

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

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**REVISED/REVISE**

**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)***

Secretariat Memorandum prepared by the Directorate General of Democracy and Human  
Dignity, Democratic Governance Division

*Note du Secrétariat établie par la Direction Générale Démocratie et Dignité humaine  
Division de la gouvernance démocratique*

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As of 18 September 2023, the following countries have submitted a response and agreed to these being published / *à la date du 18 septembre 2023, les pays suivants ont soumis des réponses et accepté que celles-ci soient publiées*:

Belgium (Flanders) / *Belgique (Flandre)*

Czech Republic / *République tchèque*

Denmark / *Danemark*

Finland / *Finlande*

France

Germany / *Allemagne*

Greece / *Grèce*

Hungary / *Hongrie*

Italy / *Italie*

Lithuania / *Lituanie*

Republic of Moldova / *République de Moldova*

Norway / *Norvège*

Portugal

Slovak Republic / *République slovaque*

Slovenia / *Slovénie*

Spain / *Espagne*

Sweden / *Suède*

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

Ukraine

<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</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</li> </ul>
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pandemic, for instance: severe draught and fire disasters, massive arrival of refugees, electricity and fossil fuel shortages, earthquakes etc.	exemple : sécheresses et incendies graves, arrivée massive de réfugiés, pénuries d'électricité et de combustibles fossiles, tremblements de terre, etc.
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## 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 "alarmbelprocedure" 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-regionalisation:**

It is 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.

### → **Decentralisation:**

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 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

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**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 ?

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**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 ?

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).

## DENMARK

**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 Danish national crisis management system consists of a number of cross-sectoral crisis staffs, ranging from the Local Incident Command in the response area to the Government Security Committee. In Denmark, the crisis management system is constructed as a general, flexible framework and therefore the system is applicable to any kind of accident or disaster, as well as scheduled large-scale events, such as political summits. The authorities can activate the national crisis management system, or parts of it, if it is assessed that a given incident cannot be managed effectively or with sufficient speed through ordinary measures or when cross-sectoral coordination and mutual orientation is necessary. The national crisis management system also supports effective and swift application of society's collective resources during a crisis. The overarching objective is to limit the consequences of major accidents and disasters as much as possible so that society can quickly return to normal.*

*The Danish Government has a stated ambition to improve resilience in order to prepare the Danish society for future threats, crisis and challenges by strengthening the organization and improve preparedness in regards to crisis management, critical infrastructure and security of supply.*

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

The distribution of responsibilities between authorities remains the same when the national crisis management system is activated. Each individual authority involved has and maintains full responsibility for managing the response within its own sector. Likewise, each individual authority is responsible for informing its own organisation and relevant actors, as well as for communicating to the public. This feature - that each authority participates with its own competence - applies to procedures in any cross-sectoral staff, and is referred to as the 'principle of sector-responsibility'.

Any governmental authority can be required to play a role in the crisis management system, but it is the specific circumstances of a given incident that determine which authorities must participate in which crisis staffs. The crisis management system in Denmark is based on the precondition that all central government, regional, and local authorities are responsible for familiarising themselves with and preparing themselves for respective roles and responsibilities. According to chapter 5 of the Danish Emergency Management Act, all authorities are required, within their sectors, to plan for the continuity and maintenance of vital societal functions in case of major accidents and disasters. This includes the development of preparedness plans.

Within the national crisis management system, the cross-sectoral coordination can take place on four levels:

- The government's crisis management organisation
- The National Operational Staff
- The 12 local operational staffs
- The local incident command in the response area

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

**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 ?**

## **ANNEX**

### **Brochure on the Danish crisis management system**



-crisis-management-in-denmark-.pdf

Link to the document : <https://fmn.dk/en/topics/national-tasks/the-danish-crisis-management-system/>

Note by the Secretariat : see also the website of the [Danish Emergency Management Agency](#)

## FINLAND

**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*

At the central government level, there has been a report some years ago, recognizing common fields of co-operation and principles between ministries and offices

[https://valtioneuvosto.fi/-/10623/yhtenainen-valtioneuvosto-syntyy-yhteistyolla?languageId=en\\_US](https://valtioneuvosto.fi/-/10623/yhtenainen-valtioneuvosto-syntyy-yhteistyolla?languageId=en_US)

In practice, situation has been less idealistic – the sector borders are still quite strong and deep.

At regional level, the newly established Wellbeing services counties very much rely on co-operation between central and local levels. This is very much under further development and fine-tuning.

At local level, municipalities have a complex co-operation connections between them, between local other authorities, NGOs, regional and central bodies and over the national borders (Twinning and neighbor co-operation with municipalities in Norway and Sweden). The Association of Finnish Local and Regional Authorities is nowadays the law-based official partner with State and official negotiation partner for new functions and bargaining.

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

Finnish Constitution is quite silent on co-operation. However, it very much emphasis the legality of institutions: their duties must be based on particular law. Also there is a line on public duties, that if they are important, they must not be given to non-public bodies.

For municipalities and wellbeing services counties, law texts about co-operation are roughly similar.

Between municipalities and central government, Local Government Act



Local Government  
Act 2019 amendments

### **Section 11**

#### **Negotiation process between central and local government**

(1) The negotiation process between central and local government shall consider the legislation on local government, central government measures that are far-reaching and important in principle concerning the activities, finances and administration of local government, and the coordination of central and local government finances, as laid down in sections 12 and 13. In the negotiation process the municipalities shall be represented by the Association of Finnish Local and Regional Authorities.



## **Section 12**

### **Programme for local government finances**

- (1) A programme for local government finances shall be prepared as part of the negotiation process between central and local government. Preparation of the programme for local government finances shall form part of the preparatory work for the general government fiscal plan and the central government's budget proposal.
- (2) The programme for local government finances shall include the part of the general government fiscal plan that deals with local government finances. Provisions on the general government fiscal plan are laid down in and under the Act on the Implementation of the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union and on Multi-annual Budgetary Frameworks (869/2012).
- (3) The programme for local government finances shall include an assessment of the adequacy of funding for meeting the duties of municipalities (*principle of adequate financial resources*). The programme shall contain an assessment of changes in the municipalities' operating environment and demand for services, and in the functions of local government, and shall provide an estimate of the trend in local government finances. Local government finances shall be assessed as a whole, as part of general government finances and in terms of different groups of municipalities. The assessment shall distinguish between the statutory and other functions of municipalities and shall assess the cost-effectiveness of the activities of municipalities.
- (4) An assessment of the trend in local government finances and of the impact of the central government's budget on local government finances shall be made in connection with the central government's budget proposal.
- (5) The programme for local government finances shall be prepared by the Ministry of Finance together with the Ministry of Social Affairs and Health, the Ministry of Education and Culture, the Ministry of the Environment, the Ministry of Transport and Communications, the Ministry of Employment and the Economy and, if necessary, other ministries. The economic forecasts and the assessment of the trend in local government finances, which form the basis for the programme for local government finances, shall be prepared by the Ministry of Finance. The Association of Finnish Local and Regional Authorities shall participate in the preparation of the programme for local government finances.

## **Section 13**

### **Advisory Committee on Local Government Finances and Administration**

- (1) The negotiation process between central and local government shall include consideration of matters concerning the activities, finances and administration of local government by the Advisory Committee on Local Government Finances and Administration, which operates in conjunction with the Ministry of Finance.
- (2) The Advisory Committee's task shall be to monitor and assess the trend in local government finances, and ensure that the programme for local government finances is taken into account in the drafting of legislation and decisions concerning local government. Provisions on the more detailed tasks of the Advisory Committee and its composition and sub-committees shall be laid down by government decree.

## Cooperation between municipalities

### Section 49

#### Forms of cooperation

- (1) Municipalities and joint municipal authorities may perform functions jointly by making an agreement to this effect.
- (2) Forms of intermunicipal cooperation governed by public law are joint decision-making bodies, joint public posts, agreements on managing official duties, and joint municipal authorities.
- (3) Forms of cooperation between joint municipal authorities governed by public law are joint public posts, agreements on managing official duties, and business-based joint municipal authorities.

(Further details of the content are described in sections 50 to 68 – if needed, see annex)

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

This is a particularly good question. The municipal co-operation network has been very complex, and it remains quite complex even after the county reform. The obligatory co-operative bodies like Regional Councils, Joint Municipal Authorities are not always the most effective and efficient organisations: municipalities can have different views and interests and competition. Because law is very detailed, also much juridical consultation is needed and even court cases. Municipal association and its law department has been a well trusted practical guide for municipalities to find the right ways to do co-operation.

Between ministerial co-operation, the Governmental programs have a strong influence of the roles and partnerships of different ministries. For example in current Government much of the leadership of County reform was given to Ministry of Social and Health Affairs, which had also a major role in Covid crisis leader.

What comes to relations between municipalities and central government, all governments tend to find new duties to the local sector, this trend have continued also after county reform – social and health duties and fire and rescue services have been transferred to a county level, but now it has been started a project to transfer employment services from State regional offices to the local level.

There are some specific duties, like promoting health and wellbeing, where responsibility is not always very clear – lapping between different organisations. The function is important and recognized, but the implementation remains kind of unclear. For example, there has been a try to make it better targeted and resources by giving more money in the State grant system for municipalities. However, because this grant is non-earmarked, it is very much up to municipality, whether it use that extra money for the purpose it is targeted.

Another subject under some tricky discussion has been a role of NGOs. Formerly, NGOs had a tight connections with municipalities, mainly in social and health services. Now that co-operation should be established with Counties and re-arrange the connection with municipalities. This has not been the priority in the reform and it seems that some municipalities are changing their thinking to having less contacts with the NGOs.

**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 ?*

[https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163983/VN\\_2022\\_14.pdf](https://julkaisut.valtioneuvosto.fi/bitstream/handle/10024/163983/VN_2022_14.pdf)

The essential summaries of the assessments (April 2022) are as follows:

- Epidemiologically, Finland has survived with smaller numbers than many other European countries, with infection and mortality rates, and used relatively mild restriction measures.
- Finnish democracy has survived the crisis well. The key factor has been trust, which needs to be maintained and strengthened worth paying attention to.
- Looking ahead, it is worth preparing for epidemic waves in 2022–23 as well.
- In the longer term, you have to be prepared for the virus remaining into our midst and is later one pathogen among others. It settles seasonally, causing a milder form of the disease, which care and proper control should be taken care of during the winter. This would also probably require at least supplementary vaccination of risk groups.
- The Finnish economy has not received such a blow from the crisis that it has not suffered as a whole would recover quite well.
- GDP has exceeded the level of 2019, and employment has developed well, but the state is in debt.
- The event industry and tourism can also be expected to recover a little in a year's time span. However, there is a caveat to this view the effects of the geopolitical situation. Especially when it comes to tourism, well new uncertainty has entered the recovery that has started.
- Service debt has arisen for social and health care, and its liquidation will last for years. In particular, mental health services have made significant progress queues, and care relationships have been broken.
- The crisis has intensified the inequality of well-being in a way that is unlikely will be removed when the crisis subsides. The majority of the population recovers quite well from the crisis. Instead, the situation of many who need support has become more difficult, and new people have joined the circle of those in need of support. Information has been received to support this assessment about the service system from a wide range of perspectives, the learning outcomes were then examined or substance abuse services.
- The knowledge base regarding social effects is in many respects survey-based and based on the assessments of professionals, which is why it is difficult to evaluate quantitatively, what is the scale of the phenomenon and the development outlook acutely after the crisis subsided. Based on previous experiences, however, it is possible estimate that the increase in the need for services occurs with a delay. There is a database need to confirm, and the government is recommended to prepare for the situation.
- There has been a load on the service system's personnel, and a crisis can to assess to have lead to the intensified labor shortage.
- Cooperation and solidarity between the Nordic countries and the EU, especially during the crisis in the early stages, it was tentative, as national interests became more prominent.

## **Recommendations (Selection)**

### **2. Responding to information influence and protecting citizens: it is recommended to pay attention to mis and disinformation at the government program level.**

The key success factor for Finland in the crisis has been the population's trust in the authorities, communication between the authorities and Finnish society. Pandemic in the EU, systematic false and misleading information has been detected dissemination. At least the importance of this theme has generally increased Since the 2010s. In the COVID-19 crisis, trust has been found to have a connection with e.g. to vaccine coverage.

### **3. Preparing for crisis communication and sharing current information centralized official communication channel and mobile application.**

The crisis has shown the need for easy-to-use and messages from various authorities

for the gathering communication channel. For example, with the help of mobile device location data, it would be possible to tell about matters concerning the region, such as the restrictions in force for this crisis, the epidemic situation and operational guidelines. If the recommendation is implemented, the user interface design must be invested in and clear language must be ensured for the contents.

#### **4. The conditions and capabilities of the Government should be quickly updated**

It is necessary to strengthen the utilization and interpretation of information not only in crisis situations but also in normal policy preparation. Preparation and decision-making rely heavily on information that is updated slowly, often annually. The COVID-19 crisis has shown the necessity of quickly updated information, for example mobility data and up-to-date epidemiological information, in managing the situation. However, the crisis has also revealed considerable shortcomings in the quality, coverage and up-to-dateness of the key information needed for decision-making. A study is being prepared on what would be most appropriate the way forward to correct these shortcomings of the knowledge base and its use.

#### **5. The increase in remote work has numerous effects and opportunities need to be evaluated broadly and from a cross-administrative perspective.**

Remote work is estimated to have permanently increased and working methods have partly changed. This also brings positive opportunities, for example, in terms of remote work that crosses the country's borders. Persons living in Finland but working for employers operating abroad do not have a non-resident residence permit type. Along with citizens of other countries, 300,000 Finns abroad could also, through the increasingly common remote work relationships to bring one's own contribution to Finnish society.

#### **7. In particular, the next government (June 2023->) should prepare systematically social security services and other services that promote well-being to the increased need.**

It is necessary to actively investigate the developed and developing situation further and to deepen the knowledge base in order to identify the possibilities and needs of the board actions, taking into account the roles and responsibilities of municipalities and welfare regions.

#### **9. Let's seize the possibilities of digitalization.**

The crisis has accelerated digitization development on many levels. It is broadly related to the entire municipality and contains numerous opportunities for example for scaling the business of companies, making public services more efficient and improving accessibility. The digital services and operating methods developed during the Corona period are recommended to be established and widely adopted also in the discharge of service debt.

#### **10. Long-term research work for the years 2020–2022 will be launched about the effects on the later lives of those born at the beginning of the millennium (working name cohort 2002).**

In social research, those born in 1987 are often described as the "lost age group", because according to statistics, they are the ones who suffered the most both from the depression years of childhood and the economic crisis of 2008. The age group currently stands out in health, welfare, education, poverty and crime statistics.

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<https://www.huoltovarmuuskus.fi/files/64e37c6d808d5e981328218248cd2ae1a42384fb/tarkastelu-koronakriisin-vaikutuksista.pdf>

This other report by the crisis maintenance center (CMC) made these recommendations (selected):

- **The decision-making ability of the authorities must be developed by speeding up the decision-making mechanisms, building the readiness to deviate from the regulations of normal times when the situation so requires, and creating contingency arrangements.**
- **The authorities must develop their ability to give instructions so that the instructions are nationally coordinated, comprehensive, clear and timely, as well as sufficiently detailed in terms of minimum preparedness and supporting the operators' practical preparation.** For example, national operating instructions must be produced for airports and passenger ports, and in the social and health care sector, instructions for private service providers. Business activity, especially in exceptional circumstances, is largely based on official guidelines, and in that case the legal basis must also be unambiguous. Julkishal Linno is expected to have proactive decision-making ability and effective, uniform communication.
- **Cooperation between the public and private sectors and contractual preparedness require development so that industry expertise and understanding of the importance of political decisions for changes in the industry and for securing security of supply is taken into account.** The composition of various working groups and ad hoc forums should be discussed openly in order to make better use of the special skills of the industries and to avoid siloing. For example, the capabilities of domestic companies in the creation of maintenance-critical materials and services must be utilized more efficiently than at present. The corona crisis has highlighted the availability of healthcare supplies and equipment in particular. The challenge has concerned not only the social and health sector but also companies that are critical in terms of security of supply and e.g. food safety. In this regard, there is a need to build effective contingency models based on commercial contracts and production reservations. We need the current state-of-the-art cooperation and dialogue between CMC and the experts of public sector procurement units and the business community. In the cooperation between the authorities and the business world, there is also room for development in order to start the work of tracing cases of infectious diseases in workplaces.
- **The maintenance and sharing of the situational picture\* as well as the practice of operations must be developed. Operational models and tools related to the situational picture must be developed for compiling, maintaining and sharing the situational picture. The communication methods and channels of the situational picture also require further development.** It is also necessary to introduce new elements into the situational picture, such as regional issues or data based on spatial information systems. It is also widely seen that more bidirectionality is needed in the transmission of the situational picture, i.e. information back to the producers of the situational information, in order to be able to evaluate the whole and at the same time improve the quality of the situational picture. There should also be an effort to standardize and enhance the situational picture of the municipal sector and the regional business life and public administration. Particular attention should be paid to the health care situation. It is justified to actively coordinate the situational picture systems of medical supplies, devices and medicines among different operators. With regard to the situational picture of the protections, it has not been obvious to all parties that it has only been a situational picture of the protection situation in public healthcare. In the future, this could also be extended to shields from other industries and shield production in Finland to the snapshot.
- **In the communication of exceptional circumstances, the unambiguousness and timeliness of the messages must be developed.** The new communication methods and operating models learned now should also be used in the future, both in normal conditions and in possible new crises.
- **The role and tasks of the security of supply organization's pools as a joint working body of the business community and the authorities should be specified.** In addition, a more unified vision and basic principles are needed for the operation of the pools, which are implemented by the entire security of supply organization. The resources needed to perform the tasks of the pools must also be

secured. The agility of the pool organization to change its operations according to the situation should be cherished. The change in the operating environment requires the modernization of the pool structure, so that work would continue to be motivating and productive. Closer cooperation between key players in overall security (such as the Government Situation Center and the Secretariat of the Security Committee) could be necessary.

*\*Situational picture is a sort of best practice in Finland – a meeting place of updated information and relevant actors and free discussion – with a potential to be further developed.*

## FRANCE

**Question 1 :** Veuillez fournir des informations - en mettant l'accent sur l'expérience pratique plutôt que sur la situation juridique - sur les dispositions actuelles de la gouvernance multiniveaux (GMN) concernant les régimes suivants :

- entre les différents niveaux de gouvernement
- entre les organes d'un même niveau de gouvernement
- les modalités de coopération "horizontale" et de participation du public
- y compris les récentes réformes pertinentes

### 1. Des outils institutionnels instaurés entre l'Etat et les collectivités territoriales :

A l'échelle nationale, plusieurs instances de dialogue entre l'Etat et les collectivités territoriales et leurs groupements participent à la « gouvernance multiniveaux », en particulier le comité des finances locales (CFL) et le conseil national d'évaluation des normes (CNEN). En complément, l'Agence nationale de la cohésion des territoires (ANCT), opérateur de l'Etat, accompagne les collectivités territoriales et leurs groupements, porteurs de projets.

Le CFL, créé en 1979, a pour mission de défendre les intérêts financiers des collectivités territoriales et de leurs groupements, et d'harmoniser leur position avec celle de l'Etat. Le rapport du Congrès des pouvoirs locaux et régionaux de mars 2016<sup>1</sup> souligne l'importance de ces contributions en matière de fiscalité locale. Il est consulté obligatoirement par le Gouvernement sur tous les décrets à caractère financier intéressant les collectivités territoriales et leurs groupements, et en tant que de besoin sur tout projet de loi ou d'amendement relatif aux finances locales. Il dispose d'un pouvoir de décision et de contrôle sur la répartition des principaux concours financiers de l'Etat aux collectivités territoriales et à leurs groupements. Il se compose de représentants des assemblées parlementaires (2 députés, 2 sénateurs), des collectivités territoriales et de leurs groupements (2 présidents de conseils régionaux, 4 présidents de conseils départementaux, 15 maires, 7 présidents d'établissements publics de coopération intercommunale (EPCI) à fiscalité propre) et de représentants de l'Etat (11 représentants désignés par arrêté des ministres intéressés).

Le CNEN<sup>2</sup>, créé en 2013, a pour rôle d'évaluer l'impact technique et financier des normes applicables aux collectivités territoriales et à leurs groupements : projets de textes législatifs et réglementaires et projets d'acte de l'Union européenne (article L. 1212-2 du code général des collectivités territoriales - CGCT). Il est majoritairement composé de représentants des collectivités territoriales (36 membres élus pour 3 ans, dont 23 représentants des collectivités territoriales et de leurs groupements, 4 représentants du Parlement et 9 représentants de l'Etat). Il peut se saisir lui-même de tout projet de norme ayant un impact technique et financier sur les collectivités territoriales et leurs groupements. La loi du 21 février 2022 relative à la différenciation, à la décentralisation, à la déconcentration et portant diverses mesures de simplification de l'action publique locale (loi dite « 3DS ») lui a permis de demander au Gouvernement de justifier le maintien d'un projet de texte pour lequel il aurait émis un avis défavorable.

L'ANCT, créée en 2019, apporte un appui à la conception, la définition et la mise en oeuvre des projets des collectivités territoriales et de leurs groupements intervenant dans le cadre d'une contractualisation (contrat de plan Etat-Région, pactes territoriaux, contrats de relance et de transition écologique...), d'un programme national (« Action Coeur de Ville », « Petites Villes de Demain », France Services...) ou européen (politique de cohésion des territoires).

<sup>1</sup> Rapport du CPLR, La démocratie locale et régionale en France, mars 2016, pages 55 et 56, points 231 à 233

<sup>2</sup> Rapport du CPLR, La démocratie locale et régionale en France, mars 2016, pages 55 et 56, points 232

Les collectivités territoriales et leurs groupements étant le premier investisseur public (70% de l'investissement public civil), cette mission d'appui de l'Etat constitue un enjeu important de la gouvernance multiniveaux.

Des instances de dialogue et des plans stratégiques ont également été créés aux niveaux départemental et régional afin d'inciter les collectivités territoriales et leurs groupements à dialoguer entre eux sur l'exercice de compétences partagées, la coopération intercommunale ou encore les grandes orientations à donner à différentes politiques sectorielles.

Depuis 2014, une conférence territoriale de l'action publique (CTAP) a été instaurée à l'échelle régionale afin de favoriser un exercice concerté des compétences par les collectivités territoriales et leurs groupements. Elle a pour but de débattre et rendre des avis sur tous les sujets relatifs à l'exercice de compétences et à la conduite de politiques publiques nécessitant une coordination ou une délégation de compétences entre les collectivités territoriales et leurs groupements, y compris avec les collectivités étrangères en cas de relations transfrontalières. Elle regroupe exclusivement les représentants des collectivités territoriales et groupements concernés. Afin de renforcer la légitimité des CTAP, leurs règles de composition ont été assouplies par la loi « 3DS ». Ainsi, à compter du 1er janvier 2025, la composition sera déterminée « par délibérations concordantes du conseil régional et des conseils départementaux, prises sur avis favorable de la majorité des conseils municipaux et des organes délibérants des EPCI à fiscalité propre » (article L. 1111-9-1 du CGCT). A défaut, la composition de droit commun prévue par la loi s'applique.

Une commission départementale de la coopération intercommunale (CDCI), instituée au sein de chaque département, émet des avis sur les projets de modification des structures de coopération intercommunale et formule en tant que de besoin des propositions tendant à renforcer la coopération intercommunale (articles L. 5211-42 et suivants du CGCT). Elle est présidée par le préfet et composée des représentants des collectivités territoriales et de leurs groupements (communes, EPCI à fiscalité propre, syndicats mixtes et de communes, conseils départementaux et régionaux).

Les régions pilotent l'établissement de plans stratégiques par le biais notamment de deux schémas directeurs à valeur prescriptive pour les collectivités territoriales et groupements concernés : le schéma régional d'aménagement, de développement durable et d'égalité des territoires (SRADDET) et le schéma régional de développement économique, d'innovation et d'internationalisation (SRDEII). Ces documents sont élaborés après une importante concertation avec l'ensemble des acteurs concernés sur le territoire régional.

## 2. Des outils de participation du public :

La loi « 3DS » a élargi le droit de pétition des citoyens : un dixième des électeurs inscrits sur les listes électorales d'une commune ou d'un EPCI (au lieu d'un cinquième) ou un vingtième des électeurs des autres collectivités territoriales (au lieu d'un dixième) peuvent demander à ce que soit inscrite à l'ordre du jour de l'assemblée délibérante, l'organisation d'une consultation locale sur toute affaire relevant de la décision de cette assemblée (articles L. 1112-16 et L. 5211-49 du CGCT).

Les collectivités territoriales, qui peuvent depuis 2004 consulter leurs électeurs sur les décisions qu'elles envisagent de prendre pour régler les affaires relevant de leur compétence (article L. 1112-15 du CGCT), ont plus souvent recours à la participation citoyenne pour définir les contours de leurs projets de territoire. A titre d'exemples, peuvent être cités : « Les Etats Généraux de Provence » lancée par le département des Bouches-du-Rhône en 2022<sup>3</sup>, la consultation citoyenne relative aux priorités de santé des citoyens organisée par la ville de Marseille et l'Agence régionale de santé d'Occitanie en 2021<sup>4</sup>, la « convention

<sup>3</sup> <https://www.saint-marc-jaumegarde.fr/les-etats-generaux-de-provence-consultation-citoyenne-lancee-par-le-departement-des-bouches-du-rhone/>

<sup>4</sup> <https://www.montpellier.fr/evenement/25425/3624-consultation-citoyenne-sur-les-priorites-en-matiere-de-sante.htm>



citoyenne pour l'Occitanie » de 2020<sup>5</sup>, les consultations citoyennes relatives à des projets d'aménagements urbains organisées par la ville de Bordeaux en 2021<sup>6</sup> et la ville de Marseille en 2022<sup>7</sup>.

Le recours aux budgets participatifs, qui ne cesse d'augmenter au niveau local, permet aux citoyens de participer à la décision d'affectation d'une partie des dépenses d'investissement de la collectivité concernée (5% en moyenne). En 2022, une vingtaine de départements et 400 villes s'en sont dotés, dont trois quarts de villes de plus de 200 000 habitants, un tiers de villes de 50 à 200 000 habitants ou encore 1 commune sur 5 comprises entre 20 à 50 000 habitants<sup>8</sup>.

## **Question 2 : quelles sont les garanties constitutionnelles et autres (légales) pour assurer le bon fonctionnement de la GMN ?**

De nombreux principes ont été inscrits dans la Constitution afin de garantir le bon fonctionnement de la gouvernance entre l'Etat et les collectivités territoriales : l'indivisibilité de la République, la libre administration des collectivités territoriales, la subsidiarité, l'interdiction de tutelle entre collectivités territoriales, l'autonomie financière des collectivités et leur financement par des ressources propres pour une part déterminante de leurs ressources.

Plus précisément, le principe de libre administration, inscrit à l'article 72 de la Constitution, permet aux collectivités territoriales de s'administrer librement par des conseils élus et de disposer d'un pouvoir réglementaire pour l'exercice des compétences qui leur sont dévolues par la loi. Le contenu de ce principe relève du domaine législatif en vertu des dispositions de l'article 34 de la Constitution. Le juge constitutionnel contrôle le respect de ce principe ainsi que son contenu. Il peut sanctionner le cas échéant les « atteintes excessives du législateur ».

Afin de garantir la conformité aux lois et règlements des actes pris par les collectivités territoriales et leurs groupements, et l'uniformité de l'application de la loi au sein de la République, le représentant de l'Etat dans les territoires (le préfet) exerce un contrôle de légalité. Ce contrôle, également inscrit à l'article 72 de la Constitution, s'exerce a posteriori et vise à contrôler la légalité et non l'opportunité des actes. Il ne permet pas au préfet d'annuler un acte litigieux. En revanche, il peut, par le biais d'un déféré préfectoral, saisir le juge administratif pour qu'il se prononce sur sa légalité et son éventuelle annulation.

## **Question 3 : quels défis particuliers ont été identifiés lors de la mise en oeuvre de ces cadres de la GMN ?**

Si les modalités de désignation des membres des instances de dialogue sont prévues par le législateur ou le pouvoir réglementaire, il peut être opportun de laisser le soin aux associations représentant les collectivités territoriales et groupements intéressés de proposer les personnes. Cette souplesse peut faciliter l'adhésion et améliorer la représentativité de ces instances.

L'établissement de plans stratégiques concertés entre l'Etat et les collectivités territoriales facilite la gouvernance entre les différents niveaux sur une même politique publique.

## **Question 4 : quelles leçons votre pays a-t-il tirées, en matière de GMN (et de coopération transfrontalière) à la suite de récentes situations d'urgence (y compris la pandémie) ? Et comment ces situations d'urgence ont-elles affectées la GMN ?**

<sup>5</sup> <https://www.laregion.fr/Convention-citoyenne-pour-l-Occitanie-41566>

<sup>6</sup> <https://participation.bordeaux-metropole.fr/participation/deplacements/experimentation-damenagements-cyclables-bordeaux>

<sup>7</sup> <https://mairie.marseille.fr/logement-urbanisme/actualites/projet-de-reamenagement-de-la-place-sebastopol>

<sup>8</sup> <https://lesbudgetsparticipatifs.fr/les-budgets-participatifs-un-socle-pour-une-democratie-plus-participative/> ; <https://www.jean-jaures.org/publication/le-budget-participatif-une-opportunit%C3%A9-pour-developper-notre-culture-de-la-participation-citoyenne/>

De manière générale, cet épisode a démontré l'importance de conduire des consultations très larges, auprès de tous les acteurs concernés, afin que de garantir l'efficacité de l'action publique.

La pandémie a également révélé l'importance d'une coordination étroite entre les collectivités territoriales et leurs groupements et l'Etat, chaque acteur exerçant des compétences critiques pour faire face à la pandémie (organisation par l'Etat des campagnes vaccinales en lien étroit avec le communes, rôle des départements en matière d'action sociale, appui par les régions en matière économique, etc.).

La pandémie a également conduit le Gouvernement à prendre de nombreuses mesures permettant d'assouplir le fonctionnement des différentes instances, dans le contexte des mesures de restriction sanitaire. Plusieurs textes adoptés au cours de cette période<sup>9</sup> ont, à titre temporaire :

- créé des dispositifs de délégations automatiques de l'assemblée délibérante à l'exécutif local ;
- rendu possible les réunions des organes délibérants en tout lieu, y compris sans public ou avec un nombre limité de personnes, ou par téléconférence ;
- abaissé le seuil des quorums des organes délibérants, commissions et bureaux ;
- augmenté le nombre de pouvoirs qu'un membre peut détenir.

Parmi ces souplesses, seul le recours à la visioconférence a fait l'objet d'une pérennisation encadrée.

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<sup>9</sup> Ordonnance n° 2020-391 du 1er avril 2020, ordonnance n° 2020-562 du 13 mai 2020, loi n° 2020-1379 du 14 novembre 2020, loi n° 2021-1471 du 10 novembre 2021

## GERMANY

### QUESTIONS

The question regarding the multi-level governance model, which includes the international, supranational and subnational levels, makes it very difficult to identify the authorities responsible for answering each point, which in turn makes it difficult to provide a definitive response. Nevertheless, we have compiled the following responses based on our partial responsibility:

**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**

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

The multi-level governance referred to in the question is not provided for in Germany's law relating to the organisation of the state. Aside from elections, the German legal system does not provide for regular or institutionalised participation from the general public or civil society. Under Article 29 (2) of the Basic Law, a referendum is only required for a territorial reform, which is an exceptional case and is likely not relevant here.

It is possible to convene and run a citizens' council on a voluntary basis. In such a council, randomly selected citizens and, in some cases, experts, discuss a specific issue and then present the outcome to the German Bundestag, for example. This recommendation is not binding.

In the federal states and municipalities, the respective legal systems provide for various possibilities for the population to participate in decision-making and, where applicable, legislation. This usually takes the form of popular initiatives and referenda.

In the area of civil protection and disaster management, the Basic Law provides for the following competences: The Federation has the task of protecting the civilian population against war-related danger (civil protection, Article 73 (1) no. 1 Basic Law). The federal states are responsible for providing protection from disasters and catastrophes during peacetime (disaster management, Article 70 in conjunction with Article 30). Despite differing competences, civil protection and disaster management make up an integrated emergency response system. This means that the resources provided by the Federal Government for civil protection can be used by the federal states for disaster management in the same way as if they were their own resources. Organisations in the field of disaster management in the federal states also make available their teams and capabilities for national defence. With this system, the resources provided by the Federal Government, the federal states and private relief organisations are closely intertwined. This ensures that the best people are on the ground as quickly as possible to provide assistance and to protect citizens.

At state level (in Saarland), a cross-border cooperation in the field of emergency rescue (the agreement on cross-border rescue cooperation between the director of the Agence Regionale de L'Hospitalisation Lothringen and Saarland's interior ministry) governs the procedures

regarding the provision of mutual assistance and complementary support for emergency medical assistance in the context of first aid.

There are no legal guarantees for it to work. The challenge was to represent the different legal systems in a compatible manner.

The cross-border rescue cooperation has proved successful, providing medical-related benefits. With this in mind, the agreement is to be further developed. The practical experience that has been gained will be used to develop clarifying regulations in order to resolve any possible uncertainties regarding the cooperation and the organisation of operations. The aim is to adapt and specify regulations in order to increase the certainty of the command centre staff and the operational rescue workers on the ground.

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

**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 ?**

## 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.

#### **Additional information submitted subsequently in relation to questions 3 and 4**

The main lesson drawn in respect of MLG as a result of recent emergencies was the need for the adoption of a specialized, holistic and systematic approach of the allocation of responsibilities among the various levels of government, which would go beyond the existing legal and institutional framework and include:

- i) a clear definition of the MLG;
- ii) a set of principles on which the MLG should be based;
- iii) a methodology for the allocation of duties and responsibilities and a series of rules defining this methodology;
- iv) the appropriate administrative system, consisting of the institutional bodies and the operational tools which would undertake the task of promoting and safeguarding the proper function of the MLG.

Since the above prerequisites were meant to be horizontally binding for all the administrative bodies, the Ministry of Interior issued the L. 5013/2023 (OG A 12/13.01.2019), which aims at setting up a National System of Multilevel Governance, as a new model of governance, combining clear and sound principles, criteria, mechanisms and procedures for its implementation.

According to art. 3, the multilevel governance is a single, functionally integrated administrative grid, which, mainly through the use of new information and communication technologies (ICT), ensures systemic cooperation between administrative levels (i.e. the central state, the decentralized administrations and the first and second tier local authorities, that is, municipalities and regions), both vertically and horizontally per public policy.

The short-term goals of the law are:

- Establishment of unified rules for the allocation and transfer of the responsibilities among public bodies,
- Rationalization and improvement of the coordination among these bodies, and
- Enhancement of the effectiveness of the public administration of the country.

In art. 6 the general principles of the System, are set out, namely: good governance and good administration, legality, efficiency, accountability and transparency, subsidiarity, and partnership.

The methodology for the purpose of allocating responsibilities to all the governance levels provides for the recording and classification of responsibilities according to the international standard COFOG (Classification of Functions of Government). In particular (art. 7), for the implementation of the National System of Multilevel Governance, public policies are classified in three levels:

- First level: functional areas corresponding to broader public policy objectives (e.g. health, education, social protection etc.)
- These broadly defined areas become more specific, at the second level, into special functional sectors (f.i., the functional area of health is subdivided into functional

sectors, such as early and primary education, secondary education, higher education etc.).

- Finally, these functional sectors become more detailed at the third level into thematic groups (f.i., the primary education is broken down into the thematic groups of school units and pupils, financial management etc.), to which the specific responsibilities of the public bodies are assigned.

When responsibilities are identified in common areas and exercised by a number of bodies at different levels of government, it could be decided a redistribution and transfer of competencies, so that public policies may more effectively be implemented.

Finally, the law provides for the institutional bodies and tools for its implementation as follows:

- a) The Minister of the Interior, as Coordinator of the National System of Multilevel Governance, who is responsible mainly for monitoring issues related to the implementation of the System.
- b) The National Council for Multilevel Governance, which is established as a collective consultative body, in order to make recommendations to the Minister of the Interior on issues concerning the redistribution and transfer of responsibilities. According to law, it consists of:
  - the Secretary General of Human Resources of the Public Sector of the Ministry of the Interior, as Chair,
  - the Secretary General of the Interior and Organization of the Ministry of the Interior,
  - one representative of the General Directorate of Decentralisation and Local Government of the Ministry of the Interior,
  - the Secretary General for Legal and Parliamentary Affairs of the Presidency of the Government,
  - the Secretary General for Coordination of the Presidency of the Government,
  - one representative of the General Secretariat for Fiscal Policy from the Ministry of Finance,
  - one representative from the Central Union of Municipalities and one from the Union of Greek Regions, and
  - one representative from the State's Legal Council.

Depending on the subject matter, the National Council may invite the General Secretary of the Ministry concerned, and/or representatives of ministries, local governments, independent authorities; moreover, representatives of civil society and experts may be invited to provide information, consultation, opinion, and cooperation.

The Council has the following responsibilities:

1. Organize policies which promote the implementation of the National System of Multilevel Governance.
2. Provide its opinion, following a request from the Minister of the Interior, particularly in cases of overlapping or ineffective exercise, as to the possibilities of redesign and redistribution of the competences at stake. In case the opinion is accepted, the Minister shall propose the issue of an Act of the Cabinet.
3. Carry out studies and submit proposals to the Minister of the Interior, with a view to adopting best international practices.

- c) The Secretary General of Public Sector's Human Resources, as the Central Reference Point, who, among others: a) handles the issues related to the implementation of the National System, in cooperation with the Individual Reference Points, i.e. the competent Secretaries General of each Ministry, as well as the representatives of decentralized administrations and local authorities, b) assesses the availability and adequacy of the necessary recourses of each of the bodies involved in the exercise of public policies, and c) provides information and guidance on the implementation of the National System of Multilevel Governance.

- d) The General Directorate of Public Organizations of the Ministry of the Interior, is also the Operational Center for Multilevel Governance, with the main mission of recording and categorization of legislation and regulatory acts concerning the operation of the National System of Multilevel Governance. It also provides scientific, technical and administrative support to the National Council and its work is supported by a special Multilevel Governance Information System. At the moment, the General Directorate gathers and records the responsibilities of the public bodies to set up the relevant data base.

Finally, the Law provides for the establishment of coordination bodies for the implementation of public policies, where appropriate, whose purpose is to develop, evaluate ex ante and monitor the progress of the implementation of a four year action plan for the specific public policy area.

## QUESTIONS

**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 multi-level governance which was established by Law 3852 of 2010 ("Kallikratis") and amended by Law 4555 ("Kleisthenis"), it is organized vertically in three levels, while horizontally and vertically it operates as in the following presentation:

<b><u>Vertical organization</u></b>	<b><u>Horizontal organization</u></b>
Central Government/Administration	<ul style="list-style-type: none"> <li>• Regional Ministries Services</li> <li>• Decentralized Administrations</li> </ul>
First level of local government (municipalities):	<ul style="list-style-type: none"> <li>• Regional Unions of Municipalities</li> <li>• Central Union of Municipalities</li> <li>• Networks of Municipalities</li> <li>• Municipal consultation committee</li> <li>• NPDD (competencies: social policy and environment, culture and sports)</li> <li>• Municipal Institutions (nursing homes, orphanages, museums, art galleries, spiritual centers)</li> <li>• Municipal port funds (port land area management)</li> <li>• Non-profit enterprises (NPID for the exercise of municipal responsibilities)</li> <li>• Municipal water supply and sewerage companies-DEYA (NPID)</li> <li>• Inter-municipal municipal water and sewerage enterprises (NPID)</li> <li>• Broadcasting and Television Enterprises (NBID)</li> <li>• School Committees (NPDD)</li> <li>• Joint-stock companies (development, local government development organizations, municipal joint-stock companies for the exploitation of real estate, joint stock companies)</li> <li>• Urban non-profit organizations (e.g. addiction prevention centers)</li> <li>• Inter-municipal cooperation contracts</li> <li>• Programmatic contracts</li> </ul>
<b><u>Horizontal forms of governance common to both grades</u></b>	<ul style="list-style-type: none"> <li>• Contracts of inter-level cooperation</li> <li>• Intermunicipal Cooperation Agreements</li> <li>• Programmatic contracts</li> <li>• Inter-level Associations</li> <li>• Intergradation SA limited liability company FODSA</li> <li>• Urban non-profit organizations (e.g. addiction prevention centers)</li> <li>• Limited liability companies</li> <li>• EGTCs</li> <li>• (National and International) Networks</li> </ul>

	<ul style="list-style-type: none"> <li>• Local Government Development Organizations</li> <li>• Networks of municipalities and regions</li> </ul>
Second level of local government (regions)	<ul style="list-style-type: none"> <li>• Union of Regions</li> <li>• Metropolitan regions of Attica &amp; Thessaloniki</li> <li>• Regional Development Funds</li> <li>• Regional consultation committee</li> <li>• Programmatic contracts</li> </ul>

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

With reference to the relations of the three levels (among others) the following are foreseen

- The state exercises over the local self-government organizationç. and to their legal entities supervision, which consists exclusively of legality audit and is not allowed to hinder their initiative and free action nor to enter into judgments about the expediency of their action or to affect their administrative and financial independence. (art. 108 of Law 4555/2018, par. 1)
- The Ministry of Interior, over matters of Local Self-Government, can issue circular instructions for the correct and uniform application of the current institutional legislation on local self-government organizationç and the legislation regarding the organization, constitution and operation of their bodies, personnel, as well as their finances. (art. 108 of Law 4555/2018, par. 2)
- With regard to the content and manner of exercising individual powers, as well as the interpretation and application of each specific institutional framework, the relevant public body is responsible for each case. (art. 108 of Law 4555/2018, par. 3).
- Between the two levels of local government, there are no relations of control and hierarchy, but of cooperation and solidarity (art. 4, of Law 3852/2010).
- The Central Union of Municipalities and the Union of Regions issue opinions in case of transfer of responsibilities to municipalities and regions respectively. (art. 282 of Law 3852/2010, par. 13).
- It is also noted that, under L. 3852/2010, there was a strengthening of the intra-municipal (internal) decentralization system in the new Municipalities. This strengthening consists in the performance of new responsibilities, the securing of resources for each community, as well as the adoption of new participation institutions. In article 2 of the L.3852/2010 the territorial region of the new municipalities is defined and the municipal communities are defined as institutions of intra-municipal decentralization. Whereas, articles 79-91 provide for regulations regarding the powers and operation of the intra-municipal decentralization bodies.

For the Associations, the D.E.Y.A. and the joint-stock companies, which are included in the horizontal organization of the multi-level governance due to their special management status and the connection with the local self-government organizations, we clarify the following:

- The possibility of establishing Associations is provided both by the Constitution (Article 102 par. 3) as well as by the legislation (art. 245 L3463/2006 and 104 L3852/2010).
- Associations of municipalities, established as legal entities under public law, have as their main task to exercise specific authority, on behalf of their member municipalities, or for the execution of projects or for the provision of specific services.
- In some cases and, in particular, where the need to exercise a specific competence has a particularly strong public interest and direct effects on local communities, the legislator obliges the local authorities of a specific (wider) geographical area to set up a legal entity (association) for the management of this competence. A typical example is the case of the bodies responsible for the management of solid waste (FODSA), which can take the form of either a compulsory association (NPDD) or an anonymous company of local self-government organisation (article 225-247 of law 4555/2018 as it is modified and valid). In the same context, inter-level compulsory FODSAs have been established and operate today, both in the form of the inter-level association (EDSNA in the prefecture of Attica), and in the form of inter-level joint-stock company (in the Ionian Islands and the South Aegean).
- Regarding the competence of water supply, which according to the legislation belongs to the first level of self-government organisations, the municipalities have the possibility to set up water supply and sewerage companies (DEWA), in accordance with Law 1069/1980 as amended by Law 4483/2017 ( article 1) as well as inter-municipal DEYA. Today in our country there are 126 DEYAs operating, which are NPIDs with a public benefit and non-profit character.
- For the development policy of local self-government organisations, various types of self-government organisation companies have been established, with the most prevalent being joint-stock companies and non-profit civil companies.
- As regards the development of limited liability companies, local self-government organisations (first and second level) and local government bodies must collectively hold the majority of their share capital (Article 252 of Law 3463/2006 and Article 2 of Law 4674/ 2020).
- In addition, the legislator favored the establishment of limited liability companies of local self-government organisations only for certain purposes (Articles 182-183 of Law 4555/2018), namely for:
  - the production, storage, self-consumption or sale of electrical or thermal or cooling energy from RES stations. or S.H.I.T.Y.A. or Hybrid Stations etc.,
  - the acquisition of a majority or minority share capital of public utility companies or infrastructure utilization and management companies or transportation project execution companies. To realize their purpose, these companies may participate in or be financed by European and international programs and financial instruments.
  - The utilization of local natural resources or areas or facilities of significant tourism or development value.
- Municipalities and regions can also cooperate by setting up (national) Networks in the form of non-profit municipal companies, with the aim of highlighting their common characteristics, formulating, exercising and supporting the policies associated with the special characteristics of network members. These networks can also include development limited liability companies, social organizations with objectives corresponding to those of the network, as well as university or research institutions. (articles 101 and 202 of Law 3852/2010).



- Municipalities and regions wishing to advance their common purposes may set up and participate in international and European networks of local and regional authorities, aimed at the coordinated and targeted promotion of their objectives, active participation in programmes and initiatives undertaken by international and European organisations in order to enhance their economic, social and territorial cohesion. International and European networks having their headquarters in Greece are set up as urban non-profit companies.
- Municipalities, regions and Greek public sector bodies, including the Decentralised Administration Authorities, may participate in a European Grouping of Territorial Cooperation (EGTC) in order to facilitate and promote cross-border, transnational and/or interregional cooperation with the exclusive aim of strengthening economic and social cohesion. A European Grouping of Territorial Cooperation with its headquarters in Greece is an urban non-profit company.

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

**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 ?

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<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.



## 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 (KÖÖÉSZ)
- National Association of Communes and Small Municipalities (KÖSZ)
- Hungarian Association of Local Governments (MÖSZ)
- Hungarian Village Association (MFSZ)
- Hungarian National Association of Local Authorities (TÖÖSZ)

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 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.

## ITALY

**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 formation of a multi-level government structure in Italy has occurred over time because of several reforms. The Italian system of government guarantees this type of structure with the part of the Constitution specifically dedicated to "Regions, Provinces and Municipalities" (Title V). The current Title V results from the profound 2001 constitutional amendment, which significantly affected the different levels of government. Since 2001, Article 114 of the Constitution places all forms of autonomy, regionals, and locals (Municipalities, Provinces, Metropolitan Cities, Regions, and Central State) on the same level, and all of them are now considered all constituent bodies of the Italian Republic. The 2001 reform also amended other articles of the Constitution: Article 117, which divides regulatory competencies between central and territorial structures; Article 118, which recognizes the principle of subsidiarity by establishing that the general power of administrative functions is attributed primarily to Municipalities, as entities closest to citizens, and, only subordinately and when necessary to guarantee unitary needs, to Provinces, Metropolitan Cities, Regions, and State (based on the principles of subsidiarity, differentiation, and adequacy); Article 119, which concerns the financial autonomy of Regions and local authorities. The above indicates that the Constitution, as reformed in 2001, ensures that government action is managed, tending as close as possible to the citizens. In this context, the regulatory framework also provides tools to connect the different levels of governance (Government, Regions, and local authorities). These tools are the *Conferenza permanente per i rapporti tra lo Stato, le Regioni e le Province autonome di Trento e di Bolzano (detta Conferenza Stato-Regioni)*, the *"Permanent Conference for the relations between the State, the Regions and the Autonomous Provinces of Trento and Bolzano (called State-Region Conference)"*, the *Conferenza Stato-città ed autonomie locali the State-City Conference and local autonomies* (Legislative Decree no. 281 of 1997), and The *Conferenza Unificata the Unified Conference* (which constitutes the union of the first two).

The 2001 constitutional reform has yet to be fully implemented, and two new proposals for constitutional reforms to also modify Title V, approved by Parliament, were rejected by popular referendums in 2006 and 2016.

Even before the 2001 constitutional reform, laws of administrative reform had introduced some instruments of coordination between the different levels of government and administration on specific public decisions:

1. Examples are the so-called *Conferenze dei Servizi "conferences of services"* provided by Article 14 of Law no. 241 of 1990. These conferences prefigure a participatory scheme for the construction of public choice to minimize time and involve relevant stakeholders (including citizens or their associations).
2. The law of reform of local governance, in particular of Municipalities and Provinces (Decree-Law 267/2000), then provided for particular forms of popular participation in public decisions and the protection of collective interests: promotion of civic associationism, forms of consultation, referendum of proposal and popular petitions (art. 8).

Within each level of government, effective powers have therefore shifted primarily in favor of the executives (Government, Regional Presidents, Mayors) compared to the legislative or representative assemblies.

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

- Italian Constitution, art. 114, 117, 118, 119 ([Titolo V - Le Regioni, le Province e i Comuni | www.governo.it](#));
- See art 11, 117, 118, 119 in the English version of the Italian Constitution ([untitled \(senato.it\)](#) )
- Law 241/1990, art. 14 ( [LEGGE 7 agosto 1990, n. 241 - Normattiva](#) )
- Legislative Decree 281/1997 ([DECRETO LEGISLATIVO 28 agosto 1997, n. 281 - Normattiva](#) )
- Legislative Decree 267/2000, art. 8 ([DECRETO LEGISLATIVO 18 agosto 2000, n. 267 - Normattiva](#))
  
- An overview of the Constitution and Title V (([untitled \(senato.it\)](#) )

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

The debate on institutional reforms, particularly regarding the federal or autonomous state model, has always existed in political, institutional, and academic dialogue. The main challenges that Italy faces concerning the reforms that provide for the adoption of multilevel governance models concern the autonomy of the Regions and the scope of the powers attributed to them. The Regions often demand a complete implementation of the Constitution's multilevel governance framework by expanding such powers and responsibilities. In this context, it is worth noting that a government-sponsored bill is currently being examined in Parliament to implement Article 116, third paragraph, of the Constitution, which, in addition to those already outlined by the Constitution, provides that special forms and conditions of autonomy can be attributed to the Regions in some of the matters provided for by Article 117 of the Constitution. ([Senate Bill No. 615 on "Disposizioni per l'attuazione dell'autonomia differenziata delle Regioni a statuto ordinario ai sensi dell'articolo 116, terzo comma, della Costituzione" Parlamento Italiano - Disegno di legge S. 615 - 19ª Legislatura \(senato.it\)](#) ).

In general, on the legislative level, the conflicts between the powers of the State and those of the Regions have often been resolved in contentious proceedings through the decisions of the Constitutional Court.

**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?**

Italy managed the recent pandemic with urgent measures (e.g., ordinances) that did not require the approval of the Parliament, with the consequence that in these specific circumstances, the central government had to concentrate all crucial decisions on itself. A further result was that horizontal cooperation and multilevel governance have taken on a particular connotation: closer collaboration, with more concentrated directive powers at the central level (commissarial) and strong involvement of the Regions in the executive phase. The central government has given instructions that all Regions and local authorities have had to apply.

## 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 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 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 of 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 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.

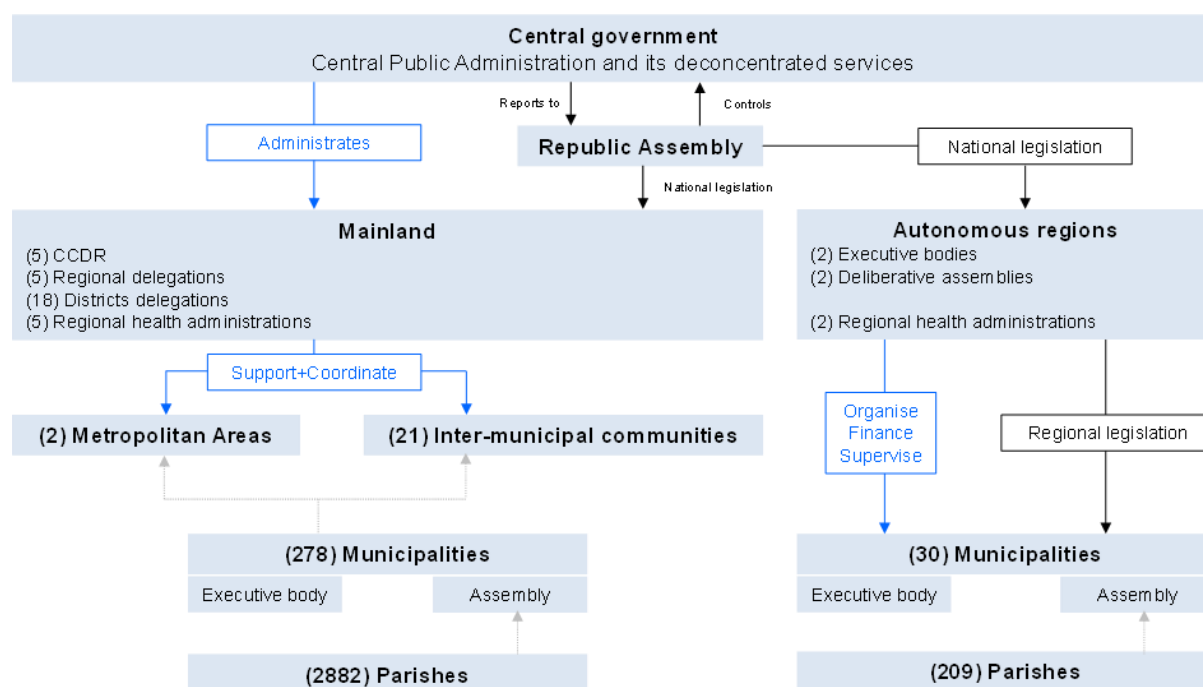
Currently, inter-municipal communities (IMCs), which are organized at the NUTS 3 level, can take on the functions and tasks assigned by law to the municipalities. However, IMCs can only provide services that are assigned to them by municipalities and the central government.

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>10</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.

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?

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<sup>10</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.

### 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>11</sup>. Among the [new decentralized assignments](#)<sup>12</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.

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>13</sup>.

It has been seen that the transfers of funds do not necessarily follows 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>14</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.

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<sup>11</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>12</sup> "More Transparency" Portal.

<sup>13</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>14</sup> Decree-Law approved in general at the meeting of the Council of Ministers on March 2, 2023. Not yet published.

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;
- 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 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 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.*

## SLOVENIA

### QUESTIONS

**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

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

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

**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 ?

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### ANSWERS

1. Slovenia is a unitary state with a constitutionally safeguarded right to local self-government which amounts to a two-tiered governance. Based on Article 138 of the Slovenian Constitution residents exercise local self-government through municipalities and other local communities. Municipalities are self-governing local communities which competences comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality. A municipality is financed from various revenues – personal tax, property tax, concession fees, other fees, fines, etc. The state provides additional funds for the less developed municipalities that cannot themselves finance the necessary projects in full. By law, the state may transfer to municipalities the performance of specific duties within the state competence if it also provides the financial resources to enable such a performance. Based on the Constitution a region is a self-governing local community that manages local affairs of wider importance, and certain affairs of regional importance provided by law. Regions have not been established yet, even if there have been some attempts to introduce them in 2022. The basic functional territorial unit for planning regional policy and implementing regional development tasks is a development region, which are not the same as the constitutional regions.

The legislative body in Slovenia is the Nation Assembly, the lower chamber of the parliament. The government is responsible for implementing laws and policies. Ministries are administrative bodies responsible for specific policy areas. They develop policies, draft

legislation, and oversee the implementation of government programs within their respective domains. The President of Slovenia has a ceremonial role which means represents the country domestically and internationally. The National Council is the upper chamber of the parliament with 22 members out of 40 representing local communities. Municipalities are governed by three independent bodies, a mayor, a municipal council, and a supervisory committee. Mayors and members of the municipal council are elected by the residents in local elections every four years. The municipal council is the highest decision-making body on all matters concerning the rights and duties of the municipality. Supervisory bodies are appointed by municipal councilors. The Regional Development Councils consist of representatives from municipalities, economic and social partners, and civil society organizations. They act as advisory bodies to the government, providing input and recommendations on regional development policies and projects. They also monitor the implementation of regional policies and initiatives. While the regional level does not have autonomous decision-making powers, there is collaboration and cooperation between the central government and the regions to ensure regional development and balanced territorial development.

Arrangements for horizontal cooperation include the cooperation within the associations of municipalities which facilitate horizontal cooperation among municipalities by providing a platform for sharing best practices, discussing common challenges, and coordinating efforts on issues of regional or national significance. Municipalities in Slovenia also engage in inter-municipal cooperation, forming partnerships or joint bodies to address common challenges or provide shared services. Public participation is granted on both tiers of governance (state governance and local self-government). The residents of a municipality participate in decision-making by attending consultations, proposing referendums, participatory budgeting, considering proposals and having access to all public information. Less formalized forms of participation are also being introduced. On the state level referenda is regulated in the Referendum and Popular Initiative Act, popular initiative by the Rules of procedure of the National Assembly.

2. The main constitutional principles governing the MLG are the principle of division of power and the protection of local self-government. The principle of subsidiarity is mainly safeguarded by the inclusion of municipalities and their representative associations in the legislative procedure and the state supervision mechanisms regarding municipalities performance of their tasks.

The Local Self-Government Act stipulates that prior to the adoption of Acts and other regulations that, in accordance with the Constitution, concern the interests of municipalities, the National Assembly must obtain the opinion of municipalities. If a regulation relates to an individual municipality and interferes with its interests, the municipality must be informed of the purpose of such regulation prior to its adoption. Also the Rules of procedure of the National Assembly state that when in the legislative procedure a draft law is tabled that contains provisions that directly affect the position and rights of the local communities or provisions that vest local communities with the exercise of specific tasks within the state competence, at the beginning of the legislative procedure the President of the National Assembly calls upon the competent local community bodies to deliver an opinion on such provisions of the draft law within a certain period of time.

The Constitution differs two supervision mechanisms as state authorities supervise the proper and competent performance of work relating to matters vested in local community authorities by the state on one side and the legality of the work of local community authorities in the field of exclusive municipalities competences on the other. The same is stipulated in article 88 of the Local Self-Government Act.

3. The major challenges that have been identified when implementing MLG are the imbalance of power and resources between levels of government, lack of clarity in roles and responsibilities, limited autonomy and decision-making powers of local government and lack of administrative capacities. Many municipalities are too small or have insufficient means to provide all public services on their own. They join forces to use their financial, human, and organizational resources in the most efficient way. They establish associations, joint bodies and joint municipal administration bodies, funds, and public companies and institutions, and pool resources.
4. Since the outbreak of the COVID epidemic the division of powers between the state and municipal level did not change. The government prepared the legislative packages aiming to eliminate the consequence of the COVID epidemic and the National Assembly adopted them throughout the urgent legislative procedure. The National Assembly changed the rules governing the referenda to enable the faster adoption of legislation. Although many of the measures that were adopted aimed at the economy and employees, this also had indirect positive consequences for municipalities. Municipalities were promptly informed about all the information regarding COVID measures.



## SPAIN

**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

Spain is a highly decentralised country with three administrative levels, the central government, the autonomous communities, and the local government. According to the Spanish Constitution, Spain is organised into municipalities, provinces and islands, and autonomous communities, all of which enjoy autonomy in the management of their own interests.

In a decentralised state like Spain, there exists:

- Coordination mechanisms: An administration, normally the State with respect to the Autonomous Regions, exercises direction by setting guidelines to be followed by the rest of the actors involved.

- Cooperation mechanisms: The administrations involved take decisions of common interest by consensus.

As a general rule, in almost all areas of public policy, decisions have to be taken in the form of both coordination and cooperation, owing to the distribution of powers. The State sets guidelines on which the Devolved Regions have scope to take decisions within their sphere of autonomy.

Examples of multi-governance can be pointed out:

- Epidemiological situation resulting from the COVID-19 pandemic (documentation already forwarded to the Council).
- Inclusion of an Agreement on co-operative measures to respond to the impact of the war in Ukraine.
- Assessment of the economic and social recovery and implementation status of the Recovery, Transformation and Resilience Plan Funds.
- Cooperation in civil protection emergencies.
- National strategy to meet the demographic challenge.

Three relevant initiatives were adopted at the La Palma Conference of Presidents in 2022: the La Palma Declaration on the impact of the war in Ukraine; the Recommendation to improve the Civil Protection system; and the reform of the internal rules of procedure of the Conference of Presidents itself.

### **DECLARATION OF LA PALMA: MEASURES WAR IN UKRAINE.**

The Agreement on cooperation measures to respond to the impact of the war in Ukraine, reached by consensus between the **Government of Spain and the Governments of the Autonomous Communities and Cities, which aims to mitigate the effects of the war unleashed in Ukraine, establishes** four main axes:

1. To support the Spanish Government in its position before the European Council to adopt measures aimed at achieving a reduction in energy prices.

2. To promote the implementation of European funds by all public administrations, leaving aside partisan discrepancies and making the most of the opportunity to ensure that the funds really reach every corner of our country.
3. Manage the reception of Ukrainian refugees in a coordinated manner.
4. Implement the National Plan to respond to the consequences of the war in Ukraine in Spain.

Particular impetus has also been given to the implementation of European funds by public administrations, and in particular to the development of the PRTR.

Regarding the management of the reception of Ukrainian refugees, the Plan for the reception of Ukrainian refugees, adopted by the Ministry of Inclusion on 15 March 2022, is based on the need to take measures to receive the people who fled the country since the end of February.

The Sectoral Conference on Children and Adolescents on 9 March and 18 March was attended by the Government's High Commissioner for Child Poverty, as well as representatives of the Ministries of the Interior and of Inclusion, Social Security and Migration. Concern was expressed about the arrival of Ukrainian minors, in many cases unaccompanied and not always in an orderly manner. The Ministry prepared a series of specific recommendations, without adopting the form of a legal regulation as these are competences of the Autonomous Regions, in order to coordinate the legal frameworks of all the Autonomous Regions in the management of this situation in a homogeneous manner. This Conference adopted a document of recommendations with the participation of the Ministry of the Interior, the Office of the Public Prosecutor for Minors and other entities, describing the State's legal framework and with the aim of providing a coordinated response. In the area of the protection of unaccompanied migrant minors and adolescents, the Model for the management of migratory contingencies for unaccompanied children and adolescents was launched.

The conflict in Ukraine has highlighted the need for coordination. A migration contingency of this level cannot be assumed by a single autonomous community. To manage these contingencies, a new management model is approved, whereby a migratory contingency will be declared when more than 50% of places are over-occupied. It is agreed that in these cases the Sectoral Conference will be convened to activate a Contingency Plan.

Likewise, a Protocol for the transfer of unaccompanied migrant children and adolescents between autonomous communities in a situation of migratory contingency has been implemented, in order to facilitate the agility to make these referrals between autonomous communities.

In the field of education, the Ministry of Education and Vocational Training set up a space on its website. There is collaboration with the Ukrainian Ministry of Education for educational reception. Many resources have been deployed.

The Ministry of Education and Vocational Training and the Ministry of Inclusion, Social Security and Migration are working together to provide funding to the Autonomous Communities and schools that take in Ukrainian pupils. In the summer, integration activities were carried out with these children, especially in languages.

With regard to the recognition of international protection for persons affected by the conflict in Ukraine, Order PCM/169/2022 of 9 March was approved, developing the procedure for the recognition of temporary protection for persons affected by the conflict in Ukraine. This is a joint Ministerial Order of the Ministries of Inclusion, Social Security and Migration and Interior, which establishes an unprecedented simplification of procedures, allowing displaced persons to obtain work and residence permits within 24 hours. The regulation allows procedures to be carried out both in the Reception, Attention and Referral Centres of the Ministry of Inclusion and in the police stations set up by the Ministry of the Interior.

Finally, specific measures for the reception of refugees were adopted in the National Response Plan, through Order PCM/258/2022, of 1 April, on urgent measures. This Order includes

measures in different aspects, being particularly relevant those related to the care and protection of women and vulnerable groups in this context.

In addition, within the framework of the National Response Plan, direct grants were awarded to the Autonomous Communities to finance the provision of direct financial assistance to beneficiaries of the temporary protection scheme affected by the conflict in Ukraine and lacking sufficient resources.

The autonomous communities were informed for the first time about the consequences on agriculture, livestock and markets of the situation triggered by the war in Ukraine at the Sectoral Conference on Agriculture and Rural Development on Monday 7 March 2022.

## **CIVIL PROTECTION**

The Spanish civil protection system is highly complex, given that it is a concurrent competence among the three levels of administration and with an active presence in the international arena through the European Civil Protection Mechanism and bilateral relations with neighbouring countries. Emergency response is one of the areas where coordination and cooperation between different territorial levels is of greatest importance, and where the resilience of the system of cooperation bodies can be most strained.

The reform of the National Civil Protection System was already a priority of the 2017 Conference of Presidents, in which it was agreed to set up the National Civil Protection Council, as a body for participation, cooperation, consultation and coordination between the different Administrations with competences in this area, and with the legal nature of a Sectorial Conference.

This General State Emergency Plan was approved on 15 December 2020 and was activated on 19 September 2021 on the island of La Palma as a result of the eruption of the Cumbre Vieja volcano, allowing for very satisfactory coordination and cooperation between the different Administrations in the management of the crisis. In view of the importance of reinforcing the National Civil Protection System, a proposal to reinforce the system was proposed at the Preparatory Committee in November 2021 and taken to the Conference of Presidents, which was finally embodied in the Recommendation of the Conference of Presidents for the Promotion and Development of the National Civil Protection System.

The aim of this Recommendation is to promote and develop a highly effective and efficient system of protection against emergencies and disasters, under equal conditions for citizens throughout the national territory, without undermining the competences of the Autonomous Communities and local authorities. In order to achieve these objectives, it is necessary to draw up a programme shared between the State, the autonomous communities and cities and the local corporations by 2035.

The National Civil Protection Council unanimously approved the National Civil Protection Plan on 24 October 2022 and the Council of Ministers on 31 October 2022.

This Plan aims to promote and develop a mature Civil Protection System that guarantees a highly effective response to emergencies and disasters, ensuring equal protection throughout the national territory. To this end, it sets out the priorities that should guide all public administrations in their action in the face of natural disasters, focusing especially on those caused by climate change. It also underlines the importance of co-governance, as well as the importance of all levels of government being well-oiled and coordinated, being able to address joint responses to different adversities.

The Plan was unanimously approved by the National Civil Protection Council, where all the Autonomous Communities gave it a positive assessment. The representatives of the Local Entities have also expressed their support for the Plan, particularly valuing the incorporation of municipalism and the special consideration given to the plurality of municipalities and other local corporations.

It also includes measures to promote the culture of prevention, self-protection and the development of the System at the local level, declaring 2022 as the Year of Self-Protection. This declaration took place at the National Civil Protection Council held in April, and was accompanied by a national programme to tap into Spanish society's vast reservoir of capabilities to improve its protection in disaster situations. Likewise, in 2022, the "Safe Municipality" campaign was launched in the context of promoting a culture of prevention. This campaign is included in the collaboration agreement between the Ministry of the Interior and the Spanish Federation of Municipalities and Provinces. Through this instrument, the lines of collaboration are strengthened and the role of Local Governments in matters of safety and security is promoted.

## **THE PLAN FOR RECOVERY, TRANSFORMATION AND RESILIENCE IN THE FIELD OF COOPERATION**

The Recovery, Transformation and Resilience Plan, PRTR, requires the involvement of all economic and social agents, all levels of government and all public administration resources. Since the launch of the PRTR, numerous sectoral conferences have been held to agree on the specific content of the milestones and reforms and, above all, to proceed with the different territorial allocations of the available funds. Following the invasion of Ukraine, the Conference of Presidents itself agreed to promote the implementation of these European funds by all Public Administrations, with the aim of ensuring that Spain continues to grow and create jobs. During this period, work has been carried out through a participatory process that has included exchanges and meetings with the Autonomous Communities and local entities, as well as with social agents and parliamentary groups. With the Autonomous Regions, meetings have been held with the regional presidents and they have been asked to submit their proposals.

## **NATIONAL STRATEGY TO MEET THE DEMOGRAPHIC CHALLENGE**

On 29 March 2019, guided by the fulfilment of the agreement of the Conference of Presidents, both in the object of the agreement and in its content and working methodology, the Council of Ministers approved the General Guidelines of the National Strategy for the Demographic Challenge.

In terms of content, the guidelines propose a global and cross-cutting Strategy, from a multidisciplinary perspective and with the participation of all ministerial departments, which designs a joint and forward-looking response to alleviate the problems of progressive population ageing, territorial depopulation and the effects of the floating population. In its methodology, the Strategy has been drawn up with the collaboration of the autonomous communities, cities with Statutes of Autonomy and local entities. *The guidelines focus the Strategy on the three demographic issues agreed at the Conference of Presidents: depopulation, ageing and the effects of the floating population.*

Local governments have demonstrated their commitment and solidarity to face the difficulties and new needs generated by this crisis, among many other formulas, by generating alliances and closer collaboration between them, reaching consensus and undertaking actions within the framework of their competences. Through local cooperation networks, associations, consortiums and networks of municipalities, channels are established for the exchange of knowledge and good practices which, in many cases, are replicated in the territories that make up the network. Among other networks we can mention:

- Spanish Network of Cities for Climate, whose objective is to promote institutional collaboration to develop initiatives to prevent pollution and climate change in a general context aimed at local sustainability.
- Local Governments + Biodiversity Network, aimed at promoting local policies for the conservation and sustainable use of natural resources, the conservation of natural heritage and the promotion of rural development with sustainability criteria.
- Network of Local Entities for the 2030 Agenda, which works to promote the coordination of actions between Local Governments, enabling better results to be achieved in the implementation of the 2030 Agenda in municipalities and provinces, through the localisation, alignment and development of the SDGs of the 2030 Agenda at the local level.

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

**1. Sectoral Conferences and other cooperation bodies.**

Sectoral Conferences have proven over the last decades to be a very appropriate mechanism for sharing and exchanging information, adopting agreements, coordinating actions, facilitating cohesion and, ultimately, guaranteeing the equality of all citizens, companies and organisations in the territory.

The exchange of information and experiences within the Sectoral Conferences and also, very especially, in the different bodies that depend on them (sectoral commissions and working groups), and which have a more technical level, demonstrates notable advantages. Together with the appearance of the sectoral conferences, three major milestones in the 21st century have consolidated a system of participation of the autonomous communities and cities with statute of autonomy in Spain:

- Creation of the Conference of Presidents in 2004.
- Consolidation of the system of participation of the Autonomous Communities in the working groups of the European Commission and in the preparation of the Councils of Ministers of the European Union by agreement of the CARUE of 9 December 2004, subsequently modified at the meeting of 10 December 2018.
- Approval of Law 40/2015, of 1 October, on the legal regime of the public sector, which includes the legal regime of the sectoral conferences, legally systematising the system of inter-administrative cooperation that has existed to date.

Cooperative activity revolves primarily around the Sectoral Conferences (art. 147 of Law 40/2015), which are collegiate bodies that bring together the heads of the Ministry and the regional ministries responsible for a given subject. The Conferences share information, discuss issues of common interest and adopt homogeneous criteria where deemed appropriate. They also approve the distribution of funds, report on regulatory projects, and may define general policy lines.

Secondly, the direct technical support body for the Sectoral Conferences would be formed by the Sectoral Commissions (art. 152 of Law 40/2015). As a general rule, these commissions are chaired by a Secretary of State and are made up of regional employees with technical competences, but also with decision-making capacity.

The third level would be constituted by the Working Groups (art. 152 of Law 40/2015) which, depending on these Commissions, or on the Sectorial Conference itself, prepare the documentation and discuss at a technical level, draw up proposals, iron out the main differences and reach the necessary consensus on which the corresponding Sectorial Conference must subsequently reach a decision and adopt an agreement.

This framework is headed by the Conference of Presidents, in which the President of the Government and the Presidents of all the Autonomous Communities meet with the aim of establishing general and cross-sectoral policy guidelines.

The governance map in Spain is completed with other multilateral collegiate cooperation bodies with the participation of the State and the Autonomous Communities, and in which representatives of the sectors affected by the policy in question also participate in each case. These bodies can have a very diverse nature, but in any case, they are cooperation bodies, in accordance with the generic definition of article 145 of Law 40/2015.

These collegiate cooperation bodies differ from the Sectoral Conferences in their composition, as they allow the entry of other subjects, almost always representatives of particular and sectoral interests. These actors include, but are not limited to, the following:

- Trade unions and employers' organisations. For example, the Consultative Committee provided for in Article 67 of Law 16/2003, of 28 May, on the cohesion and quality of the National Health System, which reports to the Interterritorial Council of the National Health System; in similar terms, the Consultative Committee of the Territorial Council of Social Services and the System of Care for Dependency, in Article 40.4 of Law 36/2006, of 14 December, on the Promotion of Personal Autonomy and Care for Dependent Persons.
- Non-profit entities representing the interests concerned in each case. As an example, the National Water Council foreseen in art. 19 of Royal Legislative Decree 1/2001, of 20 July, approving the Revised Text of the Water Law.
- Independent experts, scientists or professionals from a specific sector. For example, in the National Climate Council regulated by Royal Decree 415/2014, of 6 June, which regulates the composition and functions of the National Climate Council.
- Chambers of Commerce. Also in the National Climate Council or representatives of citizens affected by the specific public policy. Thus, the State School Council regulated by Royal Decree 694/2007, of 1 June, provides for the representation of students and teachers, among others, as well as regional and local representatives.

With regard to coordination with local entities, the National Commission for Local Administration is established. The National Commission for Local Administration is the permanent body for collaboration between the General State Administration and the local administration and is integrated organically and functionally into the Ministry of Territorial Policy.

Comparison of the number of sessions of Sectoral Conferences per period 1981-1991. 1992-2009. 2010-2022. Total

AGRICULTURE, FISHERIES AND FOOD	29	298	299	626
SECTORAL CONFERENCE ON AGRICULTURE AND RURAL DEVELOPMENT	29	104	71	204
SECTORAL FISHERIES CONFERENCE	0	41	28	69
AGRICULTURAL POLICY ADVISORY COUNCIL FOR COMMUNITY AFFAIRS	0	95	119	214
ADVISORY COUNCIL ON FISHERIES POLICY FOR COMMUNITY AFFAIRS	0	58	81	139
ECONOMIC AFFAIRS AND TRANSFORMATION	0	5	12	17
DIGITAL SECTORAL CONFERENCE FOR THE IMPROVEMENT REGULATORY AND BUSINESS CLIMATE	0	0	5	5
SECTORAL CONFERENCE FOR THE DIGITAL TRANSFORMATION	0	5	7	12

SCIENCE AND INNOVATION	0	1	12	13
SCIENCE, TECHNOLOGY AND INNOVATION POLICY COUNCIL	0	1	12	13
CONSUMPTION	5	22	16	43
SECTORAL	5	21	5	31
CONSUMER CONFERENCE				
GAMBLING POLICY COUNCIL	0	1	11	12
CULTURE AND SPORT	4	16	24	44
SECTORAL	4	16	19	39
CONFERENCE ON CULTURE				
SECTORAL	0	0	5	5
CONFERENCE ON SPORT				
SOCIAL RIGHTS AND AGENDA 2030	4	46	71	121
SECTORAL	0	0	12	12
CONFERENCE ON CHILDREN AND ADOLESCENTS				
SECTORAL	0	0	4	4
CONFERENCE FOR THE 2030 AGENDA				
TERRITORIAL COUNCIL OF SOCIAL SERVICES AND OF THE SYSTEM FOR AUTONOMY AND CARE FOR DEPENDENT PERSONS	4	46	55	105
EDUCATION AND VOCATIONAL TRAINING	12	45	60	117
SECTORAL	12	45	53	110
CONFERENCE ON EDUCATION				
SECTORAL	0	0	7	7
CONFERENCE ON THE SYSTEM OF QUALIFICATIONS AND VOCATIONAL TRAINING FOR EMPLOYMENT				
FINANCE AND CIVIL SERVICE	25	52	44	121
SECTORAL	0	5	7	12
CONFERENCE ON PUBLIC ADMINISTRATION				
SECTORAL	0	0	3	3
CONFERENCE OF THE PLAN FOR THE RECOVERY, TRANSFORMATION AND RESILIENCE				
FISCAL AND FINANCIAL POLICY COUNCIL	25	47	34	106
EQUALITY	0	24	25	49
SECTORAL	0	24	25	49
CONFERENCE ON EQUALITY				
INCLUSION, SOCIAL SECURITY AND MIGRATION	0	3	6	9

SECTORAL CONFERENCE ON IMMIGRATION	0	3	6	9
INDUSTRY, TRADE AND TOURISM	3	58	60	121
SECTORAL TRADE CONFERENCE	0	13	23	36
INTERIOR INDUSTRY AND SME SECTORAL CONFERENCE	0	27	14	41
SECTORAL TOURISM CONFERENCE	3	18	23	44
INTERIOR	0	1	6	7
SECURITY POLICY	0	1	0	1
COUNCIL NATIONAL CIVIL PROTECTION COUNCIL	0	0	6	6
JUSTICE	0	19	23	42
SECTORAL CONFERENCE ON THE ADMINISTRATION OF JUSTICE	0	19	23	42
TERRITORIAL POLICY	5	48	12	65
CONFERENCE FOR EUROPEAN UNION AFFAIRS	5	48	12	65
PRESIDENCY OF THE GOVERNMENT	0	0	5	5
SECTORAL CONFERENCE FOR NATIONAL SECURITY AFFAIRS	0	0	5	5
PRESIDENCY, RELATIONS WITH THE COURTS AND DEMOCRATIC MEMORY	0	0	2	2
SECTORAL MEMORY CONFERENCE DEMOCRATIC	0	0	2	2
HEALTH	33	93	225	351
COMMISSION ON HUMAN RESOURCES OF THE NATIONAL HEALTH SYSTEM	0	11	19	30
SECTORAL CONFERENCE OF THE NATIONAL PLAN ON DRUGS	7	16	15	38
INTER- TERRITORIAL COUNCIL OF THE SYSTEM	26	66	191	283
NATIONAL HEALTH WORK AND SOCIAL ECONOMY	0	45	36	81
SECTORAL CONFERENCE ON EMPLOYMENT AND LABOUR AFFAIRS	0	45	36	81
ECOLOGICAL TRANSITION AND THE CHALLENGE DEMOGRAPHIC	4	42	102	148



SECTORAL ENERGY CONFERENCE	0	0	16	16
SECTORAL ENVIRONMENTAL CONFERENCE	4	40	34	78
SECTORAL CHALLENGE CONFERENCE	0	0	5	5
DEMOGRAPHIC POLICY ADVISORY COUNCIL	0	2	47	49
ENVIRONMENTAL FOR COMMUNITY AFFAIRS				
TRANSPORT, MOBILITY AND URBAN AGENDA	9	40	26	75
NATIONAL MARITIME RESCUE COMMISSION	0	1	1	2
NATIONAL TRANSPORT CONFERENCE	6	7	9	22
SECTORAL CONFERENCE ON INFRASTRUCTURE AND LAND USE PLANNING	0	4	0	4
TERRITORY SECTORAL HOUSING CONFERENCE, TOWN PLANNING AND LAND	3	28	16	47
UNIVERSITIES	44	79	32	155
GENERAL POLICY CONFERENCE	44	79	32	155
UNIVERSITY				
Total	177	937	1.098	2.212

## 2. Framework, transfer, and harmonisation laws.

Article 150 of the Spanish Constitution provides as a mechanism for legislative coordination between the State and the Autonomous Communities the framework laws (attributing to all or some of the Autonomous Communities the power to enact, for themselves, legislative rules within the framework of the principles, bases and guidelines established by a State law); transfer laws (transferring or delegating to the Autonomous Communities, by means of an organic law, powers corresponding to State-owned matters which, by their very nature, are susceptible to transfer or delegation); and harmonisation laws (principles necessary to harmonise the regulatory provisions of the Autonomous Communities, even in the case of matters attributed to the competence of the latter, when the general interest so requires).

## 3. Conflicts

Conflicts over the exercise of competences are resolved through dialogue and cooperation, although ultimately the dispute may require the participation of the jurisdictional bodies and, in particular, the Constitutional Court, which resolves conflicts of competences and controls the constitutionality of laws (Organic Law 2/1979, of 3 October, of the Constitutional Court).

Apart from these controls, both Art. 155 of the Spanish Constitution with respect to the ACs, and Law 7/1985 of 2 April 1985, regulating the Bases of Local Government, establish a final exceptional mechanism on the part of the central government, when acts are adopted that seriously violate the interests of the Spanish State.

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

Overcoming the stage in which the exercise of competences was carried out in a more isolated manner, creating a framework to achieve the effectiveness of these competences independently of the distribution of attributions between Administrations. In this way, it is possible to promote more ambitious actions, taking advantage of the synergies generated by the actions of the different actors involved in each branch of activity.

The challenge is the search for consensus among all the actors involved in the system, in complex matters in which different competences and different degrees of participation and cooperation are intertwined.

The strengthening of cooperation between administrations ultimately responds to a model of a more socially and territorially cohesive country. The instruments of collaboration and their powerful development are making it possible for the design and execution of public policies to be carried out in a concerted manner between different institutions, so that it is possible to achieve greater harmony in the functioning of public services and to reinforce equality between all citizens.

And it is worth highlighting the outstanding growth that has taken place in the activity of cooperation bodies over the last few years, which is not confined to one segment of activity (such as health or agriculture) but extends to the entire spectrum of public action.

**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 ? 12**

Covid-19 had a notable impact on cross-border cooperation, understood in a broad sense, and led Spain to intensify relations with border regions and countries, and in all cases, cross-border cooperation has favoured the transport of goods, the crossing of health personnel and cross-border workers.

In addition to the examples of cross-border cooperation at the Spanish Government level, at the regional level, the Autonomous Communities work closely and in coordination with the Spanish Government in all matters relating to cross-border cooperation in the management of the pandemic.

The pandemic highlighted the need to strengthen cross-border cooperation to address and resolve issues specific to border regions, in particular in the field of emergency health care, mobility, depopulation, investment, civil protection, movement of cross-border workers, transport of goods and economic and social support.

For this reason, the Memorandum of Understanding for the creation of a territorial cooperation network between Spain and Portugal was approved on 11 November 2022, which is a fundamental step towards the creation of a cross-border cooperation area that transcends national, regional and institutional borders, involving the different traditional actors of cross-border cooperation and allowing the maximum use of the knowledge of the vast and distinctive experience of each of them, as well as the emergence of new entities. This network will be composed not only of public entities whose sole purpose is territorial cooperation, such as EGTC'S, associations or consortia for cross-border cooperation, established under the Madrid Convention of 1980, but also associations of municipalities and other entities, public or private law, whose purpose is to promote territorial cooperation in the border areas between Spain and Portugal.

In the case of France, a first meeting for the implementation of a Cross-Border Cooperation Strategy with France took place on 18 October 2021. At the 26th Franco-Spanish Summit in Montauban on 15 March 2021, a reference was included in the Joint Declaration that "Joint work will be carried out in order to define a cross-border strategy between the two countries".

## SWEDEN

**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;

Sweden is a unitary state but have municipalities and regions which have been granted a significant level of self-governance. Binding state governance over municipalities and regions must be based on laws enacted by the Parliament. Before passing such laws municipalities and regions are always consulted. There are also MLG arrangements that are not legally binding for the municipalities and regions:

- The Government sometimes adopt national plans and strategies that aim to bring together and coordinate the work of the state, municipalities, regions, and civil society in a certain area. See for example: [A national cyber security strategy \[Nationell strategi för samhällets informations- och cybersäkerhet\] \(government.se\)](#)
  - The Government may also appoint national coordinators to bring together different actors to combat difficult problems. In the link you can find a summary in English of a report from the National Audit Office, where national coordinators as a governance instrument is described and analyzed: [Summary 2016 5.pdf \(riksrevisionen.se\)](#).
  - State government agencies are often instructed by the Government to cooperate with municipalities and regions. The County Administrative Boards, which are state administrative agencies working on the regional level, are especially important for facilitating contacts and cooperation between the state, municipalities and regions. More information about the work of the County Administrative Boards can be found on their websites, see for example the Stockholm County Administrative Board's site: [On the County Administrative Board | Länsstyrelsen Stockholm \(lansstyrelsen.se\)](#).
  - The Government sometimes enter into agreements with the Swedish Association of Local Authorities and Regions on how to work together to improve the exercise of public duties.
- between bodies within a given tier of government;

At the state level government agencies have a general legal obligation to cooperate with each other. At the sub-national level municipalities and regions can utilize several forms of cooperation. They may e.g. create municipal associations or corporations with separate legal personalities to take care of common tasks. They may also cooperate through legal or political agreements. In some areas the state has enacted legislation demanding that municipalities and regions cooperate with each other.

- arrangements for "horizontal" cooperation and public participation
- including recent pertinent reforms

A structural reform seeking to improve the preparedness and management of crises was launched last year. The reform aims, *inter alia*, to improve cooperation between government agencies, regions, municipalities, and civil society by giving clearer mandates to certain government agencies.

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

According to the legality principle, which is laid down in the constitution, the exercise of public power needs a legal basis. This means that all institutions that participate in an MLG retain their responsibilities that are laid down in law unless the law allows an institution to delegate

or transfer its responsibilities. Moreover, state institutions need explicit authorization in a law passed by the Parliament to give binding directions to municipalities and regions.

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

The Swedish Agency for Public Management has recently examined inter-municipal cooperation. It found, *inter alia*, that such cooperation often has a positive impact on the operations but rarely lowers the costs of the municipalities, that it is harder to steer cooperative operations, and that the democratic insight and control is made more difficult. In the link you can find the report, unfortunately only in Swedish: [Hand i hand – en analys av kommunal samverkan \(statskontoret.se\)](https://statskontoret.se/Hand-i-hand-en-analys-av-kommunal-samverkan)

**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 Swedish Agency for Public Management have published a study on how the Swedish public administration model worked in the early stages of the Corona pandemic. [Förvaltningsmodellen under coronapandemin \(statskontoret.se\)](https://statskontoret.se/Forvaltningsmodellen-under-coronapandemin) There is a summary in English on pages 65-69.

The Government appointed an independent commission to evaluate how the Government, the government agencies, the regions, and municipalities handled the Corona pandemic. In the link you can find a summary in English of its final report [Summary in English SOU 2022:10 \(coronakommissionen.com\)](https://coronakommissionen.com/Summary-in-English-SOU-2022-10)

The Government have initiated an inquiry that will analyse how the state cooperates and communicates with municipalities and regions during “normal” times as well as in times of crises, and make suggestion on how the cooperation can be developed. The result of the inquiry will be presented in June 2024.

## **SWITZERLAND**

Beaucoup d'éléments intéressants devraient se trouver sur la page suivante :

<https://www.admin.ch/gov/fr/accueil/documentation/communiques.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.

## UKRAINE

**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 system of the administrative and territorial structure of Ukraine as a unitary state includes:

- *regional tier* - the Autonomous Republic of Crimea, 24 oblasts and two cities with special oblast status – Kyiv and Sevastopol;
- *subregional tier* – 136 raions;
- *local tier* (territorial communities) – 29 710 cities, settlements and villages which form 1469 territorial communities.

The Cities of Kyiv and Sevastopol have special status determined by the laws of Ukraine.

Based on the above system of the administrative and territorial structure, Ukraine has four levels of governance: national/central, regional, subregional and local.

### **National/central tier**

The State power in Ukraine shall be exercised with the consideration of its division into legislative, executive and judicial power.

**The President of Ukraine** is the Head of the State and shall act on behalf of the State. The President shall be elected by the citizens of Ukraine for a five-year period on the basis of universal, equal, and direct suffrage by secret ballot.

**The sole legislative authority** in Ukraine shall be the parliament – **the Verkhovna Rada of Ukraine (the Parliament of Ukraine).**

The constitutional composition of the Verkhovna Rada of Ukraine shall comprise 450 Members of Parliament of Ukraine elected for a five-year term.

The Verkhovna Rada of Ukraine, in particular:

- appoints the Prime Minister of Ukraine, the Minister of Defence of Ukraine, the Minister of Foreign Affairs of Ukraine upon the submission of the President of Ukraine;
- appoints other members of the Cabinet of the Ministers of Ukraine, resolving resignation of the Prime Minister of Ukraine and the members of the Cabinet of Ministers of Ukraine;
- appoints and removes from office the chairmen and heads of the key state authorities of Ukraine;
- exercises control over the activity of the Cabinet of Ministers of Ukraine in accordance with this Constitution.

**The Cabinet of Ministers of Ukraine (the Government of Ukraine)** shall be the **highest body in the system of executive authorities.**

The Cabinet of Ministers of Ukraine shall be responsible to the President of Ukraine and the Verkhovna Rada of Ukraine, under the control of, and accountable to, the Verkhovna Rada of Ukraine within the limits stipulated by the Constitution.

The Cabinet of Ministers of Ukraine shall be comprised of the Prime Minister of Ukraine, the First Vice-Prime Minister, Vice-Prime Ministers and Ministers.

The Prime Minister of Ukraine shall be appointed by the Verkhovna Rada of Ukraine upon the submission of the President of Ukraine.

The candidacy for the position of the Prime Minister of Ukraine shall be introduced by the President of Ukraine upon the submission of the coalition of deputy factions of the Verkhovna Rada of Ukraine or of a deputy faction comprising the majority of the constitutional composition of the MPs of the Verkhovna Rada of Ukraine.

The Cabinet of Ministers of Ukraine forms, reorganises and liquidates ministries and other central executive authorities, acting within the limits of funds allocated to the maintenance of executive authorities. The Cabinet of Ministers of Ukraine directs and co-ordinates the work of ministries and other executive authorities (national and regional).

**The Autonomous Republic of Crimea** is an integral constituent part of Ukraine and shall resolve issues relegated to its authority within its powers determined by the Constitution of Ukraine.

The representative body of the Autonomous Republic of Crimea shall be the Verkhovna Rada of the Autonomous Republic of Crimea, deputies of which are elected for five years term by secret voting on the basis of universal, equal, and direct suffrage.

The Council of Ministers of the Autonomous Republic of Crimea shall be the government of the Autonomous Republic of Crimea. The Head of the Council of Ministers of the Autonomous Republic of Crimea shall be appointed or dismissed by the Verkhovna Rada of the Autonomous Republic of Crimea with the consent of the President of Ukraine.

The powers and the procedure for the formation and operation of the Verkhovna Rada of the Autonomous Republic of Crimea and of the Council of Ministers of the Autonomous Republic of Crimea shall be determined by the Constitution of Ukraine and laws of Ukraine, and by regulatory acts of the Verkhovna Rada of the Autonomous Republic of Crimea in relation to the issues within its competence.

Justice in the Autonomous Republic of Crimea shall be administered by courts of Ukraine.

The Autonomous Republic of Crimea has the Constitution of the Autonomous Republic of Crimea adopted by the Verkhovna Rada of the Autonomous Republic of Crimea and approved by the Verkhovna Rada of Ukraine by no less than one half of the constitutional composition of the Verkhovna Rada of Ukraine.

**In February 2014, the Russian Federation launched its armed aggression against Ukraine and started an illegal temporary occupation of the Autonomous Republic of Crimea, the city of Sevastopol and certain areas of Donetsk and Luhansk regions of Ukraine (in April 2014). Since that time, Ukrainian authorities temporary have not exercised their powers on these territories.**

### **Regional and subregional tier**

**Oblast (regional) and raion (districts) councils** are the local government representing the common interests of territorial communities of villages, settlements, and cities.

Oblast or raion councils shall comprise deputies elected by residents of oblast or raion by secret ballot on the basis of universal, equal, and direct suffrage. The term of power of oblast or raion councils, deputies of which are elected on regular elections, shall be five years.

The head of a raion council and the head of an oblast council shall be elected by the respective council and shall lead the executive staff of the council.

Oblast and raion councils approve programmes for socio-economic and cultural development of respective oblasts and raions and control their implementation; approve oblast and raion budgets formed from the funds of the State budget for their appropriate distribution between territorial communities or for the implementation of joint projects and from the funds drawn on a contractual basis from local budgets to implement joint socio-economic and cultural programmes, and control the implementation of such budgets; settle other issues assigned to their competence by law.

Oblast and raion councils have no power to establish their own executive bodies for the implementation of their competences assigned by the Law of Ukraine "On Local Self-Government in Ukraine" and other laws.

According to the Constitution of Ukraine **the executive power in oblasts, raions**, and in the Cities of Kyiv and Sevastopol shall be exercised by local (oblast or raion) state administrations.

The Law of Ukraine "On Local Self-Government in Ukraine" defines the list of executive powers that raion and oblast councils delegate to raion, oblast state administrations.

Heads of local state administrations shall be appointed to and dismissed from their office by the President of Ukraine upon the submission of the Cabinet of Ministers of Ukraine.

In the exercise of their duties, heads of local state administrations shall be responsible to the President of Ukraine and the Cabinet of Ministers of Ukraine, and shall be accountable to, and under the control of, the executive authorities of a higher level.

Local state administrations shall be accountable to, and under the control of, councils in the part of the powers delegated to them by the respective raion or oblast councils.

Local state administrations shall be accountable to, and under the control of, the executive authorities of a higher level.

Decisions of the heads of local state administrations contradicting the Constitution and the laws of Ukraine or other legislative acts of Ukraine may be revoked by the President of Ukraine or by the head of the local state administration of a higher level in accordance with the law.

An oblast or raion council may express non-confidence in the head of the respective local state administration, on the basis of which the President of Ukraine adopts a decision and provides a substantiated reply.

If two-thirds of the composition of the respective council express non-confidence in the head of a raion or oblast state administration, the President of Ukraine shall adopt a decision on the resignation of the head of the local state administration.

Thereby, the Constitution of Ukraine, the Law "On Local Self-Government in Ukraine" and the Law "On Local State Administration" define the same status and competences of oblast or raion councils as well as oblast or raion state administration.

After conduction of the first phase of the Decentralization Reform in Ukraine, a scope of powers of raion councils and raion state administrations and resources for its implementation were decentralized and transferred to territorial communities (municipalities) according to the principle of subsidiarity.

This is why the Ministry prepared the draft laws to separate powers of oblast and raion authorities in line with the administrative-territorial reform and amendments to the Budget Code of Ukraine. The next task of the Decentralization Reform in Ukraine is to clarify the assignment of powers and resources vertically (between the tiers of local self-government) and horizontally (between elected self-government and local state administration).



### Local tier (territorial communities)

Local self-government shall be the right of **a territorial community — residents of a village, a settlement and a city** — to independently resolve local issues in compliance with the Constitution and the laws of Ukraine.

Local self-government shall be exercised by a territorial community in the manner established by law, both directly and through local self-government bodies: **village, settlement and city councils, and their executive authorities**.

Executive authorities of village, settlement and city councils shall be established by these councils.

The organisation of the governance in the districts of the city shall fall within the competence of city councils.

Village, settlement and city councils may permit, upon the initiative of residents, the establishment of house, street, block, and other **bodies of self-organisation of population**, and assign them part of their own competence, finances, and property.

Village, settlement, city councils shall comprise deputies elected by residents of a village, settlement, city by secret ballot on the basis of universal, equal, and direct suffrage.

Territorial communities shall elect respectively **the village, settlement, or city mayor**, who leads the executive authority of the council and presides at its meetings, by secret ballot on the basis of universal, equal, and direct suffrage.

The term of office of the village, settlement, or city **mayor** and village, settlement, city councils elected in regular elections shall be five years.

Territorial communities directly or through the local self-government bodies established by them, manage the communal property; approve programmes of socio-economic and cultural development and control their implementation; approve budgets of respective administrative and territorial units and control the execution of such budgets; establish local taxes and duties in accordance with the law; ensure holding of local referendums and the implementation of their results; establish, reorganise and liquidate communal enterprises, organisations and institutions and exercise control over their activities; settle other local issues assigned to their competence by law.

The status of mayors, heads, deputies and executive authorities of a council, their powers, and the procedure for their establishment, reorganisation, and liquidation shall be determined by the Law "On Local Self-Government in Ukraine" and the Law "On the status of members of local councils".

**The Decentralisation Reform in Ukraine** has involved the devolution of responsibilities, fiscal resources, and political power to local government levels, as well as the voluntary amalgamation of these local governments into larger 'Amalgamated Territorial Communities'. This process commenced in 2014 through two stages. **A first stage, from 2015-2019**, which referred administrative and fiscal decentralization and the voluntary amalgamation of territorial communities; and **a second stage, from 2020-2021**, which was the amalgamation by the Cabinet of Ministers of Ukraine of remaining (not amalgamated voluntary) territorial communities.

The Law of Ukraine "On Voluntary Amalgamation of Territorial Communities", adopted in 2015, put the start to amalgamation of communities. As of 2020, 1070 voluntary amalgamated territorial communities (the "ATCs") were established. Those ATCs were composed of about 4800 (44,5%) former local councils. 12 million people resided in the ATCs.

In June 2020 the Cabinet of Ministers of Ukraine has defined administrative centres and approved the territories of 1,469 local communities (were 11520 communities in 2014) and

the Verkhovna Rada of Ukraine established 136 raions (were 490 in 2014). First local elections were held in newly created territorial communities and raions on October 25, 2020.

The Reform made possible to start forming a capable basic level of local self-government.

The united territorial communities (the UTCs) were given powers and resources of cities of regional significance, e.g. 60% (64% in 2022-2023, and in next fiscal year according to the draft State Budget for year 2024) of the personal income taxes are now paid to the UTC budgets to be used for exercising the local-governance powers. In addition, the following taxes remain entirely in the communities: single tax, corporate and communal financial institution income tax, and property tax (real estate, land, vehicles).

UTCs also have direct inter-budget relations with the state budget (only regional and district budgets and budgets of cities of regional significance had direct relations before the reform); UTCs are given certain benefits (such as subsidies, educational and healthcare transfers, etc) for social infrastructure development.

In addition to an increase in the financial potential of the UTCs, decentralization has offered them other tools of the local economic development such as external borrowing, choosing institutions for servicing local budgets for the development purposes as well as the own revenues of budget-funded entities. Decentralization has also concerned the powers of architecture and construction control and provided for improvement of urban planning legislation, so that municipalities have been given the right to define the urban-planning policy at their own discretion.

In 2021, UTCs were entitled to manage land resources outside their settlements, that allows local self-government more effectively use the assets that belong to the community and ensure the economic development of their territories. Decentralisation of powers in the land sphere complemented the fiscal decentralization and created more solid background for local governance.

The Verkhovna Rada of Ukraine has adopted laws that transfer of the certain competences on administrative services delivery, including registration of real estate, business, place of residence, by delegating such powers to communities.

In the course of the Decentralisation Reform, the influence and responsibility of the local public authorities is increasing. Improving local governance, with special emphasis on transparency and citizen participation, is one of the main goal of the Decentralisation Reform.

### **Arrangements for "horizontal" cooperation and public participation**

#### **"Horizontal" cooperation**

**The Law of Ukraine "On Cooperation of Territorial Communities"** (2014) sets up a basis for inter-community cooperation. It stipulates 5 forms in which such cooperation can be developed:

- task delegation - the delegation of one or several tasks to one cooperation entity by other cooperation entities with transfer of the respective resources to that cooperation entity;
- joint projects - the implementation of joint projects, requiring that the activity of cooperation entities be coordinated and that they accumulate resources for a certain period of time in order to jointly take the respective actions;
- joint funding for infrastructure - joint funding for (maintenance of) public utility enterprises, institutions and organisation as infrastructure facilities by cooperation entities;
- joint enterprises - the establishment of joint public utility enterprises and institutions, and organisation as infrastructure facilities by cooperation entities;
- joint management body - the establishment of a joint management body by cooperation entities in order to jointly exercise powers defined by legislation.

Financing of the conditions of the cooperation agreement is carried out in accordance with the Budget Code of Ukraine which allows inter-budgetary transfers.

The procedure of inter-community cooperation is the same for each of 5 forms - initiation of cooperation, deliberation of the proposal, establishment of the committee and drafting cooperation agreement, approval of the agreement by the local councils and signing by the mayors of the respective communities.

**The Law "On Voluntary Amalgamation of Territorial Communities"** (2015,  
hereinafter - the Law on Amalgamation)

It defines a mechanism and principals of voluntary amalgamation of territorial communities.

In line with the Law on Amalgamation, the amalgamation of communities in Ukraine is voluntary and can be initiated by a village, settlement, city mayor or deputies of a local council or citizens or by the bodies of self-organization of citizens.

According to the Law on Amalgamation, the initiative of the amalgamation of communities must be deliberated with the citizens of each community will be merged.

The local council of each community adopts local act to regulate the procedure of public deliberation of the proposal of the amalgamation.

After public deliberation a local council of each community gives consent for the starting of the procedure of the amalgamation.

A special working group of representatives of each community prepares a draft local act on the voluntary amalgamation of communities which must be approved but the local councils.

An amalgamated territorial community is established after entry into force of the acts of a local council of each community.

The Law on Amalgamation has created the legal preconditions for implementing an amalgamation reform, based on voluntary – but supported by strong incentives provided by the central government – establishment of new (consolidated) local communities.

According to the Law on Amalgamation the Cabinet of Ministers of Ukraine adopted the Methodology of formation of capable territorial communities. One of the key premises of the Methodology is the definition of potential administrative centres of future capable territorial communities and their influence zones.

The Methodology provides the requirements to development of a draft Perspective plan of formation of community territories of oblasts (regions) and the Autonomous Republic of Crimea.

The Perspective Plan for the Formation of Territorial Communities (hereinafter referred to as the Perspective Plan) has been a key document for planning the process of community amalgamation by the state. The Perspective Plan has been developed for each oblast and approved by the Cabinet of Ministers of Ukraine. The Perspective Plan was supposed to specify the configuration of future amalgamated territorial community designed with due consideration to ensuring their resiliency.

The configuration of amalgamated territorial communities in Perspective Plan was a vision of future amalgamation but not mandatory for communities till 2019.

Amendments to the Law "On Voluntary Amalgamation of Territorial Communities" were adopted by the Parliament of Ukraine in December 2019, which provided amalgamation of territorial communities according to the Perspective Plan.

**Local self-government bodies can establish associations of the local self-government.** Pursuant to the Law of Ukraine "On Associations of the Local Self-Government Bodies" the associations can be the national and local. Activity of the national associations will aim at representation and protection of local and regional interests, rights of local self-government bodies in their relations with the state authorities. Local associations can be established to coordinate activities of the local self-government bodies of one or several regions of Ukraine concerning elaboration and implementation of certain projects and programs of development of territorial communities.

There are 4 All-Ukrainian associations of the local self-government bodies, which represent basic level of local self-government (rural communities, cities and amalgamated communities) and regional/subregional levels (oblasts/raions).

The Rules of Procedure of the Cabinet of Ministers of Ukraine sets up a mandatory procedure of sending to All-Ukrainian associations draft acts of the Cabinet of Ministers of Ukraine, which can influence the interests of local self-government and territorial communities, for consideration.

Ministries, responsible for drafting acts of the Cabinet of Ministers of Ukraine or laws, which can influence the interests of local self-government and territorial communities, are obliged to provide consultation and other coherent activities with All-Ukrainian associations of the local self-government bodies and other stakeholders.

A representative of All-Ukrainian associations of the local self-government bodies can take part in the meetings of the Cabinet of Ministers of Ukraine and governmental committees and declare opinion of the associations about drafting acts and other issues of the agenda.

### **Annual budget consultations**

According to the Budget Code of Ukraine and the Law of Ukraine "On Associations of the Local Self-Government Bodies" **the annual budget consultations** at the Ministry of Finance must be held with the representatives of the All-Ukrainian Associations of local self-government within the framework of the preparation of the Draft State Budget.

The Cabinet of Ministers should pass a law on the State Budget of Ukraine and submit it together with relevant materials – the minutes of the budget consultations with the associations, to the Parliament and the President of Ukraine not later than the 15th of September.

**The Congress of Local and Regional Authorities under the President of Ukraine** was established in 2021.

According to the Provisions on the Congress of Local and Regional Authorities under the President of Ukraine (the President of Ukraine Decree № 89/2021), the Congress is a consultative body, the tasks of which include contributing to the efficient completion of the reform of the local self- government and arrangement of government agencies cooperation, as well as the monitoring of the social and political, social and economic processes, taking place at the regional and local levels.

The Congress represents both central authorities and regional leadership, mayors.

As usual, representatives of the Cabinet of Ministers, the Verkhovna Rada, the Office of the President, security and defense forces participate at the Congress meeting.

The Congress is an important forum for the central authorities to cooperate with territorial communities, which is to help in solving problems of the regions and communities. Amid the war, all these tasks became even more urgent.

For instance, on the Congress meeting in March 2023 were discussed and summed up the key results of the work of national institutions and local authorities during the hardest year

for our state – the year of Russia’s full-scale military invasion in Ukraine, and were determined priority issues for development: security and defense challenges, social protection of citizens, security measures implemented in the de-occupied territories of Ukraine, restoration of institutions in the de-occupied territories, recovery in liberated areas, strengthening the energy capacity of communities, the construction of protected energy infrastructure facilities, restoration of utility networks in de-occupied settlements and strategic issues of state development, in particular anti-corruption activities. The large-scale reconstruction will become a mega-project for many years for the entire vertical of the Ukrainian government and local self-government. A task for public authorities is to approach this process as efficiently, transparently and qualitatively as possible.

Further information can be found at the link:

<https://www.president.gov.ua/en/news/volodimir-zelenskij-uzyvav-uchast-u-zasidanni-kongresu-miscev-81445>

## Public participation

Draft acts of the Cabinet of Ministers of Ukraine which are of significant public importance and define the rights and duties of citizens of Ukraine are subject to public debate in accordance with the procedure defined in the Rules of Procedure the Cabinet of Ministers of Ukraine and the Cabinet of Ministers **Resolution № 996 as for November 3, 2010 “On Ensuring Public Participation in the Formulation and Implementation of Public Policy”** (hereinafter - Resolution № 996).

The Resolution № 996 regulates general procedures for public consultations, policy expertise and the involvement of stakeholders in advisory bodies. The resolution is mandatory for ministries and other state authorities but not compulsory for local self-government. Local self-government can choose to transpose such regulations into their by-laws.

During the law-drafting process, local public authorities must consider relevant expertise especially in three fields: regulatory impact assessment, urban development and environment expertise. For discussions open to the public, local executive bodies are obliged to publish draft acts on their websites. Besides, local public authorities approve annual plans for public consultations, considering proposals from civil society organisations. In case of misconduct by public authorities, citizens can submit complaints to the Ombudsman’s office or the Cabinet of Ministers. Those authorities that fail to comply with the legal provisions and hinder open policy making are subject to administrative liability.

Another document which regulates the procedure of civic expertise of the activities of the executive bodies is the Cabinet of Ministers Resolution No. 976 as of 5 November 2008.

According to **the Law of Ukraine “On Access to the Public Information”** national and local authorities are obliged to publish accurate, exact and complete information and are required to disclose different categories of information, including: accessible information about the structure, mission, functions, budget of the organisation, laws that regulate their work, decision-making process, list of the mechanisms through which citizens can advocate their interests, reports about the sessions and the institutional work, action plans, etc.

In line with the principle of transparency and publicity of the budget process was adopted **the Law of Ukraine “On Open Use of Public Funds”**. According to the Law, national and local authorities must use the e-data website to publish information about the use of public funds.

Both the Ombudsman’s Office and civil society control the implementation of these regulations. If public authorities do not disclose the information required by law, they will initiate an appeal to the higher authority or court.

The Law **“On Citizens’ Appeal”** allows citizens to submit **petitions electronically**. Electronic petition is regarded as a special form of collective citizens’ appeal. Local authorities are legally obliged to provide the means for citizens to participate in public petitions. Access

to the e-petition systems must be free of charge and protected against the automatic completion of forms.

National and local authorities have created e-platforms for citizens' appeals, which boosted citizen participation.

More information is available under the following link:

chrome-extension://efaidnbmnmnibpcajpcglclefindmkaj/https://rm.coe.int/ukraine-handbook-on-transparency-and-citizen-participation-en/16807893c3

The Law "On Local Self-Government in Ukraine" provides the opportunity for citizens to be involved in policy making process at the local level by using different tools, for instance: public hearing, local initiatives, meetings of citizens by place of residence, electronic petitions, participation of citizens in local issues through Body of Self-Organization of the Population.

In 2022, despite the war, legislators continue to develop local democracy and improve legislation for ensure involving citizens to decision-making process and foster social cohesion. **The draft Law № 7283** as for 13 April 2022 «On Amendments to the Law of Ukraine "On Local Self-Government in Ukraine" and other laws and regulations of Ukraine **on people's power at the level of local self-government**» was approved in the first reading. The draft law lists the forms of public participation in decision-making by local self-governments and expands the forms of local democracy that already have been used by local self-government bodies without being regulated by the Law (new tools of local democracy: participatory budgeting, public consultation, civil assessment (expertise) of the activities of local self-government bodies and officials, consultative-advisory bodies).

Another draft Law on improvement of the order of organization, operation and termination Bodies of Self-Organization of the Population (№ 6319, as for 18 November 2021) was approved in first reading in May 2023. **Body of Self-Organization of the Population** is one of the form of involving citizens into decision-making process at the local level. At the same time - representative body, established by citizens of the part of the territory of the community (streets, blockes, and houses).

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

In line with the Constitution of Ukraine, legislative, executive and judicial authorities shall exercise their powers within the limits established by this Constitution and in accordance with the laws of Ukraine.

According to article 7, of the Constitution of Ukraine local self-government shall be recognised and guaranteed in Ukraine.

Government authorities and local self-government and their officials shall be obliged to act only on the grounds, within the powers, and in the manner envisaged by the Constitution and the laws of Ukraine.

Citizens shall have the right to participate in the administration of state affairs, in All-Ukrainian and local referendums, to freely elect and to be elected to the government authorities and local self-government bodies.

Citizens shall enjoy the equal right of access to the civil service and to service in local government.

The Constitution of Ukraine and the Law of Ukraine "On Local Self-Government in Ukraine" provide financial safeguards for local self-governments in implementation delegated powers of state executive authorities. Its assign that certain powers of executive authorities may be assigned by law to local government. The State shall finance in full the exercise of such powers from the State Budget of Ukraine or through the allocation of certain national taxes to a local budget in the manner established by law, and transfer the relevant objects of state property to local government.

Local self-government bodies shall be under the control of the respective state executive authorities in connection with the exercise of powers of executive authorities (delegated powers).

Local self-government bodies shall, within the powers determined by law, adopt decisions binding throughout the respective territory.

In case of non-compliance of decisions of local government with the Constitution or laws of Ukraine, such decisions shall be suspended in the manner established by law with a simultaneous appeal to a court.

The rights of local self-government shall be protected by judicial procedure.

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

#### **A legislation on gaps of administrative supervision of local self-governments**

The decentralization reform in Ukraine provides for drastic changes in the area of public management at the local level as well as at the regional and subregional levels.

Transfer of executive powers to local self-government bodies following the principle of subsidiarity and ensuring sufficient financial resources compatible with the new powers must be followed up with ensuring well-grounded accountability of local self-government bodies to citizens and to the state.

One of the main objectives of the reform defined in the Concept of Reforming Local Self-Government and Territorial Structure of Power in Ukraine are to streamline the system of administrative supervision of local self-governments in line with the European Charter of Local Self-Government and development forms of local democracy (participation democracy).

The most important task is to launch administrative supervision system in line with the fundamental principles: *functional autonomy* (supervision over own competences of local self-government should normally concern only legality, while for delegated competences it can also concern expediency); *proportionality* (intervention to be kept in proportion to the interests which it protects).

Under the terms of the Constitution of Ukraine and other laws state executive authorities are entitled to control exercising powers delegated by the state to local self-government executive bodies.

Nevertheless, there is no state authority responsible to conduct administrative supervision of exercising by local self-government bodies a scope of their own powers determined by the laws.

The most appropriate is to establish the Prefect as a special state institution in charge of administrative supervision. For its implementation amendments to the Constitution of Ukraine must be adopted, what is impossible in condition of the martial law.

According to the Constitution of Ukraine local state administrations (both oblast and raion) are responsible to ensure of legality and legal order; the observance of rights and freedoms of citizens. At the same time, local state administrations have the role of executive of raion and oblast councils.

To solve legislative gap the draft law "On Amendments to the Law of Ukraine "On Local State Administrations" and Other Legislative Acts of Ukraine on Reforming Territorial Organisation of Executive Power in Ukraine" (№ 4298, hereinafter – the draft law) was prepared.

The main purpose of the draft law is to create a legal framework for the functioning of a prefecture-type local state administration before introducing amendments in respect of the decentralisation of power to the Constitution of Ukraine and to update the legislation on local state administrations in line with current challenges and recent reforms, including the recent consolidation of raions.

The draft law enshrines in general the following provisions:

- 1) the activities of local state administrations should be based on the principles of: rule of law, legality, transparency, unity of state policy, continuity and continuity, subsidiarity, decentralization, controllability, efficiency, and sustainable development;
- 2) The powers and tasks of local state administrations are clearly divided into three key areas:
  - coordination of territorial bodies (subdivisions) of central executive bodies;
  - ensuring legality in the activities of local self-government bodies;
  - fulfillment of certain powers of oblast and raion councils (until the relevant amendments to the Constitution of Ukraine).
- 3) a multilevel system is created to ensure legality in the activities of local self-government bodies.

The draft law was approved by the Parliament of Ukraine in the first reading.

### **Governance at the sub-regional level**

For domestic stakeholders the most discussed policy issues have been the future role of sub-regional tier of governance, which composed by raion councils and raion state administrations.

What must be the scope of raion councils' competences? Because after the first phase of the Decentralization Reform in Ukraine most powers and resources were transferred to territorial communities according to the principle of subsidiarity.

If they are to remain as a tier of elected self-government? Is it enough to remain raion state administration for the implementation of state policy at sub-regional tier of administrative structure of Ukraine and ensure coordination and communication between communities and local state authorities?

This discussion will be relaunched in context of constitutional process after the termination of the martial law.

### **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?**

2020 - was a deadline year to finish administrative-territorial reform and formation local authorities on a new territorial basis because according to the Ukrainian legislation next regular local elections should held in October 2020.

The process of forming a new model of the territories of the communities and raions necessarily includes consultations with stakeholders, representatives of regions and communities, associations of local self-government bodies and other stakeholders.



A global outbreak of coronavirus declared at the beginning of 2020. Public authorities, responsible for implementation of the administrative-territorial reform had to arrange deliberation activities in condition of pandemic restriction.

Digitization development in Ukraine, launching remote work and using online tools had made possible uninterrupted work of the ministries, local state administration and local self-government.

## **Digitization**

In 2019, the President of Ukraine announced the nationwide initiative "State in a Smartphone". The newly appointed Minister of Digital Transformation presented a plan for implementing the initiative. It was supposed to digitize all state services in three years, introducing the smart ID and reducing communication with the state to a button in a smartphone. The pandemic crisis has accelerated this process.

The implementation of the Digitization Reform is carried out by different ministries, local state administration and local self-government under the overall leadership of the Ministry of Digital Transformation. It is an example of a productive collaboration and synergy in achieving joint goals of making the lives of Ukrainians more innovative, business processes more accessible and e-services more efficient and productive.

The development of "Diia", the national program and the online platform, preceded the concept of the digital state as a national brand. "Diia" is based on the modern idea of simple, clear and fast interaction between individuals and government. It is a web portal, a mobile application, and the brand of e-governance in Ukraine. The Ministry initially launched the Diia Portal on 6 February 2020.

The launch of the digital state platform "Diia" brought together all agencies into one effective tool so that everyone could receive digital services quickly, and clearly, providing public services in a straightforward and clear manner, where everyone can get a service when and where they need it. As of May 2020, three months after launch, the "Diia" portal had already more than 2.3 million users, in August 2021, the number of active users exceeded 6 million (as of 17.08.2021), in November 2021 - 9,5 million active users. As of December 2022, almost 18,5 million Ukrainians have updated the Diia application. There are more than 21,7 million users of the "Diia" portal by now — over 70 government services are available online. Mobile application "Diia" allows Ukrainians to access 14 digital documents (ID card, foreign biometric passport, student card, driver's license, vehicle registration certificate, vehicle insurance policy, tax number, birth certificate, IDP certificate) and 21 services in total.

The development of citizens' digital skills is one of the strategic priorities of the Ministry of Digital Transformation in Ukraine, as mastering digital skills is a basic vital necessity of every person, especially in the context of the extremely rapid digital changes of today caused by the coronavirus pandemic and challenges caused by the Russia's unprovoked full-scale military invasion of Ukraine.

The initial goal of the Ministry of Digital transformation was to educate 6 million people in digital literacy. The results show that there has been a steady improvement in basic digital competencies:

- The number of those with no skills decreased by 4%, and those with basic skills increased by 4% (that translates to nearly 2 million citizens).

- The share of citizens without access to the Internet at home due to a lack of skills fell by 17%

- **26.9% reported that their digital skills had improved since the start of the Covid19 pandemic.**

- During the 2021 pandemic confinement, 51.9% of the population tried new digital opportunities (e.g., online shopping, distant education, remote work, etc.).

For further information about DIGITAL SKILLS DEVELOPMENT UKRAINE. GOOD PRACTICE CASE STUDY:

chrome-extension://efaidnbmnnnibpcajpcgclefindmkaj/https://www.itu.int/en/ITU-D/Regional-Presence/Europe/Documents/Publications/2021/Digital%20Skills%20Development%20%E2%80%93%20Ukraine%20%E2%80%93%20Good%20practice%20case%20study.pdf

Thereby, the Covid-19 pandemic crisis has accelerated digitization development of different area of life – launching online public services, optimization of working methods in public and business entities, improvement of digital competencies, making deliberative democracy available in condition of the coronavirus pandemic restriction and Russia's war of aggression against Ukraine.

### **Russia's war of aggression against Ukraine**

On February 24, 2022, the Russian Federation launched a large-scale armed aggression against Ukraine, killing Ukrainian citizens and destroying towns and villages as a result of offensive hostilities, including missile, artillery and air strikes. In order to repel the aggressor and protect the sovereignty and territorial integrity of the state, martial law was imposed in Ukraine by the Decree of the President of Ukraine № 64/2022 as of 24 February 2022.

The main legal act that regulates legal relations regarding the imposition of martial law in Ukraine is the Law "On the Legal Regime of Martial Law" (hereinafter – the Law). This Law determines, in particular, the legal basis of activity of public authorities and local self-governments, enterprises, institutions and organizations, guarantees of human and civil rights and freedoms and the rights and legitimate interests of legal entities during martial law.

One of the priority measures that may take place during martial law in Ukraine or in some of its territories is the formation of temporary state bodies – military administrations at the regional and sub-regional levels. By the Decree of the President of Ukraine № 68/2022 as of 24 February 2022, the relevant military administrations were established on the basis of oblast, raions and Kyiv city state administrations. According to the Law military administrations have special powers and subordination.

In accordance with the Law, the General Staff of the Armed Forces of Ukraine shall direct, coordinate and control the activities of regional military administrations on defense, public safety and order, and implement measures of martial law. The Cabinet of Ministers of Ukraine shall direct, coordinate and control the regional military administrations regarding other issues.

Oblast and raion military administrations are responsible for exercising the powers of the relevant local state administrations.

If village, settlement or city council or/and its executive bodies or/and the village, settlement or city mayor don't exercise their powers defined by laws, the President of Ukraine can establish a village, settlement or city military administration (military administration of communities).

In addition, in cases when the administrative center of oblast is occupied or under military blockade, or the Verkhovna Rada of Ukraine adopted a special resolution the military administrations get the power to exercise competences of the relevant local self-government.

Ukraine is in the unique situation in Europe today to have to complete a successful process of decentralisation and territorial consolidation under the severe circumstances of external aggression by the Russian Federation. It is generally recognised that decentralisation reform

was crucial for increasing the self-organisation capacity and resilience of local authorities, which were apparent during the long year of invasion.

Under these difficult circumstances, the Parliament and the Government of Ukraine initiated a High-Level Dialogue "Good Democratic Governance in Ukraine: achievements, challenges and the way forward in post-war period" with the Council of Europe's moderation in order to continue to enhance the quality of governance in the country. Among the goals are the fine-tuning of existing public institutions and the finalisation of reforms in the area of local self-government and public administration transition from military administrations under martial law to civil administrations.

When the martial law ends, the existing legal provisions specify a period of 30 days in which the civilian authorities (local self-government) shall be restored or new election must be conducted.

Issues related to the temporary military administration and the transition to civilian administration at local level is opened for discussion: criteria for introducing and terminating military administrations, sequencing of actions, adjustments to the temporary structures in place.

Russia's war of aggression against Ukraine, regular Russia's deliberately attacks residential areas provoked large internal and external migration of citizens from their normal place of residence. Nearly 8 million people were displaced across the world, more than 5 million people displaced within Ukraine.

This is why another task for the Ukrainian authorities for the post-war period is to ensure the right and opportunity of displaced persons to vote in post-war elections. The alternative ways of voting to ensure the right of displaced persons to vote be discussed are increasing a number of foreign election precincts, launching e-voting or postal voting.

## **Recovery and reconstruction of Ukraine**

Guiding principles for Ukraine's recovery process ("Lugano Principles") are: partnership, reform focus, transparency, accountability and rule of law, democratic participation, multi-stakeholder engagement, gender equality and inclusion, sustainability.

For implementation these principles Ministry for Communities, Territories and Infrastructure Development of Ukraine (Ministry for Restoration) forms and implements state policy for development legislation on good democratic governance, ensure transparency and digitalization of the recovery process, people-centered reconstruction and sustainable development of regions and communities. The first priority of efforts is to deliver recovery projects effectively and efficiently, with the participation of local communities in identifying their most pressing needs. For these purposes has been launched:

### **Digital Restoration Ecosystem for Accountable Management (hereinafter –DREAM)**

– is a state digital ecosystem that provides a single digital pipeline for all reconstruction projects. Communities can create projects, present them to international partners to attract financial resources and manage the construction process. Ecosystem implements the highest integrity, accountability, efficiency, and transparency standards in Ukraine's recovery to build trust between the government, citizens, businesses, and financial institutions.

DREAM allows anyone, anywhere, to monitor project performance and efficiency and use this information to mitigate risks, create accurate reporting, and improve the quality of projects overall.

The DREAM ecosystem brings together information from government portals, local communities and key statistical dataset into one single project pipeline to give everyone a complete picture of needs and progress, empowering government, donors and citizens to

collaborate more effectively and prioritize on the basis of socio-economic impact. This end-to-end, inclusive, democratic approach to reconstruction is the first of its kind and builds on world-leading methodologies, processes and open data management to enable accurate and timely planning, implementation and monitoring to provide donors, civil society, government, communities and businesses with all the information they need.

Ukraine's successful and effective reconstruction depends on the engagement level of every citizen. The eDem module in the DREAM system will be designed to guarantee a transparent, efficient, and democratic reconstruction process. This will ensure active participation of the public in the reconstruction of our country, mitigate the risks of non-targeted use of funds, and increase the level of confidence in reconstruction.

The eDem module is one of the key components of the DREAM system, which was initiated by the Innovation Development Center with the assistance of the Coalition of Civil Society Organizations RISE Ukraine together with the developers of the DREAM system – Open Contracting Partnership, with effective interaction with international partners and authorities, in particular with the support of the Ministry of Reconstruction of Ukraine.

Following the link for more information about DREAM ecosystem: <https://dream.gov.ua/>

**Register of damaged and destroyed property** – a single database that will contain information about all residential, transport and social infrastructure that was damaged as a result of the military aggression of the Russian Federation.

The register will be used to provide citizens with compensation for damaged housing, as well as to plan and manage the reconstruction process.

Special commissions created by local self-government bodies and military administrations will enter the results of the damage inspection into the register. The commissions will verify the data already entered by citizens, in particular through the Diia application.

The task of the Register is to form a single official source of destruction data. In the future, these data will be used to substantiate the reparations that Ukraine will demand from the Russian Federation.

**Geoinformation system of monitoring and evaluation of the development of regions and territorial communities (the GIS)** has been launched to monitor situation in communities, data-based business support tools. The procedure of establishment and functioning of GIS is regulated by the Cabinet of Ministers Resolution № 522 as of 23 May 2023.

The GIS is one of the key digital tool implemented by the Ministry for Restoration for successful implementation reconstruction and sustainable development of territorial communities on the road to EU membership.

The GIS will consist of mapping municipality information collection, reconstruction planning, and national, regional and local assessment.

The interactive map will show the extent and location of destroyed property, municipalities with limited access to medical or educational services, and changes in the number of people in various oblasts during the war.

The comprehensive GIS will enable government authorities to visualize, monitor and provide basic analysis related to recovery sequencing and prioritization to bring the greatest benefit to Ukraine's communities. The GIS lets public authorities of all levels to provide state and local policies, decision-making process, implement and monitor regional and local plans for restoration based on relevant data. The GIS will help to administrate implementation of the State Strategy for Regional Development as well as regional and local plans for restoration.

The work of GIS is based on European practices of collecting indicators of socio-economic development for the formation of regional policy. The updated indicators of the system will be harmonized with the indicators of the systems of European countries, which will allow Ukraine to get access to the best EU funding policies and programs.

### **All-Ukrainian participatory budgeting**

The All-Ukrainian participatory budgeting is one more initiative of the Ministry for Restoration and the Budget Committee of the Verkhovna Rada Ukraine aimed to improve the quality of public decision-making through the mechanisms of participatory democracy.

This initiative became possible after adopting by the Verkhovna Rada of Ukraine the Law № 3166-IX as for 29 June 2023.

The Law gives Ukrainians the opportunity to choose and vote for development projects of their regions, which will be financed from the State Fund for Regional Development.

The Law preserves the principles of competition, that is, the best of the best projects will be selected. At the final stage, voting will be held among community residents through "Diia" platform. Based on the results of the open survey, lists of the winning projects will be formed, and the Ministry for Restoration submits relevant proposals to the Government for the distribution of the State Fund for Regional Development.

### **ADDITIONAL INFORMATION:**

#### **Arrangements for international municipal partnership**

##### **International "horizontal" municipal partnership**

The war of the Russian federation against Ukraine has led to the catastrophic destruction of social, critical energy and industrial infrastructure, schools, kindergartens, hospitals, sports facilities, cultural heritage sites, residential buildings, caused enormous human losses, irreparable damage to the environment and the ecological situation in Ukraine and Europe as a whole, provoked large internal and external migration of citizens from their normal place of residence.

The Ministry and All-Ukrainian association of the local self-government bodies in support of the Council of Europe Program have promoted the establishment and development of partnership relations (peer-to-peer) between Ukrainian communities and municipalities of the countries of the world aimed to support in the hardest time.

From the first days of Russia's unprovoked full-scale military invasion of Ukraine Ukrainian communities have received direct support from foreign partners as a humanitarian aid, hosting displaced women and children, sending communal transport, power generators, another equipment for providing public services in urgent circumstance.

In November 2022, the Ministry for Communities and Territories of Ukraine in partnership with the Council of Europe Program "Enhancing Decentralization and Public Administration Reform in Ukraine" developed the "Methodical recommendations on international municipal partnership" guide, based on the Council of Europe methodology of City to City Cooperation.

The "Partnership for Recovery and Development" is online-section of the National Portal "Decentralization" contains practical recommendations for municipalities how to choose international partners and establish cooperation with them, how to organize the work of the relevant specialist or division of local self-government, as well as information on financing international cooperation, accounting and reporting, registration of departure of delegations, examples of successful practices and much other useful information.

More information about this initiative is following the link: <https://decentralization.gov.ua/en/twincities> .

The international inter-municipal partnership has reached unprecedented proportions. More than 350 municipalities of Ukraine have concluded 1,500 partnership agreements. Almost 60 countries are helping Ukrainian communities to survive and recover from deadly enemy attacks.

International “horizontal” municipal partnership has become one of the fastest and most efficient tool for solving urgent issues in crisis time, support de-occupied communities in the process of restoration, reconstruction from the consequences of the war.

### **The International Summit of Cities and Regions**

The International Summit of Cities and Regions conducted in Kyiv in April 2023 and included a discussion of reintegrating Ukrainian territories, overcoming humanitarian challenges and restoring municipal life with the participation of international governmental and non-governmental organisations, in partnership of regional authorities and local self-government of other countries. The event participants focused on sustainable local and regional development based on the build-back-better principle, which will ensure the promotion of the creation of green, safe, energy-efficient, barrier-free, inclusive, prosperous, comfortable cities, towns and villages in the process of reconstruction.

At the Summit, representatives of the local self-government of Ukraine and about 30 other countries, as well as the highest officials of Ukraine, witnessed by high-ranking officials of the Congress of Local and Regional Authorities of the Council of Europe, the European Committee of the Regions, declared their readiness to join efforts to help in building a peaceful, democratic and prosperous future, to contribute to the establishment of a comprehensive, just and sustainable peace in Ukraine to ensure international security and stability of the entire world.

Declaration of the International Summit of Cities and Regions is here: <https://decentralization.gov.ua/en/news/16443?page=2>

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<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.

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