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Contribution
of the European Confederation of Local Intermediate Authorities
(Confédération Européenne des Pouvoirs Locaux Intermédiaires, CEPLI)
to the White Paper of the Committee of the Regions
on Multilevel Governance
dated 17th of June 2009 (CdR 89/2009)

The European Confederation of Local Intermediate Authorities (*Confédération Européenne des Pouvoirs Locaux Intermédiaires* - CEPLI) is the first European confederation of national associations of local intermediate authorities and associated networks. CEPLI intends being a model of cooperation and exchange, to the benefit of its members and Europe. It aims to become a recognised partner of European institutions as well as of other European and national associations.

CEPLI comprises the Assembly of French Départements (ADF), the German County Association (DLT), Union of Italian Provinces (UPI), Association of Walloon Provinces (APW), Association of Flemish Provinces (VVP), National Association of Bulgarian Municipalities (ANMRB), Spanish Federation of Municipalities and Provinces (FEMP), Union of Prefectoral Authorities of Greece (ENAE), National Association of County Governments of Hungary (MOOSZ), National Union of Judet Councils of Romania (UNCJR), Union of Powiats of Poland (UPP), as well as associated members, namely the Arc Latin and Partenalia networks.

CEPLI appreciates expressly the consultation the Committee of the Regions has opened with its White Paper on Multilevel Governance and highlights that multilevel governance must be one of the main pillars of the Union, allowing the implementation of principles of subsidiarity, autonomy and diversity, already recognised by the European Union.

1. Introduction

The introduction of the White Paper states that „the current global crisis underlines the importance of governance, particularly at European level, and the need for local and regional authorities to be closely involved in shaping and implementing Community strategies, since they implement nearly 70% of Community legislation and therefore play an essential role in implementing the European Economic Recovery Plan. What is more, in a context of increasing scarcity of public funds, attempts could be made to renationalise common policies and centralise resources, despite the fact that globalisation reinforces the relevance of multilevel governance.

The EU's ability to adapt to the new global context actually depends largely on the potential of its regions to react, act and interact.”

As stated in the introduction, within the European Union “local and regional authorities currently have significant powers in key sectors such as education, the environment, economic development, town and country planning, transport, public services and social policies. They also help ensure the exercise of European democracy and citizenship.”¹

- CEPLI seeks to introduce explicitly the intermediate level in the White Paper on Multilevel Governance, considering that Local Intermediate authorities (LIAs), al-

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though invested with different competences throughout Europe, are playing a key role in providing everyday answers to the needs of the population and their territories, for them to be able to face the effects of the crisis. The knowledge they have because of their proximity and their critical mass makes them to be able to act in the most appropriate and quickest way.

- Local Intermediate Authorities are carrying out innovative initiatives in order to counterbalance the effects of the crisis. This shows that these authorities have a great reaction and mobilization capacity in front of a wide range of different situations.
- Since its establishment in 2008 the Confederation counts more than 8000 territorial entities. The Local Intermediate Authorities (LIAs) constitute already a crucial chain of the national and European territorial organization, due to the vertical coordination of the lower local powers (communes, etc...). This working system already built between the LIAs and these lower level administrations are ensuring the territorial, social and economic cohesion.
- Therefore CEPLI urges the Committee not only to refer to local and regional authorities, but to specifically mention these intermediate authorities in its documents. Based on this point of view CEPLI wishes to amend the White Paper and to include explicitly "the intermediate authorities" each time the Paper refers to "the local authorities".
- The decisive arguments justifying LIAs participation in Multilevel Governance are the following:
 - legitimated authorities;
 - accountability and efficiency in using financial resources;
 - knowledge of proximity and capacity to respond to needs of society, people, etc.;
 - experience in managing services and programs (efficiency, equity);
 - commitment in all the politics allowing to preserve jobs on their territories;
 - implementation of social and territorial cohesion policies supporting European programs;
 - ensuring the implementation of most of the social rights (insertion, health, etc.) upholding social cohesion at national and European levels.

2. Building Europe in partnership

„The Committee of the Regions considers multilevel governance to mean coordinated action by the European Union, the Member States and local and regional authorities, based on partnership and aimed at drawing up and implementing EU policies. It leads to responsibility being shared between the different tiers of government concerned and is underpinned by all sources of democratic legitimacy and the representative nature of the different players involved. By means of an integrated approach, it entails the joint participation of the different tiers of government in the formulation of Community policies and legislation, with the aid of various mechanisms (consultation, territorial impact analyses, etc.)“²

- One of the goals of CEPLI is a common and more visible representation of the LIAs at European level. It also wishes to perform the cooperation between its members for a steady exchange of good practices, the intensification of their integration into the relevant EU grant programs (e.g. cohesion and territorial co-operation policies) as well as the creation of a direct dialogue with European institutions in order to strengthen the co-operation in the European decision-making process. Due to these

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objectives, CEPLI seeks that LIAs be involved in this kind of partnership as mentioned above, in order to bring its originality and expertise.

CEPLI is particularly interested to be associated at the:

- drawing up of an European Union Charter on multilevel governance, which would establish the adequate methods allowing the observance of the principle of subsidiarity and the ongoing decentralisation process in Member States, candidate countries, neighbouring states and ultra – peripheral regions. This would stand as a guarantee of the political will to respect the independence of local and regional authorities and their involvement in the European decision-making process, in conformity with the European Charter of Local Self-Government, already ratified by all the decentralized countries of the European Union. In this context, the partnerships in fragile States (in conformity with convergence objective and the strengthening of the administrative capacity) initiated under the cooperation between LIAs allow the creation of a link between the local level and the state level, contributing to the decentralization process in the EU.
 - drawing up of various action plans, taking into account the role of the LIAs.
- CEPLI also would like to stress the fact that, when speaking about decentralisation in the context of *the future European Union Charter on multilevel governance for developing a common and shared understanding of European governance*, the Committee should take into account all the elements composing this concept, namely the different situation in EU Members States and the economic and political environment at Local Intermediate level.
 - A common and shared understanding of the European governance and a real involvement of Local Intermediate authorities in the European decision-making process means more prerogatives and more responsibilities for local actors. But, empowering the Local Intermediate authorities requires first financial independence, since the degree of financial independence gives the level of autonomy. Allocating responsibilities without allocating the necessary financial resources, can conduct to a deeper blockage of the administrative act and to a false image of autonomy.
 - Therefore, at all levels of administrative organization, the principle of compensation and equal relationship between their resources and activities should be followed first at national level, but with encouragement, co-operation and support from the European Union.
 - The issue of the relationship between autonomy and financial resources is mentioned in the European Charter of Local Self-Government of the Council of Europe on its articles 6 and 9, foreseeing that "...local authorities shall be able to determine their own internal administrative structures in order to adapt them to local needs and ensure effective management" (article 6) and that "...Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers..." (Article 9).

CEPLI insists that the principles of the Charter have to be taken into account and applied in all EU-members states.

3. Encouraging participation in the European process

Strengthening institutional representation:

„Guaranteed since the Treaty of Maastricht, institutional representation for local and regional authorities has been strengthened in the course of the successive institutional reforms. The entry into force

*of the Lisbon Treaty would represent an important step towards institutional recognition of multilevel governance in the way the European Union operates. In this respect, strengthening the representation and influence of local and regional authorities in the Community decision-making process must be encouraged both within the Committee of the Regions and in the activities of the Council of the European Union.*³

- Within this context, CEPLI urges the Committee to take into account the approach of multilevel governance for the constitution of the Committee itself. In that sense CEPLI wishes the recognition by the Committee of the following three principles:
 - the guaranteed representation of recognized European Associations of Local Intermediate authorities in the Committee;
 - the obligation for the Committee to seek for advice from recognized European Associations of Local Intermediate Authorities when formulating opinions and recommendation;
 - the obligation for the Committee's Members, under the rules of procedure, to ensure the representation of elected members of Local Intermediate Authorities in their national delegations.
- CEPLI recognises that Member States are the only in charge to define the level of representation of local powers in their national delegations, but CEPLI urges the Committee to establish corrective mechanisms, for example in the framework of its recommendations regarding multilevel governance.
- Specific difficulties due to different systems in the Member States (e.g. Hungary, Spain e.a.) should not build an obstacle to a appropriate representation of the LIAs in the Committee itself. Therefore CEPLI also strongly opposes and requests modification of Chapter 2, Rule 2 of the Rules of Procedure (RoP) of the Committee of Regions⁴.

„To put multilevel governance into practice, the Committee of the Regions undertakes to reinforce, in accordance with its Mission Statement, its status as a political assembly, its involvement upstream of the decision-making process in the design of European strategies and Community legislation, monitoring of the principle of subsidiarity in the spirit and tenor of the Treaty of Lisbon, evaluation of the territorial impact of Community policies, and its role as a facilitator of participatory democracy in Europe;”⁵

- CEPLI welcomes this commitment, but underlines again that all levels of local powers should be taken into account at European level, all of them having their specific role to play in the territorial development. Only by recognising the contribution of all these actors, the principle of multilevel governance can be achieved. Multilevel Governance should be understood in the specific context of each Member State and promoted in this regard by the Committee of Regions. Thus, CEPLI kindly requests the Committee of the Regions to take into account and to refer distinctly at intermediate level when drafting opinions or analyses, not only to regions and cities.

4. Reinforcing the effectiveness of Community action

Optimising the reinforced culture of consultation:

„To put multilevel governance into practice, the Committee of the Regions undertakes to develop cooperation with the European Commission and European and national associations of local and regional

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*authorities within the framework of Structured Dialogue in the phase for preparing the legislative work programme of the European Commission;*⁶

- CEPLI welcomes the possibility of a cooperation in the framework of the Structured Dialogue, as CEPLI fulfils the criteria drawn up through the Commission Communication (COM (2003) 811 final) on the Dialogue, and thereafter through further consultation within the CONST committee of the Committee of the Regions 9CdR 71/2004).

Better lawmaking:

*„Furthermore, the capacity of local and regional authorities to understand Community law must be strengthened in order to reinforce legal certainty within the European Union and facilitate the correct transposition of Community legislation. In that regard, the need to more closely involve local and regional authorities is motivated by the fact that the effects of a Community directive or regulation may vary significantly from one Member State to another due to its internal territorial organisation, the degree of autonomy of local and regional authorities and the extent of their responsibilities.“*⁷

- CEPLI welcomes this commitment but emphasizes once again that the impact assessments should not only include regions and municipalities but also the intermediate authorities. Since they are according to their specific competences in charge e.a. of public transport, social services, waste treatment, education, child and health care. The difficulties encountered during the transposition of the Directives on landfill of waste and award of public works contracts, public supply contracts and public service contracts are important examples of the need to involve local and regional authorities throughout the process of formulating Community legislation.

Developing the potential of territorial cooperation:

„The EGTC is a new European legal instrument (Regulation (EC) No 1082/2006) designed to stabilise territorial cooperation between the different tiers of government and across borders. It is particularly relevant in view of strengthening territorial cohesion policy. Around 30 EGTCs are being set up in Europe and six have already been established. (...)

*The Committee of the Regions is working in concert with local and regional authorities, the European Commission, the European Parliament and the Member States to optimise the potential of this tool and facilitate the creation of a public space for communication, information, analysis, research and pooling of expertise.“*⁸

- CEPLI supports fully this new instrument for decentralization, which permits successful territorial cooperation between different actors within the European Union. The EGTC can contribute to fill the gap between the European Union and its citizens. Therefore CEPLI wishes that the Committee urges the Member States to facilitate access to this instrument, as CEPLI itself studies at this moment the possibilities to establish an EGTC.

CONCLUSIONS:

The White Paper seems to be too rhetorical and not based on an accurate assessment of those issues that currently hinder the multi-level governance. CEPLI believes that the establishment of a framework allowing the elaboration of recommendations to the Community institutions, regional and local authorities and na-

⁶ Whitepaper multilevel governance abstract

⁷ Whitepaper multilevel governance abstract

⁸ Whitepaper multilevel governance abstract

tional parliaments through the White Paper, must be a process oriented on values, principles, mechanisms and instruments that constitute the basis in all stages of European decision-making process, being able to facilitate the design and implementation of Community policies.

The document states that the White Paper would have to ensure greater involvement of local and regional governments in community decisions and a better understanding of the territorial impacts of European policies. In CEPLI's opinion, those requirements should be strongly oriented to the enforcement of the principle of subsidiarity, designing an appropriate institutional framework able to guarantee the legitimacy and capacity of all levels of decision responsible in the European process of governance.

**Agreed in unanimity by the Political Conference of CEPLI
Budapest, 13th November 2009**