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# European Charter of Local Self-Government

Strasbourg, 15 October 1985

[The United Kingdom Instrument of Ratification was deposited on 24 April 1998 and the Charter entered into force for the United Kingdom on 1 August 1998]

*Presented to Parliament  
by the Secretary of State for Foreign and Commonwealth Affairs  
by Command of Her Majesty  
September 2000*

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# EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

## Preamble

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage;

Considering that one of the methods by which this aim is to be achieved is through agreements in the administrative field;

Considering that the local authorities are one of the main foundations of any democratic regime;

Considering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe;

Considering that it is at local level that this right can be most directly exercised;

Convinced that the existence of local authorities with real responsibilities can provide an administration which is both effective and close to the citizen;

Aware that the safeguarding and reinforcement of local self-government in the different European countries is an important contribution to the construction of a Europe based on the principles of democracy and the decentralisation of power;

Asserting that this entails the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfilment,

Have agreed as follows:

## ARTICLE 1

The Parties undertake to consider themselves bound by the following articles in the manner and to the extent prescribed in Article 12 of this Charter.

## PART I

### ARTICLE 2

#### **Constitutional and legal foundation for local self-government**

The principle of local self-government shall be recognised in domestic legislation, and where practicable in the constitution.

### ARTICLE 3

#### **Concept of local self-government**

1. Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

2. This right shall be exercised by councils or assemblies composed of members freely elected by secret ballot on the basis of direct, equal, universal suffrage, and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute.

#### ARTICLE 4

##### **Scope of local self-government**

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
3. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

#### ARTICLE 5

##### **Protection of local authority boundaries**

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

#### ARTICLE 6

##### **Appropriate administrative structures and resources for the tasks of local authorities**

1. Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.
2. The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided.

## ARTICLE 7

### **Conditions under which responsibilities at local level are exercised**

1. The conditions of office of local elected representatives shall provide for free exercise of their functions.
2. They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.
3. Any functions and activities which are deemed incompatible with the holding of local elective office shall be determined by statute or fundamental legal principles.

## ARTICLE 8

### **Administrative supervision of local authorities' activities**

1. Any administrative supervision of local authorities may only be exercised according to such procedures and in such cases as are provided for by the constitution or by statute.
2. Any administrative supervision of the activities of the local authorities shall normally aim only at ensuring compliance with the law and with constitutional principles. Administrative supervision may however be exercised with regard to expediency by higher-level authorities in respect of tasks the execution of which is delegated to local authorities.
3. Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

## ARTICLE 9

### **Financial resources of local authorities**

1. Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
2. Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
3. Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
4. The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
5. The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
7. As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.
8. For the purpose of borrowing for capital investment, local authorities shall have access to the national capital market within the limits of the law.

## ARTICLE 10

### **Local authorities' right to associate**

1. Local authorities shall be entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest.
2. The entitlement of local authorities to belong to an association for the protection and promotion of their common interests and to belong to an international association of local authorities shall be recognised in each State.
3. Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other States.

## ARTICLE 11

### **Legal protection of local self-government**

Local authorities shall have the right of recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

## PART II

### **Miscellaneous provisions**

## ARTICLE 12

### **Undertakings**

1. Each Party undertakes to consider itself bound by at least twenty paragraphs of Part I of the Charter, at least ten of which shall be selected from among the following paragraphs:
  - Article 2,
  - Article 3, paragraphs 1 and 2,
  - Article 4, paragraphs 1, 2 and 4,
  - Article 5,
  - Article 7, paragraph 1,
  - Article 8, paragraph 2,
  - Article 9, paragraphs 1, 2 and 3,
  - Article 10, paragraph 1,
  - Article 11.
2. Each Contracting State, when depositing its instrument of ratification, acceptance or approval, shall notify to the Secretary General of the Council of Europe of the paragraphs selected in accordance with the provisions of paragraph 1 of this article.
3. Any Party may, at any later time, notify the Secretary General that it considers itself bound by any paragraphs of this Charter which it has not already accepted under the terms of paragraph 1 of this article. Such undertakings subsequently given shall be deemed to be an integral part of the ratification, acceptance or approval of the Party so notifying, and shall have the same effect as from the first day of the month following the expiration of a period of three months after the date of the receipt of the notification by the Secretary General.

## ARTICLE 13

### **Authorities to which the Charter applies**

The principles of local self-government contained in the present Charter apply to all the categories of local authorities existing within the territory of the Party. However, each Party may, when depositing its instrument of ratification, acceptance or approval, specify the categories of local or regional authorities to which it intends to confine the scope of the Charter or which it intends to exclude from its scope. It may also include further categories of local or regional authorities within the scope of the Charter by subsequent notification to the Secretary General of the Council of Europe.

## ARTICLE 14

### **Provision of information**

Each Party shall forward to the Secretary General of the Council of Europe all relevant information concerning legislative provisions and other measures taken by it for the purposes of complying with the terms of this Charter.

## PART III

## ARTICLE 15

### **Signature, ratification and entry into force**

1. This Charter shall be open for signature by the member States of the Council of Europe. It is subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.
2. This Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by the Charter in accordance with the provisions of the preceding paragraph.
3. In respect of any member State which subsequently expresses its consent to be bound by it, the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of the deposit of the instrument of ratification, acceptance or approval.

## ARTICLE 16

### **Territorial clause**

1. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Charter shall apply.
2. Any State may at any later date, by a declaration addressed to the Secretary General of the Council of Europe, extend the application of this Charter to any other territory specified in the declaration. In respect of such territory the Charter shall enter into force on the first day of the month following the expiration of a period of three months after the date of receipt of such declaration by the Secretary General.
3. Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to the Secretary General. The withdrawal shall become effective on the first day of the month following the expiration of a period of six months after the date of receipt of such notification by the Secretary General.

## ARTICLE 17

### Denunciation

1. Any Party may denounce this Charter at any time after the expiration of a period of five years from the date on which the Charter entered into force for it. Six months' notice shall be given to the Secretary General of the Council of Europe. Such denunciation shall not affect the validity of the Charter in respect of the other Parties provided that at all times there are not less than four such Parties.

2. Any Party may, in accordance with the provisions set out in the preceding paragraph, denounce any paragraph of Part I of the Charter accepted by it provided that the Party remains bound by the number and type of paragraphs stipulated in Article 12, paragraph 1. Any Party which, upon denouncing a paragraph, no longer meets the requirements of Article 12, paragraph 1, shall be considered as also having denounced the Charter itself.

## ARTICLE 18

### Notifications

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe of:

- a* any signature;
- b* the deposit of any instrument of ratification, acceptance or approval;
- c* any date of entry into force of this Charter in accordance with Article 15;
- d* any notification received in application of the provisions of Article 12, paragraphs 2 and 3;
- e* any notification received in application of the provisions of Article 13;
- f* any other act, notification or communication relating to this Charter.

In witness whereof the undersigned, being duly authorised thereto, have signed this Charter.

Done at Strasbourg, this 15th day of October 1985, in English and French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe.



**RATIFICATIONS, ACCESSIONS, EFFECTIVE DATES AND DECLARATIONS**

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Albania	Signature	27 May 1988	::
	Ratification	04 Apr 2000	01 Aug 2000
Austria*	Signature	15 Oct 1985	::
	Ratification	23 Sep 1987	::
	Declaration	23 Sep 1987	::
Belgium	Signature	12 Oct 1985	::
Bulgaria**	Signature	03 Oct 1994	::
	Declaration	03 Oct 1993	::
	Ratification	10 May 1995	10 Sep 1995
Croatia***	Signature	11 Oct 1997	::
	Ratification	11 Oct 1997	::
	Declaration	11 Oct 1997	::
Cyprus****	Signature	08 Oct 1986	::
	Ratification	16 May 1988	01 Sep 1988
	Declaration	16 May 1988	::
Czech Republic*****	Signature	28 May 1998	::
	Ratification	07 May 1999	01 Sep 1999
	Declaration	07 May 1999	::
Denmark*****	Signature	15 Oct 1985	::
	Acceptance	03 Feb 1988	01 Sep 1988
	Declaration	03 Feb 1988	::
Estonia*****	Signature	04 Nov 1993	::
	Ratification	16 Dec 1994	01 Apr 1995
	Declaration	16 Dec 1994	::

\* Declaration on Ratification: "In accordance with Article 12, para 2 of the Charter, the Republic of Austria declares to consider herself bound by the following Articles and paragraphs: Articles 2 and 3 paragraphs 1 and 2, Article 4 paragraphs 1 and 4, Article 5, Article 7 paragraph 1, Article 9 paragraphs 1 to 3, Article 10 paragraph 1 and Article 4 paragraph 6, Article 6 paragraphs 1 and 2, Article 7 paragraph 3, Article 8 paragraphs 1 and 3, Article 9 paragraphs 4 and 8 and Article 10 paragraphs 2 and 3.

\*\* Shall be considered bound by all the provisions of part 1 of the European Charter with the exception of Article 7, paragraph 2.

\*\*\* Declaration on Ratification: Considers itself bound by the following Articles 2, 3(1 and 2), 4(1, 2 and 4), 5, 6(1 and 2), 7(1 to 3), 8(1 and 2), 9(1 to 3), 10(1 to 3), and 11.

\*\*\*\* Declaration on Ratification: Not bound by Article 5 and Article 7(2).

\*\*\*\*\* Czech Republic, in the meaning of para 1 of Article 12, considers itself bound by 24 paragraphs of part 1 of the Charter. The Czech Republic does not consider itself bound by Article 4, para 5; Article 6 para 2; Article 7, para 2 and Article 9, paras 3, 5 and 6.

\*\*\*\*\* Declaration on acceptance regarding Article 12(2) 1 and Article 13 and 16 shall not apply to the Faroe Islands and Greenland.

\*\*\*\*\* The Republic of Estonia shall comply with all the Articles of the Charter in the Territory under its jurisdiction.

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Finland	Signature	14 June 1990	: :
	Acceptance	03 June 1991	01 Oct 1991
France	Signature	15 Oct 1985	: :
Germany F R*	Signature	15 Oct 1985	: :
	Ratification	17 May 1988	01 Sep 1988
	Declaration	17 May 1988	
Greece**	Signature	15 Oct 1985	: :
	Ratification	06 Sep 1989	01 Jan 1990
	Declaration	06 Sep 1989	: :
Hungary	Signature	06 Apr 1992	: :
	Ratification	21 Mar 1994	01 Oct 1994
Iceland	Signature	20 Nov 1985	: :
	Ratification	25 Mar 1991	01 Jul 1991
Ireland Rep of	Signature	07 Oct 1997	: :
Italy	Signature	15 Oct 1985	: :
	Ratification	11 May 1990	01 Sep 1990
Latvia***	Signature	05 Dec 1996	: :
	Ratification	05 Dec 1996	: :
	Declaration	05 Dec 1996	: :
	Declaration	17 May 1999	: :
Liechtenstein****	Signature	15 Oct 1985	: :
	Ratification	11 May 1988	: :
	Declaration	11 May 1988	: :
Lithuania	Signature	27 Nov 1996	: :
	Ratification	22 Jun 1999	: :
Luxembourg	Signature	15 Oct 1985	: :
	Ratification	15 May 1987	: :
Macedonia the FYR of	Signature	14 Jun 1996	: :
	Ratification	06 Jun 1997	01 Oct 1997

\* Applies to Land Berlin, see separate country record. Also declarations regarding Article 12(2) and Article 13.

\*\* Declarations of ratification: Greece will not be bound by the provisions of Articles 5, 7 paragraphs 2 and 8, paragraphs 2 and 10 and paragraph 2 of the Charter.

\*\*\* Declaration on Ratification: declares itself bound by the following Articles 2, 3 (1 and 2), 4, 5, 6 (1 and 2), 7 (1 and 3), 9 (1-3 5-7) 10 and 11. Latvia declares itself bound by the following (additional) articles: Article 6, para 2; Article 7, para 2; Article 9, para 4.

\*\*\*\* In accordance with Article 12, paragraph 2 of the Charter, the Principality of Liechtenstein considers itself bound by the following Articles and paragraphs Article 2, Article 3 (1), Article 4 (1,2,3,4,5,6), Article 5, Article 6 (1), Article 7 ((1 and 3), Article 8 (1, 2 and 3), Article 9 (1,2,5, 6 and 7), Article 10 and Article 11.

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Malta*	Signature	13 Jul 1993	: :
	Ratification	06 Sep 1993	01 Jan 1994
	Declaration	16 Sep 1993	: :
Moldova Rep of	Signature	02 May 1996	: :
	Ratification	02 Oct 1997	: :
Netherlands**	Signature	07 Jan 1988	: :
	Ratification	20 Mar 1991	: :
	Declaration	20 Mar 1991	: :
Norway	Signature	26 May 1989	: :
	Acceptance	26 May 1989	01 Sep 1989
Poland	Signature	19 Feb 1993	: :
	Ratification	22 Nov 1993	01 Mar 1994
Portugal	Signature	15 Oct 1985	: :
	Ratification	18 Dec 1990	: :
Romania	Signature	04 Oct 1994	: :
	Ratification	28 Jan 1998	01 May 1998
Russian Federation	Signature	28 Feb 1996	: :
	Ratification	05 May 1998	01 Sep 1998
Slovak Republic***	Signature	23 Feb 1999	: :
	Ratification	01 Feb 2000	01 Jun 2000
	Declaration	01 Feb 2000	: :
Slovenia****	Signature	11 Oct 1994	: :
	Ratification	15 Nov 1996	01 Mar 1997
	Declaration	15 Nov 1996	: :
Spain****	Signature	15 Oct 1985	: :
	Ratification	08 Nov 1988	: :
	Declaration	08 Nov 1988	: :
Sweden*****	Signature	04 Oct 1986	: :
	Ratification	29 Aug 1989	01 Dec 1989
	Declaration	29 Aug 1989	: :
Turkey	Signature	21 Nov 1988	: :
	Ratification	09 Dec 1992	: :

\* Malta considers itself bound by Article 2, Article 3(1 + 2), Article 4(1 + 2 + 4), Article 5, Article 7(1), Article 8(2), Article 9(7 + 8), Article 10 (2 + 3).

\*\* A) The Kingdom of the Netherlands accepts the said Charter for the Kingdom in Europe. B) Declarations concerning Articles 12(2), 7(2), 8(2), 9(5), 11, 13 and 6(2).

\*\*\* Declares to be bound by the following provisions: Articles 2, 3(2), 4(1,2,4 + 6), 5, 6(1), 7(1, 2 + 3), 8(1, 2 + 3), 9(2, 3, 4 + 8), 10(1) and 11.

\*\*\*\* The Republic of Slovenia declares its willingness to fulfil the provisions of the Charter.

\*\*\*\*\* Declaration concerning the application of the Charter and extent to which it is bound by Article 3(2).

\*\*\*\*\* Article 13, intends to confine scope of the Charter to the following local and regional authorities municipalities (Kommuner) and county councils (landstingskommuner).

<i>State</i>	<i>Action</i>	<i>Date</i>	<i>Effective Date</i>
Ukraine	Signature	06 Nov 1996	: :
	Ratification	11 Sep 1997	01 Jan 1998
United Kingdom*	Signature	02 Jun 1997	: :
	Ratification	24 Apr 1998	01 Aug 1998
	Declaration	24 Apr 1998	: :

\* In accordance with Article 12 of the Charter, the United Kingdom considers itself bound by all the paragraphs of part 1 of the Charter. In accordance with Article 13 the United Kingdom intends to confine the scope of the Charter to various categories.

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