



Strasbourg, 14 April/avril 2023

CDDG(2023)4 bil  
Item 4 of the agenda / point 4 de l'ordre du jour

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE**  
**COMITE EUROPEEN SUR LA DEMOCRATIE ET LA GOUVERNANCE**  
**(CDDG)**

**Results of the questionnaire circulated for the work of the GT-G  
on multilevel governance (via RRS n°52)**

**\*\*\***

***Résultats du questionnaire diffusé pour les travaux du GT-G  
sur la gouvernance multiniveaux (via le SRR n°52)***

For information of the CDDG and further discussion on the content of a  
draft report /  
*Pour information du CDDG et discussion sur le contenu d'un projet de  
rapport*

Secretariat Memorandum  
prepared by the  
Directorate General of Democracy and Human Dignity  
Democratic Governance Division  
/  
Note du Secrétariat  
établie par la  
Direction générale de la démocratie et de la dignité humaine  
Division de la gouvernance démocratique

---

The low level of responses does not allow for the time being to produce meaningful horizontal comments. As of 13 April 2023, the following countries have submitted a response / *le faible niveau de réponse ne permet pas pour l'heure de produire de commentaires transversaux significatifs ; à la date du 13 avril 2023, les pays suivant ont soumis des réponses:*

Belgium (Flanders) / *Belgique (Flandre)*

Czech Republic / *République tchèque*

Greece / *Grèce*

Hungary / *Hongrie*

Lithuania / *Lituanie*

Republic of Moldova / *République de Moldova*

Norway / *Norvège*

Portugal

Slovak Republic / *République slovaque*

Switzerland (link to a federal report on the management of the Covid crisis) / *Suisse (lien vers un rapport federal sur la gestion de la crise Covid).*

<p>Note contained in the introduction to the questionnaire:</p> <ul style="list-style-type: none"> <li>• For the purposes of this questionnaire, "Multilevel governance" refers to a cooperative model of governance which embraces international, supranational, cross-border, and subnational levels of governance, delivered with participation of the people, civil society, and other organisations, with the purpose to ensure coordinated, efficient policy- and decision-making and exercise of public duties, based on the principles of good democratic governance.</li> <li>• Responses should not be excessively lengthy and detailed. Synthetical and explanatory responses should be privileged over the quoting of long extracts from the legislation and other official texts.</li> <li>• Links to national documents, studies, reports and further resources are welcome</li> <li>• As regards the specific context of emergencies and their management, the GT-G will use as much as possible pertinent information made already available for the special report on "Democratic governance and Covid-19" from November 2020 (see link). That said, 19 countries had not provided any responses at the time and there may have been further lessons drawn later on especially as regards the crisis exit management. Updates will be welcome. Obviously, the GT-G is also interested in experience available in respect of contexts other than the Covid pandemic, for instance: severe draught and fire disasters, massive arrival of refugees, electricity and fossil fuel shortages, earthquakes etc.</li> </ul>	<p>Note contenue dans l'introduction au questionnaire :</p> <ul style="list-style-type: none"> <li>• Aux fins de ce questionnaire, la "gouvernance multiniveaux" fait référence à un modèle coopératif de gouvernance qui englobe les niveaux de gouvernance international, supranational, transfrontalier et infranational, mis en œuvre avec la participation de la population, de la société civile et d'autres organisations, dans le but d'assurer une politique et une prise de décision ainsi que l'exercice des fonctions publiques de manière coordonnée et efficace, sur la base des principes de bonne gouvernance démocratique.</li> <li>• Les réponses ne doivent pas être excessivement longues et détaillées. Les réponses synthétiques et explicatives doivent être privilégiées par rapport à la citation de longs extraits de la législation et d'autres textes officiels.</li> <li>• Les liens vers des documents, études, rapports et autres ressources nationales sont les bienvenus.</li> <li>• En ce qui concerne le contexte spécifique de la gestion des situations d'urgence, le GT-G utilisera autant que possible les informations pertinentes déjà disponibles pour le rapport spécial sur la "Gouvernance démocratique et Covid-19" de novembre 2020 (voir <a href="#">lien</a>). Cela dit, 19 pays n'avaient pas fourni de réponses à l'époque et d'autres leçons ont pu être tirées ultérieurement, notamment en ce qui concerne la gestion de la sortie de crise. Les mises à jour seront les bienvenues. Bien entendu, le GT-G est également intéressé par l'expérience disponible concernant d'autres contextes que la pandémie de Covid, par exemple : sécheresses et incendies graves, arrivée massive de réfugiés, pénuries d'électricité et de combustibles fossiles, tremblements de terre, etc.</li> </ul>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Belgium (Flanders)

**Question 1 : Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:**

- **between tiers of government:**

1) Taskforce Ukraine of the Flemish Region and the Government of Flanders:

### General

The Government of Flanders has set up a Taskforce Ukraine (TFU), which consists of the leading officials (or their representatives) of the relevant Flemish policy areas:

- Housing;
- Well-being;
- Work;
- Integration;
- Education.

The Chairman is the Administrator-General of the Agency for Home Affairs.

The TFU takes on the coordination of the refugee challenge. Its' duties include:

- To map up-to-date and accurately and to increase the local supply (i.e. at the municipal level) of housing accommodation;
- To make practical agreements with the federal government about the allocation (reception & housing) of persons in function of the local reality and capacity;
- To support and to coordinate specific measures and policies of the Flemish policy domains;
- To unlock Flemish measures and all other relevant information for local authorities;
- To act as a unique point of contact for the Government of Flanders, local authorities and the federal level, including:
  - To ensure integrated communication to local authorities about the initiatives and measures taken by Flanders in the context of the refugee crisis in Ukraine;
  - To ensure a coordinated approach in answering the questions from local authorities about the Flemish initiatives and measures in the context of the Ukrainian refugee crisis.

### Support of TFU for local authorities (mainly housing)

Local governments play an important role in the search for and management of sustainable housing places for Ukrainian refugees. The Government of Flanders wants to support them optimally in this. She does this in various domains.

- [Flemish Housing Tool](#);
- *Agency for Facility Management of the Government of Flanders* ;
- [Flemish Support Team](#) .

### *Flemish Housing Tool:*

The [Flemish housing Tool](#) was developed to fully map out the range of residential complexes, sites, usable buildings for sustainable housing capacity and to make maximum use of them.

Local authorities, companies and organizations can register housing places via the Flemish Housing Tool. Local authorities are responsible for the matchmaking between supply and demand. The Government of Flanders monitors a good spread, taking into account the local carrying capacity.

*Agency for Facility Management:*

Based on strong expertise in facility services, real estate and public procurement, the *Agency for Facility Management* supports local authorities:

- in their search for existing and new collective housing places and emergency villages;
- in the operation of collective housing and emergency villages;
- by carrying out urgent purchases to meet the acute needs of materials;
- support in concluding leases (e.g. templates, refund unit prices,...);
- support with purchase agreements;
- making available buildings and land owned by the Government of Flanders;
- itself optionally purchasing or renting of collective housing places and to make them available;
- conclude the contracts for design, management and operation through the central purchasing center- where necessary - (including the processing of the invoices);
- support local authorities in the exploitation of the emergency villages;
- provide a roadmap, focusing on technical, logistical, as well as practical, legal and management aspects, for the establishment of emergency villages.

*Flemish Support Team*

The [Flemish Support Team \(FST\)](#), consisting of one central team and five regional teams, supports local authorities in function of needs. The local authorities can ask concrete questions about reception and other support offered to the FST and the FST then seeks/facilitates tailor-made solutions for the specific local authority/refugee.

2) Cross-border Cooperation (CBC) groupings and arrangements with different tiers of government are a prime example of MLG. Some examples of this:

- a) EGTC Eurometropool Lille-Kortrijk-Tournai is the first EGTC established in the European Union.

The Belgian and French State, Flanders, Wallonia, Flemish and Walloon provinces, the French Region of Hauts-de-France and the Département du Nord, Flemish and Walloon intermunicipal cooperation bodies and Lille Métropole Communauté urbaine participate in this EGTC, which is a good example of multilevel-governance. It brings thus together 14 French, Walloon and Flemish partners: 2 States, 4 Regions and Communities, 3 Departments and Provinces and 5 intermunicipal companies.

- b) EGTC Rhine – Alpine.

The Port of Antwerp participates in this EGTC, together with other ports like Rotterdam along the Rhine-Alpine corridor, as well as German cities, the Italian Region of Piedmont and Dutch and Flemish provinces. It brings together ports, which might have different legal forms like for instance a limited company with the state and local authorities as its' shareholders, regions and municipalities.

The aim of this EGTC is to facilitate the transnational cooperation on the European transportcorridor Rhine-Alpine and to take on jointly the intricate challenges of the development of this corridor.

3) Representation of the local level at the Federal level

At federal level, local associations participate in numerous inter-institutional committees, representing their positions. There are many councils and committees in which the associations are represented.

#### 4) Consultation of the local level at the Federal level

There is no strictly defined consultation procedure at the Federal level aside from the fact that associations of local authorities participate in numerous inter-institutional committees.

#### 5) Participation of the local level at the Flemish Regional level

**In Flanders**, the Association of Flemish Cities and Municipalities (VVSG) sits on several inter-institutional committees at the Flemish level. Through this participation, many informal contacts are developed between the management and members of the VVSG team, and the cabinets and civil servants of the Flemish administration. Occasionally the management or members of the VVSG team are invited to present the position of VVSG in committees or in the plenary session of the Flemish Parliament.

Given the number of councils and committees in which the associations are represented, local government is broadly consulted.

- **between bodies within a given tier of government:**

- 1) Cooperation agreements between the Federal State and the Regions and the Communities

Cooperation agreements are negotiated and concluded by the Federal Authority and one or more federated states, or by the federated states between them, to increase their co-operation in a given matter or to clarify the role of each one. Compulsory co-operation agreements exist in matters where the law requires that one should be concluded, and optional cooperation agreements can be decided on the initiative of the parties concerned.

These cooperation agreements concerns different and several matters, for instance representation of the Communities and the Regions in the EU-Council, arms export, supervision and care plan unemployed people, fight against poverty,

- 2) The solving of conflicts of interest and conflicts of authority between the Federal State and the Communities and Regions

Belgium is a Federal State, composed of Communities and Regions. The Communities and Regions are on the same level as the Federal State. Hence, there is not a higher and lower level of government and no vertical dimension when speaking of the Federal State and the Communities and Regions. There is only a horizontal dimension. The principle "Bundesrecht bricht Landesrecht" does not apply.

How are conflicts of interest and conflicts of authority between the Federal State and the Federated States solved?

- A) Conflicts of interest

➔ *What is a conflict of interest?* The Federal State, a Community or a Region take a political decision that may harm the interests of another authority. It may arise as a result of legislative initiatives and Government measures, or the lack thereof. It may also arise as a result of non-compliance with set consultation procedures.

➔ *Prevention of conflicts of interest:*

- Information or advisory obligation;
- Cooperation agreements;

- Federal loyalty.

→ *Solution for conflicts of interest as a result of Government decisions:*

The case is brought before the Consultation Committee, which is composed of members of the Federal Government and of the Governments of the Communities and the Regions. There is a linguistic parity and an equal number of members of each Government. Procedure: the Consultation Committee looks for consensus within 60 days. During this period the implementation of the decision is suspended.

The Consultative Committee may set up a specific *Interministerial Conference (IMC)* for consultation between federal and regional ministers of a policy area:

1. Civil Service and Modernisation of Public Services;
2. Labour market policy, socio-professional and social integration;
3. Home Affairs;
4. Foreign policy;
5. Foreign trade;
6. Sustainable development;
7. Economy, Small and Medium Enterprises, Self-employed and Energy;
8. Finance and Budget;
9. Urban Policy, Integration and Housing;
10. Institutional reforms;
11. Houses of Justice;
12. Agricultural policy;
13. Environment;
14. Mobility, Infrastructure and Telecommunications;
15. Racism;
16. Statistics;
17. Strategic investments;
18. Security and Enforcement Policy;
19. Public health;
20. Women's rights;
21. Wellbeing, Sports and Family;
22. Science policy and culture.

The Consultation Committee and the IMC of Public Health met regularly during the Covid19 pandemic. An example of this: the Consultation Committee met on the 6<sup>th</sup> of October 2020 and decided to tighten up the measures against Covid19 and appointed a Covid19 Commissary.

→ *Conflicts of interest as a result of parliamentary decisions:*

- Conflicts of interest resulting within the Federal Parliament: **"la sonnette d'alarme" in French and "alarming procedure" in Dutch**. A reasoned motion signed by at least three-quarters of the members of one of the linguistic groups can declare that the provisions that it designates of a Government bill or private member's bill can gravely damage relations between the Communities. In this case, Parliamentary procedure is suspended and the motion is referred to the Council of Ministers, which within thirty days gives its reasoned opinion on the motion and invites the Chamber of Representatives involved to pronounce on this opinion. This procedure can be applied only once by the members of a linguistic group with regard to the same Government bill or private member's bill.
- Conflicts of interest resulting from another legislative chamber. The Federal Chamber or a Community or Regional Parliament may have the proceedings of a Government bill or private member's bill suspended in another legislative assembly for 60 days for purposes of consultation. If no solution is found within 60 days, the Senate gives substantiated advice to the Consultation Committee

within 30 days. The Consultation Committee looks for consensus solution within 30 days

B) Conflicts of authority

*What is a conflict of authority?* Conflicts of authority are not political disputes, but result from the division of competences between the Federal State, the Communities and the Regions.

→ The prevention of conflicts of authority

Intervention of the highest administrative court, the Council of State. The advice of the Council of State is required for any draft bill.

→ *The settlement of conflicts of authority.*

Settled by the Constitutional Court. The composition of the 12-member Constitutional Court is as follows:

- Six jurists and 6 former politicians;
- Six Dutch-speakers and 6 French-speakers

Authority:

- Ruling in case of judgment with full or partial annulment of acts of Parliament of the Federal State, a Community or Region;
- Ruling on preliminary questions from courts.

3) CBC between bodies within a given tier of government:

Several CBC bodies between local authorities pursuant to the Benelux Treaty concerning Transfrontier and Inter-territorial Cooperation, signed on the 20th of February 2014 in The Hague, have been established along the Dutch-Flemish border.

• **arrangements for "horizontal" cooperation and public participation**

EGTC Eurometropool Lille-Kortrijk-Tournai

From the very beginning, the Eurometropool Lille-Kortrijk-Tournai decided to involve civil society in its work. In this way, socio-economic partners can contribute to the various projects and support the dynamics of the Eurometropolis on the ground. In 2008, a «Conseil de développement transfrontalier» was established, based in Tournai. In 2009 the name changed to 'the Forum of the Eurometropolis Lille-Kortrijk- Tournai'.

The Forum is a consultative institution. Economic stakeholders, social partners, associations, cultural organisations, sports bodies and people from education can voluntarily engage in the reflections and activities of the Eurometropolis. Through its work and discussions, the Forum contributes to the policies and projects of the Eurometropolis., Its existence makes it possible to carry out the prior analysis of an issue more smoothly and to formulate proposals.

- **including recent pertinent reforms**

→ **Sub-regionalization:**

It has been noticed in recent years that many developments cannot be captured within the administrative boundaries of one local government, nor can they be captured within a uniform approach from the Flemish authority. That is why local administrators have started to approach more and more challenges from a supralocal perspective. Consider, for example, tackling mobility problems such as clogging up access roads, controlling spatial developments or the corona crisis. In their search for solutions, more and more structures have also been established on this supralocal scale. As a result, our local and Flemish politicians do not find their way back in this governance landscape, let alone our citizens, companies and associations.

The Government of Flanders therefore wants to focus during this tenure on a process in which more coherence is brought to these intermediary structures: sub-regionalization. The Government of Flanders wants to work towards reference subregions, in consultation with local authorities. These reference subregions are, on the one hand, a consultation model where agreements can be made on subregional policy, and on the other hand, the reference for the operating range of supralocal forms of cooperation. They are not a new layer of government: they have no powers of their own, no bodies of their own and no funding of their own.

Flanders was divided into 15 reference subregions on 12 March 2021. The local authorities will align the areas of operation of their forms of cooperation with these reference subregions. Flanders will also align the areas of operation of the cooperation it has imposed or stimulated with the reference subregions. The Government of Flanders may grant in exceptional cases a temporary postponement or permanent derogation.

→ **Decentralization:**

The Government of Flanders decided on 4 February 2022, among other things, to establish the Commission Decentralisation.

This Commission was tasked to investigate how the local government level can gain even more autonomy, administrative power and instruments for tackling a number of important social issues. The principle of subsidiarity is central to this. The Government of Flanders does not do what a local government can do better.

The decentralisation exercise is also part of "Flemish Resilience", the recovery plan that the Government of Flanders rolled out after the outbreak of the Covid-19 pandemic.

In order to keep the whole thing workable and to land within the timing, it was necessary to keep the objective and scope in mind very tightly. That is precisely why the Commission chose to disregard a number of themes:

- the option of whether or not an authority should take on a task;
- the powers of the provinces;
- public tasks falling within the competence of the European or federal government;
- the reform of general financing and the relationship with local fiscal autonomy.



The Commission consists of six representatives of the Government of Flanders and six representatives of the Flemish Association of Cities and Municipalities. The Commission manages the nine various content-related working groups and draws up the final report.

The various working groups concern the different competences of Flanders, namely culture, economy, science and innovation, work and social economy, home affairs and urban policy, equal opportunities, integration, education, sport and animal welfare, environment, energy and tourism, wellbeing, public health and family, housing, fiscal matters and immovable heritage, mobility and public works, and youth.

The working groups work out concrete decentralisation proposals and think further about the implementation. They present the result of their work uniformly to the Commission. The Commission validates the results and submits them to the Government of Flanders. If a working group has not reached a consensus on a decentralisation proposal, the Commission also submits this to the Government of Flanders.

The Decentralisation Commission submitted its final report to the Government of Flanders on 13<sup>th</sup> of January 2023. The final report contains the conclusions and results of the past months of the Commission and the nine working groups.

This decentralisation exercise resulted in a strong mix of different decentralisation measures within all Flemish policy areas. Of the 61 decentralisation proposals, 53 were retained: 43 as initially included on the longlist, 10 after limited adjustment of the scope. For 8 proposals it was decided, by consensus, not to decentralize.

The functionally competent ministers and administrations are responsible for implementing the decentralisation proposals on which an agreement has been reached.

An example of this: more strategic cooperation between the Flemish Employment Agency and local authorities through the development of local cooperation agreements between this Agency and (clusters of) local authorities, in order to obtain more local customization in terms of employment.

## **Question 2: what are the constitutional and other (legal) safeguards to ensure successful operation of MLG?**

→ Constitutional and other (legal) safeguards with regard to crossborder cooperation:

- Constitution: the principle of local autonomy, as enshrined in article 162 of the Constitution;
- Article 390 of the Act of the Flemish Parliament on Local Governance: In accordance with the relevant conventions and international agreements, municipalities and their groupings may participate in legal persons governed by public law which, by reason of such participation, cross State borders, irrespective of the legal system to which those legal persons are subject;
- The **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, done at Madrid on 21 May 1980**\_approved by the Act of the Flemish Parliament of 23 December 1986;
- Additional Protocol No. 1 to the **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, approved by the Act of the Flemish Parliament of 7 May 2004**;
- Additional Protocol No. 2 to the **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, approved by the Act of the Flemish Parliament of 21 December 2007**;
- Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities on Euroregional

- Groupings of Cooperation, approved by the Act of the Flemish Parliament of 25 April 2012;
- The Agreement between the Government of the Kingdom of Belgium, the Flemish Government, the Government of the French Community and the Government of the Walloon Region, of the one part, and the Government of the French Republic, of the other part, on cross-border cooperation between local authorities and local public bodies, signed in Brussels on 16 September 2002, approved by the Act of the Flemish Parliament of 30 April 2004;
  - Regulation of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC), as amended by the Regulation of 17 December 2013, implemented by the decision of the Flemish Government of 18 January 2008, as amended by the decision of the Flemish Government of 26 September 2008;
  - Benelux Treaty concerning Transfrontier and Inter-territorial Cooperation, signed on the 20th of February 2014 in The Hague, The Netherlands, approved by the Act of the Flemish Parliament of 26 June 2015.
- Cooperation agreements between the Federal State and the Regions and the Communities: Special Institutional Reform Act of 8 August 1980;
- Constitutional and other (legal) safeguards with regard to the solving of conflicts of interest and conflicts of authority between the Federal State and the Communities and Regions: articles 141, 142 and 143 of the Belgian Constitution, Institutional Reform Act of 9<sup>th</sup> of August 1980, Special Act of 6 January 1989 on the Constitutional Court.

**Question 3: what particular challenges have been identified when implementing those MLG arrangements?**

The strength of the mechanisms trying to solve conflicts of interest between the Federal State, the Communities and the Regions lies in the fact that they try to find a solution by consensus, but it may also be that a consensus cannot be easily found.

**Question 4: what were the lessons drawn by your country<sup>i</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG?**

There was a different approach by the authorities on both sides of the border, a more stringent approach in a single country than in the neighbouring country, and a different alignment of measures between the authorities on both sides of the border, which led to confusion for the citizens, among other things.

A faster and more decisive action by some supranational institutions to bring its' Member States into line in terms of strategy and approach could maybe have avoided a great deal of frustration, confusion and, above all, difficulty in enforcing measures, particularly in the border region.

## CZECH REPUBLIC

**Question 1** : Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:

- between tiers of government;

In the Czech Republic, there is no systematic connection between the municipal and regional, regional and parliamentary, municipal and parliamentary levels. In practice, connections are most often ensured by interest associations (Union of Towns and Municipalities, Association of Local Self-governments, Association of Regions ČR), which lobby for their interests at a higher level of administration (government, parliament). At the same time, they should ensure the sharing of information and news from the central level below. In addition, it takes place informally through political parties with parliamentary representation - mayors become regional representatives, deputies or senators (typically "STAN" party, i. e. "Mayors and Independent").

Possibly this could also include the involvement of the region in the functioning of the ITI (= Integrated Territorial Investment, or metropolitan cooperation) in the form of membership in the Steering Committee and working groups.

- between bodies within a given tier of government;

Considering the ministerial level, there is a functioning cooperation within inter-ministerial working groups.

- arrangements for "horizontal" cooperation and public participation

The introduction of community planning methods, most widely used (with financial support from the EU funds) in the area of social services, contributed to the development of horizontal cooperation and public involvement at the local (municipal) level. Thanks to this, working groups were formed where representatives of the municipality/city (mainly officials), representatives of providers (companies, non-profit sector) and users (citizens) planned together (social planning, strategic planning).

In general, elements of participation are applied to varying degrees in municipalities/cities, whether it is participatory budgeting or, for example, various meetings with citizens (often regular - either on specific topics or by individual localities/parts of the municipality, but often interrupted due to Covid). As far as we know, the Ministry of the Interior also provides various manuals for participation.

Working groups ("advisory bodies") are used as part of the metropolitan cooperation (or ITI), whose members are representatives of the private sector, the non-profit sector, academia, associations of municipalities, etc.

- including recent pertinent reforms

-

**Question 2:** what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?

There is still no specific legal framework for MLG in the Czech Republic. General legal regulations apply to MLG (Act on Municipalities, Act on Regions, Act on the Capital City of Prague etc.).

**Question 3:** what particular challenges have been identified when implementing those MLG arrangements ?

(-)

**Question 4:** what were the lessons drawn by your country<sup>ii</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG ?

in general, it can be said that the problems during emergency situations were not primarily caused by missing MLG adjustments, but rather by (e. g.) insufficient coordination at the central level, poor communication towards the public or political discrepancies. Cooperation between individual levels of government took place on the basis of standardized processes and measures enshrined in general laws (e. g. the Crisis Act, Act on the Security of the Czech Republic, the Act on the Protection of Public Health + the aforementioned regulations relating to local self-government).

## GREECE

**Question 1 : Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements**

**regarding the following schemes:**

- **between tiers of government;**
- **between bodies within a given tier of government;**
- **arrangements for "horizontal" cooperation and public participation**
- **including recent pertinent reforms**

The objectives of multi-level governance — as reflected in the *'White Paper on Multilevel Governance'* (adopted by the Plenary Assembly of the Committee of the Regions on 17 June 2009) — at local and regional level, were taken into account in the preparation and adoption of Law 3852/2010 on the **New Architecture of Self-Government and Decentralised Administration — Kallikratis Programme** (Government Gazette A' 87).

The country's decentralised administrations play an important role in the practical application of the principle of multi-level governance. The organisation of the Greek administrative system based on the decentralised system is directly provided for by the Constitution itself (Article 101 of the Constitution). In view of the implementation of their institutional mission, and within the framework of the principle of subsidiarity, decentralised administrations cooperate both with central government services (ministries) and local authorities, in particular regions, municipalities and legal entities under their supervision. The involvement of decentralised administrations in the multilevel governance system is observed in a number of different public policy areas, such as migration policy, environmental and licensing policy for renewable energy projects, urban and spatial planning, agricultural policy and social policy.

Thus, for example, in **the field of environmental permits for renewable energy sources (RES) and** in the case of category A2 projects, the relevant Decentralised Administration sends the dossier of the Environmental Impact Assessment to the relevant municipal entity for publication and the municipality can express its views. In addition, a Regional Environmental Licensing Board is established at the headquarters of each Decentralised Administration, composed of representatives of both the Decentralised Administration and the Region. This Council shall, at the request of the Secretary-General of the Decentralised Administration, provide an opinion in the event of failure to provide an opinion or of issuance of conflicting opinions by the competent services or on any other matter relating to the environmental impact of projects and activities in subcategory A2 arising after the end of the opinions and public consultation procedures.

In addition, **in the policy area on water resources**, regions and municipalities are actively involved in the collection of applications for water abstraction permits. Thus, for the granting of a permit for water abstraction by drilling or from wells that are inactive, citizens shall submit the application for water abstraction to the municipality concerned and the municipality shall forward the applications to the Decentralised Administration. Accordingly, for the granting of a water use permit or a permit to carry out works through drilling or for wells relating to the period prior to 2012, citizens shall submit the relevant application to the relevant region which transmits it to the Decentralised Administration.

Finally, **in the field of immigration policy**, a Greek employer wishing to employ foreign workers living abroad under an employment contract should take into account the so-called "invitation procedure" of a third-country national for work. The Registrar of the Decentralised Administration concerned shall be responsible for examining and approving applications for invitations. A joint ministerial decision issued during the last three months of each second year shall determine the maximum number of posts for employees granted to third-country nationals, per region and specialty of employment. The opinion of the region concerned must also be taken into account for the adoption of this joint ministerial

decision, which is sent to the Ministry of Interior and to the Ministry of Labour and Social Affairs.

**Question 2: what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?**

The law 3852/2010 on the **New Architecture of Self-Government and Decentralised Administration – Kallikratis Programme** (Government Gazette A' 87) implemented the overall redesign of the levels of government at local and regional level (municipalities and regions), within the framework defined by the **Constitution of the country** (articles 101, 102), i.e. towards an executive state with decentralised bodies equipped with decisive responsibilities and two operational levels of self-government, capable of meeting the planning and implementation needs of local and regional development, combining democratic participation with the effective settlement of local affairs and the service of the citizen. To this end, for the first time, a complete recording and rational distribution of all the powers of self-government took place, starting essentially, a continuous and dynamic process of decentralisation of responsibilities towards self-government with the aim of limiting the state to the executive and supervisory functions it must exercise.

In particular, the Kallikratis Programme, recognising the crucial role of local authorities for the territorial development strategy and taking into account the **two overarching objectives of multi-level governance**, i.e. encouraging participation in the European process and enhancing the effectiveness of Community action, made important strategic choices.

*With regard to the first objective*, this law has, for the first time, taken clear care to support the operational potential of municipalities and regions allowing them to implement integrated development policies at local and regional level. Moreover, respect for the principle of subsidiarity and multi-level governance are inextricably linked: the first notion concerns responsibilities of the different levels of power and the second one emphasises on their interactivity.

*With regard to the second objective*, namely to enhance the effectiveness of Community action, 'Kallikratis' has for the first time institutionally recognised the collective function of self-government:

- by setting up appropriate bodies, such as the Executive Committee, Deputy Mayors and Vice-Regional Governors with local competence, the Economic Committee, the Quality of Life Committee, and
- through internal decentralisation in the new municipalities and regions, such as with the strengthening of local councils, establishing the Citizen's and Business's Ombudsman, and extending the cooperation of elected authorities with civil society actors, with institutions such as the Consultation Committee and the Immigrant Integration Council, and
- by stimulating participatory democracy and transparency through the application of e-government methods (which was also evident in the emergency situations caused by the Covid-19 pandemic).

In this way, the recommendations of the White Paper on European Governance were adapted to Greek legislation, regarding the implementation within the Member States of principles and mechanisms of consultation, coordination, cooperation and evaluation, while it was also possible not to concentrate decisions at one level of power and to promote the joint responsibility of all levels of government.

In conclusion, the creation of a new, operationally capable and democratically responsible two-tier self-government, while at the same time reshaping decentralised state administration on a larger scale, has facilitated its organisational rationalisation and its decongestion of responsibilities, which can be exercised more effectively at local level. In

this way, the Greek administrative system was sufficiently adapted to the European standards of modern multi-level governance.

With regard to the exercise of the powers of the Decentralised Administrations of the State, when they relate to the handling of cases involving services of the local authorities, both the Constitution as well as the relevant provisions of the legislation in force ensure that the contribution of the decentralised administrations is, in principle, aimed at providing general guidance, coordinating and ensuring the legality of the acts concerned, without interfering in a way that could hamper the initiative and free action of local government bodies in the handling of local cases.

According to the constitutional mandate (C 101), the administrative organization of the state is based on the decentralization system. According to this principle, the constitutional legislator favors decentralization over local self-government, for which he establishes a presumption of competence in favor of local self-government organizations for the administration of local affairs (C102). A consequence of these, among others, according to the Constitution, is the determination by law of the scope of local affairs and their distribution to local self-government, as well as the possibility of delegating by law to Local Authorities' (OTA) powers that constitute the mission of the state. The determination of the necessity in terms of the distribution and redistribution of responsibilities is, according to the Constitution (C 26 par. 2, 82 par. 1, 83 par. 1 and 101 et seq.) an object of the executive function of the State, taking into account the principles of rational organization and of the economics of public administration.

The framework for the implementation of multi-level governance in Greece was regulated for the first time by Law 5013/2023 (Government Gazette 12A /19-1-2023). In absolute compliance with the above constitutional framework, Law 5013/2023 established the National System of Multilevel Governance, at the two levels of governance, as provided by the Constitution, i.e. national and local, which are analyzed, respectively, in central – decentralized and regional – municipal (Article 3 of Law 5013/2023). The System is structured and operates in accordance with the general principles of good administration and good governance (as an aspect of the rational organization of public administration) and the principles of fiscal management (an aspect of the principle of economy) [articles 6, 12, 15] on the basis of aforementioned constitutional principles.

In particular, the main changes brought about by the law are the following:

- Establishment of the "National System of Multilevel Governance", a single framework with clear principles, criteria and procedures, for all public bodies regarding the organizational structure of public policies and the distribution of responsibilities between bodies and levels of government
- Establishment of Bodies with clearly defined responsibilities for decision-making in matters of multi-level governance.
- Participation of representatives of the Local Government and representatives of civil society.
- Defining a common methodology for the recording/categorization and allocation of responsibilities according to the operational criterion of classification of public policies, taking into account the International Standard "COFOG".
- Correlation of responsibilities based on the functional classification COFOG (Classification Of Functions Of Government) and matching with thematic objects of responsibilities.
- Identification of the involved bodies at each level of governance and recording of the synergies per competence with third bodies, as well as any overlaps, if any.

- Recording and classification of responsibilities based on their content into: aa) executive, ab) supportive, ac) executive, ad) audit, ae) effective policy monitoring and results evaluation.
- Development of an integrated Multi-Level Governance information system for maintaining, monitoring and making available data for:
  - a) the agencies, their organizational units and their responsibilities
  - b) the resources of the bodies (infrastructure, equipment, human resources) which are available for the exercise of the responsibilities.
- Redistribution of responsibilities between agencies and levels of governance with a view to achieving the optimal geo-spatial scale for the exercise of responsibilities.
- Conducting a check for any overlaps with existing responsibilities, in the cases of training internal service organizations of the bodies of the P.A. through the Multilevel Governance information system.

**Question 3: what particular challenges have been identified when implementing those MLG arrangements ?**

Regarding challenges, The “Kallikratis” arrangements, after almost 13 years of implementation, seem to have satisfactorily achieved their main purpose towards a modern self-government, namely to ensure the character of proximity to decision-making, good governance, supervision and control, social and economic cohesion, strengthening the role and rights of the citizen, respect for human rights, and essentially multi-level governance.

The main challenge facing the Greek state today, following the above valuable practical experience, is the additional strengthening of state-local government relations with the aim of optimising the coordination, interaction and joint operation of different levels of government, always in the light of the current social and economic conditions in the country, as well as in relation to the prevailing circumstances in the European and international environment.

The main challenges encountered in the involvement of decentralised administrations in multi-level governance schemes concern the clarification of the roles and the allocation of responsibilities in a way that does not circumvent the financial and administrative autonomy of the local government agencies involved but instead, promotes the best possible adaptation of central policies to the needs of local communities.

In this direction, the law on Multilevel Governance in Greece (law 5013/23 — Government Gazette 12 A/19-1-2023) was recently enacted in view of further rationalising the allocation and transfer of responsibilities between the levels of government in order to enhance the effectiveness of governability in the public sector. In particular, the provisions of this Law establish the National Multilevel Governance System as a new model of governability and in particular define the institutions for the implementation of this National System, provide for the necessary operational tools, lay down the general principles of the system and the rules for the functional classification of public policies and establish the methodology for allocating and reallocating or transferring the responsibilities of public sector bodies in the light of multi-level governance.

The aim is for the central administration to focus on its executive responsibilities and to have an executive role, while the responsibilities related to serving citizens, as well as local, development, social, environmental and other needs, shall be exercised by regions and municipalities.

The specialization of the implementation framework of the PED determined by Law 5013/2023 is very recent and has not yet been implemented. In particular, the Ministerial



Decision is under publication which specifies the methodological framework for the implementation of Multilevel Governance.

**Question 4: what were the lessons drawn by your country, in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG ?**

The main objective of a modern and efficient state is the effective exercise of responsibilities per level of administration by using the most appropriate resources and tools, with a complementarity and coherence between the functions of the state administration and local government towards a common goal — the promotion of social prosperity, balanced economic development and social cohesion of the country, integrating the basic principles and values of the European Union towards a uniform and commonly accepted concept of European governance — strong multilevel governance.

The materially competent bodies draw up an emergency plan, take the necessary measures and arrangements and provide guidelines to bodies at all levels of government for the protection and safety of employees as well as ensuring the operation of public services. However, since these measures are exercised at the individual levels of government, no relevant data is kept at a central level.

## **HUNGARY**

**Question 1: Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:**

- **between tiers of government;**
- **between bodies within a given tier of government;**
- **arrangements for "horizontal" cooperation and public participation**
- **including recent pertinent reforms**

Local governments are responsible for local public affairs and the exercise of local public authority. The rules governing local governments are laid down in the Constitution of Hungary and the cardinal act on local governments. These laws establish the basic rights and obligations of local governments in the management of local public affairs.

According to the cardinal law on local government, the right of self-government is vested in the community of voters of the municipality and county. Municipalities are established in villages, towns, cities, towns with county rights and districts of the capital, which may have different responsibilities and powers. In determining the mandatory powers and responsibilities, the legislator must differentiate, taking into account the nature of the powers and responsibilities, the different characteristics of local authorities, in particular their economic capacity, population and administrative area. The minimum professional, human, material and economic conditions necessary for the exercise of the powers and responsibilities must be determined at the same time as the powers and responsibilities are conferred.

The legal status of capital is specific because it performs both municipal and territorial functions.

The cardinal law on local government makes the creation of local government associations possible. The law speaks about several national local government interest-representing associations, the local government associations in Hungary may be organized within a national framework.

On the one hand, the cardinal law on local government provides local government interest-representing associations with the opportunity to consult with the central legislator, on the other hand it makes the practice of the petition right and the making of legislative proposals possible. The other important certificate of the interest-representing local government associations is that they may consult the government on strategic questions related to public services undertaken by local governments and on those provisions of the central budget that concern local governments.

The following local government associations function in Hungary:

- National Association of County Local Governments (MÖOSZ)
- Association of Towns with County Rank (MJVSZ)
- Association of Budapest Local Governments (BÖSZ)
- National Association of Small Cities (KÖOÉSZ)
- National Association of Communes and Small Municipalities (KÖSZ)
- Hungarian Association of Local Governments (MÖSZ)
- Hungarian Village Association (MFSZ)
- Hungarian National Association of Local Authorities (TÖOSZ)

Furthermore the cardinal law on local governments gives the opportunity for small municipalities to create a common body of representatives together. It is a specific, rarely occurring, form of local government cooperation, the essence of which is that two or more bodies of representatives create a (joint) body of representatives. The associated bodies of representatives maintain a joint local government office, jointly manage their institutions, they partially or completely merge their budget.

The National Cooperation Council of Local Governments serves the purpose of reconciling the interests of central public administration bodies and local governments. Its members are the Minister of the Interior, the Minister of Finance, the State Secretary for Local Government of the Ministry of the Interior, the State Secretary for Territorial Public Administration of the Prime Minister's Office, presidents of national interest organizations of local governments, and the Minister of Culture and Innovation, who has the right to consult. Any member of the council may take the initiative of inviting an ad hoc guest to attend. The council shall determine its own rules of procedure and act within the following terms of reference:

- Consultation on strategic issues affecting the local government system and the public services provided by local authorities, with particular attention to the reform of the local government system;
- Consultation on the annual budget concerning local government.

In order to support the unity of local government functions and the government's interest in preserving fiscal stability, the state provides central IT support to local governments through the ASP service, and enables the collection and analysis of management data relevant to local government by creating a data storage facility.

**Question 2: what are the constitutional and other (legal) safeguards to ensure successful operation of MLG?**

The representatives of regional and municipal local governments and the mayors of the municipalities who head the representative bodies of the municipalities are elected by the voters of the municipalities on the basis of general and equal suffrage, by direct and secret ballot. The elections ensure the free expression of the will of the voters, in the manner laid down by a cardinal law. The president of the regional council is elected by the county council from among its own members.

The body of representatives may dissolve itself in accordance with the provisions of the constitution and the cardinal act on local government. The Parliament shall decide on the dissolution of a body of representatives operating in contravention of the constitution on the basis of a proposal by the government. The mayor of the local government concerned must be invited to the hearing. The mayor shall be entitled to present his position on the dissolution of the body of representatives before Parliament takes its decision. The procedure is subject to judicial and Constitutional Court control.

According to the constitution, the government shall ensure the legal supervision of local governments through the capital and county government offices, and in the course of this, the government office may take the measures specified by law in the procedural order established in the cardinal act on local government. These measures are subject to judicial control.

**Question 3: what particular challenges have been identified when implementing those MLG arrangements?**

During the emergency, the government implemented measures at central level to mitigate its negative effects. The epidemic situation and the related economic crisis have affected the local government system, which has basically shifted towards a centralized model, with a further increase in centralization trends. In crisis situations, centralization tends to take an advantage over decentralization, and although the responsibilities and powers of local governments have been slightly expanded during the epidemic, centralization elements dominate domestic regulation. In addition to organizing and managing local protection, the contribution to centralized epidemic management has led to a significant reduction in municipal revenues.

**Question 4: what were the lessons drawn by your country<sup>iii</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG?**

During the emergency, the municipalities contributed financially to the protection tasks, in accordance with the principle of solidarity as defined in the emergency legislation.

In their areas of competence, the municipalities, in cooperation with NGOs, provided assistance for the care of infected people in their homes during the emergency response and other support to those in need, according to their financial possibilities.

In view of the additional tasks performed in the event of an emergency, the municipalities received differentiated support from the Government, after the emergency, in line with their financial capacity.

The Minister responsible for local government has supported the municipalities' emergency response by publishing methodological guides, legal implementation guides and a legislative observatory.

## LITHUANIA

**Question 1** : Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:

- between tiers of government;
- between bodies within a given tier of government;
- arrangements for "horizontal" cooperation and public participation
- including recent pertinent reforms

Here are some practical examples of multilevel governance in Lithuania:

**EU Structural Funds:** Lithuania has received significant financial support from the European Union's structural funds, which are intended to promote economic development and reduce disparities across EU regions. The funds are allocated to Lithuania at the national level, but their implementation involves coordination and cooperation with regional and local authorities, as well as with private sector partners and civil society organizations.

**Environmental protection:** The country has established a network of protected areas, including national parks and regional parks, which are managed by national, regional, and local authorities in collaboration with NGOs and other stakeholders. The EU's Natura 2000 network of protected sites also involves multilevel governance, with national and local authorities responsible for designating and managing these areas in cooperation with other stakeholders.

**Social welfare:** Social welfare is another area where multilevel governance is relevant in Lithuania. The country has a system of social benefits, including pensions, disability allowances, and family benefits, which are administered by national authorities but implemented at the regional and local levels. NGOs and other civil society organizations also play an important role in advocating for social welfare policies and providing services to vulnerable groups.

**Urban development:** Urban development is a complex and multifaceted process that involves coordination and cooperation across different levels of government and with private sector and civil society stakeholders. In Lithuania, urban development is largely the responsibility of local authorities, but national and regional authorities also play a role in providing funding and policy guidance. NGOs and community groups can also influence urban development through advocacy and participation in planning processes.

Similar examples could be provided regarding education, healthcare, tourism, and other policy areas.

National councils in Lithuania are advisory bodies that bring together representatives from various sectors of society to discuss and provide input on key policy issues. These councils are established by the Government or relevant ministries and operate at the national level, with the aim of promoting dialogue, cooperation, and consensus-building among different stakeholders.

There are several national councils in Lithuania, covering a range of policy areas. The Lithuania Trilateral Council is another important national council that was established in 1991. The council operates as a tripartite body, bringing together representatives from the government, trade unions, and employers' organizations to discuss and provide input on labor and social policy issues. The council has been instrumental in negotiating agreements on issues such as minimum wage, social benefits, and working conditions,

and has helped to ensure that the perspectives and needs of workers and employers are taken into account in policy-making processes.

The Government has also established Council for State Progress which is aimed at harnessing the capabilities of state institutions, organizations, and society to analyze, model, and design the future development of the state and society. The Council also disseminates ideas for progress and provides proposals to the government on these issues. Other examples include the National Economic and Social Council (NESC), National Education Council, National Health Council, National Culture Council, National Youth Council, National NGO Council, National Regional Development Council, and others.

These national councils in Lithuania provide an important forum for dialogue and cooperation among different stakeholders. They help to ensure that policies are informed by the perspectives and needs of diverse groups within society and promote a culture of consensus-building and cooperation.

Similar councils are also established at the local level. Overall, these examples illustrate how multilevel governance operates in practice in Lithuania, with different actors and levels of government working together to achieve common goals and address complex policy challenges.

**Question 2:** what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?

**The Constitution of Lithuania** outlines the principles of territorial administration, including the division of powers between the central government and local authorities. Article 8 of the Constitution guarantees the right of local communities to self-government and outlines the responsibilities and powers of municipalities.

**The Law on the Government of the Republic of Lithuania** establishes the structure and functions of the central government and defines the relationships between different levels of government. The law provides for a decentralized system of government in which different levels of government have their own responsibilities and powers. Furthermore, the law establishes the procedures for the adoption of national policies and legislation, which require the involvement and consultation of local governments. This ensures that local governments have a voice in the development of policies and legislation that affect their communities. Overall, the Law on the Government of Lithuania reflects the principles of multilevel governance by providing a legal framework for the distribution of powers and responsibilities between different levels of government, ensuring effective cooperation and coordination between them, and promoting the participation of local governments in the decision-making process.

**The Law on Regional Development** requires that regional development planning be based on cooperation and partnership between different levels of government, including national and local governments. This ensures that regional development policies are aligned with the priorities and interests of all relevant stakeholders. The local communities also should be involved in the preparation and implementation of regional development plans. This includes providing opportunities for public consultation and engagement in decision-making processes.

**The Law on Local Self-Government** provides the legal basis for the functioning of local self-government in Lithuania. It defines the structure, functions, and powers of local authorities, recognizes the importance of consultation and cooperation between different levels of government and establishes procedures for achieving this. These provisions help to promote multilevel governance by ensuring that decision-making is informed by the perspectives and interests of all relevant stakeholders.

In summary, the Lithuanian Constitution and other legal regulations provide a framework for successful multilevel governance.

**Question 3:** what particular challenges have been identified when implementing those MLG arrangements ?

There is a need to improve public participation in the multilevel governance process in Lithuania, which involves engaging citizens in decision-making processes and providing them with opportunities to voice their opinions and concerns. Currently, there is limited public awareness and engagement in the governance process, which can hinder the effectiveness and legitimacy of multilevel governance arrangements.

In addition to that, other factors such as a lack of capacity, innovation, and responsiveness at the local level, as well as insufficient financial resources, can also affect multilevel governance in Lithuania.

**Question 4:** what were the lessons drawn by your country<sup>iv</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG ?

Lithuania has faced various crises in recent years, including the COVID-19 pandemic, cybersecurity threats, illegal migration from Belarus, and safety concerns related to the Astrav nuclear power station. In managing these crises, the country has utilized a multilevel governance approach, which involves coordination and cooperation between different levels of government, as well as engagement with civil society, private sector, and international partners.

For instance, in response to the COVID-19 pandemic, in Lithuania the COVID-19 Management Strategy has been developed to ensure that the risk of the spread of the virus is managed in the short term, and that the State is properly prepared for the possible future outbreaks of the virus. The purpose of the Strategy was to concentrate the efforts and initiatives of all authorities and institutions, local government, medical personnel, socio-economic partners and civil society in existing practices to manage the risk of spreading the virus and reduce its negative impact, as well as to provide directions for the new necessary public investments required for the implementation of the aim of the Strategy.

Moreover, in recent years, Lithuania has faced various cybersecurity threats, including attacks on government institutions, critical infrastructure, and private companies. The Lithuanian Government has established a National Cyber Security Center to coordinate the response efforts and enhance the country's resilience to cyber threats. The Center works closely with other government agencies, private sector partners, and international organizations to share information, develop best practices, and respond to incidents.

Furthermore, in 2021, Lithuania faced a sudden surge in illegal migration from Belarus, with thousands of migrants, mainly from Iraq and Afghanistan, attempting to cross the border. The Lithuanian Government, together with the EU and other international partners, established a crisis management mechanism to address the situation. The mechanism involved close cooperation between different levels of government, including the national, regional, and local authorities, as well as the border guard, police, and other relevant agencies. The government also engaged with civil society organizations and volunteers to provide humanitarian assistance and support to the migrants.

Lastly, the Astrav nuclear power station, located in Belarus near the Lithuanian border, has raised concerns about its safety and security. The Lithuanian Government has been actively monitoring the situation and engaging with international partners, including the EU and the International Atomic Energy Agency (IAEA), to address the risks and ensure the highest safety standards are met. The Government has also established a national emergency response system to prepare for any potential accidents or incidents at the power plant.

Emergency situations create opportunities for learning and improvement of a multilevel governance system. By analyzing the successes and challenges encountered during a crisis, the Lithuanian Government in 2022 made a decision to establish the Lithuanian National Crisis Management Center directly subordinate to the Government. This Center collaborates with various institutions such as ministries, central agencies, the military, the police, municipalities, international organizations and private sector organizations. All of these organizations are important in ensuring effective and coordinated responses to crises and the recovery process. This helps to ensure that crises with potentially significant impacts can be responded to quickly and efficiently.

By leveraging the strengths and resources of different stakeholders and levels of government, Lithuania can enhance its preparedness and resilience to various risks and ensure effective crisis management. Overall, the successful operation of multilevel governance requires a combination of legal, institutional, and social safeguards to ensure effective power sharing and transparent and accountable decision-making.



## REPUBLIC OF MOLDOVA

**Question 1: Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:**

- **between tiers of government;**
- **between bodies within a given tier of government;**
- **arrangements for "horizontal" cooperation and public participation**
- **including recent pertinent reforms**

Multilevel governance in the Republic of Moldova at the central level is based on relations with the Parliament and the Presidency, other autonomous public authorities and local public authorities.

The Government's relations with the public authorities are based on a spirit of collaboration and mutual support and evolve based on the following forms of collaboration: the creation of groups, commissions and joint work committees; conducting joint work sessions; exchange of information; consulting the opinion on draft decisions; joint elaboration of draft normative acts and other documents of public interest.

Regarding the Government's relations with the Parliament, the Government is responsible to the Parliament and presents the information and documents requested by it, its committees and the deputies. Members of the Government have access to the proceedings of the Parliament. If their presence is requested, their participation is mandatory. Seen in a general framework, informing the Parliament by the Government is a condition for exercising parliamentary control over it.

Regarding the Government's relations with the President of the Republic of Moldova, the Constitution of the Republic of Moldova does not provide for a hierarchical relationship between the President of the Republic of Moldova and the Government, as parts of the executive power. Most of the functions of the President, established by the Constitution, can be performed by him only in collaboration with the Government, and, in particular, with the Prime Minister.

Also, the President cannot compel the Prime Minister to sign any decree against his will. On the other hand, if the Government decides in favor of certain activities or policies regarding the rights and functions assigned to the President, according to the Constitution, it cannot impose the President to proceed in the desired direction without his consent. Mutual collaboration is absolutely necessary in the relations between the President and the Government.

The task of drawing up directions for the development and intensification of administrative activity, which, in broad terms, is solved by the President and Prime Minister is divided into a series of functions: exercise powers in the sphere of normative activity; appoint people to the highest civil and military positions (of ministers, ambassadors, state councilors, etc.); coordinates the administrative activity of various ministries, resolves disputes between members of the Government.

Regarding the Government's relations with other public authorities, the central public administration is carried out not only by the ministries, but also by other autonomous administrative authorities, which are not subordinated to the Government or to any ministries. Such bodies are: the National Energy Regulatory Agency; the National Authority for the Resolution of Appeals; the National Integrity Authority; National Bank of Moldova; National Center for the Protection of Personal Data; National Anticorruption

Center; Central Electoral Commission; National Commission of the Financial Market; Supreme Court; Superior Council of Prosecutors; the Audiovisual Coordinative Council; Supreme Court; Intelligence and Security Service; The People's Advocate; Competition Council; Constitutional Court; Court of Auditors; General Prosecutor's Office.

The Government's relations with the local public administration authorities are based on the principles of local autonomy, decentralization, collaboration and consultation of citizens on local issues of special interest, in order to ensure the Government's compliance with the law and the proper implementation of local powers.

The exercise of the functions of the Government at local level is carried out by the representative of the Government in the territory.

Ministries and other central administrative authorities collaborate with local public administration authorities, as well as with their representative associations established in accordance with the law, ensuring consultation and the effective involvement of associations in order to participate in the decision-making process, in the manner established by legislation.

With regard to collaboration relations with civil society, ministries and other central administrative authorities collaborate with civil society, ensuring access to information, the publication of public government data and the transparency of the decision-making process, in the manner established by legislation.

With regard to public involvement, public authorities will consult citizens, associations established in accordance with the law, other interested parties regarding draft normative and administrative acts that may have a social, economic, environmental impact (on the way of life and human rights, on culture, health and social protection, on local communities, public services).

With reference to public administration reform, the Government of the Republic of Moldova approved on April 15 2023 the project of the Public Administration Reform Strategy of the Republic of Moldova for the years 2023-2030.

The proposed goal of the Strategy: at the end of 2030, the Republic of Moldova will have a public administration that will be able to ensure the conditions for the sustainable development of the country, with a high level of integrity and competence.

**Question 2: what are the constitutional and other (legal) safeguards to ensure successful operation of MLG?**

Regarding the Government's relations with the Parliament, according to article 104 paragraph (1) of the Constitution, the Government is responsible to the Parliament and presents the information and documents requested by it, its committees and the deputies. Members of the Government have access to the proceedings of the Parliament. If their presence is requested, their participation is mandatory. Seen in a general framework, informing the Parliament by the Government is a condition for exercising parliamentary control over it.

According to article 40 of Law No. 136/2017 on the Government, the Government can undertake its responsibility before the Parliament on a program, a general policy statement or a draft law, adopting a decision in this regard. In case it is necessary to take urgent measures, the Government can undertake its responsibility before the Parliament on a draft law or, simultaneously, on several draft laws, if they regulate relations in the same field of activity and establish legal rules of application immediate, to ensure the protection or achievement of the public interest, which could be affected by not adopting the respective draft or drafts of the law.

In this context, according to article 45 of Law No. 136/2016 on the Government, the Government can present to the Parliament, as a legislative initiative, projects of normative acts in the fields that belong to the competence of these authorities, at their proposal.

Regarding the collaboration of the President of the Republic of Moldova with the Government, according to article 44 of Law No. 136/2017 on the Government, the President of the Republic of Moldova suspends the acts of the Government that contravene the legislation until the adoption of the final decision of the Constitutional Court.

**Question 3: what particular challenges have been identified when implementing those MLG arrangements?**

One of the particular challenges identified is attributed to the need to coordinate joint activities with several national and international actors in crisis situations (pandemic, energy crisis, gas crisis, inflation), in the narrow terms.

**Question 4: what were the lessons drawn by your country<sup>v</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG?**

The Republic of Moldova is facing several crises (pandemic, energy crisis, gas crisis, inflation), including the regional conflict. It was these types of crises that taught us to progress and collaborate with all relevant public authorities, including local and transnational ones. The lessons learned from these crises led to the diversification of collaboration on several internal/external dimensions.

In addition to the necessary interventions to deal with crises and to strengthen resilience to future crises and create the basis for sustainable and inclusive development, the Government of the Republic of Moldova developed the National Development Strategy "European Moldova 2030" (NDS) - the national strategic vision document long-term, which indicates the country's development directions and which adapts the priorities, objectives, indicators and targets of the international commitments assumed by the Republic of Moldova to the national context.

NDS proposes a human-centered vision of development, where man is a beneficiary, not a resource or instrument of development. The strategy will contribute to the definition of a series of priority interventions - regulatory, institutional, budgetary, investment, educational, which will have a direct positive impact on well-being and will capitalize on people's potential on an entrepreneurial, educational, cultural and productive level.

The development goals established in the NDS derive from the modern concept of quality of life and the major issues identified at the national level, drawing a direct link between well-being aspirations and policies that will contribute to the fulfillment of 10 goals:

- 1) Increasing income from sustainable sources and mitigating inequalities.
- 2) Improving living conditions.
- 3) Guaranteeing relevant and quality education for all throughout life.
- 4) Raising the level of culture and personal development.
- 5) Improving the physical and mental health of the population through the active contribution of a modern and efficient health system that meets the needs of each individual.
- 6) A solid and inclusive social protection system.
- 7) Ensuring effective, inclusive and transparent governance.
- 8) Building a fair, incorruptible and independent justice system.

9) Promoting a peaceful and secure society.

10) Ensuring a healthy and safe environment.

An example of cross-border collaboration is the partnership with Romania, which is being strengthened through numerous concrete projects for the benefit of citizens, especially in economic and commercial, energy, infrastructure, internal affairs, defense and security, education, culture, health.

In the relationship with Romania, we want to deepen the strategic partnership, support for advancement in the process of joining the European Union, the development of privileged special relations, the implementation of infrastructure projects.

The government is determined to transform the country's institutions and economy, to make them strong, resilient and ready to contribute decisively to Moldova's accession to the European Union.

Emergencies imposed the need to undertake a multitude of tasks/interventions in borderline situations, in circumstances where both central and local authorities had neither sufficient human nor financial resources.

At the same time, the emergency situations required the development partners to get involved and re-examine the possibilities in which they can help the Republic of Moldova and invest in certain sectors (economic, social, infrastructure).

## **NORWAY**

**Question 1 : Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:**

- **between tiers of government;**
- **between bodies within a given tier of government;**
- **arrangements for "horizontal" cooperation and public participation**
- **including recent pertinent reforms**

### Overview of the Norwegian local government sector

Norway is divided into municipalities and county authorities with their own popularly elected leadership. Norway consists of 356 municipalities ("kommuner") and 11 county authorities ("fylkeskommuner"). The smallest municipality has around 200 inhabitants, while the biggest has more than 700 000. The municipalities vary between 6 and 9 700 square kilometres in size.

Each municipality and county authority is a separate legal entity and can make decisions on its own initiative and responsibility. The municipalities and the county authorities exercise their self-government within national frameworks. Limitations in the municipal and county authority self-government must be authorised by law.

The municipalities and county authorities fulfil four roles in the Norwegian society. First, they have a role as a public body exercising public powers. Linked to this role, they are obliged to provide statutory welfare and other services to its inhabitants. They can also take upon themselves to provide services in other fields such as culture and service industries and thus have role as a general service provider. The third role is to act as community and social developers. This role is carried out through long-term planning, investments in infrastructure, industrial and commercial development, and public health in the broadest interpretation. Finally, the municipalities have a role as a democratic arena.

The Local Government Act determines the ground rules for the organisation of the municipalities' and county authorities' work and proceedings, relationship with supervisory state bodies, etc. On the whole the regulations are the same for municipalities and county authorities. The Local Government Act does not regulate which duties are to be carried out locally. These questions are covered by separate laws.

The statutory distribution of responsibilities to county authorities and municipalities is based on the generalist local authority system ("generalistkommuneprinsippet"). This means that all municipalities are to perform the same services and are given most of the same rights and same responsibilities, regardless of size, location, or other factors. The same applies to county authorities. The various statutory responsibilities are divided between the two tiers. For instance, the county authorities are responsible for upper secondary schools, county roads and public transport, regional planning and business development, culture and cultural heritage, whilst the municipalities are responsible for primary and lower secondary schools, primary healthcare, local planning, local roads, water supply, sanitation and harbours.

Furthermore, the county authorities and municipalities are, as a general rule, free to engage in activities they please as long as there is no statutory ban on these bodies performing the activity or the duty to provide the service is by law granted to a specific public body. The legal competence of the Norwegian municipalities is "negatively defined", meaning that the municipalities and the county authorities in Norway in principle can carry out any type of activity as part of their own organization, albeit within the framework of the Norwegian legislation.

Norwegian county authorities and municipalities are, as a main rule, free to organize their activities. This flexibility, based on the various sizes, topographies and locations of the municipalities, gives them the means to decide how to meet the public's need and various expectations at a local level. Consequently, they decide if activities should be organized within a legal person or a public body, in separate companies/entities, or in cooperation with other public bodies.

The local government sector is financed through tax revenues, grants (subsidies) from the state and user payments and fees from residents. The majority of the revenue comes from tax revenues and the general grant from the state. These are "free" revenues, which the municipalities can dispose of freely within legal requirements for which services the municipalities are to provide. The free revenues make up just over 70 per cent of the local government sector's total revenues.

#### "Vertical" cooperation

"Vertical" cooperation between administrative levels are basically by law or agreement. Example: The purpose of the Act of 24 June 2011 No. 30 (*helse- og omsorgstjenesteloven*) relating to municipal health and care services etc. aims, inter alia, to ensure interaction and help ensure that resources are utilised in the best possible way. The Act regulates, inter alia, the municipalities' obligation to enter into collaboration agreements with regional health authorities, which are state-owned bodies, and the content of such agreements.

#### "Horizontal" cooperation

We have in our Local Government Act arrangements for "horizontal" cooperation. Example section 17-1. Intermunicipal cooperation:

*«Municipalities and county authorities may perform joint tasks through intermunicipal cooperation.*

*Intermunicipal cooperation shall take place through an intermunicipal political council, municipal task community, host municipality cooperation, intermunicipal company, limited liability company or cooperative, an association or in any other way that is legally permitted.*

*Whether the cooperation comes under the provisions on public procurement is considered based on the rules on public procurement.»*

#### Citizen participation in Norway

- Citizens involvement between the elections:
  1. **Citizen initiative** is an instrument that gives citizens an opportunity to get issues considered by the council. The scheme is set out in the Local Government Act section 12-1 and a proponent must have signatures from a minimum of 2 percent of the residents or 300 signatures in larger municipalities.
  2. According to section 12-2 in the Local Government Act the municipalities are given an opportunity to conduct **advisory referendums** on local issues.
- Arrangements for representation

In Norway some groups have, by law, special arrangements in order to take care of their interests in local politics.

A provision in the Local Government Act (§ 5-12) requires municipalities and county authorities to establish councils for senior citizens, council for persons with disabilities and youth council or other representative bodies for young people. The councils or other

representative body for young people are advisory bodies for the municipality or county authority and have the right to comment on matters concerning senior citizens, persons with disabilities and young people, respectively.

- Access to information about political processes
  - Open meetings: According to section 11-5 in the Local Government Act everyone has a right to attend meetings of popularly elected bodies as a main rule.
  - Hearings: According to Act relating to procedure in cases concerning the public administration (Public Administration Act) of 10 February 1967 the administrative agency shall ensure that the case is clarified as thoroughly as possible before an administrative decision is made.  
As a main rule public and private institutions and organizations for enterprises, professions and skilled trades or interest groups which the regulations concern or will concern, or whose interests are particularly affected, shall be given an opportunity to express their opinions before the regulations are issued, amended or repealed. Opinions should also be obtained from others to the extent necessary to clarify all aspects of the case.
  - Easy access to documents and information about the municipal activities. According to Act of 19 Mai 2006 No. 16 relating to the right of access to documents held by public authorities and public undertakings (Freedom of Information Act) is the purpose to facilitate an open and transparent public administration, and thereby strengthen freedom of information and expression, democratic participation, legal safeguards for the individual, confidence in the public authorities and control by the public. The Act shall also facilitate the re-use of public information.
  - Local civil society organisations. There are an extensive cooperation between local civil society organisations and the municipalities. Local civil society organisations are important contributors to the vision to build the society from the bottom.
  - Strong local press which contribute to a public debate and focuses on important local issues.
  - Social media. The majority of Norwegian municipalities are on social media. This provides opportunities for communication with citizens.

## **Question 2: what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?**

The Parliament adopted 31 March 2016 a new provision on local self-government in the Constitution. This provision of the Constitution § 49 subsection 2 is a statement of principles on municipal autonomy.

The municipalities are part of the public administration, and Parliament will continue to make an assessment of what is most appropriate repartition of tasks. The new constitutional provision on local self-government does not establish a legal barrier between the tasks that should be solved locally and those that should be solved at state level. Parliament shall as previously determine this through ordinary legislation.

In our Local Government Act from 2018, the law is clearer than the previous law on which tasks and what authority the different bodies in the administration in the municipality are given.

One of the main goals with the law is to strengthen the local self-government.

Therefore the law in sections 2-1 and 2-2:

- recognizes the principles of local self-government

- recognizes that in order to introduce limitations in local self-government national authorities need warrant in the legislation
- introduces principles for national authorities' relationship to local self-government.

**Question 3: what particular challenges have been identified when implementing those MLG arrangements ?**

**Question 4: what were the lessons drawn by your country<sup>vi</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG ?**

The Coronavirus Commission was established in april 2020 to conduct a comprehensive review and assessment of the management of the pandemic by the Norwegian authorities, including the responsible of municipalities.

The Norwegian Coronavirus Commission has delivered two reports.

The key findings are:

- Norway's Act on Control of Communicable Diseases has been crucial in addressing the crisis. This Act gives powers to both central and municipal authorities in order to manage the pandemic. Substantial municipal level responsibility for infection control is an advantage because the municipalities are familiar with local conditions.
- The Commission found shortcomings in the interaction between the central and the local level.
- The Government and the Directorate of Health were slow in informing municipalities and obtaining their input to decisions to be carried out at the local level.
- The County Governor is responsible for being the link between central and local government. This role has been very important during the pandemic.

The County Governor is the state's representative in the county and is responsible for monitoring that decisions from the Storting and the Government are implemented. The County Governor is administratively subordinate to the The Ministry of Local Government and Regional Development, but performs tasks for a number of ministries and directorates.

The Norwegian Directorate of Health established early contact with the three NGOs that have emergency preparedness agreements with municipalities. These humanitarian organizations contributed with many measures during the pandemic.

The Commission's assessment is that voluntary work has played an important role for many during the pandemic - both through assistance in emergency preparedness, communication to various groups and maintaining activity and social support for people. The user perspective from patient organisations was valuable for the authorities' crisis management



## **PORTUGAL**

**Question 1:** Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:

- between tiers of government;
- between bodies within a given tier of government;
- arrangements for "horizontal" cooperation and public participation
- including recent pertinent reforms

**RE Question 1:**

### **1. MULTI-LEVEL GOVERNANCE**

According to the 1976 Constitution, Portugal has a three-tier system of subnational governments, consisting of regions, municipalities and parishes. At the local level there are 308 municipalities- which all have the same legal status - and 3 091 parishes.

Portugal still does not have decentralized regions in place in mainland Portugal; only the islands of Acores and Madeira constitute autonomous regions in the country.

To tackle regional level issues and to co-ordinate the central government services at the regional level, Portugal has established deconcentrated regional governance. The central government operates regional deconcentrated services, namely the five Regional Coordination and Development Committee (CCDRs).

Between the regional and municipal levels, the metropolitan areas of Lisbon and Porto and the 21 inter-municipal communities (IMCs), created by Law 75/2013, constitute the basis of the NUTS3 statistical regions. IMCs are constituted by contract and any municipality that is part of a territorial unit where an IMC already exists has the right to adhere to it. IMCs can only provide services that are assigned to them by municipalities and the central government.

Municipalities can delegate tasks to inter-municipal entities and parishes. As a result, there is, in practice, a relatively complex network of functions.

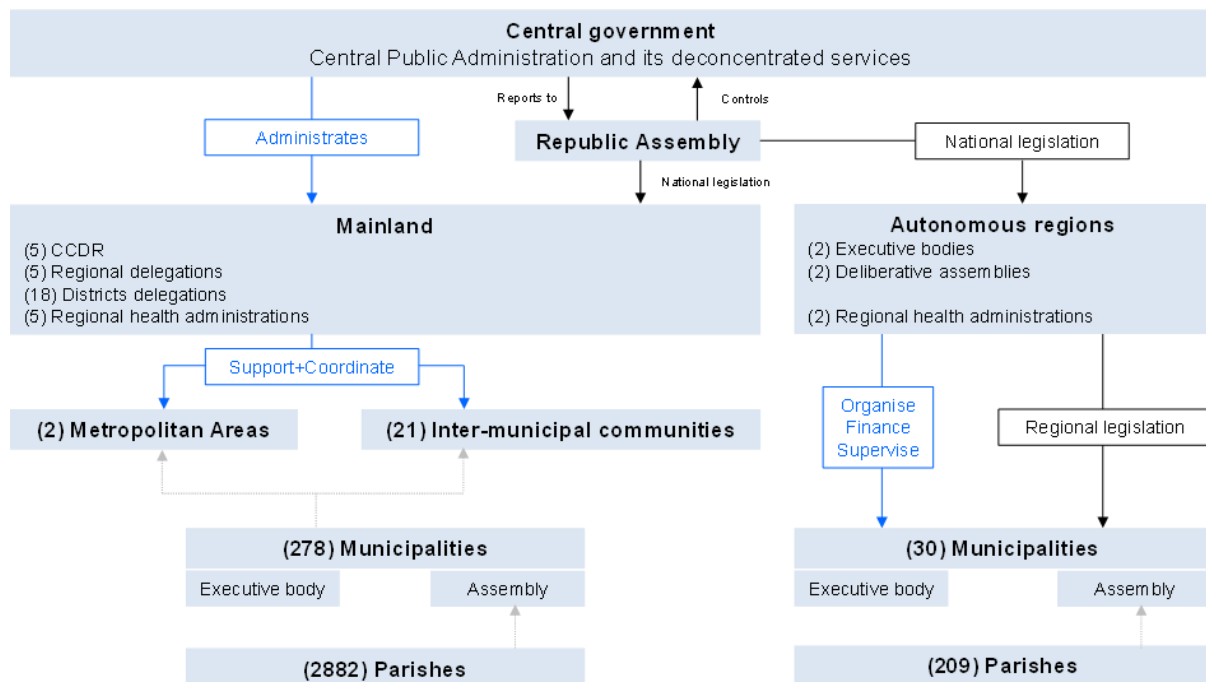
Currently, inter-municipal communities (IMCs), which are organized at the NUTS 3 level, can take on the functions and tasks assigned by law to the municipalities. However, IMCs can only provide services that are assigned to them by municipalities and the central government.

It is responsibility of the IMC to ensure the co-ordination of actions between municipalities and central government in the following areas:

- Public supply networks, basic sanitation infrastructures, treatment of wastewater and municipal waste.
- Network of health equipment.
- Educational and vocational training network.
- Spatial planning, nature conservation and natural resources.
- **Security and civil protection.**
- Mobility and transport.
- Public equipment networks.
- Promotion of economic, social and cultural development.
- Network of cultural, sports and leisure equipment.

The articulation and coordination of policies is challenging due to the multiplicity of sectoral actors at different levels of government. For instance, education and health are organized by the central administration around the NUTS2 level (and central healthcare centers) while other services (home affairs, social security) are organized at the local level.

### MULTI-LEVEL GOVERNANCE STRUCTURE



## **Decentralization**

Since 2018, Portugal has embarked in an important decentralisation process which stipulates the transfer of responsibilities to local authorities and intermunicipal entities between 2019 and 2022. Municipalities have gradually adhered to this Law since 2019.

In general terms, the areas of transference to the municipalities are:

1. Education, all that refers to non-tertiary education, except management of teaching staff and definition of curricular contents.
2. Social action at the local level, especially in the fight against poverty.
3. Health, local equipment and management of non-clinical personnel.
4. Municipal civil protection.
5. Culture, local heritage and museums not classified as national.
6. State unused real estate assets.
7. Housing, housing of the state and management of urban rental and rehabilitation programmes.
8. Management of port-maritime areas: secondary fishing ports, recreational boating and urban areas for tourism development.
9. Beaches: licensing, management and equipment of sea, river and lake beaches integrated in the public domain of the state.
10. Protected areas.
11. Communication ways.
12. Citizen service: citizen's shops.
13. Proximity policing, participation in the definition of a policing model.
14. Fire safety in buildings.
15. Public parking.
16. Licensing games of chance and fortune at a local level.
17. Justice: "Julgados de Paz" network (volunteer commitment court), social reintegration and support for victims of crimes.
18. Transport on inland waterways.
19. Afforestation and reforestation.
20. Firefighters associations.

The main objective of this process is to bring public management closer to the populations, in a budget-neutral way. It is expected that the strengthening of the proximity to the population will guarantee a higher quality of public policies, following the development and use of mechanisms by the municipalities with effective execution structures.

It is still important to mention the reinforcement of several competences of the parishes in domains integrated in the legal sphere of the municipalities, the Decree-law 57/2019 of 30 April, in a logic of subsidiarity, allows, by reciprocal adhesion, the possibility of a redistribution of competences and financial resources from the municipality to the parish, among others, in the following areas: the management and maintenance of green spaces, cleaning of public spaces and maintenance of urban furniture, fairs and markets, maintenance of school spaces:

## **2. MANAGEMENT OF CRISIS**

The National Civil Protection Commission provided for in Article 37 of the [Civil Protection Basic Law](#) (Law No. 27/2006, of July 3) is chaired over by the Minister of Internal Administration (MAI) and comprises:

- a) One representative from each ministry designated by the respective Minister;
- b) One representative of each Regional Government (Madeira and Azores);
- c) The president of the National Authority for Emergency and Civil Protection;
- d) Representatives of the National Association of Portuguese Municipalities and the National Association of Parishes;
- e) Representatives of the League of Portuguese Firefighters and the National Association of Professional Firefighters.

Representatives of the General Staff of the Armed Forces, the National Republican Guard, the Public Security Police, the Judiciary Police, the Security Coordinating Office, the National Maritime Authority, the National Civil Aviation Authority and from the National Institute of Medical Emergency.

### **2.1. ANEPC**

Under the tutelage of MAI, the [National Authority for Emergency and Civil Protection \(ANEPC\)](#) coordinates and executes emergency and civil protection policies, namely in the prevention and response to serious accidents and catastrophes, protection and rescue of populations, coordination of civil protection agents, under the legally established terms, and ensuring the planning and coordination of national needs in the area of civil emergency.

ANEPC oversees protection and relief activity in mainland Portugal, with a central service in Carnaxide, five Regional Commands and eighteen District Commands.

### **2.2. SIRESP**

The [Integrated System of Emergency Networks and Security of Portugal \(SIRESP\)](#) is the Portuguese State's exclusive communications network for command, control and coordination of communications in all emergency and security situations.

Among the main users are Public Security Police (PSP), Republican National Guard (GNR), Judiciary Police (PJ), Foreigners and Borders Services (SEF), National Service of Fireman, ANEPC, and National Institute of Emergency Medical (INEM).

### 2.3 COVID 19

In Portugal, a Task Force was created in November 2020, by joint order from the governmental areas of National Defense, Internal Administration and Health, to prepare the «Vaccination Plan against COVID-19» with the aim of ensuring the coherence and execution of the Plan and coordinating the work already carried out, among all the entities involved in the success of this operation, as well as its articulation with the Autonomous Regions of Azores and Madeira, consultation and involvement of relevant bodies.

Led by Admiral Henrique Gouveia e Melo since February 3, 2021, this Task Force's mission was to coordinate and articulate the various government departments involved in the preparation and execution of the strategic planning of the vaccination process, involving the logistical components, executive and communication.

To this end, a coordinating group was set up, comprising the Admiral and representatives of the Ministries of National Defense, Internal Administration and Health and the following support groups:

- Strategic Planning Support Group;
- Implementation Support Group;
- Communication Support Group.

In these three support groups, representatives from the General Staff of the Armed Forces (EMGFA), from the five Regional Health Administrations (ARS), from the Directorate-General for Health (DGS), from the National Authority for Medicines and Health Products (INFARMED), the Common Use of Hospitals Service (SUCH), the National Authority for Emergency and Civil Protection (ANEPC), the Central Administration of the Health System, the National Institute of Health, Doutor Ricardo Jorge, the Shared Services of the Ministry of Health (SPMS), the National Republican Guard (GNR) and the Public Security Police (PSP).

**Question 2:** what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?

#### **RE Question 2:**

In mainland Portugal, the national health system is centralized. The Minister of Health leads the response to the pandemic COVID 19. Nevertheless, local authorities have some devolved powers on primary health care, as well as powers on civil protection, such as closing public areas. During the crisis, the social safety net against the economic hardship was also partly secured by local authorities. **Portugal declared a state of emergency on 18 March 2020, based on Art. 19 of Portugal's Constitution, which allows Portuguese authorities to partially curtail several fundamental rights.**

In the autonomous islands of Madeira and Azores, the self-governing administration has considerable legislative, executive, and international powers. The health and civil protection matters have been devolved to the self-governing autonomous authorities, within the powers defined by the Framework Law of Civil Protection, the Framework Health Law, and the Law on Public Vigilance of Health Risks. During the pandemic, Madeira and Azores reacted stronger than the continental Portugal. For instance, in Madeira, the use of protective masks in all public spaces (indoors and outdoors) was imposed in July 2020. This means that the regulatory framework response to the pandemic in the autonomous regions was somewhat differentiated from continental Portugal.

Since most resources for health in Portugal are concentrated in Lisbon and Porto, and the younger populations are more concentrated in coastal regions, the impact of COVID-19 on health services has been territorially differentiated, making coordination more difficult. As the residents of remote areas with lower socio-economic indicators have poorer access to health services, there have been territorial differences in the response to crisis.

The temporary requisition of goods and services is provided for in article 24, paragraphs 1, 2 and 3, of the Civil Protection Law (Law No. 27/2006, of July 3):

1- The declaration of a calamity situation implies recognition of the need to temporarily request goods or services, namely in terms of verifying the urgency and the public and national interest on which the request is based.

2- The requisition of goods or services is determined by joint order of the Ministers of Internal Administration and Finance, which establishes its object, the beginning and foreseeable term of use, the beneficiary operational entity and the entity responsible for the payment of compensation for any damages resulting from the request.

3 - The rules relating to compensation for the temporary requisition of real estate contained in the Code of Expropriations apply, with the necessary adaptations.

## **MUNICIPAL EMERGENCY FUND**

The Municipal Emergency Fund (FEM) was created by Decree-Law nº 225/2009, of 14 September, amended by Law nº 114/2017, of 29 December.

FEM aims to provide financial support to local authorities for the recovery of public equipment under their responsibility, following the Government's declaration of calamity through a resolution of the Council of Ministers (RCM), under the terms of the Civil Protection Base Law (Law No. 27/2006, of 3 July). Funding for the Fund is ensured through budget lines contemplated in the State Budget, up to a maximum amount of 1% of the FEF<sup>1</sup> of mainland municipalities.

Applications are guaranteed at the respective Regional Coordination and Development Committee (CCDR) using a specific form, in accordance with the model provided for in Ordinance No. 214/2010, of 16 April. They are evaluated within 15 days and sent for authorization by the Government members responsible for local authorities and finance.

---

<sup>1</sup> FEF - Financial Equilibrium Fund – is a general-purpose grant whose value is equal to 19.5% of the simple arithmetic average of income from personal income tax (IRS), the corporate income tax and value added tax (VAT). This fund is then divided into two sub-funds with different purposes and subsequently redistributed among municipalities with different criteria:

- a) Municipal General Fund (FGM) – to finance their legal assignments. It is distributed according to population, surface area, and other cost factors;
- b) Municipal Cohesion Fund (FCM) – with the objective of correcting asymmetries among municipalities, particularly with respect to fiscal capacity and unbalance of opportunities. Its allocation is based on municipal tax capacity and an index of municipal social development.

After selection by Joint Dispatch of the aforementioned members of the Government, financial assistance contracts are signed.

The management of the FEM is the responsibility of the Directorate-General of Local Authorities (DGAL), which is also responsible for the financial execution of the contracts, this being the public entity that transfers the contributions to the municipalities, through the expenses reported by the CCDR, entities that monitor the execution of the projects.

**Question 3:** what particular challenges have been identified when implementing those MLG arrangements?

### **RE Question 3:**

Concerning the Ministry Territorial Cohesion of the XXIII Constitutional Government it is important to underline, among many others, the following particular challenges, in times of emergency:

#### **1. DECENTRALIZATION**

Since 2019, according to the Law No. 50/2018 of 16 August, new responsibilities were transferred to local authorities and intermunicipal entities<sup>2</sup>. Among the [new decentralized assignments](#)<sup>3</sup>, regarding the specific context of emergencies and their management, three should be highlighted:

**Civil Protection** - the municipality is responsible for the local planning of civil protection services, improving levels of operational coordination at the municipal level (in conjunction with ANEPC);

**Firefighter associations** - the municipality is responsible for supporting the permanent intervention teams of the Volunteer Fire Associations;

**Fire safety** - The municipality is responsible for appraising projects and self-protection measures, and for carrying out surveys and inspections of buildings classified in the first risk category under the legal regime of fire safety in buildings.

The transfer of competences has also been somewhat burdensome for local governments, and the new management entity, the Directorate-General of Local Authorities (**DGAL**).

In this context, it should be emphasized the reinforcement of financial package aggregated through the **Decentralization Financing Fund (FFD)**. The FFD is an allocation provided in the State Budget that aims to finance the new planned transfers to municipalities.

---

<sup>2</sup> The Law no. 50/2018 is only applicable to the municipalities of the mainland. The transfer of attributions and powers to the local authorities of the Autonomous Regions is regulated by a specific law by the initiative of the respective legislative assemblies.

<sup>3</sup> “More Transparency” Portal.

The State Budget for the year 2023 provides through the FFD transfers from the State Budget to finance the new assignments allocated to municipalities, but only in the areas of education, health, social support and culture until €1,204,852,860<sup>4</sup>.

It has been seen that the transfers of funds do not necessarily follow the transfers of attributions. The specific conditions of those transfers, namely financial conditions, monitorization and follow-up reports, are currently being clarified.

## **2. REGIONAL COORDINATION AND DEVELOPMENT COMMITTEE (CCDRs)**

The new organic law<sup>5</sup> provides that the CCDRs will become Special Regime Public Institutes, with legal, administrative, financial autonomy and their own assets, the supervision and administrative supervision remain in the Ministry of Territorial Cohesion.

As Public Institutes, they will have two more Vice-Presidents than they currently do, in order to be able to adequately manage the new attributions (nowadays, in addition to the President elected by an electoral college, there are two Vice-Presidents).

The regional Agriculture and Fisheries services and the Culture services become part of the CCDR, which also receive attributions from the areas of Education, Vocational Training, Economy, Nature Conservation, Health and Territorial Planning.

The **articulation between the Government and the different Ministries**, which will continue to be responsible for defining national public policy, will be carried out through two structures: the **Territorial Concertation Council**, chaired by the Prime Minister and which will approve the **Partnership Agreement** (document of commitment between the Government and the CCDR, with the national public policy measures and the targets for their operationalization and achievement at regional level); and a new **Intersectoral Coordination Council**, chaired by the President of each CCDR and with representatives from different areas of government, which will monitor the implementation of the said Agreement.

## **3. COVID 2019**

Some operational measures were implemented by the municipalities:

- distribution of personal protective equipment;
- granting exemptions and reductions in rents for housing or commercial spaces managed by municipalities;
- exemptions and reductions in water, sanitation and waste tariffs;
- allocation or loan of computers and IT equipment to students;
- distribution of meals and food goods to needy people and students;
- provision or funding COVID-19 tests;

---

<sup>4</sup> The Decentralization Financing Fund (FFD), managed by DGAL, is endowed with of the funds needed to finance decentralized competences for the municipalities of the continental territory, pursuant to Decree-Law No. 21/2019, of January 30, of Decree-Law No. 22/2019, of January 30, Decree-Law No. 23/2019, of January 30, and Decree-Law 55/2020, of August 12, up to a total amount of €1,204,852,860, subject to the conditions legally foreseen, with the following distribution:

- a) Health, up to the amount of €127,869,661;
- b) Education, up to a value of €1,019,646,426;
- c) Culture, up to a value of €1,222,895;
- d) Social action, up to a value of €56,113,878.

<sup>5</sup> Decree-Law approved in general at the meeting of the Council of Ministers on March 2, 2023. Not yet published.



- financial and logistical support to Private Institutions of Social Solidarity (IPSS);
- psychological support lines;
- support in the acquisition of medicines;
- awareness campaigns;
- support for local trade and restaurants; and,
- support for using public transport.

According to an assessment by the Court of Auditors a total of **156 million euros** is claimed by the municipalities from the Government as the total expenditure they had to fight against Covid-19, an amount that is not included in the State Budget for 2023 (OE2023).

**Question 4:** what were the lessons drawn by your country<sup>vii</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG?

#### **RE Question 4:**

### **1. ANALYSIS OF OCCURRED FOREST FIRE ON OCTOBER 15, 2017**

MAI made public the Report «[Analysis of Forest Fires that occurred on October 15, 2017](#)», prepared by the Center for Studies on Forest Fires of the University of Coimbra, under the coordination of Professor Domingos Xavier Viegas.

Some lessons:

The situation of **forest fire** occurrence and spread in Portugal on **October 15th of 2017** was completely exceptional. The country was experiencing a prolonged drought, a period when the operational structure was already partially demobilized, a very unusual meteorological phenomenon – the Hurricane Ophelia – that was felt throughout the country, but especially in the central region, very strong and dry winds that boosted the hundreds of ignitions that occurred on that day, producing several fires that together destroyed more than 220 thousand hectares in less than 24 hours, which is a record for Portugal. In the areas affected by the fires of October 15, the moisture content of the fine fuels was significantly lower than 10%, even reaching values close to 5%, thus creating extreme fire hazard conditions.

It is believed some of the fires were caused by pre-existing fire flares that had not been properly monitored during the previous day. However, there were many ignitions resulting from agricultural residues burnings, caused by people who performed them due to the need to eliminate vegetation or residues from agricultural activities, in the belief that rain would occur, as had been announced, and in fact, occurred, but only at the end of the 16<sup>th</sup>.

From this situation resulted seven major fire complexes, produced by one or more ignitions, which propagated continuously, mainly on the 15th and part of the 16th, studied

in detail in Report. Five of them together caused **51 fatalities** and all produced an environmental and property devastation like was never seen before in Portugal.

The fatalities among the civilian population highlight the need to create more and better fire prevention, more and better awareness programs and support to the population, with a view to improving their safety. The "[Aldeia Segura, Pessoas Seguras](#)" program that the Government has launched, as well as measures of fuel management around houses, is acknowledged, but there is a very broad work to be done to make communities more resilient and apt to defend themselves from the effects of the fire, even without the support of operational entities.

ANEPC had to face in these fires a challenge for which it could hardly be prepared. With some complacency of the authorities, it did not take the necessary measures to prepare the system and the country to face a threat of domino effect that the occurrence of Hurricane Ophelia represented. There was again a need for the country to have a wider range of professional and qualified firefighters to ensure a more permanent availability, independent of the calendar dates, to support the population in crises situations such as the fires of October 15th of 2017.

## **2. INTERNATIONAL RELATIONS**

Civil Protection is today a present concern, with a prominent place in the main international agendas. Disasters know no borders, which is why international cooperation in terms of Civil Protection is becoming an increasingly fundamental way to improve effectiveness, both in terms of prevention and response actions.

In Portugal, MAI is responsible for ensuring the maintenance of relations in the field of internal administration policy with the European Union, other governments and international organizations, without prejudice to the powers of the Ministry of Foreign Affairs and within the scope of the objectives set for Portuguese foreign policy.

The National Civil Protection Commission is responsible for assessing agreements or conventions on international cooperation in the field of civil protection, as well as formulating, with the government, requests for assistance to other countries and international organizations, through the competent bodies.

For its part, ANEPC participates in the execution of the Portuguese State's international cooperation policy, in the field of civil protection and, in accordance with the established guidelines, it is up to its President to represent the ANEPC in the international organizations of civil protection and civil planning of emergency of which the Portuguese State is a part.

The Civil Protection Basic Law (Law No. 27/2006, of July 3) also provides that, within the framework of international commitments and applicable norms of international law, civil protection activities may be carried out outside national territory, in cooperation with foreign states or international organizations of which Portugal is a member [article 2(3)].

Portugal develops international cooperation in the field of civil protection [bilaterally](#) and [multilaterally](#).

### **COUNCIL OF EUROPE – OPEN PARTIAL AGREEMENT ON MAJOR RISKS (EUR-OPA)**

In 1987, the Council of Ministers of the Council of Europe established an Open Partial Agreement on Major Risks, called "EUR-OPA Major Hazards Agreement". Currently, this Agreement has 25 Member States, including Portugal.

The main objective of the Agreement is to reinforce and promote cooperation between member states in order to guarantee better prevention, protection and organization of assistance in catastrophic situations, whether natural or technological.

The Agreement's political activities are divided into four major groups: i) the Committee of Permanent Correspondents (CCP), ii) the Ministerial Meetings, iii) the Audit Subcommittee and iv) the Programming Subcommittee. The most active body in terms of implementing the lines and guidelines defined at ministerial level is the CCP, which meets twice a year, alternating with the ministerial meetings that are held every two years. It is the responsibility of the ANEPC to represent Portugal in this forum.

The Network of Specialized Centers that has been developed by EUR-OPA is perhaps one of its greatest assets, which aims to ensure the interest and direct participation of Member States, favoring the creation of European Centers specialized in several different areas. Portugal has a [Center Specialized in Urban Risks \(CERU\)](#), based in Lisbon.

## SLOVAK REPUBLIC

**Question 1: Please, provide information - with emphasis on the practical experience rather than the legal situation - on current multilevel governance (MLG) arrangements regarding the following schemes:**

- **between tiers of government;**
- **between bodies within a given tier of government;**
- **arrangements for "horizontal" cooperation and public participation**
- **including recent pertinent reforms**

*Public administration in Slovakia is based on the dual principle and consists of two systems of bodies. The first one is the **state administration** which is divided into the central state administration (ministries and other central state administration bodies) and local state administration (district offices and specialized local state administration authorities). The second system of bodies is **self-government** which consists of territorial self-government (local and regional) and interest groups (professional and estate organizations).*

*In terms of the relationship between the state administration and local self-government, Slovakia is functioning since 1990 on the so-called separate model (dual) of public administration. Act no. 369/1990 Coll. on municipalities brought the separation of state administration from the local self-government. This act restored self-government at the municipal level. Since 1 January 2002, another level of territorial self-government was created within the boundaries of administrative regions - self-governing regions. According to the current model, parallel to each other operate a system of state administration bodies and bodies of local self-government.*

*It includes institutional, operational and financial separation. Thus both systems have their own public administration authorities, territorial and functional scope, and the financing is also separate. However, there are mutual relationships between them, which are embedded in cooperation and coordination of enforcement activities, as governed by relevant laws.*

*Public administration of the Slovak Republic is therefore currently organized on three levels: **state – region – municipality**. Each level has its own elected representatives, tasks and responsibilities.*

*Ministries and other central state administration bodies cooperate closely in fulfilling their tasks. They exchange the necessary information and documents and negotiate with other ministries the measures that affect them. Ministries and other central state administration bodies use the suggestions and experience of public authorities, as well as suggestions from the public for their work. Ministries and other central state administration bodies use the knowledge of public institutions, scientific institutions, research workplaces and social and professional organizations; they mainly involve them in work on solving issues of a conceptual and legislative nature.*

*National cooperation between municipalities is carried out primarily based on contracts concluded between individual municipalities, within joint municipal offices, as well as in the form of micro-regions. In the case of national cooperation between local authorities, it is mainly cooperation based on contracts concluded under the Act on Municipal Establishment for the purpose of carrying out a specific task or activities, or it is a contract concluded for a specific time. A very often used form of cooperation between municipalities based on the contractual principle is joint municipal offices (JMO), while the purpose of this cooperation is to increase the quality of performance of defined tasks or reduce the*

cost of their performance. However, the legal status of municipalities remains the same, JMO does not have the status of authority, and it does not have a legal personality. It is an administrative unit that makes decisions in defined areas for administrative bodies, which are the mayors of the associated municipalities. The decision, drawn up at the JMO, is signed by the mayor of the relevant municipality. Another used form of cooperation at the national level between municipalities is the so-called micro-regions, which are created for the purpose of cooperation between municipalities in a specific geographical area, especially in view of similar problems and common interests that individual municipalities in the vicinity may share.

Self-governing regions cooperate with the state administration, with other self-governing regions, with municipalities, legal entities and natural persons.

The inhabitant of the municipality participates in the self-government of the municipality. He has the right, in particular, to elect the municipal self-government bodies and to be elected to the municipal self-government body. Inhabitant has the right to vote on important issues of the life and development of the municipality (local referendum), to participate in public assemblies of the inhabitants of the municipality to express their opinion at them and to participate in the meetings of the municipal council, to address with their suggestions and complaints to the municipal authorities. Inhabitants of the municipality also have the right to use municipal facilities and other municipal property serving public purposes in the usual way, demand cooperation in protecting their person and family and their property located in the municipality, and request help in times of emergency.

A resident of a self-governing region participates in its self-government. He is entitled especially electing the council and being elected to the council, electing the chairman and being elected for the chairman, right to vote in the referendum of the self-governing region, participating in council meetings, addressing their suggestions, complaints and other submissions to the chairman, the council and the bodies established by him.

**Question 2:** what are the constitutional and other (legal) safeguards to ensure successful operation of MLG ?

The Constitution states that the state may intervene in the activities of municipalities and self-governing regions only in the manner established by law.

By law, the performance of specified tasks of local state administration can be transferred to municipalities and higher territorial units. The state covers the costs of the performance of the state administration transferred in this way.

Municipalities and self-governing regions perform some tasks and provide some services as original competencies, which they finance from their own resources. It is also possible to transfer some functions of state administration to municipalities and self-governing regions by law if their fulfilment is more rational and efficient in this way. With the transfer of tasks, the state will provide the necessary financial and other material resources. The transferred exercise of state administration is managed and controlled by law by the government (through its bodies). A general clause applies, according to which, if the law does not stipulate when adjusting the jurisdiction of the municipality that it is the exercise of the transferred competence of the state administration, it is the exercise of the self-governing competence of the municipality or self-governing region.

**Question 3:** what particular challenges have been identified when implementing those MLG arrangements ?

*One of the challenges was the determination of the body that will decide on remedies in proceedings in which the municipality makes a decision in the first instance since the local self-government is separate from the state administration. In the past, the body that decided on remedies was the court, currently, the appeals body, in proceedings in which the municipality or self-governing region decides in the first instance is the district office in the seat of the region.*

**Question 4: what were the lessons drawn by your country<sup>viii</sup> in respect of MLG (and cross border cooperation) as a result of recent emergencies (including the pandemic)? And how did the emergency situations affect MLG ?**

*In the crisis related to the war in Ukraine, there was extensive communication, cooperation and coordination on all levels, including ministries and other governmental bodies and municipalities (hourly, daily, Webex, personal) as well as with the third sector in Slovakia. There was also close coordination with the EU/UN.*

*During this time, three layers of coordination and management were set:*

*In the first level, a Coordination Staff called BAstab (members from several ministries, under the Ministry of Interior lead) was created. BAstab was responsible for coordination of the daily activities and daily briefings on the national level, a focal point for information sharing and distribution. Also municipalities, through their associations (ZMOS, ÚMS) and selected NGOs were involved at this level.*

*On the second level (the operational level) so-called Regional operational centre Sobrance was created to deal with coordinating of the border crossings and high capacity centre in Michalovce and collection of information from them.*

*The third level was the first contact points created on border crossing points and high capacity centre in Michalovce dealing directly with the mass influx of people from Ukraine.*

*Inter Ministries system for registration of people with accommodation, a system of reimbursement of accommodation, health care and social care provided.*

## SWITZERLAND

*Madame, Monsieur,*

*Il est compliqué de répondre aux questions de manière individuelle. Par contre, beaucoup d'éléments intéressants devraient se trouver sur la page suivante :*  
<https://www.admin.ch/gov/fr/accueil/documentation/communiqués.msg-id-89412.html>

*En effet, la Suisse a réalisé une évaluation de la gestion de crise pendant la 2e phase de la pandémie de COVID-19, et le rapport de notre gouvernement (rapport du Conseil fédéral) ainsi que l'évaluation (en allemand) sont tous les deux des éléments qui devraient être intéressants pour le groupe de travail.*

*Avec mes meilleures salutations,*

### **Bertrand Bise**

Chef suppléant de l'unité Projets législatifs I

Département fédéral de justice et police DFJP  
 Office fédéral de la justice OFJ  
 Domaine de direction Droit public

Bundesrain 20, 3003 Berne

Tel. +41 58 466 17 03

[bertrand.bise@bj.admin.ch](mailto:bertrand.bise@bj.admin.ch)

[www.bj.admin.ch](http://www.bj.admin.ch)

---

<sup>i</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>ii</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>iii</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>iv</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>v</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>vi</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>vii</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.

<sup>viii</sup> The Working Group is aware that this question could involve excessively broad and time-consuming consultations. Respondents may thus limit their input to the specific experience or views of, and information already available in their Ministry or employing organisation.