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**EUROPEAN COMMITTEE ON LOCAL AND REGIONAL DEMOCRACY  
(CDLR)**

**COMITE EUROPEEN SUR LA DEMOCRATIE LOCALE ET REGIONALE  
(CDLR)**

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**COMMITTEE OF EXPERTS ON LOCAL AND REGIONAL  
GOVERNMENT INSTITUTIONS AND CO-OPERATION  
(LR-IC)**

**COMITE D'EXPERTS SUR LES INSTITUTIONS ET LA COOPERATION  
DES COLLECTIVITES LOCALES ET REGIONALES  
(LR-IC)**

**INTERIM DISSOLUTION OF THE LOCAL/REGIONAL COUNCILS:  
RESULTS OF RRS No 10**

**DISSOLUTION ANTICIPEE DU CONSEIL MUNICIPAL/REGIONAL :  
RESULTATS DU « RRS » n°10**

Secretariat Memorandum  
prepared by the Directorate General of  
Democracy and Political Affairs  
Directorate of Democratic Institutions

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## **Introduction**

The Dutch Ministry of the Interior and Kingdom Relations, in March and in April 2009, launched a request to the CDLR members through the Rapid Response Service with the following questions:

- is an interim dissolution of the Council (at municipal and/or regional level) possible in other countries, e.g. in the event of a political crisis?
- have statutory provisions been made for it; in which Acts of Parliament and in which section(s)?
- who considers the proposal for interim dissolution?

Replies were received from 32 countries: the results have been summarised in a table below. Extracts of national legislation sent by a number of delegations have been appended to this document (Appendix).

At its meeting in October 2009, the LR-IC Committee will hold a discussion enabling members to exchange information and points of view on the interim dissolution of councils.

## **Action required**

Members are invited to prepare for and contribute to a discussion at the meeting on the interim dissolution of (local and/or regional) councils.

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## **Introduction**

Le Ministère néerlandais de l'Intérieur et des Relations du Royaume a lancé, en mars 2009 et en avril 2009, une demande auprès des délégations du CDLR par le biais du Service de Réponse Rapide avec les questions suivantes :

- est-il possible dans les autres pays de procéder à une dissolution anticipée du conseil (au niveau communal ou régional), par exemple en cas de crise politique ?
- est-ce que des dispositions statutaires ont été adoptées à cet effet ; dans quelle loi et quel(s) article(s) ?
- qui propose la dissolution anticipée et en prend la décision ?

Trente deux pays ont répondu : les résultats sont résumés dans un tableau ci-après. Des extraits des législations nationales envoyés par un certain nombre de délégations ont été annexés au présent document (Annexe).

Lors de sa réunion d'octobre 2009, le Comité LR-IC organisera une discussion permettant aux membres d'échanger des informations et des points de vue sur la dissolution intérimaire des conseils.

## **Action requise**

Les membres ont invités à se préparer et à contribuer à la discussion lors de la réunion sur la dissolution anticipée du conseil (municipal et/ou régional).

<b>INTERIM DISSOLUTION OF THE LOCAL/REGIONAL COUNCILS: RESULTS OF RRS No 10 (English only)</b>				
<b>Country</b>	<b>Interim dissolution possible</b>	<b>Interim dissolution was considered</b>	<b>Statutory provisions</b>	<b>Interim dissolution is proposed by</b>
<b>Armenia</b>	NO			
<b>Austria</b>	YES		At regional level: Landesverfassung; At local level: Gemeindeordnungen, based on the Austrian Constitution - Art. 119a Abs; For the Land Salzburg: Salzburger Gemeindeordnung 1994 § 89	The council itself; the mayor being member of the council; the regional government acting as supervision authority; the regional parliament and the regional government
<b>Belgium – Flanders</b>	NO			
<b>Belgium – Wallonia</b>	YES		Code of Local Democracy and Decentralisation - Art. 1123-1, §5	The Walloon government
<b>Bulgaria</b>	YES		Law for the Local Elections – Art. 104, 104a, 106-108; Law on the Local Government and Local Administration	The municipal election commission; The Administrative court
<b>Croatia</b>	YES		The Local and Regional Self-Government Act: Art. 84 - 89	Decided by the Croatian Government at the proposal by the Central State Office for Administration
<b>Czech Republic</b>	YES		Constitution – Art. 101, 102; Act on Municipalities - § 89; Act on Regions - § 45; Act on the Capital City of Prague - § 67	The Ministry of Interior decides on an interim dissolution in cases provided for by law, with a possibility of review of such a decision by administrative courts
<b>Denmark</b>	NO			
<b>Estonia</b>	NO: There are however interim/extraordinary elections at the national level (dissolving the Parliament: Riigikogu). There are pointed out three cases: 1) If a bill which is submitted to a referendum does not receive a majority of votes in favour, the President of the Republic shall declare extraordinary elections to the Riigikogu. 2) If the Riigikogu has not passed the state budget within two months after the beginning of the budgetary year, the President of the Republic shall declare extraordinary elections to the Riigikogu. 3) If the membership of a government is not presented to the President of the Republic within fourteen days after the transfer to the Riigikogu of the right to nominate a candidate for Prime Minister, the President of the Republic shall declare extraordinary elections to the Riigikogu.			
<b>Finland</b>	NO			
<b>France</b>	YES		General Code on Local Authorities - Art. L.2121-6, Art. L.3121-5 and L.4132-3.	Proposed by the prefect to the Minister of the Interior and decided by the government
<b>Georgia</b>	NO			
<b>Germany</b>	NO/YES	The Constitutions of the German Länder (Länderverfassungen) usually don't say anything about the municipal council or otherwise not more than there has to be a free elected one in every municipality. However the dissolution is possible in some German Länder: Bavaria (Bayern), Brandenburg and Hesse, by a local government act (e.g.: §141a Hessische Gemeindeordnung).		The supervisory body: the district administrator (Landrat), the regional governor (cities with more than 50.000 inhabitants) or the Hessian Minister of the Interior (cities of Frankfurt and Wiesbaden)

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<b>Greece</b>	YES		Municipal and Communal Code: Art 147 Code of Prefectures: Art. 72	The Minister of Interior
<b>Hungary</b>	YES		The Act on Local Self Governments (act LXV of 1990): Art. 18 and 93; The Act on the Constitution (Act XX of 1949): Art 19	The Council itself; The Parliament
<b>Iceland</b>	NO	Suggested at the local level, but a formal proposal has not been put forward		
<b>Ireland</b>	NO			
<b>Italy</b>	YES		As regards regional authorities: the Constitution - Art. 126; As regards local authorities: the Consolidated Law on local authorities - Art. 52, § 2; 53 and 141	As regards regional authorities: the members of the Council to propose a motion of non-confidence towards the President of the regional board. As regards local authorities, a similar system of dissolution.
<b>Latvia</b>	NO : There were discussions about interim dissolution of the local councils for political matters (such as political crisis, distrust of local citizens etc), especially, after Saeima (the main legislative body). But those ideas have never been drafted in any regulations.			
<b>Lithuania</b>	YES		Law on Local Self-Government Law on Direct Ruling	The Government, The Committee on State Administration and Local Authorities of the Parliament
<b>Luxembourg</b>	YES		The Constitution - Art. 107; The Electoral Law - Art. 190	The Minister of the Interior notices an insurmountable political crisis at local level and, with the approval of the Council of Government, proposes to the Grand Duke the dissolution of the local council.
<b>Malta</b>	NO			
<b>Monaco</b>	YES		The Constitution (art. 83 et 84) The Law for the National and Local Elections	State Minister through a motivated ministerial act taken after an opinion of the State Council
<b>Norway</b>	NO			
<b>Poland</b>	YES		The Constitution; The Parliament statutes on commune, district and voivodship (regional) self government	Dissolution can be declared by the Parliament at the request of the Prime Minister.
<b>Portugal</b>	YES		Constitution - Art. 242; Law on administrative supervision n.º 27/96; Law on municipal bodies competences and their legal status n.º 5-A/2002 - Art. 76, 77 and 79.	The Council itself; The Administrative courts

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<b>Romania</b>	YES		Law 215/2001 on local public administration - Art. 55	The interim dissolution of the local councils can be done in two ways : The mayor, deputy mayor, secretary of the territorial administrative unit or any other person must appeal to the administrative court and only the court could decide on interim dissolution; By referendum organized at the request of 25% of the citizens with the right of vote.
<b>Slovakia</b>	NO			
<b>Slovenia</b>	YES		Act on Local Self-government - Art. 90a, 90b, 90č	The Parliament of the Republic of Slovenia. There are written stipulations that have to be met to be able to begin with the process. There has not been any process of an early dissolution in Slovenia yet. However, the Parliament has decided, while amending the Act, to make it possible to dissolve the municipal council and/or dismiss a mayor if it (he, she) does not perform in accordance with law (see below, article 90b). The process of an early dissolution of a municipal council is explained in articles 90c and 90č.
<b>Spain</b>	YES		Law 7/1985 - Art. 61	Council of Ministers, with the knowledge of the Government Council of the respective Region or on request of the latter and, in any case, with the prior agreement of the Senate.
<b>Sweden</b>	NO: Proposals have been rejected with the argument that political crisis at the local level must be dealt with without a new round of voting. Many political parties in Sweden also strongly favour the common election day for all the elections and because of that opposes extra election at the local level.			
<b>United Kingdom</b>	NO: There are no powers for the Government to dissolve an elected English local council or for the Devolved Administrations (local government is a devolved matter) to dissolve a Scots, Welsh, or Northern Ireland local council. There are powers for the Government to intervene where it considers a council is performing badly in certain respects, eg: children's services, and to remove the council's powers in that field and direct things from the centre (or contract them to another body).			

## Appendix I

### Extracts of national legislation on the issue of interim dissolution of the local/regional councils

<b>Belgium – Wallonia</b>	<p><b>Code of Local Democracy and Decentralisation:</b> Art. L1123-1 §5. Si, en cours de législature, tous les membres du collège démissionnent, le pacte de majorité est considéré comme rompu. Un nouveau projet de pacte doit être déposé entre les mains du secrétaire communal dans les trente jours de l'acceptation par le conseil communal de la démission du dernier des membres du collège communal visé à l'alinéa précédent. Le bourgmestre est le conseiller de nationalité belge issu d'un des groupes politiques qui sont parties au pacte de majorité et dont l'identité est reprise dans le nouveau pacte de majorité. Le bourgmestre peut également être désigné hors conseil. Le bourgmestre désigné hors conseil a voix délibérative dans le collège. Il siège avec voix consultative au sein du conseil. Il doit être de nationalité belge, remplir et conserver les conditions d'éligibilité fixées à l'article L4142-1. Le pacte de majorité indique le groupe politique auquel le bourgmestre désigné hors conseil est rattaché. A l'issue de la période de trente jours telle que visée à l'alinéa 2 et pour autant qu'aucun nouveau pacte de majorité n'ait été adopté, le Gouvernement peut faire procéder à de nouvelles élections. Dans ce cas, le Gouvernement charge le gouverneur de dresser le registre des électeurs de la commune à la date de la notification au conseil de la décision du Gouvernement et de convoquer les électeurs pour procéder à de nouvelles élections dans les cinquante jours de cette notification. Le calendrier précis des opérations électorales est fixé par le Gouvernement – Décret du 27 juin 2007, art. 2).</p> <p style="text-align: center;"><i>Il est toutefois utile de savoir que ce § 5 a été inséré pour faire face à une situation particulière mais qu'il n'a jamais été utilisé.</i></p>
<b>Bulgaria</b>	<p><b>The Law for the Local Elections (1995) – art. 104, 104a, 106-108 :</b> Art. 104. (1) (Prev. text of Art. 104 - amend., SG 33/96; Amend., SG 69/99; amend. - SG 30/06, in force from 01.03.2007) Each nominee for councillor or mayor, leadership of political party, coalition or initiative committee, participating in the elections, can appeal the decision of the municipal election commission for determining the election results before the administrative, respectively the Administrative court – city of Sofia within 7 days from its announcement. (2) (New, SG 33/96) The claim shall not stop the fulfilment of the decision, unless otherwise decreed by the court. The court shall judge on the claim within 14 days from its presentation. (3) (New, SG 33/96; Amend., SG 59/98) The decision of the court of para 1 shall be possible to be appealed with a cassation appeal before the Supreme Administrative Court in 7 days term after its announcement. The Supreme Administrative Court shall take decision about the cassation appeal in 14 days term after being submitted. (4) (new – SG 63/07, in force from 03.08.2007) The court may confirm the decision of the municipal election commission for assessment of the results from the elections or it may announce the election invalid. The proceedings before the administrative courts and the Supreme Administrative Court shall be concluded within three months from the submission of the appeal. (5) (New, SG 33/96; Amend., SG 59/98; prev. text of para 05 – SG 63/07, in force from 03.08.2007) The enacted decisions under para 2 and 3 shall not be subject to revoking. (6) (New, SG 33/96; amend. – SG 69/06; prev. text of para 05, amend. – SG 63/07, in force from 03.08.2007) If the court has stopped the fulfilment of the decision or if it has declared the election result void, the mayor whose terms of credentials have expired, when he/she has not been register as a candidate, and in all other cases – the mayor ad interim, shall continue fulfilling their functions until the newly elected mayor makes a vow.</p>

Art. 104a. (new – SG 63/07, in force from 03.08.2007)

(1) In the event that the court has announced the results from the elections invalid with regards to an independent candidate for municipal council, the seat shall remain unoccupied until the end of the mandate.

(2) In the event that the results from the elections are announced invalid with regards to a candidate for municipal council from a party or a coalition, the seat shall be occupied by the candidate who is next on the list. In case there are not any names left on the list, the seat shall remain unoccupied.

Art. 106.

(1) (Amend., SG 33/96; amend., SG 69/03) When the legal capacities of a mayor are discontinued ahead of term, the President of the Republic of Bulgaria, at the proposal of the Central Election Commission for local elections shall determine partial elections within a period of 40 days.

(2) (amend. – SG 69/06) In the cases under para 1, when by the end of the mandate there is less than one year remaining, partial elections shall not be held.

Art. 107. (Amend., SG 69/99)

(1) (prev. text of art 107 - SG 69/03) When the legal capacities of a municipal councillor are discontinued ahead of term, the municipal election commission shall announce councillor the nominee next in the list. When the number of nominees is exhausted the place shall remain unoccupied by the end of the mandate.

(2) (new, SG 69/03) The provisions of para 1 shall also apply in the cases when the legal authorities of the municipal council have been terminated ahead of term within the period under art. 106, para 2.

Art. 108.

(1) Partial elections shall be held by the general order, in compliance with the provisions of this law and for the following deviations:

1. the elections shall be called not later than 40 days before the election day;
2. the parties and coalitions shall be registered for participation in the CCLE not later than 35 days before the election day;
3. the parties and coalitions to participate in the partial elections shall be registered by the municipal election commission not later than 30 days before the election day;
4. the nominees shall be registered 25 days before the election day and shall be announced at least 20 days before the election day;
5. The election sections shall be formed at least 25 days before the election day;
6. (New, SG 33/96) the election lists shall be announced not later than 20 days before the election day;
7. (Prev. item 6 - SG 33/96; Amend., SG 69/99) the municipal election commission shall appoint the section election commissions not later than 25 days before the election day.

(2) The expenses for the organizational and technical preparation and the holding of the partial elections shall be for the account of the municipal budget.

#### **Law For The Local Government And The Local Administration (1991)**

Art. 23 (6) (new – SG 69/99, in force from 03.08.1999; suppl. – SG 69/06) The municipal council shall continue to fulfil its functions till the constituting of the newly elected municipal council. In case the court has suspended the execution of the decision of the municipal election commission for the results of elections of municipal councils or it has announced the election result invalid, the term of powers of the municipal council, whose mandate has expired, shall be resumed until the taking of oath by the newly elected municipal council.

Art. 27. (amend. SG 65/95) (1) (suppl., SG 69/03; amend. – 69/06) The municipal council shall be summoned to a session not less than six times in the year. If, during a period of three months, the municipal council does not conduct a sitting its legal capacities shall be terminated by a decision of the municipal election commission and new elections for municipal council shall be held within three months.

<b>Croatia</b>	<p><b>The Local and Regional Self-Government Act, Articles 84 - 89 :</b>  The Dissolution of Representative Bodies and Protection of the Right to Local and Territorial (Regional) Self-Government.</p> <p><b>Article 84.</b>  On the suggestion of the central body of state administration competent for local and territorial (regional) self-government, the Government of the Republic of Croatia shall dissolve the representative body:</p> <ol style="list-style-type: none"> <li>1. if it makes decisions or other acts which threaten the sovereignty and territorial integrity of the Republic of Croatia,</li> <li>2. if the representative body of a newly organised unit of local or territorial (regional) self-government fails to pass a statute within 60 days of its constitution,</li> <li>3. if it frequently passes general acts in violation of the Constitution, law or other regulations or commits frequent, serious violations of laws and other regulations,</li> <li>4. if it fails to elect a municipal mayor, mayor or governor within 30 days of the day the representative body is constituted or from the day of a vote of no confidence in the municipal mayor, mayor, or governor, or from the day the municipal mayor, mayor or governor resigns,</li> <li>5. if for any reason it is left permanently without the minimal number of members needed for its work and decision making,</li> <li>6. if it can not make decisions within its competence for longer than 3 months,</li> <li>7. if within the time limit set by the law, it fails to pass a budget or does not pass a decision on temporary financing,</li> <li>8. if within the time set by the law it does not pass a spatial plan.</li> </ol> <p><b>Article 85.</b>  A decision by the government of the Republic of Croatia to dissolve a representative body is final and comes into force on the day of publication in "Narodne novine" (the Official Gazette).  The president of the dissolved representative body may lodge a complaint against the decision of the Government of the Republic of Croatia on dissolution to the Administrative Court of the Republic of Croatia within 8 days of the publication of the decision.  The Administrative Court of the Republic of Croatia shall rule on the complaint within 15 days of receiving it and deliver the ruling without delay to the Government of the Republic of Croatia and the president of the dissolved representative body.  The judgement of the Administrative Court shall be published in "Narodne novine".</p> <p>Commissioners of the Government of the Republic Of Croatia</p> <p><b>Article 86.</b>  The Government of the Republic of Croatia shall nominate a Commissioner of the Government in a unit of local or territorial (regional) self-government:</p> <ol style="list-style-type: none"> <li>1. when it dissolves its representative body,</li> <li>2. when in the unit of local or territorial (regional) self-government elections are not held according to the law for a new representative body,</li> <li>3. when within 90 days of publication of the official results of elections a new representative body is not constituted.</li> </ol> <p>The commissioner shall ensure the realisation of the rights and responsibilities of citizens and legal persons in the unit of local or territorial (regional) self-government until its bodies have been established.  The decision to nominate a commissioner comes into force on the day it is published in "Narodne novine".</p> <p><b>Article 87.</b>  When in the unit of local or territorial (regional) self-government a Commissioner of the Government of the Republic of Croatia is appointed, the day the decision to appoint a commissioner comes into force, the municipal mayor, the mayor or the governor and their executive boards are considered to be dismissed, and their authority is transferred to the commissioner.</p> <p><b>Article 88.</b>  The commissioner may pass or amend general acts of the unit of local or territorial (regional) self-government only where necessary to implement laws or other regulations or to bring them in line with laws and other regulations.</p>
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	<p>The commissioner may not pass or amend the budget of the unit of local or territorial (regional) self-government and may not dispose of its property unless this is necessary to fulfil previously accepted obligations or to complete previously initiated activities.</p> <p>If no budget has been passed in the unit of local self-government and in cases when a decision has been made on temporary financing, financing shall be carried out on the basis of the budget of the previous year, for no more than 90 days from the day of the constitution of the newly elected representative body.</p> <p>Article 89.</p> <p>The day the representative body is constituted the authority of the commissioner to carry out activities within the competence of the representative body shall cease.</p> <p>The day of the election of a municipal mayor, a mayor or a governor, the authority of the commissioner ceases entirely.</p>
<p><b>Czech Republic</b></p>	<p><b>Interim dissolution – legislative texts</b> <b>(unofficial translation)</b></p> <p>A. The Constitution Chapter Seven - Territorial Self-government Art. 101</p> <p>(1) A municipality shall be independently administered by the municipal council. (2) A region shall be independently administered by the regional council. (3) Self-governing territorial units are public-law corporations which may have their own property and which operate according to their own budget. (4) The State may intervene in the activities of self-governing territorial units only if such intervention is required by protection of the law and only in a manner defined by law.*</p> <p>Art. 102</p> <p>(1) Council members shall be elected by secret ballot on the basis of universal, equal and direct suffrage. (2) The term of office of a council shall be four years. The law shall define the conditions under which a new election of a council shall be called prior to the expiration of its term of office.**</p> <p>* In the explanatory report to the Czech Constitution, dissolution of local or regional council by the Ministry of Interior is mentioned as an exemplary case of such an intervention. ** A new election can be called in case of dissolution of a local or regional council or in case the number of its members falls under the limit required by law. In practice, there has never been a case of new election after dissolution of local or regional council since 2000 (when Acts on Municipalities, Regions and the Capital City of Prague entered into force); on contrary, a new election in the second mentioned case is rather frequent at municipal level, there are approximately 20 such examples every year.</p> <p>B. Act No. 128/2000 Coll., on Municipalities, with later amendments Section 89</p> <p>(1) If the municipal council fails to meet in such manner that it has a quorum for a period of more than six months, the Ministry of the Interior shall dissolve it. The municipality may file an action against this decision at a court. (2) Should the municipal council or any other body of a municipality fail to act in accordance with a court decision on a duty to hold a local referendum or in compliance with a decision adopted in a local referendum held in a matter in the independent competences of the municipality, the director of the regional office shall call on the municipal council to take remedial action within two months. Should the municipal council fail to remedy the situation, the regional office shall inform the Ministry of the Interior of this fact, and the Ministry of the Interior shall dissolve the municipal council. The municipality may file an action against this decision at a court. (3) Before a new municipal council is elected, or an administrator of the municipality pursuant to Section 98 is appointed, the municipal board shall exercise its powers under Section 102(2) and (3). If a municipal board has not been elected, the mayor shall exercise his powers under Section 107(1). If a mayor has not been elected, another member of the municipal council, delegated by the municipal council, shall exercise these powers.</p>

	<p>C. Act No. 129/2000 Coll., on Regions, with later amendments Section 45</p> <p>If the number of the members of the Council falls by more than a half of the number determined in Section 31 paragraph 1 and no substitute members are available, the existing Council shall provide for the performance of the Council's tasks until a new Council is elected. In such a case, the Council however does not have the right to exercise powers pursuant to Section 35 paragraph 2 and Section 36. The Ministry shall be immediately notified of this fact by the Regional Office.</p> <p>If the Council fails to meet for a period exceeding 6 months in the required quorum, or if it fails to elect a Regional President within 6 months from the date of the resignation or recall of the previous Regional President, or within 6 months from the constitutive meeting, the Ministry shall dissolve the Council and the Minister of Interior shall announce new elections. A region may start legal proceedings against the decision on dissolution of the Council. Until a new Council is elected, the Board of Councillors exercises its authority pursuant to Section 59 paragraph 1 to 3. If a Board of Councillors is not elected, the Regional President exercises the authority pursuant to Section 63. If a Regional President is not elected, the authority is exercised by another member of the Council who is authorised for this purpose by the Council.</p>
<b>France</b>	<p><b>Le code général des collectivités territoriales.</b></p> <p>Art. L. 2121-6 : Un conseil municipal ne peut être dissous que par décret motivé rendu en conseil des ministres et publié au Journal officiel. S'il y a urgence, il peut être provisoirement suspendu par arrêté motivé du représentant de l'Etat dans le département. La durée de la suspension ne peut excéder un mois.</p> <p>Art. L. 3121-5 et L. 4132-3 du CGCT : Lorsque le fonctionnement d'un conseil général ou d'un conseil régional se révèle impossible, le gouvernement peut en prononcer la dissolution par décret motivé pris en conseil des ministres ; il en informe le Parlement dans le délai le plus bref. La dissolution ne peut jamais être prononcée par voie de mesure générale.</p>
<b>Germany</b>	<p><b>Article 114 Appointment of a commissioner - Beieren :</b></p> <p>(1) If the orderly course of administration is seriously hindered from fulfilling legal instructions from the legal supervisory authority as a result of the inability of the municipality council to reach a decision or by a refusal from it, the legal supervisory authority can empower the mayor to act on behalf of the municipality until the unlawful state has ended.</p> <p>(2) If the mayor refuses to perform the tasks pursuant to para. 1 or if he is prevented from doing so for actual or legal reasons, the legal supervisory authority shall commission the deputy mayors in their order to act on behalf of the municipality for as long as it is required. If there are no deputy mayors or if they are prevented from performing the tasks or do not want to perform the tasks, the legal supervisory authority shall act on behalf of the municipality.</p> <p>(3) Furthermore, the State Government can dissolve the municipality council and order a new election of the mayor or the municipality council or both if the unlawful state cannot be resolved in any other way.</p> <p>In the Free State of Saxony there is not a similar provision. In Saxony, there is a role for the <i>Rechtsaufsichtsbehörde</i> to play. <a href="http://www.rodau-vogtland.de/sgo4.htm">http://www.rodau-vogtland.de/sgo4.htm</a></p> <p>In the <i>Land</i> of Lower Saxony no such early dissolution is possible. In Lower Saxony there is a role to play for the <i>Kommunalaufsichtsbehörde</i>. <a href="http://www.schure.de/2030003/ngo1,5.htm#p128">http://www.schure.de/2030003/ngo1,5.htm#p128</a></p>
<b>Greece</b>	<p><b>The Municipal and Communal Code:</b></p> <p>Article 147. Dismissal</p> <p>1. Mayors, presidents of Communities, municipal and local councilors are to be dismissed for important reasons of public interest, with a decision of the Minister of Interior, upon specially reasonable report of the General Secretary of the Region and a concurrent opinion of a council of a disciplinary nature, which is composed of one (1) President of the High Court Justice of Athens, as the president, two (2) judges of the Court of Appeals, having at least three years of experience, the Head of the Directorate of Organisation and Functioning of Local Authorities of the Ministry of Interior and the President of the Central Union of Municipalities and Communities of Greece (K.E.D.K.E.), whose substitute is one of the vice-presidents, indicated by the its</p>

	<p>Administrative Board. The judicial members of the council are proposed by the Minister of Justice, following an opinion of the Head of the Appeal Court of Athens.</p> <p>2. For the same reason and with the same procedure, a municipal or communal council can be dissolved. This dissolution incurs the dissolution of the councils of municipal and communal departments, as well as the end of the term of office of the assistant judges.</p> <p><b>The Code of Prefectures :</b>  Article 72, Administrative sanctions  The dissolution of the members of Prefectural councils is allowed for reasons of national or public interest, with a presidential decree issued upon a proposal of the Minister of Interior, following an unabridged report of the competent General Secretary and the concurrent opinion of a council, which is composed of one (1) President of the High Court Justice of Athens, as the president, two (2) judges of the Court of Appeals, having at least three years of experience, one (1) General Director of the Ministry of Interior and the President of the Union of Prefectural Authorities of Greece (E.N.A.E.), with one substitute indicated by its Administrative Board. The judicial members of the council are proposed by the Minister of Justice. The Minister of Interior appoints the member of the committee of the Ministry of Interior and its substitute. Secretariat duties are to be exercised by a civil servant of the Ministry of Interior, appointed along with a substitute, by the Minister of Interior.</p>
Hungary	<p><b>The Act on The Constitution of the Republic of Hungary (Act XX of 1949):</b>  19. § (3) point I: upon recommendation made by the Government, which shall first be submitted to the Constitutional Court for its review, the Parliament shall dissolve representative bodies of local government whose actions have been found unconstitutional.</p> <p>93. § (2): At the initiative of the Government, submitted after having consulted the Constitutional Court, Parliament shall dissolve any council that operates in violation of the Constitution [Point I of Subsection (3) of Section 19 of the Constitution]. Following dissolution of a council, Parliament shall set the date of interim elections within three months of the dissolution.</p> <p><b>The Act on Local Self Governments (act LXV of 1990) :</b>  18. § (3): Before the expiry of its mandate, a council may pronounce its dissolution with a qualified majority as determined by a roll- call vote. The council shall carry out its responsibilities and exercise its powers until the inaugural meeting of a new council, as shall the mayor until the election of a new mayor. A council may not be dissolved within six months following the election, nor following the first day of October of the year preceding general local elections. The costs of interim elections shall be borne by the self-government.</p>
Italy	<p><b>The Constitution - Art. 126; Consolidated Law of local authorities - Art. no. 52, paragraph 2nd; 53 and 141:</b>  As regards regional authorities, as well as providing for specific cases of dissolution (e.g. acts against the Constitution, serious violation of a law and grounds for national security), the article no. 126 of the Italian Constitution also provides the possibility for the members of the Council to propose a motion of non-confidence towards the President of the regional Board by an absolute majority. This motion of non-confidence automatically means the dissolution of the entire regional Board and of the regional Council itself.</p> <p>In the manner provided for by the article 126, paragraph 3<sup>rd</sup>, of the above mentioned constitutional provision, the same effects are produce in case of dismissal, permanent impediments, death, voluntary resignation given by the President or in case of a contextual resignation given by the majority of the members of the Council.</p> <p>As regards local authorities, a similar system of dissolution is regulated by articles no. 52, paragraph 2<sup>nd</sup>; 53 and 141 of the Consolidated Law of local authorities, which was update by law no. 15/2005.</p>

<b>Lithuania</b>	<p><b>The Constitution of the Republic of Lithuania:</b> Article 123 At higher level administrative units, the governance shall be organised by the Government according to the procedure established by law. The observance of the Constitution and the laws as well as the execution of decisions of the Government by municipalities shall be supervised by the representatives appointed by the Government. The powers of the Government representative and the procedure of their execution shall be established by law. In cases and according to the procedure provided for by law, the Seimas (Parliament) may temporarily introduce direct rule in the territory of a municipality.</p> <p><b>Law on Local Self-Government:</b> Article 11. The municipal council: 1. The municipal council shall be an institution, which implements the right of self-governance. 2. The municipal council shall consist of representatives of the municipal community – members of the municipal council (hereinafter referred to as "councillors") who have been democratically elected pursuant to the procedure laid down by the law. 3. Procedure and form of the activities of the municipal council shall be established by this Law and the rules of conduct of the municipal council (hereinafter referred to as "the rules of conduct"). 4. The powers of the municipal council shall start when the elected councillors gather to the first sitting, and shall expire when councillors elected for a new term of office gather to the first sitting. 5. A councillor shall acquire all the rights of a state politician and a representative of the municipal community only after having taken an oath in accordance with the procedure laid down by this Law. 6. Within the period of two months after the day of convocation of the first sitting of an elected new municipal council a municipal mayor must be elected, deputy (deputies) of the mayor and the director of the municipal administration must be appointed, and a municipal council board must be set up, if so decided. 7. If the election results of a new elected municipal council are deemed invalid, the powers of the existing municipal council shall last until the first sitting of the municipal council which shall be elected during a run-off election, or until introduction of temporary direct rule into the territory of the municipality. 8. When temporary direct rule is introduced on the territory of a municipality, the municipal council shall lose its powers or the powers of the municipal council shall be suspended during temporary direct rule, if the municipal council is unable to exercise its powers due to the circumstances related to introduction of a state of emergency within the territory of the municipality. 9. In the extraordinary circumstances when neither the municipal mayor, nor deputy municipal mayor(s) are able to carry out their duties for the reasons beyond their control, sittings of the municipal council shall be convened and the duties of mayor shall be carried out in accordance with the procedure laid down by the rules of conduct.</p> <p><b>The Law on Temporary Direct Rule in the Municipal Territory:</b> Article 2. Temporary imposition of direct rule 1. Direct rule may be temporarily imposed on the municipal territory by the resolution of the Seimas (Parliament) of the Republic of Lithuania, on the grounds laid down in paragraph 3 of this Article. 2. Direct rule may not continue more than 6 months, with the exception of the cases when less than one year is left counting from the adoption of the Seimas resolution concerning the temporary imposition of direct rule until the expiry of the term of office of a municipal council. In the said cases direct rule shall be imposed until the expiry of the term of office of the municipal council. Direct rule pursuant to subparagraph 6 of paragraph 3 of this Article shall be imposed for the period during which a municipal council fails to exercise its powers. 3. Direct rule may be temporarily imposed on the municipal territory, if: 1) through its actions a municipal council encroaches on the territorial integrity and constitutional order of the State;</p>
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	<p>2) on the basis of judicial decisions, the Government states that a municipal council grossly violates the Constitution and laws of the Republic of Lithuania;</p> <p>3) a municipal council fails to elect mayor within the time limit set in the Law on Local Self-government as well as to appoint deputy mayor and director of the municipal administration;</p> <p>4) sittings of a municipal council are not commenced two quarters in succession;</p> <p>5) the Central Electoral Commission declares the results of the run-off election to a municipal council invalid;</p> <p>6) a municipal council is unable to exercise its powers because of the circumstances related to the declaration of a state of emergency in the municipal territory.</p> <p>4. The Government shall submit to the Seimas a proposal to temporarily impose direct rule on the municipal territory on the grounds laid down in subparagraphs 1-4 of paragraph 3 of this Article.</p> <p>5. The Seimas Committee on State Administration and Local Authorities shall submit to the Seimas a proposal to temporarily impose direct rule on the municipal territory on the grounds laid down in subparagraph 5 of paragraph 3 of this Article.</p> <p>6. The Seimas Committee on State Administration and Local Authorities shall submit to the Seimas a proposal to temporarily impose direct rule on the municipal territory on the grounds laid down in subparagraph 6 of paragraph 3 of this Article, if the Seimas takes a decision to declare a state of emergency in the municipal territory or the President of the Republic takes such a decision by his decree on the declaration of a state of emergency.</p> <p>7. When taking a decision to impose direct rule in the municipal territory for a period of up to six months on the grounds laid down in subparagraphs 1-5 of paragraph 3 of this Article, the Seimas shall set a date of new elections to a municipal council. In this case the term of office of a newly elected municipal council shall expire on the same date and in the same manner as the term of office of the municipal council, which lost its powers, would have expired.</p> <p>8. Upon the expiry of the period of direct rule imposed temporarily pursuant to subparagraph 6 of paragraph 3 of this Article, a municipal council, which exercised the powers before the temporary imposition of direct rule, shall continue to exercise the said powers until the expiry of its term of office.</p> <p><b>Article 3. Implementation of temporary direct rule in the municipal territory</b></p> <p>1. Temporary direct rule in the municipal territory shall be implemented by the Government through an appointed administrator of the Government.</p> <p>2. Following the temporary imposition of direct rule on the municipal territory, a municipal council and the councillors shall lose their powers, with the exception of the cases when direct rule is temporarily imposed pursuant to subparagraph 6 of paragraph 3 of Article 2. In this case the powers of the municipal council and the councillors shall be suspended for the period of temporary direct rule.</p> <p>After entry into force of the Seimas resolution concerning the temporary imposition of direct rule on the municipal territory, the Government, on the recommendation of the Minister of the Interior, shall appoint an administrator and his deputy not later than within 10 days. Until the appointment of an administrator, the director of the municipal administration shall, without a separate decision, organize the fulfilment of the municipal functions.</p>
<b>Luxembourg</b>	<p><b>La Constitution luxembourgeoise :</b> Article 107: (3) ... Le Grand-Duc a le droit de dissoudre le conseil (communal).</p> <p><b>La loi électorale :</b> Article 190: En cas de dissolution du conseil communal, les élections ont lieu au plus tard dans les trois mois qui suivent l'arrêté de dissolution. La date exacte est fixée par le ministre de l'Intérieur.</p>
<b>Poland</b>	<p><b>Territorial Self-Government in Poland – Basic Solutions – Directions of Changes - Ministry of Internal Affairs and Administration, Warsaw, 2004:</b> All supervisory bodies provided for act based on this criterion, the bodies being: the Prima Minister, voivodes and regional clearing houses. To the largest extent supervision is exercised by the Prime Minister and the voivode, the total of current activities connected with exercising the said supervision are performed by the voivode, who regularly receives resolutions of self-government's bodies, thus being able to comprehensively supervise all activities performed by self-government.</p>

	<p>Moreover, it is the voivode who – as a rule – initiates taking of the necessary measures by the Prime Minister. Dissolution of the decision-making body, which is tantamount to dissolution of all bodies of self-government and appointment of a person who will act in their stead until the time of new elections (such dissolution can be declared by the Parliament at the request of the Prime Minister).</p> <p>All supervisory judgements should contain explanation of both factual and legal grounds as well as information on the possibility of challenging the decision by instituting applicable proceedings in an administrative court. Each decision of a supervisory body (except for acts of Parliament) is subject to review by an administrative court on the grounds of unlawfulness (within 30 days of reception of such decision). The said proceedings can be instituted by the unit of territorial self-government whose legal interest, right or competence have been violated.</p> <p>A complaint in an administrative court can be submitted by any person whose legal interest or right has been violated by a resolution adopted by a body of self-government with respect to a certain public administration matter (after prior ineffective summoning to remedy the violation). All of the measures described above are also applicable to associations and societies of units of territorial self-government.</p>
<p><b>Romania</b></p>	<p><b>Loi 215/2001 sur l'administration publique locale: (traduction non-officielle)</b></p> <p>La section IV La dissolution du Conseil Municipal Article 55</p> <p>1. Le conseil municipal est dissout par décret motivé ou par référendum local. Le conseil municipal est dissout par décret motivé:</p> <ol style="list-style-type: none"> <li>lorsque le conseil municipal ne se réunit pas durant deux mois consécutifs.</li> <li>lorsque le conseil municipal n'a adopté aucune décision pendant 3 séances ordinaires consécutives.</li> <li>lorsque le nombre des conseillers municipaux est réduit par la majorité simple et sa composition ne peut pas être complétée par les suppléants.</li> </ol> <p>2. Le maire, l'adjoint au maire, le secrétaire de l'unité administrative ou n'importe quelle personne intéressée saisie la Cour du contentieux administratif concernant les cas prévus au paragraphe 1. La Cour analyse la situation concrète et se prononce en ce qui concerne la dissolution du conseil municipal. La décision de la Cour est définitive et notifiée au préfet.</p> <p>3. Le conseil municipal peut être dissous par référendum local organisé à la demande d'au moins 25% du nombre des citoyens avec le droit de vote inscrits sur les listes électorales de la collectivité territoriale.</p> <p>4. Les frais pour organiser le référendum prévu au paragraphe 3 sont pris en charge par le budget local.</p> <p>5. Le référendum local est organisé par voie légale par une commission nommée par l'arrêté du préfet, composée par un représentant du préfet, par un représentant du maire, du conseil municipal et du conseil régional et par un juge appartenant du tribunal d'instance.</p> <p>6. Le référendum est validé si a voté la majorité simple des citoyens avec droit de vote. L'activité du conseil municipal cesse avant le terme si la majorité simple des votes exprimés s'est prononcé ainsi.</p> <p>7. Sur proposition du préfet, le gouvernement arrête la date pour organiser l'élection du nouveau conseil municipal. Les élections sont organisées dans une période de maximum 90 jours du moment où la décision qui constate la dissolution du conseil municipal est devenue définitive et irrévocable ou selon le cas, de la validation du résultat du référendum.</p> <p>8. Jusqu'à la réunion du nouveau conseil municipal, la maire, ou dans son absence le secrétaire de l'unité administrative résoudra les problèmes courants du commune ou de la ville conforme aux compétences et attributions légales.</p> <p>9. Les Conseils municipaux peuvent organiser, de leur propre initiative ou de l'initiative du maire, selon le cas, des commissions mixtes composée de conseillers municipaux, fonctionnaires publiques et d'autre experts, sur une période déterminée. La composition de commissions mixtes, leurs objectives et la période de leur activité ont été établies par les décisions de conseils municipaux. Les séances des commissions mixtes sont publiques.</p>

<b>Slovenia</b>	<p><b>The Act on Local Self-government:</b></p> <p>Article 90b  A municipal council may be subject to an early dissolution:  – if it does not implement decisions of the Constitutional Court imposing on it to act in compliance with the Constitution or law;  – if during the year for which the budget has not been adopted the municipal council fails to adopt the budget submitted and drafted in compliance with the law for the following year too, and the budget could enter into force at the beginning of the year; or  – if despite convening the municipal council at least three times in a single calendar year, the municipal council fails to hold a quorate session.  A mayor may be subject to an early dismissal from office:  – if he/she does not implement decisions of the Constitutional Court imposing on it to act in compliance with the Constitution or law;  In the event of the dissolution of a municipal council, the National Assembly shall call early elections to the municipal council, and in the event of the dismissal of a mayor it shall call by-elections to fill the position of mayor.</p> <p>Article 90c  The dissolution of a municipal council and the dismissal of a mayor shall be decided upon by the National Assembly on a proposal from the Government.  Prior to the passing of a decision on the dissolution of a municipal council or the dismissal of a mayor, the National Assembly shall draw the attention of a municipal council or a mayor to their illegal conduct and propose the manner of eliminating illegalities within an appropriate time limit. If a municipal council or a mayor act in compliance with the warning, the National Assembly shall by a decision suspend the procedure on the dissolution or dismissal.  The National Assembly shall dissolve a municipal council or dismiss a mayor if they establish that the reasons have not been eliminated, that all less restrictive legal measures have been applied, and that an early dissolution of a municipal council or the dismissal of a mayor is, in a given case, an adequate and indispensable measure for ensuring the functioning of the local self-government in a municipality.  A municipal council or a mayor may within 30 days of the receipt lodge an application for the review of the constitutionality of the National Assembly's decision referred to in the preceding paragraph. If the application has not been lodged within the time limit or has not been granted, the municipal council shall be deemed dissolved or the mayor dismissed as of the day of the publication of the decision of the National Assembly or the Constitutional Court.</p> <p>Article 90č  In the event of the dissolution of the municipal council, urgent tasks falling within its competence shall be performed by the mayor pending the election of a new municipal council. The mayor shall submit his/her decisions to a newly elected municipal council for confirmation immediately after it has convened in the first session.  In the event of the dismissal of the mayor, urgent tasks falling within his/her competence shall, pending the election of a new mayor, be performed by a vice mayor or a member of the municipal council, who has been appointed by law to temporarily perform the function of a mayor in the event of an early dismissal of the latter.  In the event that the dissolution of the municipal council and the dismissal of the mayor take place concurrently, the Government shall appoint a temporary administrator who shall perform urgent tasks, pending the election of new municipal bodies. The temporary administrator shall submit his/her decisions to a newly elected municipal council for confirmation immediately after it has convened in the first session. A person who performs a function or work, which is incompatible with the function of a member of a municipal council or a mayor cannot be appointed temporary administrator.</p>
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<p><b>Spain</b></p>	<p><b>Law 7/1985, 2nd April, on the Basis of the Local System, Art. 61:</b>  <b>(unofficial translation)</b></p> <p>1. The Council of Ministers, on its own initiative and with the knowledge of the Government Council of the respective Region or on request of the latter and, in any case, with the previous favourable agreement of the Senate, may proceed, by means of a Royal Decree, to the dissolution of the bodies of the local corporations in the event of a seriously harmful management to the general interests that implies a failure to the constitutional obligations.</p> <p>2. There will be considered, in any case, as seriously harmful decisions to the general interests according to the terms stated in the preceding paragraph, the agreements or acts of the bodies of the local corporations which give express or tacit coverage or support, repeatedly and seriously, to terrorism or to those who participate in its carrying out or who extol it or justify it, and to those who slight or humiliate the victims or their relatives.</p> <p>3. Once the dissolution has been agreed, the general electoral legislation will be applied, whenever appropriate, with regard to the announcement for partial elections and, in any case, the regulations on the provisional ordinary administration of the local corporation will be applied.</p>
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