, as a guarantee of mobility between public administrations and equal rights and obligations for all;
- the principle of technical co-operation: one example being where staff are moved from the state administration to local administrations in certain spheres of competence which have been transferred to local authorities (such as education), or the possibility of granting financial aid for the recruitment of staff for a fixed duration in connection with certain programmes developed to fulfil common interests.

71. At local level, it should be noted that municipal and inter-municipal industrial public enterprises (municipal or inter-municipal public corporations) have working regulations governed by private law. The same applies to certain forms of associations of local authorities, resulting in the expanding use of work contracts in local public administration.

72. Finally, the Constitution states that municipalities shall have a representative assembly, without the power to dismiss the local government, and a collegiate executive body, appointed on the basis of proportional representation, with a president. The law gives the president power to “decide on all matters relating to the administration and management of the human resources of the municipality’s departments”, except with regard to the exercise of disciplinary powers, which lie with the collegiate executive body. The municipal assembly has the power to define the establishment table or staff lists and vote to approve bonuses intended as an incentive to local authority staff to stay in post in the long term. There is an equivalent system in the parishes: there the local assembly also has the power to establish the number of posts, but human resources management is the responsibility of the collegiate executive body.

73. The report produced by the Congress in 2003 (in Part II, paragraphs 46 and following) mentioned problems linked to the existence of two local “representative” and “collective” bodies, namely the deliberative bodies (“assemblies”) and executive bodies (“authorities”). However, during the 2012 and 2019 visits, these issues were not brought up by the talking partners of the Congress and may therefore be regarded as being settled or at least accepted.

74. The rapporteurs conclude, therefore, that Article 6 paragraph 2 is complied with.

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.

3.6.1 Article 7 paragraphs 1, 2 and 3

75. On this point, the Charter appears to be complied with even though certain restrictions were introduced as of 2013 to limit the number of terms of office of mayor to a maximum of three. Furthermore, this reform conforms to Article 118 of the Constitution, which states that the law may specify limits on successive renewals of mandates of holders of executive political office. The reservations expressed in 2012 (in the previous report) by representatives of the ANMP regarding this reform were not reiterated, suggesting that it has now been accepted. It is true that an age limit might have been opted for by the legislature, but its choice, which conforms to the Constitution, has therefore prevailed.

76. Among others, the rapporteurs put questions to the Secretary of State for Local Authorities during their visit in June 2019, who emphasised the governmental measures taken in the area of liability which put on an equal footing the liability under civil law of local elected representatives and that of their administration where it had provided guidance and support to that representative in the taking of the decision. On the other hand, criminal liability remains a logical counterpart to the exercise of new responsibilities, as observers could see during the major fires of 2017 and the indictment of local elected representatives for manslaughter.

77. On the more specific question of remuneration and compensation connected to local office, the rapporteurs did not hear any particular complaints. A socialist member of Parliament who sits on the Committee on Environment, Spatial Planning, Devolution, Local Government and Housing and is the former mayor of a large municipality told them she was not in favour of increasing local elected representatives’ allowances, as they were already well remunerated, this was a very sensitive issue in public opinion. The rapporteurs saw the main challenge above all as the participation of women in the municipalities (less than 10% of them were presided over by women) and parishes, despite the fact that the Constitution is supposed to guarantee gender equality, and the law now imposes a minimum of 40% women in elections.

78. Finally, the problem of corruption was raised several times in interviews with the rapporteurs during their visits in June and November 2019. It appears to be an issue but remains difficult to accurately quantify the

phenomenon – criminal convictions of elected representatives being only what is visible – and to distinguish how much of such activity is local or national. Various solutions have been put forward or experimented with, such as increasing allowances, with no real success so far. However, the Congress has already had occasion to stress the extent to which corruption could be directly linked to the low level of remuneration of local elected representatives, even adopting a recommendation to this effect at its 36th session.⁶ Articles 6 and 7 of this recommendation state that “Corruption in all its forms is a destructive threat to the efficiency and quality of good governance at both local and regional level. For this reason, not only should the financial compensation of local and regional representatives be appropriate and adequate, it should also be publicly transparent. Applying such transparency at the local and regional level will contribute to instilling trust in local and regional governments. The means, levels and sources of financial compensation for local and regional representatives should be made clear and accessible. Reliance on systems of local and regional elected representation which are voluntary and nonremunerated representation can result in certain socioeconomic groups of the population dominating elected positions. Only in the smallest councils, where duties are light, should it be considered acceptable for elected representatives to be voluntary or unrecompensed.” It cannot be denied that the phenomenon is a reality in Portugal, but it must not be overstated.

79. Paragraph 3 of Article 7 on the rules on incompatibilities does not in itself give rise to any difficulties, as Portugal complies with it to the letter: it is in fact a legal and regulatory mechanism that establishes these rules and therefore ensures the proper exercise of local mandates.

80. Notwithstanding the above reservations, particularly with regard to paragraph 2, the rapporteurs consider that the three paragraphs of Article 7 of the Charter are generally complied with.

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

81. The government, through the Minister of Finance and the Minister responsible for Local Government, is the entity exercising overall administrative supervision of local authority acts, in accordance with Article 242 of the Constitution. It is not the expediency of the acts that is supervised, and this is in keeping with the principle of the Charter.

82. As pointed out by the rapporteurs, supervision is carried out through inspections, inquiries and investigations, gathering and analysing information and clarifications that are important for checking on the application of laws and regulations by local authority bodies and services. Inspections are carried out regularly, according to the annual plan approved by the competent entities. The inquiries and investigations are decided on by the government where there are valid grounds. Unlawful acts committed while managing local affairs may result in two kinds of sanction: removal from office in the event of unlawful acts committed individually by members of local bodies or the dissolution of those bodies where unlawful acts are the result of a collective act or failure to act. Decisions to remove officials from office and dissolve local authority bodies lie within the remit of constituency administrative courts, under an emergency procedure, and mean that officials removed from office or previously members of dissolved local authority bodies are ineligible for the duration of the following mandate.

83. In the view of the rapporteurs, Article 8 paragraph 1 of the Charter is complied with.

⁶ Recommendation 434 (2019) on the financial compensation of local and regional elected representatives in the exercise of their office

3.7.2 Article 8.2

84. Another form of supervision of local authorities' activities is exercised by the Court of Audit, which is competent not only to rule on their accounts but also to verify *a priori* the lawfulness and proper budgeting of expenditure incurring the financial liability of local authorities in the longer term. This is special supervision of local authorities made possible by Article 214 of the Constitution. The Court of Audit is authorised not only to examine the different accounts but also to carry out upstream checks on the lawfulness of spending entailing financial commitments in the medium or long term, as well as ensuring that it is covered by the budget. However, the Court's supervision is strictly limited to the lawfulness of contracts and focuses on their legal basis and conformity with budget legislation. It is only the financial implications of a contract for a local authority's indebtedness that are also subject to close expediency checking, in order to avoid any excesses.

85. As in 2012, a number of talking partners raised the issue of individual liability of local elected representatives, particularly mayors, during the visit. According to Article 22 of the Constitution, which clearly states that any elected office-holder and any local authority may be held "jointly" liable under civil law. This reference to solely civil liability in the Constitution may be supplemented by legislative mechanisms implementing criminal, civil, disciplinary and financial liability... but, even so, no form of political accountability, equivalent to that of members of government before the Assembly, exists.

86. Consequently, the rapporteurs conclude that Article 8 paragraph 2 of the Charter is complied with.

3.7.3 Article 8.3

87. The supervision exercised by national bodies of the actions of mayors when they take decisions resulting in budget overspends in their municipalities does raise questions where the Charter is concerned. It is not a problem, however, as the State cannot sanction the head of a local executive for poor management of the debt coming under their responsibility: in this case, the supervisory measures duly conform to the Charter, as no one disputes the obligation incumbent upon mayors to apply the legal and administrative rules on the implementation of budgets.

88. The rapporteurs may conclude, therefore, that Article 8 paragraph 3 of the Charter is complied with.

3.8 Article 9 – Financial resources of local authorities

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 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

89. The basic rules of the system of local authority finance are guaranteed by Article 238 of the Constitution. This article contains at least five guarantees: autonomy of local authorities in terms of their own assets and finances; the principle of fair sharing of public resources between the State and local authorities; the need for equalisation to correct inequalities between local authorities of the same category; the allocation of income derived from local assets and charges for local services, and the power to levy taxes in accordance with the law.

90. On a formal level, the rapporteurs conclude, therefore, that Article 9 paragraph 1 of the Charter is complied with.

3.8.2 Article 9.2

91. Despite the devolution process embarked upon in 2011 and continued with the local government reform of 2013, Portugal remains a centralised country. The spending levels of local and regional governments within the GDP and public spending are far lower than the OECD average for unitary countries (13.4% of GDP and 29.0 % of public spending) .⁷ Accordingly, budget devolution in Portugal is among the lowest rates in the OECD zone, falling well below the OECD average. The spending of infra-national administrations stands at 1540 euros per head of population in Portugal, compared to an OECD average of 6052 euros. In Portugal, this is equivalent to 12.6% of total public spending and 5.7% of GDP. By way of comparison, in the whole of the OECD, the spending of infra-national administrations represents 40.4% of total public spending and 16.2 % of GDP. Where public investment is concerned, Portugal is slightly below the OECD: 52% of total public investment was made by local and regional governments (compared to an average of nearly 57%).

92. The rapporteurs questioned local authority associations on this point during their visit in June 2019. While local situations differ greatly, given the great diversity of municipalities in particular, the ANAFRE deplored the lack of a clear vision for the funding transferred and the fact that certain powers are inadequately funded already: transferred assets and security/safety were mentioned in this connection.

93. For its part, the ANMP underlines the still insufficient level of funding for municipalities in Portugal, compared with the European average. Admittedly, in 2018, there was a revision of the law on local finances that brought this level closer to European standards, but the first two years of implementation have highlighted the difficulty of putting into practice the principles set out. With regard to municipal taxes, tax exemptions decided by the state do not systematically give rise to compensation by the central administration, even though this principle is also enshrined in law.

94. The rapporteurs therefore conclude that Article 9 paragraph 2 of the Charter is only partially complied with, as certain funding levels are not guaranteed in the long term.

3.8.3 Articles 9.3 and 9.4

95. According to the principles of devolution and local self-government, the transfer of powers from the State to local authorities is accompanied both by a transfer of prerogative and also by a transfer of funding. Accordingly, local authorities have different sources of funding: their own income, financial equalisation, subsidies and borrowing.

96. For the running of public services, communal facilities and infrastructures, the rapporteurs note that the municipalities receive most of the taxes collected on their territory by the competent departments and can set the amount of certain taxes and dues. The following levies come back to local authorities:

- municipal tax on real estate property whose rate may be set by the local authorities via the municipal assemblies within the limits established by law;
- the tax on the transfer of property rights in return for payment;
- part of the road traffic tax.

This means that, simply because local authorities' own resources are largely dependent on allocated shares of national taxes and these are calculated according to revenue from three taxes, any drop in that income results in lost revenue for local authorities.

⁷ OECD, Regional profile for Portugal, 2015

97. The municipalities also have their own income of another type: dues and taxes for the use of their services, and management of their assets. They may decide to introduce a tax to fund the running of infrastructures and facilities made available to users (creation of urban infrastructures, occupancy of squares reserved for markets and fairs, cemeteries, hunting permits). Finally, they receive revenue from the use of their assets and income from financial placements.

98. Nevertheless, the rapporteurs are concerned by the major disparities that exist between one municipality and another. Some of the mayors spoken to during the June 2019 visit believed that, for the powers currently exercised, financial resources were inadequate and inequalities were making themselves felt: in some cases around 50% of a municipality's resources came from the State and it was impossible to increase local taxes, which suggests that the financial system is not satisfactory and requires a rethink.

99. Consequently, the rapporteurs consider that Article 9 paragraph 3 is complied with but that there is non-compliance with Article 9 paragraph 4.

3.8.4 Article 9.5

100. The rapporteurs see the Portuguese system of financial equalisation as an original one as it hinges on spending and not revenue. It is fairly complex as it relates to different levels (municipalities and parishes) and incorporates a whole host of objectives and apportionment criteria. At the municipal level, equalisation accounts for one quarter of the allocated shares of national taxes and revolves around two funds: one is intended to give the municipalities adequate financial capacity to exercise their powers and the other is aimed at the least well-off municipalities and takes account of both economic and social inequalities. This dual equalisation system is geared to counteracting the effects of unbalanced devolution.

101. The rapporteurs note with satisfaction that their meeting with the President of the Court of Audit in June 2019 provided an opportunity to gain a broad overview of the financial situation of local authorities and highlight the small number of them experiencing difficulties. Where equalisation is concerned, the President of the Court thought that the mechanism fulfilled the aims it was supposed to achieve but that it was perhaps not the best suited tool in the context of the devolution reform. He described a number of risks, particularly as regards the sustainability of public finances in general and the quality of local public service provision.

102. Consequently, the rapporteurs consider that Article 9 paragraph 5 is complied with on the whole.

3.8.5 Article 9.6

103. The rapporteurs find it regrettable that the Portuguese local authorities are not formally consulted on the methods for allocating redistributed resources. During the previous visit, in 2012, the rapporteurs had proposed setting up a national stability board, with a view to guaranteeing a coherent policy of co-ordination between the different levels of authority and preserve the budgetary autonomy of local authorities within the meaning of Article 9 of the Charter. The report explained that "its members could be representatives of the associations of regional and local authorities along with an equivalent number of representatives from the relevant ministries. The board should be chaired by the Ministry of Finance; the vice-chairmanship should rotate between regional and local representatives. The recommendations and decisions of the board, though not legally binding, would have an effect through peer pressure and should be published". However, it is now 2019 and this suggestion has still not been followed up.

104. The rapporteurs therefore find that Article 9 paragraph 6 of the Charter is still not complied with.

3.8.6 Article 9.7

105. Although the Portuguese State can no longer formally give support to local authorities under the applicable European legal rules, municipalities may still be granted specific aid in exceptional circumstances (in the event of a natural disaster, creation of new municipalities or parishes, major works on buildings accommodating local authority administrative departments, for example) or via programme-contracts. In the latter case, the State agrees to supplement the financing of investments by local authorities in varied fields such as the environment, sewage treatment, health care, economic development or education.

106. As this specific financing remains marginal, the rapporteurs conclude that Article 9 paragraph 7 of the Charter is complied with.

3.8.7 Article 9.8

107. The rapporteurs noted with satisfaction that local authorities do not require prior authorisation for borrowing but are still subject to some restrictions, including short-term debt control mechanisms, which are to be found, for example, in Law no. 73/2013 of 3 September, Articles 49 to 52.⁸ This is understandable as, as a member of the EU, Portugal must comply with the Lisbon Treaty and Protocol no. 12 on the excessive deficit procedure. The national authority is responsible, therefore, not only for its own deficit but also for those of local and regional authorities.

108. Nevertheless, the rapporteurs regret that uniform restrictions on debt take no account of the diversity of local authorities' budget situations. There is a great disparity between the financial situations of Portugal's local authorities: while some benefit from very comfortable financial revenues, others find it difficult to balance their budgets and some may be exposed to fluctuating finances that render them vulnerable. Even though the overall situation is less delicate than at the time of the previous visit, some municipalities still face serious difficulties in balancing their budget. Although the interest rates on loans have been on a downward trend for the last few years, where spending is concerned local authorities continue to have increased charges and costs to cover in certain sectors such as sewage treatment or health care, which may lead to growing imbalances in budgets.

109. The rapporteurs observed that the indebtedness of Portugal's local authorities remained a highly topical issue despite the efforts made to limit its scale. The role of the Court of Audit in this area seems vital, although its president, Mr Vítor Manuel Da Silva Caldeira, who spoke to the rapporteurs in June 2019, was keen to put the problem into perspective: of all local authorities, he believed that only 24 municipalities were truly in a tricky financial situation.

110. In the light of the above comments, the rapporteurs consider that Article 9 paragraph 8 of the Charter is complied with.

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

111. The rapporteurs noted that there were chiefly two national associations of local authorities: the National Association of Portuguese Municipalities (ANMP) and the National Association of Freguesias (ANAFRE), both of which operate in partnership with the government in terms of consultation.

112. The National Association of Portuguese Municipalities (ANMP) is an entity governed by private law. Its overall goal is to promote and defend local authorities, to uphold respect for them and to represent them, and in particular to represent and defend municipalities and parishes before bodies of sovereign power; it carries out studies and projects regarding topics relevant to local authorities; it sets up and maintains consultancy and technical and legal advice services for its members; it runs information campaigns for local elections and further training for local authority staff; it facilitates exchanges of experience and information on technical and administrative issues between its members and represents its members in dealings with national and international organisations.

⁸ Local Autonomy Index for the European countries (1990-2014): Portugal (POR), https://ec.europa.eu/regional_policy/en/information/publications/studies/2015/self-rule-index-for-local-authorities-release-1-0

113. The National Association of Freguesias (or parishes) (ANAFRE) is an entity governed by private law with a public-service mission, whose overall goal is to promote and defend local government and in particular to represent and defend parishes before bodies of sovereign power; it carries out studies and projects regarding local administration issues; it sets up and maintains consultancy and technical and legal advice services for the member parishes; it runs information campaigns and trains local elected representatives and represents its members in dealings with national and international organisations.

114. These associations' influence over national policy with regard to local government affairs is still only relative however and could be reinforced. The national and local representatives met by the rapporteurs during their visit commended the constitutional protection of local self-government but deplored the fact that their analyses and concerns were not taken into account at national level. The lack of co-ordination and co-operation structures capable of guaranteeing real participation of local authorities in national affairs still calls for reform therefore, as the local authority participation in the Economic and Social Council is regarded as insufficient.

115. With the notable exception of an unsatisfactory legal situation in the autonomous regions (see the analysis below on regionalisation), the freedom of association of local authorities in Portugal appears to be a reality. The rapporteurs conclude, therefore, that Article 10 of the Charter is partially 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.

116. Administrative oversight (Art. 242 of the Constitution) is intended to ensure that local authorities conform to the law and is exercised by the civil governor, who refers unlawful measures to administrative courts. Oversight is also exercised through inspections or, more rarely, through prior approval, as for urban planning. But in parallel to this oversight of local authority acts there is a possibility afforded to the local authorities themselves, enabling them to settle disputes with higher authorities through the administrative and constitutional courts.

117. That said, there is no general procedure open to local authorities whereby the Constitutional Court carries out a theoretical check on the constitutionality of national laws having a particular impact on local and regional self-government. A special procedure, entailing a verification of constitutionality open to local and regional authorities but preceded by a preliminary phase ruling on admissibility, could fill this gap and fully ensure compliance with the “principles of local self-government as are enshrined in the Constitution or domestic legislation”, within the meaning of Article 11 of the Charter.

118. During their visit in June 2019, the rapporteurs met the vice-president of the Constitutional Court who pointed out that, while the Charter was an international treaty, the country's domestic legal order was particularly accommodating for such texts. Article 8 paragraph 2 of the Constitution stipulates that such treaties become part of the domestic legal order once ratified and published. So while the Charter has no constitutional value, it does have strong legislative value.

119. Likewise, the rapporteurs note with satisfaction that the Fundamental Rights Defender, whom they spoke to in June 2019, draws no distinction between the local and national level. This institution, set up in 1976, may receive applications from any citizen as well as any local authority, and local authorities do avail themselves of this remedy, particularly for disputes with the State, mostly over financial matters or the definition of prerogatives.

120. Consequently, the rapporteurs consider that Article 11 of the Charter is partially complied with.

4 ANALYSIS OF THE SITUATION OF REGIONAL DEMOCRACY IN THE LIGHT OF THE REFERENCE FRAMEWORK FOR REGIONAL DEMOCRACY

Main developments concerning regional democracy

121. Portugal is considered as a partially regionalised unitary State. The Portuguese Constitution (Art. 236) provides for four different categories of local and regional self-government:

- the two "autonomous regions" of the Azores and Madeira,
- the parishes (*freguesias*),
- the municipalities (*municípios*)
- the 5 mainland administrative regions, none of which has been created in devolved form.

122. In addition, there are 18 districts, which have officially existed since 1835 but, in reality, these are constituencies of decentralised state administration. A referendum on the creation of 5 mainland regions was held in 1998, but the proposal was rejected (by a "no" vote of around 64%) with an inadequate turnout (49%). This failure to create administrative regions therefore leaves a hole in the country's overall administrative structure. According to the law, various powers at supra-municipal level should have been assigned to regional bodies and fall neither within the State's remit nor that of the municipalities: accordingly, they cannot be exercised at present as the administrative regions have still not been set up.

123. The rapporteurs note that, after the 1998 referendum, in the space of a few years, numerous entities have attempted to step into the breach with a view to exercising the numerous administrative powers concerned. But those entities were all made up of unelected bodies and operated in a multitude of overlapping areas. The holding of a new referendum on the question of regionalisation is still in abeyance, but the present government does not seem prepared to organise another one in the near future.

124. Furthermore, the reforms carried out in recent years have given the insular regions broader autonomy (constitutional revision of 1997) and chiefly consolidated the municipalities (Laws no. 159 and 169/1999 and Law 5-A/2002), by transferring new powers to them. Laws no. 10 and 11/2003 reformed the ways in which municipalities may co-operate. But the scale and methods of co-operation and the functions of municipalities leave little room for the introduction of an intermediate level, doubtless for fear of weakening them. The law on the local budget (Law no. 2/2007) defines the new powers of local authorities and sets out the model for delegating state power to them.

125. More recently, the framework law on the transfer of powers to local authorities, approved by Law no. 50/2018, sought to strengthen the prerogatives of those authorities in the spheres of education, health care and welfare in order to more closely gear national policies to needs at local level. Nevertheless, as the law also stipulates that the transfer of the new powers to local authorities, as well as the identification of their nature and the way in which funding will be allocated, will be exclusively via action programmes, defining that transfer process, among other things.

126. Among others, the rapporteurs spoke to the Secretary of State for Regional Development (coming under the Ministry of Planning), who stressed that regionalisation was desired by all but that this unanimity evaporated once the focus was on the powers to be conferred upon the future regions.

Constitutional scheme for regional democracy

127. Portugal therefore has only two autonomous regions: the Azores and Madeira. These territories were focused on specifically by the rapporteurs during a dedicated visit in November 2019. It is their specific geographical, economic, social and cultural characteristics as well as their inhabitants' aspirations in the course of history that explain why these islands have their own specific form of autonomous organisation. They enjoy extensive legislative powers and frame their own policies, except in the areas of foreign policy, defence and homeland security.

128. As of 1974, Article 6 of the Constitution states that: "The state shall be unitary and shall be organised and function in such a way as to respect the [...] principles of [...] the autonomy of local authorities and the democratic devolution of the public administration. The Azores and Madeira archipelagos shall be autonomous regions with their own political and administrative statutes and self-government institutions". Articles 225 to 234 of the Constitution define the principles applicable to the autonomous regions of the Azores and Madeira. Their statutes were adopted at a very early stage: implementing acts of 1 June 1976 for Madeira and of 5 August 1980 for the Azores, although there have been subsequent amendments.

129. This category of autonomous regions is now governed by TITLE VII “Autonomous regions” of the Constitution of the Republic of Portugal. The two autonomous regions have two organs of government, namely a legislative assembly and a regional government but they do not have their own judiciary. In addition, they have regulatory powers and a power of legislative initiative, as well as the possibility of participating in various organs and structures at national level. National sovereignty is represented in each autonomous region by a representative of the Republic appointed or dismissed by the President of the Republic, after the government has stated its opinion.

130. Following this second visit specifically focusing on the autonomous regions, the rapporteurs noted that Portugal was actually an “asymmetrical regional State”, meaning that Portugal is not truly a unitary State as stated by the Constitution as it admits two regions with legislative powers: therefore the system is a mix of federal State and unitary State.

Internal organisation

The Regional Co-ordination and Development Boards (Comissões de Coordenação e Desenvolvimento Regional - CCDRs)

131. Far from being regional authorities enjoying local autonomy, the 5 CCDRs are peripheral departments of direct state administration, coming under the presidency of the Council of Ministers (article 10, no. 4, of legislative decree no. 86-A/2011, of 12 July, as amended by legislative decree no. 119/2013, of 21 August), which have administrative and financial autonomy and are tasked with co-ordinating and dovetailing the various sectoral policies at regional level, as well as implementing environmental policies and spatial and urban planning and providing technical support for local authorities and their syndicates at the level of their respective geographical zones of action. The rules governing CCDRs have undergone various changes over the years, but their geographical zones of action still correspond to the EU’s NUTS 2 level (Nomenclature of territorial units for statistics).

132. The rapporteurs note that the president of each CCDR is appointed by the Government, and the CCDRs fulfil major tasks in the spheres of the environment, spatial and urban planning and regional development. The management organs of the CCDRs are the president, assisted by two vice-presidents, the single auditor, the intersectoral co-ordination council and the regional council. In addition to the prerogatives conferred upon them by law or delegated or sub-delegated, the president fulfils the functions of regional operational programme management, including supervision of the respective technical support structure, participation in the governance bodies and mechanisms of cohesion policy and other European Union policies and the chairing of the intersectoral co-ordination council.

133. The single auditor is the entity responsible for overseeing the lawfulness, proper operation and the management of finance and assets of the CCDR.

134. The intersectoral co-ordination council is the body tasked with the technical co-ordination of implementation of central administration policies in the regional framework and is chaired by the president of the CCDR.

135. Finally, the regional council is the consultative organ of a CCDR, representing various interests and entities that are important to achieving its objectives, made up of the mayors of the municipalities lying within the CCDR’s zone of action and representatives of several entities, such as employers’ and trade union organisations and universities.

The Azores

136. Consisting of 19 municipalities (*concelhos*), this archipelago has a regional government that is politically accountable to the region’s Legislative assembly, the latter comprising 57 members elected by the public every four years. In addition to its legislative powers, the Legislative assembly oversees the actions of the regional government.

137. The Azores has numerous prerogatives as an autonomous region. It can levy taxes, adopt regional economic and social development plans, adopt the regional budget and take part in negotiations on the concluding of international treaties and agreements concerning the region. The archipelago may furthermore legislate on matters relating to agriculture, fishing, marine and maritime resources, trade or spatial planning.

However, during their visit in November 2019, the rapporteurs heard the reservations expressed by the Association of Municipalities of the Azores, pointing out that, while the Constitution did establish that the regions had their own administrative and financial autonomy, they were still dependent on the central State to an extent. In the Azores, mergers of municipalities fell within the competence of the region. The rapporteurs' talking partners pointed out that, at local level, the *juntas de freguesias* were the last line of defence against desertification in their region.

138. The fact that the Azores is one of the least developed Portuguese regions (with a GDP lower than 75% of the EU-27 average) makes this local autonomy all the more important. The region's economy is based mainly on services, agriculture and fishing. Industry, essentially in the food sector, plays a lesser role in the archipelago's economy while tourism is becoming increasingly important as a driving force for the Azorean economy. In addition, the region faces major challenges in its development owing to its geographical location, with higher costs of goods and services (transport, energy etc) acting as a brake on the region's economic and social integration with other areas in Portugal and elsewhere in Europe.

Madeira

139. This is another archipelago also constituting an autonomous region of the kind provided for in the Constitution, comprising 11 municipalities. The Legislative assembly of Madeira, whose 47 members are also elected every four years, manages the archipelago and the regional budget. It can also levy taxes and decide to introduce its own specific taxes. Madeira's economy depends chiefly on agriculture and tourism. Fishing is also well developed and has an important role in the archipelago's economy. The industrial sector is not well developed and above all dominated by craft products or products derived from sugar cane (sugar refineries, distilleries).

Analysis of the situation of regional democracy in the light of the Reference Framework for Regional Democracy

140. Leaving aside the special cases of the Azores and Madeira, the rapporteurs agree that the territorial organisation of mainland Portugal is based on an imperfect balance between decentralisation and devolution. Decentralisation concerns only the municipal level. Progress in decentralisation forms part of the democratic programme introduced by the Constitution (Art. 6), which even uses the term "local government" (title of Part VIII). The 1997 revision added subsidiarity among the principles to be respected by the unitary State (Article 6). But since the goal of creating administrative regions has not been achieved on the Portuguese mainland, the legislature has had to embark upon a territorial reform that could compensate for the lack of this type of local authority. This was the thinking behind the setting up of what are merely decentralised state bodies at the regional level: the Regional Co-ordination and Development Boards (CCDRs).

141. Accordingly, Portugal has a governance structure that remains heavily centralised and leaves little room for adjustment at infra-national level, with the exception of the autonomous regions of the Azores and Madeira. While horizontal co-ordination has improved between the different institutions, vertical co-ordination remains weak. In its 2015 report, the OECD recommended developing strong mechanisms for policy adjustment as a lack of flexibility is currently impeding the suitable adaptation of national policies to the needs of the local level.⁹ During their visits in June and November 2019, the rapporteurs observed that these mechanisms had not yet seen the light of day.

142. Regional democracy in Portugal is therefore incomplete in the view of the rapporteurs and most of the people they spoke to: while it is real but requires work in the two autonomous regions, it remains absent in the five mainland administrative regions, replaced by a decentralised state administration. However, during their visits in June and November 2019, the rapporteurs noted that opinions strongly diverged as to whether it was possible to make rapid progress towards real regionalisation in the coming months.

Regional powers

143. Although they are decentralised state administration bodies, the CCDRs have powers that are far from negligible. They are listed in Article 2, No. 2, of legislative decree No. 228/2012, amended by legislative decree no. 68/2014 and cover the following areas:

⁹ OECD, Diagnostic report on Portugal, 2015 <http://www.oecd.org/skills/nationalskillsstrategies/Diagnostic-report-Portugal.pdf>

- Contributing to the determining of regional development policy within the framework of the country's economic and social development policy, by participating in territorial strategic planning processes;
- encouraging partnerships between regional players;
- developing studies on the co-ordination of sectoral policies in the region and devising integrated programmes geared to territorial cohesion and competitiveness;
- ensuring co-ordination between institutions of direct state administration, local authorities and equivalent entities and galvanising transfrontier interregional co-operation, by contributing to the European integration of the regional space and helping to make it more competitive, on the basis of sustainable development strategies regionally and locally;
- promoting and guaranteeing adequate intersectoral co-ordination between the decentralised departments with regional competence, in terms of strategic consultation and planning with regard to environmental, economic and social initiatives, from the regional development viewpoint;
- providing technical support for local authorities and their syndicates;
- implementing, evaluating and overseeing environmental and spatial planning policies at regional level;
- ensuring that instruments are devised for territorial management and monitored and evaluated, and ensuring that they are co-ordinated with territorial management instruments of national and regional scope;
- implementing the management responsibilities conferred upon them in connection with European Union cohesion policy in Portugal;
- galvanising and promoting the required public policies, in their respective region, in order to boost their economic and social competitiveness and sustainability.

144. One of the most important tasks of the CCDRs is to manage, on the mainland, the regional operational programmes of the European structural and investment funds for the period 2014-2020.⁷

145. As the rapporteurs have pointed out, the autonomous regions of the Azores and Madeira have substantially broader responsibilities, covering health care and welfare, education, roads and transport, economic development, environment, culture, spatial planning, water, tourism etc.

The Azores and Madeira also have their own specific powers with regard to local authorities, enabling them to:

- create and abolish authorities and modify their geographical distribution;
- exercise supervision over local authorities;
- establish the category into which localities fall and adapt them to the region's specific characteristics;
- adapt general laws issued by sovereign bodies in areas that are not exclusively the preserve of those bodies.

However, as the rapporteurs observed, despite this formal assignment of powers, local and regional players are still demanding clarification of the allocation of powers between the State, the autonomous regions and the local authorities. Opinions are divided as to how to proceed: some advocate the setting up of a co-operation/co-ordination body to officialise a practice that already exists with consultation associations in order to rectify the impression that the situation differs from or lags behind that of the mainland, an impression that, while attenuated by autonomous region status, still subsists; others call for the passing of clear legislation intended to clarify exactly who wields which powers and, consequently, obviating the need to set up an additional body.

146. Finally, the Azores and Madeira are considered as ultra-peripheral regions of the European Union.

Relations with other levels of government

147. While the two autonomous regions have the capacity to determine their own territorial organisation and, therefore, wield real influence over the levels of infra-regional administration, this is not the case in the five mainland administrative regions (CCDRs), where relations are more restricted and do not follow a hierarchical pattern. That said, the rapporteurs noted that there were very good relations between the autonomous regions and the municipalities, as well as between the two autonomous regions, which helped each other. During their visit in November 2019, the rapporteurs were told for example about the financial equalisation between the two regions, which were reliant on solidarity at both national and European level. The two regions enjoyed good relations and sometimes came to agreement on a breakdown of finance that could be beneficial to one of them when it had a specific project to finance (e.g.: Funchal airport).

148. Having said that, there are relations that are officially instituted within the intersectoral co-ordination council. This body is tasked with the technical co-ordination of central administration policy implementation,

on the scale of the region, and it is made up of the president of the CCDR, the senior managers of the decentralised local departments of the central state administration and the peripheral departments responsible for direct and indirect state administration of various sectors, as well as the presidents of the metropolitan councils and inter-municipal councils.

149. In addition, in order to implement the full spectrum of rights of autonomous regions, their statutes stipulate that the government of the Republic and the regional government shall draw up protocols for permanent collaboration on matters of interest to both the State and the region (economic and monetary situation; fiscal, monetary and financial policy; membership of economic and monetary bodies etc).

150. The rapporteurs note with satisfaction that relations with the central State are more straightforward where CCDRs are concerned owing to their decentralised nature, although they are far more complex in the case of the Azores and Madeira owing to demands for increased autonomy, recurrent funding needs and calls for recognition that are quite legitimate given the two autonomous regions' geographical remoteness and insular nature.

151. The rapporteurs consider that the government's desire to further develop the process of devolution is not in any doubt but is focused above all on the local authorities on the mainland as the institutions present within the autonomous regions are an obstacle for local authorities: in those territories, the regions must delegate powers to municipalities through a law specific to them, which constitutes an additional step compared to what happens on the mainland, and that is likely to slow down the devolution process.

Participation in the state decision-making process

152. Portugal's autonomous regions are substantially more involved in decision-making than its local authorities as they are represented and have their interests defended by deputies within the Assembly of the Republic. The autonomous regions may also exercise the right of legislative initiative by tabling bills before the Assembly. The statutes of the two archipelagos also stipulate that regional assembly representatives may participate in committees of the Assembly of the Republic where regional proposals are discussed.

153. Again under the Constitution, "bodies that exercise sovereign power shall always consult the regional self-government bodies in relation to such issues as fall within their own responsibilities and concern the autonomous regions": the government or the Assembly of the Republic must therefore consult the organs of autonomous regions when exercising their executive or legislative power regarding matters falling within the competence of those regions.

Oversight of regional authority acts by the national authorities

154. As for the infra-regional local authorities, it is for the government to exercise general administrative oversight of the acts of autonomous regions, in accordance with Article 242 of the Constitution. The expediency of their acts is not the focus of such oversight, and this is in line with the principle of the Charter.

155. The rapporteurs note that supervision is carried out through inspections, inquiries and investigations, gathering and analysing information and clarifications that are important for checking on the application of laws and regulations by autonomous regions' bodies and services. Unlawful acts committed while managing regional affairs may result in two kinds of sanction: removal from office in the event of unlawful acts committed individually by members of regional bodies or the dissolution of those bodies where unlawful acts are the result of a collective act or failure to act. Finally, another form of supervision of autonomous regions' activities is exercised by the Court of Audit, which is not only competent to rule on their accounts.

Protection of regional self-government

156. For all of Portugal's local authorities, administrative oversight (Art. 242 of the Constitution) is intended to ensure that local authorities conform to the law and is exercised by the civil governor, who refers unlawful measures to administrative courts. Oversight is also exercised through inspections or, more rarely, through prior approval, as for urban planning. But in parallel to this oversight of local authority acts there is a possibility afforded to the local authorities themselves, enabling them to settle disputes with higher authorities through the administrative and constitutional courts, which ensure that the Charter and domestic law are correctly applied.

157. The rapporteurs stress that there is also a special procedure enabling the presidents of autonomous regions to apply to the Constitutional Court with a request to verify the theoretical constitutionality of national laws which have particular ramifications for local or regional self-government in their territories.

Right of association

158. There are no specific rules on this point where the autonomous regions are concerned (or indeed the mainland administrative regions): the local authorities of the Azores and Madeira are free to join the two national associations of local authorities: the National Association of Portuguese Municipalities (ANMP) and the National Association of Freguesias (ANAFRE). Both maintain a partnership with the government at the level of consultation. However, the rapporteurs noted that there was no direct consultation between central government and the Association of Municipalities of the Azores, which co-operates with the ANMP in order to defend its interests and make its voice heard.

159. The rapporteurs also had their attention drawn to a problem specific to the Azores and Madeira: the creation of associations in the autonomous regions is now authorised “solely for specific purposes”. This is stipulated in Law no. 75/2013 which repealed the previous law under which the Association of Municipalities of the Azores was created, meaning that the latter no longer has a legal basis. This is a situation that is damaging to all sides.

160. That said, these associations’ influence over national policy regarding the affairs of local authorities and autonomous regions remains relative and could be strengthened. The representatives of the autonomous regions spoken to by the rapporteurs during their visit welcomed the protection of local self-government afforded by the Constitution but also deplored the failure to take account of their analyses and concerns at national level.

International and transfrontier co-operation

161. The autonomous regions practise various forms of international and transfrontier co-operation attesting to a strong desire to overcome the constraints stemming from their insularity and remoteness from the capital but also to their effective integration into international networks. Since a revision of the Constitution in 1989, autonomous regions’ powers in the area of foreign relations have been broadened: they are authorised to “establish co-operation links with other regional bodies and to participate in organisations the purpose of which is to foster inter-regional dialogue and co-operation, all in accordance with the guidelines set out by the bodies that exercise sovereign power and are responsible for foreign affairs”.

162. Accordingly, both the Azores and Madeira participate in the Conference of European Regional Legislative Assemblies (CALRE) which brings together 74 presidents of regional legislative assemblies in Europe: the presidents of the regional assemblies of Italy, Spain, Belgium, Germany, Austria, United Kingdom, (Wales, Scotland, Northern Ireland), Finland (Åland Islands) and of course the two autonomous regions of Portugal.

163. The rapporteurs wish to emphasise that the autonomous regions may also participate in the negotiation of international treaties and agreements that directly concern them. This participation entails the inclusion of representatives of the archipelagos in the Portuguese delegations negotiating such agreements and also in the committees which implement and monitor those agreements. Likewise, where European affairs are concerned, Madeira’s statute provides for representation of the region in decision-making bodies when questions concerning the archipelago are on the agenda.

Regional finances

164. The differences between Portugal’s regions in terms of per capita GDP have diminished in the last 15 years but that reduction is chiefly due to a fall in per capita GDP in the metropolitan region of Lisbon since 2010 and moderate growth in the North region since 2013. Portugal recorded the third largest reduction in regional economic disparities between 2000 and 2016 among OECD countries. Madeira enjoyed the highest productivity growth of all Portuguese regions – 1.9% per annum over the period 2000-16 - narrowing the gap with the Lisbon metropolitan region, which nevertheless remains the most productive region in Portugal.¹⁰

10 Regions and Cities at a Glance 2018 – PORTUGAL, <http://www.oecd.org/regional>

165. Despite the devolution process embarked upon in 2011 and pursued through the territorial reform of 2013, Portugal remains a centralised country. The spending levels of infra-national governments within the GDP and public spending are far lower than the OECD average for unitary countries (13.4% of GDP and 29.0 % of public spending).

166. The rapporteurs would stress the point that the financial autonomy of autonomous regions is guaranteed by the Constitution, which authorises the autonomous regions to “exercise their power to introduce taxes, in accordance with the law, to dispose of the tax revenue collected and assigned to them and to allocate it to their spending, as well as to adapt the national fiscal system to specific regional circumstances, in compliance with the framework legislation of the Assembly of the Republic”. In turn, the statutes of Madeira and the Azores assert the principle of financial autonomy of the two archipelagos. The two regions each approve their own budget and have the following principal revenues: taxes and dues collected on their territory (including customs dues), borrowing, state aid in conformity with the principle of national solidarity and European aid.

5 CONCLUSIONS AND RECOMMENDATIONS

167. The rapporteurs have taken note of the general view of representatives of national, regional and local authorities that the main obstacle to a reform of local self-government in Portugal is rooted in the strong tradition of centralisation in the country and reluctance to experiment with new systems for allocating powers and responsibilities since the failure of the regionalisation project put to a referendum. We encourage the Portuguese authorities and their representatives at all levels of authority to enable local and regional self-government bodies, under Article 3 of the Charter, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population. That would require commensurate resources as stated in Article 9 para. 1 of the Charter.

168. Portugal is emerging from a difficult reform process which has had the outcome of restoring the country's capacity to freely access international financial markets. The national authorities and local and regional self-government authorities have been obliged to take the necessary measures to meet the different commitments of the government under the Economic adjustment programme, despite these not having been discussed with the associations representing local and regional authorities.

169. Seven years further down the line, the consultation process still shows certain shortcomings and requires further improvement. The rapporteurs would like to see an inventory of the oral and written procedures existing between the associations and the various state bodies drawn up so that joint guidelines on consultation can be agreed on and a general agreement on written consultation adopted.

170. In view of the prominence given to local and regional self-government by the Portuguese Constitution, institutional co-operation between territorial authorities and the central authorities should be improved, and the representation of local and regional authorities must be institutionalised at national level.

171. Supervision of conformity of national legislation with the principles set out in Article 6 of the Constitution should be improved. The associations and even the local authorities themselves should be entitled to apply to the Constitutional Court if there is any doubt as to the constitutionality of a legal provision.

172. With regard to local and regional finances, there are still a number of state restrictions regarding indebtedness and, combined with cuts in state grants, this could threaten local and regional authorities' ability to balance their budgets. The rapporteurs further note the slow growth of local and regional funding. These restrictions may result in a failure to comply with the principle of financial resources being commensurate with responsibilities set out in Article 9 paragraph 2 of the Charter.

173. Local and regional authorities should enjoy greater autonomy in local taxation, including with regard to the system of local and regional tax collection, while taking care to avoid local fiscal policies that result in pointless fiscal competition and distortion of markets. This would make it possible to improve the local fiscal system and, for local authorities, to introduce new taxes having a local impact. Excesses would likely be avoided thanks to the functioning of fiscal competition between municipalities.

174. Given the growing difficulties faced by municipalities in exercising powers without benefiting, according to their representatives, from adequate funding and mechanisms to compensate for tax exemptions, even

though these are provided for by law, the rapporteurs reiterate the proposal to set up a national stability board, including local and regional representatives.

175. The rapporteurs also recommend new legislative action to make the situation of local authority associations in the autonomous regions secure in the long term.

176. The lack of any new initiative for the development of Portugal's mainland administrative regions, following the failure of the reform proposed by referendum, prompts questions as to how the process will move forward. The current situation is not fully satisfactory as it places Portugal at a half-way stage where regions are assimilated to mere decentralised administrations with the notable exception of the autonomous regions of the Azores and Madeira. The rapporteurs therefore suggest relaunching the regionalisation reform which should look at the perimeters of new regional constituencies and guarantee them real autonomy in their decision-making and functioning.

177. Finally, the rapporteurs point out that the Charter constitutes an international treaty, ratified by Portugal in 1990 and having entered into force on 1 April 1991 pursuant to Article 8 of the Constitution. The Charter is therefore far more than a political benchmark for verifying the expediency of ordinary legislation relating to local and regional affairs: it is also a legally binding instrument incorporated in domestic legislation.

178. Finally, the rapporteurs invite the Government to envisage signing and ratifying 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) and ratifying the Additional Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 159) signed on 9 May 1997.

APPENDIX - Programme of the Congress monitoring visits to Portugal

**CONGRESS MONITORING VISIT TO PORTUGAL
Lisbon, Sintra, Alcácer Do Sal**

17-19 June 2019

PROGRAMME

Congress delegation:

Rapporteurs:

Mr Xavier CADORET
Rapporteur on local democracy, SOC¹¹
President of the Chamber of local authorities
Vice-President of the Bureau of the Congress
Mayor of Saint-Gérard-le-Puy, France

Mr David ERAY
Rapporteur on regional democracy, ILDG¹²
Head of the Swiss delegation to the Congress
Minister of the Jura Canton, Switzerland

Congress Secretariat:

Ms Stéphanie POIREL
Secretary to the Monitoring Committee of the Congress

Ms Mariane BLOUDEAU
Assistant to the Monitoring Committee of the Congress

Expert:

Prof. Nicolas KADA
Professor of Public Law, expert on local authorities,
University of Grenoble-Alpes, France
Member of the Group of Independent Experts on the
European
Charter of Local Self-Government of the Congress

Interpreters:

Mr Manuel SANT'IAGO RIBEIRO

Ms Sophie ENDERLIN

The working languages, for which interpretation is provided during the meetings, will be Portuguese and French.

¹¹ SOC : Socialist Group

¹² ILDG : Independent Liberal and Democrat Group

**Monday, 17 June 2019
Lisbon**

**PORTUGUESE DELEGATION TO THE CONGRESS, REPRESENTATIVES OF
LOCAL AND REGIONAL ASSOCIATIONS:**

Portuguese delegation to the Congress:

Mr Pedro CEGONHO, Head of the Portuguese delegation to the Congress,
President of the Parish Council of Campo de Ourique - Lisbon

Mr Basilio HORTA, Mayor of Sintra

Ms Maria Elisabete FERREIRA CORREIA DE MATOS,
President of the Parish Council of Torgueda

Ms Fernanda ASSEICEIRA, Mayor of Alcanena

Ms Maria Rita GOMES DE ANDRADE, Regional Secretary,
Regional government of Madeira

Dr Rui BETTENCOURT, Deputy Regional Secretary of the Presidency
for external relations, Government of the Azores

Associations:

NATIONAL ASSOCIATION OF PORTUGUESE MUNICIPALITIES (ANMP):

Ms Isilda GOMES, Vice-President, Mayor of Portimão

Mr Rui SOLHEIRO, Secretary General

NATIONAL ASSOCIATION OF CIVIL PARISHES (ANAFRE):

Mr Pedro CEGONHO, President

Mr Armando VIEIRA, Vice-President

Mr Jorge AMADOR, Vice-President

MINISTRY OF THE INTERIOR:

Mr Carlos MIGUEL, Secretary of State on local authorities

CITY OF LISBON:

Mr Carlos CASTRO, Deputy Mayor of Lisbon for Sport, Urban hygiene, Civil protection and Fire department

MINISTRY OF PLANNING:

Ms Maria DO CÉU ALBUQUERQUE, Secretary of State for regional development

**Tuesday, 18 June 2019
Lisbon**

CONSTITUTIONAL COURT:

Mr João CAUPERS, Vice-President
Ms Mariana CANOTILHO, Judge

ASSEMBLY OF THE REPUBLIC:

Ms Susana AMADOR, Member of the Standing Committee on the Environment, Territorial Planning, Decentralisation, Local Government and Housing

COURT OF AUDITORS:

Mr Vítor Manuel DA SILVA CALDEIRA, President

OMBUDSMAN:

Ms Maria Lúcia AMARAL, Ombudsperson

**Wednesday, 19 June 2019
Alcácer Do Sal**

CITY OF ALCÁCER DO SAL:

Mr Vítor PROENÇA, Mayor

Programme of the second part of the Congress monitoring visit to Portugal

**CONGRESS MONITORING VISIT TO PORTUGAL
Lisbon (27 November 2019)**

PROGRAMME

Congress delegation:

Rapporteurs:

Mr Xavier CADORET Rapporteur on local democracy, SOC¹³
President of the Chamber of local authorities
Vice-President of the Bureau of the Congress
Mayor of Saint-Gérard-le-Puy, France

Mr David ERAY* Rapporteur on regional democracy, ILDG¹⁴
Head of the Swiss delegation to the Congress
Minister of the Jura Canton, Switzerland

Secretariat of the Congress:

Ms Stéphanie POIREL Secretary to the Monitoring Committee of the Congress

Expert:

Prof. Nicolas KADA* Professor of Public Law, expert on local authorities,
University of Grenoble-Alpes, France
Member of the Group of Independent Experts on the European
Charter of Local Self-Government of the Congress, France

Interpreters:

Ms Sophie ENDERLIN

Ms Patricia ROMAN

The working languages, for which interpretation is provided during the meetings, will be Portuguese and French.

13 SOC : Socialist group

14 ILDG : Independent and liberal democrat group

* Due to unforeseen circumstances Mr Kada and Mr Eray could not participate in this visit.

Wednesday, 27 November 2019
Lisbon

09:00 - 12:00

JOINT MEETING WITH REPRESENTATIVES FROM THE REGIONAL GOVERNMENT OF THE AZORES, REPRESENTATIVES FROM THE LEGISLATIVE ASSEMBLY AND MEMBERS FROM THE ASSOCIATION OF MUNICIPALITIES:

ASSOCIATION OF MUNICIPALITIES OF AZORES (AMRAA):

- **Mr Nuno Filipe MADEIROS MARTINS**, Secretary General

EXPERT:

- **Prof. Dr. Carlos Eduardo Pacheco AMARAL**, Professor with agregation, Department of History, Philosophy and Arts, University of the Azores

14:00 - 18:00

JOINT MEETING WITH REPRESENTATIVES FROM THE REGIONAL GOVERNMENT OF MADEIRA, REPRESENTATIVES FROM THE LEGISLATIVE ASSEMBLY AND MEMBERS FROM THE ASSOCIATION OF MUNICIPALITIES:

REGIONAL GOVERNMENT OF MADEIRA:

- **Ms Fernanda CARDOSO**, Regional Director of European Affairs

MUNICIPAL ASSEMBLY:

- **Mr Mário Filipe SOARES RODRIGUES**, President

ASSOCIATION OF MUNICIPALITIES FROM THE AUTONOMOUS REGION OF MADEIRA (AMRAM):

- **Dr Ricardo António NASCIMENTO**, President