

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 333 (2012)¹ Second-tier local authorities – intermediate governance in Europe

1. Intermediate or second-tier local authorities have a well-established, and often very varied, role in many member States of the Council of Europe, where they provide an important level of accountability of elected representatives and constitute an integral part of the national structure of political representation and territorial organisation. Even with key differences between countries, they have in general important functions and responsibilities, achieving economies of scale and thereby increasing the efficiency of public service provision and delivering services which may not be possible for local authorities.

2. It can therefore be stated that, in a high proportion of Council of Europe member States, a number of central functions relating to the environment, economic development, transport and schools are entrusted to intermediate local authorities. For these functions those authorities have resources of their own which, in the name of fiscal autonomy, come from taxes.

3. An important aspect of local territorial organisation and of the fundamental principles of subsidiarity and accountability are the taking of decisions and the delivery of services at the level closest to the citizen.

4. The size and the varied institutional set-up at sub-national level of Council of Europe member States can provide a strong rationale for the existence of several tiers of government in some States, notably those with a tradition of federalism and those covering a larger geographical area.

5. However, over the past twenty years, there has been a tendency for both local and regional levels to gain powers at the expense of the intermediate level.

6. Where central authorities undertake local government reorganisation, care must be taken to respect the principles and standards of democracy and subsidiarity. Any new territorial organisation must be preceded by a broad discussion with all levels of governance.

7. The European Charter of Local Self-Government (ETS No. 122) makes it clear that local authorities have a right to be consulted about any policy changes that directly concern them and refers specifically in this respect to boundary changes, which are often linked to changes to local government structures.

8. The Congress of Local and Regional Authorities of the Council of Europe is concerned that some governments are taking advantage of the current economic crisis to reorganise their territorial architecture with hasty reforms without broad prior consultation and dialogue, with the risk of creating lasting damage to local and regional government and local democracy.

Reforms that substantially reduce the number of elected representatives at sub-national level as well as increasing the distance between decision-making centres and local populations can have a negative impact on trust in local governance. This is all the more so if – as might be proposed, in Italy in particular – members are no longer elected by direct ballot, but in an indirect election.

9. Territorial reforms need to be carefully thought out and to respect the principles of local democracy, with clear allocation of tasks and responsibilities and concomitant financing. When changes are made to the institutional architecture, care has to be taken that resources are properly reallocated and that tasks and services are not left underfunded.

10. The Congress welcomes the efforts of the European Confederation of Local Intermediate Authorities (CEPLI) to defend the intermediate level of governance in countries where it is called into question.

11. The Congress also notes the stance taken by the Latin Arch association which, by adopting the Salerno Manifesto at its General Assembly held in Ravello-Salerno on 16 March 2012, called for a renewed role for intermediate local governments in Europe and expressed the wish that any process of reforming or renewing the institutional architecture should guarantee the role of intermediate local authorities as key players in good local governance.

12. The Congress therefore, referring to the European Charter of Local Self-Government and the Reference Framework for Regional Democracy, recommends that the Committee of Ministers invite member States to ensure that:

a. when territorial reorganisation is envisaged, the principles of multilevel governance are respected, notably that the division of responsibilities between different levels of government ensures maximum efficiency in meeting the needs of citizens;

b. proposed changes to the number of tiers of government are reviewed in the light of the principle of subsidiarity;

c. any territorial reorganisation is carried out in a careful and managed way, with proper planning and due respect for the European Charter of Local Self-Government, notably with regard to the provisions on the need to consult local authorities on all matters which concern them directly and to ensure that the competences of sub-national authorities are commensurate with their financial resources;

d. reforms are implemented with minimum disruption to public services but lead to clear identification of the functions entrusted to the different levels of territorial governance, and, with a view to curbing costs, preference is given to rationalising those bodies which – in their areas – exercise similar functions;

e. these reforms are carried out organically and that – while revising territorial boundaries – the democratic nature of these authorities and the direct election of their governing organs by citizens are reaffirmed.

1. Debated and adopted by the Congress on 18 October 2012, 3rd Sitting (see Document [CG\(23\)13](#), explanatory memorandum), rapporteur: E. Verrengia, Italy (L, EPP/CD).