LOCAL AUTONOMY AND CONTROL BY CENTRAL GOVERNMENT IN THE REPUBLIC OF ALBANIA

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Abstract

What is meant by local autonomy? Which is the constitutional framework on local autonomy? Which is the interpretation of the Constitutional Court concerning the concept of local autonomy? Which is the importance of local autonomy? Which is the adjustment of administrative structures and means with the mission of local units? Which are the conditions of exercising responsibilities at local level? These and other issues will be addressed in this paper. National and international (mainly European) regulation on the concept of local autonomy is an issue that has direct impact on local development. Without the concept of local autonomy the organization of a liable and accountable local organization towards public is senseless. On the other hand, the exercise of local autonomy does not mean lack of control and influence from the central government. The principle of checks and balance of powers, not only horizontally but also vertically, is a very important constitutional principle. It is often difficult to determine if the combination of powers between central and local government leads to the infringement of the autonomy of the latter. The legal regulation in Albania is a good illustration to understand the gradual development of local government in a country which has spent a long time of transition.

The concept of local autonomy (*local self-government*) and its constitutional provision.

The aim of this paper is to give a view of the legal framework regulating the autonomy of local government in the Republic of Albania and to indicate the control mechanisms of central government over local government.

The good management of power is one of the issues widely studied by the public law. Finding a good and efficient governance system has always been the object of debate between jurists and philosophers. During human history, a variety of governing structures has been identified. In modern times, the written Constitutions provide and condition the divisions of powers and responsibilities during performance of such powers. The horizontal divison of powers (the legislative, executive and judiciary) has been widely discussed, while the vertical divison of power is less analyzed. In this paper we will deal with the concept and legal regulation of local government in the Republic of Albania, as well as the methods of control over local government by central government.

First, it is worth emphasizing that the basis of organization and functioning of local government in Albania is defined in the Constitution of the Republic of Albania (hereinafter referred to as the Constitution). Article 13 of the Constitution explicitly defines that: *"Local government in the Republic of Albania is founded upon the basis of the principle of decentralization of power and is exercised according to the principle of local autonomy."*[9] It is clear that this article comprises a variety of concepts. Logically, we may raise a question: what is local government?

As per above, the jurisprudence of the Constitutional Court has defined local government as the right of citizens in a certain territorial community to independently govern their affairs, by means of organs elected by them or directly.[10] This local governance operates under the *principle of decentralization* that means that the authority and responsibility in exercising governing functions is transferred from central government to the local government units. On the roots of the principle of decentralization is the *principle of subsidiary*, under which the performance of public responsibilities shall generally be exercised by those authorities which are closest to the citizen.[11]

Prior to deal with the concept of autonomy of local government, the dimensions of the decentralization principle should be set. Decentralization has its own dimensions i.e. political, administrative, and financial which interrelate with each other and represent the three components of power. Decentralization is *political* and this encompasses the transfer of political authority in the local level through a representative system based on local political elections. Through administrative decentralization the responsibility on the administration of some central government function is transferred to local units, while financial decentralization deals with the shift of financial power to the local level, aiming its equipment with a greater authority in managing the revenues and expenses. The decentralization principle means that, except cases when the nature and dimensions of issues comprise a larger area than the local unit and when important economic interests are involved, the relief if soughtby the local government.

The Constitution has adopted that concept of decentralization principle that refers to power reorganization and restructure enabling in this way the foundation and functioning under the subsidiary principle of a joint responsibility of central and local government institutions. This concept fits properly to the need for a substantial autonomy of local government, and the ability of the later to facilitate the central government and to effectively resolve local problems.

Logically, we may raise a question: What is autonomy of local government? Based on the etymologic meaning, the word autonomy is formed by two words of ancient Greek, *auto* that means "self" and *nomos* that means "law". In this context, local autonomy means the right to self-govern under the laws self-enacted. According to the Constitutional Court (hereinafter referred to as Constitutional Court), autonomy is a juridical regime in which the bodies of local government act independently while considering those issues that under the Constitution and respective laws are within their competence. The most evident aspect of the autonomy of local units consist in the division of competencies, which deal with the initiative that the local government units have or must have, based on the

[9] Local government is regulated in details by articles 108-115 of the Constitution and a further explanation of these articles will be made in the following parts of this paper.

[10] Decision Nr. 29, dated 21.12.2006 of the Constitutional Court of the Republic of Albania.

[11] Decision Nr. 29, dated 21.12.2006 of the Constitutional Court of the Republic of Albania.

Constitution and laws, to settle the issues within their jurisdiction.[12]

The prescribed competencies and principles, based on which by law other competencies may be conferred to local units, are essential elements that are reflected in the Constitution, which represent a feature of the later. The Constitution prescribes a political and management system of local units which is totally the opposite of the one-party political system. The construction of this system aimed at preventing the burocratic centralization trends of the state. Certainly, the given competencies by the legislator to the local government units may be modified or withdrawn, under its political evaluation, but the Constitution prescribes its reserve on the basic competencies set forth in the sixth part, which cannot be altered by the legislator, because any infringement of the later is controlled by the Constitutional Court.[13]

Therefore, under the Constitution albeit the characteristics of the local government, , are the combination of the constitutional regime and parliamentary devolution, it is exactly the existence of constitutional competencies of the local government that brings the later to the level of self-government, which does not consitute merely a self-management unit.[14] Also, the Constitution sets the respect of two other essential criteria, exclusivity of competencies – under which, in local issues the state is excluded- and complementary – when local units are unable to give solution to certain issues, the central government engages through material or financial aid or through delegating competenceis of state administration. All these conclusions that derive from the constitutional provisions are features of local autonomy. In this context, autonomy is self-governing and self-government itself means constitutional autonomy.[15]

[12]Decision No. 29, dated 21.12.2006 of the Constitutional Court of the Republic of Albania.

[13]Decision No. 29, dated 21.12.2006 of the Constitutional Court of the Republic of Albania.

[14]According to the Consitutional Court (Decision 29/2006): "granting by law of competenceis by the parliament (consequently and their modification as well) or delegation of competenceis of central governement to logal units (logically, and their withdrawal) bring to the system, where local units are self-managed, therfore; they resolve their affairs autonomously within the limits set by the law. Self-management in this form consitutes a release and facilitation of central government work. This method of organization cannot be called self-government." In the same decision the Court emphazised that: 'In a self-governing system, the subsidiary principle requires the problem to be dealt with in the reverse direction, as a local issue that affects the general interest. This means that self-management is built from above, while sel-governing by the lower level."

[15] *Constitutional Court (in its decision 29/2006) defines that: "Self-governance is an institution through which it is sanctioned the self-governance right of citizens, as their political right. Local self-government unit cannot be jeopardized neither reduced in their jurisdictional area by the organs of central government, because they have their area of activity prescribed be the constitution. Because of the character of the checks and balances of powers, local self-government constitutes an essential basis for the rule of law and democracy. In this point of view, the determination of competences in the Constitution is of great importance, because it would make powerless the governance trend to change laws at any time. Certainly, such a solution guarantees the stability of local government competencies and makes the political pressure of government, which can be exercised at any time, powerless."*

European Charter of Local Self-Government.

With the law No. 8548, dated 11.11.1999 the Parliament of the Republic of Albania ratified the "European Charter of Local Self-Government" (hereinafter referrd to as the Charter). This charter took life in the Council of Europe, member of which is the Republic of Albania. The reasons that led to the drafting and then the ratification by the member countries are set in the preamble of the charter. It is appropriate to include in this paper the preamble of the Charter which states the following:

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

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

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

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

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

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

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

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

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

Have agreed as follows:

(...follow the articles of the charter)"

Under article 116 of the Constitution, the Charter is ranked over the laws of the country. This is reinforced also by Article 122 of the Constitution which provides that an international agreement that has been ratified by law has superiority over laws of the country that are not compatible with it. The Constitutional Court in its jurisprudence relies on the principles of the Charter. In such circumstances, this charter is of a great importance in understanding the decentralization process and local autonomy in the Republic of Albania. In the decision No.3 dated: 02.02.2009 the Constitutional Court defines that The Charter, ratified by the Parliament of Albania with law no. 8584, dated 11.11.1999, is considered as an integral part of the internal juridical system and has determined clear concept on local autonomy and subsidiary principle as well.

Whereas, in the decision No. 29, dated 21.12.2006 the Constitutional Court states that the aim of the Charter is to

enable its member countries to create the proper framework that in order to enable the local authorities to have a wide variety of responsibilities, which can be performed in local level. When the areas of activity have implication in local level, it is important for the acting local authorities in promoting the general welfare of their citizens, to understand their right to exercise their initiative in such affairs. Therefore, under paragraph 3 of Article 4 of the Charter, the exercise of responsibilities should be oriented to decentralization. This Court, under the rules of the Charter, considers necessary to emphasize that the main orientations that the Charter refers to its member countries, in order to better understand the principle of democracy and decentralization of power, is to require "*the existence of local authorities endowed with democratically constituted decision-making bodies and possessing a wide degree of autonomy with regard to their responsibilities, the ways and means by which those responsibilities are exercised and the resources required for their fulfillment."*

It is remarkable to evoke the definition of the concept of autonomy given by the Charter, in its article 3. Specifically, this article defines:

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

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

Importance of local autonomy.

As per above, it is obvious the importance of existence and development of local self-government. The resokution of issues under the subsidiary principle requires the reinforcement of autonomy of local government. Citizens of the community having the possibility to manage a wide range of affaires can perform better through self-governance. Local autonomy as a distinguishing feature of self-governance can be performed through free and democratic elections. In this context, local autonomy, as a constitutional concept, takes a special importance with regard to the concept of governance and exercise of power. In the Republic of Albania, local autonomy is regulated besides the Constitution, by the law No. 8652, dated 31.07.2000 "On Organization and Functioning of Local Government" and other relevant laws.[16] Article 3 of the law "On organization and functioning of local government" sets the mission of local government. Under this article, the local government in the Republic of Albania guarantees the level closest to the residents through:

a) Recognition of the existence of different identities and values of the communities in Albania,
b) Respect and enforcement of the fundamental rights of citizens provided in the Constitution and other laws in those communities,
c) Opportunity for communities to make choices between different kinds of local public facilities and services,
d) Efficient and effective exercise of the functions, competencies and duties of various bodies of local government,
e) Delivery of appropriate services,
f) Promotion of effective participation of local residents in local government.

The basic principles on the functioning of local government authorities are set forth in article 4 of law No. 8652, dated 31.07.2000 "On organization and functioning of local government". Under this provision:

1. The organs of local government exercise their authority on the basis of local autonomy.
2. The relationship between Local Government levels and Central Government and between the local government units themselves will be based on the principle of subsidiarity and collaboration for solving mutual problems.
3. In their activity local governments act in compliance with the Constitution and laws enacted in the spirit of the Constitution.
4. Local governments are juridical [legal] persons.
5. Any commune, municipality and circuit is a continuous governing entity with a heritage.

Local autonomy is performed by the local government units. Under article 108 of the Consitution, the local government units are communes or municipalities and circuits. Communes and municipalities comprise the *first level* of local government, while the circuits are units of *second levels*.[17] Communes and municipalities perform all self-government tasks, except those that by law are given to other units of local government. Self-government in local units is realized by their representative organs their representative organs and local referenda. The representative organs of the basic units of local government are councils, while the executive organ of a municipality or commune is the Chairman, who is elected directly by the people.

The constitutional regulation of local autonomy is reinforced by Article 113 of the Consitution. Unider this article, the council of communes, municipalities and circuits:

a) regulate and administer in an independent manner local issues within their jurisdiction;
b) exercise the rights of ownership, administer in an independent manner the income created, and also have the right to exercise economic activity;
c) have the right to collect and spend the income that is necessary for the exercise of their functions;
d) have the right, in compliance with law, to establish local taxes as well as their level;
e) establish rules for their organization and functioning in compliance with law;

[16] Law No. 9632, dated 30.10.2006 "On local taxation".

[17] Look at article 5 of law No. 8652, dated 31.07.2000 "On organization and functioning of local government".

f) create symbols of local government as well as local titles of honor;
g) undertake initiatives for local issues before the organs defined by law.

Under the above mentioned constitutional provisions the organs of local units in exercising their competences may issue directives, decisions and orders. In any case, the rights of self-government of the units of local government are protected in court.[18]

With respect to the importance of local autonomy, article 4 of the Charter defines that:

1. The basic powers and responsibilities of local authorities shall be prescribed by the constitution or by statute. However, this provision shall not prevent the attribution to local authorities of powers and responsibilities for specific purposes in accordance with the law.
2. Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
3. Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy.
4. Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
5. Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.
6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.[19]

Under article 5 of the Charter regarding changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute. This provision shows the importance of local autonomy in preserving the local boundaries, which have a specific meaning to the local units. Article 108/2 of the Constitution determines that the territorial-administrative divisions of the units of local government are established by law on the basis of mutual economic needs and interests and historical tradition. Their borders may not be changed without first taking the opinion of the inhabitants. While article 110 of the Constitution determines that a circuit consists of several basic units of local government with traditional, economic and social ties and joint interests.[20]

Conditions under which responsibilities at local level are exercised.

Article 7 of the Charterdetermines that:

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

Exercise of responsibilities in local level is primarily regulated in the Constitution. Under article 109 of the Constitution the representative organs of the basic units of local government are councils that are elected every four years by general direct elections and with secret voting. The executive organ of a municipality or commune is the Chairman, who is elected directly by the people every four years by general direct elections and with secret voting. Local government units have an independent budget. Despite its own revenues, the budget of local units may benefit from the funds transferred by the central government. Law no. 8652, dated 31.07.2000 "On organization and functioning of the local government", and defines the guidelines of the basics elements which should be taken into consideration while exercising the mandate of organs of local units. For example, article 25 of this law foresees the cases of incompatibility of councilor of municipality or commune with other state functions.

Control over local government, intervention of central government and the role of prefect as a representative of central government to the local government. Law suits that may be brought to the court.

Article 8 of the Charter determines that:

[18]On this regard Article 11 of the European Charter of Local Autonomy determines that Local authorities shall have the right of recourse to a judicial remedy in order to guarantee free exercise of their powers and respect for such principles of local self-government as are enshrined in the constitution or domestic legislation.

[19]Article 6 of the European Charter of local self-government defines:

"1.Without prejudice to more general statutory provisions, local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management.

2.The conditions of service of local government employees shall be such as to permit the recruitment of high-quality staff on the basis of merit and competence; to this end adequate training opportunities, remuneration and career prospects shall be provided." This provision has been implemented in law No. 8652, dated 31.07.2000 "On organization and functioning of local government", law No. 8654, dated 31.07.2000 "On organization and functioning of the municipality of Tirana", law no. 8224, dated 15.05.1997, "On organization and functioning of municipality and commune police"

[20]Likewise article 5§5, of law No. 8652, dated 31.07.2000 „On organization and functioning of the local government"defines that: A circuit is an administrative-territorial entity that is comprised of several communes and municipalities that have geographical, traditional, economic and social ties and joint interests.

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

The activity of local government, albeit independent, is controllable in different aspects. Thus, for example in the financial aspect, local government is controlled by the High Control of State and other auditing authorities specified by the law.

Article 114 of the Constitution provides that the Council of Ministers appoints a prefect in every circuit as its representative. Therefore, the prefect is "the guardian" or "the observer" of the central government in the local government. With the law no. 8927, dated 25.07.2002 "On the prefect", are determined the role and competencies of the prefect. In its article 1 the laws prescribes the mission of prefect as a representative of the Council of Minister in the circuit, the conditions for its appointment and especially, its responsibilities, its duties and rights in relation to the state administration and local government organs operating in the circuit. Further, under article 6/d of the law "On the prefect" the law provides that the prefect is the sole institution that verifies the legality of the acts approved by the local government organs in the communes, municipalities and the circuits under chapter III of this law. The prefect exercises financial control over these organs in compliance with the legal provisions. One of the main competences of the prefect is set forth in articles 14-15 of the pertinent law. This competence sets the right of the prefect to verify the legality of the acts approved by the local government organs. This right is exercised without hindering the implementation of these acts.[21]

The Constitutional Court in its decision No. 29/2006 says that the right of the prefect to suspend th acts of the local government units and to start a court procedure against them, is based on the right of administrative control on the acts of the local units which aims at the respect of the leality principles and other constitutional principles.[22]

This conclusion because according to the Constitutional Court, the supervision of local authorities should aim only guaranteeing the compatibility with law provisions comprised in the responsibility area of local authorities.

In the decision No. 3/2009 the Consitutional Court emphazised that it is permissible that issues with a national and strategic importance to be dealt under the authority of the central government which is liable for the policy of economical and political development in the country, giving the the local units "*the right to enjoy within the limits the freedom to adopt their power with the local conditions*". Nevertheless, it would be considered as an infringement of self-governance of local units, if the legislator by neglecting the competencies of the local unit would weaken the role of local untis to that point that the existence or their self-government would become insensitive.

The organs of local government have the right to protect their rights in the court. As foreseen in article 113/3 of the Constitution, the rights of self-government of the units of local government are protected in court. Local units may submit a law suit to the court (*under articles 32 and 324 f the Code of Civil Procedure*)[23] as well as to the

[21]Article 14 of the law "On the prefect" defines that:
"1. Enforcement of the acts of the local government organs is done in compliance with point 6 of article 33 of law no. 8652, dated 07/31/2000 "On the organization and functioning of the local government".
2. Verification by the prefect of the legality of the acts approved by the local government bodies in the communes, municipalities and in the circuit takes place without hindering their implementation, and respecting the following procedures:
a) Every local government organ has to submit to the prefect all the normative acts within 7 days from the day of their promulgation. The notification of the prefect about the submitted act by the local government body gets certified upon its registration by the protocol office of the prefect.
b) For every registered act at the protocol office, the prefect shall express himself about its legality within 10 days from the date of registration according to the following procedures:
i) when the act is in compliance with the legal and sub-legal acts in force, the prefect expresses his approval by notifying the relevant organ of the local government ;
ii) In the cases when the prefect observes legal inconsistencies of the act, he entitles the right to return it to the relevant local government organ by arguing the observed violations. In this case, the local government organ revises the act. The decision taken by the local government body after the returned revised act by the prefect is submitted to the prefect's office following the same procedure and within the same deadline as described in point 1 of this article. In case the prefect observes again legal inconsistencies in the revised act, he addresses then the court under whose jurisdiction the local government organ falls, thus claiming the promulgation of invalidity of this act. The prefect entitles the right to return an act only once.
iii) In the case when the prefect observes legal violations in an act, and ascertains that the return of that act to the local government organ will be useful, he entitles the right to require the invalidity of the act straight from the court, whose jurisdiction the local government organ belongs to, without following the procedure set forth in letter "b" of point 2 of this article.
iv) Once the prefect requests to a court the invalidation of an act, he notifies the local government body."

[22]On this basis the Constitutional Court ruled that, albeit the control over legality on the acts of the organs of the local government is exercised through its suspension based on ilegality by the representative of the central government, it is not the NCTRRA the state organ which ultimately resolves the issue, but the judicial.

[23]Article 4/6 of law No. 9632, dated 30.10.2006 "On the local taxation system" defines that: "6. Dispute resolution between

Constitutional Court. The later, may be invested directly in cases foreseen in article 131/ç of the Constitution for any dispute regarding the competence of central and local government. In this respect, the Constitutional Court, in its decision no.29/2006 ruled that disputes on competence can arise when the law gives the same competencies to two or more institutions, when the same competence is attributed under different laws to two institution, and when the law sets forth the competence but has not specified the pertinent body which will exercise it. The resolution of such issues cannot be performed through the *in abstracto* constitutional control by neglecting the concrete case. Therefore, the dispute which is the organ a certain competence is given is resolved based on the concrete case, when the organ has applied the conflicutal law and has issued the individual implementing act. Further, the Constitutional Court said that the dispute between laws on the competencies of the constitutional organs constitutes a constitutional issue other than the law collision, for which the ordinary court is competent to decide which of the laws is applicable regarding the issue brought to it. This is the distinguishing aspect of disputes on competencies as a prerogative of the Constitutional Court, regardless whether the dispute has been raised based on the law as a normative act or its implementing act as an individual one. In conclusion the Constitutional Court ruled that any organ is eligible to submit a request in the Constitutional Court in cases of claims on the conflict of competencies, which may have aroused because of the law or based on a factual situation. It is determinant that the sphere of competencies of organs or subject involved in the conflict to be set in the constitutional provisions.

Under article 115 of the Constitution, a directly elected organ of a local government unit may be dissolved or discharged by the Council of Ministers for serious violations of the Constitution or the laws. The dissolved or discharged organ has the right to complain, within 15 days, to the Constitutional Court, and in this case, the decision of the Council of Ministers is suspended. If the right to complain is not exercised within 15 days, or when the Constitutional Court upholds the decision of the Council of Ministers, the President of the Republic sets a date for holding of elections of the respective unit of local government. It is obvious that the local government unit has the right to submit the request to the Constitutional Court, constituting though a deviation directly foreseen in the Constitution on the jurisdiction on the resolution of disputes on individual administrative acts.[24] This represents an additional guarantee to the local government unit.

Conclusions.

Check and balance of power it is not a simple issue. The central government often represents a dominant position over the local government. The jurisprudence of the Constitutional Court has shown that the relationship between the central government and the local government has not always been in compliance with the Constitution and the Charter. A number of laws enacted by the Parliament have intereferre in the competencies given by the Constitution to the local government units. The so far dialectics of the development of local self-government contributed in strengthening this autonomy. This represents an achievement, which should be taken into consideration. The jurisprudence of the Constitutional Court constitutes a milestone understanding local autonomy and the measuring unit with regard to the constitutional or unconstitutional intervention of the central government in the competencies of the local government.

The local government will face big challenges regarding the exercise of their competencies on behalf of citizens of the local unit. In this context, the control exercised by the central government over local government (*we remind article 115 of the Constitution)* is of great importance in order to avoid as much as possible the absence of liability and arbitrarity by the representative and executive organs of these units. Anyhow, we may conclude that there is a long way toward strengthening the the local autonomy, despite the well equipped legal framework that enables the exercise of the activity of the local government according the the principle of local autonomy.

municipalities, communes, between municipalities and communes, the latter and tax bodies of the central government regarding issues related to the competence of local jurisdiction is resolved amicably. Otherwise, the parties invest the court." In this provision the law is not clear whether the parties invest the district court or the Consitutional Court. In any case, the solution, is given by the interpretation of the Constitutional Court, in its decision no. 29\2006, cited above.

[24]In the absence of this Constitutional provizion, the local government organ would have to submit the request to the court of district, under the procedure againts the individual administrative acts.

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