



**Policy advice report on the governing system, restrictions on multiple positions of trust and diverse roles of mayors in selected Council of Europe member states**

- Austria, Czech Republic, Finland, Germany, Ireland, Northern Ireland and Slovakia -

**Council of Europe  
Centre of Expertise for Multilevel Governance**

**PAD Reference CEMGPAD(2024)5**

**September 2024**

---

Co-funded  
by the European Union



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

---

Co-funded and implemented  
by the Council of Europe

This document was prepared by the Centre of Expertise for Multilevel Governance at the Congress of Local and Regional Authorities of the Council of Europe, in cooperation with Jochen Franzke, Daniel Klimovský, Caitriona Mullan, Dalilah Pichler, Thomas Prorok and Saanareetta Virikko, Council of Europe consultants.

This document was produced with the financial support of the European Union and the Council of Europe. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

© CoE - Centre of Expertise for Multilevel Governance, September 2024

# TABLE OF CONTENT

<b>ABBREVIATIONS .....</b>	<b>4</b>
<b>EXECUTIVE SUMMARY.....</b>	<b>5</b>
<b>1 INTRODUCTION .....</b>	<b>7</b>
1.1 Purpose .....	7
1.2 Method and structure .....	7
1.3 The governing system of Finland.....	8
1.4 Multiple positions of trust .....	9
1.5 The manager of the municipality.....	10
<b>2 AUSTRIA .....</b>	<b>11</b>
2.1 The governing system of Austria .....	11
2.2 Restrictions for having multiple positions of trust .....	12
2.3 Role of the mayor .....	14
<b>3 THE CZECH REPUBLIC.....</b>	<b>17</b>
3.1 The governing system of The Czech Republic .....	17
3.2 Restrictions for having multiple positions of trust .....	19
3.3 Role of the mayor .....	20
<b>4 GERMANY.....</b>	<b>22</b>
4.1 The governing system of Germany.....	22
4.2 Restrictions for having multiple positions of trust .....	24
4.3 Diverse roles of the mayors.....	24
<b>5 IRELAND .....</b>	<b>29</b>
5.1 The governing system of Ireland .....	29
5.2 Prohibiting the multiple positions of trust .....	30
5.3 Diverse roles of the mayors.....	30
5.3.1 Decision-making-bodies .....	30
5.3.2 The diverse roles of the mayors .....	31
<b>6 NORTHERN IRELAND.....</b>	<b>34</b>
6.1 The governing system of Northern Ireland .....	34
6.2 Preventing multiple positions of trust.....	36
6.3 Role of the mayors .....	37
<b>7 SLOVAKIA .....</b>	<b>39</b>
7.1 The governing system of Slovakia .....	39
7.2 Restrictions for having multiple positions of trust .....	41
7.3 Role of the mayor .....	42
<b>8 CONCLUSIONS .....</b>	<b>45</b>
<b>9 REFERENCES.....</b>	<b>48</b>
<b>10 AUTHORS.....</b>	<b>51</b>

## Abbreviations

AACT	The Austrian Association of Cities and Towns ( <i>Österreichischer Städtebund</i> )
AAM	The Austrian Association of Municipalities ( <i>Österreichischer Gemeindebund</i> )
AEBR	Association of European Border Regions
Art.	Article
BbgKVerf	Kommunalverfassung des Landes Brandenburg, Version 5.3.2024
BbgKWahlG	Gesetz über die Kommunalwahlen im Land Brandenburg, Version 4.7.2023
B-VG	Bundes-Verfassungsgesetz 1/1930, idF 68/2024
Bgld. GemO	Burgenländischen Gemeindeordnung 55/2003, idF 18/2022
Bgld. L-VG	Landes-Verfassungsgesetz über die Verfassung des Burgenlandes 42/1981, idF 43/2020
BKGBbg	Gesetz über kommunale Gemeinschaftsarbeit im Land Brandenburg, Version 5.3.2024
CEMG	Centre of Expertise for Multilevel Governance of the Council of Europe
CoE	Council of Europe
DG REGIO	European Commission Directorate-General for Regional and Urban Policy
EU	European Union
K-AGO	Kärntner Allgemeine Gemeindeordnung 66/1998, idF 43/2024
K-BG	Kärntner Bezügegesetz 99/1992, idF 13/2021
K-LVG	Kärntner Landesverfassung 85/1996, idF 18/2024
LAI	Local Autonomy Index
MoF	Finnish Ministry of Finance
NI	Northern Ireland
NKomVG	Niedersächsisches Kommunalverfassungsgesetz, Version vom 10.2.2024
NUTS	Nomenclature of Territorial Units for Statistics
NÖ LV	NÖ Landesverfassung 1979 LGBl. 0001–0, idF 23/2022
Oö. GemO	Oö. Gemeindeordnung 91/1990, idF 90/2021
Sbg GdO	Salzburger Gemeindeordnung LGBl Nr 9/2020 idF LGBl Nr 19/2024
SLM ČR	Sdružení lázeňských míst ČR
SMO ČR	Svaz měst a obcí České republiky
SMS ČR	Sdružení místních samospráv ČR
SOTE reform	Finnish Health and Social services reform
SPÖ	The Social Democratic Party of Austria
Stmk. GemO	Steiermärkische Gemeindeordnung LGBl. Nr. 115/1967 idF LGBl. Nr. 43/2024
Stmk. GBezG	Steiermärkisches Gemeinde-Bezügegesetz 72/1997, idF 114/2020
TGO	Tiroler Gemeindeordnung 36/2001, idF 104/2023
UK	United Kingdom
Unv-Transparenz-G	Unvereinbarkeits- und Transparenz-Gesetz 330/1983. idF 70/2021
ÚMS	Únia miest Slovenska
WSC	Wellbeing Services Counties
ÖVP	The Austrian People's Party
ZMOS	Združenie miest a obcí Slovenska

---

## EXECUTIVE SUMMARY

---

This report has been requested by the Finnish Ministry of Finance under the project “Delivering Good Governance and Balanced Local Economy in Finland”, co-funded by the European Union *via* the Technical Support Instrument, and implemented by the Council of Europe, in cooperation with the European Commission, which aims to contribute to an improved legislative framework and enhanced performance of public authorities to provide good public services at local and regional level, in accordance with European standards. The main objective of the report is to provide detailed information and good practices from the governing systems in Austria, the Czech Republic, Germany, Ireland, Northern Ireland and Slovakia. In particular, the report focuses on the power-relations, responsibilities and tasks between the different levels of government. In addition, there is a focus on comparative policy solutions related to potential conflict-of-interest in administration, and on the role of a municipal manager (i.e. mayor).

The report provides detailed information and comparative practices to support Finland in policy making when addressing current challenges in local government. Based on the report, as in Finland, municipalities in other Council of Europe (CoE) member states are also struggling to fulfill their statutory tasks (especially small municipalities in rural areas), although in Germany for example, rural areas aren't generally seen as the problem areas. The reasons behind this struggle are common and widely recognised (e.g. depopulation, predominantly elderly population, lack of employees), and the methods for tackling those challenges are similar (i.e. cooperation and the associations of municipalities). The report also emphasises CoE standards to the member states for ensuring that the local governments have the capacity to deliver high quality local public services.<sup>1</sup> Therefore, it would be beneficial for Finland to assess the balance between the statutory tasks and the financial support in order to ensure high quality local public services in the future. The Czech Republic's and Germany's cases (municipalities have different (i.e. specific or extended) responsibilities according to the type of the municipality defined by law), could present interesting possibilities for Finland to consider in its future policy solutions related to municipal tasks.

Additionally, the report provides points of reference related to restrictions in allowing persons to simultaneously maintain more than one mandate in the effective decision-making process at the local and regional level, as well as being a member of the national Parliament (from here onwards referred to as having multiple positions of trust). Based on future Finnish political decisions, useful information can be considered from the three models presented: a) prohibiting the multiple mandates as a whole (Ireland); b) preventing multiple mandates for councilors (Northern Ireland) or c) restricting multiple mandates with specific provisions (Austria, Czech Republic, Germany). In this context, CoE has recommended its member states to ensure that the local and regional authorities have clear procedures for identifying, managing, and solving situations related to potential conflicts of interest.<sup>2</sup> The recommendation should also be taken into account in Finland.

Finally, the report offers good practices for different mayoral models, according to which, the role of the mayor may vary, but the legal conditions need to be explicit in order for the model to function properly. In Austria, Ireland and Northern Ireland, the mayor has mainly a ceremonial role as a manager. Mayors in Czech Republic derive their political strength from the support of political parties in their municipal councils and Slovak mayors refer to the legitimacy embedded in their direct election, when justifying their powerful position. In Germany, the mayor can be recognised

---

<sup>1</sup> [Standards on democratic governance](#).

<sup>2</sup> [Recommendation 423 \(2018\)1](#) of the Congress of Local and Regional Authorities on Conflicts of interest at local and regional level.

as a central actor in local politics. However, the role of the mayor in Germany differs significantly in terms of the type of municipalities. The full-time mayor and the Lord Mayor in Brandenburg (Germany) seem to present similarities with the chief executive in Finland, since the former are full-time temporary civil servants. Yet, it should be noted that the full-time mayor gets elected for eight years at a time, which increases a full-time mayors' legal status comparing with the chief executive in Finland. Irelands trial-run for directly elected mayor (i.e. DEM in Limerick) may be a rather interesting possibility for Finland to consider. It would be advisable for Finland to research further why the municipalities are reluctant to choose a mayor for the role of municipal manager. Thus, it would be valuable to have discussions about the roles of other central actors in the chief executive model where the mayor is absent. Cooperation with the CoE's Centre of Expertise for Multilevel Governance in this context would be beneficial to Finland.

# 1 Introduction

## 1.1 Purpose

The main objective of the report is to provide information and good practices from the governing systems of selected Council of Europe member states, i.e. Austria, the Czech Republic, Germany, Ireland, Northern Ireland and Slovakia. The report has been requested by the Finnish Ministry of Finance (MoF) in the framework of the Joint Project of the Council of Europe and the EU “Delivering Good Governance and Balanced Local Economy in Finland”, which aims to contribute to an improved legislative framework and enhanced performance of public authorities to provide good public services at local and regional level, in accordance with European standards.

The aim of the report is to support Finnish decision-makers and authorities to improve the national legislative framework for enhancing the performance of municipalities, elected officials and municipal managers in the delivery of public services, in line with the principles of democratic governance of the Council of Europe.<sup>3</sup> The need for the report is based on the following observations:

1. In recent years, municipalities (especially small ones in rural areas of Finland) with a largely unemployed and/or elderly population, have been struggling to fulfill their statutory tasks (i.e. ensure the provision of local public services) as a result of the decreased revenue base.
2. After the Finnish Health and Social services reform (SOTE reform), an elected official is able to hold multiple positions of trust in different levels of government (such as being a member of the national Parliament, councillor in regional and local councils, simultaneously), since there are no clear restrictions preventing them from doing so.
3. Finnish local councils have been reluctant to choose a mayor as the manager of the municipality and yet, the turnover of the chief executives (i.e. Finnish municipal managers) has risen considerably during the recent years.

In response to questions stemming from the observations, the Centre of Expertise for Multilevel Governance at the Congress of Local and Regional Authorities of the Council of Europe assembled a team of experts to prepare the report containing comparative practices relevant for Finland (for more information about the authors see part 10).

## 1.2 Method and structure

The international expert team was tasked to prepare contributions to this report, as per previously defined set of questions, to elaborate on the policy arrangements and practices in the respective peer countries. In the course of preparation of the report, pertinent European standards relevant for the local democracy were considered, in particular:

- The European Charter of Local Self-Government (ECTS 122), in particular Articles 6, 7, 8 and 9.
- The European Code of Conduct for all Persons Involved in Local and Regional Governance and its Explanatory memorandum CG35(2018)12, Congress of Local and Regional Authorities of the Council of Europe.

---

<sup>3</sup> Recommendation [CM/Rec\(2023\)5](#) of the Committee of Ministers to member States on the principles of good democratic governance

- CM/Rec(2018)423 on the Committee of Ministers to member States on conflict of interest at local and regional level.
- CM/Rec(2023)5 of the Committee of Ministers to member States on the principles of good democratic governance.
- CM/Rec(2022)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level.
- CM/Rec(2007)4 of the Committee of Ministers to member states on local and regional public services.
- CM/Rec(2011)11 of the Committee of Ministers to member states on the funding by higher-level authorities of new competences for local authorities.
- CM(2017)83 Guidelines by the Committee of Ministers to member states for civil participation in political decision making.
- CM/Rec(2005)1 of the Committee of Ministers to member states on the financial resources of local and regional authorities.
- CM/Rec(2007)12 of the Committee of Ministers to member States on capacity building at local and regional level.

The first part of the report provides an overview of the legislative framework of the governing systems in the selected CoE member states (Austria, the Czech Republic, Germany, Ireland, Northern Ireland and Slovakia), in order to inform Finnish decision-makers when considering utilising good practices. In addition, the report aims to find comparative examples for a two-tier municipality system, that allows different statutory tasks for municipalities (i.e. differentiated municipalities).<sup>4</sup>

The second part of the report provides an outline of the legal framework and good practices for restricting, preventing or prohibiting the multiple positions of trust in the administration in Finland. It is worth recalling that according to the European Code of Conduct for all Persons Involved in Local and Regional Governance and its Explanatory memorandum, “60. A conflict of interest arises in situations where a person has multiple roles. Wearing “two hats” (in the sense of having conflicting interests) can be the case if a holder of public office or any person involved in regional and local governance, i.e. judge, public manager, administrator, clerk or teacher is also a (honorary) member of the board of an agency, NGO or company. Generally speaking, where individuals have more than one official role, it may be difficult to keep the roles separate.”<sup>5</sup>

The third part includes the legal conditions of local management systems, particularly the power relations between the central actors (i.e. the local council, executive board, the chairpersons of these bodies and the mayor) in the system.

### 1.3 The governing system of Finland

The governing system in Finland is based on three levels: the local, regional, and state level.<sup>6</sup> All levels are tightly connected to each other. The Local Government is formed of 309 self-governing municipalities (section 121, the Constitution of Finland 731/1999), which are led by local councils

---

<sup>4</sup> This issue has been studied in Finland by Lavapuro, Mutanen, Salminen and Turpeinen 2019. According to the study, the Constitution of Finland doesn’t prevent on regulating different tasks for municipalities.

<sup>5</sup> European Code of Conduct for all Persons Involved in Local and Regional Governance and its Explanatory memorandum [CG35\(2018\)12](#), Congress of Local and Regional Authorities of the Council of Europe.

<sup>6</sup> In 2024, the population of Finland is approximately 5,6 million.



(section 14, Local Government Act of Finland 410/2015)<sup>7</sup>. Local councils are composed of directly elected members (i.e. councillors).<sup>8</sup> Finland consists of big cities such as Helsinki, Espoo, Tampere and Vantaa, the smallest of which has a population of more than 200 000 residents. At the same time, Finland consists of multiple small municipalities such as Luhanka, Lestijärvi, Pelkosenniemi, which have population of less than 1000 residents.<sup>9</sup>

Finnish municipalities are mainly responsible for providing the local public services excluding the health, social and rescue services, which belong to the Wellbeing Services Counties (WSC) and the City of Helsinki<sup>10</sup>. In 2024, 409 statutory tasks are assigned to municipalities,<sup>11</sup> including services such as education,<sup>12</sup> culture, youth, librarianship and sport,<sup>13</sup> urban planning and land use,<sup>14</sup> water and waste management<sup>15</sup> and environment<sup>16</sup>. In addition, employment services will be transferred to the municipalities in 2025, which will increase the scale of their responsibilities. Municipalities can also provide some other services to their residents due to their self-governing status.<sup>17</sup> Despite the differences between municipalities' geographical size and location, economic situation etc., the responsibility for providing local public services is equal for all municipalities.<sup>18</sup>

#### 1.4 Multiple positions of trust

Due to the vaguely interpreted regulation in Finland, an elected official can hold multiple positions of trust in the administration. In practice, one person can act as a councillor at the local level (section 72, Local Government Act), councillor at the regional level (section 76, Act on Wellbeing Service County 611/2021) and as a representative in the Parliament (section 27, Constitution). In 2022, in

---

<sup>7</sup> It should be noted, that in the beginning of 2025, Pertunmaa and Mäntyharju will be united, so the number of municipalities will be reduced next year.

<sup>8</sup> Aligned with Art. 3.2 European Charter of Local Self-Government (ECLSG).

<sup>9</sup> Association of Finnish Municipalities 2024. <https://www.kuntaliitto.fi/kuntaliitto/tietotuotteet-ja-palvelut/kaupunkien-ja-kuntien-lukumaarat-ja-vaestotiedot>.

<sup>10</sup> Wellbeing Services Counties (21) and the City of Helsinki are responsible for providing health, social and rescue services in their area. The territory of WSCs mostly coincides with the administrative boundaries of the regions in Finland with a few exceptions. The Region of Uusimaa is divided into four Wellbeing Services Counties and the City of Helsinki has specific regulation for organising healthcare and social welfare services to its residents. See: Act on Organizing Healthcare and Social Welfare Services and Rescue Services in Uusimaa 615/2021; Act on Organizing Healthcare and Social Welfare Services 612/2021; Act on Wellbeing Services Counties 611/2021. See: Ministry of Finance Finland 2024b; Ministry of Social Affairs and Health Finland 2023.

<sup>11</sup> State Treasury of Finland 2024.

<sup>12</sup> Including Early Childhood to Upper Secondary and Liberal Adult Educational services. See: Act on Childhood Education and Care 540/2018, Basic Education Act 628/1998, Vocational Education and Training Act 531/2017.

<sup>13</sup> Act on Cultural Activities in Local Government 166/2019, Public Libraries Act 1492/2016, Act on the Promotion of Sports and Physical Activity 390/2015.

<sup>14</sup> Land Use and Building Act 132/1999.

<sup>15</sup> Water Act 587/2011, Waste Act 646/2011.

<sup>16</sup> Environmental Protection Act 527/2014.

<sup>17</sup> Ministry of Finance Finland 2024a.

<sup>18</sup> It should be noted that municipalities can arrange the execution of the duties delegated to them by law themselves or transfer the responsibilities for delivery of the services to another municipality or joint municipal authority. The municipality is responsible for 1) ensuring equal access to the services for all citizens; 2) definition of need, quantity and quality; 3) method of provision; 4) monitoring of provision; 5) exercise of the powers of public authority of the service. (Section 8, Local Government Act.) Municipalities may provide the services for themselves in which they have a service arranging responsibility. In addition, municipalities may acquire the services from another services provider on the basis of an agreement. Unless otherwise regulated by law, the statutory service can be transferred only to another municipality or a joint municipal authority. The municipality is responsible for the financing of its functions, even if the service arranging responsibility has been transferred to another municipality or a joint municipal authority. (Section 8 and 9, Local Government Act.)

total 77 % of local councillors were simultaneously councillors in the regional government<sup>19</sup>. In addition, the local council may choose the mayor among the local councillors (subsection 38.3, Local Government Act). Yet, being a mayor doesn't forfeit his/her eligibility to be represented as a local councillor (section 44, Local Government Act) or as a councillor in the WSC council. In theory, Finnish legislation permits one person to act as an elected official in the local, regional, and state government and as a mayor. Generally, there are no such cases in Finland, but in theory such a precedent would not be excluded. This might point to a normative ambiguity potentially resulting in a situation of conflict-of-interest, thus calling into question alignment of the Finnish policy with CoE standards.<sup>20</sup> The issue has been noted by the Minister of Local Government and Regional Affairs in Finland, who has appointed a representative to examine the legal preconditions for holding multiple positions of trust at different levels of the administration.<sup>21</sup>

## 1.5 The manager of the municipality

Municipalities have two alternatives to organise their management in Finland. The local council may choose a mayor or a chief executive as the manager of the municipality (subsection 38.3, Local Government Act).<sup>22</sup> A mayor is an indirectly elected official, who is responsible for the political management in the municipality. A mayor can be elected for no more than one term of the local council. A mayor directs the administration, financial management and other activities, and is a chairperson of a local executive. The local council may remove the mayor before the end of his/her term, if the mayor does not enjoy the confidence of the council. (Subsections 34.3, 38.3 and 44.1, Local Government Act.)

A chief executive is an officeholder, who works either an indefinite or fixed-term period and has a public-service employment relationship with the municipality (section 41, Local Government Act). A chief executive is responsible for directing the administration, financial management and other activities, and he/she operates as a subordinate to the local executive (subsection 41, Local Government Act). The local council has authority to dismiss the chief executive, if he/she no longer enjoys the confidence of the council (section 43, Local Government Act). In addition, a chief executive has a management contract, which may include severance compensation payable, to resolve the lack of confidence-situation (section 42.3, Local Government Act).

Due to the exceptional regulation of a chief executive in Finland, this officeholder position has turned out to be rather extraordinary and precarious.<sup>23</sup> Nevertheless, local councils are reluctant to choose a mayor as the municipal manager in Finland. This is reflected in the fact that 286 municipalities in the mainland are using the chief executive model, and only seven municipalities are using the mayoral model (Helsinki, Kärkölä, Pirkkala, Puolanka, Tampere, Turku, Tuusula).

---

<sup>19</sup> Autioniemi et al. 2022, p. 13.

<sup>20</sup> [Recommendation 423 \(2018\)1](#) of the Congress of Local and Regional Authorities on Conflicts of interest at local and regional level.

<sup>21</sup> Ministry of Finance Finland 2024c.

<sup>22</sup> Harjula – Prättälä 2023; Virikko 2016.

<sup>23</sup> Virikko 2024; Virikko 2023; Virikko 2018.

## 2 Austria

### 2.1 The governing system of Austria

The Federal Constitution of Austria (*Bundesverfassungsgesetz*, B-VG) defines Austria as a federal state constituted by nine autonomous states (*Länder*). These are further divided into districts (*Bezirke*), which serve as administrative state bodies responsible for executing duties from both state and federal government. Municipalities (*Gemeinden*) are entitled to self-government as autonomous administrative entities within the scope of their competences (Art. 116, B-VG).<sup>24</sup> Furthermore, the Constitution (Art. 116.3, B-VG) gives the right to municipalities with over 20,000 inhabitants to be granted their own charter (*Statut*) by the state. There are currently 15 statutory cities (*Statutarstädte*) with an own charter (also known as city law), combining the authority and responsibilities of a municipality and a district. The last city to receive its own charter was Wels in Upper Austria in 1964.

There are three levels of government in Austria: the national, state and local level. There are a few minor exceptions to this rule, this includes the statutory cities, which have assigned responsibilities from the district level, as well as the capital city of Vienna, which is both a municipality and a state. The federal system is distinguished by the division of legislative power between the federal government and state governments (*Länder*). Executive powers are divided between all three levels of government. The Constitution confers upon the nine states a substantial degree of autonomy in matters of legislation and administration. Each state further establishes the organisational framework for their respective municipalities through the enactment of municipal codes (*Gemeindeordnungen*).

The Constitution itself guarantees municipalities the right to self-government, thereby enabling them to undertake, organise and administer any task that serves the interests of their local communities. Municipalities are responsible for fulfilling these tasks within their 'own sphere of competence', meaning all matters that exclusively or predominantly concern the local community within its local boundaries. Furthermore, municipalities can be assigned an extended sphere of competence by the national or state level which means they must act on behalf of and according to the instructions of the federal or state government.

Municipalities are responsible for managing their own budget and assets to fulfill their statutory tasks.<sup>25</sup> A significant proportion of municipal budgets is derived from intergovernmental transfers. The performance of the same tasks as those undertaken by larger municipalities can prove challenging for Austria's smaller municipalities. The latter constitute the majority, with 87 % of the 2,093 municipalities having a population of less than 5,000 inhabitants – considering a total population in Austria of 9.1 million.

The Austrian Constitution establishes the principle of the 'uniform municipality' (Art. 115.1 B-VG). The sphere of own competence and the basic political and administrative structure are uniform for all municipalities. This signifies that all municipalities are accorded equal legal status regarding their competencies, irrespective of variations in territorial size, population, or economic and administrative capabilities. As mentioned above, only statutory cities possess additional competencies of a district, and the capital city of Vienna is a municipality and a state. With municipalities being equal on constitutional level, it has not occurred that statutory obligations were

---

<sup>24</sup> In accordance with Article 2, European Charter of Local Self-Government.

<sup>25</sup> Municipalities provides road maintenance, water supply, waste collection, sewage disposal, elementary schools, parts of education (mainly facility management), as well as cultural and sporting facilities.

taken away by the higher-level authorities and transferred from a smaller municipality to a larger one.

As in Finland, in Austria municipalities may transfer one specific task to municipal associations, such as water supply or waste management, including the collection of fees (single-purpose associations). The association then executes the transferred tasks in the name of its members. State legislation enables the voluntary formation of associations, but some cases include mandatory associations by state regulations (e.g. welfare associations in Upper Austria).<sup>26</sup> An additional method of collaboration for the transfer of administrative responsibilities is the administrative association (*Verwaltungsgemeinschaft*)<sup>27</sup>.

A form of transferring services to another entity is the possibility of municipalities merging into an institutionalised regional authority, the '**territorial municipality**' (*Gebietsgemeinde*), as outlined in Article 120 B-VG. The territorial municipality provides the opportunity to consolidate and/or regulate a multitude of responsibilities at a smaller regional level, while simultaneously preserving the autonomy of local authorities in the delivery of services. The maintenance of local identity is ensured by the continued presence of mayors and municipal councils of the original municipalities. Nevertheless, this form of territorial merger (in contrast to amalgamation) is regarded as 'dead law', given that it has never been put into practice due to lack of specifications in the state legislation. Referring to the CoE Recommendation on local and regional public services which states "*adapt the legal framework concerning local and regional public services in order to ensure that it is sufficiently flexible to allow diversification in the way of supplying them*"<sup>28</sup>, the *status-quo* might further be examined by the competent authorities.

## 2.2 Restrictions for having multiple positions of trust

The Constitution of Austria (B-VG), the Incompatibility and Transparency Act (Unv-Transparenz-G) and the Constitutions of some states (*Landesverfassungen*) contain provisions regarding the incompatibility between different roles of elected officials. At the national level, members of the National Council (*Nationalrat*) (one of the two houses of the Austrian Parliament) are prohibited from assuming high-ranking judicial and court of auditors' positions, as well as the role of Federal President (Art. 61 B-VG). Additionally, they are barred from membership in the Federal Council (*Bundesrat*) (the second of the two houses of the Austrian Parliament) and the European Parliament (Art. 59 B-VG). In contrast, members of State Parliaments, members of local councils, aldermen and mayors are permitted to serve concurrently in the National Council.

---

<sup>26</sup> Haidvogl 2013. Since 2011, the establishment of multi-purpose associations (Mehrzweckverband) between municipalities has been permitted with a view to transcending mere coordination and centralising the provision of public services, including regional planning, economic development and welfare services. Despite the legal permissibility of such multi-purpose associations, they remain a relatively uncommon phenomenon.

<sup>27</sup> The relevant legislation is set forth in the municipal codes of the states (e.g. section 142a TGO). The legal form is relatively straightforward to establish, as it doesn't constitute an independent legal entity, in contrast to municipal associations. The municipalities are linked to this legal agreement through their status as members of the association. The transfer of competencies is not involved, and the municipality's independence, rights, obligations, and mayor's responsibilities are therefore not affected. Consequently, this represents an attractive option for the protection of municipal autonomy. Moreover, the consolidation of tasks that are consistent across all municipalities, such as building law, enables a higher level of professionalisation, greater efficiency, and a reduction in the demand for human resources. See the case study on Administrative Associations in Building Law: <https://www.logov-rise.eu/administrative-association-in-building-law-region-vorderland/>

<sup>28</sup> Recommendation [CM/Rec\(2007\)4](#) of the Committee of Ministers to member states on local and regional public services

A further distinctive feature of the Austrian parliamentary system is that holding a mandate, and a government office are not mutually exclusive. However, Article 119.1 B-VG hints incompatibility between mayoral and federal or state government positions, as mayors are bound to instructions from state or federal authorities. The Article states: "Matters within the extended sphere of competence are managed by the mayor. In matters of federal execution, the mayor is bound by the instructions of the competent federal authorities, and in matters of state execution, by the instructions of the competent state authorities." Furthermore, mayors may be removed from office due to non-compliance with an instruction when they are acting within the extended sphere of competence assigned by the federal or state government.

**Table 1. State constitutions explicitly prohibiting certain roles for members of state governments.**

<b>State</b>	<b>Article on Incompatibilities of members of the state government</b>
<b>Burgenland</b> State Constitution of Burgenland	Article 52 A member of the state government may not simultaneously be a member of the European Parliament, the National Council, the Federal Council, the federal government, <b>a municipal executive board (city senate), or the board of a municipal association.</b>
<b>Tyrol</b> State Constitution of Tyrol	Article 46 A member of the state government may not simultaneously be a member of the National Council, the Federal Council, or the federal government, president or vice-president of the state parliament, <b>mayor</b> or any other member of a municipal executive board (city senate), or chairman or member of a committee of a municipal association.
<b>Lower Austria</b> State Constitution of Lower Austria	Article 43a A member of the state government may not simultaneously be a member of the National Council, the European Parliament, the federal government, or <b>a mayor.</b>
<b>Carinthia</b> State Constitution of Carinthia	Article 47 Members and substitute members of the state government may not simultaneously be members of the National Council, members of the Federal Council, members of the European Parliament, members of the federal government, presidents of the state Parliament, appointed representatives by the legal professional associations with external representation duties, <b>mayors</b> , or other members of a city senate or municipal executive board.

Additionally, the two most prominent political parties in Austria – the Social Democratic Party (SPÖ) and the Austrian People’s Party (ÖVP) – also establish regulations regarding incompatibility for their party members. In accordance with section 35 of the Organizational Charter of the SPÖ<sup>29</sup>, mayors and aldermen from cities with a population exceeding 25,000 inhabitants are precluded from holding membership in the National Council. Mayoral positions of cities with more than 15,000 inhabitants are incompatible with membership in state parliaments. In section 51.5 of the Organizational Charter of the ÖVP it is stipulated that mayors from cities with more than 10,000

<sup>29</sup> SPÖ Organisationsstatut 2023, [https://www.spoe.at/wp-content/uploads/2023/11/SPOE\\_Statut2023.pdf](https://www.spoe.at/wp-content/uploads/2023/11/SPOE_Statut2023.pdf)

inhabitants are obliged to report all political functions to the Regional or Federal Control Committee of the party. The Committee then reports to the Regional or Federal Party executive board if it concludes that a person subject to the reporting obligation is, in its view, unable to adequately fulfill the duties associated with the functions they perform.<sup>30</sup> The further consequence is not stated.

Most incompatibility rules regarding activities in the private sector are laid down in the Incompatibility and Transparency Act (Unv-Transparenz-G). It obliges members of the National Council and state Parliaments, federal and state government officials, as well as mayors and aldermen of statutory cities to report certain leading functions in companies and foundations, as well as certain professional and leading honorary activities.<sup>31</sup>

## 2.3 Role of the mayor

The Constitution (Art. 117.1 B-VG) specifies the following mandatory municipal bodies to be established for each municipality: the council (which is a general representative body to be elected by the eligible voters of the municipality), the executive board (in statutory cities it's called the city senate) and the mayor. Specific provisions on the organisation of the municipal administration can be found in the various municipal codes of the states. The Constitution provides the provisions for the election of the mayor by the municipal council. Nevertheless, the Constitution also allows for the possibility of state legislation enabling the direct election of the mayor.<sup>32</sup> This results in differing practices in the states regarding the election of the mayor. In six states the mayor is elected directly, whereas in the other three (Styria, Lower Austria and Vienna) the mayor is elected by the municipal council.

In either case mentioned above, the mayor is accountable to the municipal council for the fulfillment of his/her duties (Art. 118.5 B-VG). The mayor is the head of the municipal administration, even though his/her competences differ slightly in the municipal codes. The common provision is that mayor is responsible for representing the municipality and for all tasks within the municipality's own sphere of competence that are assigned to him/her by law. The mayor is furthermore responsible for the operational activities, which refers to the handling of regularly occurring administrative tasks of the municipality that do not have a significant financial, economic, political, or similar importance for the respective municipality. Some codes even specify the maximum amount of expenses in Euros which the mayor can singlehandedly release.<sup>33</sup>

The mayor has the authority to issue instructions to the employees of the municipal administration. The delegation of signing authority to the top management level of the administration is possible but must be proposed in writing by the mayor. If tasks are delegated to members of the executive board or municipal council, generally the mayor still retains the authority to issue instructions.<sup>34</sup> The responsibility of the management of the internal services of the municipal office belongs to the

---

<sup>30</sup> Die neue Volkspartei 2021, see <https://www.dievolkspartei.at/Files/Organisationsstatut-sjKWLM.pdf>

<sup>31</sup> These are published on the Parliament's website: <https://www.parlament.gv.at/person/unvtrans/P9ListeNR>. See CM/Rec(2018)423.

<sup>32</sup> A directly elected mayor's responsibility towards the municipal council is somewhat 'modified'. Article 3.2 of the European Charter of Local Self-Government states that local self-government "(...) shall be exercised by councils or assemblies (...)", but directly elected mayors have enhanced democratic legitimacy and it can prove difficult in practical terms when the mayor and the leading party of the municipal council are different.

<sup>33</sup> Neger 2018.

<sup>34</sup> In some states (e.g. Carinthia), this must be passed by the municipal council (section 69, K-AGO). In Upper Austria for example, the mayor can determine the delegation of tasks to members of the municipal executive board him- or herself (section 58, Oö. GemO).

director of municipal administration, who operates under the direct supervision of the mayor and in accordance with his/her instructions.<sup>35</sup> The director must be a legally trained employee (Art. 117.7 B-VG).<sup>36</sup> It is not precluded in the Constitution, that the mayor can be the same person as the director of the municipal administration. Only three states, Burgenland, Carinthia and Salzburg specifically limit the director of the municipal administration from being the mayor of the same municipality at the same time.

The mayor can be described as the face of the municipality. He/she has a representative role towards the state and federal government, as well as to any other external entities. Also, regarding the contractual agreements and obligations, the mayor is the signing authority and from an administrative leadership perspective, the mayor is generally involved in the main decision-making processes within the administration. Additionally, the mayor is often traditionally the most visible and recognisable figure in the local government, engaging with citizens, addressing their concerns, and participating in community events. Some state legislations (e.g. Tyrol, 66 § TGO) even have a mandatory yearly community assembly to be held by the mayor, where the public can be informed about the most important matters that have affected the municipality since the last municipal assembly and provide an outlook on future projects. Directly elected mayor can only be voted out of office by the eligible voters in a municipal referendum, which can be initiated by the municipal council. Indirectly elected mayor can be voted out of office by the municipal council.<sup>37</sup>

In addition, some states provide the right of the mayor to initiate formal instruments of public participation but is never limited to the mayor only. Any local politician can support resident's participation.<sup>38</sup> Apart from the legal instruments, other forms of local participation, such as voluntary citizens' councils, can be found in Austria.<sup>39</sup> For a positive process and sustainable outcomes it is generally important that the mayor supports and backs these processes. There are no legal constraints on mayors engaging in political activities directed towards the state and federal government. A common method of addressing local issues to higher levels of government is through the two local government associations. In accordance with the Constitution, the Austrian Association of Cities and Towns (*Österreichischer Städtebund*, AACT) and the Austrian Association of Municipalities (*Österreichischer Gemeindebund*, AAM) are the designated bodies responsible for representing the interests of municipalities in Austria.<sup>40</sup>

In conclusion, the role of the mayor in Austria is legally strong since the municipal codes regulate administrative procedures to a great detail and limit the scope of action through mandatory approvals by the state's municipal supervision department (e.g. municipal budgets). Many tasks of the mayor focus more and more on administrative tasks, which often requires substantial legal knowledge. Smaller municipalities don't often have the capacities, neither the mayor nor the

---

<sup>35</sup> This includes the supervision of all personnel and the implementation of organizational and personnel measures that ensure the prompt, efficient, economical, and lawful administration of municipal affairs.

<sup>36</sup> In addition, there are greater details in the municipal codes for this position. For instance, in municipalities with a population exceeding 5,000, the director of municipal administration is required to possess a specific academic background (section 64.3, TGO).

<sup>37</sup> Trauner 2021.

<sup>38</sup> The Constitution enables state legislation to stipulate possibilities of direct participation and involvement at municipal level, but only in matters within the municipality's own sphere of competence and reserved for residents who are also entitled to elect the municipal council. It should be noted that Austria has not ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, which has additional recommendations for local participation.

<sup>39</sup> See case study on citizen councils in Austria: <https://www.logov-rise.eu/peoples-participation-in-vorarlberg-burgerrate-and-gemeindeentwicklungsprojekte-gotzis-langeneegg/>

<sup>40</sup> They are to be formally involved in matters concerning municipal topics. All municipalities are members of one or both associations, and mayors, as well as public servants, participate in numerous committees within the associations to formulate resolutions or positions towards the federal and state governments.



employees of the municipal administration, to keep up with legislative changes within their competences.<sup>41</sup> The mayor is also obliged to carry out the duties under the instruction from national or state level, which can absorb a large amount of their time and are of administrative nature. Lastly, due to provisions in the criminal code, where mayors are personally liable for breach of trust (*Untreue*) or malpractice, the authority to exercise elected mandates at the local level is infringed.<sup>42</sup>

---

<sup>41</sup> See CM/Rec(2019)3.

<sup>42</sup> See Congress of Local and Regional Authorities: Monitoring of the European Charter on Local Self-Government in Austria 2020, Conclusions of Article 7.1.



### 3 The Czech Republic

#### 3.1 The governing system of The Czech Republic

According to the Constitution of the Czech Republic (1/1993, Constitution), legislative power belongs to the Parliament, which consists of two chambers (Art. 15, Constitution).<sup>43</sup> In addition, the Czech Republic has had a partially decentralised system with self-governing territorial units since 1989.<sup>44</sup> Hence, the state administration is performed by the state as well as by territorial self-governing units. Municipalities and regions are responsible for exercising their own or original competences (self-government) as well as delegated competences, which is when they represent the state in the execution of state administration responsibilities. The Czech Republic is divided into 6,254 municipalities and fourteen regions.<sup>45</sup> The self-government status and powers of territorial self-governing units is constitutionally guaranteed (Art. 8, Constitution). Municipalities are considered fundamental territorial self-governing units and regions are legally described as higher territorial self-governing units (Act on Municipalities 128/2000; Act on Regions 129/2000). From a territorial perspective, each municipality is a part of one of the higher territorial self-governing units (Art. 99, Constitution). In addition, municipalities and regions are defined as public law corporations that may have their own property and operate according to their own budget (Art. 101, Constitution; section 2, Act on Municipalities; section 1, Act on Regions).

The municipal structure is extremely fragmented since most of the municipalities are small in terms of population. This is a consequence of numerous forced mergers at the local level that happened after 1968 and of excessively open legal arrangements adopted in the early 1990s, which enabled a spontaneous tsunami of municipalities splitting up.<sup>46</sup> This fragmentation was stopped in 2000 when the Act on Municipalities supported various forms of inter-municipal cooperation and stipulated that a new municipality must have at least 1,000 inhabitants to receive municipality status. Currently, the Czech Republic has one of the smallest average size of municipalities among EU countries (less than 1,800 citizens per municipality).<sup>47</sup> Due to the extreme fragmentation, the performance of delegated competences is divided between three types of municipalities, which is yet asymmetrical. The original competences are the same for all municipalities regardless of their size or capacity. However, the delegated competences, which are transferred to them by national laws (Art. 105, Constitution), differ.

---

<sup>43</sup> The Chamber of Deputies has 200 deputies, who are directly elected for a term of four years. The second chamber – the Senate – has 81 senators. They are also directly elected, but their term of office is six years (Art. 16, Constitution). Different age limits are used for the possibility to stand for election to these two chambers of Parliament: (1) any citizen of the Czech Republic, who has the right to vote and has reached the age of twenty-one can be elected to the Chamber of Deputies, and (2) any citizen of the Czech Republic who has the right to vote and has reached the age of forty can be elected to the Senate (Art. 19, Constitution). In addition, whilst all deputies are elected at the same time in one election, a third of the senators are elected every two years.

<sup>44</sup> Klimovský et al. 2019.

<sup>45</sup> The introduction of the regional level of territorial self-government was a politically complicated process. This happened at a time when the country was seeking accession to the EU. Even though regions with self-governing status were introduced *de jure* by Constitutional Act No. 347/1997, no real power-relations were reorganised within the Czech public administration system. The regional level was reorganised in 2000, when the regions were changed from being purely administrative units to self-governing ones. Their number increased from eight to fourteen. They acquired their competences thanks to the Act on Regions. However, the whole process required more time, and this law entered into force on 1<sup>st</sup> January 2003, when the relevant conditions for the effective functioning of the regions were set.

<sup>46</sup> Klimovský et al. 2019. The total number of municipalities in the Czech Republic increased sharply in the 1990s from approximately 4,100 municipalities (year 1990) to 6,230 municipalities (year 1994).

<sup>47</sup> Yet almost 89 % of all municipalities have fewer than 2,000 inhabitants.

There are three distinct categories of municipalities in the Czech Republic. Currently, there are 205 municipalities with an extended jurisdiction. These municipalities exercise delegated competences for those municipalities that are located in their administrative districts. Three hundred and thirty-eight municipalities with authorised municipal offices (the total number of these municipalities also includes all municipalities with an extended jurisdiction) are responsible for carrying out a smaller number of delegated competences. All municipalities, including the smaller ones, are responsible for basic delegated competences (Table 2). Such a complex system causes an overlapping of responsibilities.<sup>48</sup> In practice, this poses a particular challenge for the coordination capacities of municipalities of higher types and for regions.

**Table 2. Different jurisdiction types of municipalities in the Czech Republic**

	<b>Type I Municipalities with a basic amount of transferred jurisdiction (all municipalities)</b>	<b>Type II Municipalities with authorised municipal offices (338 municipalities)</b>	<b>Type III Municipalities with an extended jurisdiction (205 municipalities)</b>
<b>Original jurisdiction of municipalities (original competences)</b>	Issuing generally binding decrees Management of municipal property Approving spatial and development plans Setting and regulating local charges Establishing and managing nurseries, elementary schools and elementary art schools		
<b>Transferred jurisdiction of municipalities (local state administration executed at the municipal level by municipalities)</b>	Management of elections at the local level Register of citizens Water authority Road authority	<b>The same jurisdiction as Type I municipalities as well as:</b>  Construction authority Registry office Selected tasks in the field of environment and agriculture Social work War cemeteries	<b>The same jurisdiction as both Type I and Type II municipalities as well as:</b>  Misdemeanor proceedings Issuing specific documents (driving licenses, trade licenses and travel documents) Managing and coordinating the register of motor vehicles and the register of citizens Coordination of the provision of social services

Smaller municipalities can transfer other functions to municipalities with an extended jurisdiction or to municipalities with authorised municipal offices by public contract, if they do not wish to or cannot provide them themselves due to insufficient capacity. In addition, municipalities can cooperate with each other in the exercise of their original competences (section 46, Act on Municipalities). According to the same law, municipalities can become members (sections 49–53f, Act on Municipalities) of unions of municipalities and associations of municipalities (the latter case requires that each association consist of at least fifteen municipalities and that all of them belong to the jurisdiction of the same municipality with an extended jurisdiction). Each municipality can be a member in only one association. However, a municipality may be a member of more than one union. The unions usually focus their activities on collaboration in the field of original competences, and their registers are managed at the regional level. Yet, associations are entities with a focus on

<sup>48</sup> Radvan et al. 2021.

delegated state administration, and thus their establishment is determined by approval at the regional level.

Municipalities, whose bodies exercise delegated state administration in the same administrative district of a municipality with an extended jurisdiction, may enter into a public law contract. According to such a contract, the bodies of one municipality can exercise delegated state administration and certain tasks within this administration for the bodies of other municipalities that are parties to a relevant public contract. To conclude such a public contract, consent from the relevant regional office is required.

### 3.2 Restrictions for having multiple positions of trust

The Czech Republic is a country where multiple-office holding is a widespread political phenomenon.<sup>49</sup> Although several top politicians have already stated that multiple-office holders have sometimes neglected their work or did not use their mandates in a proper way, which has led to discussions on whether it would be beneficial to consider a general prohibition of the cumulation of certain mandates/offices, no significant regulations have been adopted in this area. The most visible regulation against multiple-office holding is mentioned in the Constitution.<sup>50</sup> As for the locally elected officials, municipal councillors cannot be also employees of the municipal offices in their municipalities. Similarly, municipal councillors cannot become employees of authorised municipal offices, regional offices or tax offices with territorial jurisdictions that cover their municipalities. Having said that, if someone is a municipal employee who was not appointed by a relevant mayor/municipal board and does not perform delegated state administration, they can also be a municipal councillor (a good example of such cases are employees who carry out auxiliary and service work and are municipal police officers). Analogous incompatibility in the case of an employment relationship also applies to regional councillors.<sup>51</sup>

More generally, there is no legal obstacle for municipal/regional councillors or mayors/regional governors to become members of any chamber of Parliament or even members of the (national) government. For example, mayors established their 'own' political party some time ago. Since the last general election, this party has become a member of the ruling coalition. Numerous mayors have become members of Parliament and some of them are even members (i.e. ministers) of the national Government. At this point, it is interesting to note that it is up to individuals or their political parties whether they keep their other public offices in such cases or whether they resign from some of their positions. On this matter, it is relevant to know that the members of the Government (i.e. ministers) can also be members of the Chamber of Deputies. Finally, standing for election to one chamber of Parliament when the candidate is already a member of the other chamber of Parliament is a widespread practice in the Czech Republic.

According to local experts,<sup>52</sup> mayors usually retain their mayoral office and their membership in Parliament. Local councillors often combine their mandates with mandates in regional councils, but, if they are elected to Parliament, they often leave their local activities and resign their local mandates.

---

<sup>49</sup> Maškarinec et al. 2019.

<sup>50</sup> No one can be a member of both chambers of the Parliament at the same time (Art. 21, Constitution). A member of either chamber of the Parliament may not become a judge or president (Art. 22, Constitution). A judge can neither become a member of the Parliament nor president (Art. 82, Constitution).

<sup>51</sup> Act No. 491/2001 on Elections to municipal councils; Act No. 130/2000 on elections to regional councils.

<sup>52</sup> Petr Jüptner from Charles University and Pavel Maškarinec from Ján Evangelista Purkyně University.

### 3.3 Role of the mayor

The main decision-making body at the local level is the municipal council. The municipal board is the main municipal executive body with numerous tasks, rights, and duties (sections 99-102a, Act on Municipalities). The municipal board is compulsorily established in all municipalities with municipal councils consisting of at least fifteen councillors.<sup>53</sup> The municipal board consists of the mayor, their deputy (or deputies), and several other members of the municipal council. The council members elect the mayor, and he/she is an individual representative of the municipality (section 103, Act on Municipalities). The mayor is the head of the municipal office, which is the main administrative unit at the municipal level. In fulfilling this task, the mayor is obliged to be assisted by a municipal secretary in each municipality with an authorised municipal office as well as in a municipality with an extended jurisdiction. All other municipalities (i.e. municipalities with a basic amount of transferred jurisdiction) have a right to establish the office of municipal secretary.

The mayor is responsible for 1) ordering in a timely manner a review of the municipality's finances for the previous calendar year, 2) fulfilling the tasks of employer according to special regulations, 3) concluding and terminating employment relationships with municipal employees and determining their salary according to special regulations if there is no municipal secretary, 4) requesting collaboration with the Police of the Czech Republic in securing local matters related to public order, 5) informing the public about the activities of their municipalities, 6) ensuring the performance of delegated competences in the municipalities without municipal secretaries and 7) deciding on matters of independent competence of their municipalities entrusted to them by the relevant municipal boards (section 103, Act on Municipalities).

One of the mayor's duties is to inform the public about the activities of the municipality. Yet, this legal provision is very vague, and there are no further specific requirements or instructions for any mayor in the Act on Municipalities on how to fulfil this duty. In terms of political power, every mayor convenes and chairs the meetings of both the municipal council and the municipal board. The mayor has the right to suspend the implementation of any resolution of the relevant municipal board if the mayor considers it to be incorrect. This matter must be submitted for a decision at the next meeting of the municipal council. In fact, the mayor's political power is determined by the strength of coalitions that are established in the post-election period. There is a widespread practice that the leader of the strongest coalition party become mayor. This is one of the most relevant reasons why the dismissal of the mayor is not common in the Czech Republic.

According to the international classifications<sup>54</sup> that take relevant legal provisions into account, there is no strong-mayor model in the Czech Republic.<sup>55</sup> Instead of this model, a collective leadership is used in the country at the municipal level. The strength of mayors is based on a local party system that requires the performance of strong leadership in the post-election period when the ruling coalition is being set and is significantly determined by election results. Paradoxically, a mayor's role is more important in smaller municipalities which do not have their own municipal councils or municipal secretaries. Regardless of their indirect election as well as their weaker position, mayors are the main and most visible representatives of their municipalities towards the public and other entities. Local experts<sup>56</sup> point out that many citizens do not understand the limited legal position of

---

<sup>53</sup> In the cases where no municipal board is established, the mayor fulfills their tasks.

<sup>54</sup> E.g. Heinelt et al. 2018.

<sup>55</sup> Among other things, the quality of management in a municipality depends on the capacities of individual municipalities as well as the quality of political leadership. This means that most of the municipalities are simply too small to establish any comprehensive issue- or sector-oriented managerial units. In these cases, political leadership is crucial in terms of the overall quality of management.

<sup>56</sup> Petr Jüptner from Charles University and Pavel Maškarinec from Ján Evangelista Purkyně University.

the mayor, and they just perceive their public activities. Therefore, it is possible to state that the mayor is the face of each municipality in the Czech Republic.<sup>57</sup>

Although mayors can be politically active towards the state through their regional relevance, many of them are also directly active at the state level. There is no full-fledged political subordination of the three levels, yet a strict subordination can be found in the field of state administration because regions and municipalities are responsible for delegated state administration. Therefore, mayors can access the state administration level with their requests without the involvement of the regional level. In addition, many of the mayors access the state level directly, thanks to the mentioned accumulation of mandates.

Another strong path for mayors towards the central level is the Union of Towns and Municipalities of the Czech Republic (Svaz měst a obcí České republiky, SMO ČR). The SMO ČR is seen as a partner of the government and of the Parliament in the field of policy making concerning municipal issues. On this matter, the SMO ČR has been a mandatory reference point since 2004 and has been regularly negotiating with the government at least once a year upon the basis of a signed cooperation agreement since 2005. A few other associations of municipalities have already represented their members in dealing with the government or the Parliament – e.g. the Association of Local Self-governments of the Czech Republic (Sdružení místních samospráv ČR, SMS ČR) and the Association of Spa Towns of the Czech Republic (Sdružení lázeňských míst ČR, SLM ČR) – but they have never become as influential as the SMO ČR.

---

<sup>57</sup> Confirmed by Petr Jüptner and Pavel Maškarinec.

## 4 Germany

### 4.1 The governing system of Germany

Germany falls under the continental European-federal administrative model in terms of administrative typology. The essential legal framework is set by the German Constitution (Basic Law). In one of its central stipulations, it emphasises the statehood of the *Länder*, which have own sovereign rights and responsibilities, which are existing alongside those of the federal government and can't be changed without their consent. The *Länder* are responsible for the exercise of state powers and the fulfilment of state tasks (Art. 30, Basic Law). Additionally, the Basic Law defines two general principles for the functioning of the German national state: the principle of subsidiarity<sup>58</sup> and the principle of federal solidarity.<sup>59</sup>

The horizontal separation of powers between legislature, executive and judiciary is in Germany combined with a vertical separation between the federation and the federal states (*Länder*). The federal level largely concentrates legislative competences, while the *Länder* primarily oversee the administrative enforcement of most federal laws and their own ones. This unique German political-administrative system has a lot of different ways that the main players are affected by each other. This creates a built-in need for every player to work together (called co-operative federalism), but it also includes veto power opportunities (seen as a political entanglement trap).

In contrast to Finland, the governing system of Germany consists of two political levels: the federal and the *Länder* level. As mentioned above, both are linked by a complicated, but proven vertical co-ordination system, composed of institutionalised structures (e.g., the Federal Council as second chamber of the national Parliament) and several informal networks. In addition, the 16 *Länder* are allied by a specific horizontal co-ordination system (symbolised by regular conferences of the *Länder* prime ministers). Additionally, both levels are joined by the national party system, especially by the fact that almost all bigger political parties are somewhere represented in the 17 governments in Germany. Additionally, the public service acts as a connecting element with a largely uniform culture and legal basis.

On the other hand, the administrative systems at the *Länder* level differ considerably. Two of the city-states (Hamburg and Berlin) are at the same time unified municipalities (*Einheitsgemeinden*) without an independent local level. Their mayors are simultaneously heads of *Land* government. The city-state of Bremen consists of two municipalities (Bremen and Bremerhaven). From the remaining 14 German *Länder*, eight have a three-tier administrative structure<sup>60</sup> and five a two-tier one.<sup>61</sup> It must be noted that the two local levels in the German *Länder* are a purely administrative. They are structured in a two-tier municipal system with 294 counties (as higher level) and 10,752 municipalities (as lower level). Both levels are constitutionally part of the *Länder* executive, directly integrated in their administrative structure and depending financially on them. By municipal laws

---

<sup>58</sup> In this context, subsidiarity means, above all, that the national level should only take over tasks that cannot be fulfilled by the *Länder*. This constitutional principle reflects the European standard in the field of subsidiarity, set by the European Charter of Local Self-Government (CoE 1985).

<sup>59</sup> The federation and *Länder* governments are required to support each other.

<sup>60</sup> With supreme *Länder* authorities (above all ministries), subordinate medium *Länder* authorities with own administrative substructure, and subordinate lower state authorities (e.g., county offices or county police authorities).

<sup>61</sup> With only supreme *Land* authorities and subordinate lower *Land* authorities.

the *Länder* determines their structures and tasks. The task profile of German municipalities is comprehensive and like the Finnish one.<sup>62</sup>

Germany's Constitution (Art. 28, Basic Law) guarantees local autonomy, which includes a directly elected council, own sovereignties, own administration, and adequate funding, primarily from the *Länder*. This includes the right to manage all own affairs within the limits set by law. Two legal concepts and policy approaches play a special role in this context. The "services of general interest" (*Daseinsvorsorge*) comprises the public provision of goods and services (e.g., energy, water supply, education, health care) to enable people to live a secure life in modern society and guarantee their social participation. The creation of "equivalent living conditions" (*Gleichwertigkeit der Lebensverhältnisse*) in all German regions is both a constitutional principle (Art. 72 Basic Law) and a declared federal government policy. The long-term aim is to overcome the gaps between the regions in terms of income, health or the provision of goods for daily use. However, regional diversity should be preserved because it is regarded as one of Germany's strengths.

Regarding the transfer of statutory tasks from one municipality to another, in general the *Länder* law permits it, but with certain restrictions. Some municipal tasks are excluded by law from transferring and others must be agreed by the municipal supervisory authority. The transfer of tasks shall not lead to the municipalities losing their self-government and becoming a mere "vicarious agent of the state". Since the regulations on municipal task transfer in the *Länder* are very different, this session is concentrating on one example: the regulation in the **Land Brandenburg**<sup>63</sup>.

Municipalities in Brandenburg can work together to fulfill the self-government and mandatory tasks according to instructions and contract matters.<sup>64</sup> To do so, a municipality can commission another one to carry out a public task (mandate), where-by the latter's rights and obligations with regard to the fulfilment of the task remain un-affected, including the responsibility to deliver the service. In addition, it can issue technical instructions to the commissioned municipality. A municipality can also transfer a public task to another one (delegation), whereby all rights and obligations associated with the sponsorship of the task and the responsibility of providing this service are transferred to the other municipality. In this context and for the attention of the Finnish readers, it should be noted that according to CM/Rec(2022)2 on democratic accountability of elected representatives and elected bodies at local and regional level "(...) *Where responsibilities have been delegated to another person or body, the representatives and bodies remain accountable for those matters.*".<sup>65</sup> In addition, municipalities might be obliged by the municipal supervisory authority to cooperate for individual mandatory self-government tasks, if the performance by the municipalities previously responsible is no longer guaranteed.

For all municipalities in Brandenburg, belonging to an "association of municipalities" (*Ämter*) specific regulations exists for the transfer of tasks. *Ämter* are responsible for some public tasks assigned to them by law or regulation (e.g., registry offices). Member municipalities can transfer further self-governmental tasks (e.g., primary schools and day-care facilities) to them, which must be reported to the *Land* Ministry of the Interior and requires its approval. In Brandenburg, service delivery agreements, where one municipality performs municipal tasks for another, are popular.

---

<sup>62</sup> Ladner et al. 2023.

<sup>63</sup> Act on Municipal Community Work in the State of Brandenburg (Gesetz über kommunale Gemeinschafts-arbeit im Land Brandenburg (GKGBbg), 10. Juli 2014 (GVBl.I/14, [Nr. 32], S.2), zuletzt geändert durch Artikel 3 des Gesetzes vom 5.3.2024 (GVBl.I/24, [Nr. 10], S.77), See: <https://bravors.brandenburg.de/gesetze/gkgbbg>

<sup>64</sup> See Brandenburg Ministry of the Interior and Local Governments 2024: <https://mik.brandenburg.de/mik/de/kommunales/kommunale-zusammenarbeit/>

<sup>65</sup> Recommendation CM/Rec(2022)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level

## 4.2 Restrictions for having multiple positions of trust

In Germany, it's legally possible to be a minister in the federal and a *Land* government at the same time. But this hasn't happened in recent decades and isn't likely because of the double workload and possible conflicts of interest. In this spirit, relevant European standards must be observed.<sup>66</sup> When a *Land* government minister is appointed federal minister, he/she resigns from the first office beforehand. The focus in Germany is more on the "separation of office and mandate" (*Trennung von Amt und Mandat*), which refers to the principle that a person shouldn't hold a mandate in the legislature and an office in the executive or judicial branches simultaneously. The legal design of this incompatibility requirement varies at the different levels of the political system.

At the federal level, it's possible (and even common for newly appointed federal ministers) to continue holding their parliamentary mandate in the Bundestag. Currently, this goes for 13 of the 17 federal ministers. However, simultaneous membership of *Länder* government ministers in the Bundestag isn't legally forbidden but considered as incompatible for reasons of the separation of powers.<sup>67</sup> At the *Länder* level, the picture of incompatibility requirements is mixed. In two federal states (Hamburg, Bremen) holding a parliamentary mandate and at the same time exercising a government office, is constitutionally incompatible; newly elected government members must resign from their parliamentary mandate. In the other 14 *Länder*, holding an office and a mandate for government members are legally compatible.<sup>68</sup> Of the 175 *Länder* ministers, 89 have a mandate in Parliament (51 %). The variance ranges from *Länder* governments, where all ministers have a parliamentary mandate (as in Bavaria and Lower Saxony) to others, where no-one has one (as in Rhineland-Palatinate).

The use of dual mandates in *Länder* Parliaments, state and local councils is common practice in Germany. In the case of the *Land* Brandenburg,<sup>69</sup> 48 of the 88 actual members of the Brandenburg Parliament (*Landtag*) have a local political mandate and 15 of them even two at county and municipal level. This means that all counties and county-free cities and 11 % of all municipalities have one or more voices in Parliament. At local level there is no need to separate "office and mandate", because legally all municipal organs are considered as part of the executive; a separation of powers doesn't exist. Therefore, it's legally possible, that the mayor presides over the municipal council in most of the *Länder*.

## 4.3 Diverse roles of the mayors

The internal division of local authorities, their competencies and powers, depend on the type of municipality.<sup>70</sup> The three different municipality types are:

---

<sup>66</sup> [Recommendation 423 \(2018\)1](#) Conflicts of interest at local and regional level.

<sup>67</sup> According to the rules of procedure of the Federal council, its members are not allowed to take over a mandate at the Bundestag at the same time. This provision results from the fact that every member of a *Länder* government is – according to the appointment practice for the Federal council – at least a deputy member of the Federal council. Datenhandbuch Deutscher Bundestag 2024, Kapitel 2.9.

<sup>68</sup> The reasons why *Länder* ministers don't exercise a parliamentarian mandate diverse. Some renounce voluntarily the simultaneous exercise of a mandate for personal or political reasons. Others are lateral entrants (e.g., from the private sector, civil servants or non-political experts), which don't have a mandate. Ministers who are elected later in the legislative period or coming from another *Land*, often don't have a parliamentary mandate.

<sup>69</sup> Research by the author in Landtag database on 11.7.2024, own information of members of Parliament.

<sup>70</sup> This is an ideal-typical generalisation of the types of municipalities, which differ considerably between the *Länder* in terms of designation and competences.



- So-called unitary municipalities (*Einheitsgemeinden*). Since the 1960s, their creation resulted from the amalgamation of several municipalities into a new one, or the incorporation of neighboring municipalities into an existing one. In this process, all municipalities - except the new one - lost their previous autonomy. Unitary municipalities perform all municipal tasks under its own responsibility, based on a highly centralised own municipal administration and efficient municipal companies. Approximately 3,160 German municipalities (29 % of all) belong to this type.
- Municipalities that belong to “association of municipalities” (*Verwaltungsgemeinschaften*). This model appears in two main variants:
  - In the first one (*Ämter-Type*), several municipalities form together a joint administrative authority (called *Amt*), bundling at least the delegated state tasks to increase administrative efficiency. But no separate elected council is formed at the *Amt*, because all municipalities remain politically independent (with own council, deciding among other things on the budget) (See more below under 1.3.3).<sup>71</sup>
  - The second variant are combined or joint municipalities (*Verbands- oder Samtgemeinden*), which apply as a compromise between efficiency and local participation. Here, a two-tier double municipal structure is built with municipalities as members of a *Verbands- oder Samtgemeinde*.<sup>72</sup> On the one hand, these municipalities continue to exist, and on the other hand, the *Samtgemeinde* is taking over responsibility for a legally defined catalogue of tasks, including local and transferred *Länder* ones. In contrast to the *Amtsmodel*, this model has a directly legitimised representation (*Samtgemeinde-Council*). Approximately 7,486 of the German municipalities (70 %) belong to both variants of this type of municipalities.
- There are 106 county-free German cities (which is only 1 % of all municipalities), in which almost a third of the German population lives. Its administration is simultaneously performing all municipal and county tasks, which strengthens their capacity and efficiency.

There are three mandatory bodies and central players in the German municipalities: the municipal council, the mayor and the municipal administration with own legal competencies and powers. The distribution of tasks between them varies greatly between the German *Länder*. In most of them, the municipal council is legally the ‘highest body’, being responsible for all local community matters including the local budget and bylaws.<sup>73</sup> It consists of directly elected honorary politicians. Recently, the number of fractions in many local councils has grown considerably, making the decision-making process sometimes more difficult.

---

<sup>71</sup> This variant has the lowest degree of centralisation, but its public acceptance is significantly higher compared to a municipal merger. Decision coordination and resource pooling are significantly lower in this model, which can lead to deficits in administrative capacity.

<sup>72</sup> In the federal state of Lower Saxony, for example, the *Samtgemeinde* fulfil tasks of their member municipalities' own sphere of activity defined in the municipal constitution (e.g., preparation of land use plans, school sponsorship). All or even individual member municipalities can transfer further tasks to it (According to section 98 of the Lower Saxony Municipal Constitution Act, See Niedersächsisches Kommunalverfassungsgesetz (NKomVG) in the version of 10.2.2024). To this end, a dual structure is formed with member municipalities on the one hand (as independent municipalities they continue to fulfil an own range of tasks with honorary mayor and directly elected municipal council), and on the other hand, a *Samtgemeinde* with full-time mayor and directly elected council.

<sup>73</sup> Art. 28 of the Federal State of Brandenburg (Kommunalverfassung des Landes Brandenburg (BbgKVerf), 5.3.2024 (GVBl.I/24, [Nr. 10]): <https://bravors.brandenburg.de/gesetze/bbgkverf>, for example, contains an explicit list of 25 specifically named responsibilities of the municipal council.

The municipal administration consists of full-time managers and employees, bringing advanced knowledge in the local decision-making process, which gains importance in times of crises (e.g., in the pandemic). Most of the council's decisions are based on initiative of local administration which, sometimes, prejudge its decisions. This shows a mutual dependence between the council and the local administration, since the council can't impose any major policy goal without support of the local administration. On the other hand, the local administration can't reach any of their goals without the support of the council. This mechanism seems to be similar as in Finland.

A German mayor is an elected official, who acts with a specific institutional position as a leader between citizens, the council and administration. In recent decades, the mayors' legal position has been strengthened in many *Länder* by introducing his/her direct election and some new management competencies to make him/her a city manager. Mayors' legal status, functions and tasks differ considerably between the *Länder*, since its influenced strongly by the type of municipality. In many German *Länder* the mayor is legally referred to as "the representative of the municipality" in external and internal affairs and at court. The mayors' personal leadership style, management qualities, ability to organise majorities in the council and proximity to the citizens are important. For all mayors who are members of political parties, it is important to know to what extent they succeed in giving priority to local politics over party politics. Additionally, the structural characteristics of the municipality, such as budgetary situation and the performance of the local administration, influence the opportunities for the mayor to distinguish him/herself as the face of the municipality.

To illustrate the differences, it would be useful to focus on one case: The Land Brandenburg, which consist of three groups of municipalities with distinct legal tasks of the mayors:<sup>74</sup>

- 271 municipalities in Brandenburg (app. 66 % of all municipalities) belong to one of the 50 "association of municipalities" (*Ämter*), which are mostly located in rural areas.<sup>75</sup> In these municipalities, there is **an honorary mayor**, who works as elected official on a voluntary basis. According to the municipal law, he/she performs the following tasks: inform inhabitants about the important municipal matters, chairmanship of the council, participation in so-called *urgent decisions*, legal representation of the municipality in judicial proceedings and legal-administrative transactions, if the association of municipalities is involved, and the representation of the municipality in the association committee.<sup>76</sup> The director of the association is the chief executive officer (*Hauptverwaltungsbeamter*), who is a full-time temporary civil servant and responsible for the professional management of the association. The chief executive officer gets elected by the committee of the association. The honorary mayor is less a manager of the administration, but rather performs mediating and representative tasks both externally and within the municipality towards the citizens.
- In 138 unitary municipalities (app. 33 % of all municipalities) in urban and sub-urban areas, there is **a full-time mayor**. In these municipalities, the mayor is a full-time temporary civil servant (*Beamter auf Zeit*), chief executive officer, head of municipal administration and responsible for professional management. He/she is the legal representative of the municipality, including vis-à-vis the *Land* government. The municipal citizens have directly

---

<sup>74</sup> See Municipal Constitution of the Federal State of Brandenburg (Kommunalverfassung des Landes Brandenburg, BbgKVerf); Law on Municipal Elections in the Federal State of Brandenburg (Gesetz über die Kommunalwahlen im Land Brandenburg (BbgKWahlG), 9.7.2009 (GVBl.I/09, [Nr. 14], S.326) zuletzt geändert am 4.7.2023 (GVBl.I/23, [Nr. 17], S.21): <https://bravors.brandenburg.de/gesetze/bbgkwahlg#73>.

<sup>75</sup> They were formed mainly in rural areas and should have at least 5,000 inhabitants, but this fails in a quarter of the cases due to the sparse population.

<sup>76</sup> Municipal Constitution of the Federal State of Brandenburg, Art. 51.

elected him/her for eight years. In these municipalities, the council elects its own chairman from among its members, but the mayor is also a member of the council. To sum it up, the full-time mayor is a strong actor, who dominates the local policy and steers the local administration.

- In four county-free cities, there are so called **Lord Mayors** (*Oberbürgermeister*). The Lord Mayor is a full-time mayor who has same rights and duties as the mayor in the unified municipalities. In addition, the Lord Mayor acts as the "general lower state authority" in the city. Therefore, the Lord Mayor is a strong actor who dominates the local policy (if he/she can organise a political majority in the council).

In addition, all mayors also have things in common. Regardless of whether the mayor belongs to a political party or is independent, he/she needs the support of a majority in the municipal council in order to achieve important decisions in his interest (e.g. on the budget, filling management positions in the local administration). That is why his/her ability to organise this majority is so important.<sup>77</sup> Additionally, mayors are heavily dependent on the financial situation of the municipality, the worse its budget situation, the less room for maneuver they have. Despite of the differences between the types of mayors mentioned above, the mayor has been always a local political leader with direct legitimation.

Considering the question about the mayors' responsibility to ensure citizen participation, the mayor has basically a margin of maneuver in this policy field. The mayor can openly promote or secretly hinder a local culture of citizen participation. Municipal councils can restrict this room for maneuver by adopting a 'local citizen participation statute', which also determine the mayor's tasks in the respective procedures.<sup>78</sup> The openness of a mayor to citizen participation becomes visible, when one analyses to what extent appropriate participation formats are set up by him/her for solving local problems. When evaluating managers and employees, the mayor can take account of their commitment to citizen participation. After all, he/she can ensure an effective organisational structure for empowering citizen participation. One of the best practice examples in Germany is Brandenburg *Land* capital of Potsdam.<sup>79</sup> In consequence, it seems that the German practice for ensuring residents' participation is in line with the CoE Guidelines for civil participation in political decision making.<sup>80</sup>

Active participation of the mayor in *Länder* politics is generally possible and desired within the German cooperative federalism. However, these activities are usually not primarily politically justified, but rather professionally. The mayor is primarily active and in constant exchange with the next higher administrative level – the county to which the municipality belongs.<sup>81</sup> Additionally, full-time mayors, especially in larger cities, maintain a regular exchange with the respective *Land* government. This implies especially contacts with the municipal supervisory authority and with the

---

<sup>77</sup> In order to achieve this majority in the municipal council, the mayor has two options. Either, he/she forms a permanent "town hall majority" or he/she collects majorities in the council for all important individual decisions.

<sup>78</sup> Example: "Statute on procedural rules for citizen participation in projects in the area of responsibility of the municipal council of Heidelberg" (Satzung über Verfahrensregeln für Bürgerbeteiligung bei Vorhaben im Zuständigkeitsbereich des Heidelberger Gemeinderates, 25.7.2012): [https://www.heidelberg.de/site/Heidelberg2021/get/documents\\_E-1008175241/heidelberg/Objektdatenbank/30/PDF/30\\_pdf\\_ortsr\\_1-20\\_Buergerbeteiligungssatzung.pdf](https://www.heidelberg.de/site/Heidelberg2021/get/documents_E-1008175241/heidelberg/Objektdatenbank/30/PDF/30_pdf_ortsr_1-20_Buergerbeteiligungssatzung.pdf).

<sup>79</sup> A "WerkStadt für Beteiligung" is promoting citizen participation in Potsdam in a nationwide unique manner combining two offices (one is part of the administration and initiating participation ideas by the administration), the other is operated by a civil society sponsor (mitmachen e.V.) and supports all participation ideas, arising from civil society. See [buergerbeteiligung.potsdam.de/content/werkstadt-fuer-beteiligung-1](http://buergerbeteiligung.potsdam.de/content/werkstadt-fuer-beteiligung-1)

<sup>80</sup> [CM\(2017\)83](#) Guidelines for civil participation in political decision making.

<sup>81</sup> For county free cities, these are the ministries (in *Länder* with a two-tier administrative structure) or the corresponding state intermediate authority (in *Länder* with a three-tier administrative structure).

*Länder* ministries and other authorities in the context of special projects, e.g., in infrastructure, crime prevention, urban development promotion, education.

Many mayors are also active in party politics. In Germany, 72 % of the full-time ones, and 66 % of the Honorary ones, are members of a political party. Mostly they focus their political activities at the *Land*, some of them are even active in the *Land* Executive Committee of their party. Additionally, all bigger political parties have special local political associations to represent local interests vis-à-vis the *Länder* and the federation. Lastly, a variety of networks, particularly within the municipal umbrella associations of cities and municipalities at the federal and state levels, connect mayors. In addition, mayors' associations exist in some *Länder* and promote the professional, economic, legal, cultural and social interests of its members.

## 5 Ireland

### 5.1 The governing system of Ireland

The government system in the Republic of Ireland is that of a classical modern democratic republic, with separation of the pillars of state (Head of state, legislature, executive, and judiciary). The Head of state (Uachtarán na hÉireann) is the President of Ireland. The Parliamentary body (the Oireachtas) consists of two houses - the principal chamber and lower house (Dáil Éireann), and the upper house (Seanad Éireann). There are two levels of directly elected government and associated administration in Ireland,<sup>82</sup> the central government and the local government. Additionally, in recent years and building on the European policy drive towards balanced regional development as a cornerstone of cohesion policy, Ireland has also developed an additional layer of multilevel governance through the establishment of the regional assemblies; in addition to their role in managing the implementation of EU structural funds, these and their constituent local authority areas have an increasingly important role in developing regional implementation frameworks for placemaking emanating from the national spatial planning framework. People are not elected directly to the regional assemblies by plebiscite, rather they are nominated by their member local authority to represent that local authority in a regional assembly.<sup>83</sup>

Local self-government is provided for in written form within the Constitution of Ireland (section 28A, Bunreacht na hÉireann) and the principal legislative basis for Irish local government is contained in the Local Government Act 2001 (Principal Act), which was significantly updated by the Local Government Reform Act 2014. Irish local government reform can be viewed in recent decades as an ongoing process. Currently, Ireland has 31 local authorities (the term used in official parlance to refer to local government bodies or councils). At national level, the Department (Ministry) of Housing, Local Government and Heritage sets out the following information on local government in Ireland: Each county, city and city and county is divided into local electoral areas and members of local authorities are elected in these. Local electoral areas and the number of members to be elected in each are specified in a statutory instrument for each local authority area. The Department of Housing, Local Government and Heritage states that it 'oversees the operation of the Local Government system, providing the policy framework within which local authorities work and deliver services to the communities that they represent and serve. The department also supports Local Government in its role of promoting the well-being and quality of life of citizens and communities through the efficient performance of functions and delivery of good-value services at local level.'

In addition to the 2001 Act, the operation of local authorities is affected by a range of other legislation very often dealing with specific services (e.g. housing, roads, planning, waste) with which it must ensure compliance. Enforcement and regulation of local government is also subject to an Oversight and Audit Commission which has independent members, and which has the power to scrutinise any aspect of business of the local government according to terms set out in part 12A of

---

<sup>82</sup> In understanding the local government system in Ireland in its national context, as a segment of Ireland's public governance, due cognisance should be taken of the findings and recommendations of the monitoring report CG(2023)45–17. Ireland's ratification of the European Charter of Local Self-Government came into effect in 2002, in the same year as that of Armenia, Azerbaijan, and Bosnia & Herzegovina.

<sup>83</sup> Ireland's regional authorities (parts 9 and 10, Local Government Reform Act 2014) align with NUTS regions of Ireland and have a range of powers in relation to spatial planning and economic development. They were streamlined into three Regional Assemblies in 2015, representing the [Northern and Western, Eastern and Midlands](#), and the [Southern Regions](#). The assemblies are made up of members, who are elected members of the constituent council areas for the region. These members are nominated by their elected council body and not directly elected by citizens.

the 2014 Act. Elected members of local authorities are also obliged to comply with a code of conduct<sup>84</sup>.

All local authorities in Ireland are (with the exception since 2024 of Limerick, which the report focuses on below) constituted equally and with the same functions. In Ireland, it is important to distinguish between the terms 'function' in a legislative context and 'services' in a business context. Functions can be transferred from one local authority to another if the other local authority is willing to take the function. This needs an agreement by both local authorities. Separately and distinctly, local authorities - as with any public sector body in Ireland - may enter arrangements for shared services commissioning and this can include transactional services (such as motor tax collection which is a function of the local government) or direct service provision such as waste management or housing-related services. Any function can be performed by another local authority subject to agreement of the two bodies. In all cases the council retains ultimate responsibility and accountability for provision of the service regardless of what arrangements are in place for the discharge of that service or function, in accordance with CM/Rec(2022)2 on democratic accountability of elected representatives and elected bodies at local and regional level.<sup>85</sup> In sum, the mechanics are similar to the conditions in Finland.

## 5.2 Prohibiting the multiple positions of trust

Contrary to Finland, multiple mandates in Ireland are prohibited under the law. The Local Government No.2 Act 2003 provides several amendments to the 'Principal act' of 2001 by inserting a section 13A. This specifically states that **'A person who is a member of either House of the Oireachtas is disqualified from being elected or co-opted to, or from being a member of, a Local Authority'**.<sup>86</sup> Such practice would suggest alignment with point 60 of the Explanatory Memorandum of the European Code of Conduct for all Persons Involved in Local and Regional Governance.<sup>87</sup>

## 5.3 Diverse roles of the mayors

### 5.3.1 Decision-making-bodies

Councils (i.e. local authorities) deliver a range of decision-making competencies and associated services in several areas.<sup>88</sup> Responsibilities are divided into two areas: the reserved functions (for

---

<sup>84</sup> Code of Conduct for Councillors in Ireland: [www.gov.ie/pdf/?file=https://assets.gov.ie/111400/bebd823f-b297-41e5-a725-3ba487358ac8.pdf#page=null](https://www.gov.ie/pdf/?file=https://assets.gov.ie/111400/bebd823f-b297-41e5-a725-3ba487358ac8.pdf#page=null)

<sup>85</sup> Recommendation [CM/Rec\(2022\)2](#) of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level

<sup>86</sup> Local Government (No. 2) Act 2003, Section 2.

<sup>87</sup> European Code of Conduct for all Persons Involved in Local and Regional Governance and its Explanatory memorandum [CG35\(2018\)12](#) of the Congress of Local and Regional Authorities of the Council of Europe.

<sup>88</sup> Road's infrastructure (meaning 'non-national' roads since the national arterial roads are the responsibility of a national agency), traffic, planning, housing, economic and community development, environment, recreation and amenity services, fire services and maintaining the register of electors. In the last two decades, local government has also lost competencies relating to water services management, and several other functions including waste management have been subject to preferred models of shared services across larger geographical areas. Local government may also provide a location or organisational hosting of public health regulatory officials which are the employees of health service bodies – the latter are constituted completely separately under a national healthcare

the elected council) and the executive functions (for the chief executive). Policy decisions are 'reserved functions' made by the elected councillors. Some of the reserved functions include, passing an annual budget, housing policy decisions and policies on environmental protection. These decisions may be made at two levels: 1) full council (plenary level) or 2) municipal/metropolitan/borough district level. The municipal district members act as a decision-making sub-formation of the overall council in respect of their municipal district area. There are 949 councillors in the country, with council membership in local authorities ranging from 18 to 63. Members are elected to a local electoral area in respect of a local authority. If that local electoral area is situated in a municipal district, those members comprise the council membership for that municipal district in addition to forming part of the plenary (full) council for the entire local authority.

Currently, Irish local authorities denote a unit of administration which comprises a variety of smaller locality-based electoral areas or municipal districts. The patchwork of territorial administration in Ireland – like Northern Ireland – has its historical roots in the Middle Ages.<sup>89</sup> Local electoral areas and the number of members to be elected in each are specified in a statutory instrument for each local authority area. These were most recently made in 2014 for all except Cork City, which was made in 2008. The breakdown between local authorities at county, city and city and county is following:

- 26 county councils, of which three are in Dublin (Fingal, Dún Laoghaire-Rathdown and South Dublin)
- 3 city councils: Cork, Dublin and Galway
- 2 city and county councils: Limerick and Waterford

In short, the current Irish local government landscape consists of what since 2014 are amalgamated local authorities comprising what were distinctive borough and district councils within a county, merging these with a county council, and replacing these sub entities with a unit within county council governance known as a municipal district.

### 5.3.2 The diverse roles of the mayors

In majority of Irish councils, the mayor (*Cathaoirleach*) is an elected official, who is the chairman of the council and the political manager and the face of the municipality. In this model the chief executive is responsible for the professional management of the council.<sup>90</sup> The receptiveness of the

---

administrative executive structure. Healthcare was historically run through more local and regional health boards and (from 1999) health authorities, but these were replaced in 2005 by a national healthcare executive.

<sup>89</sup> In terms of historical territorial governance customs below the level of the state, Ireland and Britain in the Middle Ages and early modern period had a local governance landscape characterised by mercantile elites in urban centres and feudal systems of land holding in large sections of rural and urban territory.

<sup>90</sup> This includes ensuring support to and servicing the business processes required to ensure that council is managed effectively in political terms. The management of electoral functions is also the responsibility of the Chief Executive. This is as distinct from the management of political decision-making in council plenary and within the context of a committee system. The Department of Housing, Local Government and Heritage states that 'It is the duty of the chief executive along with the directors of services and other members of the Local Authority management team to advise and assist the elected council while carrying out 'executive functions'. The chief executive, assisted by a senior management team, manages a Local Authority on a day-to-day basis. Some of the chief executive's responsibilities include delivering on strategic objectives as set out in the corporate plan, administering schemes and allocating grants. Policy areas under the responsibility of the chief executive include transport, social housing, economic development and Local Authority governance.'

state Government to representations made by a mayor are limited. This is notwithstanding that a mayor's party colleague may be a government minister and therefore subject to direct political interaction in the political sphere. A mayor may also lobby a member of the Parliament for their own constituency in order to take political action on an issue for which the Parliament may hold the executive accountable and on which a cabinet minister may give a direction to civil servants. There are also some places in Ireland that still retain the borough status, and the cities of Dublin and Cork have retained the ceremonial role of Lord Mayor (a title also conferred by the British Monarch on major towns and cities throughout the Commonwealth, of which the Republic of Ireland is not a member).

In Limerick however, the city and county council have had a Directly Elected Mayor (DEM) since 2024.<sup>91</sup> In DEM-model, all functions vested in the role of council chairperson (*Cathaoirleach*) before, have been passed to the role of lead councillor. In other words, the functions of the mayor are distinct from the work of chairing council meetings in the DEM-model. In Limerick, the mayor is responsible for all functions previously held by the council and by the chief executive. Mayoral powers include striking a budget and convening citizens. The mayor also has the authority and responsibility for several areas of activity which in other local authorities without a DEM model would be the responsibility of the chief executive. In DEM-model, the professional management (as a function previously assigned to the chief executive) rests as a function with the mayor. Yet, the mayor may delegate this function in writing to the Director General (which replaces the role of chief executive) or jointly hold the function with the Director General to the extent that this is necessary for the business to be done. In DEM-model, the mayor has the legal power to convene citizens and to hold government to account – or at least, the government (National Cabinet) is obliged to meet with the Mayor of Limerick at least once a year, and in this meeting the Mayor of Limerick may advise Ministers in relation to any matter of government policymaking relevant to or impacting on Limerick; also on matters of funding for Limerick, and in relation to any other powers or functions deemed necessary and beneficial for the mayoral role in Limerick.<sup>92</sup> In practice, Ireland has legislation which specifically governs, how the Limerick Mayor and central government may interact, and which affords enhanced powers to a directly elected mayor.

In a highly-centralised state, where the role of local government has potential but remains restricted, vision is required which sees this potential, not only as a means of effectively organising resources in territorial terms across the entire country, but as a crucial factor in the ongoing democratic health of a polity and in continuing to give expression to the Council of Europe's 12 Principles of Good Democratic Governance<sup>93</sup> as well as the various other relevant standards which emerge from these. Equally, investment will be required in the capacity of local government to reach its full potential, in the training, knowledge and skills required among elected representatives, local government officials, and central government actors, and in the development of institutional cultures which enable the agility across multilevel governance structures which can build on, safeguard and guarantee the democratic health, competitiveness and prosperity of the polity. In this sense, the relevance for Finland is that structure and design are part of the solution - but, also crucial and complementary are the adequate resourcing of local government, and investment in the

---

<sup>91</sup> The legislation permits other local authorities to develop a DEM model if they wish. [Local Government \(Mayor of Limerick\) and Miscellaneous Provisions Act 2024.](#)

<sup>92</sup> The Limerick Mayoral and Government Consultative Forum is established under Part 4 of the Local Government (Mayor of Limerick) and Miscellaneous Provisions Act of 2024, and this is the form which that formal engagement is designated to take. Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024, Section 30.

<sup>93</sup> 12 Principles of Good Governance of the Council of Europe (<https://www.coe.int/en/web/centre-of-expertise-for-multilevel-governance/12-principles> )



intellectual capital, relationships and skills required amongst all stakeholders to ensure multilevel governance works for the benefit of all, not least citizens across all regions.<sup>94</sup>

---

<sup>94</sup> See Association of Irish Local Government 2023.

## 6 Northern Ireland

### 6.1 The governing system of Northern Ireland

The United Kingdom of Great Britain and Northern Ireland is a parliamentary democracy and a constitutional monarchy with an unwritten constitution. Constitutional precedent is determined by a body of law which is said to make up the constitution. In the UK, there are overall three levels of governance: central/national/sovereign government, regional devolved government (Northern Ireland, Scottish and Welsh Assemblies and Executives) and local government. The local government connects with different domains of regional and central government depending on the function under focus or the issue under focus. The nature of the connection is determined in chief by the area of function or competency and who, within the overall framework of UK public governance, are the relevant statutory and institutional stakeholders.

The national government system in Northern Ireland is the UK Government system, which is characterised by a central government in London, and devolved 'regional' governments for Scotland, Wales and Northern Ireland. These comprise regional assemblies with legislative powers relating to functions of government, which have been devolved from the national to the regional level. The regional assemblies in the UK are supported by regional executives. Regional government participates in collaborative cross border ('North South') bodies established as forms of intergovernmental co-operation with the Government of Ireland, under the 1998 Peace Agreement (and further established in primary legislation in both the UK and Ireland).<sup>95</sup> Public administration is further characterised by a large section of the public sector made up of Arm's Length Bodies (ALBs)<sup>96</sup>.

The local government system sits in a wider context of devolved regional governance which the United Kingdom adopted in 1998, in three separate Acts of Parliament (for Northern Ireland, Scotland and Wales respectively). It is characterised by a committee system of authority and decision making, where decision-making functions rest with the elected body of councillors, which may delegate functions to a committee, subcommittee or an officer of the council.<sup>97</sup> The local government system consists at territorial level of 11 local authorities known as district councils. In most cases these comprise several former municipal areas and they are divided into electoral areas. The drawing of local government boundaries is regulated by the Local Government Boundaries

---

<sup>95</sup> The North South bodies, which report to a North South ministerial council while being supervised at operational level by 'sponsor' government departments in Belfast and Dublin according to function and remit, have a mandate for specific key areas of public administrative co-operation. These are: cross-border all-island trade (InterTrade Ireland), EU Structural Funds management (Special EU Programmes Body, a Joint Technical Secretariat (JTS) in structural funds management terms), cross-border all-island tourism marketing (Tourism Ireland), cross-border all-island development of the Irish language (Foras na Gaeilge) and Ulster Scots language and culture (Ulster Scots Agency), food safety (Safe Food Ireland), and marine and aquatic conservation and protection of the two cross-border sea loughs and associated river catchment systems for Foyle and Carlingford (Loughs Agency- one of the oldest intergovernmental cross-border environmental management and protection agencies in the world). The North South bodies are classified in Northern Ireland, for the purposes of management and administration, as Arm's Length Bodies and are accountable to Northern Ireland government departments in tandem with accountability to counterpart departments in Ireland.

<sup>96</sup> Healthcare is delivered by integrated Health and Social Care Trusts, which are Arm's Length Bodies. Other functions such as primary and secondary education are also delivered by an Arm's Length Body (Northern Ireland Education Authority). Public transport is delivered by an Arm's Length Body (Translink NI).

<sup>97</sup> While the most recent local government legislation from 2014 allows – subject to a weighted majority of the council being in favor - for the establishment of a council 'executive' model (a form of governance not unlike a national 'Cabinet' government model, but at local level), no council in Northern Ireland has chosen to move towards such a system.

Commissioner for Northern Ireland.<sup>98</sup> All district council areas are made up of clusters of District Electoral Areas (DEAs). A DEA is a group of electoral wards, which are the unit of administration for local government elections and form units for the delivery of services on an area basis by councils.

Local councils obtain their income from rates,<sup>99</sup> government grants,<sup>100</sup> fees and charges for certain services and loans. In understanding how local government interacts with regional and central government, it is necessary to understand, how local government is resourced. This is because, depending on the source of funding and the function for which funding is deployed, councils will have different liaison and sometimes reporting and accountability arrangements with different levels or domains of national or regional government.

The City and Growth Deals mechanism by the UK Government allows for the devolving of major exchequer (treasury) funds to a council for the purpose of investing in major economic catalyst projects (such as economic innovation or capital development of more economically and socially deprived regions, including infrastructure and urban regeneration) which are aimed at increasing inclusive economic growth. Four municipalities, including both Belfast city council and Derry & Strabane district council have secured City & Growth Deals as have two other regions of Northern Ireland comprising multiple local authorities. A range of cities in Great Britain also secured growth deals.<sup>101</sup>

In the context of City & Growth Deals, the receiving body, in NI cases the lead council which is also the lead body which bids directly to Treasury for the respective deals, is accountable directly to the UK Treasury and there is no involvement of the Northern Ireland executive in this reporting process. The UK Government has also initiated a “Levelling Up” initiative aimed at fulfilling its obligations further under the European Charter for Local Self-Government as they relate to the redistribution of resources to local self-government areas with poorer access to or share of resources.

In summary, Northern Ireland has a formal three-tier government system – national, regional and local, and holds direct elections to all three levels. Northern Ireland’s local government system has a strong placemaking function and a formal role in facilitating place-based leadership for development, via the Community Planning model. Local government in Northern Ireland may also manage significant financial resources directly devolved from Treasury at national level. Local

---

<sup>98</sup> Districts councils were formally established in legislation in 2014, following by a comprehensive review of public administration in Northern Ireland (RPA). In legal territorial terms, and historically, there are districts and boroughs which are contained within the 11 new council areas as historically smaller or more specific units of self-government at local level. The default technical nomenclature for a unit of Local Government is ‘District’. Where a local council or part of a local council area is designated a ‘borough’ this has ceremonial significance only and is related to a ceremonial retention of historical elements of governance which date from the Middle Ages. See: [Local Government Boundaries Commissioner for Northern Ireland](#)

<sup>99</sup> Councils are legally required to strike the district rates (the domestic district rate and the non-domestic district rate) no later than 15 February each year. The level of rates will be estimated to adequately meet the financial needs in the next financial year.

<sup>100</sup> Department for Communities, Local Government & Housing Regulation Division’ grants consist of: Rates Support Grant, which provides extra financial resources for those councils whose needs exceed their wealth base; De-rating Grant, which compensates councils for the loss of district rate income due to the statutory de-rating (lowering of rates) of certain property; Transferred Functions Grant, which supports the functions that transferred as part of local government reform to district councils; Civil Contingencies Grant to support councils in emergency planning. Other government departments pay specific grants to councils, which help with the financing of certain revenue and capital expenditure, usually relating to where regional government (Northern Ireland Executive) has devolved certain functions further down to local government based on appropriate involvement, expediency and effectiveness. The main form of such grants is known as a ‘discharge grant’ and forms a portion of a council’s annual funded baseline, where such devolved functions apply.

<sup>101</sup> List and information on Northern Ireland City & Growth Deals: [City and Growth Deals | Department for the Economy](#); List of Great Britain City & Growth Deals: [City Deals - GOV.UK](#)

government in Northern Ireland has greater financial powers than its counterpart in the Republic of Ireland.

All councils in Northern Ireland are regulated equally with equal functions. A council can arrange for any of its statutory services to be discharged or delivered by a committee, a sub-committee, or by any other council (Part 4, Local Government Act 2014). Where functions are discharged to a committee or a subcommittee of the council, a scheme of delegation is put in place, which clearly sets out the terms and limits of the responsibilities discharged and against which the committee or sub-committee is tasked with reporting back to the council. The legislation sets out that there are exceptions as regards which functions can be discharged or delivered by any other council; and for those functions which may be discharged to another council, there are limits and strict conditions attached. These assist with avoidance of duplication of resources and potential other areas of conflict of interest. In all cases, the council retains ultimate responsibility and accountability for provision of the service regardless of what arrangements are in place for the discharge of that service or function. In practice, it is extremely rare, if not non-occurrent, for a council to simply discharge its core functions to another council.

## 6.2 Preventing multiple positions of trust

Multiple mandates for councillors are prevented in the section 3 of the Local Government (Northern Ireland) Act 2014: 'A member of – (a) the Assembly; (b) the House of Commons; (c) the House of Lords; (d) the legislature of any other country; or (e) the European Parliament, is disqualified for being a councillor'.

Furthermore, as regards the Northern Ireland Assembly, UK Parliament and (as did apply prior to the UK's exit from the EU) the European Parliament, the following additional preclusions apply: Northern Ireland Assembly dual mandates between the House of Commons and the Northern Ireland Assembly are prohibited by the Northern Ireland (Miscellaneous Provisions) Act 2014.<sup>102</sup> The Act provides that an existing member of the Parliament (MP) (House of Commons or the Dáil Éireann - the lower house of the Irish Parliament) elected as a member of the Legislative Assembly (MLA) has 8 days to resign from the House of Commons, while an existing MLA elected as an MP must resign immediately from the Assembly. Those elected as an MLA and MP in proximity have 8 days to choose a seat. As they apply to members of the House of Commons, these provisions also apply to anyone who is a member of the Irish Parliament (Dáil Éireann) becoming elected to the Northern Ireland Assembly or anyone who is a member of the Northern Ireland Assembly being elected to the Irish Parliament (Dáil Éireann)<sup>103</sup>.

---

<sup>102</sup> Noting that 'A European Council Decision in 2002 banned dual mandates between national legislatures and the European Parliament with effect from July 2004. This Decision followed a continued decline in the number of MEPs with dual mandates in all member states, from 105 at the time of the first election in 1979 (25.6% of the European Parliament) to 8 in 1999 (1.2% of total)'. UK Parliamentary Briefing; Number 04101, 26 September 2017. (Written by Ben Goldberg).

<sup>103</sup> The banning of dual mandates in Northern Ireland followed increasing criticism of the practice in the aftermath of the 2009 MPs' expenses scandal. The Committee on Standards in Public Life highlighted the prevalence of dual mandates in Northern Ireland as of special concern when it recommended ending the ability to sit in the House of Commons and devolved legislatures.

### 6.3 Role of the mayors

In local government, the mandatory body is the district council to which councillors are elected. The council is chaired by a mayor, who is elected by their peers in the body of elected councillors comprising the council. The mayor of a district council is the ceremonial head of the elected body, and the face of that body for the citizens. In Northern Ireland, where from 1972 until 1998 government was by direct rule from London, local government was the democratic system closest to the people and in cultural terms the role of mayor is highly respected and generally celebrated among citizens. The mayor may convene citizens and engage in activities that allow for participation of citizens. There are various public procedural requirements on various areas of the public sector in Northern Ireland - including local government - to convene citizens for various purposes.<sup>104</sup>

Mayors' main task is ceremonial and to reflect the corporate position of the Council. The mayor is required to represent the council at civic events. The legal status of a mayor (as distinct from the functional status of the chairperson of a council as set out in the legislation and standing orders) varies depending on the history of places and settlements. In the context of the UK, there are various historical precedents for mayors and Lord Mayors, which are derived from the history of a town or city or borough which may have received a Royal Charter;<sup>105</sup> some of the status of a mayor is linked to medieval evolutions of seigneurial rights under the feudal system (borough customary law).<sup>106</sup> The functions and status of mayors and members of a council derive from such historical arrangements, and in some cases cities and towns may have special appointments for certain members of council which are ceremonial in nature such as Lord Mayor, Aldermen or Freemen.

The mayor can reflect the corporate views of the council, which may be political, and the mayor is free to do so provided these views are the agreed position of the council. The mayor often engages in advocacy and engagement even at the top level of government at regional (Northern Ireland) and UK (UK national) level. This is particularly so where mayors may engage in advocacy, working in partnership with officials, relating to the allocation of government resources to a place for key services for citizens, or for the economic/infrastructural development of a place. In Northern Ireland, there is a strong culture of local political advocacy for place, and this is borne out in the confidence with which mayors from time to time engage on national policy issues.

All council members (including the mayor) have the direct power to invite ministers and engage politically at all levels of the polity to the level of the prime minister of the UK and UK Cabinet. This is provided for in legislation (specifically section 79, Local Government Act 2014). A Council may do anything that individuals generally might do, and to do it in 'any way whatever' and that this section confers on council the 'power to do it for, or otherwise than for, the benefit of the council, its district or persons resident or present in its district'. Council, council committees or subcommittees may also convene citizens or involve citizens in the activities of the council.

---

<sup>104</sup> The community planning function, which councils are required by law to discharge as part of a formal placemaking role, also involves the convening of citizens and this is done as a discharged responsibility from council to a council committee supported by council officials. There is also a history of community engagement and citizen participation via the public consultation process (linked to Section 75 of the Northern Ireland Act and the need for public policymaking at all levels of governance to protect the nine equality principles – see Appendix A) and the established practice of co-creation or co-design of services, regeneration and development activities with community and civil society groups. Elected members of the council may also play a role in convening citizens or enabling citizens' participation in activities of the council.

<sup>105</sup> Royal Charter is a legal imprimatur from the Crown/Monarch to allow the establishment of a council - it relates to medieval feudal legal systems and is therefore a hangover from a period which preceded the onset of parliamentary democracy. The Crown is the head of state. Currently, it has only ceremonial significance.

<sup>106</sup> See Cuenca 2019.

Professional/corporate and operational management of the council as an organisation is the role of the chief executive, which is a public service officer position.<sup>107</sup> In cultural terms, the role of chief executives is highly respected, since it is seen as significant public sector executive. The chief executive operates and interacts on a peer basis with his/her counterparts across the local government sector, in Arm's Length Bodies, and with senior executive leadership in government administrations. This role, while operational and not political, has been particularly important for a semblance of normal business in government and public services, particularly in the absence of a functioning political executive at the level of Northern Ireland's regional government.<sup>108</sup>

---

<sup>107</sup> There is a range of regulatory bodies which support the reformed system of Local Government. This includes the Northern Ireland Local Government Auditor, and the Northern Ireland Local Government Commissioner for Standards ([Northern Ireland Local Government Commissioner for Standards](#)). There is also a Code of Conduct for elected Councillors ([The Code of Conduct](#)) which provides the framework for regulation and enforcement of standards in public office for local elected officials. The Local Government Commissioner for Standards has powers of adjudication and of investigation. As regards supervision of local government by Northern Ireland government departments, the law sets the circumstances in which government departments may direct council to report, and in which government departments may intervene (Part 14, Local Government Act). In circumstances where a department deems a council to have defaulted on discharge of its function(s), a department has power of intervention including investigation; and, if an action proposed to be taken by a council were to be incompatible with international obligations, a government department may direct that the proposed action must not be taken. Equally, where an action which could be taken by a council is required to give effect to international obligations, a government department has the power to direct a council that the action should be taken.

<sup>108</sup> The latter has prevailed for periods of time since 1998 due to obstacles to consensus within a political arena characterised by oppositional identity politics; this has led to some suggestions that Northern Ireland's regional government system may benefit from further political reform.

## 7 Slovakia

### 7.1 The governing system of Slovakia

Slovakia became an independent unitary state in 1993, when the Czech and Slovak Federative Republic split. Although it had shared the same government system at all levels with the Czech part of the federation for more than forty years, Slovakia introduced a significantly different system of local self-government in 1990 following the collapse of Communist party rule. On this matter, Klimovský et al. (2019) stressed that while the Czech part of the federation preferred to re-introduce a local government system that followed some Austrian traditions, the Slovak part of the federation returned to some Hungarian ones.<sup>109</sup> In practice, this meant that the democratic local self-government system in Slovakia started its independent development in 1990. It has followed its own path since 1993, when Slovakia became an independent country.

Nowadays, Slovakia has a two-level system of territorial self-government with 2,890 municipalities and eight self-governing regions. The municipal structure is one of the most fragmented in Europe. As a mostly rural country, it has a sparsely populated countryside with minor change occurring after 1993.<sup>110</sup> There is a high number of exceedingly small municipalities, especially in eastern and southern Slovakia. More than 85 % of all Slovak municipalities have fewer than 2,000 citizens, and the average size of a municipality is fewer than 1,900 citizens. The median size of Slovak municipalities is approximately 640 citizens.

The democratic local self-government system was renewed in 1990 (Act on Municipalities 369/1990). However, the most essential decentralisation reform was prepared and implemented in the EU pre-accession period from 2000 to 2004/2005. This reform introduced new self-governing regions as a regional level of government system (Act on Self-Governing Regions 302/2001). In addition, it started huge devolution and delegation processes, and fiscal decentralisation principles were implemented into the practice of self-government. The self-governing system became a two-level system with a strong municipal level in terms of volume of competences as well as fiscal tools. However, due to the remaining fragmentation<sup>111</sup> and insufficient capacities of many municipalities, the reform changes did not achieve their potential in terms of the expected benefits.

An interesting possibility concerning the mergers of municipalities was approved by the Slovak Parliament in 2018. Because in a few municipalities nobody had run for mayor or local councillor, the local self-governments in those municipalities became practically dysfunctional. The previous local self-governments were meant to continue performing all tasks even though they had not been re-elected. According to the 2018 rules, if there are no candidates in a regular term of municipal elections, new elections are announced. If again nobody runs for mayor or local councillor, the (national) government can merge such a municipality with a neighbouring one if the council of the neighbouring municipality gives its formal approval.<sup>112</sup> Although this possibility was introduced in the multilevel government system in 2018, it has not been applied in practice yet.

---

<sup>109</sup> The territory of the Czech part of the federation belonged to the Austrian part of the Austria-Hungary, and the territory of the Slovak part of the federation belonged to the Hungarian part of the same empire before 1918.

<sup>110</sup> The country had experienced a wave of forced mergers since 1968, but a new regulation that was adopted in 1990 led to a visible increase of municipalities – from fewer than 2,670 municipalities in 1989 to 2,890 in 2011.

<sup>111</sup> There was an official attempt to start an amalgamation reform in 2005, but open and strong resistance by municipal leaders ended this initiative very quickly.

<sup>112</sup> Klimovský 2022.

According to the Constitution of the Slovak Republic (460/1992, Constitution), the National Council of the Slovak Republic (i.e. the Parliament) is the only constitutional and national legislative body of the country (Art. 72, Constitution). The National Council has no chambers or houses. It has 150 deputies, who are elected for four years (Art. 73, Constitution). Although, the Constitution contains a provision (Art. 64) that a municipality is a fundamental unit of territorial self-government, it also stipulates that municipalities and self-governing regions (also known as higher territorial units) are independent territorial self-governing and administrative units (Art. 64a, Constitution). The Constitution defines municipalities and self-governing regions as legal entities that independently manage their own property and financial resources. New obligations or restrictions regarding the performance of territorial self-government can only be introduced by national law or through an officially ratified international agreement.

Since a mixed public administration system is used in Slovakia, the performance of specific tasks within state administration can be transferred (delegated) to municipalities or self-governing regions. This process must be done by law, and the state covers the costs of the performance of the state administration delegated in this way. This approach is consistent with the CM/Rec(2011)11E on the funding by higher-level authorities of new competences for local authorities which states: “When higher-level authorities take decisions which impose or could result in additional net costs for local authorities, compensation should be given by the higher-level authorities to local authorities”.<sup>113</sup> In such cases, both municipalities and self-governing regions are managed and controlled by the (national) government (Arts. 65–71, Constitution).<sup>114</sup> Collective representative bodies at all levels in Slovakia as well as mayors and the chairpersons of self-governing regions have the same four-year term of office. Municipal/local and regional elections used to be held in different years. This was changed in 2022, when a measure of synchronisation of local elections with regional elections was implemented.<sup>115</sup>

Each municipality in Slovakia is authorised to co-operate with other territorial or administrative units.<sup>116</sup> In general, municipalities have not wanted to give up any control to another municipality once they had gained their independence.<sup>117</sup> Municipalities have had the right to establish joint municipal offices since 1990, and yet joint municipal offices have been intensively used after 2002, since many small municipalities struggled due to their incapability to deal with their own original competences.<sup>118</sup> On this matter, the Ministry of Investment, Regional Development, and Informatics has recently announced that *shared service centres* will be established with EU funding. Small

---

<sup>113</sup> Recommendation [CM/Rec\(2011\)11](#) of the Committee of Ministers to member states on the funding by higher-level authorities of new competences for local authorities.

<sup>114</sup> Article 69 of the Constitution contains brief provisions regarding the basic bodies of municipalities (i.e. mayors and local/municipal councils) and self-governing regions (i.e. chairpersons of self-governing regions and regional councils).

<sup>115</sup> This change required a constitutional amendment approved by the National Council in 2017 with the term of office of self-governing regional bodies following the elections in November 2017 being extended to a one-off period of five years. See Klimovský 2022.

<sup>116</sup> Any specific inter-municipal co-operation entity must be of a private nature, and five forms of co-operation (agreements) are possible. This concern (1) the performance of tasks, (2) the establishment of joint municipal offices, (3) the establishment of municipal associations, (4) the establishment of legal entities, and (5) the establishment of associations of legal entities. See: Franzke et al. 2016.

<sup>117</sup> This started to change due to the decentralisation reform in the early 2000s. The Ministry of Interior published the ‘Methodological Instruction on Establishing the Joint Municipal Offices’ in 2002 to help municipalities adapt to the impacts of the reform and to perform delegated state administration in a proper way.

<sup>118</sup> See Kling and Pilát 2003.



municipalities will be able to transfer the exercise of original competences to these centres. Diverging opinions on this matter have been present in the country.<sup>119</sup>

## 7.2 Restrictions for having multiple positions of trust

The mandate of a member of the National Council cannot be performed alongside the role of a judge, prosecutor, Public Defender of Rights (ombudsman), member of the armed forces, or member of the European Parliament. If a member of the National Council is appointed a member of the (national) government, their mandate does not expire during the performance of this ministerial office. Instead of any expiration, they are represented by a substitute in the Parliament. If they leave ministerial office, the substitute leaves the Parliament and so they then have the right to return and perform their mandate in the National Council (Art. 77, Constitution).

Having a mandate in the National Council and a mandate in elected self-governing bodies is not forbidden, and it is a common phenomenon. Some parties and individuals have introduced their own rules against the accumulation of multiple mandates, but these rules are not legally binding and have not been adopted by all political stakeholders as an example of good practice. The accumulation of various self-governing mandates (e.g. mayors) with the mandate of a member of the National Council is not uncommon, and having multiple mandates in various self-governing offices is frequent. The rule that one cannot be both a mayor and a municipal councillor does not apply if one wants to combine the mayoral office with the mandate of a regional councillor. However, it is impossible to combine the mayoral office with that of the chairperson of a self-governing region.

Other incompatibilities of municipal elected bodies (analogous rules that are applied for regional elected bodies) are stipulated (Act on Municipalities; Constitutional Act on the Protection of the Public Interest in the Performance of Public Officials' Duties 357/2004):

- A mayor cannot also be an employee of the same municipality, a statutory representative of either a budget organisation or a contribution organisation<sup>120</sup> established by the same municipality, a senior employee of a state administration authority (e.g. the head of a district office or a senior employee who meets the definition according to the provisions of section 20 of Act on the Civil Service (55/2017) as amended), a prosecutor, or a judge.

---

<sup>119</sup> Municipal leaders do not have a broad consensus on this matter. Most of them, who represent small municipalities, believe that the shared service centres will help them survive and that they will increase effectiveness and efficiency within the entire system of local public service delivery. On the other hand, leaders of large cities have criticised this attempt as an insufficient step towards effectiveness and efficiency. They argue that at some point Slovakia will need some form of territorial consolidation reform. In this context, it is important to stress that many citizens are against any amalgamation reform because there is a widely held opinion that if an established municipality consists of several parts (formerly independent municipalities), the neighbourhood of the mayor will be developed the most. See: Klimovský 2010. <https://euractiv.sk/section/ekonomika-a-euro/news/sluzby-v-mensich-obciach-maju-zlepsit-spolocne-centra-samospravy-ale-stale-cakaju-na-vyzvu-z-planu-obnovy/>

<sup>120</sup> Each municipality in Slovakia can found its own budget and contribution organisations. A budget organisation is a legal entity of the municipality, which is directly involved in the budget of this municipality with its revenues and expenditures (e.g. elementary schools). These organisations are managed independently according to the approved budget with the revenues determined by the municipality as the founder. A contribution organisation is a legal entity whose production costs are less than 50% covered by sales. It is involved in the budget of its founder (the municipality) with a so-called contribution. The financial relations determined by the municipality as the founder within its budget apply to it. For example, ZOO Bratislava is a contribution organisation which has its own incomes and still it annually receives a certain contribution from the city's budget that helps to maintain its economic stability.

- Local councillors cannot also be mayors, employees of the same municipality, statutory representatives of either budget organisations or contribution organisations established by the same municipality, prosecutors, or judges.

If a police officer is elected to a municipal council or to a mayoral office and it is a paid role, their status as a police officer is suspended for the duration of the political office.

### 7.3 Role of the mayor

There are two mandatory bodies that are established in all municipalities: municipal councils and mayors (section 10, Act on Municipalities). Each municipal council is entitled to establish or abolish various permanent or temporary executive, oversight, and advisory bodies (e.g. a municipal board), its own commissions, a municipal youth parliament, or a council of seniors – and determine their duties. The municipal council is the collective representative and decision-making body of the municipality. All municipalities have their own budgets and assets, and they are equal in terms of competences regardless of their size. Municipalities may issue ordinances that bind all individual or corporate bodies within their own jurisdiction, and only parliamentary acts can supersede or invalidate these ordinances. All valid decisions made by municipalities and state authorities are reviewable by the courts in the application of the ‘cassation’ or repeal principle.<sup>121</sup>

A municipality’s citizens directly elect the mayor. The mayoral election is formally separated from the elections of local councillors, but both are held on the same day. One person can simultaneously run for both mayor and councillor.<sup>122</sup> There are two ways to be a candidate (for mayor or councillor) in Slovakia:<sup>123</sup> (1) as a candidate of political party or (2) as an independent (i.e. non-party) candidate. Each political party listed by the Ministry of Interior in the Register of Political Parties and Political Movements can nominate as many candidates as the number of seats in the constituency allows. Obviously, it can nominate a lower number of candidates as well.

Unlike political parties, independent candidates must show their support from eligible voters through petitions with supporting signatures. There is no specific mechanism for the distribution of seats in local councils, in order to set up majority support for mayors in Slovakia, but a system of mutual checks and balances forces elected mayors and local councillors to collaborate. A binding recall referendum is possible in local politics. The municipal council can call it itself, if the mayor has been unable to work for more than six months. The local council must announce a recall referendum if there is a supporting petition of at least 30 percent of eligible voters. The law does not specify the need for a stated reason for such a petition.<sup>124</sup>

The mayor is not an employee of the municipality, and their remuneration is set by law regardless of their education or background.<sup>125</sup> According to international classifications (e.g. Heinelt et al.

---

<sup>121</sup> Klimovský & Nemeč, 2021.

<sup>122</sup> Mayoral elections attract media interest, so mayoral candidates usually enjoy more visibility. Indeed, for some of them, it is a campaign strategy to at least secure a seat in the local council. If a person runs for the Office of mayor and for that of local councillor in the same local elections and they win in both elections, that person becomes mayor. See Klimovský 2022.

<sup>123</sup> Klimovský 2016.

<sup>124</sup> Klimovský 2022.

<sup>125</sup> An interesting story is linked to the idea of introducing a minimum educational requirement for mayors. A few municipalities have experienced illiterate mayors in the past decade, especially in municipalities with large Roma communities. In 2014, this led to a decision by the National Council to introduce a minimum educational requirement for those running for a mayor. Having completed secondary education was approved as a minimum requirement.

2018), Slovakia uses a strong-mayor model at the municipal level. A list of the core responsibilities of mayors includes calling and chairing the meetings of municipal councils and signing the minutes of these meetings, performing all administration in their municipalities, representing their municipalities in negotiations with the state and all other legal or private entities, deciding on all municipal matters (except those reserved by law or by municipal ordinances for the municipal council) and issuing work regulations, organisational regulations of the municipal office, and remuneration regulations for municipal employees (section 13, Act on Municipalities).<sup>126</sup>

The mayor can be described as the face of the municipality. Most mayors use local media at least to keep up a certain level of public awareness about their activities, and this tool is intensively used in pre-election periods. Unsurprisingly, there are many incumbents among mayors, and uncompetitive mayoral elections (when only one candidate runs for a mayoral office) are not uncommon, especially in the rural areas of eastern and southern Slovakia where the smallest municipalities are concentrated.

As a rule, municipalities can determine their own internal administrative structures, with due respect for general legislation. In this context, each municipality is supposed to have its own municipal office, consisting of administrative officials who are responsible for discharging the instructions of the mayor and other municipal bodies. The municipal office ensures the organisational and administrative matters of the mayor, the municipal council, and all bodies established by the municipal council. The municipal office primarily performs the following tasks: (1) prepares expert materials and other background information for the meetings of the executive bodies, (2) prepares a written record of all the municipality's administrative decisions, and (3) executes all the decisions of the municipal council and the mayor. The work of the municipal office is managed by the mayor, and, in municipalities with a larger number of employees, the role of the head (sometimes also called a 'principal') of the municipal office can be established (section 16, Act on Municipalities). Mayors appoint and dismiss the heads of municipal offices. If such position is appointed, the municipal office is managed, and its work is organised by the head of the municipal office. The head is an employee of the municipality, who is responsible to the mayor and participates in the meetings of the municipal council as well as the municipal board with an advisory vote (section 17, Act on Municipalities).

Any municipal council can establish a municipal board that is consequently composed of councillors who are elected by the municipal council. From the managerial and political point of view, every municipal board is an initiative, executive, and control body of the relevant municipal council as well as an advisory body to the mayor. Its sessions are convened and chaired by mayor or their deputy (section 14, Act on Municipalities).

---

However, the Constitution guarantees equal access to elected public offices, and so this amendment was declared unconstitutional by the Constitutional Court. The National Council did not want to give up, and a new neutral legal provision (section 13, Act on Municipalities) was approved, which states the following: 'The mayor shall improve their knowledge [of what is] necessary to perform the office of mayor.' Obviously, this is a vague and tricky legal provision, which has the nature of a political statement given that no sanction mechanism relates to this 'requirement' and there is no legal definition of 'knowledge improvement' or any further specification of the desired knowledge. Klimovský 2022.

<sup>126</sup> The mayor must also sign resolutions of the council before they enter into force. Mayor can refuse to sign a resolution and suspend its execution or implementation, if they are convinced that the resolution is not in accordance with the law or is clearly disadvantageous for the municipality. The municipal council can re-confirm this resolution with a three-fifths majority of the votes of all councillors. However, this must be done within three months of its original approval, otherwise the resolution loses its validity. The mayor cannot repeatedly apply their veto in the same case and suspend the execution of the re-confirmed resolution. In addition, the mayor cannot apply this kind of veto to resolutions on (1) the election and dismissal of the municipal chief controller or (2) the declaration of a local referendum on the dismissal of the mayor (section 13, Act on Municipalities).

There is no specific legal duty of mayors to support citizen participation. However, as they are the faces of their municipalities, many of them encourage the citizens of their municipalities to be somehow active. Section 25 of the Act on Municipalities contains one specific duty of local councillors that is linked to citizen participation; at the request of voters, local councillors must inform the public about their activities and the activities of the municipal council. Moreover, section 3 of the Act on Municipalities contains several rights and duties of citizens in relation to their municipality as well as its local self-governing bodies. It is also stipulated that citizens participate in development activities, contribute to the improvement of their municipalities, and provide relevant assistance to the authorities of those municipalities.

Mayors do not use the regional level as a ladder to get closer to the state level, since municipalities are not subordinated to self-governing regions. On the contrary, the political representatives of both levels openly compete (e.g. in the case of EU funds allocation). Many mayors are directly active at the national/state level, thanks to the accumulation of mandates; through various political parties; or through the networks of the general associations of municipalities, which are quite strong in Slovakia. Currently, there are two general associations of municipalities in the country: the Association of Towns and Communities of Slovakia (Združenie miest a obcí Slovenska, ZMOS) and the Union of Towns and Cities of Slovakia (Únia miest Slovenska, ÚMS). While the former association is a kind of catch-all association, the latter one especially focuses on the interests and requests of urban municipalities (towns and cities). Individual municipalities are represented by mayors in these associations, and the associations are often involved in policy making at the national level. However, some specific laws require the mandatory involvement of ZMOS. As a strong representative of municipalities as employers, this association participates in social dialogue at the national level together with the government, trade unions, and major employers. Specific public servants (e.g. municipal chief controllers and heads of municipal offices) have their own national-wide associations, which represent their own interests regarding the government.

## 8 Conclusions

As presented in this report, the contents and the number of levels of governing systems vary between the selected CoE member states. Reasons for this vary due to multiple factors such as the size of the country, its population and the historic context (see Table 3).

**Table 3. Key findings from Austria, Czech Republic, Finland, Germany, Ireland, Northern Ireland and Slovakia.**

State	Population	Governing levels	Amount of Municipalities	Methods for transferring statutory tasks from one municipality to another	Restrictions for the multiple positions of trust	Directly elected mayor	The role of the mayor
Austria	9,1 million	national, state and local	2,093	Similar as in Finland. In theory the territorial merger is possible, but it has never been put into practice.	Several restrictions	YES	Legally strong, but in practice heavily regulated.
Czech Republic	10,7 million	national, regional and local	6,254	Union of municipalities and associations of municipalities	Several restrictions	NO	Strength of coalitions determines the mayors role. In general, no strong model.
Finland	5,6 million	national, county and local	309	The responsibilities for delivery of the services can be transferred.	No. Yet, the problem has been recognized.	NO	Unclear
Germany	84,4 million	The federal and The Länder	10,752	Permitted with certain restrictions, which varies between <i>the Länder</i> .	Several restrictions	YES	The role has been strengthened. In Germany, there are different mayoral models.
Ireland	5,2 million	national and local, additionally the regional assemblies	26 county councils; 3 city councils; 2 city and county councils.	Similar as in Finland.	Multiple mandates are prohibited.	YES	The role is ceremonial. In Ireland, there are different mayoral models.
Northern Ireland	1,8 million	national, regional and local	11 District Councils	Can be discharged or delivered but the responsibility and accountability remains to the council.	Multiple mandates for Councilors are prevented.	NO	The role is ceremonial, and it varies depending on the history of places and settlements.
Slovakia	5,5 million	national, regional and local	2,890	Inter-municipal co-operation	There are restrictions, but in practice multiple mandates are frequent.	YES	Strong role.

Based on the report, it is evident that there are differences in the self-governing status and executive powers of municipalities between these selected states. In Austria for example, municipalities can be assigned an extended range of competence by the national or state level, which means they are obligated to act on behalf of and according to the instructions of the federal or state government. In Germany, on the contrary, the Constitution doesn't allow direct relation between the federal and local level. Yet, the federal level can influence local authorities by legislation (e.g., assignment of new public tasks). In Slovakia, the state has authority to transfer the performance of some state administration competences to municipalities within a delegation mechanism. In addition, it is worthy to note that in Ireland, the local government system is heavily regulated and strictly

resourced (i.e. limited revenue raising powers at local level) and supervised by the central government.

Struggling municipalities (especially small municipalities in rural areas) and the reasons behind them (e.g. depopulation, elderly population, lack of employees) are a common and widely recognised problem within the states of this report. It is noteworthy to underline that in Germany however, rural areas aren't generally seen as the problem areas. This has led to an interesting outcome, where municipalities have had to create new ways to survive. In Czech Republic and Slovakia, many local governments have insufficient capacities for fulfilling their tasks due to the extremely fragmented municipal structure. Most of the countries have similar methods for transferring local public services' responsibilities from one municipality to another as in Finland (e.g. cooperation, association of municipalities). Although, it should be noted, that in Austria a theoretical possibility for territorial mergers has been created (i.e. territorial municipalities), which offers the possibility to consolidate and/or regulate a multitude of responsibilities at a smaller regional level, while simultaneously preserving the autonomy of local authorities in the delivery of services. Yet, these kinds of mergers have never been put into practice. In addition to territorial municipalities, the different types of municipalities in Czech Republic and Germany are interesting possibilities for Finland to consider in order to enhance the situation of the municipalities (especially the small ones in rural areas).

In this context, the report draws the attention that that the European Charter of Local Self-Government (Art. 9.2) obliges local authorities' financial resources to be commensurate with the responsibilities provided, and the state government is responsible for ensuring these resources. More detailed explanation pertaining to resources and their allocation being consistent with local authorities' needs to carry out responsibilities effectively, can be found in CM/Rec(2005)1 on the financial resources of local and regional authorities. It stipulates that *"...where the demands of national economic policy so require, measures should be taken to ensure that the system of financing local authorities is consistent, overall, with those demands; such measures should; ... not be disproportionate to the demands in question"*.<sup>127</sup> Moreover, for issues related to having adequate capacity at the local level, notably related to necessary skills of elected representatives, the corporate management capacity of the organisation and the workforce capacity, attention should be paid to the CoE Recommendation on capacity building at local and regional level.<sup>128</sup> Considering the references above, should Finland decide to pursue a model of differentiated municipalities, it will undeniably require more precise assessment of the legal limits of differentiated municipalities with the Council of Europe standards on democratic governance. Partnership and cooperation with the Council of Europe would thus be very useful for Finland.

According to the report, the multiple positions of trust are a common problem in other CoE member states as well. First and foremost, it should be noted, that the European Charter of Local Self-Government (Art. 7.3) obliges member states to determine by statute or fundamental legal principles for any function and activity which are incompatible with holding of elected local office. Additionally, CoE has recommended local and regional authorities to have clear procedures for identifying, managing, and solving conflict of interest situations.<sup>129</sup> Currently, the provisions in Finland can be seen as vague and interpretative and in contradiction with the legal principles of Good Government of Finland (The Administrative Procedure Act of Finland 434/2003). Based on the

---

<sup>127</sup> Recommendation [Rec\(2005\)1](#) of the Committee of Ministers to member states on the financial resources of local and regional authorities.

<sup>128</sup> Recommendation [CM/Rec\(2007\)12](#) of the Committee of Ministers to member states on capacity building at local and regional level.

<sup>129</sup> Recommendation [CM/Rec\(2018\)423](#) on the Committee of Ministers to member States on conflict of interest at local and regional level; Report [CG35\(2018\)14](#) on Transparency and open government

report, it would be useful for Finland to consider the following options: prohibiting the multiple mandates as a whole (Ireland); preventing multiple mandates for councilors (Northern Ireland) or restricting multiple mandates with specific provisions (Austria, Czech Republic, Germany)<sup>130</sup>.

Finally, the report shows that the municipal management systems are based on the mayoral model in all other CoE member states included in this report. This finding undeniably highlights the exceptional nature of the Finnish chief executive model. With a couple of exceptions, a mayor is a (directly or indirectly) elected official, who is seen as the face of the municipality. In Austria, Ireland and Northern Ireland, the mayor has mainly a ceremonial role as a manager. Mayors in Czech Republic derive their political strength from the support of political parties in their municipal councils and Slovak mayors refer to the legitimacy embedded in their direct election, when justifying their powerful position. In Germany, the mayor can be recognised as a central actor in local politics. However, the role of the mayor in Germany differs significantly in terms of the type of municipalities. The full-time mayor and the Lord Mayor in Brandenburg (Germany) seem to present similarities with the chief executive in Finland, since the former are full-time temporary civil servants. Yet, it should be noted that the full-time mayor gets elected for eight years at a time, which increases a full-time mayors' legal status comparing with the chief executive in Finland.

Last but not least, Irelands trial-run for directly elected mayor (i.e. DEM in Limerick) may be a rather interesting possibility for Finland to consider. More generally, the directly elected mayoral model (Austria, Germany, Ireland, Slovakia) could also be a possible step to increase the interest towards the mayoral model. In conclusion, Finland could benefit from an accurate assessment of its lack of interest towards the mayoral model. According to recent studies, the power-relations in mayoral systems have turned out to be unclear in practice, which can, to some extent, explain the unwillingness to choose this model.<sup>131</sup> The report offers several possibilities to enhance the role of the Finnish mayor. At the same, it would be valuable to discuss more broadly about the managing roles within the chief executive model (i.e. the role of the council, executive board and chief executive). This is due to the fact that the power relations, responsibilities and tasks between the central actors in this model have also turned out to be somewhat mixed and vague.<sup>132</sup>

---

<sup>130</sup> Even though there are restrictions in Slovakia as well, the multiple mandates are frequent, leaving no specific value added for Finland to utilise this example.

<sup>131</sup> Jänntti et al. 2021.

<sup>132</sup> Virikko 2024; Virikko 2016.

## 9 References

Association of Finnish Municipalities. (2024). Finnish cities and municipalities. <https://www.kuntaliitto.fi/kuntaliitto/tietotuotteet-ja-palvelut/kaupunkien-ja-kuntien-lukumaarat-ja-vaestotiedot>

Association of Irish Local Government, International Centre for Local and Regional Development, Maynooth University. (2023). The 21<sup>st</sup> Century Councillor in Irish Local Government.

Autioniemi, J., Lundstedt, T., Tolvanen, M., Virikko, S. (2022). Poliitiikan polttava tuolileikki. Libera-säätiö.

Committee on the Honoring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee) Rapporteurs: PREBILIČ, V. (L, SOC/G/PD) HELGESEN, G. M. (R, EPP/CCE). 2023. Monitoring of the application of the European Charter of Local Self Government in Ireland. CG(2023)45–17.

Council of Europe. (1985). European Charter of Local Self-Government. [CETS 122](#).

Council of Europe. (2024). Policy advice report on the administrative capacities of the Finnish Wellbeing Services Counties.

Cuenca, E. L. (2019). The Making of Borough Customary Law in Medieval Britain Fordham University ProQuest Dissertations & Theses. 13881190.

Datenhandbuch Deutscher Bundestag (2024). [Kapitel 2.9. www.bundestag.de/dokumente/parlamentsarchiv/datenhandbuch/02/kapitel-02-475892](http://www.bundestag.de/dokumente/parlamentsarchiv/datenhandbuch/02/kapitel-02-475892).

Delivery of Shared Services. Progress Report to the National Oversight and Audit Commission on Delivery of Shared Services through the Local Government Programme Management Office – City & County Management Association and Local Government Management Agency. (2016).

Franzke, J., Klimovský, D., Pinterič, U. (2016). Does Inter-Municipal Cooperation Lead to Territorial Consolidation? A Comparative Analysis of Selected European Cases in Times of Crisis. In: Kuhlmann, S., Bouckaert, G. (eds). Local Public Sector Reforms in Times of Crisis: National Trajectories and International Comparisons. London: Palgrave Macmillan, pp. 81–98.

Government of Ireland, Department of Heritage, Housing and Local Government. (2020). Ireland 2040 – Our Plan. [www.gov.ie/pdf/?file=https://assets.gov.ie/246231/39baaa8c-48dc-4f24-83bd-84bbcf8ff328.pdf#page=null](http://www.gov.ie/pdf/?file=https://assets.gov.ie/246231/39baaa8c-48dc-4f24-83bd-84bbcf8ff328.pdf#page=null)

Government of Ireland, Department of Public Expenditure and Reform (Ireland). (2015). An Examination of Shared Services in the Irish Public Service and Internationally.

Haidvogel, M. (2013). Gemeinderecht für Praktiker. Vienna: Manz.

Heinelt, H., Hlepas, N., Kuhlmann, S. & Swianiewicz, P. (2018). Local Government Systems: Grasping the Institutional Environment of Mayors. In: Heinelt, H., Magnier, A., Cabria, M., Reynaert, H. (eds). Political Leaders and Changing Local Democracy. The European Mayor. London: Palgrave Macmillan, pp. 19–78.

Harjula, H. – Prättälä, K. (2023). Kuntalaki – Tausta ja tulkinnat. 11. edition. Helsinki: Alma Talent Oy.

Klimovský, D. (2022). Slovakia: A gradual weakening of political parties in a stable local electoral system. In: Gendźwiłł, A., Kjaer, U., Steyvers, K. (eds). The Routledge Handbook of Local Elections and Voting in Europe. London/New York: Routledge, pp. 337–346.



- Klimovský, D. (2016). Experience with Managerial and Political Reform Measures at the Local Level in Slovakia: Intended and Unintended Outcomes. In Sadioglu, U., Dede, K. (eds). *Comparative Studies and Regionally-Focused Cases Examining Local Governments*. Hershey: IGI Global, pp. 135–160.
- Klimovský, D. (2010). Territorial consolidation and inter-communal co-operation at the local level in the Slovak Republic. In: Swianiewicz, P. (ed). *Territorial consolidation reforms in Europe*. Budapest: OSI/LGI, pp. 237–253.
- Klimovský, D., Nemeč, J. (2021). Local Self-Government in Slovakia. In: Brezovnik, B., Hoffman, I., Kostrubiec, J. (eds). *Local Self-Government in Europe*. Maribor: Institute for Local Self-Government Maribor, pp. 355–382.
- Klimovský, D., Pinterič, U., Jüptner, P. (2019). Path Dependence and Local (Self-)Government Systems: A Comparison of three CEE Countries. *Politics in Central Europe*, 15(2), 193–218.
- Kling, J., Pilát, J. (2003). Verejná správa. In: Kollár, M., Mesežnikov, G. (eds). *Slovensko 2003: Súhrnná správa o stave spoločnosti*. Bratislava: Inštitút pre verejné otázky, pp. 193–209.
- Ladner, A., Keuffer, N. & Bastianen, A. (2023). Local autonomy around the world: the updated and extended Local Autonomy Index (LAI 2.0), in: *Regional & Federal Studies*, 1–23, DOI: 10.1080/13597566.2023.2267990.
- Lavapuro, J., Mutanen, A., Salminen, J., Turpeinen, M. (2019). From unitarian tasks of municipalities to differentiated municipalities. Constitutional limits of the differentiation of the tasks of the municipalities. Publications of the Government's analysis, assessment and research activities 2019:67. <https://urn.fi/URN:ISBN:978-952-287-804-5>
- Liberman Cuenca, E. (2019). *The Making of Borough Customary Law in Medieval Britain*. Academic dissertations and Theses. Fordham University. ProQuest Number: 13881190.
- Maškarinec, P., Klimovský, D., Bláha, P. (2019). Where Have All the Women Gone? Women's Political Representation in Local Councils of Czech and Slovak Towns, 1994–2014. Praha: Dokořán.
- Ministry of Finance Finland. (2024). Local Government's duties and activities. <https://vm.fi/en/local-government-s-duties-and-activities> Ministry of Finance Finland 2024a.
- Ministry of Finance Finland. (2024). Wellbeing Services Counties and their municipalities. <https://vm.fi/en/wellbeing-services-counties-and-municipalities> Ministry of Finance Finland 2024b.
- Ministry of Finance Finland (2024). Oikeudellinen selvitys luottamushenkilönä toimimisesta käynnistyy. <https://vm.fi/-/oikeudellinen-selvitys-luottamushenkilona-toimimisesta-kaynnistyy> Ministry of Finance Finland 2024c.
- Ministry of Social Affairs and Health Finland. (2023). Wellbeing Services Counties will be responsible for organizing health, social and rescue services. <https://stm.fi/en/wellbeing-services-counties>
- Neger, D. (2018). Kompetenzen des Bürgermeisters. In: RFG 2018/14, pp. 76–83.
- Northern Ireland Executive: List and information on Northern Ireland City & Growth Deals. [City and Growth Deals | Department for the Economy \(economy-ni.gov.uk\)](https://www.economy-ni.gov.uk/city-and-growth-deals).
- Northern Ireland Local Government Commissioner for Standards. (2017). *The Northern Ireland Local Government Code of Conduct for Councillors*.
- O'Carroll, J.P. (1987). Strokes, Cute Hoors and Sneaking Regarders - The influence of local culture on Irish political style. *Irish Political Studies* Vol. 2 Issue 1. DOI: <https://doi.org/10.1080/07907188708406438>

- Pabel, K. (2022). Einrichtungen der direkten Demokratie in den Gemeinden. In: Pabel, K. (ed.). Das österreichische Gemeinderecht. Vienna: Manz.
- Prebilib, V., Berntsson, M. (2022). Monitoring of the application of the European Charter of Local Self Government in the United Kingdom.
- Radvan, M., Mrkývka, P., Schweig, J. (2021). Local Self-Government in Czech Republic. In: Brezovnik, B., Hoffman, I., Kostrubiec, J. (eds). Local Self-Government in Europe. Maribor: Institute for Local Self-Government Maribor, pp. 89–120.
- Report CG(2022)42-18, final 24 March 2022 Original: English Monitoring of the application of the European Charter of Local SelfGovernment in the United Kingdom Committee on the Honoring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee) Rapporteurs:1 Vladimir PREBILIC, Slovenia (L, SOC/G/PD) Magnus BERNTSSON, Sweden (R, EPP/CCE).
- Schantl, A., Pichler, D., & Prorok, T. (2021). Local Government in Austria. Responses to Urban-Rural Challenges. Zenodo. DOI: <https://doi.org/10.5281/zenodo.5711026>
- State Treasury of Finland. (2024). The information management map of public administration. <https://www.exploreadministration.fi/information-management-map-of-public-administration/>
- Swianiewicz, P. (2014). An Empirical Typology of Local Government Systems in Eastern Europe. *Local Government Studies*, 40(2), 292–311.
- Trauner, G. (2021). Die Direktwahl des Bürgermeisters. In: Pabel, K. (ed.). Das österreichische Gemeinderecht. Vienna: Manz.
- UK Government. Guidance on Regional and Local Government: Devolution of powers to Scotland, Wales and Northern Ireland. <https://www.gov.uk/guidance/devolution-of-powers-to-Scotland-Wales-and-Northern-Ireland>
- Voda, P. (2022). Czech Republic: Local elections in a fragmented municipal system. In: Gendźwiłł, A., Kjaer, U., Steyvers, K. (eds). *The Routledge Handbook of Local Elections and Voting in Europe*. London/New York: Routledge, pp. 271–281.
- Virikko, S. (2024). Kunnanjohtajan johtajasopimus – johtamisen edellytysten ohjaamiseen tarkoitettu oikeudellinen kummajainen. *Focus Localis* Vol. 52, N:o 2, pp. 62–80. <https://journal.fi/focuslocalis/article/view/137808/92064>
- Virikko, S. (2023). Kunnanjohtajan virkasuhteen päätyminen – erokorvauksella vai ilman? *Oikeus* 1/2023, pp. 45–65.
- Virikko, S. (2018). Kunnanjohtajaan kohdistuvan luottamuspuolan tulkinta oikeuskäytännössä. *Lakimies* Vol. 116, N:o 1, pp. 153–163.
- Virikko, S. (2016). Kunnan johtamisjärjestelmän oikeudellinen perusta. *Kunnallistieteellinen aikakauskirja* 4/2016, pp. 25–43.
- 45th SESSION Report CG(2023)45–17final 25 October 2023 Monitoring of the application of the European Charter of Local SelfGovernment in Ireland Committee on the Honoring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (Monitoring Committee) Rapporteurs:1 Vladimir PREBILIČ, Slovenia (L, SOC/G/PD) Gunn Marit HELGESEN, Norway (R, EPP/CCE).

## 10 Authors

### **Jochen Franzke**

Jochen Franzke was - until his retirement in October 2019 - Professor of Administrative Science at the Faculty of Economics and Social Sciences at the University of Potsdam (Germany). His special scientific focus is on regional and local governance in Germany, Europe and in international comparison, reforms of public administrations, especially at the state and municipal level and policy field research, in particular on crisis management, citizen participation, migration and energy policy. He is still active as Senior Lecturer at his faculty and as board-member of the Institute of Local Government Studies. At international level he acts among other things as co-editor of the book series "Palgrave Studies in Sub-National Governance", Member of the Accreditation Committee of the International Commission on Accreditation of Public Administration education and training of the International Association of Schools and Institutes of Administration and Corresponding Member of the International Geographical Unions Commission "Geography of Governance".

### **Daniel Klimovský**

Daniel Klimovský is an associate professor at the Department of Political Science, Faculty of Arts, Comenius University in Bratislava, Slovakia. Klimovský completed his Ph.D. in the field of political theory, and he successfully completed his habilitation procedure in the same field in 2015. Since 2003, he has been working as a lecturer, researcher and visiting researcher for universities in the Czech Republic, Slovakia and Slovenia. His research and teaching activities have focused on public administration and political issues, with special attention paid to local government, local politics and local policymaking. In addition to his academic activities, Klimovský has actively cooperated with the Congress of Local and Regional Authorities and has provided consultancy for the national associations of local and regional governments in Slovakia.

### **Caitriona Mullan**

Caitriona Mullan is an independent specialist in the practice and research of collaborative governance and leadership for territorial and cross-border co-operation. She holds portfolio roles as a Senior External Expert with DG REGIO working on European Structural Funds programmes (most recently on resilience of cross-border health co-operation and systems in Central and Eastern Europe); and with the Council of Europe's Centre of Expertise (with most recent missions in Armenia supporting capacity building for Intermunicipal Co-operation and Cross-border Co-operation). She is an advisor to the Association of European Border Regions (AEBR), firstly in delivery of the European Commission DG REGIO funded B-Solutions Initiative (addressing obstacles to cross-border co-operation and supporting solutions across internal and external EU border regions as part of the European cohesion and integration process), and secondly in relation to AEBR's support for regional cross-border co-operation involving EU Accession countries including Ukraine and the Western Balkans. Caitriona is a Senior Research Associate with the International Centre for Local and Regional Development (ICLRD), and with the Centre for Cross Border Studies (CCBS) in Ireland. She has three decades of hands-on public service transformation and collaborative working experience in the sectoral areas of regional development, cross-border co-operation, local and central Government, healthcare and tertiary education. This includes a decade of experience implementing programmes supported by European Structural funds in a post-conflict transitional context in Ireland/Northern Ireland.

### **Thomas Prorok**

Thomas Prorok is the Managing Director of the Austrian-based KDZ – Centre for Public Administration Research. For more than twenty years, he has been working in the fields of public administration reform, governance and quality as well as in decentralisation, local governments and EU integration. Prorok studied European Law and holds a master's degree in political science from the University of Vienna. He is the author and editor of numerous publications on local government issues, public administration reforms and European integration. Since 2015, he has managed the BACID programme for building administrative capacities in the Danube Region.

### **Dalilah Pichler**

Dalilah Pichler is a Public Management expert at KDZ – Centre for Public Administration Research since 2019. Her current work focuses on organisational development and budget analysis in municipalities, research on the sustainable financing of public services, and the development of tools for implementing the SDGs at the local level. She studied Business Administration at the Vienna University of Economics and Business, focusing on Public Management and Accounting and completed a master's degree in public administration at Erasmus University Rotterdam.

### **Saanareetta Virikko**

Saanareetta Virikko is a PhD candidate and a university teacher at the Law School at The University of Eastern Finland. Her doctoral thesis focuses on “Dismissal of the municipal manager due to the lack of confidence”. She has published several articles concerning the legal status of the municipal manager in Finland. Her research interests are focused on the regulation of the municipal managers and the administration and the management of the municipalities. Virikko is a copy editor of the Finnish scientific journal *Focus Localis*.

The member states of the European Union have decided to link together their know-how, resources and destinies. Together, they have built a zone of stability, democracy and sustainable development whilst maintaining cultural diversity, tolerance and individual freedoms. The European Union is committed to sharing its achievements and its values with countries and peoples beyond its borders.

<http://europa.eu>

The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

[www.coe.int](http://www.coe.int)

Co-funded  
by the European Union



Co-funded and implemented  
by the Council of Europe