

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 314 (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, convinced that the European Charter of Local Self-Government (ETS No. 122, referred to as “the Charter”) is a unique international legal instrument for strengthening democracy at the local level, committed to supporting member states in making more effective use of the Charter and determined to increase its own efforts to strengthen its implementation, has undertaken its first review of the reservations and declarations made by states parties to the charter.

2. The Congress believes that many member states have considerably evolved their system of local government since ratifying the Charter and that, as a result, the reservations that they formulated at the time of ratification may no longer be necessary.

3. The Congress notes and welcomes the trend, in recent Council of Europe treaties, to exclude the possibility of making reservations when ratifying the treaty.

4. The Congress also welcomes and supports 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 and identifying those which are the most important in terms of the Organisation’s work.

5. The Congress therefore asks the Committee of Ministers to invite member States which have made reservations:

a. under Article 12 of the Charter² to review these declarations with a view to extending the number of articles by which they consider themselves bound;

b. under Article 13 of the Charter³ to review these reservations to see if the Charter’s application could be extended;

c. under Article 16 of the Charter⁴ and other declarations which restrict the territories where the Charter applies, to examine these restrictions to see whether they are still required.

6. The Congress asks the Committee of Ministers to:

a. consider preparing regular reports on non-accepted provisions of the European Charter of Local Self-Government;

b. continue its efforts to limit the use of reserves and declarations in its treaties to a strict minimum.

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).

2. Andorra, Armenia, Austria, Azerbaijan, Belgium, Bulgaria, Cyprus, Czech Republic, France, Georgia, Greece, Latvia, Malta, Liechtenstein, Montenegro, Netherlands, Romania, Serbia, Spain, Switzerland and Turkey.

3. Belgium, Denmark, France, Germany, Ireland, Netherlands, Romania, Spain, Sweden, Switzerland and the United Kingdom.

4. Azerbaijan, Denmark, Georgia and the Netherlands.