



## COUNTRY SPECIFICS **LOCAL GOVERNMENT STR – GERMANY**

### **1. The structure of the state**

Public governance in Germany comprises three levels: the federation, the 16 federal states (Länder) and some 11,000 municipalities, which include cities, towns and other entities. The city states of Berlin, Bremen and Hamburg have a special role. Each is both a federal state and a municipality. Non-independent municipalities are grouped into sub-regional administrative districts (counties), and larger cities can be divided into urban districts (boroughs).

The municipalities are subject to the legislation and supervision of the federal states, and are thus part of their administration. The most important legislation is the municipal by-laws of the federal states. They can directly transfer tasks to the municipalities.





## 2. Tasks and powers

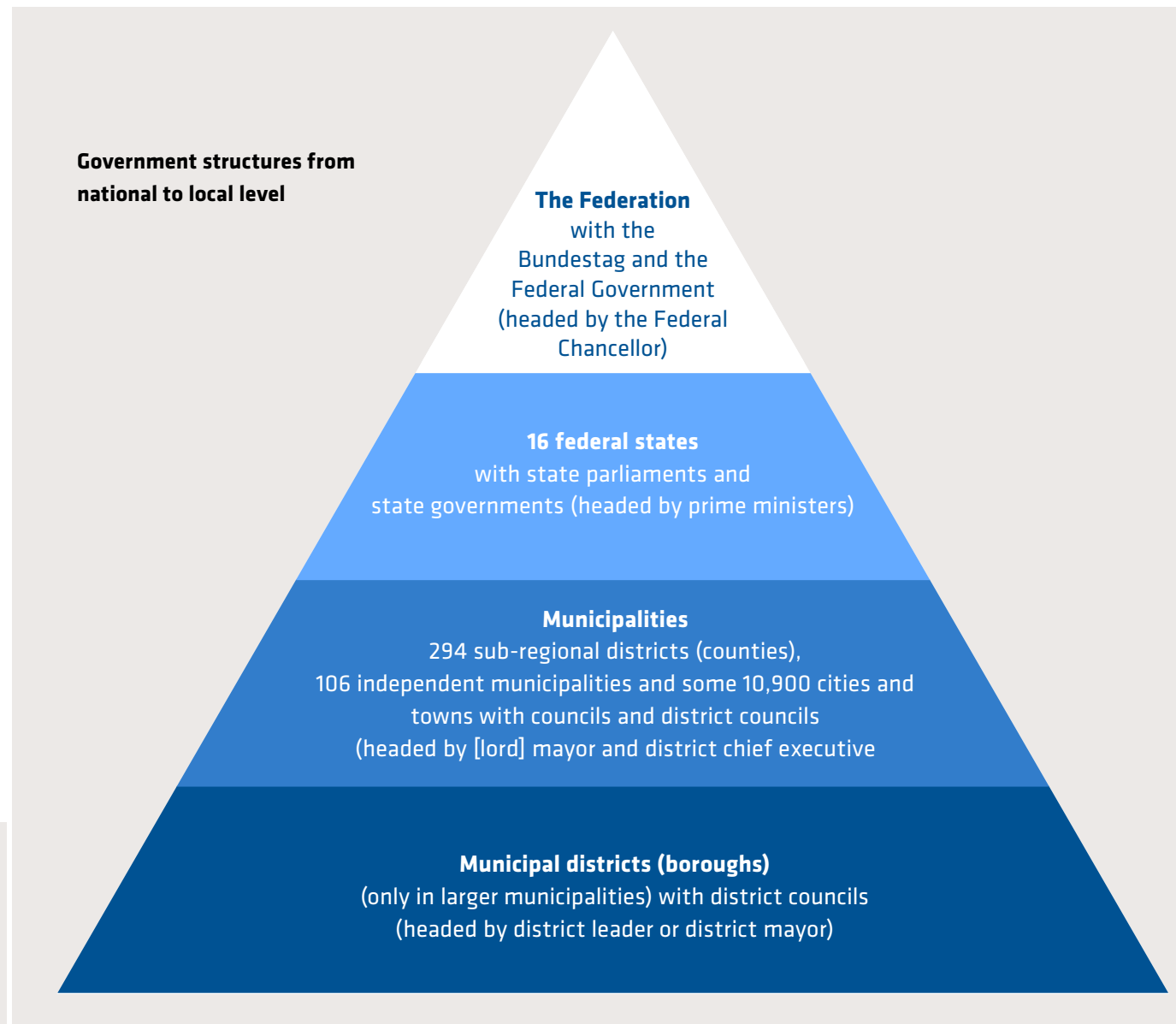
Municipalities provide key services to ensure the basic needs of the population. These municipal services of general interest include water and energy supply, as well as the maintenance of roads, schools, day-care centres and hospitals.

### 2.1. The right to self-government

Municipalities can decide on their own local affairs as long as they comply with applicable law. They are thus far more than just public implementing authorities at the local level. It is important to note that their right to self-government only applies to the spatial area of the municipality. There, the municipalities have control over territory, personnel and organisations. This means they can make sovereign decisions on personnel matters, for example, and determine procedures and responsibilities.

#### **Basic Law, Article 28 (2):**

*„Municipalities must be guaranteed the right to regulate all local affairs on their own responsibility within the limits prescribed by the law.’*





## 2.2. Mandatory and voluntary tasks

The municipalities have certain **mandatory tasks** that are prescribed by federal or state laws. These include passport and civil registration services, the provision of schools and roads, urban land-use planning, street cleaning and wastewater management.

In addition, there are **voluntary municipal tasks** such as culture, sports facilities and local development cooperation. The municipalities perform these tasks at their own discretion and according to their financial resources.

Municipalities can outsource certain tasks, such as waste management, to municipal companies such as public utilities or, as in the case of hospitals, commission private providers or companies to deliver services. For cross-municipal tasks such as public transport, many municipalities have founded special-purpose associations at the district level.

### Examples of municipal tasks

- Road construction
- Transport
- Maintenance of schools and kindergartens
- Public safety: fire protection service, labour inspectorate, building inspectorate
- Social assistance: social welfare, old people's homes, homeless shelters
- Education and culture: adult education centre, libraries, theatres, orchestras, museums
- Utilities, housing: water, electricity, gas, housing construction, urban planning, economic development
- Health and youth welfare
- Waste disposal, sewerage, green spaces, recreation, cemeteries
- Hospitals, playgrounds, sports facilities
- State tasks: registry office, food inspection, civil registration, statistical work

### The 16 federal states





## 3. Municipal structures

As at the federal and state levels, decisions at the local level are made by municipal ‚governments‘ and ‚parliaments‘ – the so-called representative bodies. As in federal and state elections, these bodies are elected directly, freely, equally and secretly by universal suffrage. They can pass resolutions, but cannot enact laws beyond that.

### 3.1. Municipal and city councils, and district councils

Elected by the citizens, these bodies make decisions – which the administration must implement – by democratic voting. Their size depends on the population of the municipality; some municipal councils have 20 members, and city councils can have up to 90. They always work on an honorary basis, but receive an expense allowance.

In order to decide on an issue, the parliamentary groups or individual councillors submit motions. These are discussed and then voted on democratically. The councillors also have the option of delegating certain decisions to the administration.

Since not all issues can be dealt with in detail in the council meetings, the councillors have advisory or decision-making committees. These deal with topics such as finance, personnel or schools (compulsory in the state of North Rhine-Westphalia) or planning, mobility, environment, culture, and youth and family. The committees comprise members of the parliamentary groups, in numbers that reflect proportionately the number of seats each party holds. A council can also appoint ‚knowledgeable citizens‘ to work on the committees.

### 3.2. (Lord) mayors and district administrators

As a rule, these officials head the administration on a full-time basis and preside over the municipal and city councils and the district councils. There they have full voting rights. Depending on the federal state, they are elected for five to eight years.

### 3.3. Districts and municipal special-purpose associations

The 294 sub-regional districts Germany-wide perform public tasks that exceed the capacity of smaller municipalities or cities, such as waste management or public transport.

### 3.4. Representation of interests

The municipalities in Germany are joined together in municipal associations such as the Association of German Cities, the German County Association or the Association of Towns and Municipalities. These associations represent the interests of the municipalities vis-à-vis the Federal Government and the European Union, among others, and advocate for the protection of municipal self-government.



## 4. Funding and budget

Municipalities receive a legally determined percentage share of state wage, income and sales tax revenues through the states, as well as financial allocations from the federal government and the states. They themselves collect property and trade taxes and, to a lesser extent, excise and expense taxes such as dog taxes, as well as fees and charges. They also have the option of taking out loans.

The budget of each municipality is determined by the district council or the city or municipal council.

The largest share of municipal expenditure in Germany is spent on personnel costs and on social benefits such as social assistance within and outside of social institutions, as well as integration assistance. Further expenditure involves material costs.

### Sources and further information

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## The Service Agency Communities in One World (SKEW)

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