

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Resolution 330 (2011)¹ Reservations and declarations to the European Charter of Local Self-Government

1. The Congress of Local and Regional Authorities of the Council of Europe is convinced of the need to broaden the application of the European Charter of Local Self-Government (ETS No. 122) hereinafter referred to as “the Charter”) in member states with a view to strengthening the systems of local self-government in the interests of the citizen.

2. A number of member states, when they ratified the Charter, limited the scope of its application in the form of reservations or declarations. “A ‘reservation’ means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State” (Vienna Convention on the Law of Treaties).

3. The Congress believes that reservations and declarations should be regularly reviewed to determine whether they are still relevant or necessary. Recent country monitoring activities of the Congress have revealed that developments that have taken place in some countries since ratification have

rendered the reservations that they made when ratifying the European Charter of Local Self-Government redundant.

4. The Congress notes that the Charter has been accepted in its entirety by 24 member states, whereas 21 countries have limited their commitment in the form of reservations.

5. The 2011 convention review exercise, carried out by the Secretary General of the Council of Europe with a view to strengthening the Organisation’s treaties, has also addressed this issue and encourages the Council of Europe’s monitoring mechanisms to review the question of reservations.

6. The Congress therefore undertakes to:

a. conduct a periodic review, by country and by article, of reservations and declarations to the Charter, in co-operation with member states and their local authority associations, with the aim of encouraging member states to extend the number of articles by which they consider themselves bound and to lift those reservations which are no longer necessary;

b. systematically address this question during its country visits to monitor the application of the Charter and to pursue its political dialogue with member states to encourage them to follow the European trend towards subsidiarity with a view to implementing the Charter in its entirety.

7. The Congress invites the national associations of local and regional authorities of those member states which have formulated reservations and declarations to the European Charter of Local Self-Government to participate in the review process and to notify it of cases where the application of the Charter might be extended.

1. Debated and approved by the Chamber of Local Authorities on 19 October 2011 and adopted by the Congress on 20 October 2011, 3rd Sitting (see Document CPL(21)5, explanatory memorandum), rapporteur: M. Cohen, Malta (L, SOC).