

Minister for the Interior and Health

HE the Secretary General of the Council of Europe
F - 67075 Strasbourg Cedex
France

Copenhagen, 29 May 2006
Local and Regional Government
J.nr.: 2004-2060-5

Sir,

1. When ratifying the European Charter of Local Self-Government and depositing its instrument of acceptance on 3 February 1988 Denmark made the following declaration:

"In accordance with article 12, paragraph 2, cf. paragraph 1, the Kingdom of Denmark considers itself bound by the European Charter of Local Self-Government in its entirety.

In accordance with articles 13 and 16 the Kingdom of Denmark considers that the provisions of the Charter shall apply to its municipalities ("kommuner") and counties ("amtskommuner") with the exception of the Metropolitan Council ("Hovedstadsradet"). The Charter shall not apply to Greenland and the Faroe Islands."

2. This is to inform you that this declaration reflected the administrative structure in Denmark at the time of ratification, and that due to subsequent changes in the administrative structure in Denmark the declaration is no longer adequate.

The Metropolitan Council ("Hovedstadsradet") was abolished in 1989 and not replaced by any other authority.

In June 2005 the Danish Parliament passed the necessary bills implementing a structural reform of the public sector changing the administrative structure and the distribution of tasks between the levels of authority in Denmark. The structural reform will come into effect on 1 January 2007.

The reform defines a new public sector where three levels of authority each have their own identity based on their different tasks.

The *state* is responsible for tasks which should be performed by an authority with a national perspective or tasks which cannot appropriately be placed at local or regional level.

The *municipalities* ("kommuner") will be the primary access point to the public sector for citizens. Consequently, the municipalities will take over responsibility for many of the services which are presently provided by the counties. This process of decentralization

is made possible by the creation of larger and more sustainable municipalities. Thus, the existing 271 municipalities will be reduced to 98 – from an average of less than 20.000 inhabitants to more than 55.000 inhabitants after the reform.

The 13 *counties* (“*amtskommuner*”) will be dissolved. And a completely new level of authority will be established – the five *regions*, each of them headed by a directly elected regional council.

The 5 regions (“*regioner*”) are not successors of the counties. They are a new kind of public authority which differs from local authorities not only in their geographical scope but also in the composition of their tasks and in the ways in which the tasks are financed.

The 5 regions will be responsible primarily for the health care system.

In addition, the regions will be responsible for some positively defined tasks, which most appropriately are solved at a regional level. This includes tasks related to regional development and growth and tasks related to specialized educational and social institutions.

3. According to its article 13 the Charter of Local Self-Government applies to all categories of local authorities. Consequently in the opinion of the Danish Government the new and stronger municipalities established by the structural reform will be covered by the Charter. They are local authorities to which all the principles of the Charter will undoubtedly apply.

According to article 13 the Charter applies to regional authorities only if the individual member state has made a decision to this effect. Thus, the regions established by the structural reform will not be covered by the Charter automatically.

Furthermore, because the regions are neither counties nor successors of the counties, they will not be covered by the Danish declaration from 1988 regarding authorities to which the Charter applies.

The Danish Government has decided that the regions are not to be covered by the Charter.

One of the Danish Government’s main considerations when making this decision has been that from the point of view of the Government the aim of the Charter is primarily to ensure and strengthen an independent and efficient administration close to the citizens.

Another consideration has been that one of the main objectives of the local government reform in Denmark is to establish three different levels of administration where each level has its own set of tasks specially assigned to that level and thereby establish clear responsibilities for each authority and eliminate overlapping responsibilities. In this context the regions cannot be considered municipalities or local authorities in the meaning of the Charter, but are a new type of regional authority which differs from the local authorities not only in their geographical scope but also in the composition of their tasks and in the ways in which the tasks are financed.

4. Consequently, in the light of the above mentioned subsequent changes in the administrative structure in Denmark including the structural reform of the public sector, and in accordance with articles 13 and 16 of the Charter the Danish Government has decided with effect as from 1 January 2007 to withdraw the declaration from 1988 and make the following new declaration on the scope of the Charter in Denmark:

"In accordance with article 12, paragraph 2, cf. paragraph 1, the Kingdom of Denmark considers itself bound by the European Charter of Local Self-Government in its entirety.

In accordance with Articles 13 and 16, the Kingdom of Denmark considers that the provisions of the Charter shall apply to its municipalities ("kommuner"). The Charter shall not apply to Greenland and the Faroe Islands."

5. According to Article 14 of the Charter the publication "The Local Government Reform – in brief (December 2005)" is enclosed.

Please accept, Sir, the assurances of my highest consideration.

Lars Løkke Rasmussen