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HUMAN RIGHTS, DEMOCRACY AND THE RULE OF LAW

DROITS DE L'HOMME, DÉMOCRATIE ET ÉTAT DE DROIT

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POLICY ADVICE ON THE STATUS OF THE CAPITAL CITY BRATISLAVA AND THE CITY KOŠICE

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Good Governance

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Field and purposes of analysis

- The group of experts analyzed the special legislation and the statutes of the cities of Bratislava and Košice, in order to provide recommendations for its improvement and compliance with CoE/EU standards

- The legislative analysis has identified some key factors in the political implications, cultural heritage, and historical evolution of the Slovak decentralization.

Common issues at regulation level (1/2)

- Large areas of weakness in the general and specific regulation compliance have been noticed, towards:
  - The European Charter of Local Self-Government
  - The European principle of subsidiarity
  - The relationship between primary (laws) and secondary (statutes and regulations) sources of law

Common issues at regulation level (2/2)

- The analysis revealed the opportunity to strengthen some conceptual pillars of autonomy:
  - The reduction of administrative fragmentation
  - The identification of the fundamental functions of local governments
  - The mechanisms for financial equalization
  - The cooperation tools.

The Law 377/1990 for the Capital City

- The specific framework for the city of Bratislava highlights a strong imbalance between law and statute, to the advantage of the statutory source.
- The structure of administrative competences is equally unbalanced in favor of city districts, with significant overlaps in some crucial sectors such as education and social affairs.
- The issue of horizontal cooperation in the metropolitan area between Bratislava and the neighboring municipalities is not adequately developed with a dedicated regulation.

The Law 401/1990 for the City Košice

- The regulatory framework for Košice highlights a significant overlap of administrative functions between the city and city districts,
- Managerial diseconomies and risky for the homogeneous use of rights related to provision of local public services have been noticed.
- The decentralization of some administrative functions of the city to only some city districts (and not to all of them) cannot be framed in a correct relationship of vertical subsidiarity.

Key recommendations

- Better specification of the catalogue of fundamental functions and simplification of the system of sources (law/statutes)
- More stringent limitations on the possibility of running for elective mandates in the cities of Bratislava and Košice
- To establish special legal safeguards and asymmetric competences for Bratislava, by the regulation of vertical (Region/State) and horizontal (neighboring cities) mechanisms of cooperation
- To identify in the law the fundamental constituency of the two cities with respect to their city districts, solving the problem of double legitimacy

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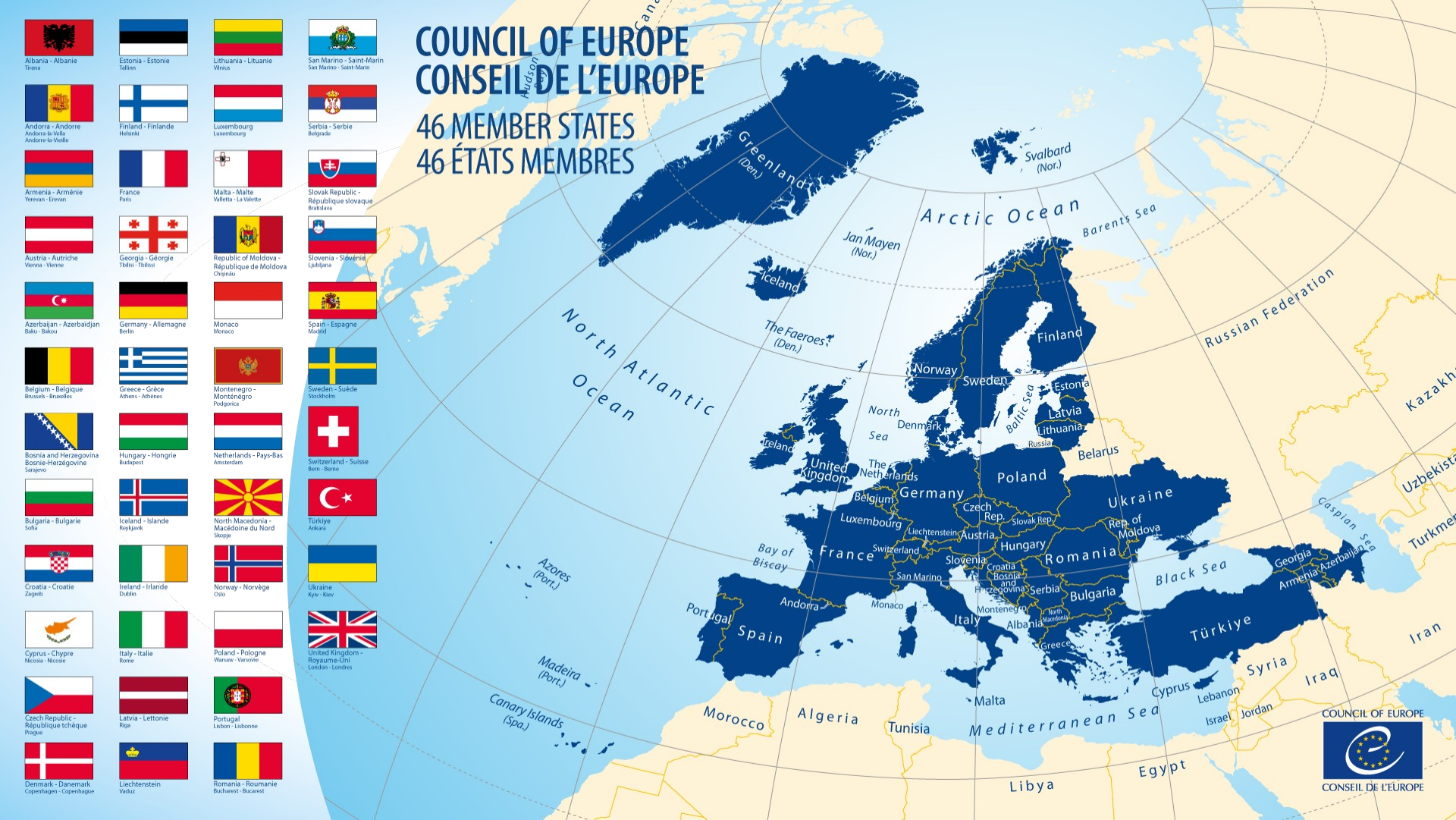
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