



33rd SESSION

CG33(2017)07
13 October 2017

Summary of reports

Presented at the 33rd Congress Session

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I. REPORTS SUBMITTED TO THE PLENARY SITTINGS OF THE CONGRESS**Verification of new members' credentials and new official procedures for appointing national delegations to the Congress**Co-rapporteurs:¹

Michail ANGELOPOULOS, Greece (L, EPP/CE), and Eunice CAMPBELL-CLARK, United Kingdom (R, SOC)

Congress Bureau

CG33(2017)02
Resolution

The rapporteurs will review the credentials of the new members and any new procedures for the appointment of national delegations in the light of the current criteria of the Congress Charter and Rules and Procedures.

Local and regional democracy in Serbia

Co-rapporteurs:

Lucia KROON, Netherlands (L, EPP/CCE), and Sören SCHUMACHER, Germany (R, SOC)

Monitoring Committee

CG33(2017)19prov
Recommendation

This is the second report on local and regional democracy in Serbia since the country ratified the European Charter of Local Self-Government in 2007. The report notes that Serbia has responded positively to most of the previous recommendations made by the Congress in 2011, in particular by ratifying the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and by signing the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority. In addition, a number of important legislative steps have been taken in order to modernise and strengthen local self-government, notably the adoption of the law dealing with the status of local government staff. The rapporteurs underline the importance of further implementing the Public Administration Reform Strategy and encourage the Serbian authorities to continue their efforts aimed at fighting corruption, including at a local level.

The rapporteurs draw the authorities' attention to the temporary ban on recruitment, the possibility of dismissal of local government assemblies and the lack of transparent criteria for allocating State grants and resources from the reserve fund. The Congress recommends that the Serbian authorities provide adequate resources for local government to carry out its functions and maintain full responsibility for healthcare and education at the local level. Finally, it also urges Serbia to clarify and improve the financial situation of the Autonomous Province of Vojvodina.

¹ L: Chamber of Local Authorities / R: Chamber of Regions
EPP/CCE: European People's Party Group in the Congress
SOC: Socialist Group
ILDG: Independent Liberal and Democratic Group
ECR: European Conservatives and Reformists Group
NR: Members not belonging to a political group of the Congress

Local and regional democracy in Italy

Co-rapporteurs:

Jakob WIENEN, Netherlands (L, EPP/CCE), and Stewart DICKSON, United Kingdom (R, ILDG)

Monitoring Committee

CG33(2017)17prov

Recommendation

This report was prepared following the third monitoring visit to Italy since the country ratified the European Charter of Local Self-Government in 1999. The report notes with satisfaction that the principle of self-government is soundly anchored in the State organisation by the domestic constitution. It also approves the efforts undertaken by the country to foster decentralisation. Nevertheless, the rapporteurs express their concern with regard to the general lack of financial resources available to local authorities, notably provinces, and the absence of effective consultations on financial matters that concern them directly. The report highlights the fact that local authorities do not dispose in practice of enough qualified personnel. Furthermore, the representatives of the provinces and the metropolitan cities are not elected by direct and universal suffrage and do not receive appropriate financial compensation in order to perform their responsibilities. Lastly, there exists a discrepancy between financial resources of regions having a special status in comparison with those having an ordinary status.

The Congress urges the Italian authorities to reconsider, during consultations, the calculation of the budget cuts and to lift financial constraints imposed on local authorities to ensure sufficient financial resources are available to them. It recommends clarifying the competences of the provinces and metropolitan cities, by re-introducing direct elections of their governing bodies, providing for adequate financial remuneration of their representatives and revising the current limitations in relation to local human resources. Finally, the Congress recommends that the Italian authorities ensure a greater fiscal autonomy to the regions having an ordinary status.

Local democracy in the Republic of Moldova: clarification of the conditions surrounding the suspension of the Mayor of Chişinău

Rapporteur:

Gunn Marit HELGESEN, President of the Chamber of Regions

Congress Bureau

CG33(2017)23prov

Resolution

This document reports the conclusions of the rapporteur, Gunn Marit Helgesen, with regard to her visit to Chisinau at the request of the Bureau of the Congress. The rapporteur notes with concern that the conditions in which the mayor of the capital of the Republic of Moldova has been suspended are problematic in terms of Articles 3.2, 7.1 and 8.3 of the European Charter of Local Self-Government. She has proposed a preliminary draft resolution instructing the Congress to arrange a fact-finding mission, which will result in a recommendation to the Moldovan authorities, asking the Venice Commission to give its opinion on the constitutionality of the local recall referendum, which, in the rapporteur's opinion, entails a breach of Article 7.1 of the Charter, and requesting that the information in the present report be forwarded to the Monitoring Committee so that the latter may take it into account in the monitoring of local and regional democracy in the Republic of Moldova planned for 2018, particularly in the light of the complaint sent to the Congress in the meantime by the Congress of Local Authorities of Moldova (CALM), which reports pressure being brought to bear on local elected representatives through recurrent court proceedings against them.

Making public procurement transparent at local and regional levels

Rapporteur:
Amelie TARSchYS INGRE, Sweden (L, ILDG)

Governance Committee

CG33(2017)13prov
Resolution
Recommendation

As public procurement involves a large proportion of public expenditure and, to an increasing extent, the transfer of public resources to the private sector or to non-profit organisations, it is particularly vulnerable to various types of corruption. This report examines the systemic problems in local and regional government procurement which create corruption risks, such as weak contracting expertise, the “revolving door” phenomenon, or lack of transparency, and suggests practical steps that local and regional authorities can take to reduce their exposure to such corruption.

In its resolution, the Congress invites local and regional authorities to assess the different corruption risks involved in procurement and set up internal controls and evaluation mechanisms. It calls upon them to enhance transparency by publishing data and procurement details at all stages of the process, in order to encourage public scrutiny and involve civil society.

In its recommendation, it also asks the Committee of Ministers to encourage governments and parliaments of member States to establish national public procurement standards and to introduce e-procurement systems to minimise the amount of human discretion involved.

A better future for Europe’s rural areas

Rapporteur:
Philippe LEUBA, Switzerland (R, ILDG)

Governance Committee

CG33(2017)16prov
Resolution
Recommendation

Rural areas across Council of Europe member States are characterised by their social, economic, and environmental diversity. Some rural areas represent the most prosperous and well performing areas in their countries, while others are experiencing depopulation, demographic ageing, high levels of poverty and land abandonment. These disparities have become more marked since the 2008 financial crisis.

This report discusses the key opportunities and challenges facing Europe’s rural areas, such as territorial cohesion, social sustainability, employment opportunities, and infrastructure development.

In its resolution, the Congress invites local and regional authorities in rural areas to raise public and policy makers’ awareness on the diversity of rural areas, their potential and assets and their importance as part of Europe’s heritage. It calls upon them to devise local rural strategies in partnership with all development actors; to set minimum service standards in order to guarantee continuity in the provision of essential services; to improve education and training; and to support entrepreneurship and innovation in order to diversify the local economy. In its recommendation, it asks the Committee of Ministers to call upon governments to devise new rural development policies, which are both adapted to the specific features of rural areas and grounded in a territorial and multi-sectoral investment approach, and to promote greater equity and well-being in these areas.

10 years of the European Local Democracy Week

Congress Spokesperson on the European Local Democracy Week: Gaye DOGANOGLU, Turkey (L, EPP/CCE)

Bureau of the Congress

CG33(2017)12prov
Resolution

In the draft resolution, prepared on the occasion of the 10th anniversary of the European Local Democracy Week, the Congress renews its commitment to further develop this pan-European initiative for the benefit of local and regional authorities and the citizens across Europe.

The draft resolution also envisages the creation of a Reflection Group that will work on taking the Week forward to a new dimension.

Local and regional democracy in Switzerland

Co-rapporteurs:

Marc COOLS, Belgium (L, ILDG) and Dorin CHIRTOACA, Republic of Moldova (R, EPP/CCE)

Monitoring Committee

CG33(2017)14prov
Recommendation

This particularly positive report is based on the second monitoring visit to Switzerland since the country ratified the European Charter of Local Self-Government in 2005. It shows that municipal self-government is particularly deeply rooted in Switzerland. All municipalities possess a wide range of powers and responsibilities and substantial rights of self-government. The financial situation of Swiss municipalities appears generally healthy, with a relatively low debt ratio. Direct-democracy procedures are highly developed at all levels of governance. Furthermore, the rapporteurs very much welcome the Swiss parliament's decision to authorise the ratification of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

The report draws attention to the need for improved direct involvement of municipalities, especially the large cities, in decision-making procedures and with regard to the question of the sustainability of resources in connection with the needs of municipalities to enable them to discharge their growing responsibilities. Finally, it highlights the importance of determining, through legislation, a framework and arrangements regarding financing for the city of Bern, taking due account of its specific situation.

The Congress encourages the authorities to guarantee that the administrative bodies belonging to intermunicipal structures are made up of a minimum percentage of directly elected representatives so as to safeguard their democratic nature. The rapporteurs also recommend that the Swiss authorities, in consultation with the cantons, provide for the possibility of extending the scope of the Charter to the cantons. Finally, the Congress calls on the authorities to ratify Articles 4.4, 6.2, 8.2 and 9.5 of the Charter, which are complied with de facto in Switzerland.

II. REPORTS SUBMITTED TO THE CHAMBER OF LOCAL AUTHORITIES**Observation of local elections in Finland (9 April 2017)**

Rapporteur:

Lelia HUNZIKER, Switzerland (L, SOC)

Monitoring Committee

CPL33(2017)05prov

Recommendation

Upon official invitation from the Ministries of Justice and Employment and Local Government and Public Reforms of Finland, dated 8 August 2016, the Congress of Local and Regional Authorities deployed a 23-member delegation to observe the local elections held in the country on 9 April 2017.

Against the backdrop of a comprehensive administrative reform, the observation of the local vote allowed the Congress delegation to gain insight into important changes underway at the territorial level. Technically speaking, with the exception of some minor issues, the 2017 local elections were organised in a very professional manner and characterised by a high level of public trust in the electoral processes and the administration. Transparency, a well-established voters' registration system and the possibility of advance voting are positive features of local elections in Finland. Issues to be considered to achieve further democratic progress include the modalities of nomination for independent candidates, the introduction of mandatory training for members of the election administration, the promotion of participation of non-Finns as voters and candidates at local level as well as the question of elected Mayors instead of the existing open application system, in order to strengthen the political role of Mayors, notably in larger urban zones.

In the context of the mentioned regional administrative reform, the Congress invites the Finnish authorities to implement genuine decentralisation at regional level, in particular with regard to financial autonomy and competences conferred to the future elected Regional Councils. Moreover, the Congress encourages the authorities to schedule the first regional elections to be held in 2018 on a different day than the Presidential elections, in order that regional voting will not be overshadowed by general political topics.

The functioning of the organs of local democracy in a context of linguistic diversity in the communes "with facilities" around Brussels in the Flemish region

Co-rapporteurs:

Henrik HAMMAR, Sweden (L, EPP/CCE), and David ERAY, Switzerland (R, ILDG)

Monitoring Committee

CPL33(2017)02prov

Recommendation

The report was prepared following a fact-finding visit that took place on 2 and 3 February 2017 to Brussels (Belgium) with a view to clarifying the functioning of local democracy structures in a context of linguistic diversity in the communes "with facilities" around Brussels in the Flemish region.

The report highlights the non-implementation of previous Congress Recommendations 131(2003), 258(2008) and 366(2014) as regards the issue of the appointment system for mayors. It stresses that the election of the burgomaster, directly elected by the citizens, continues to have to be endorsed by the Flemish Minister of the Interior. As a result, the fact-finding visit of 2017 shows that since the latest examination of the situation in 2008, it has not improved.

The report points out that an undue limitation of the capacity of French speaking local councillors in the communes “with facilities” around Brussels in the Flemish region to use French in carrying out local councillors’ activities is an infringement on their exercise of local democracy.

Consequently, the Congress recommends that the Belgian authorities revoke the system of appointment of mayors by the Flemish Minister of the Interior. It also calls on the national authorities to review the way in which the language laws are applied in municipalities with so-called special language arrangements, in order to allow the use of both French and Dutch by local elected representatives when fulfilling their local mandates.

Information report on the elections to the Council of Elders of the City of Yerevan, Armenia (14 May 2017)

Rapporteur:

Liisa ANSALA, Finland (L, ILDG)

Monitoring Committee

CPL33(2017)04

Information document

Further to an invitation by the Prime Minister of the Republic of Armenia, the Congress deployed an Electoral Assessment Mission to monitor the elections to the Council of Elders of the City of Yerevan held on 14 May 2017. The elections in Yerevan were the first local elections to be organised under the 2016 Electoral Code.

Apart from some individual irregularities, the Congress delegation assessed the elections as technically well prepared, overall in line with international standards, and carried out in a calm and orderly manner. However, there are recurring issues of concern to Congress observers, in particular the quality of voters’ lists and the fact that these lists include a large number of voters who are residing de facto abroad. In order to strengthen citizens’ trust in the electoral process which is surrounded by a general atmosphere of scepticism and electoral fatigue, the authorities should pay more attention to allegations of vote buying and misuse of administrative resources. Moreover, the accessibility of polling stations for persons with disabilities and elderly people needs to be addressed.

In addition, the organisation of local elections only a month after the 2 April 2017 Parliamentary elections didn’t ensure transparency and public interest in grassroots’ elections. The Congress would thus welcome measures towards establishing one unified Election Day for the local level, which should also be organised within a reasonable timeframe from the Parliamentary elections.

III. REPORTS SUBMITTED TO THE CHAMBER OF REGIONS**Regional and minority languages in Europe today**

Co-rapporteurs

Lelia HUNZIKER, Switzerland (L, SOC), and Anna MAGYAR, Hungary (R, EPP/CCE)

Current Affairs Committee

CPR33(2017)02prov

Resolution

Recommendation

The report takes stock of the situation as regards the implementation of the European Charter for Regional or Minority Languages on the occasion of the 25th anniversary since its opening to signature and in light of new developments in our societies, including digitalisation. It underlines that local and regional authorities should be guided by the principle that diversity is an enriching element of society and that the protection of historical regional or minority languages constitutes the firmest protection of said diversity, with a positive outcome from both an economic and cultural perspective. It invites them to take measures, where and when possible, to consolidate and develop regional or minority language teaching and education in these languages in their regions.

The report also draws the attention of member States to the fact that in many countries austerity measures have resulted in cutbacks in education and in services provided to minority language speakers. It calls on member States to refrain from bringing the weight of austerity measures to bear on language policies. Noting that, regrettably, only 25 States have ratified the Charter and 8 have signed it, without ratification, it invites the remaining 14 member States to sign and ratify the Charter.