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Report "Local democracy in Slovenia"

Strasbourg, France, 6 November 2018

Dear Colleagues,

I am pleased to present to you today a report and a draft recommendation on local democracy in Slovenia. I will also speak on behalf of the co-rapporteur Henrik Brade JOHANSEN who left the Danish delegation to the Congress last summer and whom I would like to thank for his work and commitment in this monitoring process.

The report and the draft recommendation were approved by the Monitoring Committee at its meeting of 28 June 2018.

Our delegation visited Slovenia, in particular the capital city Ljubljana, the city Koper and the small municipality of Ankaran, from 20 to 22 February 2018. We were assisted by Iveta REINHOLDE as expert.

While in Slovenia, we met with members of the Slovenian national delegation to the Congress, the Association of Municipalities and Towns of Slovenia (SOS), the Association of Municipalities of Slovenia (ZOS), the Mayors of Ljubljana and Koper.

At the central level, we had very fruitful exchanges of views with the State Secretary of the Ministry of Public Administration, the State Secretary of the Ministry of Finance and the President of the Constitutional Court. We also met with the Presidents of the National Assembly and the National Council,

two chambers of the Slovenia Parliament, the Human rights Ombudsmann and representatives of the Slovenian Court of Audit.

I would like to thank the Slovenian delegation to the Congress and the Slovenian authorities at all levels for their hospitality, a very warm welcome and the information they kindly provided to us.

The purpose of our visit was to assess the situation of local democracy in this country situated at the very heart of Central and Southern Europe, at the crossroads of many civilizations, cultures and languages. By the way, the city of Koper and the municipality of Ankaran are bilingual and have two official languages - Slovenian and Italian.

Slovenia ratified the Charter in 1996 and its Additional Protocol on the right to participate in the affairs of a local authority in 2011.

The previous monitoring visit to Slovenia took place in 2011 and led to the adoption of a globally positive report on local democracy stating that, in general, Slovenia complies with the provisions of the Charter.

Following this year's visit, we have also assessed the current situation of local democracy as globally satisfactory. We took into account the intensive efforts of Slovenia to ensure continuous development of local democracy and its experience in dealing with the negative consequences of the economic crisis. In our view, the Slovenian legislation is generally in line with the Charter.

Here are some positive developments that we have observed:

- The government showed its commitment to proceed with the modernisation of local self-government through progressive implementation of the "Strategy on development of local self-government". In our opinion, it is an important step towards strengthening local democracy. Its implementation depends a lot on the support of local authorities and associations.
- We welcome many instruments of direct citizens' public participation in local decision-making.
- Finally, the Constitutional Court of Slovenia plays an exemplary role in applying the Charter and refers to it systematically in its case-law. The representative associations of local communities can

bring a complaint before the Constitutional Court and this possibility can be considered as an example of best practice for other Council of Europe member states.

However, some areas of local self-government do need to be carefully considered by the government, in particular because they have already been raised in the previous recommendation of the Congress in 2011 and remain relevant.

I would start by mentioning a municipal fragmentation in Slovenia. This country has seen a significant rise from 60 municipalities in 1991 to 212 in 2015. The Ministry of Public Administration has stressed that further to legislative changes the municipal fragmentation has already stopped and we welcome that.

Yet, more than half of Slovenian municipalities today have fewer than 5000 inhabitants. We have noted that small size municipalities have more difficulties in performing their tasks effectively and they are generally more dependent on equalisation.

Thus, we suggest that the central government continues to promote both mergers and inter-municipal co-operation with additional financial incentives and support so as to help municipalities match their financial and administrative capacities with their responsibilities.

Second, we noted over-regulation of certain tasks of local authorities, notably in the area of construction control, municipal police, pre-school education. Our local level interlocutors were particularly worried because they apparently had to deal with the permanently increasing costs of the implementation of very detailed legal obligations.

Therefore, we suggest that the central government in consultation with local authorities rationalise and simplifies the existing legal regulations of certain tasks and responsibilities at local level. This would decrease the financial burden and the additional costs of human resources that local authorities have to bear when implementing those tasks. This would equally permit to local authorities to better adapt the exercise of functions to local conditions.

We have also noted that there is no consensus between central and local government on the principles of municipal financing. Fiscal autonomy of local self-government remains rather weak in Slovenia. As you have read in the report, many times the agreements on the lump sums have not been achieved between central authorities and local associations. This is a particularly sensitive issue for local self-government with the austerity measures the central government has applied to cope up with the consequences of the economic crisis.

So, the government needs to apply all efforts to come to an agreement with representatives of local authorities on mutually acceptable principles of municipal financing so that local self-government

resources could match increasing responsibilities. Local fiscal autonomy should also be strengthened so that financial capacities of local authorities could meet constantly evolving financial needs. This would also help to decrease the dependency of local level on State transfers.

Next, I have to raise some issues of functioning of consultation mechanisms between the government and the associations of local authorities in practice. We heard criticisms from local interlocutors that their opinions are not duly taken into account when the final decisions are adopted.

It goes without saying that such situation does not help to resolve conflicts, notably in the areas where local authorities' views cannot be fully taken on board in final decisions.

So, we recommend to national authorities to ensure more regular and systematic consultation on all matters of concern to local authorities while respecting the legal deadlines of consultation in practice. Such measures would also help to identify at the very early stages of legal drafting the potential spheres of over-regulation, so problematic for local self-government.

To conclude, Slovenia has a new government formed in September following the June general elections. The new Prime Minister of Slovenia Mr Marjan ŠAREC has twice been a mayor in his career, so we are confident that the new government will give due attention to the issues of local self – government and we also hope that the item on regionalisation will be back again on the political agenda in Slovenia.

I am now ready to take your questions if you have some, and hope you will adopt the draft recommendation.

Thank you for your attention.