

47th SESSION

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

Recommendation 515 (2024)¹

1. The Congress of Local and Regional Authorities of the Council of Europe (“the Congress”) refers to:
 - a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;
 - b. Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government;”
 - c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
 - d. the Contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government adopted by the Statutory Forum on 7 December 2020;
 - e. the Congress priorities for 2021-2026, in particular priority 6b concerning the quality of representative democracy and citizen participation;
 - f. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;
 - g. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;
 - h. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;
 - i. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
 - j. the previous Congress Recommendation on the monitoring of the European Charter of Local Self-Government in Malta [[Recommendation 400 \(2017\)](#)];

¹ Debated and approved by the Chamber of Local Authorities and adopted by the Congress on 16 October 2024 (see document CPL(2024)47-04, explanatory memorandum), Co-rapporteurs: Cecilia Felicitasz FRIDERICS, Hungary (L, ECR) and Matthias GYSIN, Switzerland (L, ILDG).

k. the Explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Malta.

2. The Congress points out that:

a. Malta joined the Council of Europe on 29 April 1965, signed the European Charter of Local Self-Government (ETS No. 122, "the Charter") on 13 July 1993, and ratified it on 6 September 1993. It did not ratify Article 9.3 of the Charter. The Charter entered into force on 1 January 1994;

b. the Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the Respect of Human Rights and the Rule of Law at local and regional levels ("the Monitoring Committee") decided to examine the situation of local democracy in Malta in the light of the Charter. It instructed Cecilia Felicitzasz Friderics, Hungary (L, ECR) and Matthias Gysin, Switzerland (L, ILDG) with the task of preparing and submitting to the Congress a report on monitoring the application of the European Charter of Local Self-Government in Malta;

c. the monitoring visit took place from 7 to 9 November 2023. During the visit, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

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

3. The Congress notes with satisfaction that:

a. The 2019 local government reform has led to a more formal recognition of the principle of local government in legislation, established a general right to consultation, clarified the role of executive secretaries, expanded various forms of citizens' participation at the local level, and granted more freedom for local councils in determining the number of employees they can recruit;

b. the minimum age requirement for election to local councils was lowered to 16 with the aim of increasing youth participation in political life;

c. in 2018, Malta signed and 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).

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

a. The scope of local self-government remains minimal, and local councils are overall not empowered to regulate and manage a substantial share of public affairs under their responsibility. In addition, further functions have been removed from local councils, contrary to the principle of subsidiarity;

b. local authorities' responsibilities must be aligned with nationally defined policies while supervision by the national government, notably through the executive secretaries, is extensive and disproportionate, leading to excessive involvement of the national authorities in local affairs;

c. the effectiveness of consulting with local authorities, including through the Local Councils' Association, needs improvement for all matters affecting them, especially concerning activities that were outsourced to specialised agencies but are relevant to local government;

d. local authorities' financial autonomy is limited as they lack adequate financial resources of their own, of which they may dispose freely within the framework of their powers;

e. mayors are only allowed to work part-time, regardless of the size of their locality and the workload in practice;

f. local councils' flexibility in determining their administrative structures and implementing their own human resources policy is limited;

g. grants to local authorities are mostly earmarked for the financing of specific projects;

h. the status of the capital city of Valetta remains the same as of any other local council and does not take into account specific aspects and needs connected to its role as the capital;

i. while regions have been recognised as a level of local government by domestic law, indirect election of the regional council members and the lack of financial autonomy impede their consideration as genuine regions within the meaning of the Charter.

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

a. revise the Local Government Act to increase the share of public affairs under local authorities' own responsibility and refrain from centralisation of already limited local competences, including to the regional level;

b. review the current system of administrative and financial supervision of local authorities to limit it to ensuring legality control;

c. further revise legal provisions concerning executive secretaries to enable local councils to select or remove them without the approval by the national government;

d. set up a consultation mechanism involving relevant specialised agencies to ensure that local authorities are effectively consulted in practice, in due time and in an appropriate way, on all matters that concern them, both by the national authorities and these agencies;

e. in consultation with the Local Councils' Association, develop a system of financing local authorities based on their own financial resources, which should be sufficiently diversified to enable local authorities to adapt their finances to the evolving needs and different economic cycles;

f. legally allow mayors to choose to work full-time or part-time, to enable them to respond to the different needs of their respective localities;

g. provide more freedom to local authorities, including through allocating financial resources, to adapt their own internal administrative structures to local needs;

h. reduce the ratio of earmarked grants and allow local authorities to access the national capital market without prior approval of the national government;

i. consider conferring a special status for Valetta as the capital city, to enable it to meet the specific needs associated with its role as the capital.

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