DIVISION OF POWERS BETWEEN THE EUROPEAN UNION, THE MEMBER STATES AND REGIONAL AND LOCAL AUTHORITIES
Division of Powers between the European Union, the Member States and Regional and Local Authorities
The study was written by
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It does not represent the official views of the Committee of the Regions.


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Member States of the EU
1. Austria

Article 2 of the Austrian Federal Constitution (Constitution) defines Austria as a federal state. Austria has a bicameral system composed of the Nationalrat and the Bundesrat. Both chambers can initiate legislation. The Nationalrat is elected by universal suffrage and has a proportional system. The Bundesrat is composed of representatives of the different Länder. The representatives of a Land in the Bundesrat are elected according to proportional representation by the Landtage (the legislation at the regional level).

Austria has 9 Länder, 84 Bezirke (districts), 15 Statutarstädte (which operate at local level and district level), and 2357 Gemeinden (local level). Due to structural reforms in one of the Austrian Länder (Styria), the numbers of Bezirke and municipalities will be changed.

Article 15 of the Constitution establishes the principle of general competence for the Länder. The powers of the Länder are symmetrical. The federal competences are listed in Article 10 (federal legislation and federal administration), Article 11 (federal legislation but administration by the Länder) and Article 12 (federation passes framework laws and the Länder are responsible for implementing legislation and administration) of the Constitution. Articles 115 to 120 set out the fundamental principles of the municipalities.

The latest constitutional reforms in Austria took place in 2011. It removed the line in Article 60 that prevented members of the Habsburg family from becoming candidates in elections. The Constitution was also amended in 2010 in the area of accounting and financial management control; now it permits the courts to examine communities of 10,000 instead of the original 20,000 inhabitants.

The most important source of income for municipalities is taxes (52%). Of this, about 19% are municipal taxes (about 2.4 billion euros in total). This includes the municipal business tax (about 60% of the municipal tax revenue) and the real estate tax (about 16% of the municipal tax revenue). In addition to the municipal taxes, the shared taxes provide for about 63% of the taxes which is about 4.2 billion euros. It includes for instance VAT, wage tax, corporation tax and the petrol tax.

Municipalities receive 16% of their revenue from grants which include general grants (Finanzzuweisungen), the grant for municipalities in financial need (Bedarfszuweisungen) and other earmarked grants.¹

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Federal Level

Article 10 of the Austrian Federal Constitution lists the exclusive legislative powers of the federation: foreign policy, finances, trade policy, public safety, transport, labour law, etc. The federation retains the sole legislative power and administrative authority on these areas.

Article 11 of the Constitution: legislation at federal level – administration at Land level (e.g. road traffic, citizenship, environmental impact assessments)

Article 12 of the Constitution lists the federal level’s legislative powers (framework laws) which each Land is empowered to implement via implementing laws (services for the needy, young people, the public at large; land reform).

The overwhelming majority of legislative acts are carried out at federal level.

Regional Level – Länder

Article 11 of the Constitution: the Länder are responsible for the administration of certain federal laws.

Article 12 of the Constitution: adoption and enforcement of implementing laws for federal framework laws.

Article 15 of the Constitution: general clauses: the Land is responsible for any area of legislation or administration which is not specifically within the purview of the federal level, e.g. spatial planning, environmental protection, planning law, transport.

Indirect federal administration: federal laws are implemented by the governor and the authorities subordinate to him. The governor acts as an officer of the federal government and is bound by the instructions of the federal government or minister.
Intermediate Level

Districts have no competences vested in them. They mainly serve as administrative units.

Local Level

Own powers: general clause. The local authorities have general responsibility for issues which are exclusively or predominantly local. Their main tasks are:

- The appointment of local officers and public servants;
- Local police;
- Local traffic management;
- Supervision of local planning regulations;
- Local health regulations;
- Local spatial planning;
- Measures to promote and support community activity: theatre, social services;
- Regulations on public events.

Devolved powers: the local authorities carry out the duties delegated to them by the federations and the Land. The local authority implements state administrative tasks. The mayor is responsible for their administration to the federal authorities or the Land.

1.1 Systems of multilevel governance

Representation: The Länder have direct representation in the institutions at federal level through the Bundesrat.

The Gemeindebund represents the municipalities (Austrian Associations of Municipalities) and the Städtebund (Austrian Association of Cities and Towns) represents the Austrian cities (Article 115(3) Austrian Federal Constitution).

Information: The Länder, the Gemeindebund and the Städtebund will be informed of government proposals. The Länder will also inform the Gemeindebund and the Städtebund of their legislative proposals. Regarding EU issues, Article 23d of the Constitution specifies that the Länder will be informed without delay on EU matters which directly affect their autonomous competences. The article also states that the same applies to the municipalities and the cities.
In such a situation the Gemeindebund and the Städtebund are to be informed as the representatives of the municipalities and the cities.

**Consultation:** The government sends out any draft laws which can be scrutinised by the Gemeindebund and the Städtebund for a period of four weeks. They are then invited to submit their views on the legislative proposal. Yet both institutions will only activate the mechanism for consultation if certain points are met (for example financial implications). In that case the association will enter into negotiations with the government. Regarding the EU, Article 23d of the Constitution also lays down a procedure for the consultation. According to this, the municipalities are not only informed but also given the opportunity to express their position.\(^2\)

**Coordination:** The Länder have a direct influence on the legislation through the Bundesrat. Additionally, there are negotiations between the government and the Gemeindebund and the Städtebund on draft legislation. Furthermore, the Austrian Permanent Representation has a Department for the Länder, the Städtebund and the Gemeindebund which is staffed with a civil servant from the Länder and deals with files that fall within the competence of the Länder.

### 1.2 Relations with the EU/Representation at EU level

The Länder have nine **representatives at the CoR.** The Gemeindebund and the Städtebund have a total of three representatives at the CoR (Article 23c(4) of the Constitution) and act on the basis of a rotation principle (actual Städtebund 2 Members and Gemeindebund 1 Member).

Regarding international matters, the federal government has exclusive competences. However, when it comes to EU matters that affect the competences of the Länder, the Länder may also become involved. **Article 23d(3) of the Constitution makes it possible for Länder to represent Austria** if it is a matter that is Länder business and if the Federal government decides to assign such tasks to the representative proposed by the Länder.

Eight out of nine Länder have **liaison offices established in Brussels.** Vienna and the Burgenland share one office. Only Vorarlberg does not have a representation office in Brussels.

The Gemeindebund represents the municipalities at European and international level. (Article 115(3) of the Austrian Constitution). The Städtebund represents the Austrian cities at European level. (Article 115(3) of the Austrian

Constitution). The Gemeindebund and the Städtebund are participants in the CEMR and UCLG.

1.3 Subsidiarity

The Austrian Parliament has extensive rights on the provision of information relating to EU issues. According to Article 23e (1) of the Constitution, the government will have to inform both the Nationalrat and the Bundesrat about every EU legislative proposal and give them a subsidiarity analysis. The right to information is laid down in a specific “EU information act” (EU-InfoG) which came into force on 1 January 2012.

Every year the government will discuss the list of planned initiatives of the European Commission and its annual working plan with the Parliament.

The Nationalrat has a specialised subcommittee which reflects the scrutiny procedure. Nevertheless, there are no special procedures in the Nationalrat or in the Bundesrat that deal with the subsidiarity scrutiny and both chambers take decisions on subsidiarity matters in a normal fashion.

The Bundesrat will forward the EU proposal to all its members and to the parliaments of the Länder.

The subsidiarity scrutiny by the Länder differs throughout the country. Whereas some regional parliaments have their own tests, others rely on the provided contributions and analysis.

---

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University Institute, under the supervision of Professors Michael Keating and
1.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Federal Level

State authorities are responsible for:

- Legislation and administration in all fields of transport (Art. 10(9) Constitution);
- Legislative competence in matters of rail, air and water transport;
- General matters of street transport (“Kraftfahrtwesen”);
- Federal highways (“Bundesstraßen-Übertragungsgesetz”);
- Planning and construction of major transport infrastructure under federal responsibility, policy guidelines set by the federal level (Art. 10(9) Constitution);
- Planning and construction of railway infrastructure is attributed to the federal level. (Art. 10(9) Constitution);
- Planning, construction, maintenance and management of highways (Autobahnen und Schnellstraßen) is attributed to the joint stock company "ASFINAG" which is 100% owned by the Austrian State;
- Construction and maintenance of railway infrastructure is attributed to the joint stock company “ÖBB-Infrastruktur AG” which is 100% owned by the Austrian state.

Regional Level – Länder

Regional authorities are responsible for:

- Since the Länder are affected by transit traffic very differently, some of them have successfully tried to gain significant influence via informal channels to influence federal transport policy;
- Administration of federal (‘Bundesstraße B’) and regional roads (‘Landesstraßen L’).
Local Level

Local authorities are responsible for:

- Local roads;
- Local transport;
- Bicycle lanes;
- Pavements for pedestrians.

Sources
Die Aufgaben der Abteilung Verkehrsplanung
Positionsbestimmung und Verantwortungsbereiche
b. Employment policy

Federal Level

State authorities are responsible for:

- General legislation and administration with the exception of employment policies relating to employees in agriculture and forestry. Concerning the latter, the federal level only passes framework laws;
- Unemployment insurance;
- Arbeitsmarktservice (Federal Office of the Labour Market Service) is responsible for major functions related to the labour market.

Regional Level – Länder

Regional authorities are responsible for:

- Playing a central role in the translation of national goals into operational programmes by developing a "work programme" that highlights the organisational resources for the administration of national policy;
- Cooperation with the national level and social partners.

Local Level

Local authorities are responsible for:

- Local employment initiatives.

Sources
Austrian Constitution
Federal Ministry of Labour, Social Affairs and Consumer Protection
c. **Social policy**

**Federal Level**

State authorities are responsible for:

- **Family policy:**
  - Legislation and administration;
  - Family allowances;

- **Social Housing:**
  - Legislation.

**Regional Level – Länder**

Regional authorities are responsible for:

- **Social assistance:**
  - Implementing laws on social assistance as well as administration of social assistance

- **Family policy:**
  - Administration of federal legislation;
  - **Youth protection.**

**Local Level**

Local authorities are responsible for:

- **Social assistance:**
  - Basic social welfare services;

- **Family policy:**
  - **Childcare.**

**Sources**
The Administration of the UN Disability Rights Convention in Austria
Rettungsdienst in Österreich
d. **Education policy**

**Federal level** State authorities are responsible for:

- Setting the legislative framework for general training;
- General principles, system levels and curricula regulated in the law on schools (“Schulgesetzwerk”);
- General Training Policy administration with respect to the organisation of the school system, the internal organisation of the educational system;
- Large sector of policy administration by own organs (“unmittelbare Bundesverwaltung”);
- Universities owned by the state, school system regulated on federal level;
- Legislation on the status of teachers in public schools;
- Performing supervisory tasks.

**Regional level – Länder**

Regional authorities are responsible for:

- Administration of the general training policy within the framework set by the federal level;

**Local level**

Local authorities are responsible for:

- Cooperation with the Länder in running the facilities of primary and secondary modern schools.

**Sources**

Bundesministerium für Unterricht, Kunst und Kultur
Language and language education policies in Austria: Present situation & topical issues (Chapter 2)
e. Vocational training policy

Federal Level

State authorities are responsible for:

- Overall competence (Art. 14(1) Constitution) with the exception of vocational school for agriculture and forestry where the federal level has competencies only on framework legislation (Art. 14a (4a) Constitution);
- 50% funding for teaching staff in vocational training schools;
- Framework curricula for apprenticeships laid down by the Federal Ministry for Education, Arts and Culture.

Regional Level – Länder

Regional authorities are responsible for:

- Implementing laws on and administration of the construction and maintenance of vocational training schools (Art. 14(3b) Constitution);
- Detailed curricula for apprenticeships;
- Appointment of teaching personnel (Art. 14(2) Constitution);
- “Lehrlingsstellen” established by the regional chamber of commerce supervise the aptitude of teachers and educational institutions, offer advice to apprentices and carry out the examinations.

Local level

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Sources

Federal Ministry for Education, Arts and Culture – Information on apprenticeships,
Berufsausbildungsgesetz
f. Youth and Sport policy

Federal Level

State authorities are responsible for:

- Limited competencies of the federal level in youth policy by providing a legal framework and general policy guidelines in certain areas of youth policy;
- Financial support for youth organisations, youth projects, etc.;
- Youth research;
- Youth protection.

Regional Level – Länder

Regional authorities are responsible for:

- Youth policy falls under Länder responsibility, focus on providing support for and cooperating with free associations (“freie Träger”);
- Staff training for those involved in youth work;
- Youth protection.

Local level

Local authorities are responsible for:

- Participation in the administration of youth policy projects and programmes.

Sources
Austrian Constitution
g. Culture policy

Federal Level

State authorities are responsible for:

- Legislative and executive competence for culture policy (Art. 10(13) Constitution);
- Maintenance and administration of cultural heritage (including e.g. libraries, historical monuments) (Art. 10(13) Constitution);
- Federal museums and national library (Art. 10(13) Constitution);
- Legislative framework for public libraries (Art. 10(13) Constitution);
- International cultural cooperation, external cultural policy and EU culture policy activities (Art. 10 (2) Constitution);
- Providing financial support for cultural activities of the Länder and local authorities;
- Setting up arts competitions, providing awards and scholarships.

Regional Level – Länder

Regional authorities are responsible for:

- Providing support for cultural activities;
- Promotion of cultural activities;
- Promoting the maintenance of old municipal and town centres;
- Annual report on cultural sponsorship, further cultural publications;
- Contemporary art promotion;
- Annual festivals in the Länder;
- Music schools, theatres, cinemas;
- Heritage, tradition and folk art;
- Providing for funding of the various cultural activities.

Local level

Local authorities are responsible for:

- Providing subsidies for cultural activities within their competency for regulating local affairs;
- Local authorities act as financier of cultural institutions (museums, libraries, orchestras);
- Local festivals;
- Preservation of the local towns and their appearance.
Sources
Country Profile – Austria
h. Public health policy

Federal Level

State authorities are responsible for:

- Legislative and executive responsibility for public health except death care, rescue services and the local health service (“Gemeindesanitätsdienst”) (Art. 10(12) Constitution);
- Legislative and executive responsibility for animal health, food as well as the control of seeds, feed, etc. (Art. 10(12) Constitution);
- Legislative responsibility for framework laws concerning hospitals and other health care providers (Art. 12(1) Constitution).

Regional Level – Länder

Regional authorities are responsible for:

- Wide regionalisation with respect to the hospital system;
- Implementing laws on hospitals and other health care providers (Art. 12(1) Constitution);
- Länder and free private associations (“freie Träger”) run hospitals, Länder are the most important level for running the hospitals (Art. 12(1) Constitution);
- Länder have an important share in financing hospitals (about half the hospitals are financed by Länderfonds).

Local level

Local authorities are responsible for:

- Local health services (“Gemeindesanitätsdienst”): ensuring the availability of medical services;
- Local authorities run local hospitals (“Krankenhaus-träger”).

Sources
Bundesgesetz über Krankenanstalten und Kuranstalten (KAKuG)
Unser Gesundheitswesen im Überblick
i. Trans-European network policy

Federal Level

State authorities are responsible for:

- Legislative competence in all fields of transportation;
- Legislation in all fields of transport;
- Responsibility of the Federal Ministry for Traffic, Innovation and Technology.

Regional Level – Länder

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Local level

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j. Economic, Social and Territorial Cohesion policy

Federal Level

State authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Sectoral competencies related to regional economic development, e.g. trade and industry law (“Gewerberecht”), transport legislation, legislation on water and forests (Art. 10(8,9,10) *Constitution*);
- ERDF coordination overseen by the Federal Chancellery.

*Spatial planning*

- Federal level does not have competency for comprehensive planning, no specific ministry;
- Sectoral planning with spatial implications in various ministries;
- Coordinating function of the Federal Chancellery.

*European Social Fund (ESF)*

- Legislation and administration (Art. 10(11) *Constitution*) with the exception of employment policies relating to the employees in agriculture and forestry (Art. 12(1,6) *Constitution*). Concerning the latter, the federal level only passes framework laws;
- Public Employment Service Austria (AMS);
- ESF Coordination overseen by the Federal Ministry of Labour, Social Affairs and Consumer Protection.

Regional Level – Länder

Regional authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Setting of regional political priorities, developing programmes and implementing regional policy;
- Regional economic and infrastructure planning in cooperation with the federal level, administration of programmes to support regional development is limited by the availability of financial means.
Spatial planning

- Setting of legal framework for spatial planning;
- Administration of spatial planning programmes.

European Social Fund (ESF)

- Regionalised structure of labour market services;
- Administration of measures to support the local labour market.

Local level

Local authorities are responsible for:

European Regional Development Fund (ERDF)

- Participation in the administration of regional and structural policy, local administration of regional and structural policy regulated in the federal constitution;
- Programmes to support the local economy.

Spatial planning

- Local spatial planning;
- Local land use plans (“Flächenwidmungsplan”)
- In some Länder, local authorities have set up local development schemes (“Räumliches Entwicklungskonzept”), which set guidelines for the future development of the municipal territory;
- Building regulation plan (“Bebauungsplan”);
- Local spatial planning is one of the autonomous tasks of the municipalities under general state supervision (approval of spatial planning, verification on the conformity with spatial planning laws at the regional and national level).

European Social Fund (ESF)

- Constitutional competencies of the local level in labour market policy are very limited;
- Administration of measures to support the local labour market by making use of local economic support policy.
k. Environment and the fight against climate change policy

Federal Level

State authorities are responsible for:

- Within the realm of health policy, the federal level has legislative and executive competences on air pollution, waste (especially dangerous waste) and other types of pollution caused by the exceeding of pollution limits (Art. 10(12) Constitution) as well as environmental impact assessments for large scale infrastructure projects (Art. 10(9) Constitution);
- Legislative competence for environmental impact assessments for projects that are potentially harmful for the environment. (Art. 11(7) Constitution);
- Where uniform standards are necessary, the federal level has the legislative competence to set emission limits for air pollution (Art. 11(5) Constitution);
- Provides for financial support to the Länder for the creation of natural parks;
- Since 2005 the federal level has been competent for animal protection legislation;
- Issues waste management plans

Regional Level – Länder

Regional authorities are responsible for:

- General competence for the protection of the environment and the landscape. Each Land has its own law on nature conservation (“Naturschutzgesetz”). (Art. 15 Constitution);
- Protection of nature and landscapes;
- Establishing and maintaining the national parks;
- Administration of federal law (e.g. on animal welfare legislation);
- Issuing waste management plans at regional level. These plans have to be presented to the Federal Minister of Environment before it becomes integrated into the national plan.

Local level

Local authorities are responsible for:

- Local spatial planning;
- Water supply;
- Sewerage;
• Waste disposal;
• Local energy efficiency plans.

Sources
Comparing Regions, Cities and Communities: Local Government Benchmarking in Austria as an Instrument for improving Performance and Competitiveness
Environment Agency Austria
Kommunale Sommergespräche 2007
1. **Energy policy**

**Federal Level**

State authorities are responsible for:

- Legislative and administrative competence to set norms and lay down classifications for electric facilities as well as taking security measures in this field. (Art. 12 (10) Constitution);
- Legislative and administrative competence to ensure the security of energy supplies;
- Legislative and administrative competence for the control of fissile material and technology for the production of the same;
- Competence to set minimum standards for the energy efficiency of electronic equipment as well as to label electronic equipment according to its energy efficiency as well as the organisation of the energy efficiency;
- Framework legislation for the production, transition, distribution and provision of electricity industry;
- Price setting for the usage of power grids;
- Support of energy from renewable sources.

**Regional Level – Länder**

Regional authorities are responsible for:

- Provincial energy plans;
- Administration of renewable energy policies;
- Energy taxes;
- Financial grants to promote the development of renewable energy technologies.

**Local level**

Local authorities are responsible for:

- Local energy plans;
- Administration of the ‘e5 programme’ – a programme which provides support for the municipalities to achieve energy efficiency and improve climate protection;
- Providing energy efficiency information.
Sources
Energielenkungsgesetz
Erdöl-Bevorratungs- und Meldegesetz
e5 Österreich – Programm für energieeffiziente Gemeinden
Ökostromgesetz
Renewable Energy Policy Review
SicherheitskontrollgesetzElektrotechnikgesetz
1.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Federal Level

The Federal Ministry of Agriculture, Forestry, Environment and Water Management is responsible for the European orientation.

Regional Level – Länder

Regional authorities are responsible for:

- Administration of national policies by the departments of the Länder;
- Support measures and funding for agricultural and forestry enterprises;
- Improvement of the entire infrastructure in rural areas;

Local level

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Sources
Austria – Agriculture
Austrian Constitution
b. Fisheries policy

Federal level

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Regional level – Länder

Regional authorities are responsible for:

- In accordance with Article 15 Constitution, fishing (professional and sport fishing) is covered at the regional level in terms of legislation;
- Issuing of fishing licences.

Local level

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c. Immigration and asylum policy

Federal Level

State authorities are responsible for:

- Legislative and administrative competence including border control, asylum and expulsion;
- Merger of the competences to a new federal office from 2014 onward.

Regional Level – Länder

Regional authorities are responsible for:

- Social assistance;
- Housing-specific services.

Local level

Local authorities are responsible for:

- Practical administration of Federal and Länder legislation;
- Information for migrants;
- Local integration strategies.

Sources
Austrian Constitution
Austria Country Report - Work Package 2
Aktuelle Begutachtungen
Integrationsleitbilder und Integrationsbeiräte österreichischer Städte
d. Tourism policy

Federal Level

State authorities are responsible for:

- The Federal Ministry of Economy, Family and Youth (BMWFJ) is the competent authority;
- Tourism statistics;
- Conclusion of international agreements in tourism;
- Financial support to tourism;
- General coordinating role.

Regional level – Länder

Regional authorities are responsible for:

- Main level responsible for the legislative framework on tourism;
- Tourism policy;
- Tourism marketing organisations;
- Coordinates municipalities in tourism associations.

Local level

Local authorities are responsible for:

- Implement the tourism policies;
- Local tourism initiatives.

Sources

Austrian Constitution
Beratung und Übernahme von Serviceaufgaben für die Tourismusverbände sowie deren Aufsicht
Strategiepapier Tourismuspolitik
Tourism in Austria
e. Civil protection policy

Federal level

State authorities are responsible for:

- State Catastrophe and Crisis Management (“SKKM – Staatliches Krisen- und Katastrophenmanagement”) through the Austrian Ministry of the Interior;
- Co-ordination of international disaster relief through the Austrian Ministry of the Interior;
- The operational headquarter within the Austrian Ministry of the Interior is the Federal Warning Centre (“Bundeswarnzentrale - BWZ”) within the Operations and Crisis Coordination Centre (“Einsatz- und Krisenkoordinationscenter – EKC”);
- The Austrian civil protection association (“Österreichischer Zivilschutzverband”) consists of one nationwide association as well as the individual associations of the Länder. Its mission is to inform citizens on issues of civil protection;
- The police restructured in 2005 when all law enforcement agencies became federalised and a federal police was created.

Regional level – Länder

Regional authorities are responsible for:

- Disaster relief measures are primarily the competence of the Länder. The legal bases are the individual Länder laws (“Katastrophenhilfegesetze”) which lay down the operational command structures for the lower Land and the lower tier administrative units, districts and municipalities;
- The Austrian civil protection association (“Österreichischer Zivilschutzverband”) consists of one nationwide association as well as the individual associations of the Länder. Its mission is to inform citizens on issues of civil protection.

Local level

Local authorities are responsible for:

- Disaster relief measures are primarily the competence of the Länder. The legal bases are the individual Länder laws (“Katastrophenhilfegesetze”) which lay down the operational command structures for the Land and the lower tier administrative units, districts and municipalities;
• Municipality police ("Gemeindewachkörper").

Sources
Austrian Constitution
2. Belgium

The elements mentioned in blue are the changes foreseen by the 6th State Reform as proposed at the end of 2011 (the so-called Butterfly Agreement).

The Kingdom of Belgium was formed in 1830 as a unitary state. There have long been tensions between the Flemish and French language communities and, from the mid-twentieth century on, economic differences between the regions of Flanders and Wallonia. Brussels, physically surrounded by Flanders, is bilingual. The federalisation process which began in 1970 has gone through several successive state reforms: in 1970, 1980, 1988-89, 1993 and 2001. This process created a complex federal state in which certain competences overlap. In this context the autonomy of local authorities differs depending on the region.

Belgium is a federal state composed of three regions and three (language) communities. Below the regions, there are provinces and municipalities.

The legislative power is exercised by the Federal Parliament (composed of two assemblies: the Chamber of the Representatives and the Senate) The upper house of the Federal Parliament, the Senate, is elected on the basis of a system providing for the representation of regions and communities (Art. 67 of the Constitution). It has no veto powers over federal legislation.

The three Communities are:

- The Flemish Community (Vlaamse Gemeenschap);
- The French Community (Communauté française), and
- The German Community (Deutschsprachige Gemeinschaft).

The three Regions are:

- The Flemish Region (Vlaanderen);
- The Walloon Region (Région Wallone), and
- The Brussels Capital Region (Région Bruxelles Capital – Brussel Hoofdstedelijk Gewest).

The territories of regions and communities overlap. Both communities have competences in Brussels, and the German-speaking Community is contained within Wallonia. The institutions of the Flemish Region and Flemish Community were merged after 1980.
**There are therefore five legislatures:**

- The Flemish Parliament has 124 directly elected members, 118 designated by proportional representation from party lists in multi-member constituencies in the Flemish Region, and six members elected from Brussels who participate only in Community matters.
- The Walloon Parliament has 75 members directly elected by proportional representation from party lists in multi-member constituencies.
- The Brussels Region Parliament has 89 members, elected by proportional representation from separate Flemish and French-speaking party lists in multimember constituencies 72 French and 17 Flemish. Within this parliament, there are separate French and Flemish Commissions.
- The French Community Parliament has 94 members indirectly elected, including the 75 members of the Walloon Parliament and 19 chosen from the Brussels Region Parliament.
- The German-speaking Community Parliament has 25 members elected by proportional representation from party lists.

All of the parliaments are elected for a five-year term.

Each region and community has a government elected by the Parliament and which in turn elects a president (known as minister-president in Flanders). In Brussels, the government has five members, two from each language group and the president, who can be from either group.

**Provincial level**

**There are ten provinces**, now contained within the respective Flemish and Walloon regions. The Brussels Region directly exercises provincial competences.

Provinces have a dual function:

- Firstly, they are autonomous political communities (decentralisation), responsible for all matters within the provincial interest,
- But they are also subordinate authorities responsible for implementing decisions taken by other levels (deconcentration).

However, even in the context of decentralisation, the province is tested in the exercise of its powers.

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4 Taken from: *Study on the activities of Walloon Provinces, in particular Part I*, Author: Association of Walloon Provinces.
More generally, and this constitutes the lion's share of the activity of the provincial institution, the province leads (in the existing legislative and regulatory framework) policies it funds through its own fiscal autonomy.

**Municipal level**

There are 589 municipalities (commune – gemeente – Gemeinde):

- Wallonia contains 262 municipalities, including 9 German-speaking municipalities;
- Brussels contains 19 municipalities, and
- Flanders contains 308 municipalities.

The **Federal State** is responsible for the obligations of Belgium and its federalised institutions toward the EU and NATO.

The Federal powers also cover everything that does not expressly come under the Communities or Regions. However, the Federal State has no authority over the competences assigned to the federated entities. Since 1988, the supervision of local authorities was transferred to the regional governments.

**The distribution of competences between the regions and communities and the federal level is subject to judicial control.** The federal Court of Arbitration can annul legislation that contravenes the division of powers. The Council of State advises on the constitutionality of legislation and can rule administrative acts unconstitutional.

**Revenue excluding borrowing for the sub-national public sector as a whole** in 2005 amounted to EUR 63.3 billion. Federated entities and local governments received almost EUR 49.5 billion in non-consolidated revenue excluding borrowing. The lion’s share of this revenue goes to the federated entities (69%), while municipalities represent 27% and provinces 4%\(^5\).

The structure of this revenue has significantly changed over the past ten years. The 1989 Special Financing Act (amended by the Special Act of 13 July 2001) was especially instrumental as it dealt with the refinancing of communities and the extension of fiscal competences for regions, giving them much greater fiscal autonomy. In turn, the federated entities modified the financing modes for the municipalities and provinces on their respective territories, leading to different regulation by region\(^6\).

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\(^6\) Ibid
Tax revenue is now the major source of financing for municipalities and provinces, and to an even greater degree for communities and regions, for which it represents more than 90% of their resources.\footnote{Ibid}

**The 6th State Reform has been proposed and was presented before the Parliament at the end of 2011 (the so-called Butterfly Agreement).** On 29 March 2012 the committee for the implementation of institutional reforms reached an agreement on the proposed legal texts concerning the first part of the 6th State Reform. Proposals will be introduced in the House of Representatives relating to: the judicial district of BHV and to the improvements of the voting arrangements of Belgians abroad. Proposals will be tabled in the Senate concerning: the division of the BHV electoral district, the fair financing of Brussels-Capital, the new procedure on the mayors of six surrounding municipalities, the metropolitan community and political renewal.

The aim is to vote on the first part of the 6th State Reform in the shortest possible time, after obtaining the opinion of the State Council.

With this agreement on the legal texts, achieving the implementation of the reform is on track.

**Asymmetry** will also increase in Flanders as an internal state reform is being planned which in particular foresees diminishing the role of the Provinces.
National level

Federal responsibilities

The legislative power is exercised by the Federal Parliament (2 assemblies: the Chamber of the Representatives and the Senate) in the following areas:

- Defence;
- The legal system;
- Finance;
- Social security;
- Public health*;
- Monetary policy;
- International relations*;
- Economic policy*;
- Energy*;
- External trade*;
- Agriculture*;
- Employment*;
- Transport*;
- Use of languages*;
- Taxation*, and
- Aid to developing countries*.

* shared responsibilities

Regional level

Responsibilities of the communities

The three communities have legislative power and may issue community decrees which have the force of law. There is no hierarchical relationship between the communities and the federal authority. The responsibilities of the Communities include:

- Use of languages*;
- Culture (theatre, libraries, the media, including radio and TV);
- Education and training*;
- Person–related matters: health policy (sanitary education and preventive medicine) and assistance to individuals (social welfare, aid to families, protection of youth, immigrant assistance services);
- Scientific research in relation to community competencies, and
• International relation powers in all matters entrusted to the communities

* shared responsibilities

**Responsibilities of the regions:**

There are three regions (the Flemish Region, the Brussels-Capital Region and the Walloon Region)

During the second reform of the state in 1980, the Flemish and the Walloon Regions were given their Parliament and Government. The Brussels-Capital Region, on the other hand, was only granted its institutions during the third reform of the State in 1988-89.

The Regions have legislative and executive organs: these are known as the Regional Parliament and the Regional Government.

However in Flanders, the Community and Regional institutions were merged. So in Flanders, there is one parliament and one government.

The Walloon Region exercises regional competencies over both linguistic regions. However, the Region has transferred some of those competencies to the German-speaking Community for the German-speaking linguistic region. Additionally, the Walloon Region exercises some transferred community competencies, only in the French-speaking Region. Thus this study will not enter into details for this sub-division of competences at variable geometry.

**Note: in Brussels**

In the bilingual region of Brussels-Capital, there are 3 Community Commissions which share in the exercising of Community competencies: the French Community Commission (COCOF), the Flemish Community Commission (VGC) and the Common Community Commission (COCOM). This study will not enter into detail for this sub-division in the exercise of those competences.

Regions have legislative powers in fields that are connected with their region or territory in the widest meaning of the term. Therefore, the regions may issue regional decrees which have the force of law. There is no hierarchical relationship between the regions and the federal authority. Their powers cover:

• Urban policy and spatial planning;
• Environment* and water policy;
• Nature conservation;
• Public works (infrastructure);
• Transport*;
• External trade*;
• Agriculture and Fisheries*;
• Energy*;
• Public housing;
• Economic policy*;
• Employment*;
• Taxation*;
• Supervision of municipal and provincial law;
• Scientific research in relation to regional competencies, and
• International relation powers in all matters entrusted to the regions and the import, export and transit of arms.

* shared responsibilities

**Local level**

Since the fourth State reform, there have been ten provinces.

Indeed, in the fourth State reform, the province of Brabant was abolished and replaced by two new provinces: Flemish Brabant and Walloon Brabant.

The part in the Walloon Region became the province of Walloon Brabant, the part in the Flemish Region became Flemish Brabant.

The territory of the Brussels-Capital Region remains and falls outside the scope of the division of the country into provinces. The powers over community affairs that belonged in that region to the Provincial Council and the Permanent Deputation of the old province of Brabant were exercised from then on by the Flemish Community Commission, the French Community Commission and the Joint Community Commission.

The powers over regional or federal affairs that belonged in that region to the Provincial Council and the Permanent Deputation of the old province of Brabant, are exercised by the Brussels-Capital Region.

This division has been a reality since 1 January 1995. Since that date, Brussels has not been subject to provincial authority.

The fifth State reform (the so-called Lambermont Agreement) transferred many powers to the Regions. They are now directly responsible for implementation;
however, the federal legislation continues to exist as long as the Regions have not adopted their own decrees in this respect.

**Administrative responsibilities of the provinces**

There are ten provinces, plus the Brussels-Capital Region Community Commissions, which are responsible for:

- Implementing all federal, community and regional regulations;
- General provincial affairs
- The maintenance of infrastructure;
- Urban planning, and
- Launching initiatives in education, culture, sport, preventive medicine and social policy.

**Administrative responsibilities of the communes**

There are 589 communes, which are competent for:

- Maintenance of public order;
- Organisation of elections;
- Public registry office;
- Planning permission;
- Maintenance of road infrastructure;
- Social welfare, and
- General municipal affairs.

One Belgian particularity is the “communes à facilités”. These municipalities must provide administrative facilities for their inhabitants who speak another language than the official one. The creation of "administrative facilities" is a consequence of the language laws that regulate the use of languages in Belgium. Outside the nineteen municipalities of the bilingual region of Brussels, all municipalities must employ in their actions and in their relations with their citizens, the official language of the linguistic region (French, Dutch or German. This causes problem for the municipalities inhabited by a minority (or even a majority) of people who use another language. Facilities have been granted to residents of some municipalities that enable them to obtain the deeds, information, certificates and other paperwork in a language other than the common one, and use that language in their dealings with the town. There are twenty-seven municipalities with facilities in total.
In addition, in some of those municipalities, the rules guarantee the political rights of both linguistic components of the population to prevent municipalities from taking decisions that could be harmful to a part of the population.

2.1 Systems of multilevel governance

**Representation:** 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.

**Information:** During the legislative process, information is provided to the regions and communities to the extent that information is published on the Parliament’s website. Councils and committees are also opportunities for the LRAs to be informed.

**Consultation**\(^8\): 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.

**In 1988, the supervision of local authorities was transferred to the regional governments.** This has had serious consequences on the consultation procedures. The regional level is becoming increasingly important for local government.

**In the Flanders region, strictly speaking, no formal consultation procedure exists.** However, 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.

**In the Walloon region, the local governments have their own consultative council.** This is the highest council of the cities, municipalities and provinces of the Walloon region. Instituted by the decree of 1 July 1993, its mission is “to provide an opinion concerning any draft decree of the Walloon Parliament that might influence the finances and/or administration of cities, public centres of social action (CPAS), provinces of the Walloon region.” The Parliament or the

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\(^8\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008. Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 211-215
Government may use this non-binding opinion when finalising their draft. The Union of Cities and Municipalities of the Walloon Region (UVCW) participates in this council, proposing the nominations of eight of the 16 municipally mandated members of the council, and taking part in the work of the council as experts. Furthermore, the UVCW participates in various committees and councils in different fields, both in the context of the Walloon region and in the “Communauté Wallonie - Bruxelles” (a non constitutional body that focuses on international relations of the French-speaking Community). In addition, UVCW frequently has hearings with the national parliament and the Walloon Parliament concerning draft laws or decrees of importance for local government. Finally, UVCW is often directly and informally consulted by the regional authority prior to decisions it wishes to take.

**No formal procedure exists in the Brussels region.** The Association of the City and the Municipalities of the Brussels-Capital Region (AVCB) participates in different committees and councils, both in the context of the Brussels region and in the community “Walloon Brussels”.

Given the number of councils and committees in which the associations are represented, local government is broadly consulted. However, consultation is not systematic and association often must be vigilant in order to take action in time on an issue that would impact local authorities, particularly concerning finances.

**Coordination:** For matters under the competence of the federal state that bear consequences for local government, the three associations of local authorities consult together in order to possibly adopt a common position. The *Concertation Committee* is a multilateral body of federal and sub national ministers that seek to negotiate solutions to conflicting policies.

Another tool is the *co-operation agreement*. Co operation agreements are agreements which are negotiated and concluded by the Federal Authority and one or more federated entities, or by the federated entities 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 co-operation agreements can be decided on the initiative of the parties concerned.

*A typical Belgian procedure (“la sonnette d’alarme”)* was recorded in Art. 54 of the Constitution in the course of the first State reform (1970). 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 House 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.

2.2 Relations with the EU/Representation at EU level

Belgium Regions (three Regions), Communities (three Communities) and Municipalities are represented at the CoR.

Belgian regions and communities may participate in the Council of the European Union. Matters are divided into those predominantly concerning the federal, the regional, or the community governments; representation in the Council is arranged accordingly, either by only one level representing Belgium or by a joint delegation. Where there is exclusive competence, the respective level nominates the representative and assistant representative. In other cases (including the last two), the predominant government nominates the representative and the other government the assistant. The Coordination of Belgian positions within the EU is undertaken by the Directorate for European Affairs in the Foreign Ministry. Where regional or community matters are concerned, agreement requires the consent of all the relevant governments. If this is not forthcoming, the matter can be referred to the Inter ministerial Conference for Foreign Policy. If agreement is not reached, Belgium has to abstain in the EU Council.

2.3 Subsidiarity\(^9\)

Within the framework of the Early Warning System (EWS), EU legislative proposals are transmitted to the Senate, as well as to the House of Representatives, and the Regional/Community Parliaments, without filtering.

The Senate examines the proposals (European Affairs Committee and Specialised Committee) and transmits its opinion to the Conference of Speakers of the Belgian legislative assemblies.

The House of Representatives examines the proposals and transmits its opinion to the Conference of Speakers of the Belgian legislative assemblies.

The Conference of Speakers of the Belgian legislative assemblies examines the proposals and transmits its opinion(s) to the European Commission/EU

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Institutions and through the Interparliamentary EU Information Exchange (IPEX) platform.

Regional/Community Parliaments examines the proposals (committee dealing with European affairs + Standing committees) and transmit their opinion(s) to the Conference of Speakers of the Belgian legislative assemblies.

2.4 Bibliography

Constitution

Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994).

Legislation

Decree of the Walloon Region of 6 May 1999 relating to the exercise by the German community and the competences of the Walloon Region in employment matter (Décret de la Région Wallonne du 6 mai 1999 relatif à l'exercice, par la Communauté germanophone, des compétences de la région Wallonne en matière d’emploi et de fouilles)

Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française). In particular, Art. 3, indent 6.

Law of Institutional Reform for the German Speaking Community of 31 December 1983 (Loi de réformes institutionnelles pour la Communauté germanophone du 31 décembre 1983)

Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980)

Special law on the financing of Regions and Communities (Loi spéciale du 16 janvier 1989 relative au financement des Communautés et des Régions)
Websites

Association of Walloon Provinces, *Study on the activities of Walloon Provinces, in particular Part I, 4 March 2012*, Author: Association of Walloon Provinces

Belgium Portal, official information and services
- Competences of the federal government
- Competences of the regions
- Competences of the Communities
- Competences of the provinces
- Competences of the communes

Food and Agriculture Organization of the UN, Fisheries and Aquaculture Department, Information on Fisheries management in the Kingdom of Belgium.

Governmental agreement of December 2011 (*Accord du Gouvernement*)

The French speaking community website (*Fédération Wallonie-Bruxelles*)

*Centre for socio-political research and information (CRISP) section Public authorities in Wallonia*

Website of the Belgium Prime Minister

Website of the Flanders region

Publications and Studies


Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
2.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

Federal Government

The central government is responsible for:

- Railways and infrastructure, including the legislation, supervision and public financing of the Belgian National Railway Company (SNCB);
- Air traffic in general;
- The control and regulation of traffic and transit of goods, and
- Security measures concerning building and repairing roads, ports, waterways, dykes, airports (cooperation agreements between federal and regional administrations are required).

Regional level

Regions

Regional authorities are responsible for:

Roads and infrastructure;

- Airports and infrastructure (the Federal Authority is responsible for managing Brussels-National Airport, which is situated in the Flemish region);
- Ports and infrastructure;
- Dykes and infrastructure;
- Waterways and infrastructure;
- Sea-routes, sea-walls;
- Ferry services;
- Pilotage and buoyage services into and out of ports, as well as sea rescue and towing services;
- Public transport at regional level, and
- Mobility and road safety competences transferred to the Regions except the definition of traffic rules (Federal level).
Communities

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Local level

Provinces / Municipalities

Local authorities are responsible for:

- The provision of public local transport;
- Local road maintenance;
- Local (municipal or provincial) town and country planning, and
- Local (municipal or provincial) traffic planning.

Sources

Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 35
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia.
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, 10
The French Speaking Community website (Fédération Wallonie-Bruxelles)
b. Employment policy

National level

Federal Government

The central government is responsible for:

- The setting of strategic framework conditions for developing employment;
- Ensuring optimal conditions for access to and participation in the labour market;
- Programmes for re-employment;
- Unemployment benefits (Ministry of Employment and Labour, National Employment Office);
- The labour law and supervision of observance of the applicable standards, and
- Ensuring solidarity and equal rights and opportunities.

Regional level

Regions

Regional authorities are responsible for:

- The implementation of employment policy (cooperation agreements are concluded between the federal authority and the Regions)
- Public Employment Service (Mediation of Jobs);
- Programmes for re-employment;
- The legislation concerning employment of foreigners;
- Allocating the budget to any kind of labour market policies (wage costs, professional insertion programmes, training and support for job seekers, etc.);
- The refunding of company reclassification costs and of the sanctions for employers if there is no redeployment, and
- The control (and sanctions) over the availability of the job seekers. (Unemployed availability check).
Communities

There are no competencies of the Communities apart from the German-speaking Community.

The nine communes of the German-speaking Community are also part of the region of Wallonia. In order to optimise the coherence between job and training policies, the region of Wallonia transferred the responsibility for employment issues in these nine communes to the German-speaking Community in 1999.

Local level

Provinces / Municipalities

Local authorities are responsible for:

• Day-to-day services ensuring better opportunities for local employment;
• Territorial employment pacts;
• Local Employment Agencies, and
• The local development of employment, job-creation.

Sources

Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39 and 139
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Decree of the Walloon Region of 6 May 1999 relating to the exercise by the German community and the competences of the Walloon Region in employment matters (Décret de la Région Wallonne du 6 mai 1999 relatif à l’exercice, par la Communauté germanophone, des compétences de la région Wallonne en matière d’emploi et de fouilles)
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, indent IX
The French Speaking Community website (Fédération Wallonie-Bruxelles)
c. Social policy

National level

Federal Government

The central government is responsible for legislating and implementing social assistance and for the social reintegration of convicts.

Regarding family policy, it is responsible for:

- Legislation and implementation;
- The policy concerning elderly people;
- The basic legislation on social and legal protection of the youth, and
- Ensuring solidarity and equal rights and opportunities.

Regional level

Regions

Regional authorities are responsible for public housing.

Communities

Communities’ authorities are responsible for welfare services, as well as, and regarding family policy, care for youth, the family and elderly people, and for providing family allowances and birth allowances (transferred).

Local level

Provinces / Municipalities

Local authorities are responsible for providing social services and setting up a CPAS (Public Centre for Social Action) in each commune.

Moreover, municipalities are involved in public housing, in particular in:

- Drafting three-yearly housing plan;
- The compulsory purchases of derelict housing;
- Participating in social housing agencies, and
- Managing their property.
Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 128, 130 and 138
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française). In particular Art. 3, indent
Law of Institutional Reform for the German Community (Loi de réformes institutionnelles pour la Communauté germanophone (31 décembre 1983)). In particular Art. 4, paragraph 2
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 5, paragraph1, indent II, 4
The French Speaking Community (Fédération Wallonie-Bruxelles)
d. Education policy

National level

Federal Government

The central government is responsible for the general training policy, in particular for:

- Setting beginning and end of compulsory education;
- The regulation of minimum conditions for diploma, and
- Determining trade union status and pension schemes for teachers.

Regional level

Regions

Communities

General training is a major part of the competency of the Communities, which they apply to linguistically defined areas. Their responsibilities include:

- General guidelines;
- Financing;
- School transport, and
- Grants for students.

Local level

Provinces/Municipalities

Provinces and Municipalities take initiatives within their general competency for regulating local affairs as regards to the general training policy, including:

- The participation in policy implementation according to the rules and norms set by the federal level and the Communities;
- Education, as for example the running of general training infrastructure;

50% of provincial expenditure is related to General Training Policy and 28% of municipal expenditure is related to General Training Policy.
Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 127 and 130
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
The French Speaking Community (Fédération Wallonie-Bruxelles)
e. Vocational training

National level

Federal Government

The central government is responsible for:

- Fixing minimum conditions for the awarding of diplomas;
- The allocation of funds for vocational training, and
- Programmes for re-employment.

Regional level

Regions

Regional authorities are responsible for:

- Training and work integration initiatives;
- The training of job-seekers;
- The placement and support of job-seekers;
- Support of small businesses;
- The training and assistance for starting up of small businesses;
- Centres for the self-employed;
- The management and recruitment policy;
- Payments for professional advice on in-house organisations;
- The regulations on expansion of businesses, and
- Enterprise centres

Communities

Communities’ authorities are responsible for:

- Apprenticeships;
- Part-time vocational training;
- Vocational training in secondary schools;
- Training courses, and
- Centres on temporary work experience.
Local level

Provinces/Municipalities

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Sources

Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 128, 130 and 138

Centre for socio-political research and information (CRISP) (Centre de recherche et d'information socio-politique) section Public Authorities in Wallonia

Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l'exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française). In particular Art. 3

Law of Institutional Reform for the German Community (Loi de réformes institutionnelles pour la Communauté germanophone (31 décembre 1983)). In particular Art. 4, paragraph 1

Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 4

The French speaking community (Fédération Wallonie-Bruxelles)
f. Youth and Sport policy

National level

Federal Government

The central government is responsible for:

Youth assistance and protection

- The basic legislation, including the status of minors, rules of criminal law for youth-protection offences, juvenile courts, loss of parental rights and supervision of social benefits;
- Legislative competence for measures relating to minors who have committed offences.

Regional level

Regions

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Communities

Communities’ authorities are responsible for:

Youth Policy

- Youth policy formulation and implementation, and
- The legal framework for youth policy.

Youth assistance and protection

- Basic legislation and finance intervention to help minors in difficulty and their families;
- Implementing legal measures to assist young people and minors who have committed offences, and
- Legislative competence on creating institutions that train and supervise young people (organise or subsidise these institutions);
Sport

- Legislative and financial responsibility;
- The French Community has transferred responsibility for subsidising sporting infrastructure in the French linguistic region to the Walloon Region.

Local level

Provinces/Municipalities

Local authorities, communes and provinces, can play the role of organising authority in the area of sport.

Sources

Constitution of Belgium (*Constitution belge texte coordonné du 17 février 1994*). In particular Art. 127, 128, 130 and 138
Centre for socio-political research and information (CRISP) (*Centre de recherche et d'information socio-politique*) section Public Authorities in Wallonia
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (*Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l'exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française*). In particular, Art. 3, indent 1
Law of Institutional Reform for the German Community (*Loi de réformes institutionnelles pour la Communauté germanophone* (31 décembre 1983)). In particular Art. 4, paragraphs 1 and 2
Special law of Institutional Reform (*Loi Spéciale de réformes institutionnelles du 8 Août 1980*). In particular Art. 4, 5, paragraph 1, II, 6, 7
The French Speaking Community (*Fédération Wallonie-Bruxelles*)
g. Culture policy

National level

Federal Government

Despite the competency for cultural affairs has been transferred from the national level to the communities, the “bi-cultural institutions” in Brussels (neither Flemish nor French) remain under federal authority (the Théâtre Royal de la Monnaie, the National Orchestra of Belgium and the Palais des Beaux-Arts).

Regional level

Regions

Communities

Communities’ authorities are responsible for:

- Cultural affairs (both legislative and executive power);
- Setting up, running and financing cultural institutions;
- Support of cultural creativity and artistic activities;
- The external cultural policy and cooperation between the Communities for the joint interest representation in international organisations.

The competency of the Communities applies within the territorial determined linguistic areas and for cultural institutions in Brussels, which belong to one of the two linguistic groups;

Local level

Provinces/Municipalities

Local authorities are responsible for:

- The participation in cultural activities in the framework of local self-administration, and
- Policy-shaping (only limited influence).
Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 127 and 130
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Law of Institutional Reform for the German Community (Loi de réformes institutionnelles pour la Communauté germanophone (31 décembre 1983)). In particular Art. 4, paragraph 1
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 4. (Last consultation 13.01.12).
The French Speaking Community (Fédération Wallonie-Bruxelles)
h. Public health policy

National level

Federal Government\textsuperscript{10}

The central government is responsible for:

- The basic legislation on health care;
- The basic legislation on policies for handicapped people;
- The legislation on hospitals, homes for the elderly, psychiatric institutions, health & invalidity insurance, recognition of pharmaceuticals;
- Rules for medical, nursing and paramedical professions;
- Social security and invalidity benefits;
- The Agency for security of the food chain, and
- The provision of a legal framework for health education.

Regional level

Regions

There is no genuine regional competency in the field of public health. However, regions have competencies in related policy fields (e.g. environment, control of businesses).

Communities

Communities’ authorities are responsible for:

- The drafting and application of national law;
- The formulation and implementation of policy on public health care services;
- Running the hospitals and provide public health care (also for people with disabilities);
- The policy towards invalids and elderly people (except for federal competencies);
- Public health education and disease prevention;

\textsuperscript{10} Healthcare issues: an institute will be created in order to provide answers on healthcare issues but also on key challenges for the future of the sector. This institute will be an inter-federal structure that brings together healthcare ministers. Its mission will be to adopt a common global vision and sustainable policy for the sector.
The policy for providing health care has been transferred by the French Community to the Walloon Region (except for university hospitals, which come under the French Community).

Local level

Provinces/Municipalities

Local authorities are responsible for:

- General principle of local self-administration;
- Health education and preventive medicine are the responsibility of the communes;
- Public welfare services, including psychological aid and medical corps, and
- The administrative control of public hospitals.

Sources
Constitution of Belgium (*Constitution belge texte coordonné du 17 février 1994*). In particular Art. 128, 130 and 138
Centre for socio-political research and information (CRISP) (*Centre de recherche et d’information socio-politique*) section Public Authorities in Wallonia
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (*Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française*). In particular, Art. 3, indent 6
Law of Institutional Reform for the German Community (*Loi de réformes institutionnelles pour la Communauté germanophone* (31 décembre 1983)). In particular Art. 4, paragraph 2
Special law of Institutional Reform (*Loi Spéciale de réformes institutionnelles du 8 Août 1980*). In particular Art. 5, paragraph 1, indent 1
The French Speaking Community (*Fédération Wallonie-Bruxelles*)
i. Trans-European network policy

National level

Federal Government

The central government is responsible for:

- The general decision-making;
- The setting of political priorities;
- The determination of financial conditions for investment, and
- Decisions on Belgian participation in TEN.

Regional level

Regions

Regional authorities are responsible for:

- Transport infrastructure planning, and
- The detailed planning for all transport infrastructure projects.

Communities

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Local level

Province/Municipalities

Local authorities are responsible for:

- Consultation rights in the planning process, and
- The regulation of technical aspects of transport infrastructure planning and construction.
j. Economic, Social and Territorial Cohesion policy

National level

Federal Government

The central government is responsible for:

*European Regional Development Fund (ERDF)*

- Economic policy matters that affect the economic and monetary union of Belgium;
- The financial policy and protection of savings;
- The fiscal policy;
- Trade and company law, intellectual property rights;
- Setting the framework for public tenders;
- Prices and incomes policy, and
- Quotas and licenses.

*Spatial planning*

Spatial Planning has been transferred from the national level to the regional level in the state reforms of 1980 and 1988. There is no federal competency, no supervisory power on the regional competencies. However, some institutions like the State Council and the Court of Arbitration play a judicial and advisory role in spatial planning policy.

*European Social Fund (ESF)*

- The labour law, and
- Social security.

Regional level

Regions

Regional authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Regional development policy;
- Economic policy in a broad sense (innovation, restructuring policy and the public industrial initiative);
- Regional investment companies, subsidy policy;
• The regional aspect of credit policy;
• A series of taxes set out pursuant to a special law;
• The technological attraction poles, and
• The socio-economic permit which is needed for the implementation of commercial projects.

Spatial planning

Spatial planning is a regionalised competency with no federal supervision, which includes:

• The determination of spatial planning policy and spatial planning systems;
• The planning legislation and regulations;
• Issuing building permits for major infrastructure projects;
• The expropriation procedure (except those carried out by the federal authority);

European Social Fund (ESF)

• Employment support programmes.

Communities
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Local level

Provinces / Municipalities

Local authorities are responsible for:

European Regional Development Fund (ERDF)

• Local economic development policy in the context of the general competency of local self-administration;
• Local economic support, and
• The management of economic affairs of provincial or municipal importance.

Spatial planning

• The development and implementation of local land use plans;
• Municipal destination plans/ municipal structure plans;
• The granting of building permits;
• The organisation of policy-making and service provision on an inter-municipal basis.

European Social Fund (ESF)

• Support for local employment opportunities, and
• The management of employment policy measures of provincial or municipal importance.

Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39, 139
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française).
Decree of the French Community (6 May 1999) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 6 mai 1999 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française)
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, indent I, VI
The French Speaking Community (Fédération Wallonie-Bruxelles)
k. Environment and the fight against climate change policy

National level

Federal Government

The central government is responsible for:

- Nuclear waste;
- Waste transit through Belgium;
- Product regulations;
- Penalties for environmental matters determined by the criminal courts, and
- The control and tracing of environmental violations by federal civil servants (such as state police, court officers and customs).

Regional level

Regions

Regional authorities are responsible for:

- Legislation and implementation of policy on the environment and nature conservation, including pollution of soil, water, air, noise pollution;
- Waste policy;
- Noise pollution standards;
- The control over polluting industries;
- The production and supply of water, including technical regulations controlling the quality of drinking water;
- Effluent purification;
- Environmental planning, and
- Waste transit except nuclear waste.

Communities

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Local level

Provinces/Municipalities

Local authorities are responsible for:

- The implementation of the legislation in this field (by the Federal Government or the Regions);
• Services in the environmental sector;
• Water supply;
• Sewerage;
• Day to day services, e.g. in waste collection, and
• The development of environmental protection initiatives, by granting subsidies (provinces).

Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, indent II
The French Speaking Community (Fédération Wallonie-Bruxelles)
1. Energy

National level

Federal Government

The central government is responsible for:

- Nuclear energy;
- Federal equipment plan for electricity;
- Major energy storage infrastructure, and
- The transport and production of energy, and prices.

Regional level

Regions

Regional authorities are responsible for:

- Local transport and distribution of electricity;
- The public distribution of gas;
- The rational use of energy, and
- Distribution tariffs (gas and electricity) will be transferred from the federal to the regional level (except tariffs of the transmission system operators).

Communities

Local level

Provinces/Municipalities

Local authorities are responsible for:

- Energy supply;
- The management of the public distribution of energy. (Communes frequently use intercommunal associations for this purpose).
Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, indent VII
The French Speaking Community (Fédération Wallonie-Bruxelles)
2.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

National level

Federal Government

The central government is responsible for:

- The safety in the food chain: standards on the quality of raw materials and products of vegetable and animal origin, control of products of animal origin;
- Standards on the health and welfare of animals and their control;
- Income-replacement measures for elderly farmers taking early retirement, and
- The Belgian Intervention and Restitution Agency for the distribution of European aid to the sector (the Regions are nevertheless represented in this organisation).

The representation of Belgium in the European Union in this respect is governed by a cooperation agreement.

Regional level

Regions

Regional authorities are responsible for:

- The agricultural policy (produce policy, prices policy);
- Aid to agricultural companies;
- Promotion, and
- The application of European measures.

The following will be transferred from the Federal level to the Regions:

- The Belgian Intervention and Restitution Agency, and
- The Agricultural Disaster Fund.
Communities
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Local level

Provinces / Municipalities

Local authorities are responsible for setting up promotional initiatives.

Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39
Centre for socio-political research and information (CRISP) (Centre de recherche et d’information socio-politique) section Public Authorities in Wallonia
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 6, paragraph 1, indent V
The French Speaking Community (Fédération Wallonie-Bruxelles)
b. Fisheries

National level

Federal Government

The central government is responsible for:

- The safety in the food chain: standards on the quality of raw materials and products of vegetable and animal origin, control of products of animal origin;
- Standards on the health and welfare of animals and their control;
- Marine fisheries research (Department of Sea Fishery of the Centre for Agricultural Research);

The representation of Belgium in the European Union in this respect is governed by a cooperation agreement.

Regional level

Regions

Regional authorities are responsible for:

- The fishery policy and fishery legislation (for both marine and inland fishery);
- Aid to fishery companies;
- Promotion, and
- The application of European measures (TACs and quotas).

Communities

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Local level

Provinces / Municipalities

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Sources

Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 39

Food and Agriculture Organization of the UN, Fisheries and Aquaculture Department, Information on Fisheries management in the Kingdom of Belgium.

Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980)
c. Immigration and asylum

National level

Federal Government

The central government is responsible for making the rules governing:

- The access to the territory;
- Residence;
- Settlement, and
- The removal of foreigners, including refugees and illegal immigrants.

The Federal Authority intervenes directly or indirectly in the integration of migrants, in particular through the Immigrant Policy Impetus Fund (FIPI) and the creation of the Centre for Equal Opportunities and the Fight Against Racism.

Regional level

Regions

Regional authorities are responsible for applying the standards governing the employment of foreign workers, including the issuance of work permits.

The Walloon Region for the French linguistic region, and the German-speaking Community for the German linguistic region are responsible for the reception and integration of migrants.

Communities

Communities’ authorities are responsible for:

- **Student immigration**: the communities will become competent to issue study cards. However the federal authority remains competent for the issuing of residence permits;
- The reception and integration of migrants is a community matter, and

The French Community has transferred its responsibility for the French linguistic region to the Walloon Region.
Local level

Provinces/Municipalities

Local authorities, specifically the communes, are responsible for the implementation of federal rules at communal level.

Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 35, 128, 130 and 138
CRISP website (Centre for socio-political research and information) (Centre de recherche et d’information socio-politique) section Public authorities in Wallonia
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à la région wallonne et à la commission communautaire française). In particular Art. 3, indent 7
Law of Institutional Reform for the German Community (Loi de réformes institutionnelles pour la Communauté germanophone (31 décembre 1983)). In particular Art. 4, paragraph 2
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles du 8 Août 1980). In particular Art. 5, paragraph 1, indent II, 3, Art. 6, paragraph 1, indent IX, 3
The French Speaking Community (Fédération Wallonie-Bruxelles)
d. Tourism

National level

Federal Government

Regional level

Regions

The French Community has transferred responsibility of tourism for the French linguistic region to the Walloon Region.

Tourism competence will be transferred from community level to region level without prejudice to the maintenance of competence for the Communities of the promotion of Brussels.

Communities

Communities’ authorities are responsible for:

- Tourism policy, and
- The granting subsidies in the area of tourist facilities in the territory of Brussels-Capital.

Local level

Provinces / Municipalities

The communes may play the role of organising and co-subsidising authority in the field of tourism.

Sources
Constitution of Belgium (Constitution belge texte coordonné du 17 février 1994). In particular Art. 128, 130 and 138
CRISP website (Centre for socio-political research and information) (Centre de recherche et d'information socio-politique) section Public Authorities in Wallonia.
Decree of the French Community (19 July 1993) relating to the transfer of the exercise of certain competences of the French Community to the Walloon Region (Décret de la Communauté française du 19 juillet 1993 relatif au transfert de l’exercice de certaines compétences de la Communauté française à
la région wallonne et à la commission communautaire française). In particular
Art. 3, indent 2
Law of Institutional Reform for the German Community (Loi de réformes
institutionnelles pour la Communauté germanophone (31 décembre 1983)). In
particular Art. 4, paragraph 1
Special law of Institutional Reform (Loi Spéciale de réformes institutionnelles
du 8 Août 1980). In particular Art. 4 indent 10
The French Speaking Community (Fédération Wallonie-Bruxelles)
e. Civil protection

National level

Federal Government

The central government is responsible for:

- The management of emergency situations and fire fighting;
- The protection and rescue of the population and of the heritage in case of armed conflicts, disaster, calamity, and terrorist attacks (help in case of flooding, population warnings, water supply in case of disaster...);
- Telecommunications, logistical and coordination support in times of emergency;
- The inspection of fire services, management of equipment and reinforcement of fire services;
- Combating pollution;
- International missions, and
- Preventive missions.

Regional level

Regions

Communities

Local level

Provinces / Municipalities

Local authorities are responsible for:

- The organisation of fire brigades, and
- Fire brigade missions (wide range of civil protection missions) at local level.
Sources
Belgium Portal, official information and services
Competences of the federal government
- Competences of the regions
- Competences of the Communities
- Competences of the provinces
- Competences of the communes
Constitution of Belgium (*Constitution belge texte coordonné du 17 février 1994*)
Centre for socio-political research and information (CRISP) section Public authorities in Wallonia
The French speaking community (*Fédération Wallonie-Bruxelles*)
3. Bulgaria

Bulgaria is a parliamentary democracy in which the most powerful executive position is that of the Prime Minister. The Bulgarian Parliament is unicameral and comprises the National Assembly (Народно събрание) which consists of 240 directly elected Deputies\(^{11}\). The President of Bulgaria is also directly elected by the people.

Bulgaria is a unitary republican State. The constitution recognises the principle of local self-government (article 135-146). The Republic comprises three levels of governance: central, municipal and districts. The latest have purely statistical and administrative functions. The process of decentralisation started in 2003; since then, Municipalities have acquired administrative competences complemented by some financial autonomy in 2002.

Bulgaria is currently composed of two NUTS-1 Regions, six planning NUTS-2 level Regions, 28 Districts\(^{12}\) and 264 Municipalities\(^{13}\).

Administrative Districts (oblasti) also known as ‘lower-level Regions’ are devolved divisions of the central Government and are not directly elected. The Municipality (obshtini) constitutes the only level at which self-government is exercised\(^{14}\). Bulgaria is a highly centralised State, as the national Council of Ministers directly appoints district governors and all Districts are fully dependent on the State’s budget, whereas Municipalities are less dependent on the State’s budget. The State authorities and their territorial sub-divisions exercise a control of legality over the acts of local government units (Art. 144, Constitution of Bulgaria).

Besides the Constitution of 1991, the Local Government and Local Administration Act\(^{15}\), the Municipal Property Act\(^{16}\) and some other Acts describe the competences attributed to the Municipalities. The Administration Law describes the district’s functions and competences.

In 2005, revenue of the sub-national public sector amounted to EUR 1.2 billion, representing 5.4% of national GDP and 13.1% of total public revenue. Sub-national governments’ revenue are derived from taxation (own-source and

\(^{11}\) Constitution of the Republic of Bulgaria, Articles 63 and 64.

\(^{12}\) Districts are mentioned in part of the laws and documents as “regions”.


\(^{14}\) Ibid., Article 135 and 136.

\(^{15}\) Zakon za mestnoto samoupravlenie i mestnata administratsia [Local Self-Government and Local Administration Act].

\(^{16}\) Zakon za obshtinskata sobstvenost [Municipal Property Act].
shared), grants, fees, assets management and extraordinary revenue. Municipalities’ revenue is composed of 40% of autonomous taxation, 34.3% of grants and 25.7% of others.6

Latest reforms referring to the municipal level include: financial equalization of municipalities to ensure minimal level of local services provided to the population and maintain a system of indicators for monitoring and analysis of the budgetary process in the municipalities. Proposals referring the districts predict: integrated planning and concentration of resources to the specific needs of the regions; effective interaction of regional development policy, sector policy and planning; wider publicity, transparency and accountability in the implementation of the policies and investments; and strengthening the role of regional and district development Councils.17

Central level

The central level has legislative power in all areas (the Constitution delegates this power to the National Assembly).

Moreover, the central level carries out State policy, manages the State budget and maintains law and order.

Regional Level

The District is an administrative and territorial unit where State authority is decentralised for the purpose of pursuing an effective regional policy.

Its tasks include:

- The implementation of government policies in the region;
- The reconciliation of national and local interests;
- The protection of State property within the region;
- Ensuring observance of the law within the region and exercising administrative control;
- Exercising control over the lawfulness of the acts and actions of the bodies of local self-government and local administration;
- Controlling the lawfulness of the acts and actions of government agencies, organisations and enterprises within the region, and
- Organising the defence-mobilisation readiness of the population; supervise civil defence in the event of disasters and accidents, and assume responsibility for the protection of public order.

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17 Decentralisation portal, Council of Ministers
Municipal Level

Municipalities are self-governing local units able to independently resolve issues of local importance relating to:

- Municipal property, municipal enterprises, municipal finances, taxes and fees, municipal administration;
- The organisation and development of the municipal territory and its component inhabited places;
- Education;
- Health care;
- Culture;
- Public utilities and communal services;
- Social assistance;
- The protection of the natural environment and rational use of the natural resources;
- The conservation of cultural, historic and architectural monuments, and
- Sports, recreation and tourism.

3.1 Systems of multilevel governance

**Representation:** The National Association of Municipalities of the Republic of Bulgaria (NAMRB) represents local government. The Association has the right to represent Municipalities before the central authority and foreign organisations.

**Information:** Local and Regional Authorities are not systematically informed about the decisions taken by Narodno Sabranie, but the final decisions are published on the website and information about the follow up of the reasoned opinion issued by the Parliament is provided upon request.

**Consultation:** There are several consultation methods of Bulgarian municipalities, all of which are conducted through the National Association of Municipalities in the Republic of Bulgaria with: Ministerial Council; Ministry of Finances or with the Parliament.

**Coordination:** Despite the existence of good national mechanisms for inter-institutional coordination, the internal coordination between the units is weak. The main mechanisms authorising coordination are as follows: bilateral cooperation agreements, advisory and coordination councils, inter-institutional
working groups, commissions for inter-institutional coordination, expert groups.

3.2 Relations with the EU and Representation at EU level

The CoR delegation is composed of 12 members and 12 alternate members from the Municipalities – mayors and members of municipal councils.

The National Association of Municipalities of the Republic of Bulgaria (NAMRB) has a liaison office established in Brussels. Moreover, some local and regional authorities are also represented in Brussels either via the Forum der Regionen – an association of Bulgarian local and regional authorities, including Pleven, Blagoevgrad, Byala Slatina, Avren, Lovech, Kaynardza, Dalgopol, Dolni Chiflik, Mizia, Dimovo) or individually (Sofia, Burgas, Plovdiv and Association of Thracian Municipalities – data from 2008).

Many regions cooperate with other EU regions, either on a bilateral basis or through European associations of regions. Municipalities cooperate with various organisations such as the Council of European Municipalities and Regions (CEMR) and the Congress of Local and Regional Authorities at the Council of Europe.

3.3 Subsidiarity

The procedure for checking compliance with the principles of subsidiarity and proportionality has been in place since 2007. The relevant permanent committee is the Committee on European Affairs and Oversight of the European Funds (CEAOEF), which is responsible for ensuring compliance with the principle of subsidiarity. The mechanism used is the normal scrutiny procedure that includes a subsidiarity compliance check.

The National Assembly takes into account the local and regional dimensions of the subsidiarity principle by consulting and inviting the relevant stakeholders to participate in the committee’s discussions when the scrutinised proposal may have a local or regional impact. When the National Assembly decides to consult regional/local governments, it requests informally, via a letter, their opinion(s) on the EU draft legislative act concerned.

18 Ministry of Regional Development and Public Works, National Association of Municipalities in the Republic of Bulgaria, Evaluation of the situation in the country - Analysis of the application of the principles of good democratic governance, laid down in the European strategy on innovation and good governance at local level, 2009
3.4 Bibliography

Constitution of Republic of Bulgaria

_Zakon za mestnoto samoupravlenie i mestnata administratsia_ [Local Self-Government and Local Administration Act]

_Zakon za obshtinskata sobstvenost_ [Municipal Property Act]

Decentralisation portal, Council of Ministers

_Zakon za obshtinskite budgeti_ [Municipal Budget’s Act]

_Zakon za obshtinskia dalg_ [Municipal Debt’s Act]

_Zakon za administratsiata_ [Administration Law]
3.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The central government is responsible for:

- Legislation;
- The drafting, coordination and implementation of the policy;
- The development, modernisation, maintenance and organisation;
- The regulation, application of the law and control;
- The reorganisation and modernisation of the sector institutional system;
- Exercising control on the management;
- Supervising the application of technical support
- Ensuring the coordination of transport and regional development.

Regional level

District authorities are responsible for:

- The elaboration of the regional scheme of infrastructure and transports, in cooperation with the State;
- Regional Transport Plans, together with the local level administration, and
- The management of regional airports and port infrastructure.

Local level

Municipal authorities are responsible for:

- The building and maintenance of municipal infrastructure;
- Transportation services;
- Local roads, and
- Recently, competencies have been delegated from the Central level to the municipalities regarding "fisheries and yacht ports" on the Black Sea coast.
Sources

Zakon za mestno samoupravlenie i mestnata administratsia [Local Self-Government and Local Administration Act]
Zakon za obshtinskata sobstvenost [Municipal Property Act]
b. Employment policy

Central level

The central government is responsible for (in cooperation with the representative organisations of employees and employers):

- Legislation;
- The regulation of labour;
- Social security relations, and
- Living standard issues.

Regional Level

Local level

Municipality Council cooperates and coordinates in the National Council for Trilateral Cooperation on specific issues concerning the municipality.

Sources

Kodeks na truda [Labour Law Code]
Zakon za zdravoslovni i bezopasni uslovia na trud [Law on healthy and safe work conditions],
Zakon za lechebnite zavedenia [Hospital Law]
c. Social policy

Central level

*The central government* is responsible for:

- Sustaining and promoting of employment;
- Increasing personal incomes and improving living standards;
- Stable contemporary social insurance system;
- Modernising the social assistance system—assistance to disadvantaged people, fight against social exclusion and further development of social services, and
- Maintaining and enhancing social dialogue.

Regional Level

District authorities are responsible for:

- The cooperation with the State on social policy topics, and
- The implementation of programmes and projects.

Local level

Municipal authorities are responsible for:

- Implementing some of the European Social Fund (ESF) projects, and
- Orphans and children in care in local hospices. (New competences received with respect to the "deinstitutionalisation").

Sources
Kodeks za socialno osiguravane [Social security Code]
Zakon za socialnoto podpomagane [Law on social assistance]
d. Education policy

Central level

The central government is responsible for:

- The overall legislation;
- The organisation and functioning of public education services;
- The definition and award of diplomas, ranks and titles;
- The repartition of funding so as to ensure the equal access to the public service, and
- The control and evaluation of educational policies.

Regional Level

Local level

Municipal authorities are responsible for:

- The compulsory school education of children up to the age of 16;
- Health services and the safety of kindergartens and schools, of children and pupils;
- The funds for the maintenance, construction, furnishing and general repairs of schools and kindergartens;
- The conditions for canteens, hostels, recreation, sports facilities and transport for children, pupils and teachers, and
- Scholarships and special grants to pupils.

Sources

Zakon za Narodnata Prosveta [National Education Act]
e. Vocational training policy

Central level

The central government is responsible for:

- The overall legislation;
- Setting the requirements for the system of the professional education and training, and
- Educational requirements for acquiring qualification for professions.

Regional level

District authorities are responsible for:

- Coordinating the interaction between the schools, the centres for vocational training, centres for information and vocational orientation and the centres for qualification of training specialists;
- Coordinating the proposals of the schools for the state admission plan, and
- Participating in the organisation of the examinations for acquiring professional qualifications.

Local level

Municipal authorities are responsible for:

- The hiring of training specialists;
- The vocational orientation of students, unemployed persons, as well as of other persons;
- The allocation of the financial resources approved by their budget;
- The development of the material and technical facilities
- The determining of the state admission
- Plan for the schools.

Sources
Zakon za Profesionalnoto Obrazovanie i Obuchennie [Vocational Education and Training Act]
f. Youth and Sport policy

Central level

The central government is responsible for:

Youth Policy

- The overall policy;
- Public Health, and
- Education.

Sport policy

The State encourages the development of physical education and sport by:

- Providing possibilities and appropriate conditions for the citizens to practice sport for a healthy and long life;
- Creating normative provisions for the physical education and sport in the country;
- Creating conditions and supporting the sport for all;
- Constructing, maintaining, modernising and managing sport sites and installations;
- Assisting, coordinating, regulating and controlling the activity of the sport organisations, and
- Financing the programmes and projects for socially useful sport activity.

Regional level

District authorities are responsible for:

Youth Policy

- Coordinating the youth policies between the State and the Municipalities.

Sport Policy
Local level

Municipal authorities are responsible for:

Youth Policy

• Education and public health, and
• The funding of reception facilities.

Sport policy

The Municipalities encourage the development of physical education and sport by:

• Programmes for the development of the local sport activity in compliance with the national program;
• Constructing, maintaining and modernising sport and tourist sites and installations;
• Assisting the organisation of sport competitions;
• Exercising financial, economic and control functions, and
• Creating conditions for development of public-private collaboration.

Sources
Zakon za Fizicheskoto Vyzpitanie [Law for the physical education and sport]
g. Culture policy

Central level

The central government is responsible for:

- The overall policy;
- The protection of policy of national relevance;
- The protection of cultural goods;
- Supporting young authors and artists;
- Libraries;
- National museums, and
- National archives;

Regional Level

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Local level

Municipal authorities are responsible for:

- The protection and development of culture combining the principles of the national cultural policy with the local conditions and traditions.
- The financing of the municipal cultural institutes from the municipal budgets;
- Determining the local fees for cultural organisations in order to stimulate their development;
- Conducting competitions for cultural initiatives;
- Granting creative scholarships for supporting young authors in culture;
- Establishing rewards for contribution and achievements in the sphere of culture;
- Creating programmes for preservation of folk art, and
- The management of archaeological/historical sites of local importance.

Sources
Zakon za Zakrila i Razvitie na kulturata [Law for Protection and development of the culture] updated on 16 February 2010.
Zakon za chitalishtata [Chitalishta Law]
h. Public health policy

Central level

The central government is responsible for:

- Ensuring equality in using health services;
- Providing accessible and qualitative health care, with priority for children, pregnant women and mothers of children up to one year;
- Priority of the health promotion and the integrated prophylactics of diseases;
- The prevention and reduction of the risk for the health of the citizens from the unfavourable effect of the factors of the living environment;
- Special health protection of children, pregnant women and mothers of children up to one year of age and handicapped and mentally disordered persons, and
- The state participation in financing activities aimed at preservation of the health of the citizens.

Regional level

District authorities are responsible for:

- The control and implementation of the statutory health requirements;
- The infectious diseases control;
- Health promotion and the integrated disease prevention;
- Laboratory control of the environmental;
- The monitoring, assessment and control of noise in urban territories and public buildings, of pollutants in foods, and of potable water;
- The development and implementation of regional programmes and projects; and
- The implementation of national programmes and projects.

Local level

Municipal authorities are responsible for:

- Carrying out sanitary-hygiene and anti-epidemic activities to protect the environment from pollution, to provide hygienic conditions for labour, life and leisure of the population, and to prevent diseases, and
- The co-financing of certain types of local hospitals and clinics.
Sources
i. Trans-European networks policy

Central level

The central government is responsible for:

- The overall legislation (in accordance with the principles and rules of the common Trans-European network policy and international obligations);
- The prioritisation of projects of "national importance" (energy lines for instance), and
- Promoting trans-European Corridors (4, 8 and 9?) and participating in EU macro-regional policies.

Regional level
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Local level
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j. Economic, Social and Territorial Cohesion policy

Central level

The central government is responsible for:

- The overall legislation (in accordance with the principles and rules of Economic, social and territorial cohesion policy and international obligations).

Regional level

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Local level

Municipal authorities are responsible for:

- Setting up priorities
- Exercising a consultative role via the NAMBR (national association of municipalities in BG), representation at the CoR, Brussels and the Congress (Council of Europe).

Sources
Economic and Social Council of Bulgaria
Zakon za ustrojstvo na teritoriata [Law on spatial planning]
k. Environment and the fight against climate change policy

Central level

The national environmental protection policy is integrated into sectoral policies: transport, energy, construction, agriculture, tourism, industry, education etc., and is implemented by the competent executive authorities.

Regional Level

District authorities are responsible for:

- Ensuring the conduct of the national environmental protection policy;
- Coordinating the work of the executive authorities and the administrations, and
- Coordinating the activities comprehended in the conduct of the environmental protection policy among the different municipalities.

Local Level

Municipal authorities are responsible for:

- Informing the community about the state of the environment;
- Elaborating and controlling plans for elimination of the effects of accidents and burst pollution within the territory of the municipality (together with the other authorities);
- Organising waste management within the territory of the municipality;
- Overseeing the construction, maintenance and proper operation of waste water treatment plants in the urbanised areas;
- Organising and overseeing the cleanliness, maintenance, conservation and expansion of the settlement green structures within the nucleated settlements and in the country areas;
- The conservation of biological diversity, of the landscape and of the natural and cultural heritage therein;
- Designating and making public the persons responsible for maintenance of the cleanliness of streets, sidewalks and other areas for public use within the nucleated settlements, and
- The exploitation of local thermal springs.

Sources
Zakon za Opazvane na okolnata sreda [Environment Protection Act]
Zakon za upravlenie na otpaducite [Law on Waste Management]
1. Energy policy

Central level

The central government is responsible for:

- The overall legislation;
- Energy forecasting and planning;
- Formulating energy policy, control and regulation, and

Regional level

District authorities are responsible for:

- Electricity and gas distribution, and
- Carrying out energy efficiency policy.

Local level

Municipal authorities are responsible for:

- Electricity and gas distribution;
- Investment in local energy-generating facilities and projects, and
- Carrying out energy efficiency policy (municipal buildings, hospitals and schools).

Sources

Zakon za Energetikata [Bulgarian Energy Act]
3.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The central government is responsible for:

- The overall legislation (in accordance with the EU law)
- Assistance to farmers through economic, structural and organisational measures, scientific and information services, consulting, and by increasing farmers’ qualifications.

Regional level

District authorities are responsible for:

- The cadastre of the land (incl. competencies to decide upon the restitution of land) at the oblast level, and

Regional Directorates “Agriculture” are specialised territorial administration of the Ministry of Agriculture and Food. They are legal entities and subordinate executors with the budgetary credits.

Local level

Municipal authorities are responsible for:

- The municipal cadastre and possibility to modify the land 'purpose' (its general and specific usage);
- Municipal Agriculture Offices are territorial units of the Regional Directorates “Agriculture” which are responsible for:
  - Conducting the state policy of agrarian territory;
  - Recovering ownership of lands and forests, and
  - Maintaining and updating plans for land division and other materials and data, obtained by applying the law.
b. Fisheries policy

Central level

The central government is responsible for:

- The overall legislation (in accordance with the EU law).

Regional level

Local level

Some Black Sea and Danube towns have recently become first certified and formally registered fishing ports. Their responsibilities are:

- Hosting fishing boats and processing their catch, and
- Benefiting from EU operational programmes.

Sources

Executive Agency Maritime Administration, Ministry of Transport, Informational Technologies and Communication.
c. Immigration and asylum policy

Central level

The central government is responsible for:

- Legal capacities (State Agency for the Refugees), and
- Providing conditions for obtaining legal defence of foreigners seeking protection.

Regional Level

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Local level

Municipal authorities are responsible for:

- The reception of foreigners.

The territorial division of State Agency in the municipalities involves:

- Transit centres - for registration, accommodation, medical examination and carrying out summary proceedings for foreigners seeking protection;
- Registration receiving centres - for registration, accommodation, medical examination, social and medical support and carrying out proceedings for providing status to the foreigners seeking protection until the enactment of the decision on the request for protection, and
- Integration centres - for providing Bulgarian language education, professional qualification and other activities necessary for the integration of the foreigners seeking or having received protection in the Republic of Bulgaria.

Sources
Zakon za ubezhishteto i bezhantsite [Law for the Asylum and the Refugees]


d. **Tourism policy**

**Central level**

The central government is responsible for:

- The cooperation in the development of the sector;
- Creating the legal framework in accordance to international norms, regulations and practices;
- Ensuring financial resources and executes marketing and promotion campaign;
- Creating conditions for the development of vacation, cultural and historic, eco, health, spa, sport, rural, conventional and other types of tourism;
- Managing and controlling the quality of the tourism product, and
- Getting involved in international cooperation in the sphere of tourism.

**Regional Level**

District authorities are responsible for:

- Organisation of strategies and tourism development programs together with local tourism unions;
- The coordination of the execution of the programmes and drafting of strategies and of a plan for regional development, and
- The coordination of the national tourism development strategy with mayors and municipal representatives.

**Local level**

Municipal authorities are responsible for:

- The construction and maintenance of infrastructure serving the tourism sector inside the municipality, including roads, railway lines, bus stations, as well as monuments of culture and heritage;
- The maintenance and preservation of green areas;
- The construction of tourism information centres and a tourist information network, and
- The marketing of tourism landmarks inside the municipality both on national and international level.

**Sources**

[Zakon za turizma](#) [Law of Tourism]
e. Civil protection policy

Central level

The central government is responsible for:

- The overall legislation;
- Ensuring the overall management of disaster prevention, and
- Drawing up disaster prevention plans.

Regional Level

District authorities are responsible for:

- Planning of disaster prevention together with the State and Municipalities;
- Organise and direct disaster prevention within the respective regions;
- Organise and control implementation of preventive measures for excluding or reducing consequences of disasters.
- Tel. 912 phones with coordination centres shared among several regions.

Local level

Municipal authorities are responsible for:

- The planning of disaster prevention together with the State and Districts;
- The training of the population;
- Voluntary formations, and
- Emergency assistance.

Sources
Zakon za zashtita pri bedstvia [Disaster Protection Act]
4. Cyprus

Cyprus is a unitary presidential republic, which became independent in 1960. Its Constitution, adopted the same year, recognises the principle of local autonomy (Articles 173 to 178). The Constitution also includes lengthy provisions governing the balance of power between the Greek and Turkish communities in the country.

Cyprus has a single-chamber Parliament, being the House of Representatives (Vouli ton Antiprosópon). It has eighty seats of which fifty-six seats are occupied by directly-elected Greek-Cypriots. The remaining twenty-four seats are nominally reserved for the Turkish-Cypriot community, which withdrew unilaterally from the constitutional structure after the intercommunal violence of 1963. In addition, one representative is elected by each one of the Maronite, Armenian and Catholic (Latinoi) religious minorities, although they have no voting rights. However, the people belonging to the three minorities also vote in parliamentary elections as members of the Greek-Cypriot community.

The republic is composed of Districts, Municipalities and Communities. Although there are no regions as such, the national territory has been divided into six Districts, namely Famagusta, Kerynia, Larnaca, Limassol, Nicosia and Paphos, for administrative purposes. These form a devolved level of the central government and will therefore be considered as intermediary level of government in the following study. One and a section of two other districts are located in the northern part of the island. The District Officer is the chief coordinator and liaison officer for the activities of all the ministries in the district and is accountable to the Ministry of the Interior. He is a senior public servant and is appointed by the Public Service Commission.

Local self-government, however, is recognised by the Constitution and by the Law for Municipalities (demos, plural demoi) and Communities (koinotita, plural koinotites). Both have mainly administrative competences. All in all, Cyprus has currently six Districts, thirty-nine Municipalities19 (in urban and touristic centres) and 478 Communities (in rural areas).20 Of the thirty-nine Municipalities in Cyprus, nine are in the northern part of the island and, since 1974, have been displaced to the areas of the Republic of Cyprus which are under the effective control of the government.

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19 According to the government website.
20 Ibid.
These continue to maintain their legal status, although their mayors and councils have temporarily been displaced to the government-controlled area, as have the vast majority of their constituents.

According to the Dexia study\(^\text{21}\), besides allocations from the central State, local governments in Cyprus have \textbf{tax revenue} from own-source taxes and fees they collect themselves. This revenue amounted to EUR 140 million in 2010. The Council of Ministers and the House of Representatives are responsible for the approval of the municipalities and communities’ budgets.

\textbf{This study looks at the local authorities in the areas of the Republic of Cyprus which are under the effective control of the government. Please refer to Protocol no. 10 appended to the Accession Treaty of the country to the European Union.}

\textbf{Central level}

The central government has national legislative powers in all areas.

\textbf{Intermediate level: districts}

The six districts ensure good coordination between the local and state levels.

District officers are responsible for applying government policy at the district level and supervise the functioning of the communities.

\textbf{Local level: municipalities and communities}

Out of the thirty-nine municipalities, nine correspond to the pre-1974 local authorities now located in the area of the Republic of Cyprus which is not under the effective control of the government. As mentioned before, these continue to maintain their legal status, although their mayors and councils have been temporarily displaced to the government-controlled area, as have the vast majority of their constituents.

Although the \textbf{Constitution} guarantees self-government implicitly, it does not give any indication on local competences. However, national laws allocate administrative responsibilities to local governments.

Municipal and communities responsibilities include (in practice due to limited resources of communities, certain responsibilities are frequently assumed by district services):

- Public health;
- Transport: maintenance of roads within their boundaries;
- Street lighting;
- Planning: local planning, land development, including building permits;
- Public areas, including parks and cemeteries;
- Environment, including waste disposal, sewage management and treatment, as well as water supply and management;
- Economic issues (regulation of trade and business);
- Municipal markets;
- Local tax system.

Normal municipalities and displaced municipalities legally have the exact same set of competences.

### 4.1 Systems of multilevel governance

**Representation**\(^{22}\): There are no deliberative representative bodies at the regional level. However, on a case-by-case approach, Municipalities and Communities can participate in parliamentary meetings and express their views and opinions on the issues examined. Consequently, the Union of Cyprus Municipalities (UCM) and the Union of Cyprus Communities are the main associations of local authorities in the country. Their core functions are to contribute to the development of local government autonomy, as well as to speak for local government interests vis-à-vis the central government.

**Information**\(^{23}\) and consultation\(^{24}\): During the legislative process, information is provided to the local and regional authorities by means of being published on the parliament’s website. There is no formal consultation procedure defined between the local authorities and the state. The Ministry of the Interior undertakes consultation processes on an ad hoc basis and only on some subjects of direct interest for the Union of Cyprus Municipalities.

However, the Union of Cyprus Municipalities and the Union of Cyprus Communities participate in the decision-making process concerning Cyprus’

\(^{22}\) Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007.

\(^{23}\) From E-mail consultation with different services of national Cyprus ministries.

\(^{24}\) Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007.
national positions on EU matters through frequent consultations with the national ministries on various issues. This is nonetheless not an automatic procedure.

**Coordination**\(^{25}\): The local authorities are invited by the Parliament to present their position on matters of direct interest to them, during the legislative process.

However, on European issues, the **Union of Cyprus Municipalities** and the **Union of Cyprus Communities** participate in the decision-making process concerning Cyprus’ national positions on EU matters through frequent consultations with the national ministries on various subjects.\(^{26}\)

### 4.2 Relations with the EU/Representation at EU level

The **six members of the CoR** are mayors, municipal councillors or Presidents of Community Council\(^{27}\).

**UCM (Union of Cyprus Municipalities)** has a **liaison office in Brussels** and supports the Cyprus delegation in the **Committee of the Regions**.

**UCM (Union of Cyprus Municipalities)** **cooperates with other Brussels-based regional offices and organisations**. It is a member of the **Council of European Municipalities and Regions (CEMR)**, the **Congress of Local and Regional Authorities of Europe (CLRAE)**.

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\(^{25}\) From E-mail consultation with different services of national Cyprus ministries.


\(^{27}\) [From the Committee of the Regions website](#)
4.3 Subsidiarity\textsuperscript{28}

EU draft legislative proposals are examined by the Parliamentary Committee on European Affairs (PCEA).

The Cyprus House of Representatives cooperate with other national parliaments within the InterParliamentary EU Information Exchange Platform (IPEX) framework. Also, the PCEA frequently consults IPEX to obtain information on subsidiarity checks from legislative chambers of other Member States.

In the absence of an explicitly regional governmental level in Cyprus, there is no consultation of such a body for examining the subsidiarity principle.

When the PCEA examines EU proposals, any interested parties, including the local authorities, are invited to participate in the meetings and express their views and opinions.

4.4 Bibliography

Constitution

Constitution of the Republic of Cyprus, in particular Art. 1.

Legislation

The Communities Law (Law No. 86(1)) of 1999.


Websites

Asylum Service website
Cyprus Tourism Organisation
Department of Labour
Department of Labour inspection
Department of Labour relations
Department of Social Insurance Services website
Department of Social Welfare Services
District administration offices
Ministry of Health
Ministry of communication and works
Minister of communication and works
Ministry of Labour and Social Insurance
Ministry of Agriculture, Natural Resources and Environment
Ministry of Commerce, Industry and Tourism
Ministry of Commerce, Industry and Tourism, energy service
The Ministry of Labour and Social Insurance, European Social Fund Unit
The planning Bureau
Youth Board of Cyprus

Publications and Studies


Council of European Municipalities and Regions, Consultation procedures within European States, 2007.


Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
4.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The central government is responsible for:

- The formulation and implementation of transport policy and transport programmes;
- The overall supervision of inland transport and public works;
- Vehicle registration, the issue and renewal of driving licenses, as well as circulation fees;
- The provision and regulation of air traffic services in the Nicosia Flight Information Region and the control towers at Larnaca and Paphos airports;
- The development and operation of the country’s airports and of air transport services with third countries;
- Safety and Security Regulation and the implementation of European Law on air transport;
- The implementation of merchant shipping laws and of the international maritime conventions to which Cyprus is a contracting party, and
- The administration, construction and management of port infrastructures, as well as the coordination and the control of port services, including for the state-owned multipurpose ports of Limassol and Larnaca. (Responsibility of the Cyprus Ports Authority, which is under the control of the state).

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of transport at the district level, and
- Participation in maintenance of roads.
Local level: municipalities and communities

Local authorities are, within the limits of their financial and administrative capacity, responsible for:

Municipalities

- The construction and maintenance of streets and bridges;
- The regulation and control of traffic, and
- The establishment of or participation in companies for the development of municipal immovable property (work of public utility).

Communities

- The construction and maintenance of streets and bridges in communities to the extent of their financial means.

Sources

Constitution of the Republic of Cyprus
Minister of communication and works
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84, 86 and 88.
b. Employment policy

Central level

The central government is responsible for:

- The promotion and implementation of policy in the fields of employment and training of human resources, and
- Safety and health at work.

Intermediary level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of employment at the district level.

Local level: municipalities and communities

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Sources
Constitution of the Republic of Cyprus
Department of Labour
Department of Labour inspection
Department of Labour relations
Ministry of Labour and Social Insurance
The Communities Law (Law No. 86(1)) of 1999.
c. **Social policy**

**Central level**

The central government is responsible for:

- Overall legislative and policy competences in the field of social policy, including continuous study and evaluation;
- Implementing specific social insurance schemes and measures;
- Safeguarding an individual’s right to a decent standard of living;
- Supporting families and individuals who are facing social problems;
- Providing protection and care to children and other vulnerable groups of people;
- Raising awareness among non-governmental organisations and local authorities about providing quality social services at the local level;
- The formulation, coordination, implementation and monitoring of policies for persons with disabilities;
- The payment of pensions to individuals residing in Cyprus, and who do not have the right to a pension or other similar payments from any other source;
- Administrating the termination of employment;
- Establishing a fund to cover the cost of protecting employees in the event of insolvency of their employer, and
- Implementing the principle of equal treatment for men and women in occupational social security schemes.

**Intermediate level: districts**

District authorities are responsible for:

- The administration and coordination of central government policies in the social field at the district level.
Local level: municipalities and communities

Local authorities are responsible for:

Municipalities

- Granting gratuities or pensions to employees and workers of the municipalities, as well as their widows and children and establishing a pension fund;
- Contributing to the provision of funds;
- The establishment, maintenance and operation of any resting places, charitable or philanthropic stations, schemes and institutions, and
- The provision of social, sanitary, paramedical, medical services and emergency services to needy or disabled persons.

Communities have no competence in this field.

Sources
Constitution of the Republic of Cyprus,
Department of Social Insurance Services website
Department of Social Welfare Services
Ministry of Labour and Social Insurance
The Municipalities Law (Law No. 111) of 1985, in particular Art. 85 (n), 85 (o).
The Communities Law (Law No. 86(1)) of 1999.
d. Education policy

Central level

The central government is responsible for:

- Overall legislative and policy competences in the field of education;
- The administration of education;
- Enforcing educational laws and providing educational facilities to pupils and students of the primary, secondary, higher and tertiary education levels;
- The supervision and standardisation of services provided by the private sector up to higher education.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of education at the district level.

Local level: municipalities and communities

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Sources

Constitution of the Republic of Cyprus
Government web Portal
The Communities Law (Law No. 86(1)) of 1999.
e. **Vocational training**

**Central level**

The central government is responsible for:

- Overall legislative and policy competences in the field of vocational training;
- Providing vocational training to public assistance beneficiaries in order to enter/re-enter the labour market, thus achieving social inclusion;
- Administering the Apprenticeship Scheme (joint programme of the Ministry of Labour and Social Insurance and the Ministry of Education and Culture), and
- Providing and administrating training programmes for the unemployed, especially the long-term unemployed and newcomers to the labour market.

**Intermediary level: districts**

District authorities are responsible for:

- The administration and coordination of central government policies in the field of vocational training at the district level.

**Local level: municipalities and communities**

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**Sources**

- Constitution of the Republic of Cyprus
- Government web Portal
- Ministry of Labour and Social Insurance
- The Municipalities Law (Law No. 111) of 1985
- The Communities Law (Law No. 86(1)) of 1999
f. **Youth and Sport Policy**

**Central level**

The central government is responsible for:

*Youth*

- Evaluating youth policy;
- Programmes and support services for the youth;
- Advising the State on youth issues;
- Creating leisure activities and infrastructure projects;
- International relations with foreign youth organisations;
- Volunteering;
- Youth information;
- Prevention – addictive substances, and
- Youth-related campaigns.

The Youth Board of Cyprus, which is a semi-governmental organisation\(^{29}\), is the body in charge of the above-mentioned duties. The Minister of Justice and Public Order acts as the liaison between the Youth Board of Cyprus and the Council of Ministers. The Board's budget is covered by State subsidy.

*Sport*

- Developing and supervising out-of-school sports;
- Financing the construction and maintenance of sports stadiums and facilities;
- Providing technical assistance to clubs and supporting Cyprus' participation in international meetings;
- Financially assisting federations and clubs in the promotion of their athletic programmes, as well as in the creation, maintenance and running of the basic athletic infrastructure and for the repayment of financial obligations to the Cyprus Sports Organisation, and
- Running modern sports centres, Olympic standard swimming pools and multi-purpose indoor and/or outdoor halls and/or stadiums.

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\(^{29}\) The Semi-Governmental Organisations are autonomous public bodies. Their operations are conditioned by laws and are found under the supervision of ministries of the executive power. These are common utility organisations which provide essential services and are fully controlled by the State. These “Semi-Governmental Organisations” - an unofficial term used to designate public bodies – are governed by public law and do not have any share capital. The members of their governing bodies are, with rare exceptions, appointed by the Council of Ministers.
The Cyprus Sports Organisation (CSO), which is a semi-governmental organisation, is responsible for the above-mentioned duties.

**Intermediate level: districts**

District authorities are responsible for:

- The administration and coordination of central government policies in the fields of youth and sports at the district level.

**Local level: municipalities and communities**

Local authorities are responsible for:

**Municipalities**

- The provision, establishment, lay out, improvement, maintaining and regulation of football grounds, swimming pools, recreation centres and youth centres.

Communities have no competence in this field.

**Sources**

- Constitution of the Republic of Cyprus
- Government web Portal
- The Communities Law (Law No. 86(1)) of 1999.
- The Municipalities Law (Law No. 111) of 1985, in particular Art. 85 (2) (g) (j).
- Youth Board of Cyprus
g. Culture policy

Central level

The central government, in particular the Cultural Services of the Ministry of Education and Culture, is responsible for:

- Formulating and implementing the government’s cultural policy;
- The financing and publication of editions, books, literary works and catalogues on Cyprus;
- The promotion and organisation of exhibitions, festivals, dance and theatre performances, and
- Providing financial funding to organisations, clubs and cultural associations.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of culture at the district level.

Local level: municipalities and communities

Both the municipalities and the communities are responsible for projecting and promoting, according to their financial capabilities, all aspects of culture. Responsibilities include:

- Regulating and controlling the operation of any theatres or building or places where public entertainment is performed, and
- Granting licenses for the use of such places.

Most municipalities have extensive involvement in cultural activities, including the promotion and organisation of exhibitions, festivals, dance and theatre performances, promotion and financing of local museums and financing of publications.
Sources
Constitution of the Republic of Cyprus
Government web Portal
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 85.
h. Public health policy

Central level

The Ministry of Health is responsible for:

- The formulation of overall public health policy and legislation;
- Coordinating public and private provision of medical services;
- Improving the effectiveness and efficiency of public health services;
- The prevention of illnesses in line with the principles stipulated by the World Health Organisation (WHO), and
- The provision of services and programmes for health promotion.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies at the district level in the field of public health.

Local level: municipalities and communities

Local authorities are responsible for:

Municipalities

- Controlling the hygiene conditions of foodstuffs and liquids intended for human consumption, and
- The construction, maintenance and operation of public baths, lavatories and other sanitary installations.

Communities have no competence in this field.

Sources
Constitution of the Republic of Cyprus
Government web Portal
Ministry of Health
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 85 (i), (l).
i. Trans-European network policy

Central level

The Ministry of Communications and Works is responsible for: The formulation and implementation of the government’s development programme in the sectors of communications, transport, public works and antiquities and of Trans-European Network.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of construction and maintenance of roads at the district level.

Local level: municipalities and communities

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Sources
Constitution of the Republic of Cyprus
Government web Portal
Ministry of communication and works
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84 (a), (e).
j. Economic, Social and Territorial Cohesion policy

Central level

The central government is responsible for:

*European Regional Development Fund (ERDF)*

- The formulation and implementation of the government's fiscal and economic policies.

Specifically, the Planning Bureau\(^{30}\) is in charge of:

- The implementation, correctness and effectiveness of managing the European Territorial Cooperation Programme;
- The concentration of statistical and financial data, and
- Preparing the Annual Implementation Report and organising the mid-term evaluation.

*European Social Fund (ESF)*

- Drafting of overall policy and legislation in the field of social policy, including continuous study and evaluation;
- The implementation, correctness (monitoring of the physical and financial progress of the projects and the exercise of control) and effectiveness of managing the European Territorial Cooperation Programme;
- The concentration of statistical and financial data;
- The selection of projects;
- Preparation of the Annual Implementation Report and organisation of the mid-term evaluation;
- The safeguarding of compatibility and conformity with national and Community policies that concern competition, public procurement, environment, gender equality, employment, and publicity and information, and
- The implementation of specific social insurance schemes and measures.

The European Social Fund Unit of the Ministry of Labour and Social Insurance is the managing authority for the European Social Fund.

\(^{30}\) The Planning Bureau is the Cypriot National Coordinator for the European Territorial Cooperation Programme, which is implemented through the EU Structural Funds, in particular through the European Regional Development Fund (ERDF).
**Spatial planning**

Under the control of the town planning and housing department (Ministry of Interior):

- The formulation and implementation of urban development, town planning and housing policies;
- Planning, control and enforcement, except in the 4 municipalities of Nicosia, Limassol, Larnaca and Paphoa which are delegated planning authorities.

**Intermediate level: districts**

District authorities are responsible for:

- The administration and coordination of central government policies at the district level.

**Local level: municipalities and communities**

Local authorities are responsible for:

**Municipalities**

*European Social Fund (ESF)*

- Contributing to the provision of funds;
- The establishment, maintenance and operation of any resting places, charitable or philanthropic stations, schemes and institutions, and
- The provision of social, sanitary, paramedical, medical services and emergency services to needy or disabled persons.

Communities have no competence in this field.

**Spatial planning**

- Acting as town planning authority and applying national town planning provisions.

Communities have no competence in this field.
Sources
Constitution of the Republic of Cyprus
Government web Portal
The Communities Law (Law No. 86(1)) of 1999.
The Ministry of Labour and Social Insurance, European Social Fund Unit
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84 (a) and Art. 85 (n), 85 (o).
The planning bureau website
k. Environment and the fight against climate change

Central level

The central government is responsible for:

- The formulation and implementation of overall policy and legislation in the field of environment and the fight against climate change;
- Ecolabel;
- Genetically Modified Organisms;
- Noise;
- Ozone depleting substances;
- Waste, and
- Pollution.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of environment at the district level.

Local level: municipalities and communities

Local authorities are responsible for:

Municipalities

- The maintenance and operation of water supply systems, and
- The construction and maintenance of drain systems and the operation of sewer systems.

Communities have no competence in this field.

Sources
Constitution of the Republic of Cyprus
Government web Portal
Ministry of Agriculture, Natural Resources and Environment
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84 (b), (c).
1. Energy

Central level

The Energy Service of the Ministry of Commerce, Industry and Tourism has the overall responsibility of Energy in Cyprus and specifically for:

- Monitoring and coordinating the supply and availability of sufficient energy capacity for domestic needs;
- Monitoring and participating in the formation of European policy for energy issues;
- Suggesting ways for the implementation of the European *Acquis*, assisting in the preparation of laws, regulations and rules etc. and implementing programmes for their promotion;
- Preparing and implementing programmes for energy conservation, the promotion of renewable energy sources (RES) and the developing of technologies for the utilisation of RES;
- Assisting the government in the formation of the national energy policy for Cyprus in coordination with all other bodies involved.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of energy at the district level.

Local level: municipalities and communities

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Sources

- Constitution of the Republic of Cyprus
- Government web Portal
- Ministry of Commerce, Industry and Tourism, energy service
4.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central level

The central government is responsible for:

- Formulating overall policy and legislation in the field of agriculture;
- Implementing agricultural policy;
- Extending the agricultural scientific knowledge;
- The provision of information, guidance and training to farmers and the rural population to stay abreast of the current needs and developments;
- The operation of schemes, programmes and other policy measures related to agricultural and rural development, regulation and adjustment of production and disposal of agricultural products, and supporting producers’ incomes.
- The implementation and enforcement of phytosanitary and livestock legislation, and
- Help and guidance to conserve and protect agricultural and natural resources.

Intermediate level: districts

The six District Agricultural Offices, namely Lefkosia, Larnaka, Ammochostos, Lemesos, Pafos and Pitsilia, are responsible for:

- Implementing agricultural policy;
- Promoting new improvements in the agricultural sector, including training and guidance of the rural population, and
- Promoting development projects and schemes.
Local level: municipalities and communities

Local authorities are responsible for:

Communities and rural municipalities:

The six districts are divided into agricultural “beats” (small areas), which consist of a varying number of rural communities, depending on the size of the communities, the number of farmers, the intensity of the farming operations, etc.

Sources
Constitution of the Republic of Cyprus
Government web Portal
Ministry of Agriculture, Natural Resources and Environment
The Communities Law (Law No. 86(1)) of 1999.
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84 (b), (c).
b. Fisheries

Central level

The central government is responsible for:

- The formulation and enforcement of overall fisheries policy and legislation;
- Sustainable use of marine resources,
- The development and sound management of fisheries and aquaculture;
- Marine ecology, the protection of endangered species and habitats;
- Preventing and combating marine pollution;
- Promoting supporting programmes to the fishermen including, inter alia, the construction of fishing shelters, and
- Participating in a variety of European Union research programmes, as well as cooperating with other international research institutes.

Intermediate level: districts

The Department of Fisheries and Marine Research has its headquarters in Nicosia and has three District Units located in the coastal towns of Paphos, Limassol, Larnaca and two sub-units at Paralimni and Latsi.

Two research stations, situated at Meneou and Kalopanayiotis, specialise in research and development of, respectively, marine and freshwater aquaculture.

Local level: municipalities and communities

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Sources
Constitution of the Republic of Cyprus
Government web Portal
Ministry of Agriculture, Natural Resources and Environment
The Communities Law (Law No. 86(1)) of 1999
The Municipalities Law (Law No. 111) of 1985, in particular Art. 84 (b), (c)
c. Immigration and asylum

Central level

The central government is responsible for the formulation and implementation of migration and asylum policies and legislation.

Specifically, it is in charge of:

*Immigration*

- The formulation and implementation of migration, repatriation and integration policy and legislation;
- Administrating the European Integration Fund and Returns’ Fund;
- Citizenship rules, and
- The management of repatriation schemes.

*Asylum*

- Administrating the European Refugee Fund,
- Receiving application forms;
- Interviews;
- Case Examination, and
- Processing statistical data.

Intermediate level: districts

District authorities are responsible for:

- The administration and coordination of central government policies in the field of immigration and asylum at the district level, and
- Migration administration tasks, including citizenship applications.

Local level: municipalities and communities

- Provide and administrate training and inclusive programmes for third country nationals.
Sources
Asylum Service website
Constitution of the Republic of Cyprus
District administration offices
Government web Portal
d. Tourism

Central level

The central government is responsible for:

- Formulating and implementing overall policy and legislation in the field of tourism;
- Promoting and coordinating development of the marinas (a unit is dedicated to nautical tourism within the Ministry of Commerce, Industry and Tourism);

The Cyprus Tourism Organisation is the semi-governmental managing operational structure and has its head office based in Lefkosia (Nicosia).

Intermediate level: districts

The regional offices of the Cyprus Tourism Organisation are situated in the following cities and areas across the island:

- Lefkosia (Nicosia),
- Lemesos (Limassol),
- Larnaka (Larnaca),
- Agia Napa,
- Protaras,
- Pafos (Paphos),
- Kato Pafos (Kato Paphos),
- Larnaka Airport (Larnaca Airport),
- Pafos Airport (Paphos Airport),
- Lemesos Port (Limassol Port),
- Germasogeia,
- Platres
- Polis Chrysochous.

Moreover, there are six inspectors’ offices operating in Lefkosia, Lemesos, Larnaka, Pafos, Agia Napa and Polis Chrysochous.

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31 The Semi-Governmental Organisations are autonomous public bodies. Their operations are conditioned by laws and are found under the supervision of ministries of the executive power. These are common utility organisations which provide essential services and are fully controlled by the State. These “Semi-Governmental Organisations” - an unofficial term used to designate public bodies – are governed by public law and do not have any share capital. The members of their governing bodies are, with rare exceptions, appointed by the Council of Ministers.
Local level: municipalities and communities

Local authorities, both municipalities and communities, are responsible for promoting the towns as tourist destinations.

Larger municipalities employ full time tourist officers and, in some areas, several municipalities and communities unite in common tourist associations to promote their area or district.

Sources
Constitution of the Republic of Cyprus
Cyprus Tourism Organisation
Government web Portal
Ministry of Commerce, Industry and Tourism
e. Civil protection

Central level

The central government, in particular the Ministry of Interior, is responsible for:

- Formulation and implementation of the government’s policy in relation to civil defence;
- Supervision and control of the Civil Defence System;
- Coordination of the services and organisations of civil defence, and
- Participation in the European Union’s Civil Protection Mechanism.

The civil defence tasks are managed by the Civil Defence Forces, which are first aid, telecommunications, welfare and fire fighting, rescue and neighbourhood watch sections.

Intermediate level: districts

Local level: municipalities and communities

Local authorities are responsible for contingency planning, including civil defence, in order to cope with the effects of an emergency situation.

The Civil Defence Force is organised in civil defence units in almost all urban areas and all villages. Most of the units are manned by conscripts and volunteers.

Sources
Constitution of the Republic of Cyprus
Government web Portal
The Communities Law (Law No. 86(1)) of 1999.
5. Czech Republic

The Czech Republic is a parliamentary representative democracy which is one of the successor States of Czechoslovakia, following its peaceful dissolution in 1993. Its parliament is bicameral and comprises an upper house, the Senate, and a lower house, the Chamber of Deputies. The Head of State is the President of the Republic and the government is led by the prime minister.

The Czech Republic is a unitary State which comprises three levels of governance: central, regional and municipal. The decentralisation process started in 1990, immediately after the fall of communism, with the adoption of the Municipal Act 367/1990. It was furthered in 2000 with the establishment of a new tier at the regional level. The District – deconcentrated authority – was eliminated in 2002 and its competences were redistributed to the other levels of governance.

The Czech Republic is composed of 14 regions (kraje) including the City of Prague which has the status of both a region and a municipality, and 6,249 municipalities (obec).

The Constitution provides for regional and local self-government. Local and regional authorities (LRAs) have both independent and delegated competences. They do not hold legislative powers. Moreover, there is no hierarchy between regions and municipalities.

Besides the Constitution, various laws set out the distribution of powers between the different levels of governance:

- The Act No. 128/2000 on Municipalities,
- The Act No. 131/2000 on Capital City Prague, and
- The Act No. 129/2000 on Regions.

Sub-national governments get their revenues from taxation (own resource), grants and other sources, mainly fees resulting from the provision of services. Sub-national expenditure represents 11.8% of GDP and 27.0% of total public expenditure. The revenue of municipalities can be broken down as follows: 9.5% from autonomous taxation, 46.9% from shared taxation, 27.7% from grants and 15.9% from other sources. The revenue of regions can be broken down as follows: 0.2% from autonomous taxation, 34.7% from shared taxation, 62.3% from grants and 2.8% from other sources.

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32 Article 8 and Chapter VII
33 A collective work of Dexia Crédit Local Research Department, Sub-national governments in the European
National level

State responsibilities

The central government has national legislative responsibilities in all areas.

Regional level

Regional responsibilities

- Education (secondary education and funding);
- Transport (road network, regional public transport);
- Social services;
- Environment (protection of fauna and flora);
- Regional economic development;
- Planning (approval of planning and zoning documents at the regional level);
- Health care, including drug prevention;
- Youth (funding);
- Sport (funding);
- Fire safety;
- Cohesion (regional boards on cohesion);
- Tourism (development plans in the field of tourism, implementation and monitoring of their performance);
- Prevention of criminality;
- Inter-regional and international cooperation with foreign territorial authorities;
- Other matters of regional interest, and
- Other matters delegated by the State.

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34 Act No. 129/2000 on Regions (Establishment of Regions)
Provincial level

Local responsibilities

- Local development;
- Environment (water management and treatment, urban heating, waste processing, environmental protection);
- Health services;
- Social welfare (social assistance and youth policy);
- Transport (public transport, management of local roads);
- Local planning (management and maintenance of open spaces, cemeteries);
- Sport;
- Culture;
- Fire-fighting and prevention;
- Municipal police;
- Primary education, and
- Housing.

5.1 Systems of multilevel governance

Representation: The Union of Czech Towns and Municipalities and the Association of Regions in the Czech Republic represent local and regional governments respectively vis-à-vis the central authorities.

Information and consultation: During the legislative process, information is provided to LRAs to the extent that information is published on the parliament website.

The central government must consult the Union of Czech Towns and Municipalities on measures which directly affect municipalities. Moreover, an agreement on mutual cooperation was signed in 2005 between the central government and the Union of Czech Towns and Municipalities whereby the Union is regularly consulted by government representatives.36

36 Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp.45-49.
Coordination:

Vertical coordination: The Union of Czech Towns and Municipalities and the Association of Regions in the Czech Republic constitute platforms for exchange among their members.

Moreover, LRAs may cooperate on the basis of a contract to perform certain specific tasks pursuant to the Act No 128/2000 on Municipalities. In the same way, regions may cooperate to exercise their competences pursuant to the Act No 1289/2000 on Regions.

Horizontal coordination: The Ministry of the Interior exercises administrative supervisory control over the local and regional authorities and ensures that their acts are adopted within the confines of the applicable law.

5.2 Relations with the EU/ Representation at EU level

The Czech CoR delegation comprises seven members from regions and five members from municipalities.

Thirteen regions (Central Bohemia Region, Moravia-Silesia Region, Olomouc Region, Pilsen Region, South Bohemia Region, Ústí Region, Zlín Region, Karlovy Vary Region, Liberec Region, Pardubice Region, South Moravian Region, Hradec Králové Region, Vysočina Region) and the City of Prague have liaison offices in Brussels.

The Union of Czech Towns and Municipalities cooperates with two European territorial associations: the Congress of Regional and Local Authorities of the Council of Europe (CLRAE) and the Council of European Municipalities and Regions (CEMR). The Association of Regions in the Czech Republic is similarly a member of CLRAE.

Two regions (Hradec Králové and Olomouc) are members of the Assembly of European Regions (AER).
5.3 Subsidiarity

Both the Senate and the Chamber of Deputies established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System (EWS). Nevertheless, the chambers do not formally consult local and regional authorities with regard to subsidiarity.37

Although local and regional authorities are not formally consulted with regard to subsidiarity scrutiny, regional representatives can express their opinions concerning EU legislative proposals during the debates which take place at the parliamentary committee level.38

5.4 Bibliography

Legislation


Act No. 129/2000 on Regions (Establishment of Regions)

Constitutional Act No. 1/1993 Coll. of the Czech National Council of 16th December 1992 with later amendments, Art. 8 and Chapter VII.

Websites

Union of Towns and Municipalities of the Czech Republic

Association of Regions of the Czech Republic

Publications and Studies


Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp.45-49.

38Ibid.
Council of European Municipalities and Regions, The CEMR/Members/Czech Republic

Committee of the Regions, European Commission – DG Regional Policy, Regional offices contact directory, European Week of Regions and Cities, Brussels, 6 – 9 October 2008

5.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National Level

The Ministry of Transport is responsible for overall national transport legislation.

Regional Level

Regional authorities are responsible for:
- Road networks;
- Regional public transport, and
- Stipulating the scope of basic transport services in the region.

Local Level

Local authorities are responsible for:
- Public transport;
- The management of local roads, and
- The installation, expansion and improvement of main networks and public passenger transport systems to provide transport services in the area.

Sources
Ministry of Transport
Act No. 129/2000 on Regions
b. Employment policy

National Level

The Ministry of Labour and Social Affairs is responsible for:

- Overall employment legislation;
- Drawing up of national policies and programmes;
- Monitoring and evaluating the market situation;
- Management of the labour offices;
- Implementing measures to promote and achieve equal treatment between men and women;
- International relations and international cooperation in the field of employment;
- Unemployment benefits, and
- The National Labour Office.

Regional Level

The regional branches of labour offices and the City of Prague office, as well as regional labour inspectorates are responsible for the implementation and supervision of employment policy.

Local Level

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Sources


Ministry of Labour and Social Affairs, Employment

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40 Ministry of Labour and Social Affairs, Employment.
c. Social policy

National Level

The Ministry of Labour and Social Affairs is responsible for overall legislation.

Regional Level

Regional authorities are responsible for:

- The provision of social services, and
- Regional social security authorities.

Local Level

Local authorities are responsible for:

- Social development within their territory;
- Social assistance, and
- Local social security offices.

Sources

Ministry of Labour and Social Affairs
Act No. 129/2000 on Regions
d. Education policy

National Level

The Ministry of Education, Youth and Sport is responsible for overall legislation.

Regional Level\textsuperscript{41}

Regional authorities are responsible for:

- Secondary schools;
- Tertiary professional schools;
- Nursery, basic and secondary schools and school facilities for disabled children and pupils;
- Special educational needs schools;
- Schools connected to health care facilities;
- School educational and boarding facilities and school canteens for children, pupils, and students of schools established by the region;
- Secondary schools teaching in the language of a national minority;
- Language schools authorised to organise state language examinations;
- Basic artistic schools, and
- School facilities for developing personal interests.

Local Level

Local authorities are responsible for:

- Basic Schools;
- Nursery Schools;
- Artistic basic schools;
- School facilities for developing personal interests;
- School facilities for special purposes, and
- School transport.

Sources

Ministry of Education, Youth and Sports

\textsuperscript{41} Act No. 561 of 24th September 2004 on Pre-school, Basic, Secondary, Tertiary Professional and Other Education (the Education Act)
e. Vocational training policy

National Level\textsuperscript{42}

The National Institution of Technical and Vocational Education (NUOV), which is run by the Ministry of Education, Youth and Sport, is responsible for providing comprehensive support for the development of technical education, with lifelong learning and the EU membership of the Czech Republic as the leading basis.

Regional Level
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Local Level
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Sources
EQAVET portal, \textit{Description of the VET System in Czech Republic}

\textsuperscript{42} EQAVET portal, \textit{Description of the VET System in Czech Republic}
f. Youth and Sport policy

National Level

The Ministry of Education, Youth and Sport is responsible for overall national legislation.

Regional Level

Regional authorities are responsible for:

- Providing subsidies from special funds for youth, sport and physical education, and
- The granting of subsidies to youth, sport and physical education.

Local Level

Local authorities are responsible for implementing youth policy.

Sources

Ministry of Education, Youth and Sports
Act No. 129/2000 on Regions
g. Culture policy

National Level\textsuperscript{43}

The Ministry of Culture is responsible for the overall national legislation.

Regional Level

Regional authorities are responsible for:

\begin{itemize}
\item Supporting the development of culture, and
\item The establishment of regional libraries, museums and galleries, regional theatres, orchestras and institutes of archaeological preservation.
\end{itemize}

Local Level

Local authorities are responsible for:

\begin{itemize}
\item Establishing cultural institutions, especially municipal and local libraries, municipal galleries and municipal and local museums, theatres, orchestras and other specialised cultural institutions;
\item Local cultural policy, mainly for large towns, and
\item Announcing specialised tenders for the support of cultural projects.
\end{itemize}

\textsuperscript{43}Council of Europe/ERICarts, \textit{Compendium Cultural Policies and Trends in Europe, Country profile - Czech Republic}
h. Public health policy

National Level

The Ministry of Health is responsible for:

- Health care;
- Public health protection, health research activities and directly controlled health facilities;
- Handling addictive drugs, pharmaceutical preparations and medicinal products, precursors and additives;
- The search for, protection and use of natural medicinal sources, natural spas and mineral water resources, medicinal products and technical equipment for prevention, diagnostics and treating people;
- Health insurance and health information systems, and
- The use of biocide preparations and introduction of biocide preparations and agents to the market.

Regional Level

Regional authorities are responsible for:

- The establishment and management of hospitals;
- Nursing homes, and
- Facilities for physically and mentally disabled adults and children.

Provincial Level

Local authorities are responsible for:

- Health services, through both municipal hospitals and private doctors.

Sources

Ministry of Health of Czech Republic
i. Trans-European networks policy

National Level

The government is responsible for overall national legislation (in accordance with the EU law).

Regional Level

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Local Level

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Sources

Ministry of Transport
j. **Economic, Social and Territorial Cohesion policy**

**National Level**

The Government is responsible for overall national legislation, in accordance with the principles and rules of economic, social and territorial cohesion policy and international obligations.

**Regional Level**

Regional authorities are responsible for:

- Developing economic activities with the objective of improvement of economic structure and creation of new jobs or ensuring stability of endangered jobs, and
- Improving the infrastructure of the territory, including conditions for transportation services.

**Local Level**

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**Sources**

Act No. 248/2000 Coll. of 29.06.2000 on Support to Regional Development
k. Environment and the fight against climate change policy

National Level

The Ministry of Environment is responsible for overall national legislation.

Regional Level

Regional authorities are responsible for:

- The protection of animals, and
- Environmental protection.

Local Level

Local authorities are responsible for:

- Arranging the maintenance of cleanliness on the streets and in other public spaces;
- Environmental protection;
- Vegetation in built-up areas and other vegetation in public places;
- Water management and treatment;
- Urban heating, and
- Waste processing.

Sources

- Ministry of the Environment of the Czech Republic
- Act No. 129/2000 on Regions
1. Energy policy

National Level

The Government is responsible for:

- Developing the national energy policy;
- Issuing state approval to build new source facilities in the electricity and heat sectors, and
- Ensuring the fulfilment of obligations arising from the international agreements and treaties binding on the Czech Republic or obligations arising from membership in international organisations.

Regional Level

Regional authorities are responsible for gas and electricity distribution.

Local Level

Local authorities are responsible for gas and electricity distribution.

Sources

Ministry of Industry and Trade
Act on Business Conditions and Public Administration in the Energy Sectors (The Energy Act)

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44 Act on Business Conditions and Public Administration in the Energy Sectors (The Energy Act),
5.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National Level

The Ministry of Agriculture is responsible for:

- Agriculture, except the preservation of agricultural land fund;
- Water management, except preservation of natural water accumulation, preservation of water sources and preservation of water quality, and
- The food industry.

Regional Level

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Local Level

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b. Fisheries policy

**National Level**

The Ministry of Agriculture is responsible for the fisheries policy, except for the areas of national parks (Ministry of Environment) and the military domains (Ministry of Defence).

**Regional Level**

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**Local Level**

Local authorities are responsible for:

- Appointing, dismissing or cancelling fishing inspections and keeping a register of all fishing inspections, and
- Issuing and removing fishing licenses.

**Sources**

*Act No. 99/2004 Coll., on Fishpond Cultivation, Fishery, Fishing Inspections and Protection of Sea Fishing Sources (Act on Fishery)*
c. Immigration and asylum policy

National Level\textsuperscript{45, 46}

The Ministry of the Interior is responsible for:

- Facilitating the granting of international protection and the withdrawal of asylum or subsidiary protection, and
- Determining which Member State of the European Union is competent to examine an application for granting international protection, unless this falls within the competence of the Czech Republic.

Regional Level
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Local Level
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\textsuperscript{45} Act No. 326/1999 Coll., on the Residence of Foreign Nationals in the Territory of the Czech Republic
\textsuperscript{46} 325/1999 Coll. ACT of 11 November 1999 on Asylum and Amendment to Act No. 283/1991 Coll., on the Police of the Czech Republic, as amended (the Asylum Act)
d. Tourism policy

National Level

The Ministry of Regional Development acts as a methodical and coordination body for all entities operating in the area of tourism.

Regional Level

Regional authorities are responsible for:

- Approving development plans in the area of tourism on the territory of the region, and
- Arranging for the implementation of the development plans and monitoring their performance.

Local Level

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e. Civil protection policy

National Level\(^47\)

The Fire Rescue Service (FRS), which is one of the basic bodies of the Integrated Rescue System of the country, is responsible for:

- The protection of life, health and property of citizens against fire, and
- Providing effective help in emergencies.

The Population Protection Institute, which is subordinate to the Ministry of the Interior, is responsible for:

- Providing information, expertise, consultant and advisory support for authorities and organisations of FRS in the country, ministries, bodies of state administration and self-administration, legal and selected physical persons, whose activities are important for securing population protection tasks.

Regional Level

Regional authorities are responsible for:

- Coordinating rescue work and providing medical assistance;
- Coordinating emergency housing, and
- The evacuation of the population.

The Regional Office ensures that the region is prepared in the event of a crisis situation.

Local Level

Local authorities are responsible for:

- Overseeing preparations for crisis situations;
- Ensuring the implementation of emergency measures, and
- Ensuring that people located in the municipality are warned and kept informed during crisis situations.

\(^47\) ZÁKON ze dne 28. června 2000 o krizovém řízení a o změně některých zákonů (krizový zákon) (Law on Crisis Management No. 240/2000 with later amendments)
6. Denmark

Denmark is a constitutional monarchy and a parliamentary democracy under the 1953 Constitution. The Parliament (Folketing) is unicameral. The Head of State is the Monarch and the Government is led by a Prime Minister.

The country is a unitary State organised on a decentralised basis. It has three levels of governance: central, regional and municipal. Prior to 2007, the Danish territorial organisation consisted of the State, the Counties and the Municipalities. A major reform, the so-called ‘Structural Reform’, was agreed in 2004 and resulted in the dissolution of the Counties, the creation of five Regions and the reduction of the Municipalities from 271 to 98 in 2007. It also modified the division of powers among the different levels of governance.

Denmark comprises five Regions (regioner) and ninety-eight Municipalities (kommuner). Besides, Denmark has two special autonomous Regions: the Faroe Islands and Greenland. Greenland and the Faroe Islands are not members of the European Union (EU). Greenland is recognised as having the Overseas Countries and Territories status at the EU level. In addition to the overseas agreement, Greenland has a number of agreements with the EU such as the Fisheries Agreement.

Local self-government is enshrined in the Constitution (section 82), albeit there is no indication of how it should be organised. Local and regional authorities are responsible for matters of their interest which are not expressly conferred to the State. The Regions and the Municipalities do not hold legislative powers and must act within the confines of the applicable law. There is no hierarchy between the Regions and the Municipalities. Supervision over the local and regional authorities is performed by regional state administrations. Moreover, the Ombudsman is in charge of the supervision over the whole public administration.

Greenland and the Faroe Islands have legislative powers. They hold competence in all matters except foreign and security policy, monetary systems, police and justice, and constitutional matters, which are regulated as a part of Denmark. Furthermore, there is an extensive educational cooperation between Denmark and Greenland and Faroe Island, as they do not have any institutions of higher education. Greenland and the Faroe Island are represented in the Danish Parliament.
Besides the Constitution, the Local Government Act and the Structural Reform give an indication of the distribution of powers across the different levels of governance.

In 2010, sub-national expenditure represented 71% of the total public expenditure: 49% for the Municipalities and 22% for the Regions, reflecting a high level of decentralisation. The Municipalities’ revenue was composed of 53% of income taxation, 15% of block grants, 13% of reimbursements, 8% of user payments, 6% of land and property tax and 5% of others.

The Regions are not entitled to levy taxes; they are financed by way of State and municipal contributions.

**National level**

**State responsibilities**

The central government has general legislative powers in the following areas of national sovereignty: police, defence, administration of justice, foreign affairs and development aid.

Moreover, it is responsible for:

- Higher education, secondary education, vocational training and research;
- Sick pay, child benefits and elderly pensions;
- Unemployment insurance and labour inspection;
- Certain cultural activities;
- Trade and industry subsidies;
- Citizen service regarding taxation and collection in cooperation with State tax centres;
- Food control, and
- Administration at national level, over and above administrative responsibilities exercised at regional and local level.

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Regional level

Responsibilities of the Regions

Regions have responsibilities in the areas of:

- Public health;
- Regional development;
- Environment;
- Tourism;
- Education;
- Culture;
- Planning;
- Certain social services;
- Special education, and
- Transport.

Local level

Responsibilities of the Municipalities

Municipalities are responsible for:

- Specialised social services;
- Employment policies (local job centres);
- Social welfare (social services);
- Child care;
- Education;
- Care for the elderly;
- Healthcare;
- Integration and language education for immigrants;
- Civil protection;
- Environment;
- Planning;
- Tourism;
- Transports;
- Culture, and
- Sports.
6.1 Systems of multilevel governance

**Representation:** Municipalities and Regions are represented before the central authorities by the associations Local Government Denmark (*Kommunernes Landsforening – KL*) and Danish Regions (*Danske Regioner*) respectively.

**Information:** During the legislative process, information is provided to the LRAs to the extent that information is published on the Parliament’s website.

**Consultation:** Although there is no formal framework regulating consultation procedures, in accordance with the Parliament Rules of Procedures, the Parliament must consult all the relevant partners prior to the presentation of a bill. KL and Danish Regions as well as individual local and regional authorities are thus consulted.\(^{50}\)

**Coordination:** The associations of local and regional authorities cooperate with the ministries on the improvement of the public administration system. Furthermore, they coordinate with regard to the national economic policy and their financial needs. The central Government and the associations of local and regional authorities conclude an agreement – not legally binding – every year on the central grants and local taxation.\(^{51}\)

6.2 Relations with the EU/ Representation at EU level

The **Danish CoR delegation** comprises three members from the Regions and six members from the Municipalities.

KL and Danish Regions have their own **liaison offices in Brussels**. Moreover, the Regions of Central Denmark, North Denmark, South Denmark, the **Capital Region of Denmark**, Zealand and Greenland have liaison offices in Brussels.\(^{52}\)

**Local and regional authorities cooperate with various EU territorial associations via their national associations.** Danish Regions are a member of the Baltic Sea States Interregional Cooperation (BSSSC), the Council of European Municipalities and Regions (CEMR) and the Congress of Local and Regional authorities of Europe (CLRAE). The Local Government of Denmark,

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\(^{50}\) Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp.45-49.

\(^{51}\) Congress of local and regional authorities of Europe, *Local and regional democracy in Denmark - CG (12) 8 Part II.*, 2005.

\(^{52}\) Committee of the Regions, European Commission – DG Regional Policy, *Regional offices contact directory*, European Week of Regions and Cities Brussels, 6-9 October 2008.
Kommunernes Landsforening (KL), is a member of the United Cities and Local Government (UCLG), CEMR and of CLRAE.

In addition, two Regions (North Denmark and South Denmark) are members of the Assembly of European Regions (AER).

6.3 Subsidiarity

The Parliament (Folketing) established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System. Nevertheless, it does not formally consult the local and regional authorities.

Although the Regions and Municipalities are not formally consulted, they participate informally in the subsidiarity scrutiny through the regular channels of cooperation between the ministries and the local and regional authorities.53

6.4 Bibliography

Legislation

Constitution of Denmark.

Websites

Danish Regions portal, In English/Regional Denmark/Regional tasks in Denmark

Local Government Denmark portal

The Ministry of the Interior and Health, Department of Economics, The Local Government Reform in brief, December 2005

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Congress of local and regional authorities of Europe, *Local and regional democracy in Denmark - CG (12) 8 Part II*, 2005.

Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp.45-49.

6.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- General road network;
- The majority of trains and railway networks, and
- Share of the metro.

Regional level

Regional authorities are responsible for:

- The establishment of transport companies, including
  - Bus transport;
  - Fixing the rates and ticketing systems;
  - Schedules;
  - Coordination and planning;
  - Private railways, and
  - Individual transport of disabled people.

Local level

Municipal authorities are responsible for:

- Participating in regional transport companies;
- Financing local bus transport, and
- Local road network.

Sources
b. Employment policy

National level

The central government is responsible for:

- Regulating the unemployed with insurance;
- Job centres, together with the municipalities, and
- The management and supervision of the employment effort in four new state employment regions.

Regional level

Local level

Municipal authorities are responsible for:

- Regulating the unemployed without insurance;
- Job centres, in collaboration with the State;
- Ten pilot job centres where the municipalities take over the State’s responsibility for the unemployed with insurance.

Sources

c. Social policy

National level

The central government is responsible for the National knowledge and special counselling organisation (VISO).

Regional level

Regional authorities are responsible for:

- Operating services for exposed groups and groups with special needs that have not been taken over by the municipalities;
- Operating institutions for children with social and behavioural problems if the municipalities have made an agreement with the preparation committees accordingly in 2006;
- The preparation of a frame agreement, including coordination of the most specialised national and regional services in collaboration with the other Regions;
- Participating in procurement of aids, and
- Tasks concerning operation of housing for the elderly and housing communities.

Local level

Municipal authorities are responsible for:

- Regulatory, supply and financing duties related to social policy;
- Operating institutions of children and young people with social and behavioural problems (except secured institutions)
- Child care;
- Elderly care;
- Social psychiatry, and
- Main funding.

Also, municipalities have the possibility to take over social services provided by the Regions.
Sources
Danish Regions portal, *In English/Regional Denmark/Regional tasks in Denmark*. 
d. Education policy

National level

The central government is responsible for:

- Establishing goals for the contents of primary school education, including special education;
- The Centre for teaching aids and materials;
- Youth educations;
- Further education and education for adults;
- Short- and medium-term higher education;
- University education, and
- Research.

Regional level

Regional authorities are responsible for:

- Operating the most specialised national and regional education;
- Operating educational institutions with special education for people with a speech, hearing or sight impairment (communication centres), and
- Coordinating youth education and education for adults, including FVU and education for dyslexics.

Local level

Municipal authorities are responsible for:

- Primary school, including special education, and
- Special education for adults.

Sources
e. Vocational training policy

National level

The central government is responsible for national guidance, including continuous supervision and development of guidance services in the education sector.

The country includes eleven continuing training and education committees, each responsible for a specific sector of the labour market.

The National Council for Adult Vocational Education and Training (REVE) advises the Minister of Education.

Regional level

Regional authorities are responsible for regional guidance centres.

Local level

Municipal authorities are responsible for local education boards for adult vocational training programmes directed at specific local job areas.

Sources
The Ministry of Children and Education, Frontpage/Education
f. Youth and Sport policy

National level

The central government has overall responsibility in the field of youth and sports.

Regional level

Regional authorities have competences in the field of education, social services and culture.

Local level

Municipal authorities are responsible for:

- The youth policy relating to education, social services and culture, and
- Local sports activities.

Sources
g. Culture policy

National level

The central government is responsible for providing subsidies to:

- A number of private cultural institutions of a national nature;
- The national State recognised museums;
- District theatres and orchestras, the Det Danske Theatre, the Den Jyske Opera and the drama schools at the theatres in Odense and Arhus, and
- Basic music courses and school concerts.

Also, it shares the responsibility with the Municipalities of providing subsidies to music schools, local theatres, and local State recognised museums.

Regional level

Regional authorities are responsible for initiating cultural events and offers.

Local level

Municipal authorities are responsible for:

- Subsiding local culture, including relics of the past;
- Running music schools, and
- Subsiding local State recognised museums and a number of cultural tasks.

Sources

h. Public health policy

National level

The central government is responsible for:

- Specialty planning;
- The systematic follow-up on quality, efficiency and IT usage, and
- Financing.

Regional level

Regional authorities are responsible for:

- Hospitals;
- Psychiatry, and
- Health insurance (general practitioners, specialists and reimbursement for medication).

Local level

Municipal authorities are responsible for:

- Preventive treatments, care and rehabilitation that do not take place during hospitalisation, as well as special dental care;
- Home care;
- Treatment of alcohol and drug abuse, and
- Contributions.

Sources

i. Trans-European networks policy

National level

The central government is responsible for:

- The general road network, and
- The majority of trains and railway networks.

Regional level

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Local level

Municipal authorities are responsible for the local road network.

Sources


Danish Regions portal, *In English/Regional Denmark/Regional tasks in Denmark*
j. Economic, Social and Territorial Cohesion policy

National level

The central government is responsible for:

- The general growth policy, including cross-coordination between the business, education, transport and employment policy (via the National Growth Strategy);
- The Regional policy ministerial committee in charge of coordinating activities;
- Ensuring coherence between national and regional growth efforts, launching initiatives implementing the national growth policy at regional level and overseeing regional business development strategies (Danish Growth Council), and
- Funding, through a State block grant.

Regional level

Regional authorities are responsible for:

- The preparation of regional development plans,
- The establishment of a secretariat providing service for the regional growth fora;
- Co-financing business development activities;
- Developing regional business development strategies, monitoring regional and local growth conditions, recommending co-financing and recommending structural assistance (Regional Growth Forums), and
- Spatial planning, including raw material mapping and planning.

Local level

Municipal authorities are responsible for:

- Local business service
- Spatial planning, including local plans;
- Local development contributions;
- Cross-municipal business cooperation, and
- Cooperation with growth fora.
Sources
Danish business authority, *Regional policy actors*
Danish Regions portal, *In English/Regional Denmark/Regional tasks in Denmark*
k. Environment and the fight against climate change policy

National level

The central government is responsible for:

- Tasks involving international obligations of major national interest and technically complicated tasks;
- The preparation of nature and water plans pursuant to the Act on Environmental Goals;
- The monitoring of the nature and environment;
- Special regulatory tasks, including
  - The approval and inspection of companies;
  - The supervision of waste water outlets and certain local waste handling plants;
  - Environment approvals;
  - The protection of the coastline;
  - The preservation of dunes;
- National planning.

Regional level

Regional authorities are responsible for:

- The preparation of regional development plans;
- Measures and planning of recovery of raw materials;
- Measures against soil pollution, and
- Certain tasks pursuant to the Act on Environmental Goals.
Local level

Municipal authorities are responsible for:

- Most of the regulatory and citizen-related tasks regarding nature and environmental legislation;
- The preparation of local action plans pursuant to the Act on Environmental Goals for waste, waste water and water supply, and
- The maintenance of streams.

Sources
Danish Regions portal, *In English/Regional Denmark/Regional tasks in Denmark*
1. Energy policy

National level

The central government is responsible for:

- The Danish Energy Agency;
- National and international efforts to prevent climate change;
- Energy issues;
- Conducting national geological surveys in Denmark and Greenland, and
- Meteorology.

Regional level

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Local level

Municipal authorities are responsible for:

- Energy supply, through local and regional energy companies, and
- Energy-saving.

Sources

Danish Ministry of Climate, Energy and Building, *The Ministry*
6.6  The division of powers among different levels of governance in the fields of particular interest for LRAs

a.  Agriculture policy

National level

The central government is responsible for the overall legislation in accordance with EU standards, and for the Danish AgriFish Agency.

Regional level

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Local level

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Sources
Ministry of food, agriculture and fisheries, *The Ministry*
b. Fisheries policy

National level

The central government is responsible for the overall legislation in accordance with EU standards and for the Danish AgriFish Agency.

Regional level

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Local level

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Sources
Ministry of food, agriculture and fisheries, *The Ministry*
c. Immigration and asylum policy

National level

The central government is responsible for the overall immigration and asylum policy.

Regional level

Local level

Municipal authorities are responsible for the integration of and language education for immigrants.

Sources
d. Tourism policy

National level

The central government is responsible for:

- The overall tourism policy;
- The coordination of the Danish tourism policy,
- International policy tasks related to the EU, and
- The international promotion of Denmark as a tourism destination, annual tourism analyses and the creation of knowledge (VisitDenmark).

Regional level

Regional authorities are responsible for:

- The regional promotion of tourism (responsibility of Growth of regional fora), and
- Facilitating and guaranteeing product development, innovation and marketing of tourism within the Regions, via Regional tourism development organisations.

Local level

Municipal authorities are responsible for:

- The local promotion of tourism, and
- Coordinating and delivering tourist services and information, as well as product development and marketing at the local level, via Local tourist offices.

Sources
European Commission, Annual tourism report 2010 Denmark
e. Civil protection policy

National level

The central government is responsible for:

- Planning and taking the necessary measures for civil preparedness at ministerial level, and
- The coordination of civil preparedness planning, implementation of any associated measures and completion of the work that is not taken care of by other authorities (Minister of Defence).

The Danish emergency management agency (beredskabsstyrelsen; DEMA) is in charge of:

- Coordinating responsibility on behalf of the Minister of Defence;
- The management of emergency response centres;
- Supervising national and local rescue preparedness;
- Advising body on preparedness matters;
- Directive responsibilities in fire prevention;
- The general development of emergency preparedness and response, and
- Chemical and nuclear preparedness and response.

Regional level

Regional authorities are responsible for:

- The administration of hospitals, and
- Regional centres for the national rescue preparedness.

Local level

Municipal authorities are responsible for:

- Supplies and emergency preparedness, and
- Drafting contingency plan for all assignments that the municipalities are responsible for.
Sources
European Commission portal, European Commission > Humanitarian Aid & Civil Protection > Vademecum/Denmark disaster management structure
7. Estonia

Estonia is a unitary republican State under the Constitution of 1992. Estonia has a single chamber Parliament (Riigikogu), which is composed of 101 directly elected members. The Constitution instituted the Republic of Estonia as a democratic parliamentary representative State (Articles 1, 65.3, 65.5, 97 of the Constitution).

Local self-government is a right guaranteed by the Constitution, which states that “all local issues shall be resolved and managed by local authorities, which shall operate independently pursuant to law” (Article 154). The State is composed of 226 local authorities including 193 rural Municipalities (vald) and 33 urban Municipalities/Towns (linn) and Counties (maakonnad)⁵⁴.

Municipalities are the only level of self-government as Counties (there are 15 counties) became a devolved level of central government. There is no regional level of government. However, there are regional agencies of the state administration headed by county governors, who are appointed by the central government.

The legislative power is vested in the Riigikogu (article 59 of the Constitution). The basic functions of local authorities are the independent organisation and management of local issues in pursuance of the law and on the basis of the legitimate needs and interests of the residents of the rural municipality or city.

Apart from the Constitution of 1992, the major legislative texts are:

- The local Government Organisation Act of 1993 which determines the functions, responsibilities and organisation of local government and the relations of local authorities with one another and with state bodies
- The Territory of Estonia Administrative Division Act of 1995. The county governor exercises supervision over the activities of local government.

In 2011, revenue of the sub-national public sector came to EUR 1324 million, representing 5.1% of national GDP and 24.7% of total public sector revenue. Tax revenue (mostly shared taxes, i.e. the tax rate and share going to local budgets is set by the state) represents almost half of sub-national public sector revenue. However, municipal leeway over tax revenue is rather weak, as 96.3% of tax revenue came from shared taxes in 2011.

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⁵⁴ The number of local authorities dates from 2009 and is taken from the report on Local democracy in Estonia from the Congress of Local and Regional Authorities, 7 October 2010.
Local taxes represent 3.7 % of sub-national tax revenue in 2011, out of which 2/3 comes from the local sales tax collected in Tallinn (local sales tax was removed from the list of local taxes since January 2012). Moreover, 34% of revenue comes from State grants.

Proposals have been made to restore counties into local self-governments, in order to discharge municipalities from responsibilities such as transport, secondary education, etc. The statute of the capital city Tallinn has been a point of contention for years. Since 1994, Tallinn has lobbied to have the so-called Capital Act passed in order to make the special statute of the city official.

National level

State responsibilities

The legislative power rests exclusively with Riigikogu (Parliament).

The central government has general administrative powers in the following areas of national sovereignty: justice, foreign affairs, national defence, and finances. It also has supervisory powers.

Moreover, it is responsible for:

- Maintenance of public order, rescue services;
- Infrastructure development and maintenance;
- Industry and commerce;
- Education;
- Labour policy;
- Health management;
- Motorways.

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55 Data from the Ministry of Finance of Estonia.
Regional level

**County level responsibilities**

Counties are administrative units representing the central government at local level. There is no elected regional level. However, counties have kept responsibilities in the areas of:

- Environmental management;
- Economic and spatial development;
- Supervision over certain acts of local government;
- Coordination of emergency situations.

Local level

**Municipal level responsibilities**

Under the [Constitution](#), all local issues are dealt with and resolved by self-governing territorial authorities unless assigned to other persons by law. These authorities operate their own budgets. Local authorities are responsible for:

- Education (nursery, primary and secondary levels);
- Upkeep of public areas;
- Social welfare and services;
- Welfare services for the elderly;
- Youth work;
- Provision of public services and amenities;
- Housing and utilities;
- Water supply and sewer maintenance;
- Local planning;
- Maintenance of local public roads;
- Local public transport;
- Municipal libraries and museums;
- Sports and leisure facilities.
7.1 Systems of multilevel governance

**Representation**\(^57\): Local interests are represented towards the central government via the *Association of Rural Municipalities of Estonia* (AME) and the *Association of Estonian Cities* (AEC). With a view to uniform representation of local authorities’ interests vis-à-vis the central government, AME and AEC run what is called the *Local Government Associations Co-operation Assembly* (LGACA).

**Information**\(^58\): Local government associations have direct access with active user rights to the official electronic law drafting system. They can thus be informed and provide views on legislation as it is being drafted.

**Consultation**\(^59\): The Rules of Government stipulates that “prior to submission of a draft to the Government of the Republic or its signing by a minister, the draft shall be approved by other ministries and the State Chancellery and the concerned ministers. The draft shall also be approved by national associations of local governments if the draft concerns the general interests of local governments”.

Consultations are carried out with both associations, and sometimes, according to need, with individual local authorities as well. If the Ministry sets up a working body, a consultation group, the association is sometimes asked to participate. If the Ministry has adopted “Good Engagement Practices” procedure, the associations may be contacted in the early stages of the law making process. Associations maintain very good cooperation with the legal chancellor, who is responsible for verifying the constitutionality of legislation.

According to article 65(3) of the *local Government Organisation Act*, Rural Municipality, city councils and local government associations have the right to submit proposals to the Government of the Republic for the passage or amendment of Acts and other legislation.

Paragraph 9 of the State Budget Act focuses on the **correlation between the State budget and local government**. It specifies that “the distribution of the budget equalisation fund shall be determined on the basis of an agreement between the authorised representatives of the local governments and local government associations and the Government of the Republic.” If no agreement is reached, the volume and the distribution of the budget equalisation fund is decided by the Government”. Since 1994, annual negotiations are held

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\(^{57}\) Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007.

\(^{58}\) Ibid

\(^{59}\) Ibid
concerning the grants of the budget equalisation fund from the State to local government.

In addition, some ministries have adopted “Good Engagement Practices” and in this framework the associations are consulted.

**Coordination**

Estonia’s EU policy is reflected in positions reached in the process of cooperation involving the Parliament (Riigikogu) and the citizens, the government and its officials, Estonia’s local authorities and their associations. The corresponding principle, laid down in the strategy document ‘The Estonian Government’s European Union Policy’, forms the basis for national association of local authorities such as the Association of Rural Municipalities of Estonia (AME) to participate actively in this process. The Association of Estonian Cities (AEC) also plays an active role in representing local interests in European affairs.

The EU Secretariat (EUS), a subunit of the Government Office, is responsible for the overall coordination of European Union affairs in Estonia. The primary responsibilities of the EU Secretariat are:

- **To support the Prime Minister in EU-related matters.** On behalf of the Prime Minister, the EU Secretariat leads the preparation of Estonia’s positions for the European Council and coordinates the national implementation of the Lisbon process. It also participates in the preparation of Government’s positions in all councils, intergovernmental conference (IGC), and EU external affairs.
- **To ensure effective inter-ministerial cooperation in EU affairs.** As the line ministries are responsible for performing EU related tasks within their respective competencies, effective inter-ministerial coordination is necessary to ensure the coherence of Estonian EU policy.

Besides those main functions, EUS has several additional tasks, such as informing the Commission about the transposition of EU legislation into national legislation.

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60 From the EU Secretariat, Government of Estonia Office website
7.2 Relations with the EU/Representation at EU level

Two national associations – the **Association of Estonian Cities** (AEC) and the **Association of Rural Municipalities of Estonia** (AME) – are consulted in the nomination process of national members to the Committee of the Regions and the **Congress of Local and Regional Authorities of the Council of Europe** (CLRAE). This clause is written in the nomination procedures that are approved by the Minister for Regional Affairs.

The Estonian delegation to the CoR consists of 7 full members: 4 from cities and 3 from rural municipalities and 7 alternate members, 3 from rural municipalities and 4 from cities.

The AME and the AEC have shared a **joint Brussels Office** since 2005.

The AEC is a member of the International Union of Local Authorities (IULA, 1925), the **Council of European Municipalities and Regions** (CEMR, 1995), the **Congress of Local and Regional Authorities of the Council of Europe** (CLRAE), the **Baltic Sea States Sub-Regional Cooperation** (BSSSC), and the Joint Consultative Committee of the Committee of the Regions (CoR).

The association co-operates with many international organisations, networks and movements such as the Union of the Baltic Cities (UBC), the International Council for Local Environmental Initiatives (ICLEI), the Baltic Local Agenda 21 Forum (BLA21F), and the World Health Organisation's (WHO) Healthy Cities Project61.

7.3 Subsidiarity62

The national Parliament (**Riigikogu**) established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System (EWS). After receipt of EU draft legislation, the Estonian Government submits to the Board of the **Riigikogu** an explanatory memorandum63. The Board of the **Riigikogu** then forwards EU draft legislative acts to the European Union Affairs Committee (EUAC). It can also designate some standing committees for giving opinion on the drafts. After consulting the opinions of the other standing committees, the EUAC forms a final opinion on behalf of the **Riigikogu**. In case the EUAC finds

61 From the Association of Estonian Cities website
63 Pursuant to Article 152.2.1 of the Rules of Procedure, the explanatory memorandum should set out the purpose of the EU draft legislative act, the procedure and schedule for proceedings in the EU institutions and an overview of the effects related to passage from the draft legislation to legislation.
that the draft EU legislative acts do not comply with the principle of subsidiarity, it may submit a draft resolution with a reasoned opinion which is to be discussed in the plenary. The Government shall express its opinion. A representative of the EUAC presents a report at the reading of the draft resolution followed by the debate in the plenary. If motions to amend the draft resolution are submitted, they are put to a vote; thereafter, the draft resolution is put to a final vote. After adoption, the President of the Riigikogu forwards the resolution to the relevant EU institutions.

There are no provisions for consulting local and regional authorities within the EWS. Moreover, since it has so far not proved necessary to instigate the procedure for a draft resolution, such consultation procedures have not yet been institutionalised. At the same time, the EUAC has certain working practices and routines which include various informal channels for consultation and participation, contacts with stakeholders and civil society organisations, as well as meetings with Estonian EESC and CoR members.

The EUAC also holds public hearings on various issues to which local authorities’ representatives and stakeholders, among others, are invited.

The other channels of communication with the local associations described above are not directly related to the EWS.

The Municipalities have not established any specific mechanism as regards subsidiarity scrutiny of EU draft legislative acts.

As already mentioned, they are not formally consulted by the national Parliament. However, they may participate informally in the subsidiary scrutiny via the regular channels of cooperation between the national Parliament and the local and regional authorities.
7.4 Bibliography

Constitution


Legislation

Local Government Organisation Act, adopted in 02.06.1993, has been amended 71 times, last amendment 08.12.2011.

Websites

Association of Estonian cities
Association of Municipalities of Estonia
Estonian Government, in particular the European Union section
Riigikogu, the Parliament of Estonia
The Estonian State
The President of Estonia

Publications and Studies


Council of European Municipalities and Regions, Consultation procedures within European States, 2007.


Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
7.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The Government is responsible for transport policy and legislation in the field of:

- Railway transport;
- Air and maritime transport;
- Road transport, in particular developing the road traffic safety policy, ensuring the safety of road users and road traffic; organising traffic supervision; as well as implementation of traffic education policy.

Government agencies in the field of transport are the Estonian Civil Aviation Administration, the Estonian Maritime Administration, the Estonian Technical Surveillance Authority and the Estonian Road Administration (ERA). The ERA is specifically responsible for:

- Road management and creation of conditions for safe traffic on national roads;
- Improvement of traffic safety and reduction of harmful environmental impact of vehicles;
- Organisation of traffic and public transport;
- State supervision over compliance with the provisions of legal acts within its area of activity and implementation of the enforcement powers of the state;
- Management of the National Road Databank, the Vehicle Register and the Public Transport Information System;
- Participation in the development of the legislation regulating its area of activity and making recommendations for amendments in the legislation, as well as participation in working out the connected terminology;
- Participation in the elaboration of policies, strategies, and development plans and participation in the preparation and implementation of international projects;
- Implementation of the state policy and development plans in the field of traffic safety and environmental safety of vehicles, and required
management of the register of vehicles, tachograph cards, driving licences and other documents prescribed by law.

Regional level
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Local level: municipalities

Local authorities are responsible for:

- Organisation of public transportation within the rural municipality or city;
- Maintenance of rural municipality roads and city streets unless such functions are assigned by law to other persons;
- Organising road traffic safety awareness and educational work among the population, at schools and child care establishments;
- Compiling and adopting plans in order to ensure compliance with road traffic safety requirements;
- Ensuring road mobility for physically disabled and blind people.

Sources
Estonian Road Administration
Local Government Organisation Act
Ministry of Economic Affairs and Communications
Traffic Act, entered into force 01.07.2011
b. Employment policy

Central level

The Government is responsible for:

- Unemployment and labour market policy;
- Working environment policy;
- International cooperation;
- Provision of labour market services and labour market benefits. (Estonian Unemployment Insurance)

Labour market services include:

- Provision of information on the situation on the labour market, and of the labour market services and benefits;
- Job mediation;
- Labour market training;
- Career counselling;
- Work practice;
- Public work;
- Coaching for working life;
- Wage subsidy and business start-up subsidy
- Adaptation of premises and equipment;
- Special aids and equipment;
- Communication support at interviews;
- Working with support persons.

Labour market benefits are:

- Unemployment allowance;
- Grants;
- Transport and accommodation benefits.

Regional level

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Local level: municipalities

The Estonian Unemployment Insurance Fund must cooperate with local governments, local government agencies and other service providers in the provision of labour market services and other assistance necessary for finding work to unemployed persons.

Sources
Labour Market Services and Benefits Act
Ministry of Social Affairs
c. Social policy

Central level

The Government is responsible for:

- Development and execution of social policy;
- Allocation of technical aids to people with disabilities;
- Victim support;
- Monitoring compliance with the requirements of the Equal Treatment Act and the Gender Equality Act. (The Gender Equality and Equal Treatment Commissioner, appointed by the Minister of Social Affairs)

Regional level

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Local level: municipalities

Local authorities are responsible for the organisation, in the rural municipality or city, of:

- Social assistance and services in the rural municipality or city;
- Welfare services for the elderly, the handicapped and other persons in need of assistance;
- Housing and utilities;
- Care homes;
- Shelters;
- Counselling;
- Home care assistance;
- Personal assistants;
- Social housing;
- Adapting a dwelling
- Social transport.

Sources

Equal Treatment Act
Local Government Organisation Act
Ministry of Social Affairs
d. Education policy

Central level

The Government is responsible for:

- Planning, organising and developing education, research and language policies and legislation;
- Developing national development plans in the areas of education, research and language policies and guaranteeing their compliance with the national development plans in these areas;
- Organising the funding, completion and assessment of the results of development plans;
- Exercising governmental supervision over the activities of educational institutions regarding provision of education and the fulfilment of national study programmes and other educational standards;
- Planning and developing national study programmes and other educational standards and organise their preparation and accreditation.

Governmental agencies in the field of education are: the National Examination and qualification centre and the Estonian Educational and Research Network (EENet).

Regional level

The Basic Schools and Upper Secondary Schools Act provides that the governor of the county of location, at the request of the Minister of Education and Research, exercises state supervision over teaching and education carried out by schools.

Local level: municipalities

Local authorities are responsible for the organisation, in the rural municipality or city, of the maintenance of:

- Pre-school child care institutions;
- Basic schools;
- Secondary schools;
- Hobby schools;
- Students’ transport.
Sources
Basic Schools and Upper Secondary Schools Act
Local Government Organisation Act
Ministry of Education and Research
e. Vocational training policy

Central level

The Government is responsible for:

- National legislation;
- Providing basic education for those interested therein and ensuring the opportunity to acquire secondary vocational education. (Responsibility shared with the municipalities);

There were 45 vocational educational institutions in Estonia in the 2008/2009 academic year; 31 of which were state, 3 municipal and 11 private vocational schools.

Four European Social Fund (ESF) programmes were introduced in 2008 to modernise and provide quality assurance for vocational education, to increase the popularity of vocational education and to develop the system of professional qualifications: 1) Development of the system of professional qualifications (implemented by the Estonian Qualification Authority). 2) Practical development of vocational education (implemented by the National Examinations and Qualifications Centre). 3) Developing e-learning in vocational education (implemented by the Estonian IT Foundation). 4) Popularization of vocational education (implemented by Foundation Innove).

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Providing basic education for those interested therein and ensuring the opportunity to acquire secondary vocational education. (Responsibility shared with the central level);

There were 42 vocational educational institutions in Estonia in the 2011/2012 academic year; 30 were from the state, 3 municipal and 9 private (source: Estonian Education Information System).

Sources

Ministry of Education and Research
Vocational Educational Institutions Act
f. Youth and Sport policy

Central level

The Government is responsible for:

Youth

- Planning, organising and developing youth policy and legislation;
- Developing national development plans in the area of youth and guaranteeing their compliance with the national development plans in this area;
- Preparing the national programmes of youth work;
- Supporting the activities of youth associations and allocating annual grants thereto;
- Exercising supervision in the field of youth work within the competence provided in the legislation and monitoring the purposeful use of funds allocated for youth work from the state budget.

The governmental agency in the field of youth is the Estonian Youth Work Centre (EYWC).

Sport

At State level, sport and recreational sport are coordinated by the Ministry of Culture, which works in close cooperation with the Ministry of Social Affairs and the Ministry of Education and Research. These are responsible for organising and promoting sport.

Regional level

Counties authorities are responsible for:

Youth

- Coordinating the implementation of national youth work programmes in the county by entering into agreements with legal or natural persons for the implementation thereof if necessary;
- Analysing youth work and the organisation of youth work in the county and preparing the corresponding overviews;
• Exercising state supervision in the field of youth work at the assignment of the Minister of Education and Research within the competence provided in the legislation and monitoring the purposeful use of funds allocated for youth work from the state budget.

**Sport**

Each Estonian county has its own sports union, which coordinates activities at the local level.

**Local level: municipalities**

Local authorities are responsible for:

**Youth**

• Determining the priorities of youth work in their administrative territories and setting out the tasks necessary for the achievement thereof in the rural municipality or city development plans;
• Approving the support principles of youth associations, youth programmes and youth projects from the rural municipality or city budget, the procedure and conditions for applying for and payment of support, providing the terms and conditions of cost-sharing for the grant of support if necessary as well as the application forms of support and the procedure for reporting the use of support;
• Supporting the youth programmes and youth projects of youth associations operating in the administrative territory of the given rural municipality or city in case of existing budget funds;
• Consulting with the youth council, in case it exists, upon planning, implementation and assessment of youth work;
• Approving the conditions and procedure for the conduct of project camp in the administrative territory of the given rural municipality or city and the procedure for issue of the permit for the conduct of project camp;
• Performing other functions connected with the organisation of youth work in their administrative territories.

**Sport**

• Organising and maintaining sports facilities;
• Promoting sports;
• Determining the area necessary for sport within their administrative territories;
• Supporting the work of sports organisations located within their administrative territories;
• Ensuring conditions for conducting physical education lessons in municipal schools and promoting the practice sport in schools, sports schools and youth camps;
• Designating public servants engaged in the organisation of sport within their administrative territories or assigning these functions to other public servants of the rural municipalities or cities;
• Informing county governments and the Ministry of Culture of an intention to change the purpose of a sport facility.

Local governments shall organise and fund local sports events held on their territory.

Sources
Local Government Organisation Act, last amendment 12.05.2005
Ministry of Culture
Sport Act, entered into force 01.01.2006
Youth Work Act, entered into force 01.09.2010
g. Culture policy

Central level

The Ministry of Culture is responsible for organising and coordinating state cultural policy. Its task is to ensure that necessary and favourable conditions, both legislative and financial, are created for the functioning of culture, heritage and sports from the culture professionals’ as well as the general public’s point of view.

The areas of responsibility of the Ministry are:

- Literature and publishing;
- Theatre and cinema;
- Music;
- Fine arts;
- Folk art;
- Museums;
- Libraries;
- Cultural heritage, in particular organising heritage conservation work, exercising state supervision over monuments and heritage conservation areas and maintaining the national register of cultural monuments.
- Creative industries;
- Broadcasting and audiovisual policy;
- Copyright and neighbouring rights;
- Cultural diversity and integration;
- Sports.

The governmental agency in the area of culture is the National Heritage Board.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Libraries;
- Community centres;
- Museums;
- Heritage conservation, in particular maintaining records on immovable monuments in their territory, making proposals to the National Heritage Board to place things of cultural value under temporary protection,
observing the heritage reservation requirements arising from the Heritage Reservation Act in the performance of their duties and informing the National Heritage Board of any violations of this Act.

Sources
Heritage Conservation Act
Local Government Organisation Act
Ministry of Culture
h. Public health policy

Central level

The Government is responsible for:

- Health care policy and legislation;
- Regulation of product and service safety;
- Healthy living environment and lifestyle;
- Chemical safety;
- Coordination of the chemical safety sector; occupational safety and health protection (Ministry of Social Affairs).
- The provision of first level health care services (family physician);

The health policy of Estonia is based on the National Health Plan 2009-2020.

The government agency in the field of public health is the Health Board.

Regional level
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Local level: municipalities

Local governments are not responsible, but may set up the health care institutions (family health centres) located on its territory if they decide so.

Sources
Health Board
Local Government Organisation Act
Ministry of Social Affairs
i. Trans-European networks policy

Central level

Estonia is involved in the following Ten-T projects:

- **2011-EU-21005-S**
  NG in Baltic Sea Ports
- **2010-EU-21108-P**
  The Baltic Sea Hub and Spokes Project
- **2009-EU-90002-S**
  Baltic Transport Outlook 2030
- **2009-EU-50000-M**
  EasyWay, Phase 2
- **2009-EU-40068-E**
  Airborne Datalink Equipment
- **2009-EU-40005-E**
  Green and predictable Flights – North European Air Navigation Service Providers
- **2008-EU-91901-S**
  NETLIPSE
- **2008-EU-40005-S**
  North European ATM Service Concepts - Feasibility study for a North European Functional Airspace Block
- **2007-EU-40010-SESAR**
  SESAR (Single European Sky ATM Research) – Development Phase
- **2007-EU-15010-S**
  Trans-European Satellite Navigation System (Galileo): Development and validation phase
- **2007-EE-27020-P**
  Cross-border section Tartu-Valga railway reconstruction / upgrading
- **2007-EE-27010-S**
  Studies for a European gauge line for Rail Baltica (Estonian section)
- **2006-EU-93017-S**
  Master Plan Studies for Development of the Baltic Sea Information Motorways (BASIS)
- **2006-EU-93001-S**
  ERTMS development and consolidation

The Ministry of Economic Affairs and Communications participates in several EU development projects related to the Trans-European transport network TEN-T, such as the creation of the modern railway connection “Rail Baltica” passing through the Baltic states.
Regional level

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Local level: municipalities

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Sources

Ministry of Economic Affairs and Communications
The Trans-European Transport Network Executive Agency
j. Economic, Social and Territorial Cohesion policy

Central level

The Government is responsible for:

*European Regional Development Fund (ERDF)*

Elaborating and implementing the state's economic policy and economic development plans in the following fields (Ministry of Economic Affairs and Communications):

- Industry, trade, energy, housing, building, transport (including transport infrastructure, carriage, transit, logistics and public transport), traffic management (including traffic on railways, highways, streets, waterways and airways), increasing road safety and reducing environmental hazardousness of vehicles;
- Informatics, telecommunications, postal service and tourism;
- Coordination of the development of state information systems;
- Research and development and innovation, metrology, standardisation, certification, accreditation, licensing, registers, industrial property protection, competition surveillance, consumer protection, export promotion and trade safeguards;
- Measurement of regional development and investment, related administration of minimum stocks of liquid fuel and draft of the respective legislation bills.

*European Social Fund (ESF)*

- Labour law;
- Social security.

*Spatial planning*

- Organising and supervising nationwide spatial planning activities.

In directing and promoting planning activities, the Ministry of the Interior is responsible for directing regional development and environmental use.
Regional level

*European Regional Development Fund (ERDF) + Spatial planning*

Counties’ authorities are responsible for economic and spatial development.

**Local level: municipalities**

*European Regional Development Fund (ERDF)*

- The approval and amendment of the rural municipality or city development plans.\(^{64}\)

*European Social Fund (ESF)*

- Social assistance and services in the rural municipality or city.

*Spatial planning*

- Local spatial planning;
- Initiation and adoption of comprehensive plans under the Planning Act of 1 July 2009;
- The repeal and adoption of detailed plans specified in subsection 10 of the Planning Act of 1 July 2009;
- Establishment of rules for excavation operations and property maintenance rules in order to ensure maintenance;
- Issuing and revocation of building permits;
- Organisation of construction supervision.

**Sources**

- Building Act
- Local Government Organisation Act
- Statutes of the Ministry of the Interior

\(^{64}\) A development plan is a document which defines the objectives of the long-term and short-term development of a local government and envisages the possibilities for the implementation of these objectives and which, in a balanced manner, takes into account the long-term directions in and needs for the development of the economic, social, cultural and natural environment and on the basis of which the development of different fields of life is integrated and coordinated.
k. Environment and the fight against climate change policy

Central level

The task of the Ministry of the Environment is to organise and coordinate environmental policy. This includes:

- The management of national environmental and nature protection;
- The performance of tasks relating to land and databases containing spatial data;
- The management of the use, protection, recycling and registration of natural resources;
- Radiation protection;
- Environmental supervision;
- The management of meteorological observation, nature and marine research, geological, cartographic and geodetic operations;
- The maintenance of the environmental register and the land cadastre;
- The management of the use of external funds of environmental protection and the preparation of corresponding strategic documents and draft legislation;
- International cooperation is coordinated and organised by the International Co-operation Department.

Regional level

Counties authorities are responsible for:

- Environmental management;
- Maintaining land registers (Land registry departments).

Local level: municipalities

Local authorities are responsible for:

- The Management of the utilisation of natural resources (land, forest and bodies of water);
- The supply of water and sewerage;
- The adoption and updating of a waste management plan;
- The establishment of waste management rules;
- The establishment, for the types of waste subject to organised waste transport, of the procedure for determining the frequency and time of
transport, the areas of waste transport and the amounts of waste transport fees;

- Nature conservation on local level: local authorities shall determine the conditions for the protection and use of valuable landscapes representing the specific character of the natural and cultural environment, settlement patterns or land use, or individual features of such landscapes.

Sources
Local Government Organisation Act
Ministry of Environment
Nature Conservation Act
1. Energy policy

Central level

The Government is responsible for:

- The elaboration of national development plans in the field of energy and ensuring their conformity with other national development plans;
- The organisation of the financing, implementation and performance evaluation of such development plans;
- Preparing of draft acts in the field of energy and ensuring their compliance with the Constitution and legal acts, as well as performance of the functions established by legal acts;
- The organisation of international cooperation in the area of energy, including activities concerning the European Union.

Regional level

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Local level: municipalities

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Sources
Ministry of Economic Affairs and Communications
7.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The Ministry of Agriculture is responsible for:

- Drafting national legislation;
- Drafting and carrying out national agricultural development plans and enforcement of corresponding measures;
- The regulation of activities related to the processing of agricultural products;
- Agricultural market regulation;
- National stockpiles of basic grain seed and food grains;
- Food control and supervision;
- Plant protection;
- Veterinary medicine;
- Animal and plant breeding;
- Land improvement;
- Agricultural research, education and training.

Regional level

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Local level: municipalities

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Sources

Ministry of Agriculture
b. Fisheries policy

Central level

As of March 2001, the fisheries matters are divided between two ministries: the Ministry of Agriculture and the Ministry of the Environment.

Within the Ministry of Agriculture, the Fishing Economics Department is responsible for:

- Pisciculture, production, processing and marketing of fish and fish products, structural fishing policy excluding the fishing fleet;
- Devising and implementing fisheries policy.

The Fisheries Resources Department is responsible for:

- National fisheries policy;
- Managing and coordinating research, assessment, exploitation, reproduction and protection of fish resources;
- Creating a competitive yet sustainable field of economy meeting the requirements of the EU’s Common Fisheries Policy.
- Developing and amending of the Fishing Act and its sub-acts;
- International fisheries cooperation;
- Scientific research of fish resources and reproduction;
- Fishing-related accounting, fish protection and surveillance;
- Fishing efforts and assessment of the use of resources, based on which the regular and special fishing permits are issued;
- Planning and conducting surveys on implementation of Section 014,55, of the “Fishing Permit Fees” of the national budget (in co-operation with the County Environmental Departments);
- Developing the specialised environmental programme’s sub-programme for fisheries and ensuring precise and sustainable use of the funds assigned to it.

Regional level

County Environmental Departments are responsible for:

- Issuing limited fishing permits and permits for recreational fishing;
- Planning and conducting surveys on implementation of Section 014,55, of the “Fishing Permit Fees” of the national budget (in co-operation with the central government).
Local level: municipalities
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c. Immigration and asylum policy

Central level

The Government is responsible for:

- Immigration and asylum policy and legislation;
- International cooperation.

The governmental agency in the area of immigration and asylum is the Police and Border Guard Board.

Regional level

Local level: municipalities

According to the Act on Granting International Protection to Aliens, Local authorities are responsible for:

- Organising the admission of a person enjoying international protection and, where necessary, assisting in: finding housing, obtaining social and health services; organising for translation of the Estonian language instruction and obtaining information concerning the person’s rights and duties;
- Ensuring that the residence permit of an alien who is staying in the territory of a local government will be formalised pursuant to the Aliens Act;
- Notifying the Police and Border Guard Board about an alien who is staying and is being employed in the territory of the local government illegally.

Sources

Act on Granting International Protection to Aliens
Aliens Act
Ministry of Social Affairs
d. Tourism policy

Central level

The Government is responsible for:

- Elaborating national development plans in the field of tourism and ensuring their conformity with other national development plans;
- Organising the financing, implementation and performance evaluation of such development plans;
- Preparing draft acts in the field of tourism and ensuring their compliance with the Constitution and legal acts, as well as performance of the functions established by legal acts;
- Organising international cooperation in the area of tourism, including activities concerning the European Union.

Regional level

Local level: municipalities

Local authorities are responsible for state supervision over adherence to the requirements of the Tourism Act and legislation established on the basis thereof.

Sources

Ministry of Economic Affairs and Communications
Tourism Act
e. Civil protection policy

Central level

The Ministry of the Interior is responsible for:

- Ensuring public order and constitutional order;
- Fire fighting;
- Organising crisis management;
- Distributing operational information;
- Guarding the national border and ensuring the border regime;
- Organising citizenship and migration affairs and rescue work;
- Developing and implementing the country’s internal security policy;
- Planning and implementing support measures of the European Union structural funds and foreign funds aimed at the development of internal security.

The governmental agency for civil protection is the Estonian Rescue Board.

Regional level

Counties’ authorities are responsible for the coordination of emergency situations.

Local level: municipalities

Local authorities are responsible for:

- Organising the supervision of public order and citizen protection;
- Establishing rules in order to ensure public order (Municipal council).

Sources

Estonian Rescue Board
Local Government Organisation Act
Ministry of the Interior
Statutes of the Ministry of the Interior
8. Finland

**Finland is a parliamentary Republic under the 1999 Constitution.** The Head of State is the President of the Republic and the Government is led by a Prime Minister. Finland was formerly considered a semi-presidential parliamentary system, but pursuant to the 1999 constitution and the 2012 constitutional amendments, it is now a parliamentary democracy. The Parliament (*Eduskunta*) is unicameral. It consists of 200 Representatives, who are elected for a four-year term.\(^\text{65}\)

**Finland is a unitary State organised on a decentralised basis.** Finland has three levels of governance: at central, regional and local levels. Local self-government dates back to the 1860s legislation, which remain the basis for the current system. With the independence of Finland from Russia in 1917, new legislation was adopted and introduced universal direct suffrage at the municipal level. Local government has developed gradually ever since. In 1995, a Local Government Act was adopted. In addition, the Åland Islands are granted a special autonomous status since 1921.

Finland comprises **19 Regions** (*maakunnan liitto*) – 18 of them being on the mainland and the Åland Islands, which are autonomous – and **336 Municipalities** (*kunta*). The Kainuu Region is going through an experiment since 2005 and until the end of 2012: it is the only mainland Region having a directly elected regional council and is granted broader competences. The remaining regional councils are elected by the municipal authorities and constitute joint municipal authorities.

Six Regional State Administrative Agencies (AVI) and 15 Centres for Economic Development, Transport and the Environment (ELY) took over the duties of the former Provinces (*lääni*) in 2010 and constitute the **regional level of deconcentrated State administration**.

The Åland Islands, with a Swedish speaking majority, is an autonomous Region since 1921, having its own Parliament and Government. It is further divided into 16 Municipalities.

The **local self-government principle is enshrined in the Constitution.** Local authorities are given administrative competences under law. Regional Councils have administrative duties whereas Municipalities also have regulatory powers. Local authorities are entitled to levy taxes.

The Ministry of Finance monitors local operations and finances in general and ensures that municipal autonomy is taken into account in the preparation of legislation concerning local authorities.

The Åland Islands status is regulated by international decisions and agreements. The Åland has legislative powers, which are described in the Autonomy Act, ‘Självstyrelselagen’. The Åland legislative power is not delegated so that the Finnish Parliament may not legislate in areas or matters belonging to the authority of the Åland Parliament. The Autonomy Act enumerates the matters belonging to the State authority and the Åland authority in two different lists; this division is exclusive to the extent that a State law is not in force in Åland if Åland has legislative power in the matter. There is no hierarchy between the Finnish and Åland acts.

Besides the Constitution, there are several acts which describe the vertical division of powers in the mainland, the most important being:

- The Local Government Act 365/1995,
- The Division into regions Act 1159/1997
- The Kainuu Administrative Experiment Act 343/2003,
- The Act on Regional development 1651/2009,

Legislation covering social welfare and health, education and culture gives further details on the vertical division of powers.

In addition, the Act on the Autonomy of Åland 1144/1991 describes the division of powers between the Åland Islands and the Finnish Parliament. The division of competences between the Åland Parliament and the Municipalities is defined in Ålandic law.

Revenue excluding borrowing of the sub-national public sector amounted to EUR 30.0 billion in 2005, representing 19.3% of Finnish GDP and 36.3% of total public revenue.

The sub-national funding system is highly decentralised: tax revenue represents 47.3% (almost half of sub-national public sector revenue comes from own-source taxes), grants represent 27.2% and 25.5% are from other revenue\(^{66}\).

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Finnish Municipalities are to go under **extensive reforms** in the coming years and the new Local Government Act is intended to come into force on 1 January 2017\(^{67}\).

**Central level**

**State competences**

The State is in charge of civil service, which is also devolved at the regional (Regional State Administrative Agencies and Centres for Economic Development, Transport and the Environment Agencies) and local levels.

The State has legislative powers in all areas, except in the Åland Islands. It has exclusive competences, also with regard to the Åland Islands in the following fields:

- Foreign affairs;
- Most civil and criminal law;
- The judiciary system;
- State taxation.

**Regional level**

Regional Council competences

**Statutory competences:**

- Regional development;
- Regional land use planning;
- Preparation and execution of programmes co-financed by the structural funds;
- Cooperation among local governments.

\(^{67}\) For more information please refer to the [Association of Finnish Local and Regional Authorities](https://www.vlk.fi/) portal.
Voluntary competences:

- Promotion of business and tourism;
- Development and coordination of the region's cultural activities, education and training, and local heritage work;
- Marketing of the region;
- The region's public services based on the "one-stop-shop" principle;
- Taking account of environmental, transport, energy and housing issues in the operation of public authorities and other activities;
- Promotion of a high-quality, pleasant living and working environment;
- Research on the Region;
- Information society and issues related to information technology.

Additional competences of the Kainuu Region

- Healthcare;
- Social welfare services;
- Secondary education (excluding day care).

Regional State Administrative Agencies (State authorities)

- Basic public services, legal rights and permits;
- Occupational health and safety;
- Environmental permits;
- Fire and rescue services and preparedness;
- Police.

Centres for Economic Development, Transport and the Environment (State authorities)

- Business and industry, the labour force, competence and cultural activities;
- Transport and infrastructure;
- The environment and natural resources.

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The Åland Islands have **legislative power** in the following fields:

- Åland civil service;
- Taxation;
- Public order and security;
- Civil protection;
- Land planning;
- Environment;
- Culture;
- Public health;
- Social welfare;
- Education;
- Apprenticeships;
- Sports;
- Youth work;
- Agriculture;
- Fisheries;
- Prevention of cruelty to animals and veterinary care;
- Resources management;
- Communications (postal services, broadcast);
- Transport networks;
- Trade;
- Promotion of employment;
- Statistics;
- Some aspects of criminal law.

**Local level**

**Municipality competences**

- Healthcare (primary and secondary healthcare);
- Dental services;
- Social services (including social welfare, child day care and services for the elderly and disabled);
- Education (including pre-school, primary, secondary, vocational training, adult education, library services);
- Culture programming;
- Sports programming;
- Land use planning;
• Construction and maintenance of local infrastructure and the municipal environment, including streets, energy management, water and wastewater management, and harbours;
• Public transportation;
• Promotion of local business and employment.

8.1 Systems of multilevel governance

Representation: Finnish municipalities in the mainland are represented at national and international level by the Association of Finnish Local and Regional Authorities [AFLRA] (Kuntalitto)⁶⁹.

Information and consultation⁷⁰: During the legislative process, information is provided to the local and regional authorities to the extent that information is published on the Parliament’s website.

Local authorities: During the legislation preparation and usually at an early stage, AFLRA may participate in committees and working groups set up by the central Government, thus permitting the local representatives to have an influence on the final legislation. Moreover, AFLRA may provide written opinions and recommendations on reports and proposals. In addition, AFLRA may participate in hearings with parliamentary committees during the evaluation phase of the draft legislative acts. Finally, the regional councils must be consulted by the central authorities on any action having an impact on regional development.

Åland Islands: Åland is consulted a priori in questions within its competence and those that are of importance to it pursuant to Section 59 of the Constitution.

Coordination:

Municipal cooperation: Municipalities may set up joint authorities – independent legal public entities governed by municipal legislation – to perform specific functions on a permanent basis. There are currently 184 joint authorities in Finland including regional councils, hospital districts, districts for care of the disabled, as well as joint authorities established to perform tasks related to public health and education.

⁷⁰ Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp 63-70
**Vertical coordination**: Pursuant to the Local Government Act, the Ministry of finance supervises the Municipalities and ensures that the principle of local self-government is respected when the Government prepares legislation of local relevance. The Municipalities and the central Government negotiate on matters of municipal relevance.

In particular, the Advisory Board on Municipal Economy and Administration of the Ministry of Finance brings together representatives of the central Government and AFLRA and is in charge of dealing with matters involving local government legislation, municipal administration and municipal finance.

**Coordination between the State and the Åland Islands**: Åland participates in the legislative process when the matter falls within its competence or is of importance to it. It may participate at the governmental and parliamentary levels in the preparation of the Finnish position on EU matters.

**Governmental coordination**: When an EU act falls within the powers of Åland or may have special significance to Åland, its Government is authorised to participate in the preparation of the national positions preceding the EU decision-making. In case of differing positions between the State and Åland, the latter’s position must be presented in the EU institutions.

**Parliamentary coordination**: The Finnish Parliament Grand Committee is responsible for the scrutiny of EU acts. The Åland representative to the Finnish Parliament is entitled to attend the Grand Committee’s meetings and thus presents Åland’s opinions within this frame.

### 8.2 Relations with the EU/ Representation at EU level

The [Finnish CoR delegation](#) is composed of nine members: one from the Åland Islands, four from the regional councils and four from the Municipalities.

Åland does not directly participate in the Council of the EU.

AFLRA has had a [liaison office in Brussels](#) since 1992. The office pursues close cooperation with the local offices of other European organisations and the Council of European Municipalities and Regions (CEMR). In addition, several regions have their own liaison offices (South Finland EU Office, Helsinki EU Office, East Finland EU Office, West Finland EU Office, North Finland EU Office, Tampere Region Office and Turku-Southwest Finland European Office).

Åland has a special adviser at the Finnish Permanent Representation to the EU.
AFLRA is a member of several European territorial associations: the United Cities and Local Government (UCLG) and the Council of European Municipalities and Regions (CEMR).

Regional Councils representatives are also members of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE), the Assembly of European Regions (AER), the Conference of Peripheral Maritime Regions of Europe (CPMR), the Baltic Sea States Subregional Cooperation (BSSSC) and the Association of European Border Regions (AEBR).

Åland has its own representation in the Nordic Council

### 8.3 Subsidiarity

The national Parliament established a specific procedure within the framework of the Early Warning System. Nevertheless, since the Finnish system of parliamentary scrutiny in EU matters is effective, the specific subsidiarity procedure might not be used often.

The national Parliament transfers the EU draft legislative act to the Åland Parliament as soon as there is a Swedish version available, without any filtering procedure.

The Åland observations which are sent to the Grand Committee of the national Parliament must be considered but are not binding.

The Åland Parliament has not yet established a specific subsidiarity procedure within the framework of the Early Warning System.

When a subsidiarity issue falls within the competence of the Åland Parliament, its observations are included verbatim in the national Parliament’s reasoned opinion or forwarded to the EU institutions in case the national Parliament decides not to issue a reasoned opinion.

Since the Åland Parliament’s opinions are not binding, there is no guarantee that the national Parliament takes them into account when voting.

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8.4 Bibliography

Legislation


Kainuu Administrative Experiment Act 343/2003


The Division into regions Act 1159/1997.


Websites

Association of Finnish Local and Regional Authorities – AFLRA

- AFLRA portal, Regional Councils / Special functions
- AFLRA portal, Home / Local authorities / Municipal cooperation

Centre for Economic development, Transport and the Environment, Internet ELY-keskus/EN/Frontpage

Ministry of finance, Main / Municipal affairs / Cooperation between municipalities and central government,

Regional State Administrative Agencies portal, Internet AVI / SWE

Publications and Studies


Council of European Municipalities and Regions, *Study on 'Consultation procedures within European States',* 2007, pp 63-70


Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
8.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

State competences

- Responsibility for planning and legislation;
- **The Ministry of Transport and Communications** is in charge of the overall transport policy, including:
  - Transport systems;
  - Transport infrastructure (all public roads and streets, private roads, railways, maritime and inland waterways, the metro and tram systems);
  - Transport networks;
  - Transport of people and goods;
  - Traffic safety;
  - EU and international cooperation in the field of transport;
  - Provision of strategic guidance and supervision of the administrative sector;

- The Government is assisted by several government agencies (Finnish transport agency; Finnish transport safety agency; Finnish transport safety agency Trafì (aviation), etc.)

Regional level

Regional Council competences

- Launching the planning process concerning transport system plans (except Helsinki region transport plan.)

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Centres for Economic Development, Transport and the Environment (State authorities)

- Road maintenance;
- Road projects;
- Transport system management;
- Public transport;
- Island traffic;
- Transport permits;
- Traffic management;
- Assessment of basic transport services;
- Traffic customer service.

Åland competences

- Roads and canals;
- Road traffic;
- Railway traffic;
- Boat traffic;
- Local shipping lanes;
- Central authorities have legislative powers in the field of merchant shipping, shipping lanes and aviation\(^73\).

Local level

Municipality competences

- Local road network;
- Local public transportation;
- Bus and coach transport.

Sources
Ministry of Transports and Communications portal, *The Ministry*
*Act on the autonomy of Aland 1991/1144*, Chapter 4, Section 18
*Act on the autonomy of Aland 1991/1144*, Section 28
b. Employment policy

Central level

State competences

The Ministry of Employment and the Economy is responsible for:

- Industrial policy;
- Planning, development and implementation of the public employment service;
- Employment and unemployment policy;
- Working environment issues;
- Collective agreements;
- Arbitration of labour disputes;
- Labour law and labour market relations;
- Entrepreneurship development and enterprise support;
- Integration of migrants;
- Internal market policy and business law;
- Consumer policy and technical regulation;
- Competition policy;
- Employment and enterprises support;
- Social security benefits (unemployment benefit/allowance (non-earnings related); labour market subsidy).

The Labour Council (special authority reporting to the Ministry) issues opinions on the application and interpretation of laws on:

- Working hours;
- Annual holidays;
- Exploitation of children and young people for work; and
- The protection of other employees.

Collective agreements stipulate minimum conditions, which must be observed in all employment contracts in the sector concerned.

Regional level

Regional Council competences

- Promotion of business.
The Centres for Economic Development, Transport and the Environment (State administration) are responsible for:

- Stimulating entrepreneurship;
- Labour market functioning, competence and cultural activities;
- Job prospects in the region;
- Integration of immigrants.

Åland competences

- Legislation on civil servants employed by the Åland Parliament, Åland Government and all Municipalities in Åland;
- Promotion of employment;
- Trade;
- Central authorities have legislative powers with regard to:
  - The right of foreigners and foreign corporations to own and possess real property and shares of stock and to practice a trade;
  - Promotion of competition;
  - Labour law (except the collective agreements on the salaries of the Åland and municipal officials).

Local level

Municipality competences

- Promotion of local business and employment;
- Activities supporting the access to employment and specific work for people with disabilities.

Sources

Ministry of Employment and the Economy portal, Front page / Ministry
Ministry of Finance portal, Public management reforms, Development of public administration : Regional administration
Act on the autonomy of Aland 1991/1144, Chapter 4, Section 18
Act on the autonomy of Aland 1991/1144, Section 28

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c. Social policy

Central level

State competences

The Ministry of Social Affairs and Health is responsible for the overall policy. Its missions include:

- General planning, guidance and implementation of social policy;
- Promotion of welfare and health;
- Social services;
- Social insurance;
- Private insurance;
- Gender equality;
- Social security benefits (family allowance; student financial aid; maternity allowance; sickness allowance; cash benefits for parents; reimbursement of medical expenses; child care subsidies; disability allowance; rehabilitation and rehabilitation allowance; national pension (non-earnings related); family pension (non-earnings related); pensioners’ housing allowance; general housing allowance; private day care and child home care allowance; school transportation subsidy).

National Research and Development Centre for Welfare and Health: expert government agency.

Regional level

Regional Council competences

Regional State Administrative Agencies (State authorities):

- Controlling and monitoring municipal and private social welfare;
- Granting the social service providers permits.

Kainuu Region has broad responsibilities in the field of social welfare.

Åland competences75

- Overall social welfare policy in Åland.

75 Chapter 4, Section 18
Local level

Municipality competences

Municipalities are the main providers of basic services. They have responsibilities in the field of:

- Planning and implementation of social welfare in accordance with national law;
- Organisation of social welfare;
- Child and youth welfare;
- Child day care;
- Child guidance and family counselling;
- Home-help services;
- Institutional care;
- Family care;
- Services for the elderly;
- Services for the disabled;
- Services for drug-addicts;
- Family conciliation;
- Other necessary social services.

d. Education policy

Central level

State competences

- Overall legislation and general principles passed by the Parliament;
- Formulation and implementation of education policy by the Government and the Ministry of Education and Culture;
- Development plan for education and research defining the lines of education and science policy adopted by the Government;
- The Ministry of Education and Culture is responsible for:
  - The implementation of education policy;
  - The drafting of educational legislation;
  - Preparation of the State budget and government resolutions relating to its sector.
- Supervision of publicly-funded education.
- The National Board of Education is responsible for tasks relating to the provision of education and its development.
- The Matriculation Examination Board is in charge of:
  - The matriculation examination;
  - The setting up and assessment of the tests.
- The expert body in evaluation is the National Education Evaluation Council.
- The Higher Education Evaluation Council handles matters relating to the evaluation of tertiary education.

Regional level

Regional Council competences

- Coordinating foresight concerning regional long- and medium-term educational needs and preparing regional educational objectives as part of the development planning of education and research.

The Regional State Administrative Agencies and the Centres for Economic Development, Transport and the Environment handle certain educational matters at the regional level.
Åland competences

- Overall education policy in Åland.

Local level

Municipality competences\textsuperscript{77}

Municipalities are the main providers of basic education. They may establish a municipal consortium. They have responsibility in the field of:

- Pre-primary education;
- Basic education;
- General upper secondary education;
- Co-funding of education with the central Government;
- Music and art education.

\textsuperscript{77} Ministry of Education and Culture portal, Main page / Education / Education system / Administration; Basic Education Act 628/1998 with amendments up to 1136/2010
e. Vocational training policy

Central level

State competences

- Legislation on adult education and training;
- Definition of the national objectives, qualifications structure and core subjects of vocational education and training by the Government;
- The Ministry of Education and Culture is responsible for
  - The strategic and normative steering of vocational education and training;
  - The details of the qualification and the extent of training;
  - The authorisations to provide vocational education and training.

- The National Board of Education designs the core curricula and sets the requirements of competence-based qualifications;
- National Coordination Group for Education and Training: expert body.

Regional level

Regional Council competences

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Centres for Economic Development, Transport and the Environment (State authorities)

- Promoting cooperation in adult education;
- Planning, monitoring and development of vocational and adult education.

Åland competences

- Overall vocational training policy in Åland.
Local level

Municipality competences

Municipalities and municipal training consortium may be vocational education and training providers. They have responsibilities in the field of:

- Organising training in their area;
- Matching provision with local labour market needs;
- Devising curricula based on the core curricula and requirements;
- Co-funding of vocational education and training with State authorities.
f. Youth and Sport policy

Central level

State competences

Sport policy

The Ministry of Education and Culture is in charge of:

- Leading, developing and coordinating sports policy;
- Financing sports policy;
- Monitoring the implementation of ethical principles in sports, notable anti-doping activities;
- International cooperation.

The Ministry is assisted by the National Sports Council.

Youth policy

The Ministry of Education and Culture is responsible for:

- Coordinating public youth work and youth policy measures.

Regional level

Regional Council competences

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Åland competences

- Overall youth and sports policy in Åland.

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78 Chapter 4, Section 18
Local level

Municipality competences

Sport policy

• Sports facilities;

Youth policy

• Youth work;
• Young people’s growth and living conditions;
• Special youth work;
• Youth workshops;
• Youth facilities;
• Operating grants;
• Information and counselling services;
• Young people’s involvement and participation.
g. Culture policy

Central level

State competences

- The Parliament passes legislation and decides upon the extent of State funding;
- **The Ministry of Education** and culture is responsible for:
  - Creating overall conditions for culture and for participation in culture;
  - Strategic development in the cultural sector;
  - Drafting cultural legislation;
  - Preparing relevant budget proposals;
  - International cooperation;
  - Promotion of arts and culture (department for cultural, sport and youth policy);
  - National cultural and art institutions;
  - Ministry is a major recipient of EU Structural Funds.

- The Arts Council for Finland awards grants, State subsidies and State awards;
- National Board of Antiquities is responsible for:
  - Antiquities;
  - Historical monuments;
  - Relevant research;
  - Overall direction and supervision of the museum system;
  - Matters relating to licensing, supervision and State subsidies.

- National Gallery (central art museum);
- National Audiovisual Archive is responsible for:
  - Storing, documenting and restoring Finnish films and videos;
  - Promoting film research;
  - Disseminating film knowledge.

- Finnish Centre for Media Education and Audiovisual maintains and develops an online classification system for audiovisual programmes.
Regional level

Regional Council competences

- Development and coordination of the region's cultural activities.

Åland competences

- Overall culture policy in the Åland, including:
  - Cultural activities;
  - Prehistoric relics;
  - Protection of artefacts with cultural and historic value;
  - Library services;
  - Museum services.

Local level

Municipality competences

- Culture programming;
- Music and art education;
- Co-funding with the State;
- Provision of wide range of cultural services;
- Provision of library services;
- Running of art institutions;
- Provision of art education, support art and cultural heritage;
- Opportunities for cultural and artistic activities.

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79 Chapter 4, Section 18
80 AFLRA portal, Library network and cultural service
h. Public health policy

Central level

State competences

The Ministry of Social Affairs and Health is in charge of:

- Coordinating the observance of national harmonised principles of medical and dental care;
- Drafting the harmonised principles together with the National Institute for Health and Welfare;
- General planning, guidance and supervision concerning primary healthcare;
- General planning, guidance and supervision concerning specialised medical care.

The National Institute for Health and Welfare is in charge of:

- Supervising and assessing the observance of the harmonised principles of care by local authorities and joint municipal authorities for hospital districts.

The National Supervisory Authority for Welfare and Health is responsible for:

- Guiding the operations of the Regional State Administrative Agencies in order to harmonise their principles of operation, procedures and decision practices in the guidance and supervision of specialised medical care.

The National Authority for Medico-legal Affairs is responsible for:

- Harmonising their operational principles, procedures and decision-making practices in the guidance and supervision concerning primary healthcare.

Government expert agencies in primary healthcare:

- The National Research and Development Centre for Welfare and Health,
- The National Public Health Institute,
- The Finnish Institute of Occupational Health;

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81 Health Care Act (1326/2010), Section 7
82 Primary Health Care Act (66/1972), Chapter 2.
83 Act on specialized Medical Care (1062/1989) as amended.
- The Radiation and Nuclear Safety Authority.

**Regional level**

**Regional Council competences**

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**Regional State Administrative Agencies (State authorities)**

- Planning, guidance and supervision concerning specialised medical care within their area of operation\(^{84}\);
- Guidance and supervision concerning primary healthcare within their area of operation\(^{85}\);
- Occupational health and safety\(^{86}\).

**Åland competences\(^{87}\)**

- Healthcare;
- Medical treatment;
- Central authorities have legislative powers with regard to\(^{88}\):
  - Human contagious diseases, castration and sterilisation, abortion, artificial insemination and forensic medical investigations;
  - The qualifications of persons involved in healthcare and nursing, the pharmacy service, medicines and pharmaceutical products, drugs and the production of poisons and the determination of the uses thereof;
  - Contagious diseases in pets and livestock;
  - The prohibition of the imports of animals and animal products;
  - The prevention of substances destructive to plants from entering the country.

\(^{84}\) Act on specialized Medical Care (1062/1989) as amended.

\(^{85}\) Primary Health Care Act (66/1972), Chapter 2; Act on specialized Medical Care (1062/1989) as amended.

\(^{86}\) Regional State Administrative Agencies portal, *Internet AVI/SWE*.

\(^{87}\) Chapter 4, Section 18

\(^{88}\) Section 27.
Local level

Municipality competences

Local authorities and joint municipal authorities for hospital districts work together to monitor the observance of the harmonised principles of care.

Municipalities have responsibilities in the field of:

- Primary healthcare in accordance with the national guidelines;
- Health promotion;
- Health counselling and health checks;
- Screening;
- Maternity and child health clinic services;
- School-based healthcare;
- Student healthcare;
- Occupational healthcare;
- Mariner healthcare;
- Counselling for the elderly;
- Environmental healthcare;
- Medical certificates;
- Medical care;
- Home nursing;
- Oral healthcare;
- Mental health services;
- Substance abuse services;
- Medical rehabilitation.

89 Health Care Act (1326/2010), Section 7
90 Primary Health Care Act (66/1972), Chapter 2
i. Trans-European networks policy

Central level

State competences

The Ministry of Transport and Communications is in charge of:

- Drafting the legislation on transport infrastructure;
- Basic rules for the planning, construction, maintenance and closure of transport infrastructure;
- Infrastructure development and maintenance.

The Finnish Transport Agency is responsible for:

- The development and use of the nationwide transport system;
- The monitoring of the use of the funding;
- Regional development work is carried out in cooperation with regional and local authorities.

Infrastructure management funded from the State budget.

The Parliament decides on large investments and on the funding of the infrastructure management.

Regional level

Regional Council competences

- Planning of the regional transport system.

Centres for Economic Development, Transport and the Environment (State authorities)

- Road maintenance;
- Road projects;
- Transport system management.
Åland competences\textsuperscript{91}

- Transport network.

Local level

Municipality competences

- Construction and maintenance of local infrastructure.

\textsuperscript{91} Chapter 4, Section 18
j. Economic, Social and Territorial Cohesion policy

Central level

State competences

Finland's National Strategic Reference Framework (NSRF) sets out the objectives and focus areas for the delivery of funds for development projects.

The Ministry of Employment and of the Economy is responsible for:

- The preparation of national objectives for regional development;
- Coordinating, monitoring and evaluating the preparation and implementation of regional strategic and other programmes (in cooperation with ministries, regional councils and other relevant actors);
- Issuance of instructions to the regional councils on the preparation, implementation, monitoring and evaluation of the regional strategic programmes.

A Regional and Structural Policy Advisory council is responsible for:

- The coordination of the implementation of the objectives and programmes concerning the development of natural regions, and the implementation of programmes relating to structural funds, the European Agricultural Fund for Rural Development and the European Fisheries Fund;
- The monitoring of the profitability of both national and regional development programmes and structural funds.
- Programmes, as well as the assessment of their effectiveness and report on their progress to the Ministry of Employment and of the Economy.
- The Ministry of Environment is in charge of spatial planning; it is responsible for:

  - General development and guidance of land use planning and building activities;
  - Promotion, steering and monitoring of regional planning;
  - Obligation to take action laid down for Member State in the Construction Products Directive;
  - Drafting national land use objectives in collaboration with other ministries, regional councils and other relevant authorities.

- National land use objectives are decided by the Government.

92 Land Use and Building Act 132/1999, with amendment 222/2003
Regional level

Regional Council competences$^{93 \ 94}$

- General regional policy planning and programmes;
- General regional development, in cooperation with State authorities;
- Drawing up and approving a regional plan and a regional strategic programme;
- Drawing up an annual regional strategic programme implementation plan based on the regional strategic programme;
- Participation in strategic planning and steering of State regional authorities;
- Drawing up of proposals for the Region regarding Structural Funds programmes;
- Five regional European Regional Development Fund (ERDF) programmes (Southern Finland, Eastern Finland, Western Finland, Northern Finland) during the 2007-2013 period.
- Promote cooperation with the Centres for Economic Development, Transport and the Environment, as well as with other relevant actors to regional development;
- Cooperation with local governments;
- Regional land use planning.

Centres for Economic Development, Transport and the Environment

- Control municipal planning and construction within their respective regions.

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94 Land Use and Building Act 132/1999, with amendment 222/2003
Åland competences\textsuperscript{95}

- Land planning;
- Own structural fund strategy, which is part of the Finnish structural fund strategy, and European Social Fund (ESF) and ERDF programmes related to its implementation.

Local level

Municipality competences\textsuperscript{96, 97}

- Land use planning, building guidance and control within their territories;
- Adoption of local master plan (to provide general guidance regarding the community structure and land use of a municipality; to guide land use and building in a specified area);
- Municipalities may cooperate in drawing up the local master plan (joint master plan);
- Construction and maintenance of local infrastructure and the municipal environment, including streets, energy management, water and wastewater management, and harbours;
- Promotion of local business and employment.

\textsuperscript{95} Chapter 4, Section 18
\textsuperscript{97} Land Use and Building Act 132/1999, with amendment 222/2003
k. Environment and the fight against climate change policy

Central level

State competences

The Ministry of Environment is in charge of:

- The general steering, surveillance and development;
- Defining environmental policies;
- Setting up administrative controls;
- Drafting national strategic plans;
- Setting targets for environmental protection;
- Drafting and developing environmental legislation;
- Overseeing international cooperation;
- Overall guidance and supervision of nature and landscape conservation;
- Drafting a nature conservation programme.

The Finnish Environment Institute acts is in charge of:

- Producing and compiling environmental data;
- Developing new ways to protect water, the air and the soil;
- Improving waste management and the supervision of chemicals;
- Providing experts for participation in the drafting of environmental legislation;
- Monitoring the State of environment.

Regional level

Regional Council competences

Regional extensive plans regarding natural resources and the environment.

Regional State Administrative Agencies (State authorities)

- Permits for larger and medium-sized industrial plants;
- Permits issued under the Water Act;

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98 Environmental Protection Act of 4 February 2000 (86/2000; amendments up to 647/2011 included)
99 Ministry of Environment portal, Environmental protection
• Processing environmental permits for waste processing facilities;
• Restoring permits for contaminated sites.

Centre for Economic Development, Transport and the Environment (State authorities)\textsuperscript{102,103}

• Implementation of environmental protection measures;
• Ensuring that environmental legislation is observed in their respective areas;
• Monitoring the State of environment within their areas;
• Promoting and supervising nature and landscape conservation within their areas.

Åland competences\textsuperscript{104}

• Environmental and nature protection;
• Recreational use of nature;
• Water law.

Local level

Municipality responsibilities\textsuperscript{105,106,107}

• Promotion and supervision of environmental protection on a local scale;
• Issuance of environmental permits needed by smaller plants and facilities;
• Monitoring the State of environment according to local conditions;
• Promoting and supervising nature and landscape conservation within their areas.

\textsuperscript{102} Environmental Protection Act of 4 February 2000 (86/2000; amendments up to 647/2011 included)
\textsuperscript{104} Chapter 4, Section 18
\textsuperscript{105} Environmental Protection Act of 4 February 2000 (86/2000; amendments up to 647/2011 included)
\textsuperscript{106} Ministry of Environment portal, \textit{Environmental protection}
1. Energy policy

Central level

State competences

- Overall policy;
- Adoption of the National Climate and Energy Strategy;
- Adoption of supplementary programmes.

Regional level

Regional Council competences\(^{108}\)

- Regional extensive plans regarding natural resources and the environment.

Regional State Administrative Agencies (State authorities)

- Permits for larger and medium-sized industrial plants.

Åland competences\(^{109}\)

- Resources management;
- Central authorities have legislative competence in the field of: \(^{110}\)
  - Nuclear energy, nevertheless, the consent of the Åland Government is required for the construction, possession and operation of a nuclear power plant and the handling and stockpiling of materials in Åland.

\(^{109}\) Chapter 4, Section 18
\(^{110}\) Section 27
Local level

Municipality competences\textsuperscript{111 112 113}

- Energy management;
- Distribution of electricity and district heating;
- Issuance of environmental permits needed by smaller plants and facilities;
- The biggest Municipalities have their own energy production companies.

\textsuperscript{112} Ministry of Environment portal, \textit{Environmental protection}
\textsuperscript{113} AFLRA portal, \textit{Good living environment}
8.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

State competences

The Ministry of Agriculture and forestry steers the agriculture policy:

- Preparation of legislation;
- Financing of support measures;
- Monitoring and control related to their implementation;
- Steering and support of research and advisory services.

Regional level

Regional Council competences

- Centres for Economic Development, Transport and the Environment (State authorities)\textsuperscript{114}

  - Developing the agriculture and rural industries.

Åland competences

- Farming and forestry;
- Regulation of agricultural productions (after consultation of the State officials);
- Maintenance of the productive capacity of the farmlands, forests;
- Central authorities have legislative powers with regard to the prices of agricultural products and the promotion of the agricultural products export\textsuperscript{115}.

\textsuperscript{114} Centres for Economic Development, Transport and the Environment portal, \textit{Internet ELY-keskus / EN / Front page / Business and industry, the labour force, competence and cultural activities}

\textsuperscript{115} Section 27
Local level

Municipality competences
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b. Fisheries policy

Central level

State competences

The Ministry of Agriculture and forestry steers the fisheries policy in accordance with EU law:

- Preparation of legislation;
- Financing of support measures;
- Monitoring and control related to their implementation;
- Steering and support of research and advisory services.

Regional level

Regional Council competences

Centres for Economic Development, Transport and the Environment (State authorities)\textsuperscript{116 117}

- Guidance and supervision of the activities of the fishing regions;
- Tasks related to the fisheries management;
- Promotion of fishing

Åland competences\textsuperscript{118}

- Fishing;
- Registration of fishing vessels;
- Regulation of the fishing industry;
- Maintenance of the productive capacity of the fishing waters;
- Central authorities have legislative power with regard to the fishing industry products’ prices\textsuperscript{119}.

Local level

Municipality competences

\textsuperscript{116} Centres for Economic Development, Transport and the Environment portal, Internet ELY-keskus / EN / Front page / Business and industry, the labour force, competence and cultural activities
\textsuperscript{117} Fishing act No. 286/1982, amendments up to 154/2003
\textsuperscript{118} Chapter 4, Section 18
\textsuperscript{119} Section 27
c. Immigration and asylum policy

Central level

State competences\textsuperscript{120,121}

The Ministry of the Interior is in charge of the immigration policy:

- Formulating Finland’s migration policy;
- Drafting legislation on migration and citizenship;
- Representation of Finland in migration matters at the EU and international levels;
- Guiding and developing the migration administration;
- Responsible for the performance guidance of the Finnish Immigration Service;
- Promotion of legal immigration;
- Fight against illegal immigration;
- International protection;
- General development, planning, steering, monitoring and coordination of the integration of immigrants;
- General development, planning, steering, monitoring and coordination of asylum seekers and beneficiaries of temporary protection;
- Reception of asylum seekers;
- Preparedness for a mass influx;
- Extradition of offenders between Finland and other Nordic countries;
- Return of foreign nationals;
- Coordination of anti-human trafficking efforts in the Ministry’s administrative sector;
- Citizenship matters;
- Border control, border checks and maritime search and rescue services.

The Finnish Immigration Service is responsible for:

- Matters relating to foreigners’ entry into, residence in and removal from the country;
- Refugee status and citizenship;
- Practical guidance and planning of the reception of asylum seekers and beneficiaries of temporary protection;
- Practical guidance and supervision of the detention unit;
- Provision of assistance to victims of trafficking;

\textsuperscript{120} Act on the Integration of Immigrants 2010/1386
\textsuperscript{121} Aliens Act (301/2004, amendments up to 1152/2010 included)
The Ministry for Foreign Affairs is responsible for visa policy.

The Ministry of Employment and the Economy is responsible for the integration of immigrants.

The Ministry of Education is in charge of immigrants’ education and training.

The Ministry of Social Affairs and Health is in charge of social and health care services and support to immigrants.

**Regional level**

**Regional Council competences**

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**Centres for Economic Development, Transport and the Environment (State authorities)**

- Issuing regional guidelines concerning work permits for foreign workforce
- Regional coordination of the integration of immigrants, the reception of asylum seekers, the planning, guidance and monitoring of reception of beneficiaries of temporary protection;
- Planning, guidance and supervision of measures and services promoting and supporting the integration of immigrants and ensure that the needs of immigrants are taken into account in planning and organising services and measures within their sphere of competence;
- Providing guidance and advice for immigrants who establish businesses;
- Promoting ethnic equality and non-discrimination, and
- Providing information on the European Refugee Fund (ERF).

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122 Act on the Integration of Immigrants 2010/1386
Åland competences

- Central authorities have legislative powers with regard to\(^{123}\):
  - The right of foreigners and foreign corporations to own and possess real property, shares of stock and to practice a trade;
  - Citizenship, legislation on aliens, passports.

Local level

Municipality competences\(^{124,125}\)

- General and coordinating responsibility for developing, planning and monitoring the integration of immigrants;
- Measures and services promoting and supporting the integration of immigrants;
- Cooperation with the respective employment offices in integration efforts and provision of information about services by employment offices and other service providers.

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\(^{123}\) Section 27

\(^{124}\) Act on the Integration of Immigrants and Reception of Asylum Seekers (493/1999; amendments up to 324/2009 included)

\(^{125}\) Aliens Act (301/2004, amendments up to 1152/2010 included)
d. Tourism policy

Central level

State competences

- The Ministry of Employment and the Economy is responsible for:
  - Defining tourism policy priorities;
  - The general development of tourism;
  - Coordinating support measures of tourism;
  - Grants internationalisation support for wide-ranging tourism import projects implemented through the cooperation of at least four enterprises;

- The Finnish Tourist Board is in charge of promoting Finland internationally as tourist destination;
- Tourism and Leisure Services programme (provide financing services for enterprises and research institutes);
- The Ministry of Agriculture and Forestry develops rural tourism and promotes rural, village and nature tourism based on small enterprises and networked cooperation.

Regional level

Regional Council competences

- Granting support for tourism development projects, general marketing, advisory services, training and research purposes.

Centres for Economic Development, Transport and the Environment (State authorities)

- Granting support to enterprises;
- Advisory services for tourism enterprises;
- Addressing matters related to the local infrastructure.
Åland competences

- Overall tourism policy in Åland.

Local level

Municipality competences

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e. Civil protection policy

Central level

State competences

The Ministry of the Interior is responsible for:

- Directing and steering rescue services;
- Maintaining supervision of rescue services’ coverage and quality;
- Preparedness and organisation of rescue services at national level;
- Coordinating the activities of various ministries and sectors in the field of rescue services and their development;
- Emergency services college;
- Emergency response centre administration;
- Fire protection fund.

The Department for Rescue Services of the Ministry of the Interior is responsible for:

- Performance guidance, preparedness, organisations and overall regional planning;
- Control, alarm, telecommunications and other information systems, equipment and material;
- Training, information, awareness raising, and research;
- Statistics;
- Voluntary organisations, the fire protection fund, and the emergency services college;
- Fire and accident prevention;
- Constructional civil defence;
- International assistance;
- Contingency planning;
- Corporate governance of the State security networks ltd. and special oversight of Finland’s public authority network;
- Lifesaving medals;
- Finnish Red Cross badges of merit.

The Government decides on the division of the country into rescue service regions.
The Emergency Services College is a national vocational training institute operating under the Ministry of the Interior and providing education and training.

**Regional level**

**Regional Council competences**

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**Regional State Administrative Agencies (State authorities)**\(^{126}\)\(^{127}\)

- Fire and rescue services;
- Coordination of preparedness in their regions;
- Maintaining supervision of rescue services, their coverage and their quality within their area of operation;
- Coordination of contingency planning;
- Organisation of regional National Defence Courses;
- Supporting contingency planning in Municipalities;
- Organisation of preparedness exercises;
- Promotion of security planning in local and regional administrations;
- Supporting the Ministry of the Interior.

**Åland competences**\(^{128}\)

- Fire fighting;
- Rescue services.

**Local level**

**Municipality competences**

- Municipalities are jointly responsible for rescue services in rescue service regions (22 regional rescue services);
- The Municipalities of the same rescue service region must agree on the organisation of rescue services.

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\(^{126}\) [Rescue Act No. 379/2011](http://www.finlex.芬)

\(^{127}\) [Ministry of the Interior portal](http://www.sivi.芬)

\(^{128}\) Chapter 4, Section 18
9. France

France is a **republican State and a parliamentary democracy**, often qualified as semi-presidential. The **Parliament is bicameral** and is made up of the National Assembly (*Assemblée nationale*) and the Senate (*Sénat*). The latter indirectly represents the sub-national authorities’ interests to the extent that the Senate is indirectly elected by an electoral body comprising representatives of the Regions, the Departments and the Communes. A “rationalised parliamentary regime” (*parlementarisme rationalisé*) was established by the 1958 Constitution, in favour of the Government. However, a constitutional reform occurred in 2008 in order to rebalance the relationship between the Parliament and the Government, in favour of the former. France is characterised by a flexible separation of powers, i.e. the Government is politically responsible before the Parliament and can, in turn, dissolve the National Assembly.

France is a **unitary State organised on a decentralised basis** under the 1958 Constitution. France used to be a highly centralised country, with two tiers of local government: the Departments (*Départements*) and the Municipalities (*Communes*). Regions (*Régions*) came into existence in 1972 by **means of law**. More importantly, the so-called ‘Deferre Acts’ of 1982 and 1983 initiated the decentralisation process. The State’s supervisory powers over the local authorities’ activities were abolished. The Regions were turned into territorial authorities run by directly elected assemblies. The departmental and regional executive powers were also transferred to the presidents of their respective councils. Decentralisation was further developed with the **2003 constitutional reform** by which the status of the Regions was constitutionally recognised and France became a unitary and decentralised state.

The reform enshrines the local authorities’ financial autonomy and authorises local referenda. In 2004, the Departments and Regions were **attributed** some new competences. Finally, an important reform was adopted in 2010, which will considerably change the territorial organisation of the country in the forthcoming years.

There are three sub-levels of governance in France: the **Regions (Régions), the Departments (Départements) and the Municipalities (Communes)**. They are not bestowed with legislative powers. They exercise their functions by means of regulations for some fields and through the execution of their budget. There are **27 French Regions**, including the island of Corsica. The **5 overseas Regions** have more powers and broader competences than mainland Regions. There are 102 Departments and 36,699 Municipalities. Paris, Lyon and Marseille are further divided into **arrondissements**.
The islands of Guadeloupe, Réunion and Mayotte are considered both as overseas Departments and Regions with their respective institutions. French Guiana and Martinique have the status of ‘unique collectivity’, thus uniting the departmental and regional institutions.

The overseas governments of French Polynesia, Saint-Barthélemy, Saint-Martin, Saint-Pierre-et-Miquelon (involved in Department’s representation), the Islands of Wallis and Futuna, as well as the French Southern and Antarctic Territories and Clipperton have a specific autonomous status. New-Caledonia is a sui generis collectivity; with its own institutions and citizenship.

Martinique, Guadeloupe, French Guiana, Réunion and Saint Martin have the status of outermost regions at the EU level. Saint Barthélémy (since 1 January 2012), French Polynesia, the French Southern and Antarctic Territories, Saint-Pierre-et-Miquelon, the islands of Wallis and Futuna and New Caledonia have the status of overseas countries and territories at the EU level. Mayotte has the status of overseas country and territory at the EU level but expressed the wish to access Department status in 2014.

The principle of freedom of administration by local authorities is explicitly enshrined in the Constitution, and is completed by the principle of financial autonomy of the local, intermediate and regional authorities. Local, intermediate and regional authorities (LRAs) have general competence for the exercise of their functions. As a result, shared competences are the rule. There is no hierarchy between regional, intermediate and local government.

Local authorities may carry out “local experiments”. These are legal authorisations provided to a local authority in order to implement public policies that normally do not belong to its legal attributions, on an experimental basis, and on a specific territory and period of time. If the experiment is positively evaluated, the delegation of this competence to all of the authorities at the same level is tested.\textsuperscript{130}

Besides the Constitution of 1958, the General Code on Local Authorities (Code général des collectivités territoriales) describes the competences attributed to the Regions, Departments and Municipalities. The distribution of competences among the different levels of governance is further described in numerous other laws.

In 2005, sub-national governments’ revenues were derived from taxation (own-source and shared), grants, fees, asset management and extraordinary

\textsuperscript{129} Article 72
\textsuperscript{130} Loi organique n° 2003-704 du 1 août 2003 relative à l’expérimentation par les collectivités territoriales [Organic Law No. 2003-704 on local experiment of 1 August 2003]
revenue. The Municipalities’ revenue was composed of 52% of autonomous taxation, 31.5% of grants and 16.5% of others. The Departments’ revenue was composed of about 51.6% of autonomous taxation, 11.6% of shared tax, 28.2% of grants and 8.6% of others. The Regions’ revenue was composed of about 34.5% of autonomous taxation, 3.7% of shared tax, 55.9% of grants and 6% of others.\textsuperscript{131}

The latest reform (2010) brings important changes to the existing territorial administration and division of powers. LRAs will be organised around two main centres: a regional/departmental axis and a municipal/inter-municipal axis.

Starting from 2014, the same elected representatives will belong to both the regional and general councils, in order to ensure coherence and complementarity between the regional and departmental levels. As of October 2012, the French government announced the launch of a procedure to reform the current system of territorial administration.

Besides, the division of competences will change in 2015. The Departments and the Regions will be attributed some exclusive competences; shared competences will become the exception (sport, culture, tourism). In case a competence has not been attributed to any authority, the Departments and the Regions will be allowed to intervene. As regards the Municipalities, they will keep their general competence for local matters.

\textsuperscript{131} A collective work of Dexia Crédit Local Research Department, Sub-national governments in the European Union – Organisation, responsibilities and finance, Dexia Ed., La Défense, 2008.
**Central level**

**State responsibilities**

The central Government is responsible for defining and implementing the nation’s policy. It has the civil service and the armed forces at its disposal for that purpose.

There is also a local civil service.

The central Government has exclusive responsibility in all matters relating to national sovereignty (defence, foreign affairs, justice and security).

The Parliament alone has the power to pass laws and the Government makes general regulations.

**Regional Level**

**Regional responsibilities**

- Regional transport, including regional transport plans, civil airports, non-autonomous harbours;
- Education, in particular high schools;
- Vocational training and apprenticeship;
- Culture, including cultural heritage and monuments, museums, archives, artistic vocational training;
- Regional planning;
- Economic development;
- Environment, and
- Scientific development

**Intermediate Level**

**Responsibilities of Departments**

- Departmental transport, including school transport, interurban transports, passenger transport, roads, commercial and fisheries ports, civil airports, non-autonomous harbours and railways;
- Inclusion and social welfare (in charge of all of social aid);
- Education, in particular ordinary secondary schools;
- Vocational training, in the field of music, dance and drama;
- Culture, including archives, museums, libraries, artistic training;
• Public health, including sanitary protection, vaccination;
• Planning, including aid programme, in cooperation with the Regions;
• Economic development (complementary to that of the Region);
• Environment, in particular protection waste and water plans, and
• Rural development and agriculture aid.

Municipal Level

Responsibilities of Municipalities

The mayor, as a representative of the State, has competence in the field of:

• Registry;
• Electoral issues;
• Social welfare (complementary action to that of the Departments);
• Education, including primary schools and pre-school classes;
• Local roads;
• Town planning, and
• Protection of public order

The Municipalities, as decentralised authorities, have competence in the field of:

• Municipal transport, including school transport, yacht harbours, civil airports, non-autonomous harbours;
• Culture, including teaching schools, archives, museums, academies, libraries;
• Public health (vaccination);
• Economic development (complementary to that of the Region);
• Environment, specifically water and waste, and
• Housing.
9.1 Systems of multilevel governance

**Representation:** The Association of French Regions (ARF), the Assembly of French Departments (ADF) and the Association of French Mayors (AMF) act as representatives of their respective level of government vis-à-vis the other authorities: national and European.

**Information and consultation:** During the legislative process, information is provided to the local, intermediate and regional authorities (LIRAs) to the extent that information is published on the Parliament’s website.

Institutional consultation procedures are established by means of law. They generally concern financial matters and affairs having a local/regional impact. Nevertheless, the opinions provided are merely consultative. 132

Sometimes, the central Government also informally consults the associations of LIRAs (ARF, ADF and AMF) on any project relating to them. 133 In particular, the representatives from ARF, ADF and AMF are sometimes consulted by the central Government via the National Conference of the Executives (Conférence nationale des exécutifs – CNE) and through the Conference of Local Finances (Conférence des finances locales) which are convened at the Government’s discretion.

**Coordination:**

*The Minister of the Interior* is in charge of regional and local affairs. Its General Directorate for LIRAs (Direction générale des collectivités territoriales, DGCL, Ministère de l’Intérieur) coordinates the preparation and monitoring of contractual procedures between the State and LRAs, such as State-Regions Contracts (Contrats Etats-Régions) by which the State and the Regions define common policies.

*Prefects act as focal points* in the relationship between the State, the Regions, the Departments and the Municipalities. The central Government appoints Prefects (préfets) in each Department in charge of supervising local authorities as well as ensuring that they respect the national interest and comply with the law. The *regional Prefect* – the Prefect of the Department where the regional capital is established – is in charge of the regional devolved services of the State; (s)he disseminates the government’s policies; (s)he controls the legality

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132 Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 71-76.

133 Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 71-76.
and the respect for budgetary rules with regard to regional acts; (s)he chairs the committee on regional administration (comité de l’administration régionale) which brings together the prefects of the Departments and the head of the devolved regional services of the State; (s)he prepares the policies on economic and social development as well as on planning.

The **Local Finance Committee** (Comité des finances locales: CFL) defends local, intermediate and regional financial interests and is in charge of harmonising central, regional, intermediate and local opinions in this matter.

**Horizontal coordination** exists at all levels of governance and is ensured through ARF, ADF and AMF.

The central, regional, intermediate and local authorities also coordinate during the EU decision-making process: The **General Secretariat for European Affairs** (Secrétariat général aux affaires européennes – SGAE) prepares the French positions on EU draft acts. The SGAE can bring together the members of the associations of local, intermediate and regional representatives in charge of European Affairs on a regular basis.

### 9.2 Relations with the EU/Representation at EU level

The **CoR delegation** is composed of twelve representatives from the Regions, six from the Departments and six from the Municipalities.

Most Regions have **liaison offices in Brussels** (Alsace, Aquitaine, Auvergne/Centre/Limousin, Basse-Normandie, Bourgogne - Franche Comté Europe, Bretagne, Bretagne/Pays de la Loire/Poitou-Charentes, Corse, Haute-Normandie, Ile-de-France, Languedoc Roussillon, Lorraine - Champagne-Ardenne, Midi-Pyrénées, Nord-Pas-de-Calais, Picardie, Provence-Alpes-Côte d'Azur (P.A.C.A.) and Rhône-Alpes).

Moreover, the **European House of French Local Authorities** (Maison européenne des pouvoirs locaux français), which brings together the national associations of intermediate and local authorities (ADF, AMF, Association of Mayors of French large cities - Association des Maires de Grandes Villes de France (AMGVF), Federation of medium-sized cities - Fédération des villes moyennes (FVM) and the Association of Mayors of small cities - Association des Petites Villes de France (APVF)) acts as a representative of **French local authorities in Brussels** and maintains contacts with the French national Permanent Representation, the European Parliament, the European Commission, and other European bodies.
Many Regions cooperate with other EU Regions, either on a bilateral basis or through European associations of Regions. Regions cooperate with various organisations such as the Council of European Municipalities and Regions (CEMR) and the Assembly of European Regions (AER). ADF and French Departments cooperate with other EU intermediate authorities, either on a bilateral basis or through the European Confederation of Intermediate Authorities (CEPLI).

ARF, ADF and AMF act as representatives of their respective level of government vis-à-vis the European institutions and associations.

### 9.3 Subsidiarity

Both chambers of the national Parliament have established procedures of subsidiarity scrutiny within the framework of the Early Warning System (EWS); however they do not formally consult local, intermediate and regional authorities\(^\text{134}\). The Senate consults associations of local, intermediate and regional authorities when relevant. Representatives holding a double mandate may also participate personally in the EWS\(^\text{135}\).

Only informal channels of participation of the Regions in the EWS exist\(^\text{136}\). They are the same as for the participation in the EU.

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9.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The central government is responsible for:

- The overall legislation;
- The elaboration and implementation of transport policy, in cooperation with local authorities (decentralised and contractual planning);
- The regulation of standards;
- The development of information on the transportation system;
- Research aiming at facilitating the objectives of the transportation system;
- Urban transport planning (in cooperation with local authorities);
- The creation and management of public transportation (in cooperation with local authorities), and
- National railways.

Regional level

Regional authorities are responsible for:

- The elaboration of the regional scheme of infrastructure and transports (in cooperation with the State);
- Regional transport plans (non-urban transport service, regional railways except in Ile-de-France);
- Competences related to civil airports for the authorities that asked so before July 2006, and
- The ownership, development, maintenance and management of non-autonomous harbours that come under the State, for the authorities that requested this before July 2006.
Intermediate level

Departmental authorities are responsible for:

- Departmental transport, including school transport, passenger transport between towns, departmental roads and most of the national roads, departmental railway of local interest;
- The maintenance of commercial and fisheries ports;
- Competences related to civil airports for the authorities that asked so before July 2006, and
- The ownership, development, maintenance and management of non-autonomous harbours that come under the State, for the authorities that requested this before July 2006.

Municipal level

Municipal authorities are responsible for:

- School transport (if delegated);
- Urban transport of passengers;
- Local roads;
- Yacht harbours;
- Competences related to civil airports for the authorities that asked so before July 2006, and
- The ownership, development, maintenance and management of non-autonomous harbours that come under the State, for the authorities that requested this before July 2006.

Sources

b. Employment policy

Central level

The central government is responsible for:

- The definition and supervision of employment policy;
- Public employment service, and
- The professional integration of the youth.

Regional level

Regional authorities are responsible for:

- Participation in the public employment service (together with the State);
- The definition and implementation of apprenticeship policy, and
- The professional integration of job seekers.

Intermediate level

Departmental authorities are responsible for:

- Participation in the public employment service (together with the State);
- The implementation of national programmes, and
- The employment side of inclusion policy (RSA- revenu de Solidarité active).

Municipal level

Municipal authorities are responsible for:

- Participation in the public employment service (together with the State), and
- Insertion.

Sources

c. Social policy

Central level

The central government is responsible for:

- Social aid for homeless people and people suffering from a lack of autonomy;
- Medical aid for illegal immigrants under certain circumstances;
- Earned income supplement (revenu de solidarité active);
- Benefit for the elderly;
- Benefit for the disabled;
- Housing and vocational training fees for the disabled living in retraining establishments;
- Functioning fees of working aid centres;
- Some social aid measures relating to housing and reintegration;
- Accommodation fees for foreigners living in asylum seekers’ centres, and
- Assistance to persons in danger of prostitution and medical-social aid to prostitutes.

Regional level

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Intermediate level

Departmental authorities are responsible for:

- The coordination on the territory;
- Organising inclusion (social and employment) (Within “Territorial pacts for inclusion”), and
- The definition and implementation of inclusion and social policy (without encroaching on the State’s competences) including:
  - Aid for children;
  - Social aid for families;
  - Accommodation for the disabled and elderly;
  - Housing;
  - Judicial protection of youth;
  - Professional and social insertion.
Municipal level

Municipal authorities are responsible for:

- Social welfare (complementary action to that of the Departments);
- Child care;
- Nursery, and
- Retirement homes.

Sources

*Code de l’action sociale et des familles* [Code on social welfare and family policy], Articles L121-1, and L121-6 to L121-10-1.

*Code général des collectivités territoriales* [General code of Local Authorities], Articles L3214-1 to L3214-2 and L4211-1.
d. Education policy

Central level

The central government is responsible for:

- The overall legislation;
- The organisation and functioning of public education service (in coordination with local authorities);
- The definition of education pathways, national programmes, organisation and content of tuitions;
- The definition and award of diplomas, ranks and titles;
- The employment and management of the personnel (including their income);
- The repartition of funding so as to ensure equal access to the public service;
- The control and evaluation of educational policies in order to ensure consistency of the educational system, and
- Educational tuitions coming under the ministries for defence, justice and foreign affairs.

Regional level

Regional authorities are responsible for:

- The general planning of training;
- The creation, construction, maintenance and operation of high schools, maritime vocational high schools, and establishments for special education, and
- Participation in the universities’ funding (Plan université 2000).

Intermediate level

Departmental authorities are responsible for:

- The creation, construction, maintenance and operation of ordinary secondary schools.
Municipal level

Municipal authorities are responsible for:

- The creation, construction, maintenance, and operation of primary schools, and
- The creation, construction, maintenance, and operation of pre-school classes.

Sources

e. Vocational training

Central level

The central government is responsible for:

- The overall legislation;
- Apprenticeships for French citizens living abroad;
- Where required, the adoption of objectives and means through contracts with the objective of developing apprenticeship, and
- The funding of vocational training programmes.

Regional level

Regional authorities are responsible for:

- The general planning of vocational training and apprenticeships;
- The definition of activities relating to vocational training;
- The definition of activities fostering consistent vocational programmes;
- Apprenticeship programmes;
- The implementation of vocational training programmes, and
- Where required, the adoption of objectives and means through contracts with the objective of developing apprenticeship.

Intermediate level

Departmental authorities are responsible for:

- Consultation on regional plans for vocational training;
- Vocational training (departmental scheme of development of artistic training in the field of music, dance and drama);
- Vocational training for people involved in an inclusion path.

Municipal level

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Sources

[Code général des collectivités territoriales] [General code of Local Authorities], Articles L216-2, L4332-1.
f. Youth and sport policy

Central level

The central government is responsible for:

Youth policy

- The overall policy;
- Education;
- Public health, and
- The protection of minors.

Sport policy

- The overall conduct of sport policy;
- The organisation or control of training leading to sporting professions;
- The awarding of diplomas;
- The participation in the training of sport teachers who work with the disabled;
- The supervision and control over sport federations (in charge of the organisation and promotion of their sport), and
- The signing of agreements with local authorities relating to competitive examinations.

Regional level

Regional authorities are responsible for:

Youth policy

- Education;
- Vocational training;
- Providing support for research and higher education, and
- Providing support for economic activity.

Sport policy

- The funding of sport facilities.
Intermediate level

Departmental authorities are responsible for:

Youth policy

- Education;
- Sanitary protection, and
- The protection of minors.

Sport policy

- The funding of sport facilities.

Municipal level

Municipal authorities are responsible for:

Youth policy

- Education and public health;
- The funding of reception facilities, including nurseries, child care, recreation centres etc., and
- Insertion.

Sport policy

- The funding of sport facilities.

Sources

- Code de l’Education [Code of Education]
- Code du sport [Sport Code], Articles L111-1 to L111-3, L113-1 to L113-3.
- Code général des collectivités territoriales [General code of Local Authorities]
  Ministry for Home affairs, Overseas, Local Authorities and Immigration,
  Directorate-General for local authorities, Les collectivités territoriales/Missions des collectivités locales
g. Culture policy

Central Level

The central government is responsible for:

- The legal framework;
- External cultural policy;
- The protection of heritage of national relevance;
- The listing of cultural heritage;
- The protection of cultural goods;
- Artistic tuition, including the classification of schools, control over the activities and pedagogic functioning, competence in the field of higher education and diploma award;
- Libraries, including state libraries, national libraries, university libraries, specialised libraries;
- National museums;
- National archives, and
- Preventive archaeology (in coordination with local authorities).

Regional Level

Regional authorities are responsible for:

- The protection of cultural heritage and monuments;
- The organisation and funding of regional museums;
- The conservation and enhancing of regional archives, and
- The organisation and funding of the initial years of artistic vocational training.

Intermediate Level

Departmental authorities are responsible for:

- The protection of cultural heritage and monuments;
- Departmental archives;
- Departmental museums;
- Central lending library, and
- The departmental scheme of development of artistic training in the field of music, dance and drama.
Municipal Level

Municipal authorities are responsible for:

- Artistic teaching schools;
- Municipal archives;
- Municipal museums;
- Music academies, and
- Lending libraries.

Sources

- Code du Patrimoine [Code of Heritage]
- Code général des collectivités territoriales [General code of Local Authorities], Articles L4221-1, L216-2.
- Culture and Communication Ministry portal
h. Public health policy

Central level

The central government is responsible for:

- The overall legislation;
- General policy guidelines and objectives (following pluri-annual objectives);
- The definition of health policy objectives, plans, actions and programmes;
- The evaluation of health policy;
- The regulation of financial and legal aspects related to the public health insurance system;
- Health education and research, and
- Prevention.

Regional level

Regional authorities are responsible for:

- The definition of specific regional objectives relating to public health and implementation of the corresponding regional actions;
- Regional health agencies (definition and implementation of regional and sub-regional programmes and activities);
- The participation in the funding and building of sanitary facilities, on an experimental basis, and
- Vaccination, fighting against tuberculosis, leprosy, HIV and sexually transmitted diseases (in cooperation with the State) on a voluntary basis.

Intermediate level

Departmental authorities are responsible for:

- Sanitary protection for families and children;
- The participation in the implementation of health programmes (within the frame of State/Department agreements), and
- Activities of vaccination, fighting against tuberculosis, leprosy, HIV and sexually transmitted diseases (in cooperation with the State) on a voluntary basis.
Municipal level

Municipal authorities are responsible for:

- Hygiene and health municipal services, and
- Vaccination, fighting against tuberculosis, leprosy, HIV and sexually transmitted diseases (in cooperation with the State) on a voluntary basis.

Sources

**Code de la Santé publique** [Code of Public Health], Articles L1411-1 to L1418-8, L1422-1, L1423-1, L1423-2, L1424-1, L1431-1 to L1431-4, L2112-1 to L2112-10.

**Code de la Sécurité sociale** [Social security Code], Articles LO111-3 to LO111-10-2.

**Code général des collectivités territoriales** [General code of Local Authorities], Article L4221-1.
i. Trans-European network policy

Central level

The central government is responsible for:

- The drafting of planning policy after consultation of the local authorities, and
- State-Region planning contracts.

Regional level

Regional authorities are responsible for:

- The elaboration of the regional scheme on planning and territorial development (SRDDAT), and
- State-Region planning contracts.

Intermediate level

Departmental authorities are responsible for:

- Rural equipment aid programme;
- Associated State-Region planning contracts, and
- The planning, maintenance and use of water resources.

Municipal level

Municipal authorities are responsible for:

- Regional planning (joint municipal boundary initiatives), and
- Town planning, including the preparation of territorial consistency schemes, local town planning issue of building permits and other authorisations concerning occupation of the land.

Sources

Code général des collectivités territoriales [General code of Local Authorities], Articles L3232-1 to L3232-1-1, L4221-3, L4221-1.

Ministry for Home affairs, Overseas, Local Authorities and Immigration, Directorate-General for local authorities. Les collectivités territoriales/Missions des collectivités locales.
j. Economic, social and territorial cohesion policy

Central level

The central government has overall responsibility in economic and social development. Responsibilities include:

*European Regional Development Fund (ERDF)*

- The coordination, implementation and monitoring (Inter-ministerial delegation on planning, territorial competitiveness, and regional action - *Délégation interministérielle à l'aménagement et à la compétitivité du territoire et à l'action régionale*), and
- Financial management (General Directorate on local authorities - *Direction générale des collectivités locales*).

*European Social Fund (ESF)*

- ESF Mission of the Ministry of social affairs, employment and solidarity (*Ministère des Affaires sociales, du travail et de la solidarité*) in charge of coordination.

Regional level

Regional authorities are responsible for:

- The development and implementation of regional development plans;
- Spatial planning, including the development and definition of regional plans;
- State/Region project contracts focusing on territorial competitiveness, attractiveness and social cohesion;
- Economic development:
  - Economic aids: direct aid in accordance with the EU rules, indirect aid for companies, and
  - Stake-holding in regional development and regional financing companies.
- Scientific development.
Management of EU funds:

*European Regional Development Fund (ERDF)*

Regional prefects coordinate with local, intermediate and regional authorities for:

- The selection of dossiers;
- Distribution of funds, and
- Monitoring.

*European Social Fund (ESF)*

Regional committees work in conjunction with the regional prefects regarding:

- The selection of dossiers:
- The distribution of funds, and
- Monitoring.

**Intermediate level**

Departmental authorities are responsible for:

Social and territorial cohesion:

- Complementary local initiatives supporting economic development (direct economic aid, indirect aid for companies, including loans and other guarantees);
- The participation in regional spatial planning;
- The implementation of departmental development policies and spatial planning, and
- Agenda 21 development.

Management of EU funds:

*European Regional Development Fund (ERDF)*

Regional prefects coordinate with local, intermediate and regional authorities for:

- The selection of dossiers;
- The distribution of funds, and
• Monitoring.

*European Social Fund (ESF)*

Regional committees work in conjunction with the regional prefects regarding:

• The selection of dossiers;
• The distribution of funds;
• Monitoring.

Departments also directly manage ESF on the inclusion side (*subventions globales*).

**Municipal level**

Municipal authorities are responsible for:

• Direct economic aid complementary to that of the Region, and
• Indirect aid for companies, including loans and other guarantees.

**Sources**

Code général des collectivités territoriales [General code of Local Authorities], Article L4221-1, L4253-5, L4211-1.12, L3231-1 to L3231-3-1, and L2251-1 to L2251-4.

European Social Funds in France portal, Les comités régionaux de programmation

European Funds in France portal, Qui sommes-nous?

Toute l’Europe, Aide au développement des régions/Le fonds européen de développement régional, FEDER
k. Environment and the fight against climate change

Central level

The central government is responsible for:

- The overall legislation;
- Orientation of research service provision and information (Environment and Energy Agency) in the following fields:
  - Prevention and fight against air pollution;
  - Waste management;
  - Energy saving and renewable energy development;
  - Clean technology development;
  - Fight against noise pollution;
  - Coordination with water agencies for common interest matters, and
  - Work in coordination with regional delegations.

Regional level

Regional authorities are responsible for:

- Providing their opinion on the definition of the national sustainable development policy (consultation);
- State/Regions project contracts focusing on sustainable development;
- Environmental protection;
- Regional air quality plan;
- The listing of regional protected landscapes and natural monuments;
- The definition of medium-term goals relating to sustainable development at the regional level, and
- Regional natural parks.
Intermediate level

Departmental authorities are responsible for:

- Providing their opinion on the definition of the national sustainable development policy (consultation);
- The listing of landscapes and natural monuments;
- The prevention of major natural risks;
- Own initiatives dealing with cross-sector aspects;
- Waste disposal plan;
- The protection of sensitive natural areas, and
- Water plan.

Municipal level

Municipal authorities are responsible for:

- Water treatment;
- The supply of drinking water;
- The collection and processing of household waste, and
- Thermal renovation of public buildings.

Sources

Website of the Assembly of Departments of France, Les missions des départements
1. **Energy**

**Central level**

The central government is responsible for:

- The overall legislation;
- The assessment of the needs and planning of energy capacities;
- The follow-up of energy policy implementation;
- Safeguard measures in case of crisis;
- The organisation of research, and
- The Energy Regulation Agency.

**Regional level**

**Intermediate level**

Departmental authorities are responsible for:

- Electricity and gas distribution, and
- Voluntary policies for renewable energy development.

**Municipal level**

Municipal authorities are responsible for:

- Electricity and gas distribution.

**Sources**

- Code général des collectivités territoriales [General code of Local Authorities], Article L2224-31.
9.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central level
The central government is responsible for:

- The overall legislation (in accordance with EU law)

Regional level
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Intermediate level
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Municipal level
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Sources
Code rural et de la pêche maritime [Rural and Fisheries Code]
b. Fisheries

Central level

The central government is responsible for:

- The overall legislation (in accordance with the principles and rules of the common fisheries policy and international obligations).

Regional level

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Intermediate level

Departmental authorities are responsible for:

- The maintenance of commercial and fishery ports.

Municipal level

Municipal authorities are responsible for:

- The management and use of yacht and fishery harbours which were transferred to the Municipalities.

Sources

*Code rural et de la pêche maritime* [Rural and Fisheries Code]
c. **Immigration and asylum**

**Central level**

The central government is responsible for:

- The overall legislation, including the definition and implementation of immigration and asylum policy.

**Regional level**

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**Intermediate level**

The prefect (devolved authority) is responsible for:

- Issuing permits to enter the territory within the frame of family reunification.

**Municipal level**

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**Sources**

d. **Tourism**

**Central level**

The central government is responsible for:

- The definition and implementation of tourism policy;
- The definition and management of promotion operations (in cooperation with the local authorities and the relevant stakeholders);
- The definition and implementation of international cooperation relating to tourism;
- The coordination of tourism-related public and private initiatives, and
- The coordination with local authorities.

**Regional level**

Regional authorities are responsible for:

- The definition of medium-term objectives relating to regional tourism development;
- The signing of agreements defining the actions executing the intended objectives and their implementation terms;
- The collection, treatment and dissemination of data relating to regional tourism activity;
- The coordination of public and private initiatives concerning tourism development, promotion and information, and
- The promotion of regional tourism abroad.

**Intermediate level**

Departmental authorities are responsible for:

- The promotion and marketing of tourism offers, together with the local partners;
- The definition of a departmental plan on tourism, taking into account regional orientations, and
- The implementation of the departmental tourism policy.
**Municipal level**

Municipal authorities are responsible for:

- Tourism offices, including the reception and information to tourists, and
- Tourism promotion in coordination with regional and departmental committees.

**Sources**

*Code du tourisme* (Tourism Code), Article L121-1, L131-1 to L131-5, L132-1, L132-2, L133-3
e. Civil protection

Central level

The central government is responsible for:

- The overall legislation, and
- The planning and management of crisis and incidents taking place both in France and abroad.

Regional level

Intermediate level

Departmental authorities are responsible for:

- The implementation of national policy by the Prefect, and
- Fire brigades employed at departmental level.

Municipal level

Municipal authorities are responsible for:

- Fire brigades, which may be posted to the municipal level.

Sources


Ministry for Home Affairs, Overseas, Local Authorities and Immigration, Accueil/Le Ministère/Sécurité civile
10. Germany

As stated in Article 20(1) of the German Basic Law (BL), Germany is a federal state. Federal laws are made in a cooperation process between the Bundestag and the Bundesrat. The Bundestag is directly elected by universal suffrage and has a mixed proportional system where some of the members of the Bundestag are elected by plurality system and others by proportional representation from party lists for the Bundestag. The Bundesrat is composed out of representatives of the different Länder governments. The number of representatives of a Land in the Bundesrat is in relation to the number of inhabitants of that Land; it ranges from 3 to 6 votes per Land adding up to a total of 69 votes in the Bundesrat. Both chambers can initiate new legislation. According Article 77 BL, "consent bills" (i.e. bills amending the constitution or impinging in a particular manner on the finances of the Länder or on their organisational and administrative jurisdiction) can only come into being if the Bundesrat and Bundestag are in agreement. As the underlying assumption in the BL is that bills generally do not require Bundesrat consent, all "consent bills" must clearly be stipulated in the BL. By consequence, all the other bills are "objection bills" where the Bundesrat may table an objection which can be overturned by the Bundestag.

The Länder are guaranteed their own constitutions and the municipalities have self-governance within the limits of the laws. There are 16 Länder, 295 Kreise (intermediary level) and 11.252 Gemeinden (local level). Cities with more than 100.000 inhabitants have both county and municipal responsibilities. Yet it should be noted that there are a few cities, called kreisfreie Städte, with less then 100.000 inhabitants which enjoy a similar status. Those cities attain their status based upon the Land’s allocation of institutional and administrative responsibilities. In terms of constitutional law, the municipalities and counties are regarded as institutionally belonging to the organisational body of the Länder. In practical and functional terms, however, the municipalities constitute a “third” layer and level where the bulk of public tasks (including most of the pertinent legislation) are carried out. Local authorities enjoy a constitutional guarantee of local self administration which implies the right "to attend all matters relevant to the local community in their own responsibility within the framework of the existing legislation (Article 28 Basic Law).

The BL specifies the relationship between the federal level (Bund) and the Länder. Following Article 30 BL, the exercise of state powers and the discharge of state functions is a matter for the Länder, except as otherwise provided or permitted by the BL. As far as legislative powers are concerned, the Länder have the right to legislate insofar as the BL does not confer legislative power on the Federation (Article 70). Thus, the BL defines the Länder as the location of
residual legislative power. The matters under exclusive Federal legislative power are listed in Article 73 BL; on those matters, the Länder may only legislate when they are explicitly authorised by federal law to do so. Article 74 BL identifies the subjects which fall under the concurrent legislative competence. According to Article 72 BL concurrent powers are those under which "the Länder shall have power to legislate so long as and to the extent that the Federation has not exercised its legislative power by enacting a law." All Länder, notwithstanding their differences in size, enjoy the same degree of legislative power under the BL.

The bulk of legislation is enacted at the federal level, but in the entire field of administrative functions, the Länder are clearly the predominant bodies, while federal administrative powers, defined in Arts. 87-90 BL are classed as exceptions to that rule. The administrative role of the Länder is defined in Art. 83 of the Basic Law, which confers upon them both the right and the duty to 'execute federal statutes as matters of their own concern in so far as this Basic Law does not otherwise provide or permit'. Articles 84 and 85 BL differentiate in this field between administrative functions to be performed by the Länder 'as matters of their own concern' (under general administrative rules requiring the Bundesrat's consent and subject to federal supervision relating to legal standards only), and other matters in which 'the Länder execute federal statutes as agents of the Federation' (subjecting them 'to the instructions of the appropriate highest federal authorities' and to federal supervision dealing also with the 'appropriateness of execution').

In 2006, Germany embarked on a major reform of its Basic Law with regards to the relationship between the federal level and the Länder. The goal was to strengthen the legislation by making a clearer distinction of the competences, limiting the scope of consent by the Bundesrat, financial and budgetary reforms, and strengthening the role of the Länder in European legislation.

The system of concurrent powers changed, following the purpose of a disentanglement of competencies. Changes concern both the catalogue as such and the system of concurrency. Several issues in Article 74 (1) BL have been removed and transferred either to the Länder or to the exclusive federal legislative power with the result that there are now 31 areas in the field of concurrent legislation:

Punishment for crimes, regulation of the notary publics, as well as regulation of assembly, regulation of nursing, homes and homes for the elderly and disabled were removed from the catalogue and transferred to the Länder; weapons and explosives and the care of those injured or affected by war were added to the exclusive federal powers. The concurrent powers of Article 74a BL dealing with
salaries and benefits of all public employees were deleted. While “salaries and benefits of all public employees” are now within the competence of the Länder, “provisions concerning the status and duties of civil servants of the Länder, local governments, and other public corporations including judges” were added to the concurrent powers (Article 74 (1) BL). The most important change incurred by the reform is that the Länder were granted the right to deviate from federal legislation (Article 72 (3) BL)) in six fields (including the admission to higher education, environmental protection). This opting-out procedure is an absolute novelty in the German federal system. Due to the difficulties of power delineation and the necessity requirement described above, the framework power of Article 75 BL was completely abolished.

Apart from the question of how to divide up payments resulting from European Union sanctions for national budget deficits, one important issue was a clarification and strengthening of the role of the Länder in EU legislation according to Article 23 BL. In the areas of exclusive Länder powers such as schools, culture, and broadcasting the Länder will appoint an EU representative through the Bundesrat.

The main improvement that has been accomplished in this field are new paragraphs added to Articles 84 and 85 BL, replacing the veto power of the Bundesrat by a right to derogate in case the Federation wants to set up its own administrative authorities implementing federal legislation. In other areas the Länder can appoint a representative only after consultation with the federal government. The attempt to reduce the number of consent laws and thus the veto power of the Bundesrat has only partially been successful. In some case veto rights have even been added or extended.

In 2009, there was a second stage of reforms, which did not as much readjust the responsibilities between the Länder and the Bund, but addressed the system of intergovernmental finances. Finally, according to Article 84(1) BL it is no longer possible for the federal level to entrust any tasks onto the municipalities.

The distribution of taxation competences is laid down in Article 104 ff. BL. The Länder collect the vast majority of the taxes in Germany. They have own-resource taxes which is about 26,1 billion Euro in 2005 which is about 16% of their tax revenue and 11% of their total revenue. The main taxes are the vehicle tax (about 8,7 billion Euro), the land purchase tax (about 4,8 billion Euro) and the inheritance tax (about 4,1 Billion Euro). The shared tax revenue of the Länder is about 60% of their total revenue and includes the VAT (44,8% which is about 62,6 Billion Euro), the personal income tax (42,5% which is about 54,7 Billion Euro) and the corporate income tax. The local government revenue is about 83% collected by the municipalities. They have as own resource taxes the
local business tax, property tax and other local taxes. This amounts to a total of about 33.1 billion Euros which is about 61% of their tax receipts. Regarding the mixed tax income, they have personal income tax, VAT and the tax on interest.\textsuperscript{137}

**Federal Government**

**Legislative and administrative responsibilities of the Federation (Bund)**

Exercises legislative authority solely in those areas assigned to it under the Basic Law (Articles 70 and 73), inter alia in those areas which are the prerogative of a sovereign State; foreign policy, defence, currency, etc.

According to Article 87 of the Basic Law, the exercise of executive powers by the federal authorities is limited to a few areas such as foreign affairs.

**Regional Government – Länder**

**Legislative and administrative responsibilities of the Länder (federal states)**

- The exercise of state powers and the discharge of state functions is a matter for the Länder, except as otherwise provided or permitted by the Basic Law; they are thus responsible for implementing federal legislation.
- The Länder have the right to legislate in all areas which are not vested solely in the Federation by the Basic Law.
- Federal and regional powers sometimes overlap in areas such as justice, social welfare, civil law, criminal law, labour law and economic law.
- The Länder have their exclusive legislative powers with regard to culture, education, universities, local authority matters and the police.

Intermediate level – Kreise and kreisfreie Städte

Administrative responsibilities of the district authorities

Complementary, "supra-municipal" powers, involving a type of mandatory cooperation between local authorities.

Mandatory powers (under federal and Land legislation)

- Building and maintenance of secondary roads, public passenger transport, Car registration, driving licences,
- Spatial planning at district authority level, construction affairs (building permits, building inspection),
- Fire protection, disaster control service, rescue services,
- Nature and landscape protection, maintenance of nature parks
- Social welfare and youth welfare
- Building and maintenance of hospitals
- Building and maintenance of secondary schools and technical colleges
- Household waste collection and disposal,
- Food supervision, animal protection,
- Treatment of aliens (entrance, residence, surveillance, etc.)

Optional powers (in accordance with the principle of local self-government)

- Support for cultural activities
- Construction of pedestrian areas and cycle lanes
- Support for pupil exchanges
- Construction and maintenance of public libraries
- Promotion of economic activity and tourism
- Management of adult education colleges (Volkshochschulen)

Local Government

Administrative responsibilities of the local authorities

Local authorities are largely responsible for the following sovereign rights:

- Personnel sovereignty grants the municipalities the right to select, engage, promote and dismiss staff
- Organisational sovereignty encompasses the right of the municipalities to organise the administration themselves
• Planning sovereignty grants the municipalities the power to organise and shape municipal territory under their own responsibility by drawing urban development plans (land use and building plans)
• Legislative sovereignty entails the right to pass municipal bylaws
• Financial sovereignty entitles the municipalities to be responsible for managing their income and expenditure
• Tax sovereignty grants the municipalities the right to raise locally applying taxes such as dog tax, entertainment tax, land tax, second place of residence tax.

Optional powers (in accordance with the principle of local self-government)

• Incentives for local economic activity
• Incentives for housing, establishment of social welfare infrastructure
• Building and maintenance of public transport infrastructure
• Cultural affairs and sport facilities
• Management of energy supply utilities
• Twinning arrangements with local authorities in other countries,

Mandatory powers (under federal or Land legislation)

• General security,
• Health care and veterinary affairs,
• Town planning, construction affairs and maintenance of the local authority road network and green areas,
• Construction and maintenance of primary schools
• Maintenance and management of waterways, sewage disposal
• Social welfare and youth welfare
• Construction of recreational and leisure areas
• Urban development and regeneration

State powers devolved to urban municipalities and medium-sized towns

• Registration of births, deaths, marriages and same-sex partnership, issuing of identity papers
• Running of elections
• Census taking and registration formalities for non-Germans
• Registration of vehicles, urban traffic management
• Supervision of food quality, hotels, restaurants and public houses
Mandatory powers (under federal or Land legislation)

- General security,
- Health care and veterinary affairs,
- Town planning, construction affairs and maintenance of the local authority road network and green areas,
- Construction and maintenance of primary schools
- Maintenance and management of waterways, sewage disposal
- Social welfare and youth welfare
- Construction of recreational and leisure areas
- Urban development and regeneration

State powers devolved to urban municipalities and medium-sized towns

- Registration of births, deaths, marriages and same-sex partnership, issuing of identity papers
- Running of elections
- Census taking and registration formalities for non-Germans
- Registration of vehicles, urban traffic management
- Supervision of food quality, hotels, restaurants and public houses

10.1 Systems of multilevel governance

Representation: The Länder have a direct representation in the institutions at federal level through the Bundesrat. The Landkreise and the Kommunen have representation through their associations Deutscher Landkreistag (DLT), Deutscher Städte- und Gemeindebund (DStGB), and Deutscher Städtetag (DST). At Federal and at Länder level, these associations are the exclusive partners for consultation on intermediary and/or local level.

Information: At federal level, the Länder participate in new legislation through the Bundesrat. All new draft legislation, at Federal and Länder level, will be sent to the local government associations if it has an effect on the competences of the municipalities.

Consultation: Consultation of the municipalities at federal level will go through their associations and is based upon the recently adopted new paragraph 69.5 of the Rules of Procedure of the Bundestag. Here it is stated that the

associations will have the possibility to present their positions before a decision is taken, if it affects their respective level substantially.

For federal ministries, it is stated in paragraph 47 of the Federal Government’s Rules of Procedure that draft legislative texts affecting the local and intermediate level will be forwarded to the associations. Occasionally, this results in meetings between the associations with federal ministers and even the chancellor. At Länder level, the legal framework for consultation at the Länder varies from those which include it in their constitutional framework and those which limit it to laws and the rules of procedure.

**Coordination:** At the Federal level, the Bundesrat has to give its consent on numerous areas. However, since the 2006 reforms, the areas for which consent is required have been reduced. Furthermore, since 2006, the Länder acquired the possibility to represent the Federal level in the EU on matters which fall in the areas of exclusive competence of the Länder. The delegate from the Länder representing the Federal level in the EU will be appointed by the Bundesrat after consultation with the Federal Government.

### 10.2 Relations with the EU/ Representation at EU level

The Länder have 21 representatives at the CoR. Additionally, the Landkreise, municipalities and the cities have in total 3 representatives at the CoR.

The Länder can represent the Federal Level in the EU on matters which fall in the areas of exclusive competence of the Länder.

The Länder have individual or common representations established in Brussels. Furthermore, the Landkreise are represented by the Deutscher Landkreistag (DLT) at European level and have representation in Brussels. Additionally, the Deutscher Städte- und Gemeindebund (DStGB) has representation in Brussels as it represents the medium-sized cities and municipalities at European and international level as is the case for the Deutscher Städtetag (DST), which represents the big cities at European level.

The DLT participates in the “Council of European Municipalities and Regions” (CEMR) and the “European Confederation of Intermediate Local Authorities” (CEPLI). The DStGB and the DST are participants in the CEMR and “United Cities and Local Governments” (UCLG).
10.3 Subsidiarity\textsuperscript{139}

EU proposals submitted to the Bundestag and the Bundesrat for debate are listed as an A-item or as a B-item. A-items require a subsidiarity scrutiny whereas B-items require a political scrutiny.

B-items require the Bundestag and the Bundesrat to formulate a position on the legislative proposal which is then taken into consideration by the federal government while negotiating at EU level.

For A-items, the Bundestag will examine through its sectoral committees the compliance of the subsidiarity principle. If the committee wants to publish a reasoned opinion, consultation must be made with the EU Affairs Committee. In a plenary session, a subsidiarity analysis and a committee report will be presented along a recommendation for a resolution-EU proposals submitted to the Bundestag and the Bundesrat for debate are listed as an A-item or as a B-item. A-items require a subsidiarity scrutiny whereas B-items require a political scrutiny.

For A-items, the chair of the Bundesrat (Präsidium) will decide, if a matter requires a scrutiny examination or upon the request of a Land a scrutiny examination may take place. The sectoral committees will then deliberate on the matter. Nevertheless, the EU Committee will always have the lead on the EU dossiers. The EU committee presents the report to the plenary together with a recommendation for a resolution. The report can be adopted by tacit assent, or in a formal vote, by simple majority upon recommendation from the relevant committee.

10.4 Bibliography

Constitution

German Basic Law

Legislation

Alle Gesetze und Verordnungen aus dem Geschäftsbereich des Bundesumweltministeriums
Berufsbildungsgesetz (BBIG)
Filmförderungsgesetz,
Gesetz über die Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes" (GAK-Gesetz - GAKG)
Gesetz zur Neuordnung des Kinder- und Jugendhilferechts (Kinder- und Jugendhilfegesetz - KJHG)

Websites

1. Fortschrittsbericht 2010,
2011 Agricultural Policy Report
Aufgaben und Ziele
Bendit, R. Youth Policy in Germany 2007
Boland, H. & Thomas, A. Expertise zur Beratung landwirtschaftlicher Unternehmen in DeutschlanBremen
Bundesagentur für Arbeit
Bundesministerium für Arbeit und Soziales
Bundesnetzagentur
BundesnetzagenturAufgaben des Gesundheitsamtes
Compendium, 2012
Council of European Municipalities and Regions
Deutscher Landkreistag
Deutscher Städtetag
Deutscher Städtetag,
Die ESF-Förderperiode bis 2013
DStGB,
Energie
Environmental rules
ESF
European Confederation of Intermediate Local Authorities
Feuerwehr
Fischerei
Gabriel, O., Strukturen politischer Willensbildung in der Gemeinde
Publications and Studies


Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007


Thoroe, C. 2001, Kompetenzverteilung in der Agrarpolitik in Deutschland, Agrarwirtschaft, 50 (3)

Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.

Ute Hippach-Schneider, Martina Krause, Christian Woll, Vocational education and training in Germany, Cedefop Panorama series; 138 Luxembourg: Office for Official Publications of the European Communities, 2007

10.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Federal Government

- Responsible for legislation on federal matters.
- Exclusive legislation on (Article 73 BL):
  - Air transport (Art. 87d BL)
  - Federal roads and motorways (Bundesautobahnen und Bundesstraßen; Art. 90 BL)
  - Federal railways (Art. 87e BL)
  - Waterways (Art. 89 Abs. 2 BL)

Regional Government – Länder

- Regional roads (Landesstraße)
- Regional railways (Article 74 BL)
- Public transport at regional level (Article 74 BL)
- Administrative co-responsibility for federal roads commissioned to the Länder

Intermediate level – Kreise

- Building and maintenance of secondary roads (Kreisstraße)

Local Government

- Local roads (Gemeindestraße)
- Building and maintaining public transport at local level
- Urban traffic management

Sources
German Basic Law
Kommunale Verfassung: Die Gemeinde – Aufgaben, Strukturen, Demokratie Verkehrspolitik
b. Employment policy

Federal Government

- A concurrent competence according to the BL “labour law, including the organisation of enterprises, occupational health and safety, and employment agencies, as well as social security, including unemployment insurance”
- General legislation on labour market policy (Arbeitsmarktförderungsgesetz)
- Framework programmes for job creating measures
- Public Employment Service (Mediation of Jobs) - Federal Agency for Employment
- Unemployment insurance (Federal Ministry of Labour and Social Affairs, Federal Agency for Employment)
- Labour law
- Health and Safety at Work
- Stimulate integration into the labour market
- Developing the labour market

Regional Government – Länder

- A concurrent competence according to the BL “labour law, including the organisation of enterprises, occupational health and safety, and employment agencies, as well as social security, including unemployment insurance”
- Enforcement measures
- Job-creating measures in cooperation with federal level
- Promotion of local employment and economic development such as promotion of entrepreneurship, skills training in small and medium-sized companies and training for young people,
- special labour market programs for target groups such as women, youth and the long-term unemployed that complementing those of the Federation,
- Several advisory bodies in the field of labour
Intermediate level – Kreise

- Implementation of the Social Code II (SGB II): local government may assume full responsibility for assisting long-term unemployed persons (Approved Local Providers), or form a consortium with the local job center of the Federal Agency for Employment (Joint Local Agencies).

- Important factors in the labour market as:
  - Employers,
  - Actors in business promotion

Local Government

- Implementation of the Social Code II (SGB II): local government may assume full responsibility for assisting long-term unemployed persons (Approved Local Providers), or form a consortium with the local job center of the Federal Agency for Employment (Joint Local Agencies).
- Job creating measures
- Advisory services
- Local partnerships with social and economic players on local level
- Important factors in the labour market as:
  - Employers,
  - Actors in business promotion

Sources
Bundesagentur für Arbeit
Bundesministerium für Arbeit und Soziales
Hugh Mosley, Governance and evaluation of labour market policy in Germany,
Matthias Schulze-Böing Local Employment Policy: Challenge for Local Government Strategy and Practice
Oschmiansky, F. & Kühl, J., Aktive Arbeitsmarktpolitik der Bundesländer
Reinhard Wieczorek, Local Labour Market and Employment Policy
c. Social policy

Federal Government

Social assistance

- Legislation

Public health

- Legislation and programmes

Family policy

- Legislation and programmes
- Child benefit
- Child tax credit
- Married couple's tax splitting
- Parental leave
- Student loans

Regional Government – Länder

Social assistance

- Implementation of federal law

Public health

- Hospital planning
- Programmes on health care and information campaigns
- Prevention
- Physiological Health care

Family policy

- Restricted possibilities for complementary legislation (e.g. for kindergartens)
- Länder programmes supplementing federal programs (depending on financial resources)
Intermediate level – Kreise

Social assistance
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Public health

- Provision of child care institutions
- Provision of primary health services (hospitals) in cooperation with the municipalities and the respective Land
- Implementation of Federal and Land legislation and regulations

Family policy
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Local Government

Social assistance:

- Administration/Funding/Distribution of social assistance/benefits
- Advisory services
- Implementation of Federal and Land legislation and regulations

Public health:

- Provision of primary health services (hospitals) in cooperation with districts and the respective Land

Family policy:

- Provision of child care institutions

Sources

Gesundheitspolitik
Leistungen und Förderung
d. Education policy

Federal Government

- The admission to institutions of higher education and requirements for graduation in such institutions is a concurrent competence (Article 72 BL)
- The regulation of educational and training grants and the promotion of research is a concurrent competence (Article 74 BL)
- Regulation of access to universities by foreigners

Regional Government – Länder

- Cultural sovereignty of the Länder as basic principle,
- The entire school system is under the supervision of the state (Article 7 BL)
- The admission to institutions of higher education and requirements for graduation in such institutions is a concurrent competence (Article 72 BL)
- The regulation of educational and training grants and the promotion of research is a concurrent competence (Article 74 BL)
- Länder determine curricula of education (General Training and higher education, cooperation between the Länder for setting minimum conditions of diploma)
- Participation in student mobility programmes

Intermediate level – Kreise

- Responsibility for nursery schools (facilities, etc.)
- Responsibility for running primary schools (facilities, educational infrastructure etc.)
- Responsibility for running secondary schools (facilities, educational infrastructure etc.)
- Provides for support for pupil exchanges

Local Government

- Responsibility for nursery schools (facilities, etc.)
- Responsibility for running primary schools (facilities, educational infrastructure etc.)
- Responsibility for running secondary schools (facilities, educational infrastructure etc.)
Sources

German Basic Law
The Education System in the Federal Republic of Germany 2010/2011
Vorholz, I. Kommunale Verantwortung für und in Schulen: Ein Beitrag aus Sicht des Deutschen Landkreistages, In: Kommunale Verantwortung für und in Schulen,
Weiß, W. Kommunale Bildungspolitik
e. Vocational training policy

Federal Government

- Concurrent legislation ("Vocational Education and Training Act (BBiG)"")
- The Federation is responsible for in-company, non-school vocational training.
- Responsibility of the Federal Ministry of Economy and the Federal Institute for Vocational Training for the business-related parts of the dual system (in cooperation with social partners)

Regional Government – Länder

- All legislation on schools, including that on vocational schools, is exclusive Land legislation.
- Responsibility for the school-related part of primary vocational training, including decisions on curricula for the theoretical part of apprenticeships
- Close cooperation with private sector
- Administration of funding for vocational training measures (lifelong learning)

Intermediate level – Kreise

- Administration of public vocational training schools (especially for technical colleges and adult educational colleges)
- Advisory services

Local Government

- Administration of public vocational training schools
- Advisory services

Sources
Alle Gesetze und Verordnungen aus dem Geschäftsbereich des Bundesumweltministeriums
Berufsbildungsgesetz (BBiG)
f. Youth and sport policy

Federal Government

Youth Policy

- Limited competencies in Youth policy: Legislation on aid for children and youth, covering social and fiscal aspects of Youth Policy (“Kinder- & Jugendhilfegesetz”)
- Since 2006, the federal level can no longer prescribe the Länder how to run their youth offices.
- Represents the general interests of youngsters in other policy domains (e.g. health and labour)

Sport Policy

- Promoting high-performance sport
- Sets the framework conditions for the appropriate development of mass sport
- Provides for funding

Regional Government – Länder

Youth Policy

- With the 2006 reform, the Länder have gained more influence and responsibilities (e.g. more independence regarding their youth offices).
- Youth policy formulation and setting up of youth policy programmes
- Set responsibilities vary between Länder
- Support of Youth associations

Sport Policy

- Promoting mass sport
- Provides for funding
Intermediate level – Kreise

Youth Policy

- Provide framework for Youth associations and independent associations active in Youth Policy
- Implementation of Youth policy
- Administrative District Youth Offices

Sport Policy

- Constructs and operates sport facilities (e.g. sport halls, swimming pools)

Local Government

Youth Policy

- Provide framework for Youth associations and independent associations active in Youth Policy
- Implementation of Youth policy
- Programmes on youth work/social work
- Counselling in child adoption procedures
- Prevention of youth crime

Sport Policy

- Constructs and operates sport facilities and sport field

Sources
Aufgaben des Landkreises
Bendit, R. Youth Policy in Germany 2007
German Basic Law
Gesetz zur Neuordnung des Kinder- und Jugendhilferechts (Kinder- und Jugendhilfegesetz - KJHG)
The sport policy of the Federal Government
g. Culture policy

Federal Government

- In 2006 the safeguarding of German cultural assets against removal from the country was listed as an exclusive legislative power of the federal level (Art. 73 BL).
- External Cultural Policy and representation of Germany in the EU
- Transnational cultural cooperation (both the federal level and the Länder are active)
- Legislation on press and film
- Limited competency for setting up and financing cultural institutions, which are of central relevance (e.g. national exhibition hall)

Regional Government – Länder

- General competency of the Länder for cultural affairs, both legislative and executive power (“Kulturhoheit”) (based on Article 30 BL)
- Federal constitutional court emphasized that competency of the Länder for cultural affairs is a major element of their statehood
- Länder have set up and finance and co-finance various cultural institutions (theatres, museums, orchestras)
- Transnational cultural cooperation (both the Länder and the federal level are active)
- The 2006 reform saw an increase in the competences of the Länder. Article 23(6) BL gave regional and local authorities more weight in EU discussions on culture policies.

Intermediate level – Kreise

- Supports and implements cultural activities
- Construction and maintenance of public libraries

Local Government

- Local level is particular active in the policy field of Culture
- Main responsibility for implementation of cultural activities is located on the local level, activities and policies on the local level vary according to policy orientation and the availability of financial means
- Financing of cultural institutions and events
- Both provision of financial support for setting up and running of public cultural institutions
- Local museums, theatres, cultural events, orchestras etc.
Sources
Compendium
Filmmförderungsgesetz
German Basic Law
Goethe Institute
Kulturpolitik
h. Public health policy

Federal Government

- Sets the general framework for the organisation and performance of the health sector
- Concurrent legislative power for measures to combat human and animal diseases which pose a danger to the public, pharmacies, medicines, medical products, drugs, narcotics and poisons (Article 74 BL)
- Health education and information fulfilled by the federal agency for health education (“Bundeszentrale für Gesundheitliche Aufklärung”)

Regional Government – Länder

- Legislation on medical corps (“Gesundheitsdienst”), rescue service, organisational matters of the hospitals
- Implementation of preventive measures in the health sector (action programmes etc.)

Intermediate level – Kreise and Local Government

- Health Policy implementation is decentralised and differs strongly between the areas.
- Local medical corps (“Gesundheitsämter”)
- Running and financing of local hospitals
- Local programmes for promoting public Health
- Protection against infections
- Physical examinations
- Social psychiatrically services
- Healthcare promotion and consultation

Sources
Aufgaben und Ziele
Aufgaben des Gesundheitsamtes
Bremen
German Basic Law
i. Trans-European networks policy

Federal Government

- Planning and construction of road infrastructure is covered by concurrent legislative power according to Articles 72 and 74 BL
- Only certain roads under federal authority ("Bundesfernstraßen" and "Bundesautobahnen")
- TEN projects mainly under federal responsibility, close cooperation with the Länder in the implementation
- Exclusive legislative power of the federal level for the planning and construction of railway infrastructure (Article 73 and 74 I No. 23 BL)
- Policy implementation and administrative competency in the railway sector (Article 87 e BL)

Regional Government – Länder

- Länder take over tasks in the implementation of major transport infrastructure projects
- Detailed planning and construction of transport infrastructure under Länder responsibility

Intermediate level – Kreise and Local Government

- Consultation rights in the planning process
- Cooperation with the Länder on detailed planning

Sources

German Basic Law
Verkehrspolitik
j. Economic, social and territorial cohesion policy

Federal Government

_European Regional Development Fund (ERDF)_

- Financial contribution in the context of the support of the regional economic development
- Participation in the framework of the joint-action of the federal level and the Länder ("Gemeinschaftsaufgabe")

_Spatial planning_

- Only general regulations are made on the federal level
- Close cooperation in spatial planning with the Länder, conference on spatial planning of the federal level and the Länder
- National report on spatial planning issues (not on a strict yearly basis, multi-annual reports)

_European Social Fund (ESF)_

- General legislative power
- Provides framework for programmes and job creating measures
- Principles for public employment service

Regional Government – Länder and Local Government

_European Regional Development Fund (ERDF)_

- General Länder competency for legislation and policy implementation on regional and structural policy (Article 30 BL)
- Regional economic development programmes
- Regional support programmes corresponding to the specific needs of the region
- Participation in the framework of the joint-action of the federal level and the Länder ("Gemeinschaftsaufgabe")
Spatial planning

- Responsibility for spatial planning at the level of the Land
- Länder exercise spatial planning on two levels: state development plan (for the whole Land) and regional plans

European Social Fund (ESF)

- Implementation of employment policy measures
- Operate as partners in the territorial employment pacts

Intermediate level - Kreise

European Regional Development Fund (ERDF)

- Provision of financial support and regional / local economic programmes in the context of the competency for local self administration
- Support for the local economy
- Local economic development strategies
- Support of start-up programmes

Spatial planning

- Competency for local spatial planning in the context of local self administration
- Local land use plans
- Participation of the local authorities in the plans of the Länder

European Social Fund (ESF)

- Take part in the implementation

Sources
Die ESF-Förderperiode bis 2013
Synthesis Report
The Planning System in the Federal Republic of Germany
k. Environment and the fight against climate change policy

Federal Government

- Nuclear energy (Art. 73 BL) has become an exclusive federal competence.
- Environmental policy is listed in Art. 74 BL as a concurrent competence between the federal and Länder level. The federal administration has extensively enacted legislation in this field and thus the room to manoeuvre is limited for the Länder.
- Ordinances (“Verordnungen”), i.e. Technical Instructions on air, noise, waste, chemicals, renewable energy / climate change, water protection, emission rights, nature conservation and landscape management, genetic engineering.

Regional Government – Länder

- Implementation of federal law
- Licences for industrial sites, power plants, landfills and waste
- Transportation of special waste
- Water management
- Reporting and measurement stations
- Monitoring and control of emissions
- Registering of protection zones
- Punishment of offenders

Intermediate level – Kreise

- Implementation of federal law
- Maintenance of nature parks
- Household waste collection and disposals

Local Government

- Project and agricultural planning
- Water supply
- Waste water
- Rehabilitation of waste recovery and old sewerage systems
- Abatement of noise
- Monitoring of the environmental impact of energy supply
Sources
Environmental rules Kappel, K-E. & Schmid, W., Kommunale Wasserversorgung zwischen Wettbewerb und Daseinsvorsorge
German Basic LawAlle Gesetze und Verordnungen aus dem Geschäftsbereich des Bundesumweltministeriums
1. Energy policy

Federal Government

- Nuclear Energy
- Adopts legislation and policy on reducing energy dependency.
- Subsidies and loans to reduce energy consumption.
- Promotion of alternative energy sources.
- Online energy monitoring
- Energy performance certificates
- Germany Network Agency is responsible for the deregulation of the energy infrastructure.

Regional Government – Länder

- Implementation of legislations
- Local programmes to promote energy savings

Intermediate level – Kreise

- Implementation of legislations
- Local programmes to promote energy savings

Local Government

- Implementation of legislations
- Local programmes to promote energy savings
- Street lighting
- Management of energy supply utilities

Sources
Bundesnetzagentur Energie
Power, A. & Zulauf, M., Cutting Carbon Costs: Learning from Germany’s Energy Saving Program
10.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Federal Government

- Overall policy responsibility and sets the legislative frame for the agricultural policy
- Representation in international especially EU and national negotiations.
- Established a Joint Task for the Improvement of Agricultural Structures and Coastal Protection which coordinates agricultural structural policies

Regional Government – Länder

- Taking part with the Federal government in the Joint Task for the Improvement of Agricultural Structures and Coastal Protection
- Implementation of agricultural policies
- Gives advice on agricultural issues to the public

Intermediate level – Kreise and Local Government

- Implementation of the policy
- Modernization of agricultural holdings
- Subsidies for less favorable areas
- Local administration

Sources
2011 Agricultural Policy Report
Boland, H. & Thomas, A. Expertise zur Beratung landwirtschaftlicher Unternehmen in Deutschland
Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes",
Gesetz über die Gemeinschaftsaufgabe "Verbesserung der Agrarstruktur und des Küstenschutzes" (GAK-Gesetz - GAKG)
Thoroe, C. 2001, Kompetenzverteilung in der Agrarpolitik in Deutschland, Agrarwirtschaft, 50 (3)
b. Fisheries policy

Federal Government

- Overall policy responsibility
- Representation in international especially EU and national negotiations.
- Development with a national strategy plan
- Monitoring and controlling against legal fishing
- Federal research centre for fishery

Regional Government – Länder

- Legislative responsibilities through the adoption of fishing laws.
- Legislation of fishing licences
- Organising fishing exams

Intermediate level – Kreise

- Planning of environmental protection areas

Local Government

- Implementation of the policy
- Issuing of fishing licences

Sources
1. Fortschrittsbericht 2010
   Fischerei
   Kreisplanung und Naturschutz
   Marifish
   Regelungen
c. Immigration and asylum policy

Federal Government

- Article 73 BL has listed Citizenship in the Federation, residency registration, identity cards, immigration, emigration and extradition as an exclusive competence of the federal level.
- Article 74 BL has listed matters on refugees and expellees as a concurrent legislative power with the Länder.
- Article 74 BL has listed matters on residence and the establishments of aliens as a concurrent legislative power with the Länder.

Regional Government – Länder

- Article 74 BL has listed matters on refugees and expellees as a concurrent legislative power with the federal government.
- Article 74 BL has listed matters on residence and the establishments of aliens as a concurrent legislative power with the federal government.

Intermediate level – Kreise and Local Government

- Local immigration offices implement the national legislation
- Handle applications for exemption, payment of fees and organise of the integration courses
- Implementation of the national and Länder legislation

Sources
German Basic Law
Local immigration offices
Welcome to Germany Information for Immigrants
d. Tourism policy

Federal Government

- Legally speaking it has a limited role
- Practically, due to the relationship between tourism and the other fields with federal competences which have to be taken into account, the position of the federal government will play a role.
- Dialogue with the Länder via the “Bund-Länder-Ausschuss Tourismus” which is lead by the Federal Ministry for the Economy. Due to the voluntary nature of the participation in this body, there are written division of competences.

Regional Government – Länder

- Mail legislative and policy responsibility
- Dialogue with the Länder via the “Bund-Länder-Ausschuss Tourismus” which is lead by the federal ministry. Due to the voluntary nature of the participation in this body, there are written division of competences.
- Information and advice service
- Marketing
- Funding tourism research

Intermediate level – Kreise

- Marketing and tourism promotion

Local Government

- Diverse activities
- Some municipalities group together to form tourism associations
- Marketing and tourism promotion
- Local registration

Sources
Deutsche Zentrale für Tourismus
Schultes, N. (2008). Die Grundzüge der Tourismuspolitik in Deutschland
e. Civil protection policy

Federal Government

- Limited competences listed in Article 73 BL
- Federal Police Force (BPOL) was given more tasks due to the constitutional reform in 2006 and is now tasked with:
  - Border protection
  - Counterterrorism
  - Protection federal buildings
  - Air marshals
  - Transport security (railway and airports)
  - German embassies security
  - Rapid response force for internal events

- The “Bundeskriminalamt” (BKA) is responsible for the protection of federal officials, fighting organised crime and the coordinate law enforcement with the “Landeskriminalamt” (LKA) of the different Länder.
- Police at the Bundestag
- Coast Guard
- Police Academy

Regional Government – Länder

- Main competence of the Länder based on Article 30 BL.
- Germany’s main body of law enforcement with about 220,000 police officers, the “Landespolizei”
  - General policing duties (patrolling streets, etc.)
  - Criminal investigations
  - SWAT teams
  - Person protection
  - Undercover units
  - Traffic police
  - Highway patrol
  - River police

- State Police Academy
Intermediate level – Kreise

- Responsible for the “Kreisfeuerwehrbereitschaften” which provide assistance for major incidents.

Local Government

- Responsible for the functioning and equipment of the fire departments
- Stadtpolizei (city police)

Sources

Feuerwehr

German Basic Law
Organizational structure of the Federal Police
11. Greece

Greece is a parliamentary republic under the 1975 Constitution. The Parliament (\textit{Vouli ton Ellinon}) is unicameral and consists of 300 members. The Head of State is the President of the Republic and the Government is led by a Prime Minister.

The Hellenic Republic is a unitary State organised on a decentralised basis; it comprises two levels of governance, the central – State governance and the local self-government. The former is exercised centrally (government-ministries) as well as at a decentralised level (Decentralised Administration-\textit{apokentromeni dioikisi}), while the latter is exercised at regional (Regions - \textit{Perifereies}) and municipal level (Municipalities - \textit{Dimoi})

It used to be much more centralised but over the last decades it has been undergoing reforms which led to the adoption of an extensive administrative reform in 2010 called “Kallikratis”. The decentralisation process started in 1986 with the creation of 13 Regions. Decentralisation was strengthened in 1994 with elected prefectural bodies and the extension of the municipalities’ competences. In 1997, through merging, the “Kapodistrias Programme” changed the administrative boundaries of first-level self-government authorities (\textit{dimoi&koinotites}) reducing them to 1034 without even changing their previous institutional status. The Code for Municipalities and Communities in 2006 constituted the main legislative text for their function. The 2010 Kallikratis Programme reorganised the territorial division by uniting existing municipalities, modified the vertical division of competences in favour of municipalities and abolished decentralised public administrations. Finally, the Hellenic Republic has recently adopted the Law 4071/2012 “Provisions for local development, local government and decentralised administration – Transposition of Directive 2009/50/EC”\textsuperscript{141}, which focuses mainly on special issues of local authorities.

Since 1 January 2011, when the Kallikratis Programme officially entered into force, the Hellenic Republic has comprised seven Decentralised Administrations (\textit{apokentromeni dioikisi}), thirteen Regions (\textit{perifereies}) and 325 Municipalities (\textit{dimoi}). The Decentralised Administrations constitute single units of State (decentralised State) and their heads are appointed by the central Government. They exercise general decisive responsibility on State matters in accordance with Article 101 of the Constitution. The Municipalities and Regions constitute the first and second-level of local self-government

\textsuperscript{140} Law 3852/2010 on the Reorganisation of Local Government.
The former Prefectures (nomarhies) largely still exist, but are now called Regional Units (Perifereiakes Enotites) and form administrative and territorial constituent parts of the Regions.

The Community of Mount Athos Monasteries is an autonomous territory with special status (Ieri Kinotita) under the Constitution and special arrangements as to the application of EU law to this territory exist.

The principles of decentralisation and local self-government are enshrined in the Constitution. The local and regional self-government authorities are the expression of popular sovereignty and constitute a fundamental institution in the public life of the Greeks, as guaranteed by the provisions of Article 102 of the Constitution and the European Charter of Local Self-Government ratified by Law 1850/1989 (GG 144 A), taking into account the reservations expressed on Articles 5, 7 (§2), 8 (§2) and 10 (§10).

Regions are responsible for the administration of affairs of their district. They shape, plan and implement policies at regional level as part of their responsibilities under the principles of sustainable development and social cohesion of the country, taking into account of national and European policies.

Municipalities are responsible for the administration of local affairs. They manage and regulate all local matters in accordance with the principles of subsidiarity and proximity with the aim of protection, development and continuous improvement of the interests and the quality of life of local society.

There is no hierarchical control and relationship between the Regions and the Municipalities.

The Kallikratis Programme further describes the territorial organisation and the division of powers between the different levels of governance.

In 2005, sub-national governments’ revenues were derived mainly from grants. Sub-national expenditure represents 3.1% of the GDP and 6.6% of the total public expenditure. The Municipalities’ revenue was composed of 68.5% of autonomous taxation, 21.6% of grants and 9.9% of others. The Counties and Regions’ revenue was composed of 69.7% of autonomous taxation, 24% of grants and 6.3% of others.

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142 Constitution of Greece as revised by the parliamentary resolution of 27.05.2008 of the VIIIth Revisionary Parliament, Section VI, Chapter I.
143 Law 3852/2010 on the Reorganisation of Local Government.
Since the adoption of the Kallikratis Programme, both Municipalities and Regions should have autonomous central resources calculated on certain percentages of income tax, VAT, and property tax.

**National level**

**State responsibilities**

- General powers in matters coming under national sovereignty, particularly in the areas of national defence, foreign affairs, finance and justice;
- General national policy;
- Coordination and direction of the Government’s activities;
- Coordination and direction of the civil service; and
- Implementation of national policies.

**Regional level**

**Regions** exercise their responsibilities/competences within the framework of the relevant laws and administrative regulations, in the fields of:

- Planning/Programming and regional development including investment;
- Agriculture/livestock and fisheries;
- Natural resources, energy and industry; (water management, mineral wealth, energy, industry and manufacturing);
- Employment, trade and tourism;
- Transport and communications;
- Public works, urbanism, spatial planning, environment;
- Health;
- Education, culture and sport;
- Civil protection – logistics.

In order to address supra-local problems in a uniform way, the metropolitan region of Attiki and the metropolitan unit of Thessaloniki (Region of Central Macedonia), in addition to their regional responsibilities, may exercise metropolitan responsibilities in the following areas:

- Environment and quality of life;
- Spatial planning and urban regeneration;
- Transport and communications;
- Civil protection and security beyond the municipal administrative boundaries.
Regions exercise their powers taking into account:

- The relevant national, regional and European policies;
- The need for cooperation and coordination with other regional authorities and organisations;
- The available resources to meet their responsibilities, and the need to ensure their beneficial, efficient use and equitable distribution;
- The need to organise services to ensure their adequacy, quality and effectiveness;
- The need for sustainable development and protection of the cultural heritage.

Municipal level\textsuperscript{145}

Municipalities exercise their powers/responsibilities according to the relevant legislation, regulations and management regulations adopted by them (local regulatory decisions) in the fields of:

- Development,
- Building permits and urban planning applications;
- Environment;
- Quality of Life & Cities’ proper Functioning
- Employment;
- Social protection and solidarity;
- Education, culture and sport;
- Agricultural Development, livestock and fisheries;
- Civil protection
- Issuing professional licenses;
- Transport infrastructure;
- Local development initiatives; and
- Tourism.

With a view to providing better services, municipalities may also exercise State responsibilities at local level which have been assigned to them by law.

It should be underlined that insular as well as mountain municipalities undertake additional responsibilities otherwise exercised by the regions to better serve the local population in accordance with the subsidiarity principle.

\textsuperscript{145} Law 3852/2010 on the Reorganisation of Local Government, article 94; Code of the Municipalities and Communities, article 75.
Municipal authorities exercise their powers taking into account\textsuperscript{146}:

- Related national, regional and European policies;
- The need for coordination with other local or public authorities which have the power to act and own resources in their region;
- The availability of resources and their beneficial, efficient use and equitable distribution;
- The need to organise adequate, qualified and efficient services in order to better serve residents; and
- The need for high quality environmental protection, protection of cultural heritage and the promotion of sustainable development of these areas.

\textbf{11.1 Systems of multilevel governance}

\textbf{Representation}: The Central Union of Municipalities of Greece (KEDE)\textsuperscript{147} and the Union of Greek Regions (ΕΝΠΕ/ENPE)\textsuperscript{148} are legal entities of public law that represent local and regional interests respectively before the central government and are supervised by the Minister of Interior.

\textbf{Information and consultation}: During the legislative process, information is provided to the local and regional authorities to the extent that information is published on the Parliament’s website.

The central authorities consult local and regional authorities on measures concerning environmental protection, spatial planning projects. Moreover, local and regional representatives may be invited to participate in parliamentary sessions.\textsuperscript{149}

\textbf{Coordination}:

\textit{State/local and regional authorities (LRAs) coordination}: The central authorities cooperate with KEDE and ΕΝΠΕ/ENPE.

\textit{LRAs coordination}: According to the principles of cooperation and togetherness (\textit{synallilia}), local and regional authorities cooperate on the basis of the law, joint agreements and coordination of joint actions as they are responsible for formulating views on draft laws relating to their district, i.e. Municipality or Region.

\textsuperscript{146} Art. 76 of the Code of Municipalities
\textsuperscript{147} Central Union of Municipalities and Communities of Greece.
\textsuperscript{149} Council of European Municipalities and Regions, \textit{Study on 'Consultation procedures within European States'}, 2007, pp.211-215.
11.2 Relations with the EU/ Representation at EU level

The **Greek CoR delegation** is composed of 12 representatives from the Regions and the Municipalities.

The Central Union of Municipalities of Greece has its own **liaison office in Brussels**. Moreover, different local and regional authorities have liaison offices established in Brussels: Heraklion, Nomarchia Ilias, Thessalia, Attiki, East Macedonia and Thrace.\(^{150}\)

The Central Union of Municipalities of Greece closely cooperates with the Council of European Municipalities and Regions (CEMR) and is represented at the Congress of Local and Regional Authorities of Europe (CLRAE)\(^{151}\).

11.3 Subsidiarity

The National Parliament did establish a scrutiny mechanism for EU draft legislative acts with regard to the subsidiarity principle; nevertheless, it does not consult local and regional authorities within this framework\(^{152}\).

11.4 Bibliography

**Legislation**

[Constitution of Greece](#) as revised by the parliamentary resolution of 27.05.2008 of the VIIIth Revisory Parliament, Articles 101 and 102


\(^{151}\) Central Union of Municipalities and Communities of Greece.

Websites

Central union of municipalities
Kallikratis Plan portal (In Greek only)
Official Government Website
Parliament
Union of Regions of Greece

Publications and studies


Committee of the Regions, European Commission – DG Regional Policy, Regional offices contact directory, European Week of Regions and Cities, Brussels, 6 – 9 October 2008.

Council of European Municipalities and Regions, The CEMR/Members/Greece

11.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National Level

The central Government through the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks is in charge of:

Transport

- Planning and implementation of the national policy, development of the relevant national legislation and participation in creating the appropriate institutional framework at European and international level for the development of top quality transport, mass-transit, telecom and postal services under conditions of fair competition;
- Ensuring the safety of transport, mass-transport and telecommunications;
- Promoting the Information Society;
- Contributing to the country’s economic development and to the improvement of its citizens’ quality of life in the areas falling under the ministry’s responsibility;
- Licensing of Greek air carriers;
- Licensing and certification of airports;
- Licensing of heliports and landing fields.

Telecommunications and post

- Planning and implementing the national and European policies by creating the appropriate institutional framework at European and international level for the development of high quality telecom and postal services under conditions of healthy competition;
- Contributing to the country’s economic development and to the improvement of its citizens’ quality of life in the areas of telecommunications and post;
- Developing the national digital strategy, taking the necessary initiatives and planning activities at national level and coordinating stakeholders in order to implement the Digital Agenda of the European Union, as
expressed by the current multi-annual plan, having as a target the promotion of the digital single market;

- Promoting the Information Society;
- Strengthening scientific research and development of electronic communications;
- Assessing and prioritising the feasibility of development-oriented investment programmes;
- Representing Greece to European and international organisations (the International Telecommunications Union (ITU), the European Telecommunications Standards Institute (ETSI) and the Internet Corporation for Assigned Names and Numbers (ICANN);
- Managing issues of satellite orbits, the parts of the orbit of geostationary satellites and correlated frequencies that have been awarded or granted to the country, including a registry of space radio stations;
- Determining the scope of Universal Service and the conditions and procedure for establishing criteria for selecting its providers;
- Formulating the policy on security of public networks and electronic communications.

The National Telecommunications and Post Commission (EETT) is the independent administrative authority which controls, regulates and supervises in Greece: (a) the electronic communications market in which companies operate fixed and mobile telephony, wireless communications and Internet and (b) the postal market in which companies operate postal services and courier services. The Commission shall exercise the powers of the Competition Authority in these markets. The Commission has been gradually assigned this role by Act 2075/1992, 2668/98, 2867/2000 and 3431/2006. The Commission153:

- Regulates matters concerning a) determination of relevant markets, products, or electronic communications services in the Greek territory, and b) the definition of obligations of providers with significant market power in those relevant markets in accordance with national and EU legislation.
- Supervises and controls the network providers and/or electronic communications, imposes sanctions, maintains and manages the Register of Providers of Electronic Communications.
- Decides on ethics for the provision of services and electronic communications.
- Ensures compliance with the legislation on electronic communications, implements the provisions of Law 703/1977, as amended, and imposes corresponding sanctions.

153 http://www.eett.gr/opencms/opencms/EETT/EETT/Responsibilities/
• Cooperates with the regulatory authorities of other Member States of the European Union or third countries and with EU and international bodies.
• Regulates matters relating to General Permits.
• Manages the National Numbering Plan (E.S.A.).
• Regulates the number portability, selection and/or pre-selection and monitors the implementation of relevant provisions.
• Grants rights to use radio frequencies and/or numbers.
• Regulates the internet domain names ending in ".gr" and is responsible for matters of domain names ending in ".eu".
• Regulates the electronic signature.
• Regulates the access and interconnection.
• Decides on matters of consumer protection in electronic communications and postal services sector.
• Regulates and supervises the market for postal services.
• Manages the commercial spectrum with the exception of radio and television. In this context:
  ▪ Identifies the circumstances in which individual rights are required.
  ▪ Grants rights to use radio frequencies.
  ▪ Determines the frequency usage fees.
  ▪ Supervises and controls the use of spectrum by imposing relevant sanctions.
  ▪ Keeps the national register of radio frequencies.
  ▪ Grants construction permits for antennas on land.
  ▪ Decides on the use of telecommunications terminal equipment and radio equipment.

**Regional Level**

Regional authorities are responsible for:

**Transport**

• Licensing the creation of transport companies;
• Administrating, reviewing and revoking driving licenses for cars and public buses;
• The definition of routes, bus stops and terminals, number of itineraries, timetables and fares for intercity buses (e.g. KTEL) and withdrawal of unfit buses.
• The formation of the disciplinary board for sanctioning transport operators and bus owners. Organising the periodic inspection of motor vehicles;
• The establishment of a new long-distance line, and the definition of conditions, the awarding of the new long-distance line to an operator;
• Determination of the number of new passenger cars for public use with a taximeter (taxis), which is necessary to address related transportation needs of each county in the region and approval of cars for the needs of local authorities to address operational needs;
• Licensing lorries and cargo cars for public or private use;
• Licensing establishment and operation of petrol stations;
• Keeping the register of drivers and cars of public or private use;
• Licensing of vessels, which run on natural and artificial lakes and navigable rivers in the pursuit of tourism and transport trips;
• Licensing the establishment and operation of vocational schools for training of transport managers as provided for in Reg. (EC) 1071/2009;
• Planning and conducting examinations, the examination committees and issuing of certificates of professional competence for transport of passengers or goods to the graduates of vocational schools for transport managers;
• The authorisation of the establishment and operation of private national roads and withdrawing the license temporarily or permanently if it is no longer subject to the conditions under which it was;
• Issuing of Community licenses for international road transport, within the Community, issuing of control documents for international occasional carriage of passengers by coach and bus, as provided for in Reg. (EC) international 1073/2009, INTERBUS Agreement (2002/917/EC Decision of the Council) and bilateral Agreements the granting of a certificate for road transport on own account, between EU Member States;
• Licensing the establishment and operation of vocational training drivers of vehicles carrying dangerous goods;
• Licensing of private Centre of Technical Control of Vehicles (K.T.E.O).

Telecommunications and posts

• Issuing professional licenses for radio-engineers and radio-technicians;
• Issuing general certificates for radiotelephone and radiotelegraph operators;
• Invigilating the market on electromagnetic compatibility issues;
• Issuing licenses for radio electrical laboratories.
• Licensing the radio amateur service.
• Administrating, reviewing and revoking licenses for CB, experimental stations and private mobile radio.
Municipal Level

Municipal authorities are responsible for:

Transport

- Construction, maintenance, and management of municipal roads, parks, and public spaces;
- Urban planning and housing, building licensing, and control;
- Traffic regulation and planning;
- Public parking;
- Local public transport;
- Municipal transport with fares, which is of a contributory character and covers only operational needs. Municipal transport is used in the event that there is no public transport or for transporting residents belonging to social groups such as disabled, elderly and children, municipality employees and students to and from school;
- Urban transport; establishment of lines, stops, tariffs, passenger stops, withdrawal of buses;
- Construction and maintenance of local roads;
- Urban traffic control;
- Aqueducts and motorways;
- Prohibiting car parks in certain areas;
- Licensing road transport drivers (passenger/goods);
- Licensing car and motorcycle maintenance and repair technician places, car emissions controls; and
- Licensing training schools for driving cars and motorcycles.
- Dealing with outdoor advertisement, in order to ensure road safety;
- Management and exploitation of area zone of the ports of their jurisdiction and the construction and maintenance of the port works;
- The municipal Port Funds.

Telecommunications and posts

Municipalities have no competence.

Sources

Ministry of Development, Competitiveness, Infrastructure, Transport and Networks, according to Presidential Decree 85/2012(OG 141/21.06.2012)
Open Society Institute, Territorial Consolidation Reforms in Europe, drafted by Pawel Swianiewicz, 2010, Budapest
b. Employment policy

National Level

The central Government, through the Ministry of Labour, Social Security and Social Welfare is responsible for:

- Formation and preparation of the Employment Section of the National Reform Programme;
- Supervision of the procedure of collective redundancies and issuing of ministerial decisions for their approval or rejection (Law 1387/1983);
- Supervision of the Public Employment Services (PES) and issuing of ministerial decisions for programmes regarding active labour market policies implemented by the PES;
- Individual and collective labour agreements, collective mediation and collective dispute resolution;
- Working time limits;
- Gender equality and equal opportunities;
- Employment and temporary employment services;
- Social integration of foreign workers in Greece and of Greek workers abroad;
- Health and safety at work, definition of heavy and unhealthy occupations, prevention of occupational accidents and occupational diseases;
- Management of EU and other funds related to human resources development; and
- Representation of Greece to the International Labour Organisation (ILO) and collaboration with other international organisations.

The Labour Inspectorate Body investigates and prosecutes violations of labour law, illegal employment and uninsured working in the private sector.

The main organisations supervised by the Ministry are:

- The Organisation for the Employment of Working Manpower (OAED); and
- The National Institute of Labour and Human Resources (EIEAD).
Regional Level

Regional authorities are responsible for:

- Implementing and, in certain cases, designing and evaluating, action programmes and initiatives in the framework of national and European policies that aim at promoting employment and social integration;
- Approving or rejecting collective redundancies and extending consultation between employer and employees; (shared competence between central and regional level. The latter depends on whether the branches of the enterprise are established in one or more prefectures);
- The imposition of fines to employers that infringe employment legislation;
- The formation of councils and committees under the jurisdiction of the Ministry of Labour and Social Security with the exceptions foreseen in para. 8 of Article 77 of Law 3996/2011;
- Regulation of special holidays for special categories of employees (e.g. employees of theatre companies) and the granting of compensatory rest periods for employees on other days except Sunday; and
- Extension of the obligation of keeping Diary of Security measures for buildings to small towns of less than 10,000 habitants;
- Ensuring gender equality through the Regional Committee for Gender Equality.

Municipal Level

Municipal authorities are responsible for:

- Implementing or participating in comprehensive local plans and action programmes and initiatives with the aim of promoting employment and social under national and European policies;
- Establishment of Centres for Vocational Guidance and Vocational Training adapted to the local needs of the population especially, in rural and island areas under national and European policies;
- Contributing to local employability and equal access to the labour market with advisory activities provided free for the unemployed with the establishment of Municipal and Community Information Offices for Employment, in cooperation with public institutions and local businesses;
- Licensing of certain categories of professions; and
- Defining working-time limits for certain categories of professions.
Sources
Ministry of Labour, Social Security and Social Welfare, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012)
c. Social policy

National Level

The central Government through the Ministry of Labour, Social Security and Social Welfare, the Ministry of Justice, Transparency and Human Rights and the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks is responsible for:

- Meeting the poverty rate target and addressing the key measures to attain the national targets of the 20-20-20 package; The support of the National Committee on Social Protection;
- Development and implementation of anti-poverty measures;
- Healthcare and long-term care for the elderly;
- Social protection and rehabilitation of special categories of persons, i.e. minors, including accessibility issues.

At national level, a network has been composed by departments of the Ministry of Justice, Transparency and Human Rights and departments of the Ministry of Health, in order to provide social care and prevent juvenile criminality;

- Anti-discrimination and equal opportunities positive measures; and
- Social economy and social entrepreneurship and other provisions.
- Family protection, family support and demographic measures.
- Social solidarity measures targeted at specific population groups, such as victims of natural disasters, political refugees;
- Supervision and recording of measures implemented and initiatives taken at sub national level;
- Data collection and policy design on the policy fields that lie within social protection;
- Supervision, recording and support of initiatives in the field of social care and social welfare (NGOS);
- Consumer protection and consumer policy in Greece through the General Secretariat for Consumer Affairs of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks.
Regional Level

Regional authorities are responsible for:

- The determination of the conditions and procedure for granting property to beneficiaries, the issuing and revocation of the grant, the setting of instalments and the collection of debts of old and new refugees;
- Funding of municipal non-profit corporations, established or co-founded by the Region that aim to confront the problems stemming from the use of addictive substances (drugs);
- Conducting social research for the implementation of welfare programmes and social work issues;
- The determination of the conditions and procedures for exercising social work in all fields, as well as training students for social work during their internships;
- Licensing and revocation of licenses to practice as social worker and keeping the relevant register;
- The exercise of powers relating to the Social Advisor (Law 2345/1995);
- Supervision of the Unit for the Care of Elderly and the Child Protection Agencies including the preparation and drafting of reports on similar proposals; and
- The implementation of programmes to protect mothers and preschool children.
- Ensuring gender equality through the Regional Committee for Gender Equality.

Municipal Level

Municipal authorities are responsible for:

- Supporting the social care of infants, children and the elderly with the establishment and operation of nurseries, orphanages, care centres, centres of entertainment for the elderly, nursing homes etc. and implementation of related social programmes;
- Supporting vulnerable groups by providing health and mental health services, such as municipal clinics, centres for support and rehabilitation of persons with disabilities, mental health centres, counselling support to victims of domestic violence and violence against persons and centres of drug prevention;
- Facilitating vulnerable groups through decreasing up to 50% of local taxes or fees, or promoting the total exemption of certain categories of their obligation to pay local taxation
• Supporting the homeless and the economically weak by granting them municipal land, providing them with social housing, leasing of real estate and/or by providing them financial aid, sanitary living, etc.;
• Establishing ‘social groceries’ providing food, clothing, books, toys, household, etc. for citizens due to the current economic and financial crisis
• Establishing Local Councils for Crime Prevention as consultative advisory bodies. They are formed by judges, police officers, sociologists and psychologists in order to develop an alternative anti-criminal decentralized policy, tailored to specific needs and demands of local communities, to develop programmes etc;
• Cooperation with local minor protection groups within the framework of the network for the prevention of juvenile criminality
• Implementing programmes or participating in actions for the social, economic and cultural integration of Roma, immigrants, refugees and returning expatriates;
• The establishment of local networks of solidarity and voluntary organisations;
• The supervision of charitable organisations and foundations as well as the approval of their budget and the monitoring of their receiving state grants or funding;
• The authorisation of individuals and charitable associations or unions aiming at child welfare as well as the authorisation of private care companies for elderly people suffering from incurable physical disabilities. The authorisation of public and private child day nurseries;
• Granting the “disability card”, upon consulting the respective certification committee. The payment of allowances to disabled and other persons granted social protection; and
• Appointing a Board for the Welfare and Protection Fund for families with many children.
• Supervision of child protection in private institutions (private kindergartens);
• Function and responsibility of children's summer camps;
• Licensing of municipal and private childcare or nursery; and
• Deciding on local health conditions and measures on public health.
• Establishment of municipal police in order to ensure the smooth social life of the population and the proper functioning of cities;
• Licensing of slaughterhouses;
• Protection of the consumer through the establishment of consumer information agencies;
• Establishment of committees of conciliation of disputes between suppliers and consumers and preservation of a consumer register.
**Sources**
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Ministry of Health, according to Presidential Decree 85/2012(OG 141/21.06.2012).
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Ministry of Labour, Social Security and Social Welfare, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
d. Education policy

National Level

The Ministry of Education, Religious Affairs, Culture and Sports is responsible for:

- Lawmaking in relevant fields;
- National planning for education for pre-school, primary, secondary and higher education;
- National planning for vocational education and training
- National planning for youth policy;
- Certification of vocational qualifications
- Management and financing of the construction of school buildings;
- Drafting and publishing school books; and
- Publishing books for students of higher education institutions.

It has the following General Secretariats:

- The General Secretariat for Youth,
- The General Secretariat for Religious Affairs,
- The General Secretariat of Culture,
- The General Secretariat of Sports,
- The General Secretariat for Life-long learning.

The National Education Board is responsible for consultation and transmission of matters and cases of higher education to the government.

Regional Level

Regional authorities are responsible for:

- The preparation and execution of programmes that address issues of environmental education and youth education, according to the respective plans of Ministry of Education, Religious Affairs, Culture and Sports;
- The appointment and the replacement of the governors of institutions offering scholarships in the territorial jurisdiction of the region;
- Temporary cancellation of courses, due to extraordinary circumstances or in the case of an epidemic in the spatial competence of the region;
- Approving school trips for students;
- Establishing school committees, which operate in schools of religious education;
• Approving twinning local schools with schools abroad; and
• Licensing for the establishment and operation of Schools of Dramatic Art, Dance and Film.
• The formation and care of the operation of pre-existing prefectural committees of people’s education;
• Coordination of educational institutions involved and the management of their accounts held at the Bank of Greece.

**Municipal Level**

Municipal authorities are responsible for:

- The construction or improvement of the infrastructure of the national system of primary and secondary education, particularly the maintenance of school buildings;
- The establishment and operation of municipal libraries, creative centres for children and traffic education parks;
- The appointment of the eligibility committee for the selection and assessment of the land for the construction of the school or the selection of an eligible building, the rental of property to accommodate public schools etc;
- The expropriation of land for the construction of school buildings;
- The availability of the school building for the organisation of events of common interest, in collaboration with the School Committee;
- The repair, maintenance and utilisation of traditional and historic school buildings
- Transfer of students from their home for school attendance and vice versa (free of charge);
- The supervision of the parents’ associations of each school;
- The organisation of concerts and other cultural events for students, upon approval of the School Committee;
- The allocation of funds to the School Committees for the maintenance of school buildings;
- Sanctioning parents and legal guardians who do not enrol their children in school and neglect their attendance; and
- Licensing the establishment and operation of private music institutions.
Sources
Ministry of Education, Religious Affairs, Culture and Sports, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
e. Vocational training policy

National Level

The Ministry of Education, Religious Affairs, Culture and Sports is responsible for:

- vocational and technical education of adults above 18 years old; and
- Lifelong learning for adults supported by the General Secretariat of Lifelong Learning.

Regional Level

Regional authorities are responsible for:

- The adaptation and preparation of programmes in order to support lifelong learning, under the guidelines and the policy of the Ministry of Education, Religious Affairs, Culture and Sports; and
- Exercising functional responsibilities, including the thematic specialisation of public vocational training institutes.

Municipal Level

Municipal authorities are responsible for:

- The support of entrepreneurship and vocational training services as well as the establishment and operation of centres for vocational guidance and vocational training;
- The implementation of lifelong learning and adult learning programmes within their respective national and regional planning;
- The preparation and implementation of local human resource development; and
- The development and implementation of technological development.
Sources
Presidential Decree 50/2008 (OG A’81/08.05.2008).
Ministry of Education, Religious Affairs, Culture and Sports, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
f. Youth and sport policy

National Level

The central Government is responsible for:

Youth policy

The Ministry of Education, Religious Affairs, Culture and Sports is responsible for youth policy through the General Secretariat for Youth. The General Secretariat for Youth was set up in 1982 as a governmental institution responsible for planning, coordinating and implementing a fully realised policy for the children and young people of Greece. Its main role is to promote a cross-sectoral youth policy, also taking into consideration all the relevant developments in the youth sector at European and international level.

In this respect, the General Secretariat for Youth comprises departments covering employment and development, culture and leisure time, education, social policy and social participation, international cooperation and information.

The General Secretariat for Youth implements programmes and projects which are in relation to its three main policy areas:

- Entrepreneurship- training- labour relationships;
- Social policy- young people with fewer opportunities- policy for the child; and
- Environment- climate change - green development.

The Youth and Lifelong Learning Foundation is a national public body responsible for the implementation of actions, programmes and projects for young people, with an emphasis on supporting young people in their career, promoting and supporting youth innovation and the management of any issues concerning pupil and student care.

The Youth and Lifelong Learning Foundation is responsible for the implementation of European Youth Programmes in Greece (Youth in Action & Eurodesk EU Programmes, European Youth Card).

At a decentralised state level, the newly established Decentralised Authorities have responsibility for the elaboration and implementation of youth programmes.

Sport policy
The General Secretariat for Sports of the Ministry of Education, Religious Affairs, Culture and Sports formulates, manages and evaluates the strategic programmes of sports policy. In particular it is responsible for:

- Promoting and consolidating the sense of fair play and sport spirit in the social consciousness;
- Safeguarding and spreading the Olympic values at national and international level by any means;
- Drafting and implementing the operational and regular action plans and projects;
- The organisation, administration and evaluation of sports services through a systematic monitoring for the implementation of their goals in order to ensure effectiveness, efficiency and quality;
- The evaluation of the applied sport policy results; and
- The supervision and control of a number of sport organisations and sport facilities in accordance with the applicable provisions and based on the strategic planning of sport policy.

The Special Secretary of Nutrition and Sport (Ministry of Health) is responsible for:

- Promoting suitable measures aiming at proper forms of physical exercise, as well as the cultivation and diffusion of sports programmes and events in school and academic communities in close cooperation with all responsible bodies and entities;
- Participating in the National Committee for School Sports and Olympic Education aiming at the formulation of the national framework of school sports policy;
- Developing a “Sport Map” which lists all sports facilities and open athletic facilities in order to encourage access to sport and participation for all ages and gender. This action includes the provision of sport programmes in municipalities, communities, labour unions, educational institutions, etc.;
- Providing information to all citizens regarding the capabilities of access and participation in “Sport-for-all” programmes; and
- Developing and implementing new actions for lifelong exercise.
Regional Level

Regional authorities are responsible for:

Youth policy

- The preparation and implementation of programmes concerning environmental education, youth and adult education according to the respective plan of the Ministry of Education, Religious Affairs, Culture and Sports.

Sport policy

- The implementation of sports programmes in cooperation with the Ministry of Health and the Ministry of Education, Religious Affairs, Sports and Culture, mainly the General Secretariat of Sports, sports clubs, municipalities and other public or private agencies; and
- Participating in sports organisations’ programmes and the coordination of activities of cultural institutions in the region;
- The supervision of the National Sport Centres.

Municipal Level

Municipal authorities are responsible for:

Youth policy

- Promotion of implementation of national programmes for young farmers.
- Establishment of Local Youth Councils, in order to strengthen young people’s participation in the management of local issues which correspond to their interests in every municipality of the country.
- Forming a Municipal Committee for Consultation, in which to include representatives of their Local Youth Council as well as to create administrative units with different responsibilities, among which one under the responsibility of Education, Culture, Sports and Youth
Sport policy

- Sport facilities;
- The construction, maintenance and management of sports facilities, including municipal gymnasiums and sports centres;
- The promotion and implementation of supporting programmes for mass sports and organisation of sporting events;
- Provision of sport programmes within the framework of “Sports-for-All” as well as the provision of them in communities, labour unions, educational institutions, etc.; and
- The approval of competition of fishery sport.

Sources


Ministry of Education, Religious Affairs, Culture and Sports, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).

Presidential Decree 274 (A’ 130/1982).
g. Culture policy

National Level

The Ministry of Education, Religious Affairs, Culture and Sports is supported by four General Secretariats:

- The General Secretariat for Youth;
- The General Secretariat for Religious Affairs;
- The General Secretariat of Culture;
- The General Secretariat of Sports; and
- The General Secretariat for Life-Long Learning.

They are supported by State regional services.

The State is responsible for:

- Development of overall policy;
- Antiquities and cultural heritage, archaeological research, unification of archaeological sites;
- Controlling the circulation and export of historic and artistic goods; taking measures for their integrity and security;
- Administering and supervising the data base “Ulisseus” (Odisseas) for cultural heritage and digital collections;
- Supervising private collections;
- Building and restoring museums - restoration of monuments; and
- Modern civilisation, support and funding of performing arts, dancing, theatre etc.

Regional Level

Regional authorities are responsible for:

- Participating in cultural organisations’ programmes and the coordination of activities of cultural institutions in the region;
- The adoption of awards, grants and other means in order to encourage literature and the arts, while strengthening and supervising respective organisations;
- The joint organisation of cultural events with local organisations in order to maintain the local cultural heritage and its dissemination to young people;
• Strengthening relations with the region's secondary organisations who represent all emigrants nationwide or internationally;
• The formation and care of the operation of pre-existing Prefectoral Committees of People’s Education;
• Coordination of educational institutions involved and the management of their accounts held at the Bank of Greece; and
• Licensing for the establishment and operation of Schools of Dramatic Art, Dance and Film.

**Municipal level**

Municipal authorities are responsible for:

• Cultural facilities;
• The implementation of policies for the promotion and protection of local culture, cultural goods and cultural products of art produced locally, as well as the creation of cultural and spiritual centres, museums, galleries, cinemas and theatres, bands and music teaching schools, school dance, painting, sculpture etc;
• The protection of museums, monuments, and archaeological and historical sites in the area;
• The repair, maintenance and utilisation of traditional and historic school buildings as well as buildings granted by public or private entities;
• The organisation of concerts, theatrical performances and other cultural events;
• The promotion of cultural exchanges at national, European and international level;
• The development of cultural tourism;
• The participation of a representative on the organising committee of local festivals;
• The funding of bodies that develop cultural activities in the territorial jurisdiction of the municipality;
• Licensing local theatres, cinemas, etc.;
• The organisation of concerts and other cultural events for students upon approval of the School Committee;
• Culture;
• Licensing the establishment and operation of private music institutions; and
• Dealing with outdoor advertisement, in order to ensure the city aesthetics and cultural character.
Sources
Ministry of Education, Religious Affairs, Culture and Sports, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
h. Public health policy

National Level

The central Government (Ministry of Health) is responsible for:

- The adoption of health policy;
- Sanitary control on water and waste, Control of atmospheric pollution, radiation, ionizing and non-radiation;
- Healthy environment and sanitary mechanics - hygiene health units;
- Protection of public health from epidemiology diseases - public health regulations for workers’ health;
- Supervision of pharmaceutical agencies, drugs and cosmetics;
- Pharmaceutical price determination for insured persons (Article 39 N.3918/11);
- Primary health care, health development unit;
- Oral health;
- Mental health;
- Addictions;
- Supervising public and private authorities; and
- Nutrition policy, support nutrition services.

Regional level

Regional authorities are responsible for:

- The administration of the regional health authorities that supervise hospitals and public health in Greece, formerly established by the pre-existing prefectures (“Health Regions” – DYPE);
- Licensing and revocation of licenses for health professionals and the establishment of private clinics;
- The exercise of powers on issues of trans-national adoptions;
- Permission to import, install and operate machinery that produces ionising radiation for medical purposes as well as the operation of radioisotope laboratories for medical applications;
- The authorisation of the establishment and operation of public and private laboratories, which conduct microbiological tests of water control, food or beverage, excluding workshops of the General Chemical State Laboratory;
- The imposition of administrative sanctions on doctors and dentists according to current legislation; and
- The implementation of public health programmes.
Municipal level

Municipal authorities are responsible for:

- Local medical assistance centres;
- The provision of measures for protection of public health, e.g. the health control of municipal water tanks, health checks of shops and businesses operating in the region, noise control, stray animals, shelters, etc;
- Informing the citizens on public health issues;
- The implementation of programmes, in order to combat infectious and parasitic diseases of animals;
- The implementation of programmes and in particular:
  - Public health programmes planned by the Ministry of Health or other ministries;
  - Temporary public health programmes, carried out with temporal funding; and
  - Public health programmes financed by EU funds.
- The publication of local health provisions and measures on public health;
- Licensing “stores of sanitary interest” such as restaurants, bars, fast food and coffee shops.
- Imposition or removal of hygiene measures on animals, stores, etc.

Sources

Ministry of Health, according to Presidential Decree 85/2012(OG 141/21.06.2012)
Open Society Institute, *Territorial Consolidation Reforms in Europe*, drafted by Pawel Swianiewicz, 2010, Budapest
i. Trans-European networks policy

National Level

The central Government is responsible for:

- The Ministry of Development, Competitiveness Infrastructure, Transport and Networks is responsible for the interconnection of Greek ports in order to create trans-European sea avenues;
- The Ministry of Environment, Energy and Climate Change is responsible for the energy interconnections (oil, gas, electricity) at national level but also in the frame of Trans-European Energy Networks and EU Critical Energy Infrastructure;
- The Ministry of Development, Competitiveness, Infrastructure, Transport and Networks is responsible for:
  - Establishing the national policy and the institutional framework for its implementation in the field of public works;
  - Supervising construction activities across the country;
  - Developing long-term and annual projects, securing funding and monitoring the course of their execution; and
  - The development of a rational framework for monitoring the technical, organisational and financial capacity of contractor companies that undertake the construction works.
- Under the administrative authority of the Ministry, the General Secretariat of the Ministry, the General Secretariat of Public Works and the General Secretariat of Co-funded Public Works are responsible for:
  - Developing and implementing national policy concerning the creation of appropriate institutional framework, and contributing to policy-making within the European and international framework concerning the development of high quality and competitive transport, telecommunications and postal services;
  - Promoting safety and security of transport and telecommunications; and
  - Supporting the Information Society.

The Ministry of Interior in cooperation with the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks and the Ministry of Foreign Affairs are responsible for ensuring the effective implementation of the Regulation EC1082/2006 that establishes European Groupings of Territorial Cooperation.
In addition, a Special Committee composed of representatives of the above-mentioned ministries and of local authorities and seated in the Ministry of Interior decides on issues of trans-European networking policy.

Regional Level

Regional authorities are responsible for:

- Setting up and participating in national, international and European networks of regional authorities, aiming at the coordinated and targeted promotion of their objectives, especially trans-national and trans-regional territorial cooperation as well as the dynamic participation in respective foreign networks or programmes and initiatives;
- Implementing international and European collaborations under the international, European Union and national law, according to the scope of their responsibilities and subject to the country’s international obligations, as following:
  - Programmes and initiatives of international and European organisations;
  - Mission exchanges and organisation of events;
  - Twinnings; and
  - European Groupings of Territorial Cooperation.
- Approving twinning of local schools with schools abroad.

Municipal Level

Municipal authorities are responsible for:

- Setting up and participating in national, international and European networks of municipal authorities, aiming at the coordinated and targeted promotion of their objectives, especially trans-national and inter-municipal territorial cooperation as well as the dynamic participation in respective foreign networks or programmes and initiatives;
- Implementing international and European collaborations under the international, European Union and national law, according to the scope of their responsibilities and subject to the country’s international obligations, as following:
  - Programmes and initiatives of international and European organisations;
  - Mission exchanges and organisation of events;
- Twinning of cities’ initiatives aiming at promoting their economic, cultural, educational and social relations; and
- European Groupings of Territorial Cooperation in order to facilitate and promote cross-border, trans-national and/or interregional cooperation with the exclusive aim of strengthening the economic and social cohesion.

Sources
Ministry of Development, Competitiveness, Infrastructure, Transport and Networks, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Environment, Energy and Climate Change, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Foreign Affairs, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Interior, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Statute Law 3613/2007(OJ A 263/23.11.2007)
j. Economic, social and territorial cohesion policy

National level

Central Government is responsible for the planning, implementation, monitoring and audit system of cohesion policy, through the following public authorities:

The Ministry of Development, Competitiveness Infrastructure, Transport and Networks is responsible for the coordination of the planning and monitoring of the structural funds European Regional Development Fund (ERDF), European Social Fund (ESF), Cohesion Fund (CF) which co-finance the National Strategic Reference Framework (NSRF). It is supported by a non-profit public corporation established in 1996, the Management Organisation Unit (MOU SA). The Ministry, in accordance with the Law 3614/2007 and the decision to set up the Special Secretary for NSRF 134/2011, is responsible for:

- Regional development, social and territorial cohesion through public and private investments;
- The National Strategic Reference Framework 2007-2013;
- State aid; and
- Public procurement.

The above tasks are implemented via the following structure:

- General Secretariat for Investments and Development is responsible for the implementation of European territorial cooperation programmes and the certifying authority for Structural Funds;
- Special Secretariat for NSRF which is responsible for the Greek NSRF 2007-2013 that includes 9 Sectoral, 5 Regional Operational Programs and 14 European Territorial Cooperation Programmes. The Special Secretariat is assisted by the National Coordination Authority, with the following responsibilities:
  - Is the main counterpart of the country with the Commission regarding NSRF;
  - Monitors and coordinates the planning and implementation of the NSRF and its operational programmes, paying particular attention to the compatibility between the national policies and the policies and priorities of the European Union; and
  - Is responsible for designing the management and control systems. Supervises the effective application and adaptation of policies and validates the responsibilities of the managing authorities. Issues
directives and provides guidance related to the management, of operational programmes.

Spatial planning

The Ministry of Environment, Energy and Climate Change is responsible for:

- General policy on spatial planning;
- Establishing strategic directions and general and specific spatial planning frameworks at national and regional level, including for the promotion of renewable energy sources;
- The establishment, organisation and operation of a national information and observation system of spatial planning;
- The promotion, in cooperation with other competent units, of integrated strategic projects about spatial planning and sustainable development at national or regional level;
- Funding or preparing studies concerning the preparation, completion, amendment or revision of national (general and specific) and regional frameworks of spatial planning and sustainable development.

The National Council for Spatial Planning and Sustainable Development promotes social dialogue and consultation with representatives of local authorities and key social and scientific units.

The Committee of Government Policy Coordination in the field of spatial planning consists of competent ministers in order to better coordinate the respective government bodies and agencies.

European Regional Development Fund (ERDF)

The Managing Authority of the regional operational programmes is under the Ministry of Development and Infrastructure.

European Social Fund (ESF)

ESF interventions are implemented for the whole country through operational programmes at the national level.
The ESF resources are managed through the Special Managing Authorities in the Ministries of:

- Labour, Social Security and Social Welfare;
- Education, Religious Affairs, Culture and Sports;
- Public Administration Reform and eGovernance
They are all coordinated through the “Special Agency for the Coordination of the European Social Funds” at the Ministry of Labour, Social Security and Social Welfare.

Cohesion Fund

It is implemented at national level under the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks.

Regional level

Regional authorities are responsible for:

European Regional Development Fund (ERDF) and the Regional Development Policy

- Planning, programming and implementation of actions of regional development;
- Specification of objectives and guidelines and preparation of proposals for the formation of the regional development policy;
- Coordination of the agencies, which are responsible for the enforcement, the monitoring and implementing of the region’s development programme;
- Cooperation with regional agencies in planning proposals and implementing projects financed by the EU initiatives and interregional cooperation;
- The final configuration, implementation and monitoring of the annual public investment programmes at regional level; and
- The management, monitoring and implementation of development interventions for the period 2007-2013, as defined by the National Strategic Reference Framework.

The ERDF finances 8 Greek regions (Objective 1) and 3 Phasing out Greek Regions (Central and western Macedonia and Attica).

Spatial planning

- Providing opinions to the Ministry for:
  - Projects of regional spatial planning;
  - Identification and the borders of “Areas of Organised Development of Production Activities”;
  - “Projects of Integrated Urban Interventions”.
• Assignment and monitoring of the implementation of General Urban Plans;
• Coordinating the implementation of public works which are provided by the General Urban Plans and urban planning studies, including monitoring expropriation;
• Approving partially-identified amendments to the implemented projects of town planning for the conditions of their use and structuring;
• Developing and monitoring draft programmes for spatial planning construction and studies about traffic improvements;
• Managing and monitoring special spatial planning programmes at regional level;
• Drafting and approving regional frameworks of management of waste, including at port facilities;
• The preparation, implementation and evaluation of plans for protected areas; and
• The construction, maintenance and renovation of roads, flood protection, building, electrical and marine works.

*European Social Fund (ESF)*

Implementation of training programmes for unemployed in order to become high-skilled personnel in 8 “Cohesion” Regions including Eastern Macedonia-Thrace, Western Greece, Ipeiros, Thessalia, Ionian Islands, Northern Aegean, Peloponisos, Creta.
Municipal level

Municipal authorities are responsible for:

European Regional Development Fund (ERDF) and National Strategic Reference Framework (NSRF)

- Indicating local needs;
- Providing an opinion for the establishment of Industrial and Business Areas (V.E.PE.) and the environmental impact assessment.

Spatial planning

- Spatial planning for their territory in accordance with national guidelines and regional laws, programmes and plans;
- Local land use plans and infrastructure planning;
- Special role of the quality of life committee, as for urban planning, land use planning, environment, business and shop licensing, in determining street market spaces and outdoor trade places.

In particular:

- The development of local programmes for the protection and enhancement of natural, architectural and cultural environment, within the national and European policies.
- The study, management and implementation of programmes for housing and urban development, restoration of buildings and areas.
- The identification of appropriate sites to make public spaces (parks, etc), street markets and fairs, sites for the temporary residence of displaced populations, waste management sites and cemeteries the provision of opinions about cremation sites, while preserving and enhancing the aesthetics of towns and villages;
- Securing and improving the technical and social infrastructure in towns and villages such as construction, maintenance and management of water supply, district heating, lighting projects in public spaces, parks, recreation areas, squares and other outdoor public spaces; and
- The construction, maintenance and operation of underground and above-ground parking spaces and parking control;
- The traffic regulation, the determination of walkways, and one-way direction streets, the removal of abandoned vehicles and general measures to avoid adverse effects on traffic safety.
European Social Fund (ESF)

Contributing to awareness and implementation of its actions.

Sources
Law 3614/2007 (OJ A 267/03.12.2007), "Management, monitoring and implementation of development interventions the programming period. 2007-2013".
Ministry of Development, Competitiveness, Infrastructure, Transport and Networks, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Education, Religious Affairs, Culture and Sports, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Environment, Energy and Climate Change, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Finance, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Labour, Social Security and Social Welfare, according to Presidential Decree 88/2012, (OG 143/4-7-12) and on 21.06.2012, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Public Administration Reform and E-Governance, according to Presidential Decree 85/2012(OG 141/21.06.2012).
National Strategic Reference Framework 2007-2013
Presidential Decree 189/2009, (OJ A 221/5.11.2009), General Secretariat of Investments and Development.
The European Social Fund (ESF) in Greece, ESF Actions Implementation Authority
j. Environment and the fight against climate change policy

National Level

The Ministry of Environment, Energy and Climate Change is in charge of:

- Integrating the economy with the environment and incorporating principles, values, ecological awareness and priorities for sustainable development;
- Promoting the use of energy from renewable sources and introducing sustainability criteria for biofuels and bioliquids;
- Improving the urban environment with a focus on atmospheric pollution and noise control in major cities;
- Conserving and recovering balance, harmony and diversity in Greek wildlife and ecosystems;
- The integrated and rational management and control in the protection of the quality and quantity of water resources;
- Developing Environmental Education - updating and increasing ecological awareness through training;
- Cooperating with organisations and ecological, environmental and life quality movements as well as motivating all citizens to participate creatively and play an active role in activities;
- Developing strategic planning about:
  - Addressing climate change by switching to a low carbon competitive economy;
  - Protecting and managing sustainable natural resources;
  - Upgrading the quality of life while respecting the environment;
  - Strengthening mechanisms and institutions of environmental governance.

- Planning and funding projects and actions about “Green Development”, the protection of the Environment, climate change, forests as well as urban development.

Under the administrative authority of the Ministry several Directorate Generals function for example:

- The Directorate General for Energy.
- The Directorate General on Natural Resources.
- The Directorate General of Administrative Support.
The special standing committee for the protection of the environment of the Hellenic Parliament is responsible for drafting legislation and parliamentary scrutiny.

**Regional Level**

Regional authorities are responsible for:

- Specification of the guidelines on environmental policy at regional level
- Application of the conditions for approval of environmental projects and activities;
- Provision of information to the general public about the quality of environment and the polluting activities in the region, and for operation of the national network for the environment;
- The recommendation to the regional council, based on environmental criteria to secure funding sources and the distribution of the appropriations and proposals for measures to protect the environment in the region and particularly in sensitive areas (habitats etc.);
- Implementation and evaluation of operation and management plans of protected areas;
- Licensing disposal of industrial wastewater and municipal sewage from treatment plants - authorisation for the deposit or storage of waste containing asbestos - the approval and monitoring of the implementation of regional management of waste;
- The control of environmental conditions in order to implement legislation of environmental protection;
- Imposition of fines for infringement of environmental protection legislation;
- The assignment of monitoring and implementing the General Urban Planning Schemes;
- The drafting of infrastructure development plans for the enforcement of the climate change consequences on tourism; and
- The creation of inter-level associations (FODSA) for the integrated solid waste management of the region.
Municipal Level

Municipal authorities are responsible for:

- The development of local programmes to protect and enhance the natural, architectural and cultural environment, in the framework national and European policies;
- The operation of the municipal forests;
- Assisting the relevant fire department by all appropriate means available to tackle fires, especially in forest areas;
- The protection and management of the regional (soil and inland) water resources from extensive fisheries and pollution;
- Local water supply, irrigation, and sewage systems;
- The establishment and operation of municipal laboratories;
- The cleanliness of all common areas of their territorial area, the removal and waste management, sanitation of all common spaces;
- Waste management and the construction, maintenance and management of sewer systems;
- Managing solid waste, maintenance and management of sewer systems and sewage treatment and preventive and repressive measures to protect public spaces, especially the dumpsite event of fire;
- The establishment and operation of slaughterhouses;
- The study, management and execution of housing and urban development programmes;
- Measures for the restoration and rebuilding of local areas where mineral resources exploitation has occurred or areas where facilities of waste management are installed;
- Issuing building permits;
- Participating in town planning, regional planning and land use as provided by law;
- Monitoring architecture, structural, electrical and thermal studies as well as maintaining tax records for industrial buildings;
- Definition of sites for cemeteries and provision of an opinion for setting cremation sites;
- The issuance of building permits, control studies and imposition of fines for making illegal constructions in the legislation;
- Monitoring the “Clean Beaches - Clean Seas Programme” which is launched by Ministry of Environment, Energy and Climate Change;
- The preliminary proposal for redevelopment of a certain area; and
- Dealing with outdoor advertisement in order to ensure environment protection.
The Municipalities also have consultative responsibilities:

- Before government authorities issue any administrative regulation concerning environmental protection, regulatory or spatial plans, decision on plant location and other activities, they should consult the municipal councils of the municipalities or communities or the boards of Associations of Municipalities and Communities in the region in which the measure will apply;
- They cannot decide on expropriation, disposition, or any kind of intervention or restriction in the administration and disposal of municipal or communal lands, works, services and water for irrigation or drinking without prior consent of the relevant municipal council (Art. 77).

**Sources**


Ministry of Environment, Energy and Climate Change, according to Presidential Decree 85/2012(OG 141/21.06.2012).


Presidential decree 78/2006.
1. Energy policy

National Level

The Ministry of Environment, Energy and Climate Change is responsible for:

- Developing strategic planning about:
  - Exploration and exploitation of hydrocarbons;
  - Enhancement of energy efficiency and energy saving;
  - Liberalisation of the natural gas and electricity markets;
  - Monitoring of oil, gas electricity and coal markets.

- Discovering, protecting and managing sustainable energy resources;
- Ensuring the adequacy of energy resources through stocks, international alliances and alternative energy resources;
- Respecting the environment and sustainable development:
  - Improving energy efficiency and promoting energy saving;
  - Collecting and reporting official energy data to EU and international organisations through EL STAT certification.

- Implementation of laws and regulations concerning production, installation, storage, transfer, delivery, supply and safety of energy (in particular oil and natural gas);
- Planning and funding projects and actions about “Green Development”;
- Developing policy, planning and initiatives on EU and international energy and mineral wealth affairs, as well as promotion of bilateral, multilateral and intergovernmental relations in these fields;
- Developing strategic planning for mineral resources (mineral raw materials) with the constitutional principle of sustainable development, and controlling implementation; and
- Permitting the exploitations of metallic minerals – industrial minerals – ornamental stones and high temperature geothermal energy.
The Ministry and especially the General Secretariat for Energy carries out policy-making in the energy sector and the development of mineral resources. Under the administrative authority of the General Secretariat, several Directorates General function, e.g.:

- The Directorate General on Energy;
- The Directorate General on Natural Resources; and
- The Directorate General for Administrative Support.

The Hellenic Parliament has legislative and scrutiny powers.

**Regional Level**

Regional authorities are responsible for:

- The implementation of programmes that focus on supporting small businesses, utilising renewable energy sources such as solar, wind, geothermal energy, and monitoring development programmes and projects launched by the Ministry of Environment, Energy and Climate Change;
- Permitting individuals (for their own use) to install heating/cooling systems by exploiting the energy of geological formations or waters, not qualifying for geothermal materials;
- Permitting individuals to construct and operate back power/energy stations as well as the resale of petroleum products for heating; and
- The authorisation of installation, operation or expansion of energy/power stations.

**Minerals**

- Establishing aggregates quarrying areas; and
- Permitting the exploitation of aggregates.

**Water**

- Participating in inter-regional programmes in cooperation with the Directorate General for Water;
- Monitoring activities to detect underground bodies of water and exploitation of water resources;
- Informing the public about the protection of aquatic ecosystems;
- Controlling the release of emissions, implementing and all necessary preventive measures against emergencies and imposing penalties in case of human activities resulting in water pollution;
• Conducting random checks; and
• Underground inland water management in collaboration with municipalities.

**Municipal level**

Municipal authorities are responsible for:

• The protection, promotion and exploitation of local natural resources and areas of hot springs and mild or renewable energy resources as well as the construction, maintenance and management of respective projects and facilities;
• Planning, constructing, maintaining, operating and managing natural gas networks; and
• The electrification as well as the extension of electrical networks and power networks, within their administrative boundaries, in order to stimulate the local economy or to foster charity.

**Minerals**

Imposition of measures for the reconstruction and restoration of areas with minerals.

**Water**

Underground inland water management in collaboration with regions.

**Sources**


Ministry of Environment, Energy and Climate Change, according to Presidential Decree 85/2012(OG 141/21.06.2012)


11.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National Level

The Ministry of Rural Development and Food is responsible for the policy and strategy for the agricultural sector.

Under the monitoring of the Minister there is the General Secretariat of Rural Policy and International Relations which is tasked with matters regarding agricultural policy, European Union and international affairs.

The Ministry of Rural Development and Food consists of six General Directorates:

- Gen. Directorate of Administrative Support
- Gen. Directorate of Finance
- Gen. Directorate of Plant Produce
- Gen. Directorate of Animal Produce
- Gen. Veterinary Directorate
- Gen. Directorate of Agricultural Extension & Research

Each General Directorate consists of Directorates and Departments with specific tasks.

Under the supervision of the Ministry of Rural Development and Food there are various organisations such as:

- The Hellenic Agricultural Organisation “Dimitra” which is responsible for standardisation, research, education, training, etc.;
- OPEKEPE, which is the Greek Payment Authority of Common Agricultural Policy (CAP) aid schemes; and
- Hellenic Agricultural Insurance Organization (ELGA).
Regional Level

Regional authorities are responsible for:

- Drafting, monitoring and assessing the implementation of annual and multi-annual regional development plans and policies for agriculture, livestock and fisheries;
- Drafting sectoral regional programmes for the purposes of processing agricultural products and promoting their integration into sectoral national programmes;
- Addressing the technical, financial and structural problems of agriculture;
- The implementation of programmes of livestock feeding in mountain-disadvantaged regions;
- Controlling and processing technical components and land reclamation projects, as well as conducting auctions for land reclamation projects and studies;
- Supervising the General Land Reclamation Organisations, the possibility of merging and elimination of such entities and the supervision of the Irrigation Agency;
- Conducting agricultural technical and economic research and research on issues of land, aquatic and amphibian health;
- Use of the data files for the primary sector of the Ministry of Rural Development and Food;
- Keeping data on olive and vine crops at regional level, based on the respective registers of the Ministry of Rural Development and Food;
- Keeping a database about merchants of animal products and animal products by the regional veterinary authorities;
- Preserving and protecting agricultural land especially highly productive lands;
- Programming, studying and manufacturing irrigation and anticorrosive works and securing their funding;
- Promoting mechanisation and electrification of agriculture;
- Maintaining a record of producers, distributors, exporters and importers of plants, plant products and related products, at regional level, based on the respective data of the Ministry of Rural Development and Food;
- The consideration of appeals against the rejection of the improvement plans and the validity of the lists of beneficiaries of compensatory damages;
- Promoting and supporting producers’ organisations in order to address economic and structural issues in accordance with national and EU law. Setting up primary and secondary committees for the recognition of producers groups;
• The implementation of modern disinfection methods for exporting and importing agricultural products;
• The determination of protection zones and destruction of illegal crops inside those zones;
• Licensing for replanting vineyards in accordance with the respective legislation;
• Controlling the production and marketing of wine;
• Conducting inspections in collaboration with the regional centres of plant and quality control of the Ministry of Rural Development, on farms, businesses and associations involved in any stage of production and marketing of plants, plant products and other relevant objects;
• Labelling and monitoring of the evolution of crop diseases and implementing measures to address them;
• The primary environmental evaluation, assessment and approval of environmental conditions concerning the location and development of industrial and manufacturing activities for the production of:
  - Dairy products and slaughterhouses;
  - Wine - vinegar production; and
  - Seeds - juice.

• Monitoring and supervising programmes of livestock health;
• Control of the livestock market through electronic systems;
• Ensuring the legal trading of agricultural and livestock medicines and taking samples for analysis;
• Control of epizootic diseases of wild animals which are transmissible to humans or other animals, and the coordination of actions with the competent authorities in order to effectively prevent its transmission;
• Control of industries that produce animal food; and
• Control of animal food as far as the labelling of genetically modified organisms is concerned.
Municipal Level

Municipal authorities are responsible for:

- Setting up and operating Bureaus of Agricultural Development;
- Planning and implementing works of technical infrastructure, of local interest, concerning agriculture, livestock and fisheries and in particular rural roads, construction of reservoirs, pasture improvement projects and land reclamation projects;
- The supervision of General Land Reclamation Organisations, the Interim Governing Board and local irrigation committees;
- Pastures management;
- Providing opinions for the determination of industrial and business regions as well as the research of environmental effects;
- Researching issues concerning agricultural, livestock and fisheries development as well as preserving agricultural populations in their homelands;
- The development, protection, assessment and monitor of agricultural and livestock production;
- Providing liaisons between agricultural production and tourist development;
- Promoting programmes for young farmers;
- Assessing and observing the agricultural and livestock production as well as the process of agricultural products;
- Controlling the agricultural market and taking samples of representative prices of agricultural products;
- Informing the rural population about modern production and organising methods in order to address technical, economic and structural issues in the framework of projects launched by the Ministry of Agricultural Development;
- Cooperation with agricultural research centres;
- The broader dissemination of knowledge concerning the implementation of improved cultivation methods to the rural population;
- Providing licenses for the operation of veterinary offices for food producing animals, and special permit for storage of pharmaceuticals;
- Implementing and monitoring the operation of the system of identification and registration of the livestock in the municipality;
- Permitting the operation of livestock marketing shops;
- Providing opinions about the sanitary conditions of animals in case of travelling;
- Permitting the establishment and operation of livestock poultry facilities;
- Permitting the establishment and operation of zoo, setting up of consultative committees and conducting of inspections;
- Leasing of municipal land for industrial or craft purposes, farms, greenhouse plants and units for fisheries;
- The management and operation of municipal farming lands, pastures and new croplands conceded to them by the State;
- Linking agricultural production and tourism development.

**Sources**
Ministry of Rural Development and Food, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Presidential Decree 98/2004(OG A’69/03.03.2004).
b. Fisheries policy

National Level

The General Directorate of Fisheries of the Ministry of Development, Competitiveness, Infrastructure, Transport and Networks has been the competent institution to shape fisheries policy and gives the guidelines for the responsibilities of local authorities since June 2011 after the abolition of the Ministry of Sea Affairs, Islands and Fisheries in the following areas:

- Development, exploitation and protection of marine fisheries and inland waters;
- Development of extensive and intensive aquaculture;
- Trade and processing of fisheries and aquaculture products;
- Control of fisheries’ activities;
- Recreational and sport fisheries; and
- Tourism for fishing.

Regional Level

Regional authorities are responsible for:

- The administration, management and exploitation of fisheries water;
- The lease by auction of fisheries water, the determination of the protective zone around the installed gear in marine coastal areas. The implementation of the terms of lease contracts, as well as the decision of unilateral termination of the lease;
- The decision of imposing sanctions in cases of violation of fishing rules;
- Granting permits of establishment and operation fresh fish packing, packaging laboratories and frozen fish processing;
- The decision to increase or decrease the lease of a fishing farm to individuals, as well as the decision to decrease or eliminate the conventional lease in case of inability of fisheries’ exploitation and the decision of termination or extension of the lease;
- The decision to lease a farm without a tender to fisheries associations, to sign the contract and to determine the rent;
- The approval of environmental conditions concerning the establishment of aquaculture units;
- The identification of aquaculture industrial units as farms/agricultural business;
- The determination of the spatial region of each auction;
• Monitoring the pollution and contamination of the aquatic environment, researching and planning of projects of development and administration concerning fisheries, aquacultures and their exploitation;
• The determination of any expenditure required for temporary farm exploitation;
• The decision to defer the starting date of the lease of a farm;
• The decision to import and deposit revenues and expenditures for the temporal operation of a fishing farm;
• The decision on the mean payment of the lease of a fish farm, the determination of the platform for the gathering of agricultural products and the decision to confer the management of the fixed rate of the lease in kind to the Agricultural Bank of Greece;
• Monitoring the administration of employed fishing association and the operations of aquaculture and exploitation of fish farming waters;
• The decision to terminate the lease of a fish farm;
• The decision to lease, without auction, of bordering fish farm waters and the determination of the terms of the contract;
• The decision to lease proper spaces for the culture of shells; and
• The decision to grant proper areas for a trial placement of original forms of cultivation of aquatic animals and the subsequent decision to lease the premises and the decision to renew the lease.

**Municipal Level**

Municipal authorities are responsible for:

• The protection and management of water resources, the protection of the soil and inland waters (lagoons, lakes, farms, rivers) by fishing and pollution in their territory;
• The research and implementation of infrastructure projects of local importance regarding agriculture, livestock and fisheries especially projects related to rural roads, construction of reservoirs, pasture improvement and land reclamation;
• Researching and studying issues concerning agricultural, livestock and fisheries development and preserve rural populations in their homeland;
• The cooperation with agricultural and fisheries research centres;
• The supervision of the fisheries sector in the territory;
• Leasing of municipal lands for industrial or manufacturing purposes, and fisheries units;
• The decision for the destruction, sale and approving the results of the auction or disposal of confiscated materials and means of fishing;
- The decision for the implementation of the project of aquaculture development with the reproduction of young fish to provide to private aquaculturers;
- Gathering and maintaining aquaculture and fisheries data;
- Planning of research and studies and producing simple papers as far as fisheries, aquaculture and protecting the aquatic ecosystem is concerned;
- Organising information meetings with fishermen, fish farmers and workers in the fisheries sector;
- The authorisation to enrich lakes and rivers and the determination of the fishing prohibition period;
- The permission to fishing boats to conduct test fishing;
- The approval (or the withdrawal of the approval) of granting, by the competent authorities, permissions of departure of fishing boats for fishing in international waters;
- Keeping records of all fisheries exploitation;
- Addressing issues and proposing measures concerning the movement, processing, packaging, maintenance and marketing of fishery products in collaboration with the respective departments and agencies;
- Imposing special or additional restrictive measures on fishing;
- Approving the conduct of sport fishing and licensing amateur and professional fishing;
- Permitting the use of diving equipment in case of research;
- Approving the replacement of a fishing boat or the engine of a fishing boat;
- Granting the license to transfer ownership of commercial fishing boat;
- Imposing sanctions on those who do not provide information concerning the production and the value of fish catches of their professional fishing boats;
- Granting license for fishing brood fish and other aquatic organisms;
- Providing agreement for the import from abroad of live aquatic animals and plants or algae or their eggs for artificial breeding or restocking waters;
- The approval of granting, by the competent authorities, permissions of fishing to professional and amateur fishing or sponge boats;
- The determination of the duration, start and end of the fishing prohibition period in the territorial rivers;
- The determination of the fishing prohibition period and the restrictions for fishing in lakes of the spatial competence of the municipality;
- The temporary suspension of fishing and sponge licenses for a certain period in the spatial area of the municipality, for the protection of fish production and the regulation of fishing and sponge diving;
• The creation of three-member boards in charge of litigation of fishing appeals;
• Approving and amending fishery associations and providing them with technical guidance;
• The approval to amend or supplement the only gear that is allowed for fishing in the lakes;
• Manufacturing and operating fishing shelters, infrastructure and equipment in fishing ports or ports serving fishing boats;
• Providing opinions for the concession, lease and renewal of a lease of wetlands for the creation, expansion and relocation of intensive or mid-intensive aquaculture units as well as the authorisation of their establishment and operation; and
• The decision to establish conditions for amateur fishing licenses, the determination of the number of mechanically complex fishing (purse seine) fisheries complexes in the Greek part of the Lake Great Prespa and the conditions under which the fishery will be conducted.

Sources
Ministry of Development, Competitiveness, Infrastructure, Transport and Networks, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Ministry of Rural Development and Food, according to Presidential Decree 85/2012(OG 141/21.06.2012)
Presidential Decree 333/1990(OG A’134/04.10.1990)
Presidential Decree 373/1985(OG A’131/22.07.1985)
Royal Decree 142/1971.
c. Immigration and asylum policy

National Level

At central level:

- The Ministry of Interior (General Secretariat for Population and Social Cohesion) and especially its Departments of Migration Policy and Social Integration are responsible for (legal) Immigration and Integration Policy.
- The Ministry of Public Order and Citizens Protection (Police Headquarters) is responsible for return of third country nationals illegally residing in Greece. These actions are implemented in conjunction with the International Organisation for Migration (IOM) with the project “Voluntary Repatriation” (European Return Fund).
- The Asylum Service reports directly to the Minister for the Public Order and Protection of the Citizen. The Asylum Service is the country’s primary autonomous structure that deals with the examination of asylum and international protection. The service is responsible for the application of national and EU legislation concerning the provision of political asylum and other forms of international protection. The service receives, considers and decides according to national legislation and international obligations, requests for asylum. The service contributes to the planning of the national policy for protection and international cooperation with international organisations and the European Union. The Asylum Service will also provide administrative support to a new Refugees Authority that will consider appeals of second instance in cases of international protection requests that are rejected at first instance.
- The Service of First Reception is an autonomous agency reporting directly to the Minister for Public Order and Protection of Citizens. The mission of the service is the reception of foreigners who are arrested for unlawful entry or residence in Greece, under conditions which ensure dignity and human rights. The service ensures the immediate living needs of foreigners, including some important processes, such as their identification, their registration, the medical and psychosocial support, their information about their rights and obligations and the caring for persons belonging to vulnerable groups such as unaccompanied children and victims of torture.
- The Greek Police is responsible for:
  - The identification of illegal immigrants;
  - The adoption and enforcement of decisions of administrative deportation, and enforcement of deportation orders;
• The settlement of citizens of Member States of the European Union and countries of the European Economic Charter and the Swiss Confederation;
• Passport control at border crossing points;
• Reporting in the Ministry of Interior on issues related to citizenship and issuance of residence permits for legally residing migrants;
• The receipt of applications for international protection, namely refugee status or subsidiary protection;
• The examination of applications for international protection (interviews and decision-making);
• The examination of demands for the humanitarian scheme in Article 8 of Decree 61/1999;
• The examination of requests for family reunification refugees;
• The examination of requests under the Dublin Regulation; and
• The administration of documents relating to applicants for international protection, recognised refugees and beneficiaries of subsidiary protection beneficiaries of humanitarian status under Article 8 of Decree 61/1999 and stateless.

• The Hellenic Parliament has legislative and scrutiny powers.

At a decentralised central level, State services seated at local or regional level.

• The decentralised administration authorities are responsible for:
  
  ▪ The issuance of residence permits of third country nationals, legally residing in Greece for work or other reasons (legal migrants – this authority is a decentralised administration, authorities of the State at regional / local level);
  ▪ The units for integration issues within their territorial competence, in order to specify and implement programmes in view of social integration of third country nationals, refugees and persons under international protection and also monitor their implementation in cooperation with other jointly responsible authorities;
  ▪ Permits for temporary work for third country nationals that request asylum; and
  ▪ Work permits for refugees.
Regional Level

Regional authorities do not exercise duties in this domain of policy.

Municipal Level

Municipal authorities are responsible for:

- The planning and implementation of programmes (or participation in programmes and actions) for the social, economic and cultural integration of Roma, Gypsies, returning expatriates, immigrants and refugees to the local community;
- The registration of the name of Greeks who live abroad or aliens who obtain Greek citizenship or returning expatriates, persons who have Greek citizenship; and
- Establishment of the “Immigrant Integration Council” in each municipality, as an advisory body, in order to strengthen the smooth integration of immigrants in local community. The councils:
  - Record and investigate the problems of immigrants residing permanently regarding their integration;
  - Submit proposals for local actions promoting the smooth integration of immigrants and the organisation of municipal consultancy services and awareness events.

Sources

Greek police
Ministry of Interior, General Secretariat of Population and Social Cohesion
Minister for the Public Order and Protection of the Citizen, according to Presidential Decree 85/2012(OG 141/21.06.2012).
Region of Central Macedonia
d. Tourism policy

National Level

The central Government, through the newly established Ministry of Tourism is responsible for:

- Planning and implementing national tourism policy.
- Planning national tourism development.
- Coordinating tourism promotion related actions of the bodies of the public sector.
- Drafting of all primary and subsidiary legislation.
- Designing national tourism education and training, by means of long-, medium- and short-term plans, provided by the competent supervised body, namely the Organisation of Tourism Education and Central Training (OTEK).
- Encouraging tourism investments through EU-funded programmes and national financial instruments.
- Developing maritime tourism by means of spatial planning and monitoring the operation of the national tourist ports.
- Mitigating seasonality (extending the tourism season) and enhancing the competitiveness of Greek tourism by redefining a more flexible, qualitative and innovative tourism product.
- Cooperating at European and international level with organisations and agencies in order to implement and disseminate good practices.
- Creating or improving the prosperity and quality of life of people in the local communities, through guidelines, standards and criteria for the spatial structure and organisation of tourism in the Greek territory (National Spatial Framework for Tourism).
- Checking the compatibility of the regional and municipal promotion programmes and actions with the central planning of tourism promotion.
- At the decentralised level, through the decentralised administrations, the state is responsible for the exercise of the necessary competences in order to ensure the effective operation of the tourism businesses (e.g. granting of certificates and licenses of operations) as well as meeting visitors’/tourists’ demands and expectations (e.g. inspections of food and leisure businesses).

The Greek National Tourism Organisation has Regional Tourism Services throughout Greece whose major competences are: granting the special license of operation, keeping the relevant tourism business register, inspecting/auditing tourism businesses and imposing sanctions in cases where there is a violation of the tourism legislation in force.
The Special Agency of Culture and Tourism (organisational unit of the former Ministry of Culture and Tourism) is responsible for planning, coordinating, managing and monitoring the implementation of the National Development Plan of the Ministry of Culture and Tourism and its supervised bodies.

In order to implement the national strategy for tourism, the Ministry cooperates with the competent bodies (e.g. Ministries of Development, Infrastructure, Transport and Communications, Environment, Energy and Climate Change, Hellenic Statistical Authority, Local Government Organizations, etc.) and coordinates the operation of the supervised entities (mainly the services of the Greek National Tourism Organisation).

**Regional Level**

Regional authorities are responsible for:

- The drafting and implementation of programmes for tourist planning and promotion, in order to enhance the tourist flows in their territory, ensure tourist development and promote the image of each region.
- The exercise of the necessary competences in order to ensure the effective operation of the tourism businesses (e.g. granting of certificates and licenses of operations) as well as meeting visitors’/tourists’ demands and expectations (e.g. inspections of food and leisure businesses).
- The decision on the characterisation and border definition of Areas of Integrated Tourist Development (POTA).
- The drafting of infrastructure development plans for the enforcement of the climate change consequences on tourism, within the framework of development programmes.
Municipal Level

Municipal authorities are responsible for:

- The implementation or participation in programmes for tourism development and for the promotion of alternative forms of tourism and the creation of resorts and other leisure facilities;
- The development of cultural tourism;
- The enforcement of the respective law by the businesses of tourist interest; and
- Linking agricultural production and tourism development.
- The exercise of the necessary competences in order to ensure the effective operation of the tourism businesses (e.g. granting of certificates and licenses of operations) as well as meeting visitors’/tourists’ demands and expectations (e.g. inspections of food and leisure businesses).

Sources
Ministry of Tourism, according to Presidential Decree 85/2012(OG 141/21.06.2012)
e. Civil protection policy

National Level

The central Government, through the General Secretariat of Civil protection of the Ministry of Public Order and Citizen Protection is responsible for:

- Civil protection is a shared competence of all levels of governance;
- Adoption of the National Civil Protection Plan (Xenocrates Plan);
- All ministries draw up special plans for dealing with disasters;
- The General Secretariat for Civil Protection is in charge of:
  - Protecting citizens’ life, health and property from natural, technological and other major hazards;
  - Protecting cultural heritage, historic buildings and monuments, resources and infrastructure;
  - Public awareness; and
  - Coordinating activities.

- Inter-Ministerial Committee for National Planning:
  - Approving the annual national plan for civil protection; and
  - Reporting on the implementation of Government’s measures;

- Central Coordination Body for Civil Protection:
  - Civil protection annual national plan; and
  - Coordinating activities.

Regional Level

Regional authorities are responsible for:

- Civil protection is a shared competence of all levels of governance;
- Regional special plans for dealing with disasters on the basis of the National Civil Protection Plan;
- The coordination and supervision of the work of civil protection services for prevention, preparation, response and disaster recovery within the territorial limits of the region;
- The implementation of the annual national planning for civil protection as far as the region is concerned;
• The submission of proposals for the regional civil protection for the annual national planning policy of the Inter-ministerial Commission;
• The submission of proposals to the Secretary General of Civil Protection for a decision declaring an emergency in cases of regional disasters;
• The decisions declaring states of emergency as far as small intensity local destruction is concerned, as well as the coordination of all the respective regional public or private mechanisms in order to ensure the full preparation in case of destruction and damage recovery;
• The planning and organisation of measures of prevention, awareness and response to disasters or emergencies;
• The decision on the requisition of personal services, securities and real estate;
• Cooperating with the competent bodies for the suppression of forest fires; and
• The granting of the annotation of the Hague Convention on service of documents in the region.

Municipal Level

Municipal authorities are responsible for:

• Civil protection is a shared competence of all levels of governance;
• Local special plans for dealing with disasters on the basis of the National Civil Protection Plan;
• The coordination and supervision of the work of civil protection services for prevention, preparation, response and disaster recovery within their territorial limits;
• The submission of proposals for the regional civil protection for the annual national planning policy and for the implementation of programmes, measures and actions for their territory in the frameworks of the national and regional planning; and
• The provision and coordination of the human resources and materials for the prevention, preparation, response and recovery in case of destruction in their territory.
Sources
European Commission portal, European Commission > Humanitarian Aid & Civil Protection > Vademecum/Greece disaster management structure
General Secretariat of Civil Protection
Ministry for Public Order and Citizen Protection, according to Presidential Decree 85/2012(OG 141/21.06.2012).
12. Hungary

Hungary is a republic and a parliamentary democracy. The unicameral Parliament is the National Assembly (Országgyűlés). The Head of State is the President of the Republic who is elected indirectly by the Parliament for a five-year term and can be re-elected once. The Government is led by the Prime Minister.155

Hungary is a unitary State organised on a decentralised basis; the Basic Law recognises local governmental system (Art. 31-35). It has three levels of governance: the central, regional (county), and local levels. The adoption of the Law on Local Self-Government of 1990156 was the starting point of the decentralisation process. Furthermore, a new Law on Local Self-Governments was adopted in 2011, which brought about important changes to the territorial organisation and distribution of competences since it re-centralised a certain number of competences. The reform will fully enter into force in January 2013.

Hungary comprises 19 Counties (megyék) and 3175 Communities (települések). The community level is organised by settlements which include 2863 Municipalities, 265 Towns, 23 Towns with County Rank and the capital City of Budapest.157 Budapest is further divided into 23 city Districts.

In addition, there are seven statistical Regions which were created in 1999.

The principle of local government is enshrined in the Basic Law. Local government units administer public affairs and exercise public power at local level.158 There is no hierarchy between the two levels of local government. The Counties are responsible for services which the Municipalities are unable to provide. The Counties and the Municipalities have mandatory and optional competences. They do not hold legislative powers.

Besides the Basic Law of 2011, the 2011 Law on Local Self-Government159 describe the territorial organisation and vertical division of powers.

Consolidated revenue for the Hungarian sub-national public sector amounted to EUR 11.1 billion in 2005, representing 12.5% of national GDP and 29.6% of

156 Law No. LXV of 1990 on local self government.
total public sector revenue. Within the sub-national public sector, revenue of sub-national governments alone came to EUR 12.1 billion (non-consolidated). More than 75% of sub-national government revenue is generated by Municipalities. Taxation and grants each bring in 30% of sub-national revenue. Other items represent the main sources of revenue (41%)\textsuperscript{160}.

In accordance with the 2011 Law on Local Self-Government, the statistical Regions will disappear in January 2013 and the Counties will take over their competences, i.e. development and spatial planning. The central Government will be responsible for the functions which are currently carried out by the Counties.

**National level**

**State competences**

- The Parliament holds exclusive legislative powers;
- The Prime Minister determines the Government’s general policy;
- The central Government enjoys exclusive powers in matters relating to national sovereignty (justice, foreign affairs, finance and national defence);
- The Government has competence in all matters not expressly delegated to another body;
- The Government has a civil service at its disposal, which is also deconcentrated at the County (County government offices) and local levels (metropolitan government offices).

**Regional level**

**Counties (*megyék*) competences**

- Territorial development;
- Rural development;
- Land-use planning;
- Coordination activities.

Local level

Municipal (települések) competences

- Urban development, land use planning;
- Urban operations (developing and maintaining public cemeteries, providing street lighting, providing industrial chimney sweeping services, developing and maintaining local public roads and their accessories, developing and maintaining public parks and other public areas, providing space for parking vehicles);
- Naming public areas and public institutions in self-government ownership;
- Primary healthcare, services promoting healthy ways of living;
- Environmental health (refuse collection, sanitation of urban environment, control of pests and rodents);
- Kindergarten services;
- Cultural services (public library services, support to cinemas, performing art organisations, protection of local cultural heritage; support to local community education);
- Social, child welfare and child protection services;
- Housing and property management;
- Rehabilitation of the homeless and prevention of homelessness;
- Protection of the local environment and nature, water management, preventing flood damages, supply of drinking water, canalisation, treatment and disposal of waste water (sewage service);
- National defence, civil defence, disaster protection, local public employment;
- Duties related to local taxes, organising local economy and tourism;
- Providing sales opportunities for small-scale producers and licensed traditional producers (to sell products specified by legislation), including weekend markets;
- Sport- and youth-related affairs;
- Nationality affairs;
- Participation in ensuring public safety of their municipality;
- Providing local public transport;
- Waste management; and
- District heat supply.
12.1 System of multilevel governance

Representation: The Hungarian National Association of Local Authorities (TÖOSZ) and the Association of Hungarian Local authorities and Representatives (MÖSZ) represent the local authorities’ interests vis-à-vis the national Parliament and the central Government.

Information and consultation: During the legislative process, information is provided to the Counties and Municipalities to the extent that information is published on the Parliament’s website.

Bodies representing local government interests must be consulted on questions of local interest. Although it is required to conduct a consultation on all draft legislation, the frequency of the consultation varies and can occur on a weekly or monthly basis. Local government associations often cooperate in the preparation of legislation that will affect the local level before the governmental decision\textsuperscript{161}. Nevertheless, the views of local government associations are received only after the decision of the government is already taken.

Coordination:

Horizontal coordination: Pursuant to the 2011 Law on Local Self-Government\textsuperscript{162}, local government units may set up partnerships to more efficiently and effectively perform municipal duties and carry out powers.

Vertical coordination: Act No. XXI of 1996 on Regional Planning and Development established county development councils, which are quasi-governmental organisations that coordinate tasks related to regional development. The council is comprised of elected and appointed officials. Representative bodies of municipal governments may create regional development associations, but this is not mandatory. County development councils may form regional development councils, which address responsibilities extending to more than one county\textsuperscript{163}.

Pursuant to the 2011 Law on Local Self-Government, the Parliament may dissolve a body of representatives operating in contravention of the Basic Law. In addition, the Minister responsible for the legal oversight of local authorities ensures the monitoring of the legality of their operations.

\textsuperscript{161} Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’ 2007, 90-95
\textsuperscript{163} Local Government in Hungary István Temesi, Chapter 8, Local authorities in Central and Eastern Europe
12.2 Relations with the EU/Representation at EU level

The Hungarian associations nominate representatives to the Committee of the Regions and the Congress of Local and Regional Authorities in Europe (CLRAE), proportionally to the respective size of the association. The CoR delegation is composed of six representatives from the Counties and six from the Municipalities.

The city of Budapest has a liaison office established in Brussels.164

The Hungarian National Association of Local Authorities (TÖOSZ), the Association of Hungarian Local authorities and Representatives (MÖSZ) and the Partnership of Hungarian Local Associations are members of the Council of European Municipalities and Regions (CEMR)165. The national associations of local and regional authorities as well as individual Counties and Municipalities also cooperate with the CLRAE.

In addition, 15 Counties are members of the Assembly of European Regions (AER)166.

12.3 Subsidiarity

The Hungarian Parliament’s general scrutiny system, which includes the subsidiarity check procedure, is selective and concentrates on some 20-30 EU legislative proposals per year taken from the EC Legislative and Work Programme. Primarily, the Committee on European Affairs (CEA) is in charge of carrying out subsidiarity checks. The ‘filtering procedure’ is carried out by the CEA and has no formal link to regional or local authorities’ interests or priorities167.

The Standing Orders of the Országgyűlés do not formally include any regional authorities within the Early Warning System (EWS). Given that regional stakeholders do not participate in the EWS, the National Assembly neither submits EU draft legislative acts to them, nor does it inform them systematically of decisions taken concerning subsidiarity issues168.

164 Committee of the Regions, European Commission – DG Regional Policy, Regional offices contact directory, European Week of Regions and Cities Brussels, 6-9 October 2008
165 Council of European Municipalities and Regions list of members.
166 Assembly of the Regions portal, AER Members Regions
168 Ibid.
12.4 Bibliography

Legislation


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Websites

 Hungarian National Assembly website.
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Council of European Municipalities and Regions list of members
Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’ 2007, 90-95. Local Government and Public Service Reform Initiative.

12.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National Level

The Government is responsible for:

- National legislation;
- Development, maintenance, and operation of the national transport grid;
- Development of the country’s trunk road and railway network;
- National public ports, the Liszt Ferenc International Airport, and air traffic control;
- Coordination of transport infrastructure development with regional development;
- Harmonisation of development policies for individual transport modes and regulation of competition;
- Regulation and supervision of environmental protection, transport safety, public road transport services, and the transportation of hazardous materials;
- Ensuring the defence-readiness of the transport grid;
- Supervision of transport research and development;
- Regulating fare and fee policies;
- Reorganisation and modernisation of the institutional system and corporations fulfilling government functions;
- Implementation and regulation of telematic solutions for organisational, technical and subsidy-accounting needs arising from compatibility requirements under the Hungarian Information Society Strategy;
- Budget support for local and intercity communal transport;
- Annual production support for the Hungarian State Railways (MÁV);
- Adoption and review of mid-term transport infrastructure plan;
- Restructuring of the company’s losses; and
- Passenger support, i.e. consumer price subsidies.
Regional Level

Regional authorities are responsible for:

- Legal application;
- Management, development, maintenance, and operation of some of the transport infrastructure, such as regional roads and railway lines (shared with national and Local authorities);
- Modes, frequency and quality of public passenger transport;
- Rate of fare subsidies and revenue support.

Local Level

Local authorities are responsible for:

- Developing and maintaining local public roads and their accessories;
- Providing local public transport.

The capital City of Budapest has responsibilities in the field of:

- Managing, developing and operating trunk routes with prominent traffic or with a key role in national road transport;
- Public radial and ring roads;
- Major public transport junctions;
- Key public parks and public areas;
- Management and operation of traffic regulations and traffic management in the entire territory of the capital; and
- Ensuring and operating local public transport and developing the system of parking in the territory of the capital.

The districts of Budapest are responsible for:

- Managing, developing and operating local public roads, public area and parks; and
- The operation of parking.

Sources

b. Employment policy

National Level

The Government is responsible for:

- Establishing the provisions concerning the termination of employment due to economic reasons affecting large numbers of employees, in the interests of preserving jobs;
- Establishing the mandatory minimum wage and the provisions for the supervision of labour relations;
- Submitting recommendations to define the maximum duration of daily work time and to determine official holidays;
- Determining the system of labour qualification.

The Ministries in charge are the Ministry of Public Administration and Justice, the Ministry for National Economy and the Ministry of Human Resources.

The National Employment Service is governed by the Minister responsible for Employment policy. It comprises the National Employment Office (national level), the Labour Centres of Government Offices at County level and the Branch Offices at local level.

The National Employment Office is responsible for:

- Setting down the principles and main content requirements of the Labour Centre’s mandatory internal professional policies;
- Determining professional requirements related to service delivery by the Labour Centres, and coordinating their tasks linked to outsourcing labour market services;
- Assisting in the performance of administrative and service delivery functions by working out procedures, methodological guidelines and professional recommendations;
- Developing labour market services;
- Human resources development and professional staff training in the National Employment Service;
- Promoting the fulfilment of tasks arising from International Labour Organisation and EU obligations;
- Governing and coordinating the accomplishment of labour market programmes and implementing labour market programmes approved by the Labour Market Fund; and
- Responsible for labour market statistics.
Regional Level

Regional authorities are responsible for:

- Participating in the coordination of the employment tasks;
- County Labour Centres of Government Offices (part of the National Employment Service) are responsible for:
  - Governing and overseeing the activities of the Labour Centre’s branch offices;
  - Carrying out tasks in connection with subsidies for job creation funded by the centralised portions of the Labour Market Fund’s Employment Sub-Fund and of budget appropriations for public works;
  - Cooperation with local authorities;
  - Drawing up the Labour Centre’s internal professional policies; and
  - Imposing fines.

Local Level

Local authorities are responsible for:

- Local public employment;
- Branch Offices including service delivery centres in charge of:
  - Registering jobseekers, terminating and recovering jobseeker’s allowance and jobseeker’s benefit;
  - Tasks related to employment promotion subsidies;
  - Labour market services;
  - Keep records of reported collective dismissals;
  - Job placement;
  - Register reported vacancies;
  - Provide information and counselling
  - Customer service activities;
  - EURES-related information provision tasks; and
  - Liaise with employers engaged in the economic life of the County.

The districts of Budapest are responsible for:

- Providing sales opportunities for small-scale producers and licensed traditional producers (to sell products specified in legislation), including weekend markets.
Sources


Act XXII of 1992 on the Labour Code, Section 17, p. 5. The new Labour Code will enter into force on 1 July 2012 and may include changes in some fields.

Dr. Borbély-Pecze Tibor Bors, PowerPoint presentation on ‘The current Labour Market situation in Hungary and the service structure of the Employment Service’, 25 January 2011

Government Decree 315/2010 (XII. 27.) on the National Employment service

Government Decree 323/2011 (XII. 28.) on the National Labour Office and the Remit and competence of Policy Agencies under its Professional Governance
c. Social policy

National Level

The Ministry of Human Resources is responsible for:

- Bringing about the conditions for enhancing quality of life through the creation of a reliable and efficient system of welfare provision;
- Development of concepts related to the pensions system;
- Tasks related to welfare and pensions policy, policy on families, drug prevention and coordination of drugs-related affairs;
- Promotion of equality of opportunity for people suffering from mental impairment; and
- Overseeing the provision of equal rights, efforts to integrate Roma communities into mainstream society, the development of links with civil and social groups, and the harmonisation of social policy.

Regional Level

Regional authorities are responsible for:

- Territorial coordination of specialised social services;
- Children’s and young people’s services;
- Education and care of mentally disabled children; and
- Children and youth protection special care.

Local Level

Local authorities are responsible for:

- Social, child welfare and child protection services;
- Providing for and rehabilitating people becoming homeless in its territory and preventing homelessness;
- Health and social care; and
- Providing street lighting, maintaining public cemeteries, providing industrial chimney sweeping services.

The capital City of Budapest has responsibilities in the field of:

- Ensuring social provision;
- Homeless services; and
- Providing street lighting, maintaining public cemeteries, providing industrial chimney sweeping services.
The districts of Budapest are responsible for:

- Primary healthcare, services promoting healthy ways of living;
- Social, child welfare and child protection services; and
- Providing for and rehabilitating people becoming homeless in its territory and preventing homelessness.

Sources

Hungarian Government-Ministry of Public Administration and Justice
The Impact of Decentralisation on Social Policy in Hungary Balázs Krémer
István Sziklai Katalin Tausz
d. Education policy

National Level

The Government is responsible for:

- Operating the public education system;
- Maintenance and funding of institutions of public education;
- Provision of free and compulsory primary education, through institution-operating activities of state bodies and local authorities;
- Issuance of guiding principles of national ethnic minorities’ kindergarten education as well as the guiding principle of national ethnic minorities’ school education and teaching (Ministry of Human Resources);
- Establishment and announcement of the central examination requirements and the regulation of evaluation; and
- Establishment or grant of permission for the establishment of institutions of public education.

Regional Level

Regional authorities are responsible for:

- Maintenance of secondary schools, special schools and colleges, including for students belonging to national or ethnic minority groups\(^\text{169}\);
- County library, expert consulting and services in the range of pedagogy and general education;
- Education of children under permanent medical treatment in healthcare institutions;
- Education, upbringing of and caring for impaired children, who cannot be educated together with the other pupils;
- Provision of information activities connected with admission to secondary school and specialised school;
- Defining the conditions for fulfilling obligatory education;
- Regional pedagogical-professional services;
- Early development, counselling and care services, as well as experts and rehabilitation activities;
- Ensuring the operation of the system of Budapest and County, permanent replacement of teachers and instructors; and
- Preparing development plans (Budapest city Local authority).

\(^{169}\) The maintenance of primary and secondary schools (education above the level of kindergarten) will be placed at national level from 2013.
Local Level

Local authorities are responsible for:

- Kindergarten education; and
- Supporting local community education.

The capital City of Budapest has responsibilities in the field of:

- Supporting community education.

The districts of Budapest are responsible for:

- Kindergarten services; and
- Supporting community education.

Sources

Act LXXIX of 1993 on Public Education (Text integrated with the Act LXXVIII of 1999).
e. Vocational training policy

National Level

Government authorities are responsible for:

The Ministry of Human Resources is in charge of:

- Recognising professional qualifications and listing them in the National Qualification Register;
- Determining general rules and proceedings of professional examinations and of the amount of examination fees;
- Determining of the preconditions of registering professional qualifications obtained abroad;
- Defining all conditions relative to starting and continuing a professional training programme;
- Establishing detailed rules governing payment of financial allowances of students;
- Determining the conditions relating to the organisation of vocational training and places to ensure vocational practical training courses;
- Defining the professional curriculum and subject matter;
- Ensuring the elaboration, publication and sale of any course book and pedagogical aid relative to the curriculum of such professional subjects;
- Organising courses to provide continuing education for counsellors and teachers engaged in theoretical and practical vocational training;
- Making recommendations concerning state-recognised professional qualifications, the duration of the training programme provided within the school system, as well as the professional subject matter; and
- Ensuring the operation of the National Institute of Vocational Training (in cooperation with Ministry in charge of the professional qualifications).

The National Labour Office is a central office performing vocational and adult education functions. Its duties include:

- Participation in drafting legislation;
- Professional and methodological development of vocational training and adult education;
- Analyses and evaluations;
- Continuous development of the occupational structure;
- National module map in accordance with uniform principles;
- Equivalence framework for domestic qualifications to align with European requirements and international qualifications;
Enhancing cooperation with vocational training and adult education providers in EU Member States;
Data collection;
Organising professional upgrading courses;
Public information;
Development of vocational textbooks as well as management of their publication and distribution;
Coordinating activities;
Standard professional and pedagogical verification methodology to ensure completion of the vocational curriculum framework;
Vocational qualifications-related tasks; and
Vocational examination-related tasks.

Regional Level

Regional authorities are responsible for:

- The coordination of vocational training within the County; and
- The reconciliation of interests in vocational training at territorial level (County Labour Councils).

Local Level

Local authorities are responsible for:

- Financing the vocational schools.

Sources

Act CLXXXVII of year 2011 on vocational training
Government Decree 323/2011 (XII. 28.) on the National Labour Office and the Ministry of Human Resources
Remit and competence of Policy Agencies under its Professional Governance
f. Youth and sport policy

National Level

The Government is responsible for:

- Children and youth issues primarily aimed at developing extracurricular activities for young people, encouraging their interests and assisting the youth in professional development (Ministry of Human Resources – Youth Department);
- Support to local youth work and professional development of the youth workers profession (Ministry of Human Resources – Youth Department);
- The coordination of youth-related policies and development of specialised youth policies (Ministry of Human Resources);
- Youth policy budget – administration of funds;
- Development of accredited youth worker training;
- Professional development, the promotion of participation and active citizenship, and promoting social recognition for youth work and non-formal learning (Mobilitás National Youth Service);
- Housing, and youth tourism (Ministry of National Economy);
- Sports (Ministry of Human Resources); and
- Coordination of child policy, youth policy, child care and social policy (Ministry of Human Resources).

Regional Level

Regional authorities are responsible for:

- Physical training and sports organisation;
- Management of County-level sports and physical education;
- Developing and maintaining youth policy structures;
- Assertion of the rights of children and youth;
- Specialised provision of child and youth protection;
- Ensuring child and youth attendance;
- Distribution of funds (regional councils of the Children and Youth Fund); and
- Support to professional development (Regional youth service offices of Mobilitás National Youth Service).
Local Level

Local authorities are responsible for:

- Management of youth and sport-related affairs;
- Youth information points;
- Counselling;
- Youth assistance activities; and
- Local government youth rapporteurs responsible for coordinating the youth-related actions of local authorities in county seats and towns.

Sources
Commission and the Council of Europe in the field of youth, Country sheet on youth policy in Hungary, drafted by András Déri
Ministry of National Resources
Mobilitás portal, About Mobilitás
g. Culture policy

National Level

Ministry of Human Resources is in charge of:

- Protection of cultural heritage;
- Creation of new cultural assets and initiatives;
- Professional guidance of socio-cultural activities; and
- Artistic education.

Government authorities are responsible for:

- Supervision of cultural institutions abroad (Ministry of Public Administration and Justice);
- Most of the film industry financing (Ministry of National Economy);
- National Cultural Fund: semi-autonomous branch of the Ministry in charge of financing projects; and
- Hungarian Academy of Arts.

Regional Level

Regional authorities are responsible for:

- Collection, safekeeping, scientific processing of the museum-piece relics of nature and society, as well as of historic documents;
- Coordination of activities for the protection of the architectural and natural environment; and
- County library services\textsuperscript{170}.

Local Level

Local authorities are responsible for:

- Public library services;\textsuperscript{171}
- Supporting cinemas;
- Performing art organisations; and
- Protection of local cultural heritage.

\textsuperscript{170} May change and belong to National Level pursuant to the Act CLIV of year 2011 on “Consolidation of the County Self Governments”.

\textsuperscript{171} Ibid.
Sources
Ministry of Human Resources
**h. Public health policy**

**National Level**

Government authorities are responsible for:

The Ministry of National Resources is in charge of:

- Health and health insurance;
- Health policy development;
- Health sector regulation;
- Strategic planning; and
- Ensuring the operation of the public health network and the health care system.

The National Public Health and Medical Officer Service is responsible for:

- The direction, coordination and supervision of public health, epidemiology, health development, healthcare activities and the supervision of healthcare delivery.

**Regional Level**

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**Local Level**

Local authorities are responsible for:

- Basic health and social welfare provisions;
- Services promoting healthy ways of living; and
- Environmental health (Refuse collection; Sanitation of urban environment; Control of pest and rodents).

The districts of Budapest are responsible for:

- Primary healthcare;
- Services promoting healthy ways of living.
Sources


Ministry of Health of the Republic of Hungary, Hungarian health care system in brief, 2009
i. Trans-European networks policy

National Level

The Ministry of National Development is in charge of the overall national legislation in the field of Trans-European networks policy.

Regional Level

Regional authorities are responsible for:

- Management, development, maintenance, and operation of some of the transport infrastructure, such as regional roads and railway lines (shared with national and local authorities).

Local Level

Local authorities are responsible for:

- Developing and maintaining local public roads.

Sources

Dr. István Csillag, Minister of Economic Affairs and Transport, Hungarian Transport Policy 2003-2015, Budapest, 2004, p.11.172
Ministry of National Development

172 Following the change of Government in 2010 the mentioned policy may no longer be relevant. Further information is available on the website of the Ministry of National Development: http://www.kormany.hu/en/ministry-of-national-development.
j. Economic, social and territorial cohesion policy

National Level

The National Development Agency is in charge of:

- Coordination of operational programme ‘planning’ and monitoring of their implementation;
- Finalisation of the calls for applications;
- Selection of the developments, investment to be awarded support;
- Operation of the related system of institutions; and
- Administration of necessary EU consultations and preparation of the prescribed documents.

Regional Level

Regional authorities are responsible for:

- Territorial development;
- Spatial planning;
- Regional and county land-use regulations; and
- Preparation of resettlement plans.

Local Level

Local authorities are responsible for:

- Land use planning;
- Urban development;
- Urban operations (developing and maintaining public cemeteries, providing street lighting, providing industrial chimney sweeping services, developing and maintaining local public roads and their accessories, developing and maintaining public parks and other public areas, providing space for parking vehicles).

Sources
National Development Agency
Act 1996 - XXI on Regional development and Regional Planning. (Hungarian).
k. Environment and the fight against climate change policy

National Level

Government authorities are responsible for:

- The enforcement of environmental requirements during the performance of the duties of the state with other aims;
- The direction of the utilisation, the preservation, the prevention of the damaging, the elimination of posing hazard to, the restoration, and the gradual improvement of the state of the environment;
- The determination of the priority tasks of environmental protection;
- The establishment of a legal, economic and technical regulatory system for the attainment of environmental goals;
- The performance of state administration duties of environmental protection;
- The development, maintenance and operation of a system serving as a basis for the execution of the tasks, and measuring monitoring, controlling, evaluating the state of the environment, as well as providing information about the impacts thereof;
- The exploration of the state of the environment, the determination of the extent to which the environment may be loaded and utilised;
- The determination of the tasks of research, technical development, education, training and culture, the provision of information, as well as of product and technology qualification in environmental protection, and the provision for the performance thereof; and
- Provision for the economic and financial bases of environmental protection.

Regional Level

Regional authorities are responsible for:

- Preparing environmental programmes coordinated with the municipal local authorities;
- Giving their preliminary opinions on the municipal environmental programmes or may initiate the preparation thereof;
- Taking a stand on the draft municipal by-laws of municipal local authorities affecting environmental protection; and
- Making recommendations for the foundation of municipal environmental associations.
Local Level

Local authorities are responsible for:

- Protection of the local environment and nature;
- Environmental health (Refuse collection; Sanitation of urban environment; Control of pest and rodents);
- Water management;
- Treatment, collection, drainage and purification of municipal sewage;
- Preventing flood damages;
- Drinking water supply; and
- Canalisation.

The capital City of Budapest has responsibilities in the field of:

- Drinking water supply;
- Canalisation;
- Management and disposal of waste water (sewage service);
- Waste management;
- Protection of the environment and nature;
- Water management; and
- Prevention of flood damage.

Sources


Act LIII of 1995 on the General Rules of Environmental Protection
1. Energy policy

National Level

The Ministry of National Development State Secretariat for climate and energy policy is responsible for:

- The development of a long-term energy strategy, as well as sectoral energy strategies;
- Action plans, policies and legislation;
- Energy efficiency programmes; and
- Sustainable economic development.

The Ministry of Rural Development is a central governing body for environment and nature protection, water affairs and rural development. Its duties include:

- Policy development;
- Tasks connected to governmental work;
- Research and development; and
- Cooperation with the Minister of National Development.

The Ministry for National Economy prepares climate and energy policy plans with a view to achieving sustainable development.

The Hungarian Energy Office (MEH) is the Government agency in charge of the regulation of the electricity and gas sectors.

The Hungarian Atomic Energy Authority (HAEA) is responsible for:

- Regulating, licensing, inspecting and enforcing nuclear safety;
- Safeguarding accountancy for and control of nuclear materials;
- Registration of radioactive materials and approval of their transport and packaging;
- Policy-making support with regard to nuclear safety;
- International relations;
- Research and development;
- Fulfilment of international conventions’ requirements;
- Nuclear emergency preparedness, source term assessment, notification; and
- Public information.
The Atomic Energy Coordination Council (AECC) is responsible for:

- Coordination and harmonisation of the ministerial and central administrative organisations activities in the field of safe use of nuclear energy, nuclear safety and radiation protection.

**Regional Level**

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**Local Level**

Local authorities are responsible for:

- Participating in the local supply of energy; and
- District heat supply.

**Sources**


Act 74 on Electricity 2007 (Hungarian)

Enercee.net portal, Energy Country Profiles / Hungary
12.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National Level

Government authorities are responsible for:

- Providing central governance for the agriculture, the food sector, forest management and forest conservation, research and development, agricultural product turnover, agri-environmental management, plant protection, plant health, animal health, conservation of the quality of agricultural lands, cartography and land issues, as well as agricultural water management;
- Providing central governance for rural development and for the associated research and development efforts;
- Organising the agricultural market, and discharging the duties associated with the quality control of agricultural, food, forestry and primary timber products with the exception of pre-marketing certification of consumer goods and post-marketing checks;
- Discharging the government tasks associated with the central stockpiling of agricultural and food products;
- Developing proposals for the sectoral support schemes and contributing to the formulation of the sectoral taxation and financial policy systems;
- Developing the overall rural development strategy, identifying short-, mid- and long-term targets, analysing the legal, technical and financial alternatives ensuring the achievement of such targets, and contributing to the development of means and programmes to this end;
- Preparing and implementing the Agricultural and Rural Development Operative Program of the New Széchenyi Plan; and
- Ensuring proper operation of the national system of institutions managing the aid financed from the European Agricultural Guidance and Guarantee Fund.

Regional Level

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Local Level

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Sources

Act No. XVII of 2007 on certain issues of procedures with regard to agricultural, rural development and fishery subsidies and other measures
Ministry of Rural Development
b. Fisheries policy

National Level

Government authorities are responsible for:

- The management of the fisheries policy;
- Long-term development policies;
- Implementation of the policies; and
- Maintenance and operation.

Regional Level

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Local Level

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Sources

Act No. XLI of 1997 on fishing
Act No. XVII of 2007 on certain issues of procedures with regard to agricultural, rural development and fishery subsidies and other measures
(Hungarian)
c. Immigration and asylum policy

National Level

The Ministry of Interior is in charge of tasks related to immigration and citizenship, which include:

- Coordination of immigration security and policing;
- Stipulating conditions for onward migration and foreign travel, and promoting the social integration of foreigners and refugees; and
- Settlement development, planning and the functioning of settlements, which also include construction affairs and the supervision of public space (in collaboration with municipalities).

Regional Level

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Local Level

Local authorities are responsible for:

- Settlement development, planning and functioning of settlements (in collaboration with the Ministry of Interior).

Source

Ministry of Interior
d. Tourism policy

National Level

Government authorities are responsible for:

- Handling the national and regional marketing tasks;
- Coordinating the sector’s regional activity;
- Appointing the terms of tourism actions; and
- Determining the necessary professional requirements and the scope of tourist activities.

Regional Level

Regional authorities are responsible for:

- The coordination of duties connected with the exploration of the tourist values of the county;
- Setting tourist targets for the county; and
- Setting up and operating the tourist organisations.

Local Level

Local authorities are responsible for:

- Performing duties related to local tourism.

Sources

Ministry of the National Economy, State Secretary responsible for the National Economy, Department of Tourism and Catering.
e. Civil protection policy

National Level

The Parliament establishes the principles of civil protection and the main directions and conditions of implementation.

The government is responsible for:

- The parallel deployment of civil protection organs;
- The fiscal basis;
- Coordinating activities;
- Deciding on the total number of civil protection organisations.

The Ministry of Local Government is responsible for:

- Overall disaster management;
- Management of civil protection;
- Implementation of civil protection tasks.

The National Directorate General for Disaster Management of the Ministry of Local Government is the national civil protection authority.

Regional Level

The County Disaster Management Directorates and the Civil Protection Directorate of the Capital are responsible for:

- Deployment of civil protection organisations;
- Organisation of cooperation between the administration, the armed forces, the community organisations and the civil protection organisations;
- Preparation and implementation of alerts and public awareness measures;
- Harmonisation of local protection and resettlement/reception of inhabitants;
- Establishment of local civil protection organisations.

Local Level

Local authorities are responsible for:

- Implementation of civil protection tasks;
- Prevention of and dealing with natural disasters;
- Civil defence;
- National defence.

Sources
Act No. XXXVII of 1996 on Civil Protection
European Commission portal, European Commission > Humanitarian Aid & Civil Protection > Vademecum/ Hungary disaster management structure
13. Ireland

Ireland is a parliamentary democracy and a unitary state which became independent in 1921 and adopted its Constitution in 1937. The Irish Parliament is called the Oireachtas and consists of two Houses: the House of Representatives (Dáil Éireann) and the Senate (Seanad Éireann).

The country is composed of 80 municipalities, 29 County Councils, five City Councils, eight Regional Authorities and two Regional Assemblies.

Since Ireland is a small and centralised state, regions play a very limited role. Local authorities provide local government services at county/city level. In this respect, local governments were formally recognised by way of an amendment to the Constitution in 1999. Eight regional authorities were established in 1991 and came into existence in 1994\(^\text{173}\). In 1999, two regional assemblies were created for Structural Fund purposes: the Southern and Eastern Region and the Border, Midland and Western Region.\(^\text{174}\) Irish regions are not bestowed any legislative power, have very limited administrative competences and enjoy a low degree of autonomy.

There is no shared tax revenue for local government, since local tax revenue is derived solely from own-resources taxation and from only one tax, namely the commercial rates tax. Commercial rates brought in EUR 1 408 million in 2009. County council commercial rates revenue made up 55% of the total commercial rate revenue of local government. The city council share came to 33%, while town/borough councils raised 12% of total local government revenue from commercial rates. However, in 2010, a new tax on Non-Principal Private Residences was introduced, the entire proceeds of which go to local authorities. In 2012, a new household charge to make a contribution in respect of local authorities services has been introduced, which will be replaced by a property tax in 2013.\(^\text{175}\)

Proposals on the reform of the local government system in Ireland are currently being prepared (2012). The proposals will include the strengthening of structures at regional, county and sub-county levels, and the expansion of the role of these local authorities.

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A decision has already been taken to merge the two authorities in both Limerick and Tipperary. The issue of whether Waterford City and County Councils should be unified is also being examined\textsuperscript{176}.

**Central level**

The central government has full legislative powers.

Moreover, it exercises the bulk of administrative powers due to the very low degree of autonomy enjoyed by the devolved authorities and the strict supervision of the lower tiers of government.

Proposals on reform of local and regional government structures are being prepared, with an underlying commitment to allow for much greater decision-making to local people.

**Regional Level**

Two structures represent the central State at regional level, namely the Regional Authorities and the Regional Assemblies.

The eight regional authorities are not devolved bodies and have the following competences:

- Planning, i.e. coordination of public services at regional level and provision of guidelines for spatial planning;
- Ensuring the communication of programmes and plans of the central government;
- Managing regional programmes and reviewing the implementation of other Community programmes at the regional level, in particular the Structural Funds;
- Planning, including reviewing the Development Plans of local authorities in their region and adjoining regions, and preparing Regional Planning Guidelines and Regional Economic and Social Strategies;
- Coordinating public services and promoting cooperation and joint actions;
- Supervising and monitoring the implementation of the European Union Structural Funds.

\textsuperscript{176} Speech by Mr Phil Hogan T.D, Minister for the Environment, Community and Local Government, Seanad Statements on Local Government reform, 1 February 2012 and Address by Mr Phil Hogan T.D., Minister for the Environment, Community and Local Government, Association of Municipal Authorities of Ireland, Annual Spring Seminar, Hotel Kilmore, Cavan, 10 February 2012
The two Regional Assemblies have competences in:

- Managing and monitoring the regional operational programmes;
- Promoting the coordination of public services;
- Monitoring the general impact of European Union funds and national programmes on the region.

Local level: Local authorities

The 29 County Councils and the five City Councils are entrusted the following competences:

- Housing and building: the enforcement of minimum standards, assistance with provision of housing for those unable to house themselves;
- Planning permission;
- Road transportation and safety, including the construction, improvement and maintenance of roads and other traffic functions;
- Water supply and sewerage, including the provision of water supplies, sewerage and drainage. The Government has announced the establishment of a new national body to take over responsibility for the provision of water services. Arrangements in this regard will be put in place over the coming years;
- Development incentives and controls, including preparing and implementing development plans for their areas, controlling development and preserving and improving amenities;
- Environmental protection, including collection and disposal, street cleaning, water safety, pollution control, fire-fighting and promotion of environmental health;
- Recreation and amenities, including the provision of swimming pools, parks, open space, library service and community centres;
- Miscellaneous services, i.e. registers of voters and jurors and provision of courthouses and pounds;
- Agriculture, education, health and welfare (no longer a major function of local authorities, although they do provide higher education grants).

In addition to the functions outlined above, a fundamental role of democratically elected local government is the representation of local communities, voicing of local concerns and response to local needs.

The 80 municipalities, which include five Borough Councils and 75 Town Councils and are sub-divisions of the counties, have competences in the field of:

- Housing, including building control;
• Transport, including local road transport and safety;
• Local planning;
• Culture facilities, including library service, sports, and recreation;
• Public areas, i.e. parks and open spaces;
• Registration of voter and jurors.

Local authorities operate through Strategic Policy Committees. These committees are composed of elected members and nominated representatives from sectoral bodies, such as the social partners and non-government organisations. These committees make policy recommendations to the local authority. One of the key aims of these committees is to integrate more closely local development and local government.

While central government has encroached upon the powers of local authorities by establishing various agencies with supervisory and legislative powers, there has been an easing of central control in areas such as staffing, budget control and financial allocations. New systems for financing local government have also been introduced.

13.1 Systems of multilevel governance

**Representation:** There is no formal representation of the local authorities before the central government. However, the members of the Parliament provide a role in setting up meetings with ministers for individual local authorities or by putting on the record of the Parliament concerns expressed by the representative associations, the association of county and city councils of Ireland and the association of municipal authorities of Ireland.177

**Information:** Relevant government departments liaise with local authorities on a regular basis about any changes in legislation or government policy. The provision of such information is a matter for each government department178.

**Consultation:** There is no framework for the consultation of local and regional government. However, ad hoc informal consultations may be initiated between officials from the local authorities and the central government. But this mainly concerns technical rather than political issues. The consultation procedure is entirely dependent on the political imperatives and departmental priorities of the day. Local authorities, as a relevant stakeholder would be consulted on any proposed changes, which would impact on their functions and responsibilities179.

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Coordination: The national government’s Department of the Environment, Community and Local Government has primary supervisory authority over the local and regional authorities. This department has significant *ex ante* responsibility (approval) and *ex post* responsibility (monitoring legality) over local, intermediate, and regional authorities.

Each Regional Authority has a designated County/City Manager, to assist in guiding the work of the authority and ensure better coordination between the local authorities in the region. The County Manager, as well as being manager of the county council, is also the manager of all borough and town councils within a county. Town clerks (at the local level) work under the guidance of the county manager (intermediate level). Networks of County and City Managers and Directors of Services in the local authorities have regular contact with the central government department on operational issues\(^{180}\).

13.2 Relations with the EU/Representation at EU level

The *European and International Affairs Division* of the Department of An Taoiseach (Prime Minister) co-ordinates and contributes to the development of Ireland’s policies on issues of European and International concern. In conjunction with other Government departments, the division monitors emerging European and International policy positions and the policy approaches from the various government departments and other state bodies. The Department also cooperates closely with the Permanent Representation of Ireland to the EU, the EU institutions and the Houses of the *Oireachtas*\(^{181}\).

The Minister for the Environment, Community and Local Government nominates the nine Irish members to the CoR and nine alternates on behalf of the government. Nominations take into account geographical, gender and political considerations, with all regional authorities represented. All Irish members of the CoR are elected members of their local authority and automatically become members of their regional authority, where that is not already the case.

In 2000, the *Irish Regions Office (IRO)* was established in Brussels to represent Irish regional interests and support the Irish members of the CoR. The IRO’s activities are directed by a sub-committee of the Association of Irish Regions.

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\(^{180}\) Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007.

\(^{181}\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
The association of county and city councils of Ireland is a member of the Congress of the Council of Europe (CLRAE) and the Council of European Municipalities and Regions (CEMR).

The association of municipal authorities of Ireland is a member of the Congress of the Council of Europe (CLRAE) and the Council of European Municipalities and Regions (CEMR).\footnote{From the Congress of the Council of Europe website, updated on: no information available (Last consultation 11.05.12)}


The national Parliament established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System.

Both houses of the Irish Parliament (the House of Representatives (Dáil Éireann) and the Senate (Seanad Éireann)) have set up a Joint Committee on European Affairs (JCEA). As a consequence, the scrutiny procedure is common to both chambers. The JCEA thus holds responsibility for both, subsidiarity checks and the scrutiny of EU legislative proposals.

Any reasoned opinion agreed upon by the JCEA is then submitted to each House during its plenary session for its own consideration as to whether or not to agree with it and send that reasoned opinion to the European Commission.

As Irish regions are not bestowed any legislative power, they are not involved as such in subsidiarity scrutiny. However, the JCEA has agreed that the Irish delegation to the CoR would act as a consultation point with respect to the local government level. Moreover, the Joint Committee may consult other stakeholders.
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Constitution of Ireland – BUNREACHT NA hÉIREANN, (last consultation 17.02.12).

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Heritage Act 1995 (last consultation 17.02.12).

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The Irish Regions – Brussels Office Website, last update: no information available (last consultation 17.02.12).
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IVEA (Representing Vocational Education Committees) Website, Last update © IVEA 2012, (last consultation 17.02.12).
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Council of European Municipalities and Regions, Consultation procedures within European States, 2007


Speech by Mr Phil Hogan T.D, Minister for the Environment, Community and Local Government, Seanad Statements on Local Government reform, 1 February 2012.

Address by Mr. Phil Hogan T.D., Minister for the Environment, Community and Local Government, Association of Municipal Authorities of Ireland, Annual Spring Seminar, Hotel Kilmore, Cavan, 10 February 2012.
13.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level
The central government is responsible for:

- Transport policy and legislation;
- Setting the legal framework for provision, funding and maintenance of roads;
- Road and public transport infrastructures;
- Management of state-owned airports (Dublin, Cork, Shannon);
- Maritime transport policy and Irish Coast Guard policy;
- Railway and public bus services (hitherto, state monopoly);
- Supervision of the implementation of aspects of transport policy which are entrusted to a range of state-sponsored bodies and agencies (Department of Transport);

The National Transport Authority, which was set up under statute in 2009, is responsible for:

- Licensing bus routes;
- Entering into contracts for the provision of public transport services;
- Providing funding for specified bus and rail travel services that are considered necessary for economic or social reasons;
- Regulating the small public service vehicle sector;
- Promoting an integrated public transport network;
- Implementing integrated ticketing, fares and information schemes.

Regional level
The National Transport Authority, which was set up under statute in 2009, is responsible (in the Greater Dublin Area (GDA)) for:

- The preparation and regular review of a transportation strategy;
- The adoption of an integrated implementation plan and a strategic traffic management plan;
- Financing the construction of public transport infrastructure;
- Promoting an integrated public transport network;
- Implementing integrated ticketing, fares and information schemes, and
- Regulating fares and encouraging increased public transport use.
The Authority also has responsibility for the development of an integrated transport system within the GDA – counties Dublin, Kildare, Meath and Wicklow.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)

Local authorities are responsible for:

- The coordination of transport networks on their own territory;
- The provision, maintenance, management, preservation or restoration of land, structures of any kind or facilities (in the framework of the promotion of interests of local communities);
- Supporting the delivery of the Government’s Sustainable Travel Policy Smarter Travel at national and local level. (Responsibility of the Local Authority Network, which was established on 14 July 2009\(^{184}\)).

The Network is comprised of a nominated official from each Local Authority and members of the National Sustainable Travel Office of the Department of Transport, Tourism and Sport. It meets three times a year with meetings of subgroups taking place throughout the year.

Sources

- Local Government Act, 2001, Number 37 of 2001, in particular art. 66 (1) (b), (4) (b)
- Department of Transport, Tourism and Sport
- The Local Authority Network webpage
- The National transport Authority webpage

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\(^{184}\) The Local Authority Network provides for structured liaison between central and local government to ensure that sustainable travel policy is delivered consistently and in accordance with best international practice at local level in Ireland.
b. Employment policy

Central level
The central government is responsible for:

- Employment and labour market policies, including funding;
- Direct employment schemes (the most important being Community Employment);
- Tax and welfare measures to encourage the movement from welfare to work;
- Training programmes and services;
- Enforcement of employment rights and entitlements, including Insurance-based unemployment Benefit, Unemployment Assistance and Supplementary Welfare Allowance;
- The promotion of industrial peace and effective dispute resolution;
- Enterprise, industrial and technical development for the purpose of regional industrial development (Powers vested in the national agencies);
- Supporting access to the labour market for jobseekers at local, regional and national level and assisting employers who are seeking to fill job vacancies. (National Employment Service (NES)\(^{185}\));
- Employment Programmes, including employment and development programmes that focus on the integration/re-integration into the labour market of long-term unemployed and other marginalised people;
- Forfás and Enterprise Ireland (indigenous industry);
- IDA Ireland (inward investment).

Regional level
Regional bodies are responsible for regional economic development. Examples of such bodies are Shannon Development and Údarás na Gaeltachta\(^{186}\).

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- The provision of services to those most disadvantaged in the labour market (The Local Employment Service (LES))

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\(^{185}\) The NES operates nationally through 63 local Employment Service offices (provide a fully integrated nationwide range of services and supports).

\(^{186}\) Údarás na Gaeltachta is the regional authority responsible for the economic, social and cultural development of the Gaeltacht.
The Local Employment Service is the local branch of the National Employment Service, which operates mainly through Local Area Partnership Companies on contract from Employment Services and the Department of Social Protection.

- Guidance, training, education and employment support (Contacts points of the Local Employment Service Network (LESN)).

The LES operates through a network of offices and outreach centres located in 25 designated disadvantaged areas, 24 Partnership areas and one non-Partnership area (Kildare).

- Developing strategies at county level to include economic development (County Development Boards).

A variety of local partnership organisations have been set up over the last 15 years with assistance from central government. Moreover, 35 Enterprise Boards have been established at the county level.

Sources
Department of Jobs, Enterprise and Innovation
Údarás na Gaeltachta Website
FAS training and Employment authority Webpage, in particular the page on the Local Employment Service
c. Social policy

Central level
The central government is responsible for:

- The social welfare system (The Department of Social Protection);
- Formulating appropriate social protection policies;
- Designing, developing and delivering effective and cost-efficient income support;
- The coordination of the National Action Plan Against Poverty and Social Exclusion (NAPincel), which incorporates the National Anti-Poverty Strategy (The Social Inclusion Division in the Department of Social Protection);

There exist five national social inclusion agencies, namely Pobal, the Citizens Information Board, the Equality Authority, the Family Support Agency and the National Disability Agency.187

Moreover, the country relies on three national advisory bodies on economic and social policy. These are the National Economic and Social Council, the National Economic and Social Forum and the Economic and Social Research Institute.188

Regional level
Údarás 189 (mentioned in the previous table) also facilitates community cooperatives and community development companies in the Gaeltacht in the field of social missions.

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187 Pobal: is an independent company designated by the Government and the European Commission to support local economic and social development. Pobal manages a number of programmes targeted at countering disadvantage and exclusion and promoting reconciliation and equality. The Citizens Information Board is the national support agency responsible for supporting the provision of information, advice and advocacy on social services. It provides citizens information, support for information providers and social policy and research information. The Equality Authority is the statutory agency working towards the elimination of discrimination on the grounds of gender, age, disability, race, religion, marital status, family status, sexual orientation and membership to the Traveller community. The Family Support Agency was established in 2003 and is a statutory body providing and supporting family mediation and family support services. The National Disability Authority is the statutory agency which advises the Government on disability policy. It also undertakes research on disability in Ireland and monitors the implementation of codes and standards aimed at promoting equality for people with disabilities.

188 The National Economic and Social Council advises the Government on economic and social development. The National Economic and Social Forum monitors and evaluates the implementation of policies and programmes aimed at achieving equality social inclusion. The Economic and Social Research Institute is a national independent research body on economic and social policy. It undertakes and publishes a wide range of research studies on all aspects of social and economic development.

189 Údarás na Gaeltachta is the regional authority responsible for the economic, social and cultural development of the Gaeltacht.
Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)

County Development Boards are responsible for the preparation of county-level strategies for social development.

Sources

Department of Social Protection
Údarás na Gaeltachta Website
d. Education

Central level
The central government is responsible for:

- Formulation and implementation of education policy;
- Conducting research, review, evaluation and development of policy relating to all areas of education;

In charge of the Inspectorate at first and second levels:
- Discharging operational, resourcing and support functions relating to the funding of the sector, the payment of teaching and non-teaching staff and grants to schools and other education bodies, as well as the allocation of teaching resources and other support;
- The provision of psychological and school transport services;
- The planning and provision of education infrastructure;
- Determining the curricula for school education (in cooperation with administrations, universities enjoy considerable freedom in determining curricula, standards and degrees).

Regional level
Údarás¹⁹⁰ funds a range of strategic language initiatives as well as supporting the Irish language through its own practices. These language activities include:

- Irish-language pre-schools;
- The provision of third-level courses through Irish;
- Initiatives to promote Irish in the workplace;
- Establishment and operation of community-based language learning centres.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Implementing General Training Policy, via local partnerships;
- Primary schools (significant influence of the church on primary education), and
- Administrating and controlling certain secondary schools.

¹⁹⁰ Údarás na Gaeltachta is the regional authority responsible for the economic, social and cultural development of the Gaeltacht.
Sources
Department of Education and Skills
Údarás na Gaeltachta Website
e. Vocational training

Central level
The central government is responsible for:

- The vocational training system, and
- The provision of national programmes for young and long-term unemployed people.

Responsibilities for vocational training are shared between several ministries along the lines of different social groups and economic sectors. These include the Department of Education, the Department of Jobs, Enterprise and Innovation, the Department of Agriculture, Food and the Marine, and the Department of Foreign Affairs and Trade.

Regional level
Regional Authorities are involved in the Territorial Employment Pacts.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Running and managing the state-owned vocational training schools, in close cooperation with the 33 Vocational Education Committees (VECs).

In October 2010, the Department of Education and Skills announced that the number of VECs is to be reduced from 33 to 16 by amalgamation. In 2011, the new government confirmed that scale of reduction. It announced the establishment of SOLAS, a new steering and funding agency to cover the further education provision of the VECs, which will also absorb the training activities formerly carried out by FAS (the training and Employment Authority).
Sources

Department of Education and Skills
Department of Jobs, Enterprise and Innovation
Department of Agriculture, Food and the Marine
IVEA (Representing Vocational Education Committees) Website

Halving number of VECs will save €3m, says Quinn, the Irish Times, 30 June 2011.
f. **Youth and sport policy**

**Central level**
The central government is responsible for:

Youth policy
- Determining general principles and policy guidelines;
- Providing the legal framework;
- Coordinating initiatives;
- The provision of financial support for voluntary associations;
- Giving advice (the Irish Youth Council).

Sport policy
- Developing sport policy;
- Liaising with the Irish Sports Council;
- Completing a new Strategy for the provision of sports facilities throughout the country;
- Promoting Ireland as a training base ahead of the London 2012 Olympic and Paralympic Games;
- Administrating the sport programmes.

**Regional level**
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**Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)**
Local authorities are responsible for:

Youth policy
- The provision of financial support for youth associations;
- Setting up and financing youth programmes;
- The interrelation of local youth policy and local activities in the area of vocational training.

Sport policy
- Providing amenities, facilities and services related to sports and games;
- General recreational and leisure activities;
- The public use of amenities.
Sources

Local Government Act, 2001, Number 37 of 2001, in particular Art. 64(d), 67(2)
Department of Transport, Tourism and Sport
Department of Children and Youth affairs
g. Culture policy

Central level
The central government is responsible for:

- Cultural affairs;
- The provision of financial support, funding for cultural activities and projects;
- The external cultural policy, and
- The promotion of interest, education, knowledge and pride in national heritage through research, policy advice and publication (responsibility of the Heritage Council, which is a statutory body under the Heritage Act of 1995).

Regional level
Údarás funds a range of strategic cultural initiatives as well as supporting the Irish language through its own practices.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
According to the Art Act of 2003, local authorities are responsible for:

- Preparing and implementing plans for the development of the arts;
- Providing financial or other assistance as it considers appropriate for the purposes of:
  - Stimulating public interest in the arts;
  - Promoting knowledge, appreciation and practice of the arts, or
  - Improving standards in the arts.
- Implementing their own activities in the policy field of culture;
- Setting up and running of theatres, cultural centres and libraries;
- Implementing cultural initiatives that are directly supported by the EU.

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191 Údarás na Gaeltachta is the regional authority responsible for the economic, social and cultural development of the Gaeltacht.
Sources
Local Government Act, 2001, Number 37 of 2001, in particular Art. 66(4)(f), 67(2)
Heritage Act 1995
Department of Arts, Heritage and the Gaeltacht
Heritage Council Website
Údarás na Gaeltachta Website
h. Public health policy

Central level
The central government is responsible for:

- Providing the legal framework and policy guidelines for Public Health;
- Setting up the legal and organisational framework for the hospital system;
- Public health education and disease prevention programmes;
- Evaluating the performance of the health and social services;
- The Department of Health allocates funding to the Health Service Executive (HSE). Each HSE Area then makes decisions about how they will distribute available resources to the agencies in their area.
- Agencies set legal framework and policy guidelines for health insurance system.

Agencies and in particular the Health Service Executive (HSE) are set up at the local level and are controlled by the national level.

Regional level
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Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Running and implementation of health policy programmes (both national and EU-programmes);
- Implementation of measures related to public health programmes;
- Public health services are delivered at a local level by a Health Service Executive (HSE) Area. These HSE Areas provide and maintain hospitals, sanatoriums, homes, laboratories, clinics and health centres in their area.

Sources
Department of Health
i. Trans-European network policy

Central level
The central government is responsible for:

- Legislation and policy implementation located at the national level;
- Political and fiscal responsibility for TEN and major transport and railway infrastructure projects.

Centralisation is extremely visible in the field of TEN.

Regional level
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Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Participating in the decision-making on major infrastructure and TEN projects, via representation in the bicameral parliament.

Sources
Department of Transport, Tourism and Sport
j. Economic, social and territorial cohesion policy

Central level
The central government is responsible for:

**ERDF**

- Formulating economic and financial policies;
- Administrating the public finance of the country;
- The collection and expenditure of the revenues of Ireland from whatever source arising;
- The promotion and coordination of economic and social planning, including sectoral and regional planning;
- The identification of development policies;
- Economic and social planning matters.

Spatial planning

- Determining the policy framework, namely the National Spatial Strategy (The Department of the Environment, Community and Local Government, in cooperation with the planning appeal boards);

National ministry has no direct input into development plan-making process or the individual applications.

**ESF**

- Policy formulation and implementation in the policy field related to the ESF;
- The formulation of policy guidelines, major priorities, programmes and policy implementation.

Regional level
Regional authorities are responsible for:

**ERDF**

- The verification and implementation of concrete EU Regional Policy measures and programmes, in cooperation with the national government;
• Encouraging investment in the Gaeltacht, through a range of generous incentives for new enterprises and through support and assistance for existing businesses (Údarás¹⁹²).

**Spatial planning**

• The verification and implementation of concrete EU Regional Policy measures and programmes, in cooperation with the national government.

**ESF**

• The verification and implementation of concrete EU Regional Policy measures and programmes, in cooperation with the national government.

**Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)**

Local authorities are responsible for:

**ERDF**

• Providing assistance in money (grants, loans, guarantees or other financial aid) or in kind when they consider necessary or desirable to promote the interests of the local community.

**Spatial planning**

The most important powers are delegated to the local planning authorities, these include:

• Physical planning and land-use policy;
• Drawing up land-use plans, as well as development plans;
• Operating the system under the Planning Acts 2000-2006 (in direct cooperation with An Bord Pleanála)¹⁹³, and
• Delivering public infrastructure and services, though Public Private Partnerships (PPP).

Since 1999/2000, the local government sector has been to the fore in embracing PPPs in the areas of water, waste water, waste, housing and local services.

¹⁹² Údarás na Gaeltachta is the regional authority responsible for the economic, social and cultural development of the Gaeltacht.

¹⁹³ Accordingly, queries on any specific planning application should be directed to the local authority for that area.
ESF

- Participating in the ESF via the EU rules and procedures.

Sources
Local Government Act, 2001, Number 37 of 2001, in particular Art. 66
Department of Finance
Údarás na Gaeltachta Website
k. Environment and the fight against climate change

Central level
The central government is responsible for:

- The environmental policy and legislation;
- The implementation and enforcement of a range of legal requirements arising from EU Directives (Responsibility of national environmental agencies, including the Environmental Protection Agency (EPA)).

Regional level
More and more regional environmental policies are adopted. An example is the regional waste management plans.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Implementing tasks within the framework of EU programmes;
- Pollution control and animal control;
- Issuing licenses for waste disposal and for emissions into the air from plants;
- Monitoring the environment for signs of pollution;
- Regulating household waste collection (under the Waste Management Acts);
- Providing essential services, such as water and sewerage services and drainage (However, as indicated above, responsibility in this regard will be transferred to a new national water undertaking, to be established);
- General environmental protection and improvement, as they consider it necessary to promote the interest of the local community.

Sources
Department of the Environment, Community and Local Government
1. Energy

Central level
The central government is responsible for:

- Electricity and gas policy;
- Electricity and gas regulation;
- Energy efficiency;
- Energy poverty;
- Oil security;
- Corporate governance of state energy companies North-South energy cooperation;
- Peat;
- Energy research;
- Implementing energy policy (Responsibility of agencies and semi-state bodies, namely, the Electricity Supply Board, The Irish Gas Board, the Sustainable Energy Authority of Ireland, the Bord na Móna plc and Eir Grid). Some of those agencies have a regional office.

Regional level

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities, supported by the 14 local energy agencies, are responsible for:

- Delivering energy efficiency solutions;
- Stimulating the increased uptake of renewable energy sources;
- Promoting clean and sustainable transport.

Sources
Department of Communications, Energy and Natural resources
The Association of Irish Energy Agencies webpage
13.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central level
The central government is responsible for:

- Overall policy and legislation;
- Representing the country in international, especially EU, and national negotiations;
- Developing and implementing national and EU schemes in support of agriculture and food;
- Monitoring and controlling aspects of food safety;
- Controlling and auditing public expenditure;
- Regulating the agriculture and food industries, through national and EU legislation;
- Monitoring and controlling animal and plant health and animal welfare;
- Monitoring and directing state bodies engaged in the areas of research, training and advice, market development and promotion, industry regulation and development, and commercial activities;
- Providing direct support services to agriculture, food and forestry.

Regional level
Regional authorities are responsible for:

- Managing regional programmes;
- Reviewing the implementation of other Community programmes at the regional level.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)

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Sources
Department of the Agriculture, Food and the Marine
b. Fisheries

Central level
The central government is responsible for:

- Overall policy and legislation;
- Representing the country in international, especially EU, and national negotiations;
- Developing and implementing national and EU schemes in support of fisheries;
- Monitoring and controlling aspects of food safety;
- The control and audit of public expenditure;
- Regulating the fisheries industries, through national and EU legislation;
- Monitoring and directing state bodies engaged in the areas of research, training and advice, market development and promotion, industry regulation and development, and commercial activities;
- Providing direct support services to fisheries.

Regional level
Regional authorities are responsible for monitoring and making proposals in relation to the general impact of EU funding in the region.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
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Sources
Department of the Agriculture, Food and the Marine
c. **Immigration and asylum**

**Central level**
The central government is responsible for:

- Implementing the policy in relation to the admission of non-European Economic Area (EEA) nationals (Ireland Immigration and Citizenship (Operations) Division);
- Residence in the State (the Garda National Immigration Bureau);
- Granting, where appropriate, Irish citizenship;
- Setting up and implementing integration policy (The Irish Naturalisation and Immigration Service).

The asylum policy and procedure are managed at government level under a three pillar structure consisting of:

- The Office of the Refugee Applications Commissioner (ORAC);
- The Refugee Appeals Tribunal (RAT), and
- The Reception and Integration Agency (RIA).

**Regional level**
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**Local level:** County Councils and City Councils (and local authorities grouped around counties or large cities)
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**Sources**
*Department of Justice and equality, Irish naturalisation and immigration service*
d. Tourism

Central level
The central government is responsible for:

- Developing, monitoring and reviewing the overall policy framework for tourism;
- Coordinating Departmental policy input in relation to the EU;
- Formulating, implementing and reviewing the government policy as it impacts on tourism;
- Reviewing and facilitating the delivery mechanisms for state support for tourism;
- Facilitating and reviewing the use of public funds for human resource (HR), enterprise and product development in the tourism sector.

Agencies (those agencies are: Fáilte Ireland, tourism Ireland Limited and Shannon Development), under the aegis of the Department of Transport, Tourism and Sport, are established to deal with the administration of the tourism policy.

Regional level
Shannon Development promotes tourism in Ireland's Mid-West region. It is responsible for:

- Initiating and supporting tourism development as a key element in the achievement of overall economic growth throughout the Shannon region\(^\text{194}\); by means of support including project identification, a tourism advisory service for prospective developers and grant aid support for certain categories of tourism projects;
- Providing tourist services to visitors to the Region, through its network of Tourist Offices.

Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Local authorities are responsible for:

- Engaging in various activities, such as leisure activities, artistic and cultural activities, general environmental and heritage protection etc., which can be linked with tourism as they consider necessary or desirable to promote the interest of the local community.

\(^{194}\) Shannon region is not an official region.
Sources
Department of Transport, Tourism and Sport
e. Civil protection

Central level
The central government is responsible for:

- The coordination and overseeing of planning for emergencies;
- Civil defence, including first aid, search and rescue, fire fighting, boating techniques, radiation monitoring, radio communications and welfare, at the national level (the Civil Defence Board, with the enactment of the Civil Defence Act 2002);
- Undertaking non–combatant activities and measures to afford defence against or mitigate the effects on persons and property of an attack on the state or of hazards otherwise arising during a time of war or emergency such as from radioactive fallout, biological or chemical warfare. (The Irish Civil Defence, which is part of the Department of defence).

Principal response agencies (PRAs) have been designated by the central government to respond to major emergencies. These are the Garda Síochána, the Health Service Executive and the local authorities. Each principal emergency service is part of a larger PRA.

Moreover, and depending on the nature of the emergency, agencies other than the PRAs, such as the Defence Forces or the voluntary emergency services, may be required.

Regional level
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Local level: County Councils and City Councils (and local authorities grouped around counties or large cities)
Civil defence is split into 32 administrative areas based largely on local authorities’ administrative areas. Local authorities are responsible for:

- Delivering civil defence services;
- Planning organising and recruiting for civil defence (Civil Defence Officers or Assistant Civil Defence Officers of the administrative areas);
- Managing fire services.

The fire services are operated by 37 fire authorities, which are managed by the City Councils, County Councils, Borough Councils and Town Councils around the state.
Sources

Department of Defence, civil defence
14. Italy

Italy is a parliamentary Republic. The Parliament is bicameral and composed of the Chamber of Deputies (Camera dei deputati) and the Senate (Senato della Repubblica), each having equal powers. None of the chambers officially represent local and regional authorities. The Government is led by the Prime Minister (Presidente del consiglio dei ministri) and the Head of State is the President of the Republic (Presidente della Repubblica).

In accordance with the 1947 Constitution, the Italian Republic is ‘unitary’, while recognising the principles of local autonomy and decentralisation. Nevertheless, as of today, Italy is considered as a ‘regionalised’ country. In this respect, regionalism has been progressively established after World War II, in reaction to the fascist period of centralisation. The original Constitution granted a special status to five Regions. The remainder of the fifteen Regions, recognised by the Constitution as having an ordinary status, were established at a later stage, in 1970. Administrative functions were transferred to them between 1972 and 1977. Regionalisation was strengthened in the 1990s. The so-called ‘Bassanini’ laws of 1997 (in particular, Law 59/1997) gave Regions residual administrative powers. A constitutional reform intervened in 2001 to modify the division of legislative competences between the State and the Regions, by distinguishing between exclusive competencies of the State, concurrent competencies, and exclusive competencies of the Regions. The regional statutory autonomy was also enlarged by a constitutional reform intervened in 1999. In 2005, a major constitutional reform broadening the powers of the Regions was rejected by referendum. As regards Provinces and Municipalities, their statutory autonomy was recognised in 1990 and enshrined in the Constitution in 2001.

Italy is made up of Regions (regioni), Provinces (provincie), Municipalities (comuni) and metropolitan cities (città metropolitane). The Regions, the Provinces and the Municipalities may adopt their own statutes. There are fifteen Regions with ordinary status (regioni a statuto ordinario): Piemonte, Lombardia, Veneto, Liguria, Emilia-Romagna, Toscana, Umbria, Marche, Lazio, Abruzzo, Molise, Campania, Puglia, Basilicata and Calabria.

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195 Constitution of 1947, entered into force on 1 January 1948, Articles 5 and 114.
196 Constitution, Article 114.
197 Constitution, Article 123.
199 Ibid.
200 The statutes of 13 of them were approved by State laws of 22 May 1971, numbered from n.339 to n.350 and published in the supplement of the Official Gazette n.148 of 14 June 1971. The Statute of the Abruzzo Region
Five Regions – Friuli-Venezia Giulia\textsuperscript{201}, Sardinia\textsuperscript{202}, Sicily\textsuperscript{203}, Trentino-South Tyrol\textsuperscript{204}, and the Aosta Valley\textsuperscript{205} – have a special autonomous status \textit{(regioni autonome a statuto speciale)}, taking into account relevant geographic and/or cultural specific features. The Trentino-South Tyrol Region is made up of the autonomous provinces of Trento and Bolzano. Regions have legislative and administrative competences, defined by their statutes.

\textbf{Every region has a statute that serves as a regional constitution}, determining the form of government and the fundamental principles of the organisation and the functioning of the region, as prescribed by the Constitution of Italy (Article 123). The main difference between the special status and the ordinary status is that while the ordinary statute is adopted and modified by regional law, the special statute is adopted by constitutional law, as well as any change thereof. The reform of Title V of the Constitution of 2001 has increased the powers of ordinary statute regions, especially in subjects with concurrent jurisdiction between state and region. This caused the diminishing, to some extent, of the distinction between the ordinary and special status Regions.

\textbf{Provinces and Municipalities enjoy more limited autonomy than Regions.} They are able to benefit from a special status, which is the case, today, of the two Autonomous Provinces of Trento and Bolzano only. The 110 Provinces\textsuperscript{206} constitute both a level of local self-government and of devolution of the central Government. Following the regional referenda held in Sardinia on 06 May 2012, the eight Provinces currently established in the Region will be replaced as of 1\textsuperscript{st} March 2013 by Unions of Municipalities. The 8,092 Municipalities\textsuperscript{207} have a general competence for local affairs and may be delegated competences by the State or the Regions.

\textbf{The Constitution guarantees both local self-government and the subsidiarity principle.} It gives indications on the exclusive competencies of the State, concurrent competencies, and exclusive competencies of the Regions\textsuperscript{208}. Residual competence is vested in the Regions\textsuperscript{209}.

The State is vested with regulatory powers relating to its exclusive legislative powers, although it may delegate them to the Regions. Regions have regulatory

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\textsuperscript{201} Constitutional law 1/63.
\textsuperscript{202} Constitutional law 3/48.
\textsuperscript{203} Rdl 455/46
\textsuperscript{204} Constitutional law 5/48.
\textsuperscript{205} Constitutional law 4/48.
\textsuperscript{206} ISTAT, \textit{Codici dei comuni, delle province, e delle regioni.}
\textsuperscript{207} \textit{Ibid.}
\textsuperscript{208} Constitution, Article 117.
\textsuperscript{209} \textit{Ibid.}
power in all other matters. The Provinces and Municipalities have regulatory powers for the organisation and implementation of their functions.\textsuperscript{210}

Municipalities are delegated administrative responsibilities, unless they are delegated to the provinces, metropolitan cities, Regions and the State under the principle of subsidiarity, adequacy and differentiation, and to ensure harmonisation\textsuperscript{211}.

Since the 2001 constitutional reform, the central Government is no longer able to suspend regional legislation. Disputes either between the central Government and the Regions, or between Regions are referred before the Constitutional Court (\textit{Corte costituzionale})\textsuperscript{212}.

The Regions and autonomous Provinces of Trento and Bolzano participate in the EU decision-making process in the areas falling within their competences\textsuperscript{213}. Upon their request, and under certain circumstances, the Government may appeal to the Court of Justice of the EU against EU acts. It is obliged to do so if the State-Regions Conference demands so with an absolute majority\textsuperscript{214}.

Besides the Constitution, reference should be made to the different statutes of the Provinces and Regions, in order to know their attributes. Moreover, the Law 62/1953 defines the administration of ordinary Regions. As for the Provinces and Municipalities, their structures are defined in Laws 142/1990 and 265/1999. The Legislative Decrees 267/2000 and 112/1998 define the attributions of the different levels of governance.

Sub-national governments are granted financial autonomy regarding revenues and expenditure\textsuperscript{215} (the so called “fiscal federalism” foreseen in the constitutional reform of 2001 has been implemented by Law 42/2009 and its subsequent law-decrees). Revenues are derived from taxation (own-source and shared), grants, and other sources. The Municipalities’ revenue is composed of 34.2% of autonomous taxation, 10.1% of shared tax, 33.7% of grants and 22% of others. The Provinces’ revenue is composed of about 36.5% of autonomous taxation, 3.5% of shared tax, 49.7% of grants and 10.3% of others. The Regions’ revenue is composed of about 34.3% of autonomous taxation, 10.5% of shared tax, 53.1% of grants and 2.1% of others.\textsuperscript{216}

\begin{flushleft}
\textsuperscript{210} \textit{Ibid.}\textsuperscript{.}
\textsuperscript{211} Constitution, Article 118.
\textsuperscript{212} Constitution, Article 127.
\textsuperscript{213} Constitution, Article 117.
\textsuperscript{214} \textit{Legge 5 giugno 2003, n. 131 “Disposizioni per l'adeguamento dell'ordinamento della Repubblica alla legge costituzionale 18 ottobre 2001, n. 3” pubblicata nella Gazzetta Ufficiale n. 132 del 10 Giugno 2003 [Law 131/2003], Article 5.}
\textsuperscript{215} Constitution, Article 119.
\textsuperscript{216} A collective work of Dexia Crédit Local Research Department, \textit{Sub-national governments in the European...}
\end{flushleft}
The Law Decree 201/2011 foresees two major changes as regards the Provinces:

- The Provinces are responsible for guiding and coordinating functions of the municipal activities within their remit only;
- Provincial competences are to be transferred to the Municipalities and to the Regions by 31 December 2012.

Moreover, several laws on the reorganisation of the territorial division and on the distribution of competences among the different levels of governance are under discussion. A Code on local government is currently under discussion\textsuperscript{217}. Furthermore, a constitutional reform foresees converting the Senate into a federal chamber representing the local and regional authorities (LRAs)\textsuperscript{218}. Debates also take place on the suppression of the Provinces.

**National level**

**State responsibilities**

The State shall have exclusive legislative powers in the following areas\textsuperscript{219}:

- State foreign policy and international relations, including State relations with the European Union, the right of asylum and the legal status of non-EU citizens;
- Immigration;
- Relations of the State with religious groups;
- Defence and armed services;
- Money, savings and financial markets;
- Tax system and fiscal equalisation;
- State bodies and corresponding electoral laws, State referenda and elections to the European Parliament;
- State administration;
- Public order and security, except local police administration;
- Citizenship, civil status and registry;

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\textsuperscript{217} Disegno di legge “Individuazione delle funzioni fondamentali di Province e Comuni, semplificazione dell'ordinamento regionale e degli enti locali, nonché delega al Governo in materia di trasferimento di funzioni amministrative, Carta delle autonomie locali, razionalizzazione delle Province e degli Uffici territoriali del Governo. Riordino di enti ed organismi decentrati” (3118) [Proposal on the identification of the fundamental functions of the Provinces and Municipalities, simplification of the LRAs organisation, Charter on Local Autonomy, rationalisation of the provinces and territorial offices. Reorganisation of decentralised entities].

\textsuperscript{218} Disegno di Legge Costituzionale “Modifiche agli articoli 55 e 57 e abrogazione dell'articolo 58 della Costituzione in materia di composizione del Senato della Repubblica e di elettorato attivo e passivo” [Proposal of Constitutional Act on the modification of Articles 55 and 57, the repealing of Article 58 of the Constitution, relating to the composition of the Senate and the active and passive electorate].

\textsuperscript{219} Constitution, Article 117.
- Jurisdictions and proceedings norms;
- Criminal, civil and administrative justice;
- Determination of minimum standards of civil and social rights that shall be guaranteed throughout the national territory;
- General education standards;
- Social welfare;
- Electoral legislation, main bodies and functions for municipalities, provinces and metropolitan areas;
- Customs, protection of national borders and international prophylaxis;
- Weights and measures, and time standards;
- Coordination of the statistical and information system (central, regional and local);
- Products of human ingenuity;
- Environment and ecosystem protection, and
- Cultural heritage protection.

The State exercises concurrent legislative power with the Regions in a number of other areas listed in Art. 117 of the Constitution (see regional responsibilities).

The power to issue regulations shall be vested in the State regarding matters where it has exclusive legislative power, insofar as it does not devolve such power to the Regions\(^ {220} \).

**Regional level**

**Regional responsibilities**

The Regions shall have (exclusive) legislative power with respect to any matters not expressly attributed to the State\(^ {221} \).

There is a number of matters of concurrent legislation for which the State shall only set fundamental principles\(^ {222} \):

- International and EU relations of the Regions;
- Foreign trade;
- Protection and security at work;
- Education, except scholastic education and vocational training;
- Professions;

\(^{220}\) Ibid.  
\(^{221}\) Ibid.  
\(^{222}\) Ibid.
• Scientific and technologic research as well as support to innovation in productive sectors;
• Protection of health;
• Food;
• Sports;
• Civil protection;
• Town planning;
• Civil ports and airports;
• Large-scale transport and navigation networks;
• Communications;
• Energy production, transportation and distribution;
• Complementary social welfare;
• Public accounts harmonisation, coordination of the public finances and taxation system;
• Development of cultural and environmental resources;
• Regional savings bank, rural banks and credit agencies, and
• Regional land and agricultural credit institutions.

The power to issue regulations shall be vested in the Regions in all matters not subject to exclusive State competence.223

Local level

Responsibilities of the provinces

As of today, Provinces are mainly responsible for decentralised implementation of State responsibilities and play a coordinating role for supra-municipal issues.

They have competence in the following areas (Art. 19 of Legislative Decree 267/2000):

• Territorial planning, including spatial planning;, social and land-use planning;
• Environment, including environmental protection, disaster prevention, pollution, fauna and flora protection, natural reserves and parks, water refuse, energy resources and waste collection;
• Police, in particular civil protection;
• Culture, in particular protection of cultural heritage;
• Transport, including provincial highways and public transport;
• Agriculture;

223 Ibid.
• Fishing, including inland-waters, fresh-water hunting and fishing;
• Labour market;
• Compiling public data;
• Technical and administrative assistance for municipalities, and
• Economic development, including local economic development.

Competences which may be devolved by regional or State law are:

• Social welfare, including sanitation and hygiene services, and
• Education, including secondary education, artistic education and vocational training.

Provinces also (art. 20):

• Coordinate municipal proposals in matters of regional economic, territorial and environmental plans, and
• Participate in the definition of the regional development plan, as well as in other regional plans, depending on the regional law.

Responsibilities of the municipalities

Administrative responsibilities of the municipalities are (Art. 13 of Legislative Decree 267/2000):

• Social welfare, in particular personal social services and community assistance;
• Education, including school-related services such as canteens, school buses, assistance for the disabled, pre-school childcare and nursery schools;
• Culture and recreation, including museums, exhibition halls, cultural activities and theatre;
• Planning, including town planning, housing, and land registry;
• Transport, in particular running of local transport and maintenance of local roads;
• Economic development, including drafting of plans for trade, planning, programming and regulation of commercial activities, as well as establishment and management of industrial and trade zones;
• Environment, including waste management, and
• Local police.

Deconcentrated responsibilities of the municipalities are (Art. 14 of Legislative Decree 267/2000):
- Registry, including births, marriages and deaths,
- Elections;
- Military service, and
- Statistics.

Upland communities (Comunità Montane) have special competences in the following fields:

- Planning, in particular enhancement of upland areas;
- Joint discharge of municipal responsibilities;
- Tasks conferred on them by the EU or state or regional laws and policies;
- Economic development, including multi-annual work and operation plans, and
- Instruments for pursuing socio-economic development objectives, including those laid down by the EU, the State, or a Region.

14.1 Systems of multilevel governance

**Representation:** There are public representative bodies of local and regional authorities (LRAs):

- The State-Regions Conference (Conferenza Stato-Regioni);
- The Conference of the Regions and the Autonomous Provinces (Conferenza delle regioni e delle province autonome, CRPA), and
- The State-Cities and Local Autonomies Conference (Conferenza stato-città e autonomie locali).

Then, there also are private associations of LRAs, which are sometimes conferred a specific role in consultation with and participation by the law:

- The Union of Italian Provinces (Unione delle province d'Italia, UPI);
- The National Association of Italian Municipalities (Associazione nazionale dei comuni italiani, ANCI), and
- The National Union of Communes of Upland Communities (Unione nazionale comuni comunità enti montani: UNCEM).

**Information:** During the legislative process, information is provided to the LRAs to the extent that information is published on the Parliament’s website.

**Consultation:** The State consults LRAs on acts having a regional/local impact via the State-Regions Conference and the State-Cities and Local Autonomies Conference.
Coordination: The prefect represents the central Government within the Province. The prefect is responsible for law and order and urgent measures; (s)he also acts as a coordinator between the State, the Regions, the Provinces and the Municipalities. In the Aosta Valley, the prefect’s duties are discharged by its President.

The State-Regions Conference fosters cooperation between the State, the Regions and the Autonomous Provinces by conveying the views of the Conference of the Regions and the Autonomous Provinces to the State. It is also associated in the devolution process.

The Union of Italian Provinces ensures coordination between the Provinces and the State.

The State-Cities and Local Autonomies Conference is in charge of the coordination between the State and LRAs, as well as the monitoring of policies which may have an impact on the LRAs’ competences. It cooperates with UPI, ANCI, as well as UNCEM and holds joint meetings with the Conference of the Regions and the Autonomous Provinces on matters of common interest.

A Joint Conference (Conferenza unificata) puts together the State-Region Conference and the State-Cities and Local Autonomies Conference. Its overall mission is to foster cooperation between the State and all the LRAs. It is competent in cases where all levels of governance are called upon to express themselves on the same issue.

Horizontal coordination exists at all levels of governance and is ensured through CRPA, UPI, ANCI, and UNCEM.

The different levels of governance also coordinate during the EU decision-making process.

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224 Home Ministry portal, Il prefetto
225 Aosta Valley portal, Affari di Prefettura, © 2000-2001
226 Home ministry, Conferenza Stato-Regioni
228 Home ministry, Conferenza Stato-città ed autonomie locali – le funzioni
229 Ibid.
230 established by Legislative Decree 281/1997 under Art. 9 of Law no. 59/1997.
231 Home ministry, Conferenza unificata
232 Home ministry, Conferenza unificata – le funzioni
In case an EU act comes under regional or local competence, the central Government transfers it to the CRPA and to the State-Cities and Local Autonomies Conference, respectively. The State-Cities and Local Autonomies Conference likewise transfers the act to the associations of local authorities. In turn, the observations of the Conferences are transferred to the central Government for the formulation of the Italian position to be presented in the EU Council. Moreover, regional representatives and local experts may be invited to the Government’s European Affairs Department (Dipartimento per le politiche europee) meetings.

A specific mechanism exists for regional opinions to be taken into account during the EU legislative process. EU proposals are transmitted to the CRPA, the Conference of the Presidents of the Assembly of Regional Councils and of Autonomous Provinces and to the presidents of the regional executive committees and of the regional councils, which have twenty days to submit their comments to the central Government. In case of EU legislation of importance for the Regions and Autonomous Provinces, or at the request of one or more Regions or Autonomous Provinces, the Government convenes the State-Region Conference to reach a common position within twenty days (after which – or in case of urgency – the government can proceed). If the State-Region Conference so requests, the Government undertakes reservation for 20 days not to express an opinion in the EU Council.

14.2 Relations with the EU/ Representation at EU level

The Italian delegation to the CoR is composed of representatives from the Regions, the Provinces and the Municipalities selected according to criteria established by a decree of the President of the Council.\footnote{Decreto del Presidente del Consiglio dei Ministri, 19 dicembre 2006, Nuova ripartizione tra le collettività regionali e locali del numero dei componenti italiani del Comitato delle regioni, di cui all’articolo 263 del Trattato C.E. Annullamento e sostituzione del decreto del Presidente del Consiglio dei Ministri 12 gennaio 2006 [Presidential Decree of 19 December 2006 on the new composition of the Italian delegation to the CoR], Article 1.}

The Regions and Autonomous Provinces may participate in the Council of the EU, the Commission, as well as in their working groups and expert committees, following an agreement in the State-Regions Conference.

The national delegation to the Council may be chaired by regional representatives and must comprise at least one representative of the special status Regions and Autonomous Provinces.\footnote{Legge 5 giugno 2003, n. 131, "Disposizioni per l’adeguamento dell’ordinamento della Repubblica alla legge costituzionale 18 ottobre 2001, n. 3 “ pubblicata nella Gazzetta Ufficiale n. 132 del 10 Giugno 2003, [Law 131/2003] Article 5.}
Moreover, the Government is obliged to appeal to the Court of Justice of the EU against EU decisions if the State-Regions Conference so demands with an absolute majority of the special status Regions and Autonomous Provinces, provided that the matter is within their remit.236

Law 52/96 of 1996 grants Regions the right to open liaison offices in Brussels for relations with the EU institutions. All Regions and some Provinces have set up offices in Brussels (Abruzzo, Aosta Valley, Apulia, Basilicata, Calabria, Campania, Emilia-Romagna, Friuli-Venezia-Giulia, Genoa, Lazio, Liguria, Lombardy, Marche, Piedmont, Rome, Sardegna, Sicily, South Tyrol, Puglia, Toscana, Trentino, Umbria and Veneto, the Autonomous provinces of Bolzano and Trento, the Province of Teramo and of Pise237). Moreover, four regional experts are represented in the Italian permanent representation to the EU.

Most regional liaison offices have established bilateral and multilateral relationships with other European Regions and associations. Several Regions participate in cross-border projects; all Regions are involved in networks such as REGLEG. They are also represented in the Assembly of European Regions (AER) and are members of the Council of European Municipalities and Regions (CEMR).238

ANCI represents local interest before EU institutions and cooperates with other associations of LRAs. The research association CITTALIA unites UPI (Unione Province d’Italia) - which represents all the Italian provinces except the autonomous provinces of Trento, Bolzano e Aosta - and ANCI in Brussels, which supports the Italian CoR delegation’s activity, focuses on EU issues having a local impact and cooperates with major European networks of municipalities.

14.3 Subsidiarity239

On 23 March 2011, Law nº 11/2005 on the process of Italian participation in the EU legislative process included the novelties introduced by the Early Warning

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236 Ibid.
system (EWS)\textsuperscript{240}. According to this reform, both chambers of the central Parliament shall implement the EWS by way of a reform of their respective Rules of Procedure\textsuperscript{241}. The Senate already amended its Rules of Procedure; nonetheless, it did not establish a specific procedure insofar as the subsidiarity scrutiny is included within the broader scrutiny of EU acts. On the contrary, the Chamber of Deputies amended its Rules of Procedure and established a specific procedure with regard to the EWS which needs confirmation by way of regulation\textsuperscript{242}.

The Senate transfers all EU draft legislative acts to the Regions, without filtering them. Cooperation between the national Parliament and the Regions is defined in the Protocol\textsuperscript{21} of 21 July 2009 on the agreement between the Senate, the Chamber of Deputies and the Conference of Presidents of regional Parliaments (Protocollo d’intesa del 21 luglio 2009 tra il Senato, la Camera e la Conferenza dei Presidenti delle Assemblee legislative regionali)\textsuperscript{243} 244.

Where a parliamentary committee so requests, the Government undertakes reservation for a specified period not to express an opinion in the Council of the EU as long as the Parliament has not adopted a position\textsuperscript{245}.

Sardinia (Regional Law 13/2010), Emilia Romagna (Regional Law 16/2008 and resolution n. 512/2010), Calabria (Regional Law n.3/2007), Sicily (Regional Law 10/2010), Abruzzo (Regional Law 22/2009), Tuscany (Regional Law 26/2009), Marche (Regional Law. 14/2006) have established subsidiarity procedures\textsuperscript{246}.

With the reform of Law n°11/2005, the participation of the Regions, the Autonomous Provinces and the Local Governments in the EU decision-making is reinforced, providing the Presidents of the regional and autonomous provincial Parliaments with the possibility to present their observations relating to the principle of subsidiarity\textsuperscript{247}.

\textsuperscript{240}Italian Chamber of Deputies, La riforma della legge 11 del 2005; Italian Chamber of Deputies, Partecipazione dell'Italia al processo normativo dell'Unione europea - A.C. 2854 e abb.-A - Elementi per l'esame in Assemblea (22/03/2011)

\textsuperscript{241}Amended law 11/2005, Article 6.


\textsuperscript{243}Protocollo d’intesa fra il Senato della Repubblica, la Camera dei deputati e la Conferenza dei Presidenti delle Assemblee legislative delle Regioni e delle Province autonome


\textsuperscript{245}Ibid.

\textsuperscript{246}Committee of the Regions, Report on the Role of regional Parliaments in the process of subsidiarity analysis within the Early warning System of the Lisbon Treaty, Committee of the Regions, drafted by EIPA (Vara, Arribas G. & Bourdin D.), 2010..

\textsuperscript{247}Amended law 11/2005.
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*Uffici di collegamento delle Regioni italiane a Bruxelles*
Union of Italian Provinces

Publications and Studies


14.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- National transport systems and infrastructures, including road, railway, water, air transport;
- National airports and air transport systems;
- Traffic planning;
- Highways and national roads, and
- Traffic regulation.

Concurrent competences with the Regions are:

- Civil ports and airports;
- Large-scale transport and navigation networks, and
- Communications.

Regional level

Regional authorities are responsible for:

- Regional public transport;
- Maritime transport;
- Ports and other infrastructure for maritime transport;
- Internal navigation;
- Railway of regional interest;
- Inter-regional roads (with the unified Conference), and
- Public works of regional interests (highways, waterworks, etc.).
Local level

Provinces

Provincial authorities are responsible for:

- Provincial transport;
- Construction and maintenance of provincial roads;
- Provincial highways and public transport, and
- Driving schools.

Municipalities

Municipal authorities are responsible for:

- Local public transport;
- Urban transport;
- Municipal territorial planning;
- Construction and maintenance of local roads;
- Urban traffic control;
- Aqueducts, and
- Motorways.

Sources

Constitution, Article 117
b. Employment policy

National level

The central government is responsible for:

- Guidelines, programmes, development, coordination and assessment of employment policy;
- Information and institutional communication;
- Administrative supervision over care institutions, social security institutions and social non-profit organisations;
- Management and development of the information system;
- Litigation resolution;
- Security at work;
- Employment and labour market, including ensuring match between demand and supply and professional integration, policies aimed at disadvantaged people, gender equality, the balance between professional and private life, the fight against undeclared employment, fostering territorial and professional mobility, fostering local development and youth employment, and
- Investments in industrial, agricultural and commercial enterprises.

Regional level

Regional authorities are responsible for:

- The management of the services to individuals;
- Promotion, planning, guidelines and coordination of the employment policy;
- Regional labour centres;
- Enterprise creation policies;
- Relations between employment and education, and
- Unemployment policy.
Local level

Provinces

Provincial authorities are responsible for:

- The management of the services to individuals;
- Provincial labour centres, and
- Actions related to locally based employment.

Municipalities

Municipal authorities are responsible for:

- The management of services to individuals;
- Advisory and counselling services for job seekers, and
- Administrative functions relating to professional orientation.

Sources

Constitution, Article 117
Decreto legislativo 6 ottobre 1998, n. 379 [Legislative Decree No. 379 of 06.10.1998].
Ministry of Labour and social policies
c. Social policy

National level

The central government is responsible for:

Social assistance

- Definition of principles and objectives;
- Regulation of standards to be ensured throughout the whole territory;
- Coordination;
- Monitoring and assessment of social policy;
- Social integration;
- Technical assistance to LRAs;
- Defining the criteria for the distribution of the National Fund for social policies;
- International and EU cooperation;
- First aid to refugees;
- Recognition of the refugee’s status;
- Interventions in favour of the victims of terrorism and organised crime;
- Civil disability benefits, and
- Housing, including
  - Definition of principles and objectives;
  - Regulation of standards;
  - Public housing programmes having a national interest;
  - Research on living conditions, and
  - Facilitating access for less well-off families to the renting market.

Family policy

- Framework legislation, and
- Promotion.
Regional level

Regional authorities are responsible for:

Social assistance

- Complementary social welfare;
- Social services at the regional level;
- Functions and duties relating to the promotion and coordination of the different social services actors, in particular with regard to social cooperation, public assistance and benefits institutions (IPAB) and volunteering, and
- Public housing, in particular all the administrative functions which are not reserved to the State;

Family policy

- Programmes and actions supporting the family, in particular children, the elderly, the disabled, ex-prisoners, and other vulnerable groups;
- Monitoring over local services;
- Support to local programmes and control over their relevance and quality;
- Distribution of regional funds, and
- Inter-regional coordination.

Local level

Provinces

Provincial authorities are responsible for:

Social assistance

- Social services at the provincial level;
- Sanitation and hygiene services;
- Public housing, in particular all the administrative functions which are not reserved to the State, and
- Promotion and coordination activities of provincial interest.
**Family policy**

- Social care for children;
- Family benefits;
- Programmes and plans;
- Awareness actions;
- Formation and information, and
- Reconciliation of work and family life.

**Municipalities**

Municipal authorities are responsible for:

**Social assistance**

- Social services at the municipal level, and
- Public communal housing, in particular all the administrative functions which are not reserved to the State.

**Family policy**

Administrative functions and duties in the field of:

- Child care;
- Youth;
- Elderly care;
- Family policy;
- Disabled care;
- Drug addicts and alcoholics care, and
- Civil disabled care, except matters reserved for the State.
Sources
Constitution, Article 117
Ministry of Labour and social policies
Piemont region portal
d. Education policy

National level

The central government is responsible for:

- Setting general education standards;
- The assessment of the education system;
- The definition and distribution of funds, and
- Administrative functions and duties regarding military schools and courses relating to defence and public security.

Regional level

Regional authorities are responsible for:

- Education;
- Planning at the regional level, on the basis of provincial plans, of the scholastic network;
- The implementation and enforcement of centrally defined political and administrative guidelines;
- Contributions to non-State schools;
- Initiatives and promotion activities;
- Integrated training between education and vocational training;
- The coordination of integrated training plans at regional level, and
- Subdivision of the regional territory for the improvement of the training offer on the basis of the relevant proposals from local authorities.

Local level

Provinces

Provincial authorities are responsible for:

- Secondary education, including:
  - The creation, mergers and closures of schools;
  - The definition of organisation plans;
  - Support to the disabled;
  - Facilities;
  - The suspension of classes in case of emergency;
  - Initiatives and promotion activities, and
• Creation and control.

• Artistic education, and
• Administrative and management support to scholastic autonomy.

Municipalities

Municipal authorities are responsible for:

• Primary school, including:
  • The creation, mergers and closures of schools;
  • The definition of organisation plans;
  • Support to the disabled;
  • Facilities;
  • The suspension of classes in case of emergency;
  • Initiatives and promotion activities, and
  • Creation and control.

• School-related services, including canteens, school transportation, assistance to the disabled;
• Pre-school childcare;
• Adult training;
• Integrated training;
• Actions aiming at education equal opportunities, and
• Supporting actions aiming at the consistency and continuity between the different schools levels.

Sources
Constitution, Article 117
e. Vocational training policy

National level

The central government is responsible for:

- The provision of legal and policy framework for general training;
- Administration and guidelines in the field of vocational training;
- International and EU cooperation;
- Guidelines and coordination of the different data tools;
- The regulation of standards;
- Lifelong learning;
- The creation and funding of vocational training initiatives for Italian workers abroad;
- Vocational training of the military and State administration;
- Matters discussed with the State-Region Conference, including
  - The definition of the objectives of the vocational training policy, in accordance with EU law, and
  - The definition of criteria for assessing the quality and consistency of the system.

- The definition of multi-regional vocational training programmes of strategic relevance for the country’s development, in cooperation with the Unified Conference.

Regional level

Regional authorities are responsible for:

- The planning process in vocational training;
- All administrative functions and duties except those which are reserved for the State;
- The harmonisation between the national and regional objectives (State-Region Conference);
- Trainers training;
- The creation, control, guidelines and funding of vocational training institutions, and
- Co-funding with the Provinces and the ESF of training courses organised by the public vocational training centres, the authorised private organisation and companies.
Local level

Provinces

Provincial authorities are responsible for:

- Co-funding with the Regions and the ESF of training courses organised by the public vocational training centres, the authorised private organisation and companies;
- Planning of vocational training;
- Professional orientation, adult training, and scholastic integration of foreigners;
- Award of certifications;
- Information;
- Apprenticeship;
- Vocational training for unemployed, and
- Lifelong learning.

Municipalities

Municipal authorities are responsible for the administrative functions relating to professional orientation.

Sources

Decret o legislativo 6 ottobre 1998, n. 379 [Legislative Decree No. 379 of 06.10.1998]
Turin Province, “Vecchie” e “nuove” competenze della Provincia, May 2004
f. Youth and sport policy

National level

The central government is responsible for:

Youth Policy

The Youth Department of the Ministry for International cooperation and integration is in charge of:

- The promotion and guarantee of youth rights;
- The promotion and support of creation, cultural and artistic initiatives, cultural trips and studies;
- The promotion and support to access international and European projects, programmes and funding;
- The management of the Fund for youth policy;
- The management of the National Fund for young communities, and
- The representation of the country in European and international organisations youth-related.

Sport policy

- General policy;
- The distribution of funds;
- Controlling the National Olympic Committee (CONI);
- The recognition of foreign titles, and
- International cooperation.

Regional level

Regional authorities are responsible for the development and implementation of youth policy programmes.
Local level

Provinces

Provincial authorities are responsible for:

Youth Policy

- The development and implementation of youth policy programmes.

Sport policy

- Sport development at the provincial level;
- Technical and administrative assistance to stakeholders;
- Initiatives fostering sport practice, and
- The promotion and coordination activities of provincial interest.

Municipalities

Municipal authorities are responsible for the development and implementation of youth policy programmes.

Sources


Decreto del 31 dicembre 2009 sull’organizzazione dell’Ufficio per lo Sport [Decree of 31.12.2009 on the organisation of the Sport Office]

Ministry for International cooperation and integration, Youth Department, Competenze

Turin Province, “Vecchie” e “nuove” competenze della Provincia, May 2004
g. Culture policy

National level

The central government is responsible for:

- Overall legal framework;
- The definition of and control over appellations;
- The conservation, integrity and security of historic and artistic goods;
- Controlling the circulation and export of historic and artistic goods;
- Archaeological research;
- The expropriation of historic and artistic goods;
- State archives;
- The prevention and repression of damages to cultural heritage;
- Cultural goods, and
- Performing arts, including
  - Defining guidelines;
  - Promoting national production;
  - Defining training requirements;
  - Guaranteeing art companies;
  - Defining and supporting national theatre institutions;
  - Subsidies;
  - Cinema;
  - Supporting performing arts, and
  - Promoting performing arts research.

Regional level

Regional authorities are responsible for:

- Organising regional activities in the field of culture;
- Setting up cultural centres;
- The definition of pluri-annual and annual plans on cultural goods and their promotion (Regional commissions for cultural goods and activities);
- The promotion and development of cultural goods;
- The protection and promotion of the historic and artistic heritage, economic and financial management (Regional Directions for cultural goods) (part of the Ministry), and
- Regional archives.
Local level

Provinces

Provincial authorities are responsible for:

- Cultural development planning;
- Setting up and running cultural institutions, including museums, galleries, orchestras, and information centre;
- The coordination of provincial networks of cultural services;
- The promotion and development of cultural goods;
- Actions aiming at the promotion of the cultural heritage, and
- The management of provincial libraries.

Municipalities

Municipal authorities are responsible for:

- The promotion and development of cultural goods, and
- Running libraries, museums, galleries, cultural activities and theatres.

Sources


Turin Province, “Vecchie” e “nuove” competenze della Provincia, May 2004
h. Public health policy

National level

The central government is responsible for:

- The adoption of national sanitation plan with the Unified Conference;
- The adoption of sectoral plans of national relevance;
- The definition of main policy objectives and guidelines for public health;
- The provision of legal framework for general principles for public health;
- Sanitation and medical care for the army, the police, firemen, and railway personnel;
- Information and statistics activities;
- Grant permits regarding commercial production, import, introduction of medical and sanitation products;
- Supplies and tariffs;
- Controlling public and private authorities operating at the national or supra-regional levels;
- Controlling sanitation funds, and
- Scientific research, including international cooperation.

Regional level

Regional authorities, within the limits of the general principles laid down by the central Government, which is the guarantor of equity, are responsible for:

- All the administrative functions and duties which are not expressly conferred to the State;
- The planning, organisation and management of sanitation services;
- Regional sanitation plans, and
- The coordination of local health services and hospitals.

Local level

Provinces

Provincial authorities are responsible for:

- Social care for people with disabilities;
- Sanitation protection, and
- Running public health services;
Municipalities

Municipal authorities are responsible for:

- Participating in the administration of public health in the context of the constitutional principle of local self-administration;
- Running public health services;
- Overlapping responsibilities between provinces and municipalities, and
- Hygiene and public health.

Expenditure for public health covers about 30% of total municipal expenditure.

Sources
Constitution, Article 117
Ministry of health
i. Trans-European networks policy

National level

The central government is responsible for:

- Major national networks;
- Highways and national roads;
- The coordination of infrastructure networks and State works;
- Multi-regional programmes of public works co-funded by the EU;
- Civil ports and airports, and
- Communications.

Regional level

Regional authorities are responsible for:

- Public works of regional interests (highways, waterworks, etc.);
- Ports and other infrastructure for maritime transports;
- Internal navigation;
- Road planning and coordination, and
- Inter-regional roads (with the Unified Conference).

Local level

Provinces

Provincial authorities are responsible for:

- Participation in the implementation of transport infrastructure projects;
- Construction and maintenance of provincial roads;
- Provincial highways, and
- Overlapping responsibilities between provinces and municipalities.

Municipalities

Municipal authorities are responsible for:

- Participation in the implementation of transport infrastructure projects;
- Responsibility for spatial planning and development;
- Construction and maintenance of local roads, and
- Overlapping responsibilities between provinces and municipalities.
Sources
Constitution, Article 117
j. Economic, social and territorial cohesion policy

National level

The central government is responsible for:

*European Regional Development Fund (ERDF)*

- The organisation and implementation of regional development programmes, in certain, limited cases.

*Spatial planning*

- Developing spatial planning concepts;
- The definition of general, legal planning framework;
- Setting guidelines for spatial planning, taking into account economic planning;
- Activities relating to the development of the Mezzogiorno and other areas;
- Multi-regional programmes of public works co-funded by the EU, and
- The regulation of land-use guidelines.

The State competences exercised in coordination with the Unified Conference are:

- The monitoring of territorial transformations;
- The safeguard of Venice, and
- The promotion of innovative programmes entailing the intervention of the State as a coordinating body.

*European Social Fund (ESF)*

- The National Framework Programme, in coordination with the LRAs, and
- Supervising two out of the three national operational programmes

The Ministry of Labour and Social Policies is the leading authority of the ESF.

Moreover, the Ministry of Education, University and Research is in charge of the NOP Competences for Development ", objective 1 – Convergence."
Regional level

Regional authorities are responsible for:

European Regional Development Fund (ERDF)

- The formulation and implementation of Regional and Structural Policy, and
- Programming and planning on the regional level.

Spatial planning

- All the administrative functions not expressly conferred to the State (shared with the Provinces and Municipalities);
- Spatial planning for the respective region on the basis of the national guidelines;
- The formulation and implementation of regional plans and guideline for local activities in spatial planning, and
- Industrial and ecological zoning.

European Social Fund (ESF)

- Co-funding with the Provinces training courses organised by the public vocational training centres, the authorised private organisation and companies;
- Five operational programmes for the Regions included in the Convergence Objective, and
- Sixteen Operational Programmes for the Regions and Autonomous Provinces included in the Regional Competitiveness and Employment Objective.

Local level

Provinces

Provincial authorities are responsible for:

European Regional Development Fund (ERDF)

- Supporting local economic development.
**Spatial planning**

- All the administrative functions not expressly conferred to the State (shared with the Regions and Municipalities);
- Spatial planning for their territory in accordance with national guidelines and regional laws, programmes and plans, and
- Local land use plans and infrastructure planning.

**European Social Fund (ESF)**

- Co-funding with the Regions training courses organised by the public vocational training centres, the authorised private organisation and companies.

**Municipalities**

Municipal authorities are responsible for:

**European Regional Development Fund (ERDF)**

- Urban planning and urban development;
- Business start up programmes, and
- Local economic support programmes.

**Spatial planning**

- All the administrative functions not expressly conferred to the State (shared with the Regions and Provinces);
- Preparing master planning for their territory;
- The division of territory into different land-use zones, and
- The implementation of urban planning, detailed planning in accordance with rules set by higher levels of government.

**European Social Fund (ESF)**

- Participating in local actions to support employment.
Sources
Constitution, Article 117
k. Environment and the fight against climate change policy

National level

The central government is in charge of:

- Most environmental responsibilities, concerning the areas of air, water, waste, and soil (Ministry of Environment);
- The implementation of international conventions and EU law and definition of objectives in accordance with them;
- The conservation and promotion of natural areas recognised as being of international or national interest;
- The protection, security and observation of the maritime quality;
- The regulation of standards;
- Technical support:
  - The purchase, rental and use of ships and aircrafts for special environment operations of national importance;
  - The listing of huntable species;
  - The listing of endangered fauna and flora;
  - Grant permits relating to fauna import/export;
  - The listing of dangerous animals;
  - Adopting a charter on nature;
- Regional planning regarding water resources;
- Natural parks and national reserves;
- Water pollution, including the definition of the national plan of sea protection and pollution of marine coasts, as well as the definition of standards;
- Noise and air pollution, including the monitoring of air quality and regulation of standards, and
- Soil protection.

Shared competences with the Regions are:

- Information and education;
- The promotion of clean energy and sustainable development policies;
- Emergency decisions aiming at preventing environmental harm;
- Coastal environment protection, and
- Environmental impact assessments.
- Monitoring and control over the National Environmental Protection Agency (ANPA) and the Central Institute for maritime scientific and technologic research (ICRAM).
Regional level

Regional authorities are responsible for all the administrative functions not expressly conferred to the State, in particular:

- The definition of environmental action priorities;
- Coordination;
- The distribution of funds;
- Zonings of high risk of environmental crisis areas;
- Regional parks;
- Water pollution (all the administrative functions not expressly conferred to the State);
- Noise and air pollution (all the administrative functions not expressly conferred to the State);
- Soil protection (with the State), and
- The supply of electricity.

Competences shared with local authorities are:

- The protection and observation of coastal areas;
- The control over wild fauna commerce and detention;
- Forestry, and
- Water management.

Local level

Provinces

Provincial authorities are responsible for:

- The licensing, monitoring and provision of services in environment, and
- Natural parks.
Competences shared with the central government and regional authorities are:

- Noise and air pollution;
- Soil protection;
- Water pollution, and
- Water management.

**Municipalities**

Municipal authorities are responsible for:

- Environmental controls;
- Sewerage;
- Refusing collection and disposal;
- Participating in the zoning of high risk of environmental crisis areas;
- Local parks and gardens, and
- The supply of water and gas.

Competences shared with the central government, and regional and provincial authorities are:

- Noise and air pollution;
- Soil protection;
- Water pollution, and
- Water management.

**Sources**

Constitution, Article 117.

1. Energy policy

National level

The central government is responsible for:

- Defining fundamental principles;
- Administrative functions relating to:
  - Scientific research;
  - Import, export and storage;
  - Regulation of standards;
  - Control over the national agency on new technologies, energy and environment (ENEA);
  - The use of radioactive material and x-ray machines;
  - Electric energy production;
  - The setting up of targets and national programmes on renewable sources and energy conservation;
  - Nuclear facilities;
  - Inspection, research and storage of hydrocarbon;
  - Taxation of oil stocks;
  - Tariffs;
  - Statistics;
  - Regional planning regarding water resources, and
  - The coordination of research programmes.

Regional level

Regional authorities are responsible for:

- Administrative functions relating to energy, including renewable resources, electricity, solar energy, oil and gas, which are neither reserved for the State nor the local authorities;
- Grants to support the use of renewable energies;
- Contributions for the reduction of energy consumption;
- Incentives for the use of renewable energy in agriculture;
- Coordinating functions with local authorities, and
- Assisting local authorities in awareness and training.
Local level

Provinces

Provincial authorities are responsible for:

- Administrative functions relating to energy saving and to the rational use of energy, including:

  - Programmes promoting renewable resources and energy saving;
  - Grant permits for the construction of energy production facilities, and
  - Control over the facilities’ efficiency.

Municipalities

Municipal authorities are responsible for administrative functions relating to energy saving and to the rational use of energy.

Sources
Constitution, Article 117
Law 1991/10, Article 9
Decreto Legislativo 18 agosto 2000, n. 267 "Testo unico delle leggi sull'ordinamento degli enti locali" (GU n. 227 del 28.09.2000 - Supplemen
to Ordinario n. 162) [Legislative Decree 267/2000 on the organisation of local authorities], Art. 19.
14.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National level

The central government is responsible for:

- Setting guidelines, and
- Coordinating the national policy with European and international standards at the national level (Ministry of Agriculture, Food and Forestry).

Regional level

Regional authorities are responsible for all the matters which are not reserved for the State in the field of agriculture, including:

- Relationships with the Regions, the State and the European Union;
- Regional plan for agriculture;
- The control over the quality of the agricultural products;
- Agro-industrial development;
- The protection and promotion of the rural territory, irrigation and rural facilities;
- Sustainable agriculture;
- The protection of fauna and flora, and
- Controls of compliance with standards.

Local level

Provinces

Provincial authorities are responsible for:

- Competences conferred by the Regions, and
- Providing incentives for sustainable agriculture.

Municipalities

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Sources
Constitution, Article 117
Ministry of agriculture, food and forestry policies portal
Piemont region portal
b. Fisheries policy

**National level**

The central government is responsible for:

- Setting guidelines, and
- Coordinating the national policy with European and international standards at the national level (Ministry of Agriculture, Food and Forestry).

**Regional level**

Regional authorities are responsible for:

- Relationships with the Regions, the State and the European Union, and
- Regional plan for fisheries.

**Local level**

**Provinces**

Provincial authorities are responsible for inland-water and fresh-water hunting and fishing.

**Municipalities**

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**Sources**

c. Immigration and asylum policy

National level

The central government is responsible for:

- The State foreign policy, including the right of asylum and the legal status of non-EU citizens;
- International relations, including the State relations with the European Union;
- First aid to refugees;
- Recognition of the refugee’s status;
- Immigration, and
- Customs, protection of national borders and international prophylaxis.

Regional level

Regional authorities are responsible for international and EU relations of the Regions within the framework of the national guidelines.

Local level

Provinces
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Municipalities
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Sources
Constitution, Article 117
d. Tourism policy

National level

The central government is responsible for:

- Setting the principles and objectives for the promotion and development of the tourism policy, together with the Regions;
- The promotion of Italian tourism abroad;
- Monitoring;
- Inter-sectoral coordination of the State competences relating to the promotion and development of the national tourism system;
- Co-funding of regional and inter-regional programmes of national interest, and
- Bringing together the associations of LRAs and establishing guidelines in the framework of the National Tourism Conference.

Regional level

Regional authorities are responsible for:

- Setting the principles and objectives for the promotion and development of the tourism policy, together with the State;
- Administrative functions relating to any public or private activity relating to tourism, which is not reserved to the State, including benefits, subsidies, contributions and incentives in favour of tourism companies, and
- The regulation of standards.

Local level

Provinces

Provincial authorities are responsible for:

- Competences conferred by the Regions, including:
  - The listing of tourism structures, activities and services;
  - Technical assistance to stakeholders;
  - Initiatives fostering tourism, and
  - The promotion and coordination activities of provincial interest.
Municipalities

Municipal authorities are responsible for local tourism.

Sources

Legge 29 marzo 2001, n. 135 "Riforma della legislazione nazionale del turismo" pubblicata nella Gazzetta Ufficiale n. 92 del 20 aprile 2001 [Tourism Act No. 135 of 29 March 2001]

Decreto del Presidente del Consiglio dei Ministri 13 Settembre 2002 Recepimento dell'accordo fra lo Stato, le regioni e le province autonome sui principi per l'armonizzazione, la valorizzazione e lo sviluppo del sistema turistico (Pubblicata nella Gazzetta Ufficiale n. 92 del 20 aprile 2001) [Presidential decree of 13.09.2001 on the harmonisation, promotion and development of the tourism system]

Turin Province, “Vecchie” e “nuove” competenze della Provincia, May 2004
e. Civil protection policy

National level

The central government is responsible for:

- The promotion and coordination of the different administrations’ (central, regional, provincial and municipal) activities;
- The declaration and revocation of the state of emergency (with the Regions);
- The adoption of ordinances for emergency interventions (together with the relevant Regions);
- The regulation of standards, and
- Operative functions.

Regional level

Regional authorities are responsible for:

- All the administrative functions not expressly conferred to the State (shared), in particular:
  - Prevention and pre-emption programmes, on the basis of national guidelines;
  - Emergency interventions;
  - Various operative functions, and
  - The organisation of volunteers.

Local level

Provinces

Provincial authorities are responsible for:

- All the administrative functions not expressly conferred to the State (shared), in particular:
  - Provincial plans of emergency, on the basis of regional guidelines;
  - The prevision and prevention of risks at the provincial level, and
  - Control over the provincial civil protection structures.
Municipalities

Municipal authorities are responsible for:

- All the administrative functions not expressly conferred to the State (shared), in particular:
  - The forecast and prevention of risks at the local level, in accordance with the regional programmes and plans;
  - Rescue services;
  - Local and inter-municipal emergency plans, on the basis of regional guidelines;
  - Control over the local civil protection structures, and
  - The organisation of volunteers at the local and inter-municipal levels, on the basis of national and regional guidelines.

Sources
Constitution, Article 117
Decreto Legislativo 18 agosto 2000, n. 267 "Testo unico delle leggi sull'ordinamento degli enti locali" (GU n. 227 del 28.09.2000 - Supplemento Ordinario n. 162) [Legislative Decree 267/2000 on the organisation of local authorities]
15. Latvia

Latvia is a parliamentary democracy and a unitary state. The Constitution of 1922 was reinstated on 21 August 1991, with the USSR recognising Latvia's independence shortly afterwards. Since the Administrative territorial reform of Latvia in 2009, the country has been organised into 110 municipalities and 9 cities. All 119 local governments have the same competences. The difference is that cities do not have rural territories. Regional governments – planning regions – are voluntarily organised by local government cooperation bodies, which are recognised by primary legislation.

In Latvia, local government is tasked with voluntary and compulsory competences. Voluntary competences are different and depend on local council decisions based on local policy. Compulsory competences are as follows: the management of public services based on local policy and the administration of national policies within their local jurisdictions. The highest law on local governance is the European Charter of Local Self-Government. Its direct applicability is recognised by the Constitutional Court. According to this interpretation, 29 paragraphs of the charter, which are ratified by parliament, have the same force as the principle of democratic state in Article 1 of the Constitution. The Latvian parliament adopted the Law on Self-Government (LOSG), last amended 16 June 2009, which came into effect on 1 July of the same year.

The Latvian parliament, the Saeima, is a unicameral house of 100 representatives elected by direct popular vote. The seats are allocated proportionally among parties who gain more than 5% of the vote for a four-year term.

The intermediate regional level had been abolished by 1 July 2009, following the completion of the first stage of administrative reform. During the last year of local reform, the amalgamation and re-organisation of the local administrative system was completed when the Administrative-Territorial Reform Law (ATRL) was abolished, and the Law on Administrative Territories and Inhabited Localities was introduced instead. This law delegates to the Cabinet of Ministers the authority to prepare draft laws on creating directly elected regional governments. The current central government is not ready to implement this delegation; the establishment of regional self-governments or de-concentrated State institutions in the regions is a subject of political debate. Presently the intermediate level of government in Latvia consists of five planning regions (indirectly elected regional governments).
These regional governments play an important role in development and spatial planning, organisation of public transport and management of investment programmes, including the European Union funds.

Latvian municipalities rely mostly on tax revenues, grants from the central government and fines they are empowered to impose for their revenues. The most important shared taxes are individual income tax (in 2012 the share of local governments is 80%) and real estate tax (the local government's share is 100%). The share for real estate tax is permanently set by law, whereas the share for individual income is the result of annual negotiations between the Latvian Association of Local and Regional Governments (LALRG) and the Cabinet of Ministers, determined by the annual Law on the State Budget. In 2011, the revenues from shared taxation were 54.6%; the national level earmarks granted directly for use by the local governments accounted for 25.7% of local government budgets. The last 20.3% of total local government budgets came from fees from public services and other sources.

**National level**

The State has full legislative powers. Its responsibilities include:

- Maintenance of public order;
- Energy;
- Telecommunications;
- Housing;
- Higher education and science;
- Health;
- Legislation, state administration;
- Income tax;
- Foreign policy; and
- Defence.

The State has shared legislative power with planning regions in the field of:

- Spatial planning; and
- Public transport.

The State has shared legislative power with local governments in the field of:

- Spatial planning;
- Infrastructure management;

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- Economic policy and development;
- Welfare; and
- Culture.

**Regional level**

The Districts (*rajons*) were abolished following the 2009 administrative territorial reform and the amalgamation of municipalities.

Planning Regions (including administrative and legislative power) have shared competence with State and local governments:

- Spatial planning; and
- Public transport.

**Local level: Local authorities**

Competences of the 110 municipalities and 9 cities:

- Registration services (including legislative and administrative power):
  - Birth, marriage, death, issuing of administrative documents;
  - Adoption matters and trusteeship; and
  - Cadastral register.
- Local planning;
- Maintenance of municipal police services:
  - Public order and civil defence/protection.
- Environment:
  - Water; and
  - Waste management.
- Utilities:
  - Water;
  - Heating supply and treatment; and
  - Waste management / household waste.
- Upkeep of public areas;
- Education:
  - Pre-school;
  - Primary education;
  - Secondary education; and
  - Organisation of continuing education for teaching staff.
- Culture;
- Health:
  - Hospital maintenance; and
  - Health care (including availability of health care).
• Social welfare:
  ➢ Personal social services; and
  ➢ Child protection.
• Housing;
• Economic development (facilitation of economic activity);
• Transport:
  ➢ Public transport; and
  ➢ Local roads.

Additional obligations for the capital city Riga per Section 17 LOSG:

• Support for central government functions:
  ➢ National government institutions;
  ➢ Reception of Foreign Dignitaries;
  ➢ Foreign Diplomatic Missions; and
  ➢ Assistance for International Organisations
• Maintenance and development of infrastructure of "State importance"; systems for financing local government have also been introduced.

15.1 Systems of multilevel governance

Representation: The Latvian Association of Local and Regional Governments (LALRG) represents municipalities vis-à-vis the central government; the Law on Self-Government (LOSГ) requires that either the LALRG or the chairperson of a local council be present, depending on the scope of government action.

Information: The Saeima (parliament), in its Rules of Procedure, Sections 172 & 173(1), has established the right of its committees to summon officials from local governments without "mediation" by the Saeima’s Presidium.

Consultation: Sections 86 & 87 LOSГ specify that either the LALRG (Sec. 86) or a representative of a municipality council (Sec. 87) need to be consulted when the central government is preparing measures that have an impact on the interests of all municipal governments or on specific local governments. Outside the legislative setting, the LALRG council often hosts – and is attended by – government ministers who plan measures within their portfolio that will affect local government interests.

With regard to regional policy, the government is obliged to consult local and regional authorities before adopting any decisions which affect them.249

249 Council of European Municipalities and Regions, Consultation procedures within European States, 2007
Coordination: Although there is no tradition of local government participating in European Affairs, the LALRG tries to get involved at all levels. One such example is the association's partner status in the preparation of national positions. Its representatives participate in meetings on EU issues held between senior government officials. At the EU level, the LALRG coordinates positions among the members of the Committee of the Regions with the national positions.

The Latvian Ministry of Foreign Affairs (MFA) is primarily responsible for representing Latvia's interests at the EU level.

The work is managed by the ministry’s European Union Directorate.

15.2 Relations with the EU/Representation at the EU level

The LALRG Council approved the procedure to appoint the Committee of the Regions’ (CoR) members in September 2009. This procedure takes into account the different types of self-government represented, notably with regard to territorial, gender and geographical representation.

Additionally, the LALRG Office in Brussels serves as the Bureau for the CoR delegation. Representatives of the LALRG participate in the weekly meetings on EU issues held between Senior Government Officials.

LALRG is a member of the Council of European Municipalities and Regions (CEMR). In addition, the Latvian Municipalities and LALRG are members of the Congress of Local and Regional Authorities of Europe (CLRAE).

15.3 Subsidiarity²⁵⁰

The Saeima has set up a European Affairs Committee (EAC) as one of its standing committees to actively participate in Latvian EU affairs. The EAC is empowered to examine any position the national government prepares before they are transmitted to the EU. Inversely, the EAC is charged with examining legislative proposals by EU institutions and – where necessary – forwarding them to other committees for their consideration.

There is no subsidiarity mechanism at the local or regional level.

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Law on Specially Protected Nature Territories
Law on the National Library of Latvia
Law on Trade Unions
Management of Trans-European Network Projects Law
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15.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport

National Government

The central Government is responsible for:

- Overall responsibility for policy-making in the field of transport;
- Traffic and road transport;
- Management, financial framework and organisation of public transportation regarding regional routes of inter-urban significance of a route network;
- Single system of public transport tickets;
- State Public-use Railway infrastructure;
- Maritime transport and infrastructure;
- Inland water transport and infrastructure; and
- Air transportation.

Regional level

Regional authorities are responsible for:

- Public transportation:
  - Route network management of regional routes of local significance in the interests of local governments;
  - Submission of a draft decision regarding the establishment or amending of a regional route (route network) of local significance;
  - Route network organisation of public transport services in regional routes of local significance in the interests of local governments;
  - The supervision of the financial resources allocated to the public transport from the State budget and local government budget; and
  - Strong coordination with local and national administrations.
Local level

Local authorities are responsible for:

- The construction of public transport stops and the maintenance of infrastructure;
- Managing finances and organising public transportation of the routes in cities;
- Coordinating with regional and national level public transport;
- Building, reconstruction and maintenance of local streets, roads and public squares; and
- Lighting of local streets, public squares and other areas designated for public use.

Sources
Law on Public Transport Services
Marine and Inland Waters Administration
Maritime Administration and Marine Safety Law
Railway Law
Riga International Airport
Road Traffic Law
b. Employment

National Government

The central Government is responsible for:

- General responsibility for policy and decision-making with the Ministry of Welfare;
- The State Employment Agency is the Latvian administration institution that implements State policy to decrease unemployment and number of unemployed, support programme for job-seekers and persons at risk of unemployment:
  - Register and record unemployed and job-seekers;
  - Perform short-term forecasts of the labour market;
  - Assist unemployed and job-seekers as well as economically inactive inhabitants to become involved in the labour market;
  - Organise cooperation and mutual information exchange between the State Employment Agency and employers as well as list vacant workplaces submitted by employers; and
  - Collaborate with the State and local government institutions, non-governmental organisations, as well as with physical and legal persons.
- Labour law;
- Law on Trade Unions; and
- Labour inspection.

Regional level

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Local level

Local authorities are responsible for:

- Establishing “general agreements” after sector level bargaining on issues such as pay and working time; and.
- Facilitating economic activity within the relevant administrative territory, and to be concerned about reducing unemployment.
Sources
European Industrial Relations Observatory On-line: Latvia - Industrial Relations Profile
International Labour Organisation: Latvia – National Labour Law Profile
Labour Dispute Law
Labour Law
Law on Trade Unions
Ministry of Welfare
State Employment Agency
c. Social policy

National Government

The central Government is responsible for:

Social assistance:

- The Ministry of Welfare is in charge;
- Ensures funding for social assistance and welfare in the state budget;
- Creates social care and social rehabilitation institutions;
- Develop a State policy in the field of social services and social assistance; and
- Integration through vocational training through the Social Integration State Agency.

Family policy:

- State family benefits.

Social security:

- Legislation.

Regional level

Local level

Local authorities are responsible for:

Social assistance:

- Social assistance for poor families and socially vulnerable persons;
- Ensures places for orphans and children without parental care in training and educational institutions; and
- Provides of overnight shelters for the homeless;
- Local Government Social Service Office provides social assistance.
Family policy:

- Ensures places for elderly in old-age homes;
- Family support and crisis centres for children, parents, pregnant women and young mothers in need of specialised help; and
- Registration marriage, partnership or birth.

Sources

Cab. Reg. No. 562 - State Family Benefit
Law on Social Security
d. Education

National Government

The central Government is responsible for:

- Establishing the overall legislation, financial and procedural framework;
- Sets the educational standards; and
- Coordinates with the municipalities, the establishment of educational institutions.

Regional level

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Local level

Local authorities are responsible for:

- Providing education for residents;:
  - Primary and general secondary education; and
  - Pre-school.
- Organisational and financial assistance to extracurricular training and education;
- Coordinates with the Ministry of Education and Science, the establishment of educational institutions;
- Provides for a budgetary resources;
- Ensures for transportation to the educational institution;
- Registration of children taking part in the education system; and
- Facilitates educational group with special needs.

Sources
Education Law
General Education Law
e. Vocational training

National Government

The central Government is responsible for:

- Ministry of Education and Science establishes the legislative framework;
- Puts in place register of profession standards;
- Funding from the State Budget;
- Establishes vocational training institutions;
- Organises vocational orientation and research of the labour market and labour demand; and
- Provides for accreditation of examination centres.

Regional level

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Local level

Local authorities are responsible for:

- Implementation of vocational education;
- Promotes the development of entrepreneurial activities; and
- Establishes, in coordination with the government, vocational education institutions.

Sources

Education Law
Vocational Education Law
f. Youth and sport

National Government

The central Government is responsible for:

Youth Policy

- Ministry of Education and Science ensures the development and the coordinated implementation of the single State policy in the field of youth;
- Legal framework provided at national level; and
- Youth Advisory Council provides for advice on the development and implementation of the co-ordinated youth policy.

Sport Policy

- Ministry of Education and Science is the main ministry responsible;
- Implements a unified State policy;
- Develops draft regulatory enactments;
- Implements purposeful international cooperation and ensure Latvian representation in international sports organisations;
- Develops and maintains sport facilities;
- Organises sport competitions; and
- Provides for financial resources.

Regional level

Youth Policy

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Sport Policy

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Local level

Local authorities are responsible for:

Youth Policy

- Implements the State policy;
- May establish an institutional system in order to ensure youth work; and;
- Promotes a healthy lifestyle of residents and sport.
Sport Policy

- Develops and maintains sport facilities;
- Organises sport competitions; and
- Provides for financial resources.

Sources
Sports Law
Youth Law
g. Culture

National Government

The central Government is responsible for:

- Setting of general policy directions in the field of culture;
- Main ministry responsible is the Ministry of Culture;
- The National Library of Latvia; and
- State museums.

Regional level

Local level

Local authorities are responsible for:

- Maintain culture and facilitate the preservation of traditional cultural values and the development of creative folk activity;
- Provides for organisational and financial assistance to cultural institutions and events;
- Preserves cultural monuments; and
- Local government museums.

Sources

Law on the National Library of Latvia
Ministry of Culture
Museums Law
h. Public health

National Government

The central Government is responsible for:

- Policy framework, legislation and regulations on specific aspects of Public Health provided by the national level;
- High-quality healthcare services (primary, secondary and tertiary health care);
- Payment of the health care services;
- Health inspection; and
- Pharmacy.

Regional level

Local level

Local authorities are responsible for:

- Ensures access to health care;
- Hospital maintenance;
- Promoting healthy lifestyles; and
- Restricting alcoholism and profligacy.

Sources

Cab. Reg. No. 1036 - Financing of Health Care
i. Trans-European networks

National Government

The central Government is responsible for:

- Management and control of the implementation of major Trans-European Network infrastructure projects; and
- The Ministry of Transport is responsible for transportation projects and the Ministry of Economics is responsible for Energy projects.

Regional level

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Local level

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Source

Management of Trans-European Network Projects Law
j. Economic, social and territorial cohesion

National Government

The central Government is responsible for:

*European Regional Development Fund (ERDF)*

- Overall management and implementation carried out by the national government.
- Responsible institutions: The Ministry of Economics, the Ministry of Education and Science, the Ministry of Finance, the Ministry of Culture, the Ministry of Welfare, the Ministry of Transport, the Ministry of Health, the Ministry of the Environmental Protection and Regional Developments.

*Spatial planning*

- Regulation of legal framework for spatial planning;
- Sets up a National Spatial Plan;
- Manages, supervises and coordinates the development of spatial plans; and
- Develops the National Spatial Plan in cooperation with State administrative institutions, local governments and public organisations.

*European Social Fund (ESF)*

- Overall management and implementation carried out by the national government.
- The Ministry of Welfare is responsible for the coordination of the horizontal policy of equal opportunities in issues related to gender equality, disability and ageing.
- The Secretariat of Special Assignments Minister for Electronic Government Affairs is responsible for the coordination of the horizontal policy of information society.
- The Ministry of Regional Development and Local Government is responsible for the coordination of the horizontal policy of balanced territorial development and the horizontal policy of international competitiveness of Riga.
- The Ministry of Environment is responsible for the coordination of the sustainable development horizontal policy in issues related to environmental protection.
- The Ministry of Finance is responsible for the coordination of the horizontal policy of macro-economic stability.
Regional level – provinces

Regional authorities are responsible for:

*European Regional Development Fund (ERDF)*

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**Spatial planning**

- Evaluate the National Spatial Plan.
- Evaluate the spatial plans of planning regions.

*European Social Fund (ESF)*

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Local Level – Municipalities

Local authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Implementation of the national policy programmes.

**Spatial planning**

- Manages, supervises and ensures the development and implementation of the spatial plan;
- Approve the local spatial plan; and.
- Evaluate those parts of the National Spatial Plan, National Development Plan, sectoral development programme, development programme and spatial plan of the planning region.

*European Social Fund (ESF)*

- May implement ESF projects.

**Sources**

- Cab. Reg. No. 727 - EU Struct. Funds
- Cab. Reg. No. 419 - Management of European Union Structural Funds
- European Regional Development Fund
- Law on Management of European Union Structural Funds
- Spatial Planning Law
k. Environment and the fight against climate change

National Government

The central Government is responsible for:

- Overall responsibility with the Ministry of Environmental Protection and Regional Development;
- Fields of activities:
  - Construction Control of chemical substances;
  - Climate change;
  - Industrial pollution;
  - Protection of species and habitats;
  - Soil quality;
  - Specially protected nature territories;
  - Waste management; and
  - Water protection.
- State Environment Service inspectors.

Regional level

Local level

Local authorities are responsible for:

- Environmental policy implementation;
- Fields of activities:
  - Waste management; and
  - Water protection.

Sources

Environmental Protection Law
Law on Pollution
Law on Specially Protected Nature Territories
Ministry of Environmental Protection and Regional Development
Waste Management Law
1. Energy

National Government

The central Government is responsible for:

- Energy policy is part of the national economy policy;
- Ensures efficient, safe and qualitative energy supply;
- Promotes efficient use and balanced consumption of energy;
- Promote economically justified competition;
- Facilitates the use of local, renewable and secondary energy resources; and
- Promotes the use of environmentally friendly technologies.

Regional level

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Local level

Local authorities are responsible for:

- Street lighting.

Sources

Energy Law
Energy
15.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

National Government

The central Government is responsible for:

- Overall legislation (in accordance with EU law);
- Ministry responsible is the Ministry of Agriculture.

Regional level
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Local level
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Sources
Law on Agriculture and Rural Development
Ministry of Agriculture
b. Fisheries

National Government

The central Government is responsible for:

- Overall legislation (in accordance with the principles and rules of the common fisheries policy and international obligations);
- Management of fish resources;
- May transfer fishing rights to the municipalities; and
- Legislative and administrative responsibility both regarding marine and inland waters.

Regional level
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Local level
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Sources
Fishery Law
Marine and Inland Waters Administration
Ministry of Agriculture
c. Immigration and asylum

National Government

The central Government is responsible for:

- Overall legislation and policies;
- Criteria for citizenship;
- Establishes visa criteria;
- Issue residence permits;
- Office of Citizenship and Migration Affairs; and
- State Border Guard.

Regional level

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Local level

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Sources

- Asylum Law
- Immigration Law
- Office of Citizenship and Migration Affairs
d. Tourism

National Government

The central Government is responsible for:

- Establishes a long-term, stable fiscal national tourism that is supportive of tourism development;
- State financial and credit policy;
- Local and international tourism development programmes and projects;
- International agreements on cooperation in the field of tourism;
- Promotes tourism in Latvia and abroad;
- Create and maintain the Latvian tourism information systems; and
- Creates tourism information offices in Latvia and abroad.

Regional level

Local level

Local authorities are responsible for:

- Develops development plans and territory planning;
- Provides resources and measures for tourism development;
- Promotes opportunities for tourism in their territory;
- Ensures the preservation of tourism objects;
- Participates in the development and financing of tourism information centres, points and stands; and
- Supports cultural educational activity in the area of tourism and the promotion of a healthy lifestyle.

Sources

Tourism Law
Latvian Tourism Development Agency
e. Civil protection

National Government

The central Government is responsible for:

- Overall legislative responsibility;
- State police;
- Security police;
- Military police;
- Fire-fighting:
  - State Fire-fighting and Rescue Service;
  - Fire safety, fire-fighting and rescue services of institutions, organisations and commercial companies;
  - Local government fire safety, fire-fighting and rescue services; and
  - Voluntary fire-fighter organisations.

Regional level

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Local level

Local authorities are responsible for:

- Local police:
  - Prevention of violations of the law;
  - Provision of social rehabilitation assistance;
  - Guarding and conveyance of persons arrested and under administrative arrest for administrative violations;
  - Upholds local legislation; and
  - Supports the State Police and Security Police.

- Fire-fighting:
  - Ensures training for employees of the local government fire safety, fire-fighting and rescue services;
  - Support establishment of voluntary fire-fighters organisations; and
  - Support activities of the State Fire-fighting and Rescue Service in the local government territory.
Sources
Fire Safety and Fire-fighting Law
Law on Police
Military Police
Ministry of Interior
16. Lithuania

Lithuania declared independence in 1990 and adopted its current constitution in 1992. **Lithuania is a parliamentary democracy and a decentralised unitary state.** The Lithuanian parliament is called *Seimas*. The 141 members of the Seimas are elected by a mixed system: About half are elected in individual constituencies and the other half is elected by proportional representation.

**Lithuania is composed of 10 regions (Lith. *apskritis*) and 60 municipalities (Lith. *savivaldybė*).** Municipalities are the only genuine self-governing authorities. Municipal councils are elected for four-year terms. Mayors are not directly elected but chosen by the municipal council (Art. 16(2)(2) LLSG). The municipal administrations are headed by an executive director (titled “Administrator” from 1995-2003 and “Director of Administration” since 2003), appointed by the municipal council upon proposal by the mayor (Art. 29(3) LLSG). On 1 July 2010, the regional administrations (Administrations of the Governor of the Region) were abolished. Currently, **regions serve as territorial and statistical units.** The functions of the regions were distributed among municipalities (minority) and the central government bodies (majority).

Local self-government through municipalities is provided for by the Constitution (Art. 119-124) and specified in the 1994 Law on Local Self Government (LLSG) and the 1994 Law on Territorial Administrative Units and their Boundaries (LTAUD).

The constitution provides for a **budgetary system consisting of an independent state budget as well as independent municipal budgets** (Art. 127) and the **right for municipalities to establish local levies** (Art.121). Municipalities play a significant role in the public sector: estimates are that they are responsible for 22 per cent of total expenditure. On the income side, revenue for the municipalities comes from shared taxation, own-resources taxes, revenues from goods and services as well as grants from the central government. Grants in general (55% of total revenue) and specific grants paid by the central government to finance delegate functions in particular (38% of total revenue) represent the lion’s share of municipal income. Shared income from the general income tax approximates 30% of municipal income whereas income from own-source-tax and property income sums up to about 6%.

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General division of powers

National level

National legislative responsibilities in all areas (Art. 5 of the Constitution).

Regional level

The Counties serve as statistical and territorial units.

Local level

The Municipalities are responsible for (Art. 5-7 LLSG):

By virtue of the law on municipal councils, local authorities have general administrative competence. They can exercise any task not explicitly reserved to the State.

In particular, they are responsible for:

Independent functions (Art. 6):

- Budgeting;
- Local fees and charges;
- Management of municipal property;
- Establishment and maintenance of municipal establishments;
- Social maintenance;
- Territorial planning;
- Local development;
- Spatial planning;
- Environmental protection;
- Housing;
- Culture;
- Local public transport;
- Sanitation;
- Household waste;
- Cemeteries;
- Maintenance of local roads and public areas;
- Education (pre-school, primary and secondary);
- Adult education (vocational training);
- Local health centres and hospitals;
- Libraries;
• Local cultural centres and museums;
• Social welfare;
• Public safety and security;
• Maintenance of public order; and
• Tourism and recreation.

**Delegated functions (Art. 7)**

• Administration and registration of agriculture;
• Participation in local labour market measures;
• Management of local archives;
• Public registry services;
• Social benefits;
• Protection of children’s rights;
• Administration of rural development measures;
• State property management;
• Participation in organisation of elections;
• Provision of state guaranteed primary legal assistance;
• Civil protection; and
• Fire protection.

### 16.1 Systems of multilevel governance

**Representation:** Lithuanian municipalities are organised in the Association of Local Authorities in Lithuania (ALAL) which represents them before the Parliament and in relations with other state institutions in matters of common interest (Art. 53 LLSG).

**Information:** State institutions must keep municipal authorities informed when considering issues related to their interests or activities (Art. 52(4) LLSG).

**Consultation:** The municipalities have the right to submit proposals in the area of their competencies which must be considered and answers to them must be provided (Art. 52(4) LLSG). Draft legislation relating to activities (Art. 52(8) LLSG) of the municipalities shall be discussed with the municipalities or the ALAL and draft legislation relating to municipalities’ territorial boundaries (Art. 52(5) LLSG) shall be discussed with the municipalities. Due to these legal requirements, committees of the Seimas have to consult ALAL’s evaluation and suggestions on relevant legislative drafts. ²⁵²

**Coordination:** The LLSG prescribes the establishment of a bilateral commission for the coordination of interests and positions of the Government and ALAL (Art. 52(10)) which is composed of the Minister of the Interior, the Vice-Minister of the Finances and the Chancellor of the Government as well as the President and the Vice-Presidents of the ALAL. The Commission meets at least biannually, both sides take turns drafting the agenda.\(^{253}\)

### 16.2 Relations with the EU/Representation at EU level

**The members of the CoR are representatives of the municipalities.** Lithuania appoints nine full members and nine alternates to the Committee of the Regions (CoR). The Association of Local Authorities in Lithuania (ALAL) selects members and alternates from suggestions made by the Regional Development Councils. The final selection must be approved by the Government. The selection takes account of political, geographical and gender balance criteria.

The representation of the **Municipalities’ interests in Brussels is ensured via ALAL,** which has its own liaison office.

**Lithuania participates in a number of international cooperation programmes.** Namely, the Lithuania-Poland Cross-border Cooperation Programme, the Latvia-Lithuania Cross-border Cooperation Programme, the South Baltic Cross-border Cooperation Programme, the Baltic Sea Region Programme 2007-2013 and the INTERREG IVC programme.

ALAL is a member of the Council of European Municipalities and Regions (CEMR).

### 16.3 Subsidiarity

The procedures for the control of the principle of subsidiarity through the Seimas are laid down in Article 180(6) of the Statute of the Seimas. Specialised committees in the Seimas are responsible for proper and timely control of the principle of subsidiarity.

The committee on European Affairs is responsible for communicating statements concerning possible nonconformity of legal acts to the parliaments of other Member States as well as to the Institutions of the European Union.\(^{254}\)

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\(^{253}\) Idem.

The local level is not involved in the subsidiarity check mechanism. In general, any issues concerning subsidiarity are resolved following the general mechanism of consultations (Art 52 of LLSG).

16.4 Bibliography


Association of Local Authorities in Lithuania


Constitution of the Republic of Lithuania


Law on Elections to the Seimas

Law on Local Self-Government

Law on Regional Development

Law on Territorial Administrative Units and their Boundaries

Ministry of the Interior of the Republic of Lithuania

Seimas of the Republic of Lithuania Statue

The Committee of the Regions

Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
16.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National Government

The central Government is responsible for:

- Making and implementing transport policy and development of infrastructure for all modes of transportation;
- Development of national transport strategies;
- Issue licenses to engage in transportation;
- Traffic safety for all modes of transport; and
- Management of the State sea port at Klaipeda as well as state owned airports Vilnius International Airport, Kaunas Airport and Palanga International Airport.

Local Authorities – municipalities

Local authorities are responsible for:

- Organisation of free of charge transportation to schools and to places of residence of pupils of schools of general education, who live in rural localities;
- Planning of the infrastructure;
- Maintenance, repairing, surfacing of roads and streets, as well as organisation of traffic safety; and
- Organisation of transportation of passengers by local routes, calculation and payment of compensations for preferential transportation of passengers.
- Licensing of local public transportation routes.

Sources
Regulations of the Ministry of Transport and Communications
Kaunas Airport
Klaipeda Seaport
Palanga Airport
Regulations of the Ministry of Transport and Communications
Vilnius Airport
b. Employment policy

National Government

The central Government is responsible for:

- Legislative competence in the field of labour and employment including support for unemployed; and
- Active and passive measures against unemployment are carried out by the National Labour Exchange and its local offices.

Local Authorities – municipalities

Local authorities are responsible for:

- Participating in solving issues relating to employment of residents, acquiring of qualification and re-qualifying, organisation of public and seasonal works; and
- Participation in preparing and implementing labour market policy measures and employment programmes;
- Organisation of public work.

Sources
Law on Support for Employment
Lithuanian Labour Exchange
Seimas of the Republic of Lithuania Statue
c. Social policy

National Government

The central Government is responsible for:

- Main responsibility for the administration of social security;
- General directions of the development of the social security are established together with local governments;
- Pension, sickness and maternity insurance, labour accidents insurance schemes and the collection of social insurance contributions are responsibilities of the State Social Insurance Council and the State Social Insurance Board; and
- Active and passive measures against unemployment are carried out by the National Labour Exchange and its local offices.

Local Authorities – municipalities

Local authorities are responsible for:

- Planning and provision of social services, founding, maintaining of social service establishments and cooperation with non-governmental organisations;
- Provision of conditions for social integration of the disabled residing within the territory of a municipality;
- Setting-up of a social housing stock and its repairs, social housing rent
- Provision of cash-social assistance to poor residents in the municipalities specified by the Law of the Republic of Lithuania on Cash Social Assistance to Poor Residents [until 31 December 2014];
- Calculation and payment of social benefits and compensations [to be change in 2014/2015, social assistance ceases to be an independent function and becomes a delegated function]; and
- Ensuring of provision of social care to individuals with a severe disability.

Sources

Law on Government
Ministry of Social Security and Labour
Social Security Strategy
d. Education policy

National Government

The national Ministry of Education and Sciences has a central role in administering public education. Its goals are inter alia to:

- Implement the national system of formal and non-formal education;
- Implement the state policy of science and studies in accordance with the law on science and studies and other legal acts;
- Coordinate the activity of Lithuanian institutions of science and studies;
- To fulfil these goals, the ministry
  - Develops one-year and long-term educational investment programmes;
  - Approves requirements for the regulations of state-run and municipal schools;
  - Approves the general curriculum content of formal education, and achievement levels;
  - Organises and coordinates the accreditation of the secondary education programme;
  - Approves the procedure of consecutive learning under general education programmes and the procedure for organisation and implementation of Matura exams; and
  - Establishes, liquidates, and reorganises vocational schools and approves general vocational education plans.

Local Authorities – municipalities

Local authorities are responsible for:

- Ensuring of learning according to the programmes of compulsory education;
- Organisation and coordination of the provision of educational assistance to a pupil, teacher, family, school, the implementation of minimal child care arrangements;
- Organisation of pre-school education, non-formal education of children and adults, organisation of occupation of children and youth;
- Organisation of meal services in educational establishments, which implement education according to pre-school, pre-primary and general education programmes;
- Organisation of pre-primary education, general education, vocational training and vocational counselling; and
- Maintenance of schools (classes) which implement general education programmes and are designed for pupils having exceptional talents or special needs;
- Establishes, liquidates, and reorganises schools and vocational schools;
- Organisation of free transportation to the schools for pupils, residing in rural areas, further than 3 km from the educational establishment.

Sources
Ministry of Education and Sciences
e. Vocational training policy

National Government

The central Government is responsible for:

- Responsibility for establishing, liquidating, and reorganising vocational schools and approving general vocational education plans
- The Vocational Training Council of Lithuania is the consultative body in deciding strategic questions in vocational education and training.

Local Authorities – municipalities

Local authorities are responsible for:

- Organisation of vocational training and vocational counselling.
- Establishment, liquidations, and reorganisation of vocational schools.

Sources
Law on Vocational Training
f. Youth and sport policy

National Government

The central Government is responsible for:

Youth Policy

- The state youth policy is prepared and implemented by the Youth Department under the supervision and control of the Ministry of Social Security and Labour. The implementation of youth policy is based on the principle of subsidiarity.

Sport Policy

- Define the strategic directions of sports policy and approve priority directions and programmes related to the development of physical education and sport.

Local Authorities – municipalities

Local authorities are responsible for:

Youth Policy

- Protection of the rights of children and the youth; and
- Municipalities frame and implement a municipal youth policy.

Sport Policy

- Municipalities form and implement a physical education and sports policy for the municipality, establish physical education and sports institutions and fund the activities of sport education centres within their territory; and
- Development of physical training and sports.

Sources

- Department of Physical Education and Sports
- Law on Physical Education and Sports
- Law on Youth Policy Framework
g. Culture policy

National Government

Policy lines are set by the central Government after consultation with local government units.

Local Authorities – municipalities

Local authorities are responsible for:

- The cultivation of general culture and fostering of ethnoculture of the population (participation in culture development projects, establishment, reorganisation, transformation, liquidation of museums, theatres, culture centres and other cultural institutions as well as supervision of their activities).
- Establishment and protection of local protected areas of the cultural heritage (tangible heritage).

Sources
Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
*Law on the Principles of State Protection of Ethnic Culture*
h. Public health policy

National Government

The central Government is responsible for:

- The objectives and tasks of the national public health care policy are set out in the Lithuanian Health Programme which has to be approved by the Seimas.
- For the purpose of implementing the Lithuanian Health Programme, the Government shall approve the Lithuanian National Public Health Care Strategy.

Local Authorities – municipalities

Local authorities are responsible for:

- Implementing the Lithuanian National Public Health Care Strategy through municipal health programmes;
- Primary personal and public health care (founding, reorganisation, liquidation and maintaining of establishments);
- Organisation of the secondary and tertiary health care in cases and according to the procedure laid down by the law; and
- Establish and maintain municipal health care facilities.
- Organisation of public health.

Sources

Law on Public Health
i. Trans-European networks policy

National Government

The central Government is responsible for:

- Making and implementing transport policy and development of infrastructure for all modes of transportation.
- The IA transport corridor (2007-LT-91601-P) is being implemented by the Lithuanian Road Administration under the Ministry of Transport and Communications.

Local Authorities – municipalities
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Sources
Regulations of the Ministry of Transport and Communications
Trans-European Networks Executive Agency (TEN-T EA)
j. Economic, social and territorial cohesion policy

National Government

The central Government is responsible for:

*European Regional and Development Fund (ERDF)*

- Managing authority is the Ministry of Finance of the Republic of Lithuania;
- Operation Programme ‘Economic Growth’; and
- Operation Programme ‘Promotion of Cohesion’.

*Spatial Planning*

- Organise, within its competence, the preparation of territorial planning documents;
- Draft, within its competence, the legal acts necessary for the implementation of this Law; and
- Monitor, within its competence, the implementation of territorial planning documents of the national and regional level, of the level of the institution authorised by the Government.

*European Social Fund (ESF)*

- Formulation of national development plans; and
- Main responsibility lays with the Ministry of Finance.

Local Authorities – municipalities

Local authorities are responsible for:

*European Regional and Development Fund (ERDF)*

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*Spatial Planning*

- Planning of the infrastructure, social and economic development, preparation of strategic development and actions plans, preparation of programmes related to the development of tourism, housing, small and medium sized enterprises;
- Implement the State territorial planning policy preparing the documents of territorial planning of the municipality level;
• Coordinate and organise the preparation of territorial planning documents of the municipality level; and
• Within its competence monitor the implementation of the municipality level territorial planning documents (in cooperation with state authorities);
• Issuing construction permits;
• Supervising the use of buildings.

*European Social Fund (ESF)*

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**Sources**

[EU Assistance – General Support](#)
[European Social Fund – Lithuania](#)
[Infereg](#)
[Law on Territorial Planning](#)
k. Environment and the fight against climate change policy

National Government

The central Government is responsible for:

- Environmental protection,
- Forestry,
- Utilisation of natural resources,
- Geology and hydrometeorology,
- Territorial planning,
- Construction,
- Provision of residents with housing, and
- Utilities and housing.

Local Authorities – municipalities

Local authorities are responsible for:

- Establishment, protection and management of protected territories of a municipality;
- Maintenance and protection of the landscape, immovable cultural values and protected areas of local importance established by a municipality, protection, maintenance and development of green areas, vegetations;
- Improvement and protection of environment quality;
- Organisation of waste water treatment;
- Development of municipal waste management, organisation of secondary raw materials collecting and processing, establishment and exploitation of landfills;
- Implementation of environmental noise prevention and state management of environment noise;
- Participation in the management of national parks; and
- Radiation protection;
- Establishment and maintenance of landfill sites.

Sources

Law on Environmental Protection
Ministry of the Environment of the Republic of Lithuania
1. Energy policy

Central level

The central Government is responsible for the overall responsibility for energy policy. The long-term of the energy policy is laid down in the National Energy Strategy.

Local Authorities – municipalities

Local authorities are responsible for:

- The organisation of supply of heat and drinking water; and
- Making arrangements for the lighting of the territories used for public needs.

Sources

Law on Energy
16.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The central Government is responsible for:

- Regulate with economic measures the production of agricultural products and foodstuffs;
- Pay direct payments and compensatory allowance;
- Carry out intervention buying-up and other intervention regulatory measures;
- Promote export and establish export and import procedure.

EU funds are administered by the National Paying Agency under the Ministry of Agriculture.

Local Authorities – municipalities

Local authorities are responsible for:

- Administration of agricultural production quotas;
- Registration of agricultural holdings and farmers’ farms;
- Administration of activities related to declaration of agricultural land and crops;
- Implementation of programmes pertaining to the liquidation and monitoring of natural disasters, communicable diseases of animals, determining of losses and damage caused to the agriculture by hunted animals and wild animals of the strictly protected species;
- Registration and technical maintenance of tractors, self-propelled and agricultural machines and their trailers; and
- Administration of implementation of rural development measures;
- Management and usage supervision of state owned hydrotechnical and melioration constructions.

Sources

Law on Agriculture and Rural Development
b. Fisheries policy

Central level

The central Government is responsible for:

- Management of state owned fisheries;
- Determine procedures for granting fishing rights;
- Set and allocate fishing quotas in Lithuania’s internal fisheries; and
- Registration of fishing vessels.

Local Authorities – municipalities

Local authorities are responsible for:

- Organising the management of water bodies and the maintenance of protected strips and zones, control how water bodies are attributed to other economic entities are maintained.

Sources

Law on Fisheries
c. Immigration and asylum policy

Central level

The central Government is responsible for:

- Consideration and decision of issues concerning citizenship.
- Implementation of state policy in the fields of:
  - Migration;
  - Citizenship;
  - Visas; and
  - Granting asylum and refugee the status;
- The legal status of foreigners in the Republic of Lithuania is administered by the Migration Department under the Ministry of Interior.

Local Authorities – municipalities

Local authorities are responsible for:

- Providing social assistance to aliens who have been granted; and
- Providing the Migration department with information relating to aliens required for the discharge of functions by the Migration Department in determining the aliens’ legal status in the Republic of Lithuania.

Sources
- Migration department
- Law on the legal status of aliens
- Law on citizenship
d. **Tourism policy**

**Central level**

The central Government is responsible for:

- Set out a National Programme of Tourism Development establishing a state policy on tourism development and investments in tourism.
- Establish tourist information centres abroad.
- Implement the funding of the state tourism programme and project planning and tourism information centres abroad.
- A permanent Council on Tourism comprising public officials as well as representatives of business associations acts as consultant to national, regional and local governments.

**Local Authorities – municipalities**

Local authorities are responsible for:

- Creation of conditions for the development of business and tourism, and promotion of such activities; and
- Preparation of programmes related to tourism.

**Sources**

[Law on Tourism](#)
e. Civil protection policy

Central level

The central Government is responsible for:

- Civil protection, together with the Municipalities;
- The Government lays down plans and procedures related to civil protection such as the emergency prevention plan, the procedure for civil protection training or co-ordinating actions of NATO in the field of civil protection; and
- National emergencies are managed by the Government Emergency Commission.

Local Authorities – municipalities

Local authorities are responsible for:

- Municipal Emergency Commissions chaired by the director of the Municipality maintain the municipal civil protection system and take decisions required for the management of an imminent actual emergency;
- Organisation of disaster prevention and its consequences’ mitigation measures.

Sources

Law on civil protection
17. Luxembourg

Luxembourg is a unitary State with a municipal level of decentralisation under the 1868 Constitution.

It is a constitutional monarchy that gained independence in 1839 and a parliamentary democracy characterised by a flexible separation of powers. The Parliament (Chambre des députés) is unicameral. The Government is led by the Prime Minister and the Head of State is the Grand Duke.

Luxembourg is made up of 3 Districts, 12 Cantons and 106 Municipalities (Communes). The Districts (Luxembourg, Diekirch and Grevenmacher) and Cantons exist for territorial and administrative purposes only; these are not levels of government. The District is a deconcentrated level of State administration; the Canton is a level of State administration, without its own competences. Conversely, Municipalities have existed since the 1789 French Revolution.

The right to local self-government is enshrined in the Constitution (Art. 107), Municipalities being considered as legal entities managing their own bodies, heritage and interests. Municipalities have general competence for all matters concerning municipal interests, but only have administrative competences. Municipal competences are divided into mandatory and optional. Mayors represent both the State and their Municipalities.

The Grand Duke appoints a District Commissioner in each District. They are state officials responsible to the Home Minister and to the Government in general, and serve as contact points between the central Government and local administrations. They also act as coordinating points between Municipalities. All the local administrations (except Luxembourg City) are under the District Commissioner’s direct supervision. Most of the decisions taken by the Municipalities are subject to the approval of the Grand Duke or the Government. The District Commissioner reports to the Home Minister on problems encountered in the management of Municipalities.

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256 Ibid., Article 109.
257 Luxembourg portal, Accueil / Politique / Territoire.
258 Loi communale du 13 décembre 1988, op. cit.
259 Ibid., Article 110.
Besides the Constitution of 1868 – which gives scarce indication of the Municipalities’ competences, the Municipal organisation Act (loi communale) of 1988 constitutes a fundamental law as regards the division of powers between the State and the Municipalities. The distribution of competences is further described in numerous other laws.

The Municipalities’ revenue is derived from autonomous taxation (33.8%), grants (44.3%), and other sources of revenues (21.9%)\textsuperscript{262}.

Since the Municipalities are rather small, a process has started to merge different local authorities\textsuperscript{263}.

National level

State responsibilities

The central government has exclusive legislative power in all fields related to the national interest. Moreover, it has general legislative and administrative powers, except for local powers specifically defined by the law.

Intermediate level

No intermediate-level responsibilities

- District Commissioners ensure compliance with laws and general and municipal regulation, the maintenance of order, public safety and keeping of the peace.

Local level

Municipal-level responsibilities

The mandatory functions of the municipalities include:

- Organisation and operation of the Municipality;
- Registration (registry office);


\textsuperscript{263} Ministry of Interior and of the Great Region, Accueil / Relations avec les communes / Redéfinition des structures administratives et des relations entre l'État et les communes; Government portal, home > Salle de presse > Articles d'actualité > Septembre 2011 > État d'avancement de la réorganisation territoriale: présentation des conclusions du second tour de consultations avec les communes.
Education, including buildings, school organisation, but not the curricula and pedagogical matters, pre-school and primary education;
Transport, including municipal road network; traffic management;
Local planning;
Environment, including water supply and waste management;
Emergency services;
Public safety (police matters, jointly with the State);
Health, including public hygiene and health;
Social welfare, and
Waste management.

Also, municipalities carry out the following optional functions:

- Public transport;
- Public health, including the management of clinics and hospitals, care homes;
- Social welfare, including crèches, child reception facilities, welfare activities, care of the elderly;
- Sporting activities;
- Music education;
- Economic development, including the creation of industrial, commercial and craft areas;
- Tourism, and
- Cultural affairs.

17.1 Systems of multilevel governance

Representation: Municipalities are all members of the towns and Municipalities association SYVICOL (Syndicat des Villes et Communes Luxembourgeoises), which is recognised by the central Government as the representative of local government. SYVICOL acts as the main interlocutor of the central Government.

Information: During the legislative process, information is provided to the Municipalities to the extent that information is published on the Parliament’s website.

Consultation: No general legal framework ensuring the consultation of Municipalities exists, despite the co existence of many dialogue structures between the State and the Municipalities\textsuperscript{264}. In reaction to this, consultation of

\textsuperscript{264} Council of European Municipalities and Regions, Study on ‘Consultation procedures within European
Municipalities is ensured via SYVICOL\textsuperscript{265}. In particular, when a proposal of regulation has a local impact, the central Government consults SYVICOL\textsuperscript{266}.

**Coordination:** Besides SYVICOL which enables coordination between the local and central levels, cooperation is ensured informally via the deputies holding a double mandate\textsuperscript{267}. As regards horizontal coordination, SYVICOL ensures cooperation between the Municipalities.

### 17.2 Relations with the EU/ Representation at EU level

The Luxembourg delegation to the CoR is composed of six representatives from the Municipalities, who are selected by the Government on the basis of SYVICOL’s proposal.

Luxembourg’s Municipalities do not have liaison offices in Brussels. SYVICOL represents Luxembourg Municipalities before the EU institutions and promotes cross-border cooperation.

### 17.3 Subsidiarity

The national Parliament did establish a procedure of subsidiarity scrutiny of EU draft legislative acts within the frame of the Early Warning System (EWS), but it does not formally consult Municipalities. Nevertheless, some Deputies holding a double mandate (local and national) participate personally in the subsidiarity scrutiny. Moreover, the Luxembourg CoR delegation is associated in the EWS.\textsuperscript{268}

### 17.4 Bibliography

**Constitution**


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\textsuperscript{265} Ibid.
Legislation


Règlement grand-ducal du 20 avril 2009 instituant un régime d’aides pour la promotion de l’utilisation rationnelle de l’énergie et la mise en valeur des énergies renouvelables [Grand Ducal Regulation on the establishment of
financial aids for the use of renewable energies and the promotion of energies’

Règlement grand-ducal du 8 novembre 2010 portant exécution de la loi du 18
décembre 2009 organisant l’aide sociale [Regulation implementing the Social

Websites

Association of Luxembourg towns and Municipalities (SYVICOL)
Economy and foreign trade Ministry, Accueil / Attributions / DG Marché
intérieur et politique régionale (DG 2).
Family and Integration Ministry, Accueil / Le Ministère / Attributions.
Government website
Home ministry webpage
Labour and Employment Ministry, Accueil / Le Ministère / Attributions.
Ministère de l’agriculture, de la viticulture et du développement rural, Accueil /
Sécurité alimentaire.
Ministry of sustainable development and infrastructures, Department of
Transports.
MyEnergy Luxembourg.

Publications and studies

Council of European Municipalities and Regions, Study on ‘Consultation
procedures within European States’, 2007, pp. 129-134.

Institut national pour le développement de la formation professionnelle continue,
Mesures d’aide à la formation, La formation, ça marche!, Luxembourg, November 2010.

Loutsch-Jemming C., La Législation Communale, Notes de cours, INAP,
October 2011.


Youth National Service, Legislation.
17.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- The overall transport policy, including the definition, conception and orientation of the needs, priority setting, implementation and control of expenses, as well as work general coordination;
- Controlling all national and international transport operations in the Grand Duchy of Luxembourg (Transport Ministry), including
  - Air transport and infrastructure;
  - Roads and infrastructure;
  - Railways and infrastructure;
  - Ports and waterways;
  - Regulation of road safety, and
  - Public transportation.

The State acts as an organising authority and is assisted by the Transport Community (Verkéiersverbond), which organises cooperation between the State, the local authorities, the users and the operators.

Local authorities – municipalities

Local authorities are responsible for:

- Local transport (public transport), in cooperation with the Transport Community (Verkéiersverbond);
- Local road maintenance, and
- Road safety on their territory.

Sources
Ministry of sustainable development and infrastructures, Department of Transports.
b. Employment policy

National government

The Ministry of Labour and Employment is in charge of:

- The overall employment policy;
- The labour law and working conditions;
- Public employment service and national employment administration;
- Disabled workers;
- International cooperation, and
- Unemployment benefits.

Local authorities – municipalities

Local authorities are responsible for:

- Cooperating with the national employment administration;
- Employment promotion, e.g. by participation in local partnerships and the assessment of local potentials for job creation;
- Municipal labour market services and day-to-day services ensuring better possibilities for local employment;
- Employability measures funded from own budgets, and
- Since recently, deconcentrated offices of Public Employment Service at local level.

Sources


Code du travail [Labour Code]

Labour and Employment Ministry, Accueil / Le Ministère / Attributions
c. Social policy

National government

The Family and Integration Minister is responsible for social assistance, specifically for:

- Legislation;
- Social welfare;
- Social reintegration of convicts;
- Research;
- Minimum wage, and
- Integration of foreigners.

Also, it is responsible for the family policy, including:

- Legislation;
- Policy concerning the disabled;
- Policy concerning the elderly;
- Social and legal protection of the youth;
- Children’s rights, and
- Family benefits.

Local authorities – municipalities

Local authorities are responsible for social assistance. Thirty local social offices are in charge of providing social assistance to users. They have competence in the field of:

- Information, orientation and assistance to users;
- Administration;
- Monitoring of dossiers;
- Complementary financial aid;
- Social investigation, and
- Coordination and good functioning of the different procedures.

Also, regarding the family policy, local authorities are responsible for:

- Housing for elderly;
- Child care;
- Day-nurseries, and
• Socio-educational facilities for children.

Sources
Family and Integration Ministry, Accueil / Le Ministère / Attributions.
d. Education policy

National government

The Ministry of National Education and Vocational Training is responsible for education and training policies in general.

The Ministry of higher education is in charge of higher education and research in general.

Local authorities – municipalities

Local authorities are responsible for:

- School establishment and organisation;
- The creation, construction*, maintenance, and operation of schools, including early education, pre-school and school;
- School administration;
- Local employees organisation;
- Extra-curricular activities;
- Implementation of security at school legal provisions, and
- Music education.

* Building costs are co-funded by the State.

Sources


e. Vocational training policy

National government

The Ministry of National Education and Vocational Training is responsible for:

- Education and training policies in general, and
- The school-based part and the part absolved in enterprises.

Local authorities – municipalities

Local authorities are responsible for:

- Participating in policy implementation;
- Linguistic learning (leave for employees willing to learn Luxembourgish), and
- Unpaid leave for training purpose.

Sources

Institut national pour le développement de la formation professionnelle continue, Mesures d’aide à la formation, La formation, ça marche!, Luxembourg, November 2010.
f. Youth and sport policy

National government

Youth policy

The Ministry of the Family and Integration is responsible for:

- Preparing the legislation on Youth Policy, policy formulation and setting of policy guidelines;
- The supervision of youth associations;
- Providing support for general youth education, leisure activities and setting up of youth centres;
- Volunteer Service;
- Financial support;
- “Youth leave” (congé jeunesse) enabling workers to go on a leave for study purposes;
- Protection of the youth;
- National Youth Service, including
  - The implementation of youth policy, and
  - Ensuring contact, information, counsel and support to the youth.
- Preparing, coordinating and initiating investigation, analyses, research and reports (Youth Observatory);
- The Superior Council for the Youth (consultative body), and
- Youth National Assembly.

Sport policy

Sports are organised by an independent structure: the ‘Sport Movement’. The public authorities’ action is subsidiary and complementary. Public authorities participate in the development and achievement of the Sport Movement’s objectives and are placed under the supervision of the Ministry of Sports. They responsibilities are:

- Contributing to the supervision of sport organisation:
  - Financial support;
  - Training of sport executives;
  - Medical control, and
  - Sport insurance.
- Providing sport facilities (together with the communes).
Local authorities – municipalities

Local authorities are responsible for:

*Youth policy*

- Youth local plans.

*Sport policy*

- Providing assistance to sporting activities taking place within their territories, and
- Sport facilities (shared with the State).

**Sources**

Youth National Service, Legislation
g. Culture policy

National government

The Ministry of Culture is in charge of:

- Cultural activities and programmes;
- International cultural cooperation and external cultural policy;
- Setting up and running cultural institutions and infrastructure;
- The coordination of national cultural centres;
- The protection of the national cultural heritage policy;
- The administration of funds for national cultural institutions, and
- The promotion of cultural policy.

Local authorities – municipalities

Local authorities are responsible for:

- Cooperating with the national level authorities for the policy implementation;
- The administration of support for cultural institutions (in cooperation with the national ministry), and
- Music education on a voluntary basis.

Sources
h. Public health policy

National government

The Ministry of Health is in charge of:

- Legislation;
- Policy-making and planning;
- The National Health Service;
- Organisation and facilities;
- Research;
- Providing legal framework on public care professions, medical schools, supervision on preventive and social medicine;
- Studies related to public health issues, advisory functions, task of monitoring legislation (Specialised Public Health Direction);
- Rehabilitation services and services for the disabled;
- Setting legal framework for institutions related to public healthcare;
- The supervision of public health service provision, and
- The prevention and fight against drug addiction

Local authorities – municipalities

Local authorities are responsible for:

- Participating in the day-to-day management of policies related to public health;
- Administrative tasks related to policy implementation;
- Ensuring care for the mentally disabled, and
- Primary healthcare.

Sources
i. Trans-European networks policy

National government

The Ministry of sustainable development and infrastructure is responsible for:

- The legislation, planning and implementation of major transport infrastructure projects;
- The overall planning policy;
- International and interregional cooperation (including EGTCs), and
- Natural parks.

Local authorities – municipalities

Local authorities are responsible for:

- Local planning policy, including the establishment and implementation of local planning and urban development, and
- Providing their opinion in the planning phase of concrete projects (consultation rights).

Sources
j. Economic, social and territorial cohesion policy

National government

The central government is responsible for:

*European Regional Development Fund (ERDF)*

The Ministry of Economy and Foreign Trade, which is the ERDF managing authority, is in charge of:

- Legislation and enforcement of the regional economic policy;
- European cohesion policy;
- Structural Funds;
- The Trans-national and cross-border regional economic development policy, and
- The cooperation with the local authorities in the implementation of regional policy programmes.

*European Social Fund (ESF)*

The Ministry of Labour and Employment is responsible for:

- The formulation and implementation of the ESF;
- The administration of labour market services and unemployment benefits, and
- Setting the framework for training and retraining.

*Spatial planning*

The Ministry of sustainable development and infrastructure is in charge of:

- The legal framework for spatial planning policies;
- Providing assistance to the Municipalities in implementation;
- The promotion of sustainable town planning;
- State/Municipalities cooperation contracts and conventions on territorial development;
- INTERREG;
- EGTCs;
- Territorial cohesion and urban policy;
- Metropolitan regions and cross-border metropolitan areas (Région métropolitaine et agglomérations transfrontalières), and
• European Spatial Planning Observation Network (Observatoire en Réseau de l’Aménagement du Territoire européen).

Local authorities – municipalities

Local authorities are responsible for:

*European Regional Development Fund (ERDF)*

• The implementation of regional development programmes, in cooperation with the national government.

*European Social Fund (ESF)*

• Participation in employment promoting measures;
• Participation in local partnerships for employment;
• Running labour market services, and
• Financing measures to support employment and employability.

*Spatial planning*

• Participation in detailed planning, town and city planning, and
• Urban development.

*Sources*


Economy and foreign trade Ministry, Accueil / Attributions / DG Marché intérieur et politique régionale (DG 2).

Labour and Employment Ministry, Accueil / Le Ministère / Attributions.

k. Environment and the fight against climate change policy

National government

The Ministry of sustainable development and infrastructure is responsible for:

- Overall policy in the field of environment and fight against climate change;
- Fund for environment protection;
- Public administrations (on environment, nature and forests and water);
- Waste management (together with the communes);
- The adoption of a national plan on sustainable development, and
- The promotion of sustainable development.

The Sustainable Development Higher Council acts as a forum on sustainable development. Its missions include:

- Conducting research on sustainable development;
- Fostering the participation of all the relevant stakeholders and citizens in the achievement of its objectives, and
- Acting as an advisory body on the sustainable development policy.

Local authorities – municipalities

Local authorities are responsible for:

- The provision of communal environmental services;
- The punishment and prevention of pollution;
- The maintenance of hygienic and safe environment;
- Water supply and management;
- Water protection;
- Waste management (together with the State);
- Recycling, and
- To a small extent, air pollution.
Sources


Sustainable Development Higher Council portal, Accueil/ Le conseil/ Missions.
1. Energy policy

National government

The Ministry of Sustainable Development and Infrastructure and the Ministry of Economy and Foreign Trade are responsible for:

- The promotion of renewable energies;
- Energie agence;
- Financial aid for the use of renewable energies, and
- The promotion of rational use of energy.

The Economic interest grouping MyEnergy is in charge of information and counsel relating to energetic efficiency and renewable energy sources.

Local authorities – municipalities

Municipalities may benefit from the financial aid for the use of renewable energies and the promotion of rational use of energy.

Sources


Environment Portal, Les énergies renouvelables

MyEnergy Luxembourg portal

17.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

**National government**

The Ministry of Agriculture, Viticulture and Rural Development is in charge of:

- The implementation of the Common Agriculture Policy (CAP);
- Financial aids (EU and national);
- Food security;
- Animals protection;
- Viticulture;
- Horticulture, and
- Forestry.

**Local authorities – municipalities**

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**Sources**


Ministère de l’agriculture, de la viticulture et du développement rural, **Accueil / Aides financières**

Ministère de l’agriculture, de la viticulture et du développement rural, **Accueil / Sécurité alimentaire**
b. Fisheries policy

**National government**

The Minister of Interior and of the Great Region are in charge of the overall fisheries policy.

**Local authorities – municipalities**

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**Sources**

c. Immigration and asylum policy

National government

The Ministry of Labour, Employment and Immigration is in charge of:

- Legislation;
- The entry and residence of foreigners;
- The return of illegal immigrants;
- Asylum, including refugee status and subsidiary protection status;
- Detention centres;
- Granting stateless status;
- National, European and international immigration and asylum policy, and
- The cooperation with international organisations and NGOs.

The Ministry of Family and Integration is in charge of:

- Foreigner integration;
- Social action in favour of foreigners;
- The Luxembourg Acceptation and Integration Office;
- Acceptance centres for asylum seekers, and
- National Council for foreigners.

Local authorities – municipalities

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Sources
d. Tourism policy

National government

The Minister of Middle Class and Tourism is in charge of:

- The overall tourism policy;
- Tourism promotion;
- Foreign tourism agencies;
- Cross-border cooperation, and
- The allocation of funding for local projects.

Local authorities – municipalities

Local authorities are responsible for local tourism.

Sources
e. Civil protection policy

National government

The Minister of Interior and of the Great Region is in charge of:

- Civil protection services;
- International cooperation on civil protection;
- Rescue services administration, including organisation, administration, instruction;
- The management of rescue services units;
- Coordination in emergency matters;
- The organisation, composition, functioning and definition of missions relating to fire and rescue, and
- Controlling local authorities’ fire and rescue departments.

Local authorities – municipalities

Local authorities are responsible for the creation or maintenance of local fire and rescue departments.

Sources


18. Malta

Malta is a decentralised unitary state. The State of Malta is a Parliamentary Republic. Malta obtained independence in 1964 from the British Empire and became republican a decade later. The unicameral House of Representatives (Kamra tad-Deputati) is composed of 65 members elected for a five-year term and has the power to make laws “for the peace, order and good government of Malta” (Article 65 of the Constitution).

Malta is a unitary state with no federal structure. According to the Constitution, the only element of self-government below the level of the republic itself is the system of local councils. Until 1993, no local councils were established in Malta. Following the adoption of the Local Council Act that year, 67 councils were established. Currently, there are 68 elected local councils responsible for managing and delivering a limited number of specific services at local level. The Local Council Act was amended in 2009 (Local Councils' Reform Act No. XVI of 2009). Five Regional Committees have been set up, corresponding to the five Regions (article 37A(1) of the Local Council Act). The functions of the Regional Committees are established by the Minister responsible for Local Government (Home and Parliamentary Affairs) in the form of regulations following consultation with the Local Councils’ Association. However, local Councils within a given region may also, upon unanimous agreement, authorise the Regional Committee to assume powers conferred to them. So far, the Local Enforcement System and street lighting have been devolved to the Regional Committees. Management of regional libraries is also planned to be devolved.

The Regional Committees have the power to make by-laws for the purpose of carrying out their functions. For the first time it also established Administrative Committees. Regional Committees have legal personality are headed by Presidents of the Region and shall be responsible for performing the devolved functions or delegated to it by means of an order of the Minister. The new amendments introduced the establishment of the five following regions: Region Gozo, Northern Region, Central Region, Southeast Region and Southern Region.

The Constitution dates from 1964 and was amended in 2001 to incorporate the system of local government. By virtue of a constitutional amendment in 2001 adding a new Chapter XA to the Constitution, the system of local councils is now entrenched in the Constitution in the following way (Article 115A): “The State shall adopt a system of local government whereby the territory of Malta shall be divided into such number of localities as may by law be from time to time determined, each locality to be administered by a Local Council elected by
the residents of the locality and established and operating in term of such law as may from time to time be in force”. The Local Council Act, modelled on the European Charter of Local Self-Government of the Council of Europe and which was adopted in 1993, set up local councils as local government entities.

Fiscal autonomy is limited. Local Councils cannot levy their own local taxes and they do not benefit from shared tax revenue from the state. The greatest share of Maltese Local Councils’ revenue comes from State grants (79.9% in 2005/2006). Local Councils also receive revenue from fees charged for the use of local public services, and income generated by investment and law enforcement. Sub-national public sector expenditure in 2005 represented 0.6% of GDP and 1.4% of the total public expenditure; the lowest percentages in the EU269.

Central level

National legislative responsibilities in all areas.

Responsibilities for:

- Arterial and distributor roads determined by the Structure Plan;
- National monuments, national parks or gardens;
- Industrial estates;
- Ports, airports and other national territories, establishments, buildings and items listed in the Fourth Schedule to the Local Councils’ Act.

Regional level

The Regional Committees have the following competences (Article 19 of the Regional Committees Regulations):

- Maintenance of street lighting;
- Enforcement of laws delegated to the Regional Committees;
- Engaging the services of local wardens;
- Organisation of cultural activities;
- Protection of the environment;
- Delegated functions by the central government;
- Providing for all other work not excluded from a Council’s competence by law or assigned to another authority.

Local level

Local councils have the following responsibilities (Article 33 the Local Council Act):

- Maintenance and cleanliness of public areas;
- Maintenance of children’s playgrounds, public gardens, sport, culture or other leisure centres;
- Maintenance of local public roads;
- Urban planning;
- Urban development;
- Providing information relating to the rights of citizens;*270
- Establishment and maintenance of childcare centres, kindergartens;*
- Maintenance of educational services or buildings;*
- Maintenance of health and rehabilitation centres, government dispensaries, health district offices and homes for senior citizens, day centres for senior citizens and night care centres;*
- Maintenance of public order (local tribunals);
- Delegated functions by the central government;
- Administration of commerce licenses and permits;
- Public property and bus shelters;
- Local public libraries;
- Proposal of persons to be appointed as presidents of primary schools;
- Promotion of social policy initiatives;
- Safeguard of local identity;
- Assistance to artists and musicians and sports persons from the locality;
- Organisation of cultural activities;
- Protection of the natural and urban environment of the locality;
- Organisation of sports activities;
- Promotion of entrepreneurship;
- Providing for all other work not excluded from a Council’s competence by law or assigned to another authority.

*Responsibility shared with the central level
18.1 Systems of multilevel governance

**Representation**\(^{271}\): The Local Councils’ Association has been established with the aim of protecting and promoting the common interests of all the Local Councils and to represent them on a national and international level.

**Information and consultation**\(^{272}\): Consultation procedures are defined by the Local Councils’ Act and its regulations. Consultations are conducted with both associations and individual local authorities. During the consultations, the central level, and in particular the Department of Local Government plays the roles of facilitators and promoters. These consultations are carried out within a committee that meets on a monthly basis. During those meetings, which occur at the proposal stages, local authorities are consulted on subjects that concern them. Local authorities are also consulted by exchanges of correspondence.

**Coordination**\(^{273}\): Law XV of 30 June 1993 creates the Department of Local Councils which acts as the coordination office of Local Councils and the Ministry responsible for local government. It must ensure support, coordination and monitoring.

The Ministry of Foreign Affairs, through its Directorate General for European and Economic Affairs, leads and coordinates the position of Malta in the formulation of EU legislation, policy and decision.

18.2 Relations with the EU/ Representation at EU level

The Maltese delegation to the CoR consists of five full members and five alternate members that represent the local and regional authorities.

The Local Councils’ Association of Malta has its office in Balzan in Malta, but does not have any liaison office in Brussels.

\(^{271}\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008

\(^{272}\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008

\(^{273}\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008
The Local Councils’ Association is a member of the Congress of Local and Regional Authorities, a consultative body of the Council of Europe. Five members are representing Malta.

18.3 Subsidiarity

Sub-national authorities do not have any role within the Early Warning System.

18.4 Bibliography

Constitution

Constitution of Malta 21 September 1964

Legislation

Act No. XVI of 2009
Act No. X of 2010
Agency for the Welfare of Asylum Seekers Regulations, 17 July 2009
Authority for Transport in Malta Act, 31 July 2009
Civil Protection Act, 5 November 1999
Education Act, 16 August 1988
Employment and Industrial Relations Act, 27 December 2002
Employment and Training Services Act, 7 August 1990
Environment Protection act, 18 September 2001
Fisheries Conservation and Management Act, 4 June 2001
Local Councils Act 23 July 1993 last amended 2011
Local Councils (Association) Regulations, 8 November 1994
Malta Council for Culture and the Arts Act, 26 April 2002
Malta Travel and Tourism Service Act, 1999 Immigration Act, 21 September 1970
Public Health Act: 21 November 2003
Regional Committees Regulations 5 August 2011
The Sports Act, 2002

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Fish and Farming Regulation and Control
Local Councils’ Association
Malta Competition and Consumer Affairs Authority
Malta Council for Culture & Arts
Malta Enterprise
Malta Environment and Planning Authority
Malta Sports Council
Malta Resources Authority
Malta Tourism Authority
Ministry of Education, Employment and the Family
Ministry for Home and Parliamentary Affairs
Ministry for Justice, Dialogue and the Family
Ministry for Justice and Home Affairs
Ministry of Foreign Affairs
Ministry for Resources and Rural Affairs
The Authority for Transport in Malta
The Ministry of Health, the Elderly and Community Care
The Trans-European Transport Network Executive Agency
Youth Programme

Publications


Congress of Local and regional Authorities of the Council of Europe, Report on Local Democracy Malta, 1 March 2011

Council of European Municipalities and Regions, Consultation procedures within European States, 2007


Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
18.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The government, through the establishment of the Authority for Transport in Malta, is responsible for:

- Drawing up integrated transport policy and legislation in the field of maritime transport, land transport, aviation and road works;
- Developing, coordinating and implementing road transport policy, as well as regulation, licensing and registration of vehicles;
- Construction, re-construction and maintenance of roads, management of traffic and promotion of traffic safety;
- Transport research and infrastructure planning;
- Providing or securing a properly integrated, safe, economical, efficient and environmentally-friendly public transport system within the country and its internal and territorial waters;
- Regulating and controlling the provision of transport services, including the establishment of schedules and timetables;
- Provision of funds and resources;
- Promotion of training for persons engaged in transport services;
- Arterial and distributor roads determined by the Structure Plan, ports, airports and other national territories, establishments, buildings and items listed in the Fourth Schedule to the Local Councils’ Act;
- Elaborating the Structure Plan Review.
- Compiling and keeping up-to-date transport data records;
- Promoting maritime and civil aviation facilities and the registration of ships, aircraft, boats, yachts and vessels under the Maltese flag;
- Grant, renewal, extension, variation, refusal, suspension or revocation of licences and certificates and establishment of the conditions under which such actions should be performed, as well as the fees which may be payable in each case;
- Ensuring efficient and cost-effective administration, services and operations of ports and yachting centres;
- Encouraging measures for the development of civil aviation and ancillary services, specifically of air transport services of both passengers and cargo;
• Regulating the charges, fees and tariffs that may be charged or made for the use of ports and aerodromes, and for the use of any transport facility including different means of public transport, and for services provided at such facilities;
• Establishing codes of conduct for transport operators;
• Standardising practices in the transport sector in line with international and European norms;
• Approving local transport schemes.

Regional level

The Regional Committees are responsible for the upkeep and maintenance of street lighting in accordance with national and international standards.

Local level: municipalities

The Local Councils are responsible for:

• Traffic management services and proposition for changes of traffic schemes which directly affect the locality;
• Local enforcement of traffic management-related offences;
• Upkeep, maintenance and improvement of local roads and parking areas;
• Provision and maintenance of proper road signs and road markings in conformity with national and international standards;
• Installation and maintenance of bus shelters;
• Provision of information relating to the rights of citizens regarding transport.

Sources
Authority for Transport in Malta Act
The Authority for Transport in Malta
b. Employment policy

Central level

The Government is responsible for:

- Enforcement and non-compliance related to employment;
- Setting recognised conditions of employment;
- Protection against discrimination related to employment.

The National Employment Authority is responsible for:

- Monitoring employment and advising the Minister responsible for labour on matters relating to the employment or training of workers;
- Investigating and adjudicating complaints about the services of the Employment and Training Cooperation (ETC).

The Employment and Training Corporation (ETC), which is Malta’s public employment service, is responsible for:

- Providing and maintaining an employment service;
- Assisting jobseekers with their search for suitable employment and assisting employers in finding suitable employees;
- Providing training to increase the employability of individuals.

Regional level

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Local level: municipalities

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Sources

Employment and Industrial Relations Act
Employment and Training Services Act
Ministry of Education, Employment and the Family
c. Social policy

Central level

The Government is responsible for:

- Provision of decent housing;
- Promotion of equality. The National Commission for the promotion of equality ensures that there is no discrimination based on sex/gender and family responsibilities in employment, and racial/ethnic origin and gender in the provision of goods and services and their supply;
- Social welfare. AÇCESS Community resource centres provide social services in the community in which they operate. Other institutions for social welfare are: the Office of the Commissioner for Children, Commission on Domestic Violence, Foundation for Social Welfare Services, and the National Family Commission;
- Social security.

Regional level

Local level: municipalities

The Local Councils are responsible for:

- Ensuring that public premises are accessible to all persons, including persons who use a wheelchair;
- Promotion of social policy initiatives, mainly directed towards:
  - People with special needs;
  - Children and young people with literacy problems;
  - The elderly;
  - Persons with mental health problems who are in community care;
- Promotion if social policy initiatives in the area of preventive care;
- Provision of information related to social security.

Sources
Ministry for Justice, Dialogue and the Family
d. Education policy

Central level

The Government is responsible for:

- Primary education;
- Secondary education;
- Establishing the framework of the national curriculum both for State schools and for non-State schools at compulsory educational level and monitoring accordingly;
- Education and teaching of the catholic religion;
- Resource centres.

Regional level

Local level: municipalities

The Local Councils are responsible for:

- Establishment, upkeep and maintenance of childcare centres, kindergartens and other educational services or buildings (in accordance with the national scheme);*
- Proposition of persons to be appointed as presidents of primary school councils;
- Lifelong learning in the locality;
- Administration of local libraries.

*Responsibility shared with the central level.

Sources

Education Act
e. Vocational training

Central level

The Government is responsible for:

- Preparation of citizens for work;
- Provision of vocational qualifications and courses needed for a particular profession or trade (the Department for Lifelong Learning, in cooperation with private institutions such as the Malta College for Arts, Science and Technology (MCAST), Employment and Training Corporation).

Regional level

Local level: municipalities

The Local Councils are responsible for:

- Providing lifelong learning services with a particular focus on adults and the elderly.

Sources

Education Act, 16 August 1988
Ministry of Education and Employment
f. Youth and sport policy

Central level

The Government is responsible for:

- Developing, strengthening and facilitating youth empowerment programmes;
- Youth in Action Programme: youth exchanges, youth initiatives, youth democracy projects etc.;
- Ensure the compliance of youth policy with the international treaties, conventions or agreements relating to children ratified by the country;
- Protection of children, promotion of children’s rights, provision of necessary services for children, and participation of children;
- Sport policy formulation and implementation;
- Financial and other assistance to Councils and persons for the promotion and development of sport;
- Development and implementation of sport programmes which target all members of the community. Special programmes exist to encourage youth to participate in challenging adventure and multi-sports programmes.

Regional level
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Local level: municipalities

The Local Councils are responsible for:

- Organisation of sports activities for all residents of all ages and provision of good sport facilities, in cooperation with the sport associations of the locality;
- Ensuring the best use after normal school hours of facilities that already exist in schools such as sports facilities, school halls, information technology laboratories, and other public facilities in the locality;
- Assistance (in the framework of regulations made by the Minister) to sports persons so that they will be able to develop their talents;
- Establishment, upkeep and maintenance of sport centres.
Sources
Jason Zammit, on behalf of the European Commission and the Council of Europe, *Country Sheet on Youth Policy in Malta*, Last Updated in 2011, pp. 6-8.
Malta Sports Council
Youth Programme
g. Culture policy

Central level

The Government is responsible for supporting the development of culture.

The Malta Council for Culture and the Arts is responsible for:

- Promoting Malta’s culture through all forms of creative expression;
- Increased accessibility to arts;
- Promoting the cultural heritage nationally and internationally.

Regional level

The Regional Committees are responsible for the organisation of cultural activities that promote the region.

Local level: municipalities

The Local Councils are responsible for:

- Organisation of cultural activities that promote the locality;
- Measures to safeguard the local identity, local historical and cultural heritage, traditions and folklore;
- Assistance to artists and musicians so that they are able to develop their talents (in the framework of regulations made by the Minister).

Sources
Malta Council for Culture & Arts
Malta Council for Culture and the Arts Act
h. Public health policy

Central level

The Government is responsible for:

- Formulation and ensuring implementation of public health policy and legislation;
- Pharmaceutical policy;
- Import and export of narcotic and psychotropic drugs;
- Health promotion and disease prevention;
- Enforcement of public health legislation;
- Establishment and monitoring of standards for service providers in the primary, secondary and tertiary care;
- Enforcement of legislation in relation to blood, organs, tissues and cells;
- Environmental health issues;
- Establishment and monitoring of nursing care standards in all care sectors;
- Determining public health issues.

Regional level

Local level: municipalities

The Local Councils are responsible for:

- Establishment, upkeep and maintenance of health and rehabilitation centres, government dispensaries, health district offices and Homes for Senior Citizens, Day Centres for Senior Citizens and Night Care Centres (as part of a national scheme);*
- Provision of information on public health.

*Responsibility shared with the central level

Sources
Public Health Act, 21 November 2003
The Ministry of Health, the Elderly and Community Care
i. Trans-European network policy

Central level

The Government is responsible for:

- Government, through the Authority for Transport in Malta, is responsible for the policy on trans-European networks.275

Currently, there are 30 such priority projects, of which Malta is involved in 11 (out of 30):

- **2005-MT-92501-P**
  Malta International Airport: modifications to taxiways to improve capacity of existing facilities

- **2006-EU-93001-S**
  ERTMS development and consolidation

- **2006-EU-93016-S**
  West Med Corridors

- **2006-MT-92502-P**
  Malta Freeport - Development Project

- **2007-EU-15010-S**
  Trans-European Satellite Navigation System (Galileo): Development and validation phase

- **2007-EU-40010-S SESAR**
  SESAR (Single European Sky ATM Research) – Development Phase

- **2007-MT-91901-P**
  Malta Freeport Terminals - Expansion Project

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275 Malta became part the Trans-European Transport Network (TEN-T) on 1 May 2004, the day of the country’s accession to the European Union. Decision 884/2004/EC of 29 April 2004 on Community guidelines for the development of the Trans-European Transport Network, also became applicable to Malta.
• **2008-EU-40004-S**
  BLUE MED Definition Phase

• **2008-EU-91901-S**
  NETLIPSE

• **2009-EU-40068-E**
  Airborne Datalink Equipment

• **2010-EU-21101-S**
  MoS 24 - ICT based Co-modality Promotion Centre for integrating PP24 into Mediterranean MoS

**Regional level**

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**Local level: municipalities**

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**Sources**

[Authority for Transport in Malta Act](#)
[The Authority for Transport in Malta](#)
j. Economic, social and territorial cohesion policy

Central level

The Government is responsible for:

*European Regional Development Fund (ERDF)*

- Economic policy;
- Fiscal policy;
- Financial services;
- IP: patents, design and trademark registration;
- Promotion of foreign investment and industrial development;
- Consumer welfare.

*European Social Fund (ESF)*

- Enhancing employability and working conditions;
- Social security contributions.

*Spatial planning*

- Regulating the development and use of land;
- Considering applications for development permission;
- Monitoring development;
- Taking action where illegal developments have occurred.

Regional level

Local level: municipalities

The Local Councils are responsible for:

*European Regional Development Fund (ERDF)*

- Promoting an entrepreneurial policy whereby the interests of shop owners, the needs of the residents, and the consumers in the community are taken into account;
- Encouraging activities which promote trade and facilitate Local Council procedures in order to decrease bureaucracy so that commercial enterprises can improve the services they deliver.
Spatial planning

- Guidelines for the upkeep, restoration, design or alteration of the facade of any building or of any building normally visible from a street;
- Recommendations for planning or building schemes;
- Participate in decisions on the naming or renaming of streets.

Sources
Malta Competition and Consumer Affairs Authority
Malta Enterprise
Malta Environment and Planning Authority
**k. Environment and the fight against climate change policy**

**Central level**

The Government is responsible for:

- Legislation and policy formulation on the protection of the environment, including:
  - Air;
  - Water;
  - Noise;
  - Sustainable development;
  - Planning;
  - Chemical accidents;
  - Collaboration with other governments and entities;
  - Biological diversity;
  - Pollution;
  - Waste management;
  - Climate change;

- Maintenance of parks on the national level.
- Land use planning and environmental regulation (Malta Environment & Planning Authority).

**Regional level**

The Regional Committees are responsible for:

- Protection of the natural and urban environment of the region;
- Good waste management;
- Climate change initiatives.

**Local level: municipalities**

The Local Councils are responsible for:

- Protection of the natural and urban environment of the locality;
- Measures to ensure more efficient energy use and good waste management;
- Climate change initiatives.
Sources
Act No. X of 2010
Environment Protection act
Malta Environment and Planning Authority
Ministry for Resources and Rural Affairs
1. Energy

Central level

The Government is responsible for:

- Energy policy and legislation;
- Energy supply;
- Energy efficiency;
- Energy labelling;
- Importation, storage and sale;
- Promotion of renewable resources;
- Energy sector licenses.

The Malta Resources Authority has regulatory responsibilities relating to energy.

Regional level

Local level: municipalities

The Local Councils are responsible for adopting measures to ensure the more efficient use of energy.

Sources

Malta Resources Authority
18.6  The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central level

The Government is responsible for:

- Directing income support for Malta's food producers;
- Developing food export marketing opportunities;
- The Common Agricultural Policy (CAP);
- Recognising and supporting producers' organisations;
- Safeguarding excellence in food quality standards;
- Providing extension services and specialised technical advice;
- Encouraging rural and marketing infrastructural development;
- Promoting continuous dialogue with food producers;
- Supporting and encouraging agro-industrial enterprises;
- Promoting sustainable and environmentally friendly methods of food production.

Regional level

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Local level: municipalities

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Sources
Fish and Farming Regulation and Control
Fisheries Conservation and Management Act
Ministry for Resources and Rural Affairs
b. Fisheries

Central level

The Government is responsible for:

- Regulation, surveillance and control of fisheries;
- Development and management of fisheries;
- Animal welfare.

Regional level

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Local level: municipalities

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Sources

Fish and Farming Regulation and Control
Fisheries Conservation and Management Act
Ministry for Resources and Rural Affairs
c. Immigration and asylum

Central level

The Government is responsible for:

- Restricting, controlling and regulating immigration;
- Passport issuance;
- Civil registration;
- Refugees;
- Immigration appeals;
- Residence permits;
- Visas;
- Removal (order).

There is an Agency for the Welfare of Asylum Seekers (AWAS).

Regional level

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Local level: municipalities

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Sources

Agency for the Welfare of Asylum Seekers Regulations
Immigration Act
Ministry for Home and Parliamentary Affairs
d. Tourism

Central level

The Government is responsible for:

- Promotion of tourism in the country;
- Regulation of tourism services and operations and the issuance of licenses;
- Planning and development of the tourism industry and necessary infrastructure.

The Malta Tourism Authority (MTA), which falls under the responsibility of the Ministry for Tourism, the Environment and culture, is in charge of creating and fostering relationships with all tourism stakeholders.

Regional level

Local level: municipalities

The Local Councils are responsible for providing information relating to tourist facilities.*

* Responsibility shared with the central level

Sources
Malta Tourism Authority
Malta Travel and Tourism Service Act
e. Civil protection

Central level

The Government is responsible for:

- Regulating civil protection matters and procedures;
- Contingency plans to respond to a disaster, national, industrial or other emergencies;
- Training facilities and courses for personnel;
- Infrastructural set-up to ensure cooperation between organisations;
- Assistance and Rescue Force.

Regional level

Local level: municipalities

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Sources

Civil Protection Act
The Netherlands are a decentralised unitary state in which provinces and municipalities have extensive powers to their own internal affairs. These powers are anchored in Articles 123 to 133 of the Dutch Constitution. Article 124(1) of the Constitution gives the provinces and municipalities the autonomy to adopt their own acts for their respective territories. Through Article 124(2) of the Constitution the central government may demand cooperation from the LRA in executing the national policies. Additionally, the Netherlands is also part of the Kingdom of the Netherlands, which includes the European Netherlands and some of the Caribbean Islands. The Kingdom is governed by the Kingdom Statutes. Yet, every country within the Kingdom has its own constitution (within the framework of the Kingdom Statutes) and enjoys extensive autonomy.

The Netherlands have a bicameral system. Both the Second and First Chambers do not have a system of regional representation. Though the First Chamber has a certain regional reflection included since it is elected by the provincial assemblies and not via popular elections. Additionally, membership of the First Chamber is being divided by certain regional representation. However, Article 50 of the Dutch Constitution explicitly mentions that the representative of both houses are representing the "entire people of the Netherlands" and Article 67(3) of the Dutch Constitution states that the Members of both Chambers vote “Free from burden”. Consequently, members vote free from party political lines, regional or local pressures, interest group pressures, etc.

The Netherlands have 12 provinces and 415 municipalities (on 1 January 2012). In addition there are six overseas entities (Aruba, Bonaire, Curacao, Sint Maarten, Sint Eustatius and Saba). Since 10 October 2010, Aruba, Curacao and Sint Maarten enjoy extensive autonomy from the Netherlands while still being subject to the Kingdom Statutes. Bonaire, Sint Eustatius and Saba on the other hand, have become ‘special municipalities’ of the Netherlands. Legally, they are “public bodies” and fall under Article 134 of the Constitution rather than Article 123 of the Constitution. Consequently, they do not have the same legal status as municipalities. For instance, there is no regional level above them but they are directly connected to the central level and they are not part of EU territory. Though Dutch municipal legislation applies extensively to these islands, it will never fully apply due to their special status.

Regarding the key principles of subsidiarity and autonomy, the central level can interfere at any given time at the local and regional level. However, as a general principle, the local and regional levels enjoy autonomy and may act in any way as long as they are in line with national law. The key idea behind the autonomy
principle is that it brings decision-making as close as possible to the population and only when needed, should decision-making be brought to a higher level.

Other legislative texts that are important for the functioning of the municipalities and the provinces are the Law on the Provinces and the Law on Municipalities. Here a legal framework is provided for consultation between the Provinces and the Municipalities with the Central Government.

Each governmental level has its own financial control and there is no shared tax. Provincial and municipal tax revenue comes entirely from own-sources. For municipalities the main sources are property taxes (about €3,5 billion in 2005 representing 48% of municipal tax), the refuse collection rate (about €1634 million in 2005 representing 22% of municipal tax) and the sewer tax (about €923 million in 2005 representing 13% of municipal tax). In addition municipalities may also levy other taxes such as tourist tax, dog tax, parking tax, etc. For provinces the main tax is surtax on the national motor vehicle tax which generated €1439 million in 2011. This represents about 19% of the provincial revenue.

In the Administration Agreement 2011-2015, the central government, the provinces and the municipalities agreed that more tasks of the central government will be carried out by municipalities and provinces. This decentralisation will in particular focus on the areas of youth, environment, various issues regarding employment and health care. Nevertheless, not everything will be decentralised. Currently a new police law is proposed which is scheduled for adoption in 2012. The police will become centralised at national level by merging the regional police bodies into one national police. The general idea is that the national level will be responsible for the administrative functioning of the police force, whereas the local levels will continue to have full control on the deployment and the implementation of the police force. Yet, critics of the new police act believe that this will constitute too much of a top-down approach. The coming months will give more clarity on the exact consequences of the new police act.

Central level

State responsibilities

- Legislative power in all fields rests with the government and the States-General (Senate and Parliament) which jointly establish legislation.
- Administrative power rests with the central government, insofar as it is not exercised by the provincial and municipal authorities, which thus complement the work of the national level.
- The provinces and municipalities may issue provincial and municipal regulations, as long as they are in compliance with national law.

Regional level

Responsibilities exercised by the Provinces

- Spatial-planning, urban development: the Provincial Assemblies draw up guideline plans for spatial development; the Provincial Executive Council is responsible for endorsing land-use plans.
- Housing: the provinces are responsible for allocating quotas with regard to social housing and they decide on the grants awarded to the municipalities.
- Culture and recreation: the provinces are responsible for the promotion of tourism and culture.
- Transport: the provinces are responsible for the development and maintenance of provincial roads.
- The environment: the provinces draw up and implement environmental protection plans.
- Employment: the provinces establish investment banks and are responsible for cooperation between the public authorities and business.

Local level

Responsibilities of the municipalities

- Spatial planning and urban development: the municipalities draw up land-use plans for land within the municipalities and give planning permission.
- Housing: the municipalities build and manage social housing and manage land belonging to the community.
- Public order and safety: the mayors are responsible for public order in the municipalities and have a close working relationship with the police forces.
• Culture and recreation: the municipalities take part in the promotion of tourism and maintain cultural facilities.
• Public works, transport: development and maintenance of municipal streets and roads, traffic and parking regulations, provision of public transport and school buses.
• Public health: each municipality has a public health and hygiene department and the municipalities are also responsible for the vaccination of children.
• Education: the municipalities manage public primary schools and subsidise all the expenses of private primary schools in their areas.
• Employment: the municipalities are responsible for reintegrating unemployed people back into the labour market and provide for training.
• Welfare: the municipalities are responsible for social welfare and measures to help the unemployed, people with disabilities and the elderly.
• Young people: the municipalities establish offices offering support to children and young people, and are responsible for the planning of institutions and programmes providing such support.

19.1 Systems of multilevel governance

Representation: In order to facilitate dialogues between the different levels, Provinces and Municipalities have united in two associations. Provinces organise in the Inter-Provinciaal Overleg Interprovinciaal Overleg (IPO) and municipalities organise in the Vereniging van Nederlandse Gemeenten Vereniging Van Nederlandse Gemeenten (VNG) which represent each layer in direct dialogues with the government.

Information: The national government, the Interprovinciaal Overleg (IPO) and the Vereniging Van Nederlandse Gemeenten (VNG) have agreed on a Code on Inter-administrational Relations. It states that local and regional authorities will be informed in a timely and appropriate manner about the planning and the decision-making process on issues that directly affect them.278

Consultation: The Code on Inter-administrational Relations specifies the relationship between the different administrative levels. It contains a checklist on how to involve and consult the Vereniging Van Nederlandse Gemeenten (VNG) and the Interprovinciaal Overleg (IPO) on policy-making and the formulation of laws. Additionally, the Vereniging Van Nederlandse Gemeenten (VNG) and the Interprovinciaal Overleg (IPO) are represented at the national level in the interdepartmental working groups on various policy domains on

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European issues and the ‘Working Group for the Assessment of New Commission Proposals’ (Werkgroep Beoordeling Nieuwe Commissievoorstellen – BNC).\textsuperscript{279}

Furthermore, twice a year, the Prime Minister and the presidents of the Interprovinciaal Overleg (IPO) and the Vereniging Van Nederlandse Gemeenten (VNG) meet to keep track of the common agenda in the so called “three-tier conference”.\textsuperscript{280}

**Coordination:** Apart from the constitution, the Law on Municipalities and the General Law on Administration provide the legal framework for the operation and relation between various layers of government. In accordance with the Dutch constitution, the national government can at any given time demand compliance with national laws. If the government considers a local or regional decree to be in violation of national law or damaging to the public interest, it may, under Article 268 of the Law on Municipalities and 10:34 from the General Law on Administration, cancel such decree. It is also possible for a mayor to request for the cancellation of such decree (based on article 273 Law on Municipalities). Nevertheless, this form of intervention from the national authority at local and regional levels has become increasingly infrequent over the past decades. In addition, the national government, as stated in Article 124(2) of the constitution, can demand the cooperation of the local and regional authorities in implementing national policies.

Yet, in addition to these centralising tendencies, every national government makes an Administration Agreement with the local and regional authorities. This agreement establishes the policy divisions between the levels for the upcoming four years. It is a principle agreement which is not legally binding and mostly outlines the broad strategic goals for the coming years. The Vereniging Van Nederlandse Gemeenten (VNG) and the Interprovinciaal Overleg (IPO) respectively represent the municipalities and the provinces in these negotiations. For the agreement to be valid each representative has to agree with the text. These negotiations do not always go smoothly as a decentralisation of tasks also embraces government spending cuts, meaning that the regional and local authorities have less financial resources at their disposal compared to the national government had in the previous years. In the latest administration agreement of 2011, it was agreed that more tasks from the central government will be delegated to the local and regional governments. These include youth, spatial planning, environment, economy and social support. It can therefore be


\textsuperscript{280} Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007.
expected that in the coming years a decentralisation of policy fields will take place.\textsuperscript{281} \textsuperscript{282}

19.2 Relations with the EU/ Representation at EU level

The Interprovinciaal Overleg (IPO) and the Vereniging Van Nederlandse Gemeenten (VNG) provide together for the secretariat of the Dutch delegation to the Committee of the Regions. The Interprovinciaal Overleg (IPO) suggests six members and six alternate members; all 12 provinces are represented and provide six delegates and six substitutes to the body. The Vereniging Van Nederlandse Gemeenten (VNG) represents the municipalities at European and international level. In the Committee of the Regions, the Vereniging Van Nederlandse Gemeenten (VNG) provides for six delegates and six substitutes.

The central government represents the Netherlands on all policy issues in the Council. It is only accountable to the States-General.

In 2000, the 12 provinces and the Interprovinciaal Overleg (IPO) have established in Brussels the “Huis van de Nederlandse Provincies” (House of the Dutch Provinces). Its purpose is to track relevant European policy dossiers, raise awareness and represent regional interests. The Vereniging Van Nederlandse Gemeenten (VNG) has an office in Brussels since 1994. Its present office is located in the European House of Cities, Municipalities and Regions. The G-4 (the four biggest Dutch cities which are Amsterdam, Rotterdam, The Hague and Utrecht) opened its own representation in Brussels in 2003.

The Vereniging Van Nederlandse Gemeenten (VNG) participates in the Council of European Municipalities and Regions (CEMR), United Cities and Local Government (UCLG) (the European section of which is CEMR), the Council of Europe's Congress of Local and Regional Authorities (CLRAE). The Interprovinciaal Overleg (IPO) participates in the CEMR.

\textsuperscript{281} Bestuursakkoord 2011-2015,  
19.3 Subsidiarity

Every year the Dutch House of Representatives, through the EU Affairs Committee (EAC) chooses a number of proposals which are then subjected to the subsidiarity and proportionality check.\textsuperscript{283}

The Subsidiarity Check Committee (SCC) will then be in charge of conducting a subsidiarity check and drafting a letter with the support of the relevant House of Representatives committee. This is then submitted to a plenary meeting of the Dutch House of Representatives. The House of Representatives will forward its opinion to the European Commission.\textsuperscript{284} \textsuperscript{285}

The Senate – the committee involved in the subsidiarity check – will have a meeting on the proposal, on which comments may be submitted. The Senate can decide to submit a letter to the European Commission.\textsuperscript{286}

If the two chambers agree, a joint letter to the European Commission may be sent.\textsuperscript{287}

The Vereniging Van Nederlandse Gemeenten (VNG) and the Interprovinciaal Overleg (IPO) are involved in an early stage regarding European decision-making involving a subsidiarity check with their presence in the Working Group for the Assessment of New Commission Proposals (BNC). They are consulted on the financial and administrative consequences of new European legislation. As such, they are a member of the various European governmental discussion forums which assess new commission proposals and European policies.\textsuperscript{288} Furthermore, they are informally consulted by the House of Representatives regarding subsidiarity issues. The Interprovinciaal Overleg (IPO) is a member of the CoR's Subsidiary Monitoring Network.

\textsuperscript{287} Idem.
19.4 Bibliography

Constitution

Constitution of the Netherlands

Legislation

Bestuursakkoord 2011-2015
Code Interbestuurlijke Verhoudingen, 2005
Gemeentewet
Provinciewet

Websites

Huis van de Nederlandse Provincies
Tweede Kamer, 2010, Europese besluitvorming in de Tweede Kamer
VNG

Publications


Council of European Municipalities and Regions, Consultation procedures within European States, 2007


Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European
University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
19.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National Government

The central Government is responsible for:

- Overall responsibility for policy-making in the field of transport;
- Traffic and road transport;
- Railways and infrastructure;
- Since 2009, the national level only deals with air transportation and the allocation of airport areas. The regulation on airports (e.g. on safety and noise) is delegated to the provinces;
- Maritime transport and infrastructure;
- Inland water transport and infrastructure.

Regional level – Provinces

Regional authorities are responsible for:

- Regional traffic, railways and infrastructure.
- Public transportation.
- Construction and maintenance of provincial roads.
- Since 2009, provinces have become responsible for airports on issues such as safety and noise.
- Inland water transport and infrastructure.

Local level – Municipalities

Local authorities are responsible for:

- Construction and maintenance of local roads and bicycle lanes.
- Local public transport.
- Determining urban areas.
- Urban planning.
- Handing out drivers licences.
- Local traffic plans.
- Maritime transport.
• Inland water transport and infrastructure.
• Parking arrangements
• Placement of traffic signs and traffic lights.

Sources
Scheepvaartverkeerswet
Spoorwegenwet
Wegenverkeerswet
Wegenwet
Wet Luchtvaart
Wet personenvervoer 2000
b. Employment policy

National Government

The central Government is responsible for:

- General responsibility for policy and decision-making with the Ministry of Social Affairs and Employment.
- Creation of the general framework for the development of employment.
- Ensure optimal conditions for access to and participation in the labour market.
- Public employment services, under the joint responsibility of employees' and employers' organisations.
- Labour conditions.
- Collective Labour Contract.
- Training and re-training.
- Minimum wage and vacation benefits.
- Pension law.
- Labour law.
- Stimulating entrepreneurship.
- Ensuring solidarity and equal rights and opportunities.
- Unemployment insurance (Ministry for Social Affairs and Employment; National Institute for Social Insurance and private implementing bodies).

Regional level – Provinces

Regional authorities are responsible for:

- Functional regional boards for employment services, with municipal, employees' and employers membership.
- Establishing investment bank.
- Providing for branding of the region to attract businesses.
- Stimulating entrepreneurship.
- Occasionally presenting at foreign trading missions.
Local level – Municipalities

Local authorities are responsible for:

- Municipal administration of social assistance and local employment schemes. The local level authorities’ own schemes for integrating those on benefits into the labour market.
- Training and re-training.
- Ensuring optimal conditions for access to and participation in the labour market.
- Stimulating entrepreneurship.

Sources
Algemene Ouderdomswet
Arbeidsomstandighedenwet
Arbeidswet 2000 BES
CAO
Rijksoverheid
Rijksoverheid
UWV
Werkloosheidswet
Wet minimumloon en minimumvakantiebijslag
Wet werk en bijstand
c. **Social policy**

**National Government**

The central Government is responsible for:

*Social assistance*

- Social welfare.
- Decision-making by the Ministry of Social Affairs and Employment.

*Family policy*

- Decision-making by the Ministry of Social Affairs and Employment and Ministry of Public Health Care, Welfare and Sports.
- Funding of child-care provided by municipalities.

*Social Security:*

- Legislation.
- Regulation of financial aspects.

**Regional level – Provinces**

Regional authorities are responsible for:

*Family policy*

- Financing youth organisations.

**Local level – Municipalities**

Local authorities are responsible for:

*Social assistance*

- Social welfare.
- Welfare payments.
- Administration of the social services.

*Family policy*

- Care for the elderly
- Child care.
- Youth assistance.
- Registration marriage, partnership or birth.
- Social integration of people with disabilities.

Sources
Burgerlijk Wetboek Boek 1
Gezondheidswet
Huisvestingswet
Wet kinderopvang en kwaliteitseisen peuterspeelzalen
Wet kinderopvang en kwaliteitseisen peuterspeelzalen
Wet Maatschappelijke Ondersteuning
Wet op de jeugdzorg
d. Education policy

National Government

The central Government is responsible for:

- Governmental policy limited to public schools, principle of non-intervention in church-based education (separate, school administration for church-affiliated schools) which is entrenched in Article 23 of the Dutch Constitution.
- Predominant level for policy formulation and setting policy guidelines (Ministry of Education, Culture and Science).
- Determination of policy guidelines and legal framework for primary and secondary education (e.g. types of secondary education, obligatory and non obligatory courses, etc.).

Regional level – Provinces

Regional authorities are responsible for:

- Limited influence on policy shaping.
- Providing for a regional plan for possible cooperation between secondary education schools.

Local Level – Municipalities

Municipalities establish and maintain public schools in public and secondary education.

Sources

Wet op het primair onderwijs
Wet op het voortgezet onderwijs
e. Vocational training policy

National Government

The central Government is responsible for:

- Overall responsibility for the public-private education system, including legislation and funding.
- Since 2010, a new agency (Dienst Uitvoering Onderwijs (DUO)) was created that finances and informs participants in education and educational institutions.
- Inspection and regulation of examination procedures.

Regional level – Provinces

Regional authorities are responsible for:

- Coordination of local non-formal education.
- The provinces are involved in an advisory capacity in the general coordination and the current reallocation of vocational training.

Local level – Municipalities

Local authorities are responsible for:

- General responsibility for education at the local level and for public schools, especially with respect to the management of school buildings and equipment.
- Organisation of programmes in training and adult education.
- Financing of regional vocational training centres.
- Basic education for adults.
- General secondary education for adults.
- Organisation of programmes in training and adult education.

Sources
Inspectie van het Onderwijs
Rijksoverheid
Wet educatie en beroepsonderwijs
f. Youth and sport policy

National Government

The central Government is responsible for:

Youth Policy

- National government (Ministry for Well-being, Health and Sport) sets policy guidelines of youth and sport policy.
- Legal framework.

Sport Policy

- National government (Ministry for Well-being, Health and Sport) sets policy guidelines of youth and sport policy.
- Legal framework.

Regional level – Provinces

Regional authorities are responsible for:

Youth Policy

- Implementation of Youth policy programmes, level of responsibility (provinces or municipalities) varies according to programme.
- Youth protection (scheduled to be transferred to the municipalities by 2015).
- Phoneline for children to discuss problems or just to have a conversation (scheduled to be transferred to the municipalities by 2015).
- Hotline for child abuse (scheduled to be transferred to the municipalities by 2015).
- Youth probation (scheduled to be transferred to the municipalities by 2015).
- Youth Care (i.e. care for the mentally handicapped youth, closed youth care, preventive youth care and mental care for young people) (scheduled to be transferred to the municipalities by 2015).

Sport Policy

- Providing for subsidies.
Local Level – Municipalities

Local authorities are responsible for:

Youth Policy

- Defining, implementing and funding youth policy programmes; level of responsibility (provinces or municipalities) varies according to programme.
- Every municipality is required since 2011 to have a centre for youth and families, which gives advice on parenting and child development.
- Providing for youth welfare services.
- The current government has decided to transfer all competences for youth, such as youth protection, youth probation and Youth Care (i.e. Care for the mentally handicapped youth, closed youth care, preventive youth care and mental care for young people) from the provincial level to the municipal level. Negotiations are currently underway between the IPO (Interprovinciaal Overleg) and the VNG (Vereniging Van Nederlandse Gemeenten). The goal is set to have a full transfer of the competences by 2015.

Sport Policy

- Establishing and facilitating local sport policy.
- Providing for subsidies.

Sources
Bestuursakkoord 2011-2015, pp. 32-37
Centrum voor jeugd en gezin
Country sheet on youth policy: Netherlands
Sport
g. Culture policy

National Government

The central Government is responsible for:

- Setting of general policy objectives for the policy field of Culture.
- Provision of legal framework.
- Arts centres, national museums and monuments are established by the national level.
- Competency for setting the policy framework for the protection of the national cultural heritage, policy formulation in the area of the protection of the national heritage dominated by the national government.

Regional level – Provinces

Regional authorities are responsible for:

- Provide financial support for cultural activities under supervision of national government (financial reporting).
- Provinces received limited policy-making power (coordination, stimulation of cultural supply).
- Provincial museums.
- Provinces fulfil supervisory tasks with respect to policy implementation by the municipalities. Cultural policy only belongs to the core tasks of the province if it exceeds local interests.
- Provinces take part in policy on the protection of cultural heritage within the framework set by the national government.
- The province of Fryslân has special arrangements for the Frisian language.

Local Level – Municipalities

Local authorities are responsible for:

- Providing financial support for cultural activities under supervision of national government (financial reporting); political role of the municipalities rather limited.
- Policy implementation under supervision of the provinces and the national level.
- Responsibility for maintaining cultural facilities (museums, etc.).
• Giving advice to the minister on adding monuments to the national monument list. Assisting in the local implementation.

Sources
Bestuursakkoord 2011-2015, p. 4
Monumentenwet 1988
Wet gebruik Friese taal in het rechtsverkeer
Public health policy

National Government

The central Government is responsible for:

- Policy framework, legislation and regulations on specific aspects of Public Health provided by the national level.
- Health inspection.
- Financial resources for health care facilities are provided by the national government.
- Health insurance.

Regional level – Provinces

Regional authorities are responsible for:

- Limited scope for setting own priorities in the implementation of Public Health Policy.
- Supervisory role concerning availability, distribution and planning of medical facilities (e.g. hospitals).
- Advisory function for setting priorities for public health planning.
- Preparation of regional public health plans on public health, involving the local health care institutions and municipalities.
- Monitoring and implementing national Health Policy.
- Licensing of ambulance service.
- Implementation of Public Health education, provision of public health education services.

Local Level – Municipalities

Local authorities are responsible for:

- Social and preventive health care on the local level (municipal medical services).
- Youth health care.
- Elderly health care.
- Participation in regional overviews.
- Municipal role in public health is of great importance for the citizens, but closely linked to national policy-making.
- Minor financial contribution to public health financing by the Municipal Fund.
- Licensing of ambulance service.
Locating GSM/UMTS base stations.

Sources
Inspectie voor de Gezondheidszorg
Ministerie van Volksgezondheid, Welzijn en Sport
Wet ambulancevervoer
Wet publieke gezondheid
i. Trans-European networks policy

National Government

The central Government is responsible for:

- Planning, construction and maintenance of major transport infrastructure.
- Main road network (motorways) and railways under national authority.

Regional level – Provinces

Regional authorities are responsible for:

- Provincial roads.
- Own tax base for road construction.
- However, provincial roads are normally not covered by TEN.

Local Level – Municipalities

Local authorities are responsible for:

- Local roads (normally not covered by TEN).

Sources

IPO (Interprovinciaal Overleg), Witboek Stappenplan voor interne Europese Vervoersruimte
j. Economic, social and territorial cohesion policy

National Government

The government, the IPO (Interprovinciaal Overleg) and the VNG (Vereniging van Nederlandse Gemeenten) launched in June 2010 a joint position paper analysing the future of the European Cohesion policy, which aims at contributing to and providing input into the fifth cohesion report. Key areas identified were: connection between cohesion policy and Europe2020, simplification of European legislation and audit practices, a more integrated approach to EU programmes, continued focus on the European territorial cooperation, and better governance.

European Regional Development Fund (ERDF)

- Development of regional policy programmes, setting of policy guidelines and provision of the legislative framework.
- Policy formulation and administration of the participation in the EU programmes.

Spatial planning

- Regulation of legal framework for spatial planning.
- Setting overall framework for spatial planning of the whole country in various policy fields.
- Coordination of spatial planning issues between municipalities, provinces and the national government (formal and informal).

European Social Fund (ESF)

- Responsibility for general employment and labour market policy.
- Setting of legal framework for economic development and employment.
- Assure optimal conditions for the access to the labour market.
- Administration of labour market services, training and retraining.
- Regulation and administration of unemployment benefits.
Regional level – Provinces

**European Regional Development Fund (ERDF)**

- Wide-ranging autonomy in the detailed planning of Regional and Structural Policy.
- Implementation of Regional and Structural Policy with considerable regional decision-making powers.

**Spatial planning**

- Responsibility for regional plans.
- Regional plans are developed for areas larger than the municipalities.
- Underlying approach, that larger entities are more suitable for spatial planning issues (e.g. infrastructure projects).
- Coordination of spatial planning issues between municipalities, provinces and the national government (formal and informal).

**European Social Fund (ESF)**

- Running of regional employment services.

Local Level – Municipalities

**European Regional Development Fund (ERDF)**

- Implementation of the national regional policy programmes.
- Comparatively large autonomy in the detailed planning and implementation of Regional and Structural Policy in cooperation with the provinces.

**Spatial planning**

- Local spatial planning, large autonomy of the municipalities in spatial planning matters.
- Municipal planning shall reflect the overall planning objectives set by the higher levels.
- Coordination of spatial planning issues between municipalities, provinces and the national government (formal and informal).
European Social Fund (ESF)

- Devolved tasks of the administration of unemployment benefits and public assistance.
- Running of employment services.

Sources
Agentschap SZW
The future of cohesion policy - key issues: Contribution by the Netherlands
k. Environment and the fight against climate change policy

National Government

The central Government is responsible for:

- Overall responsibility with the Ministry of Infrastructure and the Environment;
- Coordination and funding of environmental policy;
- Major national concerns:
  - Acidification
  - Climate change
  - Eutrophication
  - Dispersion of toxic substances
  - Waste disposal
  - Groundwater depletion
  - Squandering of resources
- National telephone number on animal abuse.
- Emission authority.

Regional level – Provinces

Regional authorities are responsible for:

- Spatial planning at municipal level (structure vision);
- Establishes regional legislation on environmental protection on at least groundwater protection and noise nuisances;
- Environmental policy implementation;
- Major regional concerns:
  - Acidification
  - Eutrophication
  - Dispersion of toxic substances
  - Waste disposal
  - Groundwater depletion
  - Water collection
  - Energy saving.
- Protection and cleaning of the soil;
- Partial control over water supply. Under the new Water law of 2009, part of the province’s tasks was allocated to the Water Boards;
- Supervision of the works of constituent municipalities;
- Environmental Police;
- Granting (environmental) permits has since 2010 been carried out jointly with the Water Board and the municipalities.
Local level – Municipalities

Local authorities are responsible for:

- Spatial planning at municipal level (structure vision and allocation plans);
- Environmental policy implementation;
- Major local concerns:
  - Acidification
  - Waste disposal
  - Local nuisances
  - Groundwater depletion
  - Energy saving
- Sewerage;
- Waste management;
- Recycling;
- Enforcement measures;
- Environmental Police;
- Rejecting access for polluting companies;
- Granting (environmental) permits has since 2010 been carried out jointly with the Water Board and the municipalities.
- Punishment and prevention of pollution;
- Transportation of dangerous substances;
- Protection and cleaning of the soil.

Sources
Convenant Bodemontwikkelingsbeleid en aanpak spoedlocaties
Gemeentewet
Handhaving milieuregels
Rijksoverheid
Waterwet
Wet algemene bepalingen omgevingsrecht
Wet Bodembescherming
Wet Milieubeheer
Wet ruimtelijke ordening
Wet ruimtelijke ordening
Wet vervoer gevaarlijke stoffen
1. Energy policy

National Government

The central Government is responsible for:

- General energy targets (CO2 reduction strategy) and policies.
- Nuclear energy.
- Coordinating role on energy production for windmill parks above 100MW.
- Subsidies for alternative energy sources.

Regional level – Provinces

Regional authorities are responsible for:

- Having relatively extensive competences.
- Installing or expanding energy production installations between 5MW and 100MW.
- Provinces and municipalities are not permitted to restrict the generation, transport and delivery of energy.
- Subsidies for alternative energy sources

Local Level – Municipalities

Local authorities are responsible for:

- Determining the policy regarding public illumination.
- Responsible for the maintenance of the electricity cables.
- Provinces and municipalities are not permitted to restrict the generation, transport and delivery of energy.
- Subsidies for alternative energy sources.

Sources

Electriciteitswet 1998
IPO (Interprovinciaal Overleg)
Rijksoverheid
VNG (Vereniging Van Nederlandse Gemeenten), Beleid openbare verlichting 2011 – 2020: Gemeente Uithoorn
19.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National Government

The central Government is responsible for:

- Overall legislation (in accordance with EU law).
- A national taskforce on multifunctional agriculture was established which identified six tasks for agricultural businesses in addition to their usual business:
  - Selling of local products
  - Health care
  - Child care
  - Recreation
  - Nature education
  - Nature and management of rural areas

Regional level – Provinces

Regional authorities are responsible for:

- Participation in European rural area projects.
- Part of regional spatial planning.

Local Level – Municipalities

Local authorities are responsible for:

- Allocating agricultural areas with spatial planning.
- Establishing local policies for multifunctional agriculture.

Sources
IPO, Landelijk gebied (Interprovinciaal Overleg)
Rijksoverheid, Multifunctionele landbouw
b. Fisheries policy

National Government

The central Government is responsible for:

- Overall legislation (in accordance with the principles and rules of the common fisheries policy and international obligations).
- Disease prevention.
- Issuing of permits.

Regional level – Provinces

Local Level – Municipalities

Sources
Rijksoverheid
Sport Visserij Nederland
Visserijwet
c. Immigration and asylum policy

National Government

The central Government is responsible for:

- Overall legislation and policies.
- Criteria for citizenship.
- Establishing a Central Organ for Asylum seekers (COA).
- Determining housing facilities for asylum seekers.
- Integration agenda between the national government and the municipalities.
- Providing for means for municipalities to implement the integration policies.

Regional level – Provinces

Local Level – Municipalities

Local authorities are responsible for:

- Implementation of national policies.
- Providing information.
- Organising language and integration courses.
- Integration agenda between the national government and the municipalities.
- Welcome ceremony for new Dutch nationals.
- Providing housing for asylum seekers that have been granted permission to reside in the Netherlands.

Sources

Centraal Orgaan opvang Asielzoekers (COA)
Rijksoverheid, Datgene wat ons bindt: gemeenschappelijke integratieagenda van rijk en gemeenten
Rijksoverheid, Integratie
d. Tourism policy

National Government

The central Government is responsible for:

- Providing a supporting role for the regional and local administrations.
- General promotion of the Netherlands as a tourist destination.

Regional level – Provinces

Regional authorities are responsible for:

- Overall coordination with the municipalities.
- Promotion of the region.
- Environmental and recreational planning.

Local Level – Municipalities

Local authorities are responsible for:

- Municipalities determine their own tourism strategies and policies.
- Can levy taxes on tourists.
- Development of recreational areas

Sources
IPO, Economie (Interprovinciaal Overleg)
Rijksoverheid, Rol provincies en gemeenten
Rijksoverheid, Versterken touristische sector
e. Civil protection policy

National Government

The central Government is responsible for:

- Identify crucial infrastructures that need police protection.
- The national government appoints the head of the regional police corps upon the recommendation of the regional college of mayors.
- The corps national police services provides for national and specialist tasks in collaboration with the regional police corps and the military police (Marechaussee).
  - Special intervention service
  - National police intelligence service
  - National crime squad (investigates organised and serious crimes across regions)
  - Highway patrol
  - Railway police
  - Water police
  - Aviation police
  - Mounted Police and Police Dogs Service
  - Operational Support and Coordination Service
  - Royal and Diplomatic Protection Service

Regional level – Provinces

Regional authorities are responsible for:

- If there are disturbances across multiple municipalities, the Queen’s Commissioner may give instructions to the mayor and assist in the coordination of their actions.
- Providing assistance to the municipalities when big incidents take place.

Local Level – Municipalities

Local authorities are responsible for:

- Mayor is responsible for public safety in the municipalities
- The police are structured in 25 regions (this is not provincial but a grouping of municipalities). It is led by the regional college which is
composed of the mayors of the corresponding municipalities, the regional police corps commander and the public prosecutor.

- The regional police corps is the main police body and they deal with all issues of law enforcement in the municipalities/regions.
- Issuing of emergency ordinances.
- Disaster management.

Sources
- KLPD, Organisatieonderdelen
- Ministry of Security and Justice
- Politiewet 1993
20. Poland

The Republic of Poland (Rzeczpospolita Polska) is a parliamentary democracy under the 1997 Constitution. The Parliament is bicameral and is composed of an upper house, the Senate (Senat), and a lower house, the Sejm. None of the Chambers directly represent local and regional authorities. The Head of State is the President of the Republic and the Government is led by the Prime Minister.

Poland is a unitary State organised on a decentralised basis. The decentralisation process started in the early 1990s and took place thanks to various reforms. In 1989, Municipalities were introduced. Then, two other levels of self-government – at the County and regional levels – were introduced by a reform of 1998.

The Republic of Poland comprises 16 Regions or Voivodships (Województwo), 379 Counties (powiat) and 2479 Municipalities (gmina). In total 65 counties out of 379 are urban Municipalities with special status of a "city with county (powiat) rights": their City Councils are responsible for both municipal and County competences and their Prezydents exercise the responsibilities of the Mayor and Starosta (chairman of the county institutions). Warsaw has a special status regulated in a specific act (Ustawa z dnia 15 marca 2002 r. o ustroju miasta stołecznego Warszawy); it is also a city with powiat rights and is divided into 18 Districts.

The Constitution stipulates that the Municipality is the basic unit of local self-government.

In addition, there is also a level of deconcentrated administration (State administration) based on the Regions and chaired by a Governor (Wojewoda). The latter is a representative of the Government; (s)he is appointed by the Prime Minister after the presentation of the candidatures by the Minister of the Interior and Administration. Its duties include the supervision of the Government administration in Regions and Counties (police, social care, inspections of environment protection and guards) and the supervision of local self-government units with regard to compliance with the law. The Governor also appoints or approves Commanders-in-Chief and Heads of Inspection.

The principle of decentralisation is enshrined in the Constitution (Art. 15). Moreover, the Constitution describes the principles underlying local government (Art. 163-172): local self-government units possess legal personality and have property rights. They may associate themselves in order to fulfil tasks of
common interest. Local government units have legislative powers for areas of local interest (Art. 94). The residual competences lay in the Municipalities (in other words it performs all tasks of local government not reserved to other units of local government.). The Prime Minister exercises supervision over local government units (Art. 148).

Besides the Constitution of 1997, various acts give set out the territorial organisation and division of powers:

- The 1990 Act on Municipalities,
- The 1998 Act on the three-tier division of the country,\(^{289}\)
- The 1998 Act on the Regions,\(^{290}\)
- The 1998 Act on the governmental administration of the Regions,\(^{291}\)
- The 1998 Act on the Counties,\(^{292}\), and
- The 2003 Act on Local Government Revenue.

Pursuant to the Act on Local Government Revenue, sub-national governments benefit from three sources of revenue: own revenue, general subsidies and grants from the national budget. In 2005, sub-national governments’ revenue were derived from taxation (own-source and shared), grants and other sources. The Municipalities’ revenue consisted of 19.4% of autonomous taxation, 20.7% of shared tax, 43.6% of grants and 16.3% of others. The Counties’ revenue was composed of about 13.8% of shared tax, 70.8% of grants and 15.4% of others. The Regions’ revenue was composed of about 55.7% of shared tax, 35.1% of grants and 9.2% of others.\(^{293}\)

There are different issues which are currently under discussion and which could have an impact on the territorial organisation and division of powers. A ‘Green Paper’ on the review of the division of powers is being prepared.\(^{294}\) Moreover, a reassessment of the territorial organisation is ongoing: the Joint Committee of the Central Government and Local/Regional Government’s experts are discussing issues concerning local government units’ competences and role; nevertheless, the results of these discussions have not yet been published. Finally, caps for public debts in local and regional authorities may be introduced.

\(^{289}\) Act on the three-tier division of the country (Dz. U. z 1998r. Nr 96, poz. 603 u Nr 104, poz. 656)
\(^{290}\) Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576)
\(^{291}\) Act on the governmental administration of the regions (Dz. U. z 1998r. Nr 91, poz. 577)
\(^{292}\) Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578)
\(^{294}\) Samorzadowy portal, Trzeba przeglądu funkcji i zadań samorządów, 14.03.2012
\(^{295}\) Forum where all the national associations of LRAs negotiate with the central Government and present their opinions on draft legislation.
National level

State authorities are responsible for:

- Foreign policy;
- Defence and security;
- Management of the national budget;
- Money;
- Justice;
- National public transport;
- National roads;
- Some cultural institutions;
- Enforcement of EU law;
- Education; and
- Statistical office.

Regional level

Regional authorities are responsible for:296

Administrative powers in the field of:

- Economic development;
- Employment and labour market policy (fight against unemployment);
- Protection of employees claims in case of employer insolvency;
- Transport (regional roads management and transport management);
- Telecommunications;
- Health (health promotion, specialised health services, medical emergency and ambulance services);
- Regional cultural institutions;
- Planning (spatial development; water management, land amelioration; maintenance of hydro-installations);
- Rural areas modernisation;
- Education (running post-secondary schools, some secondary schools and vocational schools, teacher training colleges, voivodeship libraries; initiating the establishment and financing of higher education);
- Social welfare;
- Sports and tourism;
- Consumer rights protection;
- Defence;

296 Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576)
• Maintenance of public order;
• Environmental protection; and
• Pro-familial policy (including family support and foster care system).

Intermediate level

County authorities are responsible for:297

Responsible for local issues which cannot be granted to the Municipalities, in particular:

• Sports and tourism;
• Geodesy and cartography;
• Real estate management, architecture and buildings administration;
• Water resources management;
• Agriculture, forestry and inland fisheries;
• Cooperation with NGOs;
• Education (secondary education, i.e. post-elementary schools, vocational and special schools);
• Environmental protection;
• Health (general responsibility for the operation of the public health service institutions);
• Consumer protection;
• Social welfare (services that extend beyond the gminas’ boundaries; support to the disabled; maintenance of poviat facilities and public utilities);
• Child protection (running tutelary and educational facilities, including orphanages);
• Employment (poviat labour office; fight against unemployment);
• Transport (road building and maintenance at the poviat level);
• Telecommunications;
• Defence;
• Civil protection;
• Flood protection;
• Fire protection;
• Maintenance of public order and collective security; and
• Support to cultural institutions (culture and monuments).

297 Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578)
Local level

Local authorities are responsible for:

- Spatial planning (local planning; water and supply sewage treatment; maintenance of landfills);
- Real estate management;
- Public areas (including cemeteries);
- Transport (local roads; local public transport);
- Telecommunications;
- Environment (protection; zoning and local environmental protection);
- Electricity, gas and heat supply;
- Health (Primary healthcare services);
- Social welfare;
- Family support and foster care system;
- Maintenance of gmina buildings and public facilities;
- Market places;
- Housing;
- Culture (promotion, management of municipal libraries and other cultural institutions, monument protection);
- Sports (promotion); and
- Education (kindergartens; elementary education).

20.1 Systems of multilevel governance

Representation: Different organisations represent local and regional interests before the central authorities:

- The Union of the Voivodeships of the Republic of Poland (URVP);
- The Association of Polish Counties (APC);
- The Association of Polish Cities;
- The Union of Polish Metropolises;
- The Union of Polish Towns; and
- The Union of Rural Communes of the Republic of Poland.

Convent of Marshals of the Republic of Poland (Konwent Marszałków) is an advisory body representing interests of all 16 Polish Regions (Voivodships).

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The Convent publishes positions of the Marshals on particular issues concerning Regions and regional policy\textsuperscript{300}.

**Information and consultation:** During the legislative process, information is provided to Local and Regional Authorities (LRAs) to the extent that information is published on the Parliament’s website. Furthermore, the Government Centre for Legislation publishes on its webpage draft legislative acts and regulations as well as their amendments. Finally, some Ministries (Administration and Digitalisation; Economy; Regional development etc.) individually publish information concerning consultations.

**Parliamentary consultation:** The rules of procedures of both assemblies foresee the consultation of LRAs during the legislative process. The Association of Polish Counties actively participates in the legislative process in both chambers of the Parliament, especially in standing and extraordinary committees.

The Sejm sends all its draft legislative acts to the Association of Polish Cities, which is invited to participate in the meetings of different parliamentary committees, in particular in the Committee of Local Government and Regional Policy.

In the same way, as member of the Committee of Local Government and Regional Policy, the Association of Polish Counties expresses its views and comments on draft legislations.

As regards the Senate, the Committee of Local Government and Public Administration invites the associations of LRAs\textsuperscript{301}.

**Governmental consultation:** The Joint Committee of the Central Government and Local/Regional Government (Komisja Wspólna Rządu i Samorządu Terytorialnego - KWRiST), set up in 1992, is a forum where all the national associations of LRAs negotiate with the central Government and present their opinions on draft legislation.\textsuperscript{302} It comprises 12 members from central Government and 12 members from local government units including representatives from the associations of LRAs. KWRiST develops policies and regulations and conducts consultations through seven working groups\textsuperscript{303}. In addition, within the frame of the European Funds system, the Association of

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\textsuperscript{301} Council of European Municipalities and Regions, *Study on 'Consultation procedures within European States'* , 2007, p. 168.

\textsuperscript{302} Ibid.

\textsuperscript{303} Namely in the field of European policies, public finances system, education, culture and sports, health and social policy, infrastructure, regional development and the environment, public administration and security, rural areas, countryside and agriculture, public statistics, information society, constitutional matters, local government’s capacities and local government revenues.
Polish Counties has representatives in the Steering and Monitoring Committees of the Integrated Regional Operational Programmes and of every Sectoral Operational Programmes in order to guarantee that the Counties’ views are taken into consideration.

**Coordination:**

**Horizontal coordination:** LRAs’ activities are under the supervision of the State authorities (Prime Minister, Governors *(Wojewodowie)* and Regional Audit Chambers *(Regionalne Izby Obrachunkowe)* when it comes to financial supervision) with regard to their legality. Regional Governors constitute an important link between the central and regional levels of governance. Moreover, they cooperate with the Districts in the field of public order and security. ³⁰⁴

**Vertical coordination:** Regions cooperate by way of bilateral and multilateral agreements on topics of common interest ³⁰⁵. Furthermore, the different associations of LRAs act as platforms where LRAs are able to exchange information and discuss matters of common interest.

In addition and in accordance with the National Regional Development Strategy for 2010-2020 ³⁰⁶, the Regions and the central Government will be concluding ‘territorial contracts’ for a term of three years. Their objective will be to create synergies between all the instruments of regional policy having a territorial dimension and they will constitute the main basis for the funding of regional policy.

**20.2 Relations with the EU/ Representation at EU level**

The Polish CoR delegation comprises ten members from the Regions, three members from the Counties and eight members from the Municipalities.

**All the Polish Regions have their liaison offices in Brussels,** namely: Lubelskie, Łódzkie, Małopolskie, Mazovia, Opole, Pomorskie, Śląskie, Warmia Mazury, Wielkopolska Lower Silesia, Kujawsko-Pomorskie, Zachodniopomorskie, Podlaskie, Lubuskie, Podkarpackie and Świętokrzyskie ³⁰⁷. In addition, one city- Łódź has its own liaison office ³⁰⁸.

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³⁰⁴ Act on the governmental administration of the regions (Dz. U. z 1998r. Nr 91, poz. 577)
³⁰⁷ Permanent Representation of the Republic of Poland to the European Union in Brussels, Polish regional offices in Brussels.
³⁰⁸ Committee of the Regions, European Commission – DG Regional Policy, Regional offices contact directory European Week of Regions and Cities, Brussels, 6 – 9 October 2008.
The Association of Polish Cities and the Association of Polish counties cooperate with the Council of European Municipalities and Regions (CEMR). In addition, Regions cooperate with the Assembly of European Regions (AER) and the Baltic Sea States Sub-regional Co-operation (BSSSC). Some Polish LRAs are members of the Congress of Local and Regional Authorities of Europe (CLRAE) and the United Cities and Local Government association (UCLG). A total of 11 Polish Municipalities are members of the Eurocities network.

20.3 Subsidiarity

The Sejm and the Senat perform the subsidiarity scrutiny separately. Both of them established procedures for monitoring EU draft legislative acts’ compliance with the subsidiarity principle whereby they entrust their respective EU Affairs Committee of the scrutiny. They do not formally consult LRAs. 309

Local and regional consultative bodies may request to participate in the Sejm EU Affairs Committee meetings as any other interested party. Moreover, they may informally contact a member of the committee when they have subsidiarity concerns.310

20.4 Bibliography

Legislation

Act on promotion of employment and labour market institutions.


Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578).

Act on the establishment of the Polish Agency of Enterprise Development (Dz. U. z 2002 r. Nr 66 poz. 596).

Act on the governmental administration of the regions (Dz. U. z 1998r. Nr 91, poz. 577).


Act on the three-tier division of the country (Dz. U. z 1998r. Nr 96, poz. 603 u Nr 104, poz. 656).

Act of 28 July 2011 on legalisation of stay of some foreigners in the territory of the Republic of Poland and on amendments to the Act on granting protection to


foreigners in the territory of the Republic of Poland and to the Act on Foreigners.
Constitution of 2 April 1997 as published in Dziennik Ustaw No. 78, item 483.
Ustawa z dnia 15 kwietnia 2011 r. o efektywności energetycznej (Dz. U. z 2011 r. nr 94 poz. 551)[Energy efficiency Act].
Ustawa z dnia 29 sierpnia 1997 r. o usługach turystycznych (Dz. U. of 2004, No. 223, item 2268, as amended) [Act on Tourist Services of 29 August 1997].
Ustawa z dnia 13 czerwca 2003 r. o cudzoziemcach (Dz. U. 2003 Nr 128 poz. 1175).
Ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne (Dz. U. z 2006 r. Nr 89, poz. 625) [Energy Act].
Ustawa z dnia 12 marca 2004 r. o pomocy społecznej (Dz. U. z 2009r. Nr175, poz. 1362) [Law of 12 March 2004 on Social Assistance].
Ustawa z dnia 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym (Dz. U. z dnia 10 maja 2003 r.) [Spatial Planning and Spatial Management Act].

Websites

Agency for Restructuring and Modernisation of Agriculture
Agricultural Property Agency, Territorial branches
Association of Polish Cities
Association of Polish Counties
General Director for National Roads and Motorways (GDDKiA)
General Director for National Roads and Motorways (GDDKiA), Trans-European Network
Government Website
Ministry of Administration and Digitalisation
Ministry of Agriculture and Rural Development portal
Ministry of Culture and National Heritage
Ministry of Economy
Ministry of Foreign Affairs
Ministry of Labour and Social Policy
Ministry of Regional Development.
Publications and Studies


Council of Europe and European Union, Partnership between the European Commission and the Council of Europe in the field of youth, *Country sheet on youth policy in Poland*, drafted by Ewa Krzaklewska.

Council of European Municipalities and Regions, *Poland profile*.


EQAVET portal, *Poland, Introduction to the VET system in Poland*.

European Commission, Humanitarian Aid and Civil Protection. *Poland country profile on civil protection*.

Eurydice, *National system overview on education systems in Europe/Poland*, European Commission, June 2011.

UN Food and Agriculture Organization, Fisheries and Aquaculture Department, *National Aquaculture Sector Overview/Poland*, 2012.

20.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

State authorities are responsible for:

- Motorways and national roads;
- Road transport;
- Railway;
- Air transport;
- Maritime transport and inland navigation.

The National Road Safety Council is in charge of:

- Recommendations for road safety improvement;
- Road safety improvement action programmes;
- Research;
- Legislative initiative and opinion on road safety-related legal acts;
- International cooperation;
- Cooperation with social organisations and NGOs;
- Impact analysis.

The General Directorate for National Roads and Motorways (GDDKiA) has responsibilities in the field of:

- Management of national roads;
- Implementation of the State budget;
- Implementation of the national transport policy with regard to the road system;
- Collection of data and issuance of informative reports;
- Supervision of the road infrastructure preparation;
- International cooperation;
- Cooperation with local government units with regard to road infrastructure expansion and maintenance;
- Preparation and coordination of toll motorway construction and/or operation.
Regional level\textsuperscript{311}

Regional authorities are responsible for:

- Management of regional roads;
- Management of regional transport (including rail transport and purchase of the rolling stock);
- Regional branches of the General Directorate for National Roads and Motorways.

Intermediate level\textsuperscript{312}

County authorities are responsible for:

- Povi\textit{at} road building and maintenance
- Public transport in the povi\textit{at}

Local level\textsuperscript{313}

Local authorities are responsible for:

- Local roads;
- Local public transport.
- Local divisions of the General Directorate for National roads and Motorways fulfil the national objectives and are subordinated to the regional branches.

Sources

- Ministry of transport, construction and maritime economy
- National Road Safety Council
- General Director for National Roads and Motorways (GDDKiA)

\textsuperscript{311} Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576).
\textsuperscript{312} Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578).
b. Employment policy

National level\(^{314}\)

State authorities are responsible for:

- Labour law, in accordance with EU and international standards;
- Shaping and implementing solutions for the labour market;
- Adoption of a National Action Plan;
- Promotion of employment;
- Development of labour market institutions;
- Public employment service; and
- Polish Agency for Enterprise Development\(^{315}\):
  - Implements measures aiming at improving the ability of entrepreneurs, especially from the SME sector, and their employees to introduce changes through assigning them with competence, which will enable permanent development;
  - Identifies entrepreneurs’ needs, particularly SMEs, in order to use this knowledge to create proposals for new activities for the benefit of entrepreneurship, innovativeness and human resources development.

Regional level\(^{316}\)

Regional Labour Offices execute tasks in the field of employment policy in the regions, their main responsibilities are among others:

- Implementation of national policy;
- Implementation and coordination of regional labour market policy;
- Tasks connected with EURES system;
- Vocational guidance and career information;
- Adoption of regional action plans for employment;
- Fight against unemployment;
- Programming and executing tasks co-financed by the ESF;
- Developing, collecting, updating and disseminating professional information; and
- Cooperation with the relevant educational bodies to harmonise vocational training and employment needs.

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\(^{314}\) Ministry of labour and social policy

\(^{315}\) Act on the establishment of the Polish Agency of Enterprise Development (Dz. U. z 2002 r. Nr 66 poz. 596).

\(^{316}\) Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576).
Regional and County Labour Offices execute different ranges of tasks and there is no hierarchy between them.

**Intermediate level**\(^{317}\)

County labour offices execute tasks in the field of employment policy in the counties, their main responsibilities are among others:

- Fight against unemployment;
- Implementation of national policy;
- Assistance to the unemployed and job seekers;
- Initiating and implementing labour market;
- Assessment of the market situation;
- Inter-County cooperation;
- Cooperation with Municipalities; and
- Granting and payment of unemployment benefits.

Regional and County Labour Offices execute different ranges of tasks and there is no hierarchy between them.

**Local level**

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**Sources**

*Act on promotion of employment and labour market institutions* (Dz. U. z 2004 r. Nr 99, poz. 1001)

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\(^{317}\) *Act on the counties* (Dz. U. z 1998r. Nr 91, poz. 578).
c. Social policy

National level

State authorities are responsible for:

- Social assistance and integration;
- Fight against poverty;
- Social inclusion (vulnerable groups protection; development of voluntary service; development of alternative forms of employment for vulnerable persons);
- Social insurance system;
- Family benefits;
- Veterans benefits;
- Disabled benefits;
- Funding of research;
- Monitoring;
- Impact analysis of social policy.

The Minister of Labour and Social Policy is in charge of:

- Overall guidelines;
- Regulation of standards;
- Funding of research and analysis expertise;
- Monitoring of standards;
- Analysis of the effectiveness of social assistance;
- Training of social assistance providers;
- Development and financing of protection programmes;
- Financial support to programmes provided by local authorities; Evaluation and monitoring of such programmes;
- Training programmes for foster families;
- Collection of data.

Regional level\(^\text{318}\)

Most social assistance services are provided by social assistance centres (Municipalities) and poviat centres for family support (Counties). They are responsible for payment of cash benefits as well as non-financial assistance. Regional social policy centres focus on cooperation with providers and organisers of social assistance (for example NGOs).

\(^{318}\text{Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576).}\)
Regional authorities are responsible for:

- Social welfare;
- Regional social policy centres;
- Pro-familial policy;
- Developing, updating and implementing the regional strategy;
- Programmes relating to social exclusion, equal opportunities for the disabled, social assistance, prevention and resolution of alcohol problems, cooperation with NGOs (in consultation with the Counties);
- Organisation of training, including running of public schools of social services and vocational training of staff;
- Identifying the causes of poverty;
- Regional social assistance programmes supporting local government in their efforts to reduce poverty;
- Fostering and promoting new forms of social assistance;
- Orphan centres, support to foster families;
- Childcare centres;
- Quality control of services;
- Day care for the disabled, the chronically ill and elderly people;
- Assessment of the status and effectiveness of social assistance;
- Implementation of national policy concerning the maintenance and development of the information system;
- Financial support for programmes specified by the Governor.
- Regional social policy centres execute social assistance responsibilities in the regions.

**Intermediate level**\(^{319}\)

Most social assistance services are provided by social assistance centres (Municipalities) and *poviat* centres for family support (Counties). They are responsible for payment of cash benefits as well as non-financial assistance. Regional social policy centres focus on cooperation with providers and organisers of social assistance (for example NGOs). County authorities are responsible for:

- Supra-municipal services;
- Support to the disabled;
- *Poviat* centres for family support;
- Maintenance of *poviat* facilities and public utilities;

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\(^{319}\) *Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578)*.
Child protection, including running tutelary, educational facilities and orphanages;
Development and implementation of poviat strategies for solving social problems, in particular adoption of social assistance programmes, support to the disabled, etc.;
Specialised counsel;
Social integration;
Integration of foreigners;
Information;
Training and professional development of the poviat social welfare personnel.
Poviat Centres for family support execute social assistance responsibilities in counties.

Local level

Most social assistance services are provided by social assistance centres (Municipalities) and poviat centres for family support (Counties). They are responsible for payment of cash benefits as well as non-financial assistance. Regional social policy centres focus on cooperation with providers and organisers of social assistance (for example NGOs).

Local authorities are responsible for:

- Municipalities are the main providers of social assistance services;
- Housing;
- Maintenance of gmina public facilities;
- Social assistance centres;
- Social assistance programmes, with a particular focus on the prevention of alcoholism, social integration and support to families;
- Support to the poor;
- Support to the disabled;
- Granting of benefits;
- Child protection;
- Integration of former prisoners;
- Allocation and payment of special allowances;
- Granting and payment of aid for economic empowerment;
- Nursing homes;
- Other tasks delegated by the Government.

• Social Assistance Centres (*Ośrodek pomocy społecznej*) execute social assistance responsibilities in Municipalities.

**Sources**

*Ministry of labour and social policy*

*Ustawa z dnia 12 marca 2004 r. o pomocy społecznej (Dz. U. z 2009r. Nr175, poz. 1362)* [Law of 12 March 2004 on Social Assistance].
d. Education policy

National level

State authorities are responsible for:

- Management of the education system by the Ministry of National Education;
- Higher education comes under the responsibility of the Ministry of Science and Higher Education;
- International and EU cooperation;
- Research;
- General Council for Higher Education.

Regional level

Regional authorities are responsible for:

- Coordinating activities;
- Supervision of the national policy’s implementation;
- Pedagogical supervision;
- Establishment and management of post-secondary schools, some secondary schools and vocational schools,
- Teacher training colleges,
- Voivodship libraries;
- Establishment and financing of higher education.

Intermediate level

County authorities are responsible for:

- Establishment and management of upper secondary schools, artistic schools and special schools
- Powiat libraries.

Local level

Local authorities are responsible for:

- Administration and management of nursery schools, primary schools and lower secondary schools
- Municipal libraries.

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Sources
EQAVET portal, Poland, Introduction to the VET system in Poland
Eurydice, National system overview on education systems in Europe/Poland.
European Commission, June 2011
e. Vocational training policy

National level\textsuperscript{323} 324

State authorities are responsible for:

- The Ministry of National Education and the Ministry of Labour and Social Policy are in charge of the qualification standards;
- The Ministry of National Education is responsible for:
  - The quality and organisation of vocational education;
  - Core curricula (in consultation with the relevant ministries);
  - Life-long learning (formulation and overall policy);
- The Ministry of National Education Department of vocational and Continuing Education is responsible for:
  - Recognising and analysing the needs of vocational schools teachers;
  - Creating and developing systems of pedagogical information in the vocational education and training field;
  - Creating databases and information banks;
  - Inspiring and coordinating activities in order to improve and enhance the vocational education and training quality.
- The National Centre for Supporting Vocational Training and Continuing Education (KOWEZiU) is responsible for:
  - Inspiring, preparing and coordinating activities related to professional development of teachers from vocational schools and adult schools;
  - Preparing and executing educational ventures relating to the stages of educational transformation.
- The National In-Service Teacher Training Centre (NTTC) is a State-funded agency of the Ministry of Education responsible for supporting the development of a national system of teacher training in line with State educational policies.
- The Tripartite Commission on Socio-Economic Issues (main institutional platform for social partners’ involvement) acts both as a consultative body and as initiator of legal measures.

\textsuperscript{323} Eurydice, \textit{National system overview on education systems in Europe/Poland}, European Commission, June 2011.
\textsuperscript{324} EQAVET portal, \textit{Poland, Introduction to the VET system in Poland}.
Regional level\textsuperscript{325} 326

Regional authorities are responsible for:

- Running of some vocational schools;
- Regional part of Sectoral Operational Programme Human Resources Development in vocational training;
- The Labour Fund supports evaluation at regional level;
- Regional commissions for social dialogue are in charge of the discussion of social and economic matters crucial for the Regions, including issues regarding education organisation and financing;
- Cooperation with the relevant educational bodies to harmonise vocational training and employment needs.

Intermediate level\textsuperscript{327}

County authorities are responsible for:

- Vocational schools.

Local level

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\textsuperscript{325} Act on the regions (Dz. U. z 1998r. Nr 91, poz. 576).
\textsuperscript{326} EQAVET portal, Poland, \textit{Introduction to the VET system in Poland}.
\textsuperscript{327} Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578).
f. Youth and sport policy

National level

State authorities are responsible for:

Youth policy

- Ministry of National Education in charge;
- Coordination activities;
- Collaboration with youth organisations and other related organisations;
- Implementation of the national policy;
- Development of informal youth education;
- Development of information systems;
- Tourism for the youth;
- Youth leisure;
- International and European cooperation;
- Youth mobility and exchange.

Sport policy

- The Ministry of Sport and Tourism is in charge of the overall policy;
- Systems organised with sports federations;
- Supervision over sports federations;
- Funding;
- Promotion.

Regional level

Regional authorities are responsible for:

Youth policy

- Regions hold responsibilities in the field of youth insofar as they are related to education, culture and social policy.

Sport policy

- Department of Public Education and Sport in the Office of the Marshal of Voivodship is in charge of regional activities in promoting physical education, as well as realizing programmes for constructing, expanding and upgrading the sports facilities.
Intermediate level

County authorities are responsible for:

Youth policy

- Child protection (running tutelary and educational facilities, including orphanages).

Sport policy

- Supervision of sports and recreation institutions, located in the County (Education, Culture and Sports Unit in County Office).

Local level

Local authorities are responsible for:

Youth policy

- Municipalities hold responsibilities in the field of youth insofar as they relate to education, culture, social policy, sport and health;
- Family support system;
- Foster care.

Sport policy

- Creation, organisation and promotion of the development of sport activities;
- Funding.

Sources

Council of Europe and European Union, Partnership between the European Commission and the Council of Europe in the field of youth, Country sheet on youth policy in Poland, drafted by Ewa Krzaklew ska.

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328 Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578).
g. Culture policy

National level

State authorities are responsible for:

- Overall legislation;
- International cooperation;
- Protection of cultural heritage;
- National cultural institutions;
- Conservation of monuments;
- Protection of public art education;
- Higher art education.

Regional level

Regional authorities are responsible for:

- Regional cultural institutions;
- Protection and supervision of cultural assets;
- Database of cultural assets.

Intermediate level

County authorities are responsible for:

- Support to cultural institutions;
- Protection of cultural property;
- Initiating activities to establish and coordinate county cultural institutions.

Local level

Local authorities are responsible for:

- Promotion of culture, including municipal libraries and other cultural institutions, as well as monument protection and up-keeping.

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329 Ministry of Culture and National Heritage
331 Act on the counties (Dz. U. z 1998r. Nr 91, poz. 578).
h. Public health policy

National level

State authorities are responsible for:

- The Ministry of Health is responsible for the overall public health policy:
  - Managerial functions;
  - State Medical Emergency Service;
  - Health resort treatment, regulation of medical professions;
  - Coordination of health policy programmes in accordance with socio-benefit aspects;
- National Heath Funds in charge of health service delivery plans (definition of health needs; volume of health services to meet these needs; propose solutions for existing health problems perceived from a long-term perspective);
- Hospitals (university or ministerial hospitals) in charge of highly specialised medical care;
- Funding;
- National Institute of Public Health (NIPH) – National Institute of Hygiene (NIH):
  - Monitoring of biological, chemical and physical factors in food, water and air;
  - Monitoring diseases;
  - Infection control;
  - Expertise to the Government, NGOs and civil society;
  - Research.

Regional level

Regional authorities are responsible for:

- Regional general strategy and planning;
- Health promotion (shared with Counties and Municipalities)
- Medical emergency;
- Ambulance services;
- Management of public healthcare institutions at regional level;
- Administration of most health services since 1991;
- Regional hospitals (specialised services).
Intermediate level

County authorities are responsible for:

- General responsibility for the operation of public health service institutions;
- County general strategy and planning;
- Health promotion (shared with Regions and Municipalities);
- Management of public healthcare institutions at County level;
- County hospitals (basic services, i.e. internal medicine, surgery, obstetrics, gynaecology and paediatrics).

Local level

Local authorities are responsible for:

- Primary health care services;
- Management of public healthcare institutions at local level;
- Local general strategy and planning;
- Health promotion (shared with Regions and Counties).

Sources

National Institute of Public Health portal
i. Trans-European networks policy

National level

The Ministry of Transport, Construction and Maritime Economy is responsible for the TEN-T policy at national level.

There are 4 priority projects:

- Railway axle Gdańsk – Warszawa – Brno/Bratislava – Wiedeń
- Motorway Gdańsk – Brno/Bratislava – Wiedeń;
- Railway axle, Rail Baltica” Warszawa – Kowno – Ryga – Tallin – Helsinki;
- Marine motorway on the Baltic Sea.

Regional level

Regional authorities are responsible for:

- Regional road management.

Intermediate level

County authorities are responsible for:

- Road building and maintenance at poviat level.

Local level

Local authorities are responsible for:

- Local roads.

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334 General Director for National Roads and Motorways (GDDKiA), Trans-European Network
j. Economic, social and territorial cohesion policy

National level

The Ministry of Regional Development is responsible for:

- Development policy (durable and sustainable development; socio-economic and territorial cohesion);
- Regional policy (regional competitiveness; territorial and spatial cohesion);
- Cohesion policy;
- Coordinating governmental activities, self-government units and socio-economic partners within the development policy area;
- Managing European Funds.

EU Funds

- Adoption of the National Cohesion Strategy at national level;
- Implementation of the National Cohesion Strategy by means of three operational programmes at national level.

Regional level

Regional authorities are responsible for:

- Adoption of a strategy for regional development;

EU Funds

- Regions act as managing authorities;
- Implementation of the National Cohesion Strategy by means of 16 Regional Operational Programmes;
- Preparation and implementation of regional development programmes fully decentralised at the regional level.

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338 Ministry of Regional Development
**Spatial planning**[^1]:

- Spatial development (adoption of a Strategy for regional development and a Plan of Spatial Development in the Region);
- Water management;
- Land amelioration;
- Maintenance of hydro-installations.

**Intermediate level**

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**Local level**[^2]  

Local authorities are responsible for:

- Adoption of a local development plan;
- Local planning;
- Water and supply sewage treatment;
- Maintenance of landfills.

[^1]: Ustawa z dnia 27 marca 2003 r. o planowaniu i zagospodarowaniu przestrzennym (Dz. U. z dnia 10 maja 2003 r.) [Spatial Planning and Spatial Management Act].


[^3]: Ibid., [Spatial Planning and Spatial Management Act].
k. Environment and the fight against climate change policy

National level

State authorities are responsible for:

- Environment is mainstreamed in all legislation;
- Overall environmental policy;
- Environment policy is mainly decided by the Ministry of Environment:
  - Environment protection, forestry, reforestation, management of natural resources, including water and mineral resources;
  - Coordination of other agencies activities;
  - Control over the observance and enforcement of the relevant laws;
  - Evaluation of the state of the environment;
- Adoption of the National Environmental Policy after consulting the Marshals (Definition of environmental objectives, priorities and implementing measures);
- State Inspectorate for Environmental Protection is an agency in charge of:
  - Monitoring the implementation and enforcement of regulations respecting environmental protection and the use of natural resources as well as assessing the impact of the adopted environmental protection policies, plans and programmes;
  - Monitoring of the state of the environment;
  - Assessment of the environmental effects of policies, plans and programmes.
- The Institute for Ecology of Industrial Areas is responsible for:
  - Research on appropriate measures for environmental protection;
  - Environmental health risk assessment;
  - Research on environmental pollutants and developing technologies;

- The Institute of Environmental Protection is appointed by the Minister of Environment. It is responsible for research on environmental protection, in particular:
  - Developing principles and strategies for environmental protection;
  - Setting of standards;
  - Environmental monitoring;
  - Environmental education;
  - Design of management plans for protected areas and environmental impact assessment of substances, products and installations;
  - Dissemination of information of the state of the environment.
Regional level

Regional authorities are responsible for:
- Environmental protection;
- Adoption of regional protection plans for implementing the national guidelines;
- Adoption of regional waste management plans;
- Regional inspectors operating under the State Inspectorate for Environmental Protection.

Intermediate level

County authorities are responsible for:
- Environmental protection;
- Adoption of county protection plans for implementing the national guidelines;
- Alert systems for pollution incidents (gas, chemicals and fire);
- County Council can establish quiet areas in and out of the agglomeration;
- Permissions to emit gas and dust into the atmosphere;
- Decisions concerning the acceptable level of noise.

Local level

Local authorities are responsible for:
- Protection of the local environment;
- Adoption of local protection plans for implementing the national guidelines;
- Zoning.

Sources

1. **Energy policy**

**National level**

The Ministry of Economy is responsible for:

- The overall energy policy;
- Improving energy efficiency;
- Increasing supply security;
- Developing competitive fuels and energy markets;
- Introducing nuclear powers;
- Increasing the use of renewable energies;
- Reducing the energy impact on the environment;
- Definition of priorities in Poland’s Energy Policy until 2030;
- Implementing tasks related to shaping the energy policy and regulatory environment;
- Coordinating the energy policy;
- Issues related to energy carrier diversification and energy source diversification.

The Treasury Ministry is responsible for the restructuring of public energy companies.

The Ministry of the Environment is responsible for:

- The creation and implementation of Poland’s climate policy;
- Inventories of greenhouse gas emissions and sinks;
- Reporting and verification.

The Ministry of Finance is in charge of:

- Regulating end-use energy prices;
- Providing funds for state energy enterprises.

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345 Enercee.net portal, *Energy Country Profiles / Poland*.
346 *Ustawa z dnia 10 kwietnia 1997 r. Prawo energetyczne (Dz. U. z 2006 r. Nr 89, poz. 625) [Energy Act].*
Polish National Energy Conservation Agency (KAPE):

- Linking governmental and non-governmental organisations with regulatory bodies, the energy distribution sector and end-users;
- Developing and promoting governmental, regional, local and individual initiatives on energy efficiency and renewable sources use;

The Energy Regulatory Office (URE) is an independent regulatory authority in charge of:

- Coordinating the energy sector and its prices;
- Issuing operating licenses;
- Monitoring developments in prices and tariffs;
- Promoting energy efficiency.

The National Atomic Energy Agency (NAEA) is the regulatory authority in charge of atomic energy issues.

**Regional level**

Regional authorities are responsible for:

- Testing compliance of energy and fuel supply with the state energy policy;
- Promotion and dissemination of knowledge about the future directions of energy policy in the Region.

**Intermediate level**

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**Local level**

Local authorities are responsible for:

- Electricity, gas and heat supply.
- Planning and organising activities aimed at achieving energy efficiency, as well as promoting the reduction of energy consumption.

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347 Organizational rules of the Office of the Marshal of Voivodship-
348 Ibid. [Energy Act].
349 Ustawa z dnia 15 kwietnia 2011 r. o efektywności energetycznej (Dz. U. z 2011 r nr 94 poz. 551).
20.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National level

State authorities are responsible for:

- Overall agriculture policy, in accordance with the EU Common Agriculture Policy;
- The Ministry of Agriculture and Rural Development is responsible for implementing Government policy on agriculture, rural development and agricultural markets, including:
  - Land management and promoting the agrarian structure transformation;
  - Recovery and protection of agricultural land;
  - Environmental engineering;
  - State funding;
  - Information and publicity related to agriculture, rural development and agricultural markets;
  - Organic farming; and
  - Monitoring and controlling the activities of the Agricultural Property Agency.

- Two agencies: the Agricultural Property Agency and the Agency for Restructuring and Modernisation of Agriculture.

Regional level

Regional authorities are responsible for:

- Regional Inspectorates;
- Regional Offices of the Agency for Restructuring and Modernisation of Agriculture;
- Regional branches of the Agricultural Property Agency. 

350 Ministry of Agriculture and Rural Development portal
351 Agricultural Property Agency, Territorial branches
The Office of the Marshal of Voivodship is responsible for the projects in the framework of Rural Development Programme (collecting applications and selecting projects for funding); also cooperation with Inspectorates, Chambers of Agriculture, etc.

**Intermediate level**

County authorities are responsible for:

- Decisions concerning reclamation and land management;
- Local Offices of the Agency for Restructuring and Modernisation of Agriculture\(^{352}\).

**Local level**

Local authorities are responsible for:

- Issues related to protection of agricultural and forest lands;
- Expressing opinions on agricultural land forestation.

\(^{352}\) Agency for Restructuring and Modernisation of Agriculture
b. Fisheries policy

National level

State authorities are responsible for:
- Overall fisheries policy, in accordance with the Common Fisheries Policy;
- The Ministry of Agriculture and Rural Development and its Department of Fisheries are responsible for the overall fisheries policy; and
- Adoption of a National Strategic Plan.

Regional level

Regional authorities are responsible for:
- Three regional inspectorates of fisheries (Szczecin, Slupsk and Gdynia) are in charge of the management, monitoring and surveillance of fisheries within their territories;
- The Gdynia Fisheries Monitoring Centre is responsible for operating the Vessel Monitoring System and fisheries reporting system;
- The Office of the Marshal of Voivodship manages matters related to inland fishery and fisheries policy.

Intermediate level 353

County authorities are responsible for:
- Counties sea fisheries inspectors are subject to the Ministry of Agriculture and Rural Development;
- Inland fisheries;
- Issuing spear fishing cards and fishing cards.

Local level
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Sources

[Law on Sea Fisheries of 19.02.2004].

UN Food and Agriculture Organization, Fisheries and Aquaculture Department, [National Aquaculture Sector Overview/Poland], 2012.

c. Immigration and asylum policy

National level

State authorities are responsible for:

- The Ministry of the Interior is responsible for the immigration and asylum policy.
- The Ministry of Foreign Affairs participates in the development and implementation of foreign cooperation in the field of visa policy and migration policy.\(^354\)
- The Minister of Labour and Social Policy is responsible for:
  - Coordinating the integration policy;
  - The legal framework for integration; and
  - Financial resources for integration.
- Polish Office for Foreigners.\(^355\)
  - The Head of the Office for Foreigners grants refugee status, as well as coordinating the management of the refugee centres.
  - Granting and realisation of social assistance for refugees
  - Polish Refugee Council – body that reviews decisions issued by the Head of the Office for Foreigners;
  - The consul issues and refuses to issue visas\(^356\).

Governmental administration in the Regions:

- The Governor (Wojewoda) issues the work permits and permits for temporary and permanent residence;
- The Governor adopts decisions to extend visas.

Regional level

Regional authorities are responsible for:

- Coordinating the integration of foreigners under the refugee or temporary protection status; and
- Granting residence permits\(^357\).

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\(^{354}\) Ministry of Foreign Affairs

\(^{355}\) Ustawa z dnia 13 czerwca 2003 r. o udzielaniu cudzoziemcom ochrony na terytorium Rzeczypospolitej Polskiej (Dz. U. 2003 Nr 128 poz. 1176).

\(^{356}\) Ustawa z dnia 13 czerwca 2003 r. o cudzoziemcach (Dz. U. 2003 Nr 128 poz. 1175).
Intermediate level

County authorities are responsible for:

- Social assistance to foreigners under the refugee or temporary protection status.

Local level

Local authorities are responsible for:

- Granting and payments of benefits aimed at foreigners.

Sources

Ustawa z dnia 12 marca 2004 r. o pomocy społecznej (Dz. U. z 2009r. Nr175, poz. 1362) [Law of 12 March 2004 on Social Assistance].

357 Act of 28 July 2011 on legalisation of stay of some foreigners in the territory of the Republic of Poland and on amendments to the Act on granting protection to foreigners in the territory of the Republic of Poland and to the Act on Foreigners.
d. Tourism policy

National level

The Ministry of Sport and Tourism is responsible for:

- International relations and promotion of tourism;
- Tourism development programming;
- Designing legal and economic mechanisms governing tourism;
- Tourism economy;
- Strategy and regional development;
- Market research and staff training;
- Supervision of the Marshall Offices for implementation of the Tourist Services Act.

The Polish Tourist Organisation is in charge of promoting tourism.

- The Governor (Wojewoda) issues job permits for tourist guides and tour pilots.

Regional level

Regional authorities are responsible for:

- Implementation of Government policy
- Regional Tourist Organisations;
- Tourism development at regional level.

Intermediate level

County authorities are responsible for:

- Tourism development at poviat level.

Local level

Local authorities are responsible for:

- Local Tourist Organisation;
- Tourism development at local level;
- Implementation of Government policy.
Sources

*Ustawa z dnia 29 sierpnia 1997 r. o usługach turystycznych* (Dz. U. of 2004, No. 223, item 2268, as amended) [Act on Tourist Services of 29 August 1997].

e. Civil protection policy

National level

State authorities are responsible for:

- Generally speaking, the Government is responsible for:
  - The maintenance of public order;
  - Internal security;
  - Declaring the state of emergency.

- The Ministry of the Interior and the Ministry of Administration and Digitalisation are responsible for most of the emergency services:
  - Maintenance of public order;
  - Protection of the population in case of emergency;
  - Disaster prevention.

- Each Minister is responsible for civil emergency planning action falling within their remit;
- The Government Centre for Security is in charge of coordinating crisis and emergency management efforts;
- The Government Crisis Management Team (GCMT) is an advisory body at governmental level for initiating and coordinating activities relating to crisis management;
- National Headquarters of the State Fire Service; and
- Crisis management Centres.

Regional level

Regional authorities are responsible for:

- **Voivodship** Emergency Response Board;
- **Voivodship** crisis management plan, in accordance with the national guidelines;
- **Voivodship** crisis management centres;
- Management of the monitoring, planning, response and removal of the results of the threats on the territory of the **voivodship**;
- Performance of civil planning tasks;
- Management, organisation and delivery of exercises and training on crisis management;
• Counteracting, preventing and removing the terrorism effects; and
• Implementation of critical infrastructure protection tasks.

Intermediate level

County authorities are responsible for:

• Poviąt Emergency Response Board;
• Poviąt crisis management plan;
• Poviąt crisis management centres;
• Civil protection;
• Fire protection;
• Management of monitoring, planning, response and removal of the consequences of the threats on the poviąt territory; and
• Performance of civil planning tasks;

Local level

Local authorities are responsible for:

• Gmina Emergency Response Board;
• Gmina crisis management plan;
• All local public issues relating to civil protection;
• Fire protection;
• Maintenance of public order;
• Monitoring of threats;
• Early warning systems;
• Alarms;
• Coordination of rescue operations and evacuations; and
• The mayor defines the civil protection tasks for all municipal institutions.

Sources
21. Portugal

Portugal is a republican state and a parliamentary democracy under the 1976 Constitution. The Parliament (Assembleia da República) is unicameral and its members are elected for a four-year term. The Government is led by a Prime Minister and the Head of State is the President of the Republic who is elected for a five-year term.

Portugal is an asymmetrical regionalised State. It has three levels of governance: central, regional (Autonomous Regions) and local level (Municipalities and Sections of Municipalities). Local government has been democratically elected since the fall of the dictatorship in the mid 1970s. The decentralisation process started then and has developed ever since. In particular, in 1999, several laws were adopted to enhance the responsibilities of the Municipalities and Sections of Municipalities. In parallel, an attempt at regionalisation took place in the 1990s, but was rejected by public referendum in 1998. In addition, the islands of Azores and Madeira were granted special status as autonomous regions (Regiões Autónomas de Portugal) in 1980.

The Republic of Portugal is composed of 4,260 Sections of Municipalities (Freguesias), 308 Municipalities (Municípios) and two Autonomous Regions (Regiões Autónomas).

There are also five main regions on the mainland in charge of decentralised administration services empowered with financial and administrative autonomy (Comissões de Coordenação e Desenvolvimento Regional- CCDR). The implementation of formal administrative Regions is embedded in the Constitution (Art. 255) but so far this process has not been achieved. The formal division is made into eighteen Districts (Distritos) that have been administered by 'civil governors' (Governadores Civis) appointed by the Minister of Internal Administration until mid-2011. However, these did not constitute levels of self-government. In June 2011, the newly elected government proceeded to decentralise competences by removing the civil governors as representatives of the central governments in the districts.

For a statistics purpose there is also the classification NUTS I, NUTS II and NUTS III for all the areas in the country. NUTS I includes the two Autonomous Regions and the mainland. NUTS III includes the five above mentioned main regions on the mainland and the two Autonomous Regions (which here coincide with NUTS I classification). NUTS III corresponds to a group of 28 sub-regions identified in the several regions in NUTS II and the two Autonomous Regions.
While the islands’ administrative divisions are of only one level, on the mainland there are districts, CCDR, metropolitan areas, urban communities and inter-municipal communities (that are groups of NUTS III organisations).

The principles of interdependence and separation of powers are embedded in the Constitution and regional autonomy and of decentralisation are also foreseen in its text. The Autonomous Regions have their own political and administrative statutes and their own legislative autonomy (Art. 228). They benefit from extensive legislative powers and define their own policy, except for the field of foreign policy and defence and internal security, which come under the competences of central authorities.

In addition to the Constitution which stipulates democratic participation, the economic and social development and the promotion of regional interests of the Autonomous Regions with regard to reinforcing national unity and solidarity links among all the Portuguese people (art. 225), the 1999 Act on Local Government Responsibilities\(^\text{358}\), the 2007 Local Finance Law and the Laws of 26 March 1987 and 5 June 1991 on the Autonomous Regions also describe the vertical distribution of competences.

In 2005, sub-national level expenditure represented 6.1% of the GDP and 13% of the total public expenditure. The Municipalities’ revenue was composed of 24.9% of autonomous taxation, 3.7% of shared taxation, 39.9% of grants and 31.5% of other sources.\(^\text{359}\)

Portugal’s administrative-territorial structure is currently under discussion although there is broad consensus on the need to move towards more regionalisation, the question of the regions’ competencies is not yet resolved.

**Central level**

**State responsibilities**

- Legislative power in all fields, except for Azores and Madeira;
- General powers in areas related to national sovereignty, and
- Administrative powers which do not fall under the competence of local authorities.

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\(^{358}\) Act 69/99 on local government responsibilities.

Regional level

Responsibilities of the Autonomous Regions

- Improvement of human resources and quality of life;
- Heritage and cultural creation;
- Environment;
- Protection of nature, public health, animals and vegetation;
- Agricultural and fisheries development;
- Water, mineral and thermal resources and locally produced energy;
- Planning, accommodation, urbanism and regional planning;
- Transport, including roads, traffic and land transport, infrastructure and maritime and air transport between the islands;
- Commercial and industrial development;
- Tourism, folklore and crafts;
- Sports, and
- Organisation of regional administration and related services.

Local level

Responsibilities of the Municipalities

- Health;
- Environment;
- Culture;
- Management of municipal assets;
- Public works, and
- Urban planning.

Responsibilities of the Parishes

- Education;
- Road and park maintenance;
- Social facilities for children and the elderly;
- Culture;
- Environment;
- Health;
- Residence permits, and
- Pet licences.
21.1 Systems of multilevel governance

**Representation:** The National Association of Portuguese Municipalities represents local government before the central authorities.

**Information:** During the legislative process, information is provided to Local and Regional Authorities (LRAs) to the extent that information is published on the Parliament’s website. In addition, central authorities usually transmit draft legislation which has a local/regional impact\(^{360}\) to the associations of local government for information.

**Consultation:** The associations of local government are consulted in all areas within their remit pursuant to Law No. 54/98 of 18 August 1998. Consultation generally takes place by mailing draft legislation. Central authorities always have to consult the Autonomous Regions on matters that fall under the Autonomous Regions’ competences.

**Coordination:** The State works in cooperation with the Autonomous Regions in order to ensure their economic and social development, as well as to address and reduce inequalities throughout the territory. In addition, the National Association of Portuguese Municipalities acts as an exchange platform among its members. Municipalities have their own fiscal powers limited to their own competences according to coherence and local autonomy principles according to the Local Finances Law.

21.2 Relations with the EU/Representation at EU level

The Portuguese CoR delegation includes two members from the Autonomous Regions of the Azores and Madeira and ten from the Municipalities.

None of the regions have a liaison office in Brussels; the Azores rent a building for meetings when they are in Brussels, with no employees allocated to the office.

The National Association of Portuguese Municipalities is a member of the Congress of Local and Regional Authorities of Europe (CLRAE) and the Council of European Municipalities and Regions (CEMR)[1]. The Azores and Madeira are also members of the Assembly of European Regions (AER) and of the Conference of European Regional Legislative Assemblies (CALRE).

21.3 Subsidiarity\textsuperscript{361}

The National Parliament established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System (EWS) as well as general scrutiny system within the political dialogue. In both cases, the National Parliament should consult the Legislative Assemblies of the Autonomous Regions whenever the European initiative under scrutiny refers to a matter that falls within the competence of the Autonomous Regions. So far, the Regional Parliaments of the Autonomous Regions have been consulted about three European initiatives within the Early Warning System (EWS) as well as within the framework of the political dialogue concerning the Specific Measures for agriculture in the outermost regions of the Union, the maritime strategy for the Atlantic Ocean Area and the outermost regions of the EU.

21.4 Fiscal Powers

The National Parliament defines the central, regional and local financial regimes. Furthermore, it has the competence to adopt taxes and levies and other financial contributions. The fiscal, financial and economic autonomy of the Autonomous Regions exists within the limits of the Constitution. These Regions have autonomous fiscal powers and the competence to adapt the national regime to the regional economic reality.

21.5 Bibliography

Constitution

Legislation


Estatuto Poltico-Administrativo da Regiao Autonoma da Madeira Aprovado pela Lei n.? 13/91, de 5 de Junho, Revisto pela Lei n.? 12/2000, de 21 de Junho. [Law on the political and administrative statute of Autonomous region of Madeira]

Lei n.º 159/99 de 14 de Setembro, Estabelece o quadro de transferência de atribuições e competências para as autarquias locais [Law No. 159/99, September 14, that sets out the Framework for the transfer of functions and powers of the local authorities]

**Websites**


**Publications**


21.6  The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a.  Transport policy

Central Level

The Ministry of Economy and Employment is responsible for defining, managing and implementing policies on transport issues.

Regional level
Regional authorities are responsible for:

The Azores:
The Legislative Assembly legislates in the field of transport and infrastructure and is responsible for:
- Construction;
- Traffic and roads;
- Ports, airports, airfields and other civil airport infrastructure;
- Land, sea and air transport, and
- The distribution of postal goods.

Madeira:
- Infrastructure;
- Sea and air transport;
- The management of ports and airports, and
- Roads, traffic and land transport.

Local Level

Municipal authorities are responsible for:
- The municipal road network;
- The regular urban and local transport network;
- Support structures for road transport;
- Regional railway or roads, and
- Municipal aerodromes and heliports.
b. Employment policy

Central Level

The Ministry of Economy and Employment is responsible for defining, managing and implementing policies on employment.

Regional level

Regional authorities are responsible for:

The Azores:
The Legislative Assembly legislates in the field of employment and is responsible for:

- The promotion of fundamental rights of workers;
- Unemployment protection, and
- The establishment and regulation of the regional minimal wage.

Madeira:

- Employment and labour laws,
- Vocational training and
- Regional action plans for employment.

Local Level

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Sources

Ministry of Economy and Employment
c. Social Policy

Central Level

The central government is responsible for:

- Organising, coordinating and subsidising a unified and centralised social security system;
- Promoting the social and economic independence of family units;
- Regulating assisted conception in such a way as to safeguard human dignity. Ensure special protection for children who are orphans, abandoned or deprived of a normal family environment in any way, and
- Undertaking a national policy for the prevention of disability and the treatment, rehabilitation and integration of citizens with disabilities and the provision of support to their families.

Regional Level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of social policy and is responsible for:

- The management and financial system of social policy;
- The regulation of social services, social support, and social solidarity;
- Combating social exclusion and promoting equal opportunities and social inclusion;
- Providing support for citizens with disabilities, and
- The social, volunteer and organisation of leisure time.

Madeira:

- Public works and social facilities;
- Housing, and
- The development of human resources and quality of life.
Local Level

Municipal authorities are responsible for:

- The construction and maintenance of nurseries and centres for the elderly and people with disabilities, and
- Cooperating with the social institutions and concluding partnerships with the central government in programmes and projects in the areas of fighting against poverty and social exclusion.
d. Education policy

Central Level

The central government is responsible for:

- The financing, establishment and operation of schools;
- Ensuring conditions for equal opportunities and equal access to schools;
- Ensuring high-level teaching, scientific and cultural education;
- Encouraging research and innovation technology;
- The management of higher education schools;
- Ensuring the dissemination of information on educational institutions and projects, and
- Ensuring and monitoring the schools’ compliance with the law.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of education and is responsible for:

- The regional education system, including the organisation, operation, human resources, equipment, administration and management of education and teaching;
- The evaluation of the education system;
- Private activities of education, and
- School social work in the regional education system.

Madeira:

- Pre-primary, primary, secondary, tertiary and special education.
Local Level

Municipal authorities are responsible for:

- The construction, equipment and maintenance of preschool and basic educational establishments;
- The development of a school map to integrate the municipal master plans;
- The creation of local boards of education;
- Ensuring school transport, and
- Supporting the development of complementary educational activities.

Sources
Ministry of Education and science
e. Vocational training

Central Level

The Ministry of Education and Science is responsible for defining, managing and implementing policies on vocational training.

Regional level

Regional authorities are responsible for:

Madeira:

The Legislative Assembly legislates in the field of vocational training and is responsible for:

- Vocational training.

The Azores:

The Legislative Assembly legislates in the field of vocational training and is responsible for:

- Training and human resources, and
- Social consultation.

Local Level

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f. Youth and sport policy

Central Level

The central government is responsible for:

Youth Policy
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Sport Policy

In cooperation with schools and sporting associations and groups:

- Promoting, stimulating, guiding and supporting the practice and dissemination of physical education and sport, and
- Preventing violence in sport.

Regional level

Regional authorities are responsible for:

Youth Policy

The Azores:

The Legislative Assembly legislates in the field of youth policy and is responsible for:

- Student and youth organisations;
- Youth mobility and tourism, and
- The regulation and management of the activities and facilities for young people.

Sport Policy

Madeira:

- Sport policy.
The Azores:

The Legislative Assembly legislates sport policy and is responsible for:

- The regional and information sport system, including organisation, management, planning, funding and supervision;
- Professional and unprofessional sport, including sport exchanges, sport schools and volunteer sport;
- Infrastructure, facilities and sport equipment;
- Human resources;
- Sponsorship, and
- Mobility of sport associations and societies.

Local Level

Municipal authorities are responsible for:

Youth Policy
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Sport Policy:

- Facilities for sport and recreational activities;
- Providing support for sport and recreational activities of municipal interest, and
- Supporting the construction and maintenance of sport and recreational sites.
g. **Culture policy**

**Central Level**

The central government is responsible for:

- Encouraging and ensuring access by all citizens to the means and instruments for cultural activities, and reducing the country’s existing asymmetries in this respect;
- Supporting initiatives that stimulate individual and joint creative skills in all its many forms and expressions, and that stimulate the enhanced dissemination of high quality cultural works and items;
- Promoting the safeguarding and enhancement of the cultural heritage and making it an element that inspires a common cultural identity;
- Developing cultural relations with all peoples, especially those that speak Portuguese;
- Ensuring the defence and promotion of Portuguese culture abroad, and
- Coordinating the cultural policy with the other sectoral policies.

**Regional level**

Regional authorities are responsible for:

**The Azores:**

The Legislative Assembly legislates in the field of culture policy and is responsible for:

- Historical, ethnographic, artistic, monumental, architectural, archaeological and scientific matters;
- Cultural facilities, including museums and libraries;
- Providing support for intellectual and artistic creation;
- Folklore;
- Public shows and amusements, and
- Cultural patronage.

**Madeira:**

- The classification, protection and enhancement of cultural heritage;
- Museums, libraries and archives, and
- Entertainment and public amusements
- Handicraft and folklore.
**Local Level**

Municipal authorities are responsible for:

- Culture centres, science centres, libraries, theatres and municipal museums;
- Cultural heritage, landscape and urbanism;
- The conservation and restoration of heritage and cultural areas;
- The management of museums, buildings and sites, classified in terms defined by law, and
- Providing support for cultural projects and activities of municipal interest.
h. Public health policy

Central Level

The central government is responsible for:

- Ensuring that every citizen has access to preventive, curative and rehabilitative medical care;
- Ensuring efficient national coverage in terms of healthcare units and human resources;
- Working towards the public funding of the costs of medical care and medicines;
- Regulating and controlling the production, distribution, marketing, sale and use of chemical, biological and pharmaceutical products and other means of treatment and diagnosis, and
- Drafting policies for the prevention and treatment of drug abuse.

The National Health Service possesses a decentralised and participatory management system.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of health policy and is responsible for:

- Regional health service, including its organisation, planning, operation, financing and human resources;
- Public health and community services;
- Preventive medicine and rehabilitation, and
- The system of licensing and operation of pharmacies.

Madeira:

- Health and welfare, and
- Health services.
Local Level

Municipal authorities are responsible for:

- The construction, maintenance and support of the municipal health centres;
- Participating in advisory monitoring and evaluation of national health;
- Participating in the definition of policies and actions undertaken by health offices, and
- Participating in the provision of health care in the framework of social support dependence in partnership with central government and other local institutions.

Sources
Public health Ministry Legislation
http://www.min-saude.pt/portal/conteudos/a+saude+em+portugal/legislacao/legislacao.htm
i. **Trans-European network policy**

**Central Level**

The Secretary of State of Public Works, Transport and Communications of the Ministry of Economy and Employment is responsible for the TEN-T policy.

**Regional level**

Regional authorities are responsible for:

**The Azores:**

The Legislative Assembly legislates in the field of transport and infrastructure and it is responsible for:

- Construction, and
- Roads;

**Madeira:**

- Infrastructure, and
- Roads.

**Local Level**

Municipal authorities are responsible for:

- The municipal road network, and
- Regional railway lines or roads.
j. Economic, social and territorial cohesion policy

Central Level

The central government is responsible for:

- Promoting an increase in citizens’ social and economic well-being and quality of life;
- Promoting social justice, ensuring equal opportunities and carrying out the necessary adjustments of inequalities in the distribution of wealth and income, particularly by means of the fiscal policy (within the overall framework of a sustainable development strategy);
- Ensuring the full use of the forces of production, particularly by making every effort to ensure the efficiency of the public sector;
- Promoting the economic and social cohesion of the whole country by directing development towards a balanced growth in every sector and region and progressively reducing and eliminating the economic and social differences between towns and the average per country and between the coastal strip and the inland areas;
- Promoting the adjustment of the inequalities derived from the autonomous regions’ insular nature and encouraging the regions’ progressive integration into broader economic areas with a national or international scope;
- Ensuring the efficient operation of the markets, and
- Creating the legal and technical instruments needed to democratically plan economic and social development.

Regional level
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Local Level
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k. Environment and the fight against climate change

Central Level

The central government is responsible for:

- Preventing and controlling pollution and its effects as well as the harmful forms of erosion;
- Conducting and promoting town and country planning with a view to the correct location of activities, balanced social and economic development and the enhancement of the landscape;
- Creating and developing natural and recreational reserves and parks and classifying and protecting landscapes and areas;
- Promoting the rational use of natural resources;
- Promoting environmental education and respect for environmental values, and
- Promoting the environmental quality of rural settlements and urban life in cooperation with local authorities.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of environment and is responsible for:

- The protection of the environment;
- The conservation and protection of classified and protected areas;
- Regional ecological reserve;
- Natural resources;
- Environmental impact assessment, and
- Water supply.

Madeira:

- Forests, parks and nature reserves;
- Environmental protection and ecological balance, and
- Protection of nature and natural resources.
Local Level

Municipal authorities are responsible for:

- Participating in the management of air quality;
- The installation and maintenance of local networks for monitoring air quality;
- The control of gas emissions of vehicles;
- Proposing the creation of protected areas at national, regional or local level;
- Water supply systems;
- The maintenance and rehabilitation of the water network, and
- The management and monitoring of the sanitation and good maintenance of beaches and bathing areas.
1. Energy

Central Level

The Ministry of Economy and Employment is responsible for defining, managing and implementing policies on energy issues.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in energy policy. It is responsible for:

- Production facilities;
- Distribution;
- The storage and transport of energy, and
- The regional production of energy, including renewable energy and efficiency energy.

Madeira:

- Energy production site, and
- Distribution.

Local Level

Municipal authorities are responsible for:

- The distribution of electricity at low voltage;
- Urban and rural lightening;
- Investing in energy-producing centres, and
- Managing the distribution networks.
21.7 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central Level

The central government is responsible for:

- Promoting the planning of agriculture, and
- Reconversion and forestry development policy, in accordance with the ecological and social factors that condition the country.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates on agricultural policy which includes:
- Agriculture, including organic farming, forestry, livestock and agribusiness;
- Regional agricultural reserves;
- Pastures, fallow and forest reserves;
- Rural land consolidation and land ownership farms;
- Animal and plant health;
- Research, development and innovation in agriculture, forestry and food, and
- The protection, promotion and support of regional products, including geographical designations of origin and quality.

Madeira:

- Agriculture, forestry and animal farming;
- Legal status and land use;
- Land policy and management, and
- Ecological balance.

Local Level

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b. Fisheries

Central Level

The central government is responsible for:

- Ensuring the protection and conservation of biodiversity;
- Promoting the planning of inland aquaculture, in conjunction with management planning;
- Promoting and encouraging participation in the planning and management of aquatic resources, fishermen’s organisations, environmental protection and forest producers, local authorities and other entities interested in the conservation, protection and use of aquatic resources;
- Regulating fishing and aquaculture, and
- Promoting scientific research for better knowledge and conservation of aquatic ecosystems.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in fisheries, sea and marine resources. It defines:

- The conditions of access to inland waters and sea land belonging to the territory;
- Fishery resources and other aquatic resources, including their conservation, management and operation;
- Fishing activities in inland waters and sea land belonging to the territory of the region or vessels registered in the region;
- Aquaculture and processing of fishing products in the region;
- Fishing vessels that pursue their activities in internal waters and territorial sea belonging to the territory of the region or which are registered in the region, and
- Recreational fishing.

Madeira:

- Fisheries, aquiculture, water resources.
Local Level
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Sources
Lei n.? 7/2008 de Fevereiro Lei da pesca nas aguas interiores [Law of the Inland Fishing]
c. Immigration and asylum

Central Level

The central government is responsible for:

- Overall legislation (Ministry of the Interior), and
- Drawing up proposals based on granting or refusing asylum, awarding and renewal of residence permits (National Commissioner for Refugees).

Under the proposal of the National Commissioner for Refugees, the Ministry can grant or refuse asylum.

Regional level

Regional authorities are responsible for:

The Azores:

- The integration of immigrants;
- The support of the migrant communities;
- The association and dissemination of Portuguese culture and Azorean Diaspora, and
- The reintegration of returning migrants.

Madeira:

- Immigration status of the citizens.

Local Level

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Sources:
Lei n.o 15/98 de 26 de Marco Estabelece um novo regime juridico-legal em materia de asilo e de refugiados [Law No. 15/98, March 26, Establishes a new legal system in the area of asylum and refugees]
d. Tourism

Central Level

The Ministry of Economy and Employment is responsible for defining, managing and implementation of tourism policies.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of tourism. It is responsible for:

- The arrangement of the use of tourism resources;
- Training of human resources in tourism;
- Legal regimes of tourist and travel agencies and operators, including their licensing, classification and operation;
- The use of tourist sites, monuments and attractions;
- Sea activities, and
- Investments in tourism.

Madeira:

- Tourism and hospitality;
- Handicraft and folklore, and
- Exploration of the public utility property of the region.

Local Level

Municipal authorities are responsible for:

- Creating tourist institutions and participating in the promotion of the local tourism;
- Participating in regional tourism bodies;
- Participating in the definition of tourism policies which relate to the municipality;
- Promoting and supporting the development of craft activities and ethnographic expositions of local interest, and
- The licensing and inspection of tourist facilities and hotels.
e. Civil protection

Central Level

The Ministry of Internal Administration is responsible for defining, managing and implementing policies on civil protection issues.

Regional level

Regional authorities are responsible for:

The Azores:

The Legislative Assembly legislates in the field of civil protection and public safety. It is responsible for:

- Civil protection, fire emergency, medical emergency;
- The monitoring of meteorological, oceanographic, seismic and geological risks, and
- Assistance and monitoring of beaches, bathing areas and coastal rescue.

Madeira:

- Regional Civil Protection.

Local Level

Municipal authorities are responsible for:

- The creation of municipal fire departments;
- The construction and maintenance of fire stations, and
- The construction, maintenance and management of municipal facilities and centres of civil protection.
22. Romania

Romania is a sovereign, independent, unitary, indivisible national state, the form of government being a Parliamentary Republic with a semi-presidential regime. The Romanian President is directly elected for a five-year mandate, for maximum two terms. The Romanian Parliament is bicameral and consists of the Chamber of Deputies (Camera Deputatilor) composed of 332 directly elected deputies and the Senate (Senatul) composed of 137 directly elected senators. The Romanian Parliament has a four-year mandate.

According to Article 3(3) of the Constitution, the territory of Romania is divided into Communes (comune), Towns (oraşe) and Counties (judeţe); the big towns (cities) are declared municipalities (municipii) through a specific law. Towns having a large number of inhabitants and being of major economic, social, political and scientific importance at national level or meeting the necessary conditions for development in these fields may be classified as municipalities (cities) (Law 351/2001 with subsequent changes).

The Romanian Counties are the administrative-territorial units at the intermediate level, while Communes, Towns and Municipalities (Cities) form the local administrative level.

The intermediate administrative level consists of 41 Counties and, in addition, the municipality of Bucharest, which holds both municipality and County competences. At this level, a prefect is appointed by the central government as a representative of the government at the County level.

The management of local public affairs is the responsibility of the self-governing deliberative local administrative authorities, namely the County Council (Consiliul Judeţean) and the Local Councils (Consiliul Local).

The local level comprises 2853 Communes, 217 Towns and 103 municipalities (cities).

The Regional Development in Romania Act (No. 315/2004) establishes the institutional framework for regional development policy in Romania, its objectives, the competences of the development Regions and the specific instruments of regional development policy. There are eight development Regions on the Romanian territory. The development Regions are not regional authorities and have no legal personality.
The **Regional Development Agencies** are the executive bodies of the Regional Development Councils of the Development Region. Regional Development Agencies develop strategies, attract resources, identify and implement financing programmes and offer services for stimulating sustainable economic development, partnerships and entrepreneurial spirit.

The **Regional Development Councils** – composed of the County Council presidents – are the deliberative bodies that coordinate the entire regional development process in a certain Development Region.

The Regional Development Council has the following attributes:

- analyses and decides upon the strategy and the regional development programmes;
- approves the regional development programmes;
- presents to the National Regional Development Council proposals regarding the allocation of resources from the Regional Development Fund;
- approves the criteria, priorities, assignment and the destinations of the resources from the Regional Development Fund;
- follows the utilisation of the funds assigned to the Regional Development Agencies from the National Regional Development Fund.

The Government has the right to issue legal acts that are compulsory for the local authorities. The prefect, as representative of the government at County level, has the right to control the legality of acts issued by the local authorities. Articles 120 and 123 of the Constitution provide the legal limits of the exercise of authority by the prefect on the Local Councils, which are the functional autonomy, the principle of administrative autonomy and decentralisation as well as the principle of deconcentration of public services.

In addition to the [Constitution](#) of 1991 (amended in 2003), the Law of Local Public Administration of 2001, the Framework Law on Decentralisation of 2006 and the Law on Regional Development of 2004 are the main sources to be consulted.

**General division of powers**

**Central level**

The central level has the legislative power in all areas and carries out state policy, foreign policy, manages the state budget and maintains law and order.
According to Article 73 of the Constitution, organic laws regulate:

- The electoral system;
- the organization, functioning, and financing of political parties;
- The status of Deputies and Senators;
- The organisation and holding of referenda;
- The state of partial or total mobilisation of the armed forces and the state of war, the state of siege and emergency;
- Criminal offences, punishment and the execution thereof;
- The granting of amnesty and collective pardon;
- The status of civil servants;
- The contentious issues falling within the competence of administrative courts;
- The organisation and functioning of the Superior Council of Magistracy, the courts, the Public Prosecutor and the Court of Auditors;
- The general organisation of the education system;
- The organization of local public administration, territory, as well as the general rules on local autonomy; The general rules covering labour relations, trade unions, employers' associations and social protection;
- The status of national minorities in Romania; and
- The general statutory rules concerning religions and religious groups.

Regional level

According to Law N°315/2004 on Regional Development, the "development regions" have the followings attributions:

- Reducing the existing regional imbalances by encouraging balanced development, accelerating the economic and social recovery of the less developed regions according to the historical, geographical, economic, social and political imbalances and preventing the emergence of new imbalances;
- Correlation of sectoral policies and activities at regional level by encouraging government initiatives and by exploring local and regional resources in order to develop economic and social development and foster cultural development;
- Promoting interregional national and international cooperation, cross-border cooperation also in the context of the Euro-regions; and
- Encouraging the participation of the development regions in the European structures and organisations promoting their socio-economic and institutional development in order to carry out projects of mutual interest in accordance with the international agreements signed by Romania.
Intermediate level

The Counties are responsible for:

Own competencies: (Article 22 Framework Law n°195/2006 on decentralisation)

- Management of local airports;
- Management of public and private domain of the County;
- Management of cultural institutions of County interest;
- Administration of public health units of the County;
- Primary social services and specialised services for victims of domestic violence;
- Specialised social services for the elderly;
- Other competencies established by law.

Shared competencies of the County with the authorities of central public administration (Article 26 of Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of County interest;
- Special education;
- Medical care and social services for people with social problems;
- Primary social services and specialised services for the child protection;
- Specialised social services for people with disabilities;
- Public community service of personal records;
- Other competencies established by law.

Delegated competences: (Article 27 of Framework Law n°195/2006 on decentralisation)

- The County Council exercise competences delegated by central public administration authorities on payment of allowances for children and adults with disabilities.

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
• The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
• The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
• The Prefect is responsible for implementing the central government’s strategy and programmes at the local and Country level.

Municipal level

The Municipalities (Cities), Towns and Communes are responsible for:

Own competencies (Article 21 Framework Law n°195/2006 on decentralisation):

• Management of public and private domain of the State;
• Management of road infrastructure of local interest;
• Management of local cultural institutions;
• Administration of local public health units;
• Pre-school and primary education
• Urban planning and urbanism;
• Water supply;
• Sewerage and treatment of wastewater and pluvial waters;
• Public lighting;
• Sanitation;
• Social services for child protection and for the elderly;
• Social services and specialised services for victims of domestic violence;
• Local public passenger transport; and
• Supply of heating produced in a centralised system;
• Other competences established by law.

Shared competencies of Municipalities (Cities), Towns and Communes with the central public administration authorities (Article 24 of Framework Law n°195/2006 on decentralisation):

• Construction of social housing for youth;
• Secondary education and adult education
• Public order and safety;
• Granting of social assistance to people in need;
• Prevention and management of local emergencies;
• Medical care and social services to people with social problems;
• Social services for people with disabilities;
• Public community services of personal records
• Management of road infrastructure
• Other competencies established by law.

Delegated competences: (Article 27 of Framework Law n°195/2006 on decentralisation)

• Local government authorities exercise competences delegated by central public administration authorities on payment of allowances for children and adults with disabilities.

22.1 Systems of multilevel governance

Representation: In Romania, the local authorities are represented vis-à-vis the central government through different associations. According to Article 8(2) of the Law on Local Public Administration, the associative structures of local authorities are: the Association of Communes in Romania (ACoR), the Romanian Association of Towns (AOR), the Romanian Association of Municipalities (AMR) and the National Union of County Councils of Romania (UNCJCR).

Information: Article 3 of Decision 521/2005 on the procedure for consulting the associative structures of local public administration authorities in the drafting of normative acts, provides that the draft normative acts that relate directly to local public administrative authorities shall be transmitted to the Presidents of these associations. This article also provides for the central public authorities to designate a contact person on behalf of the central government for consultation procedures and to inform the associative structures of local public authorities of this contact person.

Consultation: According to Article 8(1) of the Law on local public administration, the central government has the legal obligation to consult the associative structures of the local public authorities before taking any decision in all matters affecting them directly. The decision 521/2005 emphasises the steps to be followed by the central government and by the associations during the consultation process. Nevertheless, the consultation process starts only after the legal act has been drafted.

The Framework described in Decision 521/2005 constitutes the legal consultation method. However, this is often complemented with informal
consultations between representatives of central public authorities and Board Members of the local public authorities associations during the process of drafting legal acts.

**Coordination:** The coordination is provided by the contact person designated by the central public authorities. According to Article 4 of Decision 521/2005, the associations can express their position on the draft proposal. Nevertheless, it is the initiator of the proposal who decides whether to take the associations’ position(s) into account or not.

Moreover, it should be mentioned that the national associations should send their comments within 5 working days, which is a very tight deadline.

**22.2 Relations with the EU/ Representation at EU level**

The Romanian government has a procedure for nominating delegations to different EU institutions, which is acknowledged by the local public authorities associations that distribute the seats among themselves. The **15 Romanian members to the Committee of the Regions, as well as their alternates, are distributed among the four associations mentioned above.**

There is no specific procedure for the involvement of local authorities into decision-making on EU legislation and policy. European Affairs are addressed within the Ministry for European Affairs established since 2011.

For the representation in **Congress of local and regional authorities CLRAE**, the **National Union of County Councils of Romania UNCJR** nominates the five members and five alternates to the Chamber of Regions whilst the other associations divide the nominations of the five members and five alternates to the Chamber of Local Authorities. The Secretariat of the delegation is currently held by the Ministry of Administration and Interior.

Two national associations of local governments have an **office in Brussels**: the Romanian Municipalities Association, and the National Union of County Councils of Romania. The Regional Development Agency North-East has also an office in Brussels.
22.3 Subsidiarity

Central level

The subsidiarity check in Romania is done both by Camera Deputatilor and by Senatul. Within Camera Deputatilor, the European Affairs Committee (EAC) examines the legislative proposal and checks the principles of subsidiarity and proportionality. The reasoned opinion is signed and transmitted by the President of the Chamber after the deputies have voted on the reasoned opinion during the plenary session. Within Senatul, the legislative proposal is also examined by the European Affairs Committee (EAC) before the vote in the plenary.

Regional and Local level

There is no procedure for checking subsidiarity of EU draft legislative proposals at County level; however the members of the Romanian delegation to the CoR are able to assess the European legislative initiatives at an earlier stage, i.e. when these are being discussed within the CoR.

At regional level, since the development regions and macro-regions lack a legislative or executive council or government, they are neither formally nor informally included within the Early Warning System by the Chamber of Deputies (Camera Deputatilor).

However, the European Affairs Committee of the Romanian Parliament has the possibility to consults the local and regional authorities when the provisions of the EU draft legislative act require it.

22.4 Bibliography

Constitution


Legislation


Government decision No. 536 of May 18, 2011 on the Organisation and functioning of the Ministry of Education, Research, Youth and Sport.

Decision N°90 of 10.02.2010 on the organisation and the functioning of the Ministry of Culture and National Heritage.

Decision N°144 of February 23, 2010 on the organisation and the functioning of the Ministry of Health

Decision No. 1635/2009 of the Romanian Government on the organisation and functioning of the Ministry of Environment and Forests

Decision no. 1634 of December 29, 2009 on the organisation and functioning of the Ministry of Economy, Trade and Business Environment


Websites

Association of Romanian Communes
Association of Romanian Towns
Ministry of Administration and the Interior
Ministry of Agriculture and Rural Development
Ministry of Culture and National Heritage
Ministry of Education, Research, Youth and Sports
Ministry of Environment and Forests
Ministry of Health
Ministry of Labour, Family and Social protection
Ministry of Transport
Ministry of Transport and Infrastructures
National Institute of Statistics, in particular the statistical yearbook of 2010, data from 20
National Union of County Councils of Romania
Romanian Federation of Local Authorities
Romanian Information Centre in Brussels
Romanian Municipalities Association
TRACECA

Publications and studies


Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 71-76.

Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
22.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The Ministry of Transport is the specialised authority of the central public administration and fulfils the following main duties:

- Elaborates and submits the legislative framework;
- Elaborates economic policy in the field of transport and administrates the financial resources;
- Elaborates and implements the policies in the field of transport (manages and implements infrastructure projects);
- Exercises the rights and obligations of the state as shareholder in the national and commercial companies that are under its authority, until the end of the privatisation process;
- Organisation and development of scientific research and data in the field of transport;
- International obligations in the field of transport (concluding conventions, representing state interest, promoting the economy, coordinating the technical assistance programmes provided by international organisations);
- Signs, on behalf of the state, contracts with the national company that administrates the rail transport as well as with the national/commercial companies that provide public transport; and
- Provides health insurance for the personnel (including family members, retired persons) and the one of commercial companies dealing with transport.

Intermediate level

The Counties are responsible for:

Own competencies: Art 22 of Framework Law n°195/2006 on decentralisation)

- Management of local airports.
Shared powers of the County with the central public administration authorities (Article 26 of the Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of County interest.

**Administrative supervision by the Prefect:**

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council and in the council of the municipality of Bucharest.
- The Prefect, reviews the legality of acts adopted by local authorities and the County council; and
- The Prefect is responsible for implementing the government’s strategy and programmes at the local and County level;

**Municipal level**

The Municipalities (Cities), Towns and Communes are responsible for:

**Own competencies** (Article 21 of Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of local interest; and
- Local public passenger transport.

Shared competencies between Municipalities (Cities), Towns and Communes and the central public administration authorities (Article 24 Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of local interest at commune level.
b. Employment policy

Central level

The Ministry of Labour, Family and Social Protection is the specialised authority of the central public administration, carries out government policies in the field of employment and fulfils the following main duties:

- Policy and decision-making, implementation and monitoring of competences in the field of employment;
- Analysis and revision of the national Annual Programme for Employment;
- Policy and law-making competences in the field of labour law (employment relations, collective agreements, working hours and rest periods, etc.);
- Policy and decision-making competences in the field of public sector wages; and
- Policy development, implementation and monitoring in the field of pensions.

The National Agency for Employment is in charge of implementing the employment policy.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council and in the Council of the municipality of Bucharest;
- The Prefect, reviews the legality of acts adopted by the local authorities and the County Council as well as by its Chair;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units;
- The Prefect is also responsible for implementing the government’s strategy and programmes in the field of employment at the local and County levels;

Municipal level

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Sources


Ministry of Labor, Family and Social Protection
c. Social policy

Central level

The Ministry of Labour, Family and Social Protection is the specialised authority of the central public administration, carries out government policies in the field of social protection and fulfils the following main duties:

- Policy and legislative competences in the field of social policy (social protection and social security);
- Evaluation and monitoring of policies in progress;
- Coordination and monitoring of implementation of social policies dealing with children’s rights, family issues, people with disabilities, the elderly, victims of domestic violence, vulnerable groups, people at risk of poverty and social exclusion;
- Development, monitoring and implementation of bilateral and international agreements in this field;
- Organisation and coordination of the process of accreditation of social services;
- Monitoring the work of the authorities and institutions with responsibilities in the area of social assistance;
- System of wages (adjustment of salaries according to inflation, minimum gross salary);
- Management of pensions and social insurance;
- Drafting legislation for setting up the institutional framework for the operation of private pension schemes;
- Management of State aid;
- Negotiation of agreements in the field of social partnership; and
- Permanent consultation of social partners.

Intermediate level

The Counties are responsible for:

Own competencies: (Art 22 Framework Law n°195/2006 on decentralisation)

- Social assistance services and specialised services for victims of domestic violence; and
- Specialised social services for the elderly.
Shared powers of the County with the central public administration authorities (Article 26 of Framework Law n°195/2006 on decentralisation):

- Medical care and social assistance to people with social problems;
- Primary social assistance services and specialised services for child protection; and
- Social services specialised for people with disabilities.

Delegated competences: (Article 27 of Framework Law n°195/2006 on decentralisation)

- The County Council exercises competences on payment of allowances for children and adults with disabilities.

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

The Municipalities, Towns and Communes are responsible for:

Own competencies (Article 21 Framework Law n°195/2006 on decentralisation):

- Primary social assistance services for the protection of children and for the elderly; and
- Primary social assistance services and specialised services for victims of domestic violence.
Shared competencies between Towns and Communes and the central public administration authorities (Article 24 Framework Law n°195/2006 on decentralisation):

- Granting of social assistance to people in need;
- Medical care and social assistance to people with social problems; and
- Primary social assistance services for people with disabilities.

Sources:
Ministry of Labor, Family and Social Protection
d. Education policy

Central level

The Ministry of Education, Research, Youth and Sports is the specialised authority of the central public administration, carries out government policies in the field of pre-university education and fulfils the following main duties:

- Drafting, applying, monitoring and assessing national education policies (including the national curriculum);
- Coordination and monitoring of the national education system;
- Approving the structure of pre-university education;
- Evaluation, approval and purchasing of textbooks and provision of finances according to the law;
- Drafting diagnosis and forecast studies in the field of education;
- Ensuring the assessment and approval of the tools used in education;
- Providing the organisational framework for the selection and adequate training of pupils with exceptional skills;
- Ensuring the specialised education and psycho-pedagogical support for children with disabilities and children with special needs;
- Analysing the implementation of social protection in the education system and proposing adequate measures to the central government and to the competent local authorities;
- Coordination, monitoring and evaluation of the qualifications, initial and continuous training of the teaching staff for the drafting of national policies;
- Evaluation of the national education system based on national standards;
- Drafting, together with other competent ministries, of the strategy for the collaboration with other states and with the international bodies specialised in education, professional training and scientific research;
- Setting out the methods for the validation of studies, diplomas, certificates and scientific titles, issued abroad;
- Deciding the structure of the school year;
- Setting up and monitoring of the e-learning school platform, as well of the virtual school library;
- Drafting specific norms for the construction of schools and for equipping them accordingly;
- Publishing and presenting every year the report on the current status of Romanian pre-university education before the Parliament; and
- Coordination of the collection of statistics and data for the national system of indicators concerning education and subsequent analysis and interpretation of data.
The Ministry of Education, Research, Youth and Sports is qualified to follow up and control the enforcement and observance of the legal regulations in the field of higher education and, if necessary, to apply sanctions. In addition, it controls the universities’ exercise of autonomy and their public responsibility, and it sets out the general mission and their own mission.

**Intermediate level**

The Counties are responsible for:

*Shared powers of the County with the central public administration authorities (Article 26 of Framework Law n°195/2006 on decentralisation):*

- Special education.

*Administrative supervision by the Prefect:*

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

**Municipal level**

The Municipalities, Towns and Communes are responsible for:

*Exclusive competencies: pre-school, primary education*

*Shared competencies: Secondary education, adult education*
Sources

Government decision No. 536 of May 18, 2011 on the Organisation and functioning of the Ministry of Education, Research, Youth and Sport.

Law No. 1 of 5 January 2011 of National Education, published in the Monitorul Oficial al României, revised
e. Vocational training policy

Central level

- The Ministry of Education, Research, Youth and Sports Approves professional training standards, upon consulting the social partners.
- Regulates the organisation and carrying out of examinations for certifying professional qualifications.

The National Centre for Technical and Vocational Education and Training Development (NCTVETD), subordinated to the Ministry of Education, Research, Youth and Sports, is in charge to develop the National Quality Assurance Framework for technical and vocational education and training in Romania (TVET).

The mission of the NCTVETD is to contribute to the development of a qualitative and attractive technical and vocational education, offering equal chances of personal and professional development to each student so that to make that person able to work and to continue its lifelong learning, to be able to contribute as a TVET graduate to the economic development of its community, to consolidation of the Romanian democratic society.

In order to accomplish this mission, NCTVETD:

- Assures harmonization of the Romanian developments with those realized at European and international level in elaborating the policies and strategies referring to the technical and vocational education, in identification of qualifications and curriculum development for the formal education system, in cooperation with the social partners.
- Contributes to the methodological developments referring to the educational supply planning, to development of schools institutional capacity, to organization and development of the teaching-learning process, to examination and certification, to quality assurance in technical and vocational education.
The central government supports vocational education through:

- Recognition of the skills acquired in pre-university education – technological or vocational; programme, according to own regulations - within the tertiary non-a education;
- Partial financing for enrolment in state post-secondary-school educational institutions; and
- Special scholarships and other forms of material support.

Intermediate level

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Municipal level

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Sources
National Center for TVET Development
f. Youth and sport policy

Central level

The Minister of Education, Research, Youth and Sports is responsible for:

- Overall policy and legislative competences in the field of youth and sport.

The National Authority for Youth and Sports exercises the responsibilities of the state authority for the following competences:

- Coordination of the structures for youth and sport; and
- Signing on behalf of the Minister of Education, Research, Youth and Sports, of all documents related to its activities and the related operating structures, with the exception of draft legislation.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

The Towns and Communes are responsible for:

Shared competencies between Towns and Communes and the central public authorities (Article 24 of Framework law n°195/2006 on decentralisation):

- Construction of social housing for youth.
Sources

Government decision No. 536 of May 18, 2011 on the Organization and functioning of the Ministry of education, research, youth and sport.
g. Culture policy

Central level

The Ministry of Culture and National Heritage has the following competences:

- Management of the cultural institutional system including subordinated and decentralised public services;
- Development of public cultural institutions, other cultural operators and experts in culture, and civil society, as well as development of strategies, public policies, national programmes;
- Promotion and financing of projects and activities in the field of culture;
- Development and approval of draft legislation;
- Initiation, negotiation and implementation of conventions, protocols, agreements and other international accords in its field of competence and activity;
- Proposing and promoting partnerships with local public administration authorities and civil society structures;
- Supporting, in collaboration with local public administration authorities, the proper functioning and the activities of institutions and cultural establishments subordinated to County or local authorities;
- Ensuring compliance with and enforcing existing legislation;
- Management of relations with Parliament, in its areas of competence;
- Coordination and monitoring of the activity of subordinate institutions, management of contracts with them and, where and when applicable, the appointment and/or dismissal of their chairs;
- Working with specialised institutions for the development of specialised statistical indicators to collect primary statistical data and their processing;
- Granting research grants, travel awards and distinctions for all its areas of activity and supporting the participation of experts in the field of culture, of creators and artists;
- Development of art education programmes;
- Development of a national strategy for the promotion of Romanian cultural values and cultural tourism;
- Ensuring a legal, financial, fiscal and economic order in cultural economy (stimulation of cultural industries, support and stimulation of creators);
- Cooperation with authorised bodies for combating criminal activity in the field of cultural heritage; and
- Participation in the European Union's decision to promote and support Romania in the field of culture.
Intermediate level

The Counties are responsible for:

Own competencies: (Art 22 of Framework Law n°195/2006 on decentralisation)

- Management of cultural institutions of the County interest.

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and Country level.

Municipal level

The Towns and Communes are responsible for:

Own competencies (Article 21 of Framework Law n°195/2006 on decentralisation):

- Management of cultural institutions of local interest.

Sources
Decision N°90 of 10.02.2010 on the organisation and the functioning of the Ministry of Culture and National Heritage.
Ministry of Culture and National Heritage
h. Public health policy

Central level

The Ministry of Health has the following main competences:

- Development of policies, strategies and action programmes in the field of public health, and monitoring their implementation at national, regional and local levels;
- Assessment and monitoring of the health of the general population, designing strategies to improve it and informing the central government on health indicators, trends and measures necessary for their improvement;
- Monitoring, control and evaluation of the functioning and activities of medical institutions and taking the necessary steps to improve their quality;
- Ensuring, in collaboration with local and central public administration, human resources as well as material and financial resources for the functioning of public health institutions;
- Promotion of the education of media on public health;
- Participation in preventing or reducing the effects of epidemics; and
- Management of relations with the World Health Organisation and other international organisations in similar areas of interest.

Intermediate level

The Counties are responsible for:

Own competencies: (Art 22 of Framework Law n°195/2006 on decentralisation)

- Administration of public health units of the County.

Shared powers of the County with the central public authorities (Article 26 of Framework Law n°195/2006 on decentralisation):

- Medical care and social assistance to people with social problems.
Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

The Towns and Communes are responsible for:

Own competencies (Article 21 of Framework Law n°195/2006 on decentralisation):

- Administration of public health units of local interest.

Shared competencies between Towns and Communes and the central public administration authorities (Article 24 of Framework Law n°195/2006 on decentralisation):

- Medical care and social assistance to people with social problems (a new framework law on health is in legislative debate and will be adopted by end 2012).

Sources

Ministry of Health
Decision N°144 of February 23, 2010 on the organisation and the functioning of the Ministry of Health.
i. Trans-European networks policy

Central level

The Ministry of Transport is responsible for:

- the rule-making, setting out the framework for planning and construction, as well as the monitoring of the implementation of TEN;
- Planning and construction of major transport infrastructure projects; and
- International cooperation *inter alia* in matters concerning the EU Trans-European Transport Network, (e.g. the TRACECA project).

Intermediate level

The Counties are responsible for:

Shared powers of the County with the Republic (Article 26 of Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of the County.

*Administrative supervision by the Prefect:*

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.
Municipal level

The Municipalities, Towns and Communes are responsible for:

Own competencies (Article 21 of Framework Law n°195/2006 on decentralisation):

- Management of road infrastructure of local interest.

Sources
TRACECA
j. Economic, social and territorial cohesion policy

Central level

The Ministry of Public Finance is the authority responsible for the coordination of the national authorities in charge of the administration of the structural funds.

The operational programmes are coordinated by the following national authorities:

- Ministry of Economy, Trade and Business Environment: Increase of Economic Competitiveness;
- Ministry of Transport and Infrastructure: Transport Infrastructure;
- Ministry of Environment and Forest Management: Environment Infrastructure;
- Ministry of Labour, Family and Social Protection: Human Resources Development;
- Ministry of Agriculture and Rural Development: Agriculture and Rural Development;
- Ministry of Regional Development and Tourism: Regional Development and European Territorial Cooperation;
- Ministry of Public Finances: Technical Assistance;
- Ministry of Administration and Interior: Administrative Capacity Development.

_Urban planning:_

- Establishing, together with the authorities of the local and central administration, measures for the protection of the areas having historical, architectural and landscape value;
- Cooperation with the County and local councils for the elaboration of the studies and programmes regarding the rural and urban development, the construction of houses and the technical works in Towns in order to achieve the regional policies in these fields; and
- Supporting the local public administration in the activities concerning the strategy and the monitoring of the investment programmes in the urban infrastructure as well as supporting the specific regulations and regional policies regarding the self-management services which cannot be addressed at the local level.
Intermediate level

The Counties are responsible for:

**Own competencies:** (Art 22 of Framework Law n°195/2006 on decentralisation)

*European Regional Development Fund (ERDF):*
- Management of public and private administration of the County.

*European Social Fund (ESF):*
- Provision of primary social assistance services and specialised services for victims of domestic violence; and
- Provision of specialised social services for the elderly.

**Shared powers of the County with the central public administration authorities** (Article 26 of Framework Law n°195/2006 on decentralisation):

*European Social Fund (ESF):*
- Medical care and social assistance to people with social problems;
- Primary social assistance services and specialised services for child protection; and
- Specialised social services for people with disabilities.

**Administrative supervision by the Prefect:**

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.
**Municipal level**

The Municipalities, Towns and Communes are responsible for territorial planning at the level of their ATU as well as strategy and planning. For ex, a requirement to get funding for cities is to have an integrated urban development plan.

**Own competencies** (Article 21 of Framework Law no°195/2006 on decentralisation):

*European Regional Development Fund (ERDF):*
- Management of public and private administration of Towns and Communes.

*European Social Fund (ESF):*
- Provision of primary social assistance services for child protection and for the elderly; and
- Provision of primary social assistance services and specialised services for victims of domestic violence.

*Urban planning:*
- Urban planning and urbanism.

**Shared competencies between Towns and Communes and the central public administration authorities** (Article 24 of Framework Law no°195/2006 on decentralisation):

*European Social Fund (ESF):*
- Construction of social housing for youth;
- Granting of social assistance to people in need;
- Medical care and social assistance to people with social problems; and
- Primary social assistance services for people with disabilities.

**Sources**
[Romanian Information Centre in Brussels](#)
k. Environment and the fight against climate change policy

Central level

The Ministry of Environment and Forests has the overall legislative, policy-making, management, monitoring, inspection and control competences in the field of:

- Strategic planning;
- Sustainable development;
- Environmental infrastructure and water management;
- Meteorology;
- Hydrology;
- Hydrogeology;
- Climate;
- Protected natural areas;
- Waste management;
- Management of hazardous substances;
- Biodiversity conservation;
- Management of air quality;
- Biosecurity and ambient noise levels; and
- Administration of forest management.

The ministry is also in charge of the implementation and coordination of the financial assistance granted by the EU in the field of environment and forests and of programmes financed from EU funds.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

**Municipal level**

The Municipalities, Towns and Communes are responsible for:

**Own competencies** (Article 21 of Framework Law n°195/2006 on decentralisation):

- Water supply; and
- Sewerage and treatment of wastewater and pluvial waters.

**Sources**

*Decision No. 1635/2009 of the Romanian Government on the organisation and functioning of the Ministry of environment and forests.*

*Ministry of Environment and Forests*
1. Energy policy

Central level

The Ministry of Economy, Trade and Business Environment is organised and operates as a specialised body of the central public administration in the field of mineral resources and energy.

The Ministry of Economy, Trade and Business Environment has the following competences:

- Provision and implementation of strategy programmes to increase mineral resources;
- Development of the regulatory and institutional framework necessary for achieving the strategic objectives in the following areas: energy conservation, recovery facilities, recycling and waste management, and, where appropriate, privatisation of companies;
- Managing the international relations in the field of energy;
- Application of the Treaty of Accession of Romania to the EU in the field of energy;
- Ensuring the uniform application and the compliance of the activities with regulations in the field and the proper functioning of the institutions operating under its authority;
- Public administration of: mineral resources, transport, energy production and distribution, transport and oil and gas storage; and
- Management of EU funding in areas under its responsibility.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and

The Prefect is responsible for implementing the central government’s strategy and programmes at the local and Country level.

**Municipal level**

The Towns and Communes are responsible for:

Shared competencies between Municipalities, Towns and Communes and the central public administration authorities (Article 24 of Framework Law n°195/2006 on decentralisation):

- Supply of heat produced by centralised systems.

**Sources**

[Decision no. 1634 of December 29, 2009 on the organization and functioning of the Ministry of Economy, Trade and Business Environment.](#)
22.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The Ministry of Agriculture and Rural Development is responsible for the overall legislation in line with the Common Agriculture Policy.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

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b. Fisheries policy

Central level

The Ministry of Agriculture and Rural Development is responsible for:

- Overall regulation in line with the Common Fisheries Policy; and
- Drafting of a national strategy and an operational programme.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
- The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
- The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

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c. Immigration and asylum policy

Central level

The Ministry of Administration and the Interior has the following competences:

- Organisation and development of activities for preventing and countering illegal migration through specialised structures;
- Ensuring the compliance of Romania's state border regime; and
- Implementation of Romanian policies in the field of refugees.

Intermediate level

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Municipal level

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d. Tourism policy

Central level

The Ministry of Regional Development and Tourism is the main body of public administration in this field. Its main competences are:

- Coordination and monitoring of tourism development;
- Provides guidance, in collaboration with an Advisory Council, on the national annual programme of tourism and the development of strategies of economic sectors involved in tourism activity; and
- Elaboration of the annual programme on marketing and tourism promotion, of the multiannual programme for the development of tourism resorts and of various other tourism products.

Intermediate level

The Counties are responsible for:

- Inventory of the main tourism resources;
- Local management of registers of heritage tourism;
- Drawing up proposals for tourism development and the underlying annual programme for the development of tourism products;
- Participation in approved tourist routes and ski runs;
- Contribution to the quality of tourism products;
- Monitoring of tourism and facilitating tourism operators to access the tourism resources; and
- Organisation of tourist information centres in areas with tourism activity.

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed, represents the central government in each County Council as well as in the Council of the municipality of Bucharest;
- The Prefect reviews the legality of acts adopted by the local authorities and the County Council, including the acts of the Chair of the County Council;
• The Prefect heads the devolved public services of the ministries and of the other organs of the central public administration in the administrative-territorial units; and
• The Prefect is responsible for implementing the central government’s strategy and programmes at the local and County level.

Municipal level

Local Councils and the General Council of the City of Bucharest have the following competencies:

• Inventory of the main tourism resources;
• Local management of registers of heritage tourism;
• Drawing up proposals for tourism development and the underlying annual programme for the development of tourism products;
• Participation in approved tourist routes and ski runs;
• Contribution to the quality of tourism products;
• Monitoring of tourism and facilitating tourism operators to access the tourism resources; and
• Organisation of tourist information centres in areas with tourism activity.

Sources
e. Civil protection policy

Central level

The Ministry of Administration and the Interior has the following competences:

- Organisation, guidance and coordination of the activities aimed at protecting people, goods, objectives and values, as well as the organisation of the guard of special importance objectives, which is within its jurisdiction, according to the law;
- Leading the activity of intelligence and internal protection.
- Drafting and implementation of the national strategy on civil protection;
- In the field of emergency management: development and updating of the action plan establishing the state of emergency and coordination of the uniform application of measures in a state of emergency by the military and civilian public authorities involved;
- Examination of the development of the situation and proposing the extension of the operation or the restriction of the period of application of the state of emergency;
- Continuous monitoring of the operational situation and proposing measures for the prevention and mitigation of the consequences of the crisis in the field of public order; and
- Operational management in case of crisis.

Intermediate level

Administrative supervision by the Prefect:

On the basis of Article 123 of the Constitution and of Law n°340/2004 on the institution of the Prefect:

- The Prefect, directly appointed by the government, reviews the legality of acts adopted by local authorities as well as by the County Council and its chair;
- The Prefect is also responsible for implementing the government’s strategy and programmes in the field of culture policy at the local and County levels;
- The Prefect represents the central government in each County Council and in the Council of the municipality of Bucharest.
- The Prefect, as head of civil protection, ensures emergency preparedness and use special funds allocated by the government.
**Municipal level**

The Municipalities, Towns and Communes are responsible for:

Shared competencies between Municipalities, Towns and Communes and the central public administration authorities (Article 24 of Framework Law n°195/2006 on decentralisation):

- Prevention and management of emergencies at local level; and
- Public order and security.
23. Slovakia

Slovakia is one of the successor States of former Czechoslovakia. Slovakia is a unitary State composed of regions and municipalities. By means of Article 3 Paragraph 1 of the Slovak Constitution, the territory of the Slovak Republic is single and indivisible.

Slovakia is a parliamentary republic under the Constitution of 1992 (as amended) and is based on a unicameral parliament called the National Council of the Slovak Republic. It is the sole constitutional and legislative body (Article 72 of the Constitution). It is composed of 150 directly elected members. Members of parliament are elected in one nationwide multimember constituency for a period of four years. Elections to the National Council are conducted on the basis of a universal, equal and direct electoral franchise, by means of secret ballot and in accordance with the principle of proportional representation. The voting system in elections to the National Council is proportional, and based on a rigid party list system using the Hagenbach-Bischoff method and greatest remainders calculation for leftover seats. Each voter has the right to cast four preference votes for candidates with respect to the same party list.

According to Article 64 of the Constitution, "Territorial self-administration shall be composed of a municipality and a higher territorial unit". The territory of the Slovak Republic is divided into eight regions, 79 districts and 2891 municipalities.

There is a dual system of deconcentrated State administration and autonomous regional and local self-government. A dual system of decentralisation and deconcentration of public administration has been enacted in order to ensure the independent functioning of regional and/or local state administration and self-government on the basis of mutual cooperation. The framework of decentralisation of state administration is subdivided into two aspects – general state administration and specialised state administration. Generally speaking, specialised state administration is decentralised from the central level (government, ministries except for the Ministry of the Interior) through the regional level (regional offices of specialised state administration) to the district level (district offices of specialised state administration). However, there is a noticeable tendency to simplify the decentralisation of specialised State administration. In the field of education, for instance, the competences of district offices were delegated to the local self-government, with the result that the abovementioned schema no longer applies to education. A similar situation also applies to the construction sector. On the other hand, in such fields as the

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environment, the general schema (i.e. ministry-regional offices-district offices) is still applicable. The general state administration is decentralised from the central level (government, Ministry of the Interior) to the district level (district offices of general administration). This schema applies, for instance, to entrepreneurship, general interior administration, civil security or citizenship. The framework of self-government is organised into two main levels – the regional level represented by eight Self-Governing Regions (i.e. eight superior territorial units) and the local level represented by 2891 municipalities. The Constitution refers to the eight autonomous regions (samosprávne kraje) as "higher territorial units" (Article 64). Since 2002, the eight Slovakian regions have been responsible for specific competences in several areas, and also for carrying out competences delegated by the central level of government.

Slovakia is also currently divided into 79 districts (okres). They are little more than statistical units.

A distinction needs to be made between those levels of state administration (regional and/or local authorities) whose representatives are appointed, and self-government, where the mayors and the members of assemblies are elected directly by citizens and other residents of the relevant territorial units. Such elections are conducted on the basis of a universal, equal and direct electoral franchise, by means of secret ballot and in accordance with majoritarian methods (e.g. simple majority in the case of mayors and absolute majority in a case of heads of self-governing regions).

Within the 2891 municipalities, 138 have city status (mesto). This status is granted by the Slovak parliament to municipalities which are an administrative, economic and cultural centre and provide public services to neighbouring cities. By means of Section 22 of Act no. 369/1990 Coll. on Municipalities, as amended, the National Council of the Slovak Republic may declare a municipality to be a "city" on a proposal by the government. The prerequisites for a municipality to be declared a "city" are as follows: the municipality in question shall be an economic, cultural and administrative centre or centre of tourism or spa resort; shall provide services for the residents of surrounding municipalities; shall dispose of transport links with surrounding municipalities; shall be an urban built-up environment and shall have at least 5000 inhabitants. The law does not specify the administrative consequences of such a status.

Moreover, the country's two main municipalities, Bratislava and Košice, have special status and are sub-divided into city districts.

Chapter four of the Constitution (Articles 64-71) stipulates the basic principles of both levels of territorial self-administration. A municipality and superior
territorial unit are independent territorial and administrative units of the Slovak Republic comprising persons who are permanently resident on their territory. Details shall be laid down by law. A municipality and superior territorial unit are legal persons that, under conditions laid down by law, independently manage their own property and financial resources. A municipality and superior territorial unit finance their needs primarily from their own revenues, as well as from State subsidies. The law stipulates which taxes and fees constitute the revenues of municipalities which taxes and fees constitute the revenues of the superior territorial unit. State subsidies may be claimed only within the limits of the law. A municipality has the right to associate with other municipalities in order to provide services of common interest; a superior territorial unit has the same right to associate with other superior territorial units. The conditions are laid down by law. Territorial self-administration is carried out at meetings of municipal residents, through local referendums, referendums within a superior territorial unit, and by the municipal bodies or the bodies of superior territorial units. Duties and restrictions relating to the execution of territorial self-administration may be imposed upon a municipality and superior territorial unit by law and on the basis of an international treaty pursuant to Article 7, Paragraph 5 of the Constitution. The State may only intervene in the activities of a municipality or a superior territorial unit under conditions laid down by law. The execution of designated tasks of local state administration can be transferred by law to a municipality and superior territorial unit. The State covers the cost of state administration tasks transferred to the local level. In executing state administration, the municipality and superior territorial unit may, on the basis of the law and within its limits, issue ordinances that are generally binding rules within its area of jurisdiction, if empowered to do so by law. The execution of state administration transferred to the municipality or superior territorial unit by law is governed and controlled by the government.

The legal control of sub-national acts is carried out by a public prosecutor, who represents the State. He is responsible for monitoring the legality of all administrative acts, both by sub-national self-governments and the State administration at the regional or local level. Central government is in charge of any responsibility that is not expressly attributed to municipalities or regions.

The process of decentralisation consists of three main aspects – the political decentralisation and the decentralisation and deconcentration of powers and fiscal decentralisation.

The legal status of municipalities is enacted in Act No 369/1990 Coll. on Municipal Establishment (last amended in 2011). The legal status of self-governing regions is regulated in Act No 302/2001 Coll. on Administration of
superior territorial units (Law on the Self-Governing Regions; last amended in 2008). The distribution of competences is laid down in Act No 416/2001 Coll. on the transfer of some competences from State administration to municipalities and superior territorial units (last amended in 2012). In addition, the decentralisation of public administration is also regulated by Act No 221/1996 on Territorial and Administrative Organisation of the Slovak Republic (last amended in 2001) and Act No 222/1996 Coll. on the Organisation of Local State Administration (last amended in 2008). Furthermore, several other acts regulate some specific aspects such as elections to regional and local territorial and administrative units e.g. Act No 303/2001 Coll. on Elections to the Bodies of Self-Governing Regions, etc.

According to Article 65(2) of the Constitution, ‘A municipality and a higher territorial unit shall finance their needs primarily from their own revenues and also from State subsidies’. In 2005, the revenue of the Slovak sub-national public sector amounted to EUR 2589 million, representing 6.8% of national GDP and 19.3% of total public revenue. The main part of sub-national government revenue comes from tax revenue (44%), followed by grants (34%) and other revenue (22%). In 2005, a new sub-national financing system was put in place, implementing fiscal decentralisation363.

National level

National legislative responsibilities

The National Council of the Slovak Republic decides upon the Constitution and constitutional and other laws, and also monitors compliance with them, discusses the state budget, checks that it is fulfilled and approves the State's closing account. It also discusses basic domestic, international, economic, social, and other political issues, etc. In other words the National Council approves overall legislation and policy in every policy field.

Regional level

Regional responsibilities

Regions may issue generally binding regulations (Article 68 of the Constitution) applicable to all natural and legal persons within their jurisdiction. Competences have been transferred from State administration bodies to self-governing regions. This six-phase process was launched on 1 January 2002. The regional and district offices of the State administration were phased out, and their

residual powers were transferred to the regional self-governments, the local State administration in the centres of regions, and to the specialised field offices of certain ministries.

**Original competences** in the following fields: second and third class roads, territorial planning, regional development, own investment activities, secondary schools, hospitals, certain social service establishments (retirement homes, social services for children, crises centres, children’s homes, etc.), cultural establishments (galleries, museums, theatres, certain libraries, etc.), participation in civil defence, licensing of pharmacies and private physicians.

**Transferred competences** in the following fields: certain powers in the education sector, healthcare sector and road transport

Regional competences concern the following areas:

- Social, economic and cultural development of regions;
- Management of own budget, of investment and public contracts;
- International and trans-regional cooperation;
- Regional planning;
- Social welfare, including homes for children, social policy and coordination of all subjects related to this area;
- Healthcare, including the establishment of hospitals of second type, management of non-State healthcare as psychiatric hospitals and dental services);
- Education, including secondary, professional, art and vocational schools, construction and maintenance of buildings, payment of teacher on behalf of the State;
- Transport, including the construction and maintenance of regional roads, coordination of railway system on its territory;
- Culture, including regional theatres, libraries, museums, galleries and cultural centres;
- Tourism, including the planning of regional tourism and regional tourism development;
- Sport;
- Youth;
- Human pharmaceutics, including issuing licences for public pharmacies, executing control of public pharmacies, managing stand-by pharmaceutical services or decision-making on pharmaceutical reserves;
- Civil defence (in cooperation with State bodies).
Local level

Responsibilities of municipalities

Municipalities may issue generally binding regulations (Article 68 of the Constitution) applicable to all natural and legal persons within their jurisdiction.

Original competences in the following fields: local roads, public transport, public areas, green areas, public cleanliness, nature and environmental protection, water management, sewer systems, municipal waste, territorial planning, local development, housing, pre-school and school establishments, social establishments, polyclinics, certain hospitals, culture, certification of documents, certain offences, municipal police, collection of local taxes and fees, participation in regional planning.

Transferred competences in the following fields: registry offices, construction, public order and certain responsibilities in the education sector.

The self-governing bodies of municipalities have decision-making powers in the following areas:

- Local management and local taxes;
- Maintenance of municipal property;
- Education, including pre-school and primary school, maintenance and construction of buildings, payment of teacher and staff salaries on behalf of the State;
- Social welfare, including personal assistance, homes for the elderly, social services for children;
- Housing, including housing development, construction and maintenance of social housing;
- Local public transport;
- Local public utilities and networks, including water supply and sewerage, waste collection, urban heating, construction and upkeep of local roads, public areas, cemeteries, street lighting;
- Health, including the establishment of outpatient departments, first aid stations, hospitals and medical centres of the first type;
- Economic development, including local planning and tourism development strategies;
- Leisure, including local cultural centres and libraries, local sport centres, and
- Public order, including local police, voluntary fire-fighting units.
23.1 Systems of multilevel governance

**Representation**\(^\text{364}\): The Association of Towns and Communities of Slovakia (ZMOS), the Union of Towns and Cities of Slovakia (UMS) represent the sub-national level vis-à-vis the central government.

ZMOS is a non-partisan independent legal entity which comprises municipalities (cities and villages). The aim of ZMOS is the promotion of the interests of territorial self-government in legislative regulations. ZMOS was established to defend the common interests of all associated settlements, meaning *inter alia* that it does not involve itself in solving the individual problems of each member municipality. Since 1990, all the activities of ZMOS have been linked to promoting the decentralisation of public administration, including the fiscal decentralisation of municipalities, the development of local democracy and maintenance of the existing electoral system for self-government bodies. In addition to systemic priorities, ZMOS addresses issues that have a negative impact on the majority of municipalities. Non-member municipalities also benefit from the activities of ZMOS, insofar as ZMOS contributes to positive changes in national legislation.

UMS is a voluntary association of cities in the Slovak Republic. UMS protects the rights and interests of members in relation to legislative and executive State authorities as well as to other organisations, unions, associations and home and foreign institutions; presents issues of territorial self-administration to the public, especially with regard to cities in terms of quality of life in urban areas; provides members with advisory and information services; coordinates municipal activities especially in the area of protection, restoration, development and permanent sustainability of the environment and the cultural heritage, educational system, social and health services, local and regional development; ensures the continuous development of municipal human resources and especially the continuous professional improvement of elected representatives and executive or expert officials at municipal offices, institutions, organisations and facilities; promotes personal, financial, institutional and tax independence of municipalities; creates conditions for ensuring the exchange of experiences and establishing contacts with members with foreign interest associations and institutions with similar missions and with other foreign entities; provides data on a voluntary basis, maintains an information database about associated cities and ensures their representation both at home and abroad, etc.

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\(^{364}\) Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008. and
Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007
The main difference between ZMOS and UMS resides in their membership. ZMOS is a legal entity that brings together municipalities regardless of their legal status i.e. the municipality does not have to be declared a city (prerequisites for a municipality to be declared a city are mentioned in the general information section). On the other hand, UMS combines cities i.e. municipalities with the legal status of cities. The mission and goals of both associations are quite similar, although they depend on the nature of their membership. The government decided to appoint the representatives of ZMOS to the Economic and Social Council of the Government as it represents the interests of all municipalities.

The regions are not organised into associations, but they can be represented vis-à-vis the government through informal meetings on an individual basis.

**Information and consultation**: ZMOS has no legislative power as such, but it can operate both in writing and through a contact person during the preparatory phase of the legislative process on proposals touching upon local matters. ZMOS does not have the right of legislative initiative, although within the legislative process it is obligatory for it to be informed and have the right to comment on draft bills. The essential part of ZMOS’s participation in the legislative process is its membership in the Economic and Social Council of the Government. ZMOS is asked to comment on all draft bills, and not only the ones concerning the decentralisation of public administration. Inasmuch as ZMOS does not have the right of legislative initiative, it also cooperates with MPs on drafting bills and amending laws. In the final stage of the legislative process, ZMOS collaborates with parliamentary caucuses and parliamentary committees and debates on its proposals and demands. In other words, ZMOS has the opportunity to influence draft legislation at all stages of the legislative process.

A standing social dialogue on social and economic affairs has existed since 1990, in which the **Association of Towns and Communities of Slovakia (ZMOS)** participates.

ZMOS, as a legal entity unifying cities and villages, is involved in collective bargaining in the context of the Economic and Social Council of the Government.

The trade unions and member associations of the Confederation of trade unions may also be consulted by other methods: there may be consultations through

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365 Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008 and Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007
lobbying in the National Council of the Slovak Republic. Representatives of the Confederation of the Trade Unions of the Slovak Republic and the National Union of employers are also an integral part of the abovementioned Economic and Social Council of the Government and have similar rights to ZMOS with regard to influencing draft legislation.

**Coordination**: During the legislative process, the contact person of the ZMOS Association informs the members of the Legislative Council of the opinion of the municipalities and cities; it draws attention to the possible negative impacts of the legislative proposal on the local level and may suggest a specific solution.

On 1 December 2004, the Council of economic and social partnership of the Slovak Republic (currently called the Economic and Social Council of the Government), a consultative body on the economic and social partnership at the national level, was established. Its purpose is to negotiate issues of social and economic development, budgetary proposals of the State, and draft legislation. It prepares recommendations for the government on the issues negotiated. In this context, the ZMOS acts at the national level and its action has a broad range. This collective bargaining brings together high-level trade union bodies, representatives authorised by the government (state secretaries or ministers of more or less all the ministries) and representative employers' proxies, including ZMOS, Confederation of the Trade Unions of the Slovak Republic, the National Union of employers and Federation of Employers' Associations of the Slovak Republic. Collective bargaining often covers leave, wage claims, working conditions, supplementary allowances to income insurance and the Social fund. Negotiations within this Council result in recommendations that are then transmitted to the government.

At the national level, such negotiations have resulted in the following two agreements:

- The Collective Agreement of a Higher Degree for employers, and
- The Collective Agreement of a Higher Degree on State Service.

At the national level, there are ministerial working groups under each ministry. Within the Ministry of Foreign Affairs, the Commission for European Affairs consists of representatives from all ministries and the other State bodies. The Commission meets every week and their adopted position is delivered to

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366 Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.

and

Council of European Municipalities and Regions, *Consultation procedures within European States*, 2007
COREPER I and II, depending on the theme debated. ZMOS is invited to participate in the ministerial working groups and in the Commission for European Affairs, but ZMOS lacks the capacity to attend.

23.2 Relations with the EU/ Representation at EU level

With regard to the Committee of the Regions' membership, ZMOS appoints four members and five alternates, and the regions name five members and four alternates.

The nomination of Slovak delegates to the Committee of the Regions and the Congress of Local and Regional Authorities of the Council of Europe (CLRAE) is based on a verbal agreement between ZMOS, the Union of Towns and Cities of Slovakia (UMS) and the regions. On this basis, ZMOS names two delegates and one alternate to the Chamber of Local Authorities of CLRAE, and UMS names one delegate and one alternate.

The regions of Bratislava, Košice, Nitra, Prešov, Trenčín and Zilina have a representation office in Brussels.

The Association of Towns and Communities of Slovakia (ZMOS) and the Union of Towns and Cities of Slovakia (UMS) are both members of the Council of European Municipalities and Regions (CEMR). Košice and Trenčín regions are members of the Assembly of European Regions (AER). Two municipalities (Bratislava and Košice) are members of the Eurocities network.

23.3 Subsidiarity

The applicable procedure for the subsidiarity check is the standard monitoring procedure of EU activities in the Slovak parliament. The Committee on European Affairs (CEA) is in charge of this procedure.

Generally speaking, different experts from the relevant departments of the Chancellery of the National Council are in permanent contact with experts from the ministries for subsidiarity matters.

During the subsidiarity check, neither regional deliberative bodies nor local stakeholders are consulted by the National Council.

Since they do not hold legislative powers, local and regional authorities are not involved in the subsidiarity check.

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367 Eurocities website
23.4 Bibliography

Constitution

Constitution of Slovakia, 1 September 1992

Legislation


National Council of the Slovak Republic Act No.416/2001 on the transfer of some competences from State administration to Municipalities and higher territorial units, last amendment 103/2003.


Websites

Assembly of European Regions, Report by country
Eurocities
Ministry of Agriculture and Rural development of the Slovak republic
Ministry of the Economy of the Slovak Republic
Ministry of Education, Science, research and Sport of the Slovak Republic
Ministry of Environment of the Slovak republic
Ministry of Finance website, in particular the Structural Funds
Ministry of Health of the Slovak Republic
Ministry of the Interior website, in particular its civil protection and Fire and rescue Corps pages
Ministry of Labour, social Affairs and family of the Slovak Republic
Ministry of Transport, Construction and Regional Development of the Slovak Republic, in particular its Tourism section
The Slovak Tourist Board
Publications and studies


Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
23.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- The overall policy and legislation in the field of transport, including railway transport, road transport, air transport, inland and waterway transport. In particular:
  - Transport infrastructure;
  - Transport safety;
  - Research and development in transport;
  - Transport market liberalisation;
  - Public passenger transport policy, and
  - The development of environmentally-friendly transport etc.

Regional level

Regional authorities are responsible for:

- The planning, preparation and construction of roads owned by the region in compliance with the State Concept of Highways and Roads and in accordance with the main direction of transport policy;
- Providing information on planning, preparation and construction of roads owned by the Region;
- Execution of numeration of transport on the roads owned by the region;
- Ensuring of constructive and technical equipment of roads owned by the region;
- Execution of competences of regional railway administrative office;
- Execution of state administration in the field of tram and trolley transport;
- Debate on railway schedule;
- Awarding fines to operators if it is not a regular international bus transport;
- The granting and withdraw of licenses for regular national bus services;
- Concluding contracts of transport public services, and
- Approving timetables of national bus transport.
Municipal level

Municipal authorities are responsible for:

- The construction, maintenance and administration of local roads, and
- The provision of technical data from the records of roads and local roads.
- Execution of competences of special construction office for local roads;
- Ensuring of constructive and technical equipment of roads owned by the municipality.

Sources
Ministry of Transport, Post and Telecommunication of the Slovak Republic
Transport Policy of the Slovak Republic until 2015
b. Employment policy

Issues and tasks connected with employment policy are decentralised via decentralisation of special state administration (see general box). In other words, in this context the competences have not been delegated to the self-government. Territorial offices for work, social affairs and family offices have competences in the fields of state social aid, registration of unemployed people, requalification courses and activation subsidies to employers.

National level

The central government is responsible for:
- Overall employment policy;
- Safety and protection of health at work;
- Labour-law relations;
- Civil service employment relations;
- Legal relations in the performance of civil service and the legal relations of elected officials of the local self-government;
- Labour inspection, and
- The coordination of the employment strategy and labour market policy.

Regional level

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Local level

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Sources
Ministry of Labour, social Affairs and family
c. **Social policy**

**National level**

The central government is responsible for:

- Social insurance, old-age pension saving scheme and supplementary pension saving schemes;
- State social benefits;
- Social services;
- Supporting social inclusion of persons with disabilities into society and assistance with material needs;
- The social and legal protection of children, social curatorship and coordination of family policy, and
- Providing a State supervision over performance of social insurance and over performance of the social services (Ministry of Labour, Social Affairs and Family).

**Regional level**

Regional authorities are responsible for:

- The creation and the implementation of social development within the territory of the Region;
- Procuring and approving the development of social services, providing social services;
- Managing of municipalities and other legal and private entities, which provides social services;
- Decision-making in the field of individual cases on various social allowances;
- Controlling of functioning of social services;
- Issuing measures on removal of identified shortcomings of social services;
- Organising educational and recreational facilities for children;
- Organising public catering;
- Working with the Municipalities and other entities and individuals in the construction of housing facilities;
- Working with communities to develop programmes of social development of communities;
- Developing and disseminating the concept of social services, social prevention and social counselling;
- Deciding for the provision of care services and for the payment of the care service, and
• Concluding agreement for the payment of social services.

**Municipal level**

Municipal authorities are responsible for:

• Performing tasks in the area of social assistance; establishing of social service facilities and providing social services;
• Decision-making in the field of individual cases on some social allowances;
• Making decisions in the field of:
  ➢ Social services and control of social services;
  ➢ The establishment of social service facilities, and
  ➢ The payment for the care services.

**Sources**

*Ministry of Labour, social Affairs and family of the Slovak Republic*
d. Education policy

National level

The Ministry of Education, Science, Research and Sport of the Slovak Republic is the central body of the State administration of the Slovak Republic for elementary, secondary and higher education, and educational facilities. It is responsible for:

- The management of schools and school facilities on the territory of the Slovak Republic through generally binding rules, by providing vocational guidance to all founders;
- The administration of the network of school and school facilities in the Slovak Republic,
- Issuing proposals on accreditation for universities; and
- Providing for the realisation of the State administration (though regional school authorities it).

Regional level

Regional authorities are responsible for regional education, including the training and education at secondary schools and school facilities. This includes:

- Professional artistic education at elementary artistic school within individual artistic fields;
- Secondary general education and training, particularly at gymnasiuums that prepare principally for study at universities;
- Special training and education provided for children and students with specific training and educational needs – special schools are in most cases established and dissolved by regional special state administration bodies;
- Training and education of national minorities provided secondary schools, special schools and school facilities with teaching in languages other than Slovak, including the languages of the Hungarian, Ukrainian, Ruthenian and German national minority\(^\text{369}\), and
- Education and training at clerical and private schools and school facilities that may be established by the churches or religious communities recognised by the State, or by another legal entity or natural person.

In detail, the Regional responsibilities include:

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\(^\text{369}\) In addition, education is provided for members of the Roma community and children from socially disadvantaged environments at schools and school facilities.
• The establishment and dissolution of school under regional competences;
• The appointment and dismissal of directors of schools under regional competences;
• The management of schools under regional competences;
• The control of schools under regional competences, and
• The allocation of funds to private secondary schools and church secondary schools.

Municipal level

Municipal authorities are responsible for:

• Pre-school education and elementary education;
• Establishing primary schools, basic schools of art, nurseries, school kitchens and canteens:
• Carrying out State administration in schools and school facilities;
• The appointment and dismissal of directors of below mentioned types of education;
• Establishing or dissolving primary schools, basic schools of art, nurseries, school kitchens and canteens providing meals for primary schools and children’s nurseries, language schools in primary schools;
• Creating the conditions for compulsory school attendance;
• Providing the conditions for the nutrition of children and pupils in all schools;
• Processing and providing information on education and training within its scope, and
• The allocation of funds to primary private schools and primary religious schools.

Sources
Ministry of education, Science, research and Sport of the Slovak Republic
e. **Vocational training**

**National level**

The Ministry of Education, Science, Research and Sport is responsible for:

- Lifelong learning.
- The management of schools and school facilities in the territory of the Slovak Republic through generally binding rules, and
- Providing for the realisation of the State administration (though regional school authorities).

**Regional level**

Regional authorities are responsible for: regional education, which includes:

- Secondary professional education and training in which students at secondary professional schools prepare principally for professional occupations, including technical, economic, pedagogic, healthcare, social and legal, administrative, artistic and cultural, as well as for study at universities.\(^{370}\)

**Municipal level**

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**Sources**

*Ministry of education, Science, research and Sport of the Slovak Republic*

\(^{370}\) At the secondary professional training schools, students prepare in educational fields for skilled labour and professional occupations, especially for occupations requiring specialised skills and certain technical and occupations of an operational nature.
f. Youth and sport policy

National level

The Ministry of Education, Science, Research and Sport is responsible for State care on sport. Within the Ministry:

- Governing and coordinating sport issues;
- Creating national policy, legislation and financial conditions for the development of sport and physical culture.
- Sport legislation;
- The cooperation with non-governmental organisations, and
- The provision of grants to sport associations from the State budget.
- Sport education, and
- International cooperation.

Regional level

Regional authorities are responsible for:

- Coordinating the development of physical culture, sport and care for children and youth;
- Managing the State administration executed by Municipalities, and
- Elaborating the policy of the development of physical culture conditions in region.

Municipal level

Municipal authorities are responsible for:

- Developing the concept of physical culture;
- The selection and training of sport talents;
- Promoting the organisation of sporting events of local importance;
- Creating the conditions for the development of sport for all;
- The promotion of sport activities for disabled people;
- Supporting initiative in sport activities;
- Managing and controlling the use of funds provided for physical culture, and
- Cooperating with the civil society organisations, Municipalities and other legal persons active in the field of physical culture.

Sources

Ministry of education, Science, research and Sport of the Slovak Republic
g. Culture policy

National level

The central government is responsible for:

- Art;
- National monuments;
- Publishing of non-daily newspapers;
- The production and trade area of art products;
- National language;
- The preservation of monument funds;
- National heritage;
- Library;
- Copyright and copyright laws;
- Folk artistic production;
- Providing support for cultural innovation for ethnic minorities;
- The promotion of the Slovak culture and arts abroad;
- Relations with churches and religious societies, and
- Media and audiovisual.

Regional level

Regional authorities are responsible for:

- Creating the conditions for the creation, presentation and development of cultural values and cultural activities and the protection of monuments;
- The creation, establishment and dissolution of professional theatre;
- Promoting selected areas of theatre activities in the form of funds;
- The management and control of resources spent in theatres;
- The establishment of museums and galleries within the territory of the Regions, and
- The establishment and dissolution of regional library.
- Providing information services.

Municipal level

Municipal authorities are responsible for:

- Providing for the construction and maintenance of cultural municipal facilities;
- The administration of cultural municipal facilities, cultural monuments, historic sites and monuments of the village;
• Creating the conditions for providing culture activities, artistic activities, hobbies;
• The creation and dissolution of professional theatre, and
• Promoting theatre activities in the form of funds.

Sources
Ministry of Culture
h. Public health policy

National level

The central government is responsible for:

- National health policy;
- Nursing education and health care professionals;
- Ensuring quality and patient safety in healthcare;
- The management of whole societal and national programmes aimed at promoting health;
- Keeping national health registries in cooperation with the National Health Information Centre;
- The cooperation with international organisations and institutions, including WHO, OECD, EU, Council of Europe, European Commission;
- The development of long-term goals of health professionals education;
- The regulation of professional and methodical activity of the Slovak Medical University, the Slovak Medical Library and coordination of professional education at secondary medical schools, and
- The coordination of foreign assistance of the EU (structural funds) in Health Department.

Regional level

Regional authorities are responsible for:

- Creating the conditions for the development of health;
- The establishment of polyclinics and hospital of health centres of type II;
- The registration of medical devices;
- Issuing licenses for the provision of healthcare in the private health facilities (ambulance stations, specialised outpatient care, home care agency, dialysis centre, clinic, separate unit of common diagnostic and treatment units, hospital of type I and II, sanatorium for long-term sickness, hospice, geriatric centre, mental hospital, psychiatric hospital and freestanding centre for drug treatment. dental technician);
- Deciding on appeals against decisions for the leading medical facilities, and
- Deciding on the obligation of medical facilities to provide medical care.
- The establishment and dissolution of professional secondary medical schools.
Municipal level

Municipal authorities are responsible for:

- The creation and protection of the health conditions and healthy way of life and healthy work conditions of the municipal population;
- Creating the conditions for providing healthcare to education, culture and educational activities;
- The creation of ambulance stations, including the establishment of medical services and first aid clinic in social services;
- The establishment of specialised outpatient care, polyclinics, hospitals of type I;
- Cooperating in prevention programmes, and
- Approving office hours of private health facilities.

Sources
Ministry of health of the Slovak Republic
i. **Trans-European network policy**

**National level**

The central government is responsible for:

- The planning and the construction of TEN, as well as the monitoring of implementation of TEN, and
- International cooperation inter alia in matters concerning the EU Trans-European Transport Network.

**Regional level**

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**Municipal level**

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j. Economic, social and territorial cohesion policy

National level

The central government is responsible for:

*European Regional Development Fund (ERDF)*

- The elaboration, implementation and monitoring of the policy.

The managing authority for ERDF is the Ministry of Transport, Construction and Regional Development.

*European Social Fund (ESF)*

- The elaboration, implementation and monitoring of the policy.

The managing authority for ESF is the Ministry of Labour, Social Affairs and Family.

*Spatial planning*

- The legal framework and policy guidelines for spatial planning.

Regional level

Regional authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Providing for the creation and implementation of economic development of the territory of the Region;
- Carrying out regional investment and business activity in order to ensure the needs of the population of the Region and local government, and
- Establishing, dissolving and controlling the regional budget.

*European Social Fund (ESF)*

- Providing for the creation and the implementation of the social development of the territory of the Region;
- Procuring and approving the development in the field of social services and work with Municipalities and other entities and individuals in the construction of housing facilities;
- Working with communities to develop programmes of social development
of communities;
• Developing and disseminating the concept of social services, social prevention and social counselling;
• Deciding for the provision of care services and their payment, and
• Concluding agreements for the payment of social services.

Spatial planning

• Conducting planning activities on the territory of the Region, and
• Procuring, discussing and approving land-use planning documents of the region and spatial planning.

Municipal level

Municipal authorities are responsible for:

European Regional Development Fund (ERDF)

• Carrying out tasks related to the proper management of movable and immovable property of the municipality;
• The preparation and approval of the budget and final account of the village;
• Deciding on matters of local taxes;
• Managing investment activities in the Municipalities;
• The implementation regional development strategy, and
• Elaborating programmes of economic development.

European Social Fund (ESF)

• Performing tasks in the area of social assistance;
• Making decisions in the field of:
  ➢ Social services and control of social services;
  ➢ The establishment of social service facilities;
  ➢ The payment for the care services.

Spatial planning

• Procuring and approving housing development programmes, and
• The approval of planning documents within the municipal limits.

Sources

Ministry of Finance website, in particular the Structural Funds
k. Environment and the fight against climate change policy

National level

The Ministry of the Environment (re-established as of 2 November 2010) is responsible for:

- The national environmental policy;
- Nature and landscape protection;
- Waste management;
- The protection of water resources and the quality of groundwater and surface water;
- Fisheries and forestry in national parks;
- Environmental impact assessment of activities and their consequences;
- Air protection;
- Geological works;
- Genetically modified organisms, and
- The unified information system on environment and area monitoring.

Regional level

Regional authorities are responsible for:

- Participating in environmental protection.

Municipal level

Municipal authorities are responsible for:

- The treatment of municipal waste;
- The maintenance of the cleanliness in the village;
- The maintenance of public green spaces, water supply, sewerage, waste water from septic tanks;
- The implementation of government policy related to the protection of trees, and
- The replacement of plantings;
- Nature conservation;
- Execution of state administration in the field of type I protection of woods;
- Protection of wood species.

Sources

Ministry of Environment of the Slovak republic
1. Energy

National level

The central government is responsible for the overall policy and legislation in the field of:

- Electricity industry;
- Heating industry;
- Gas industry;
- Electricity and gas market liberalisation and power industry restructuring;
- The production and transport of oil;
- Coal production;
- The use of renewable energy sources;
- The diversification of energy sources;
- Energy supply, including potential State of emergency;
- The rationalisation of fuel and energy consumption, and
- Atomic waste disposal.

Regional level

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Municipal level

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Sources

Ministry of the Economy of the Slovak Republic
23.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

National level

The central government is responsible for:

- The overall legislation in accordance with the Common Agriculture Policy (CAP).

Regional level

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Municipal level

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Sources

Ministry of Agriculture and Rural development of the Slovak republic
b. Fisheries

National level

The central government is responsible for:

- The overall regulation in accordance with the Common Fisheries Policy, and
- Drawing up a national strategy and an operational programme.

Regional level

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Municipal level

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c. Immigration and asylum

National level

The Ministry of Interior is responsible for:

- The protection and administration of the State’s borders;
- The entry into the territory of the Slovak Republic and the stay of foreigners in its territory;
- Identity cards;
- Refugees and trans migrants, and
- The registration of the population.

Regional level

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Municipal level

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Sources:
Ministry of Interior of the Slovak Republic
d. Tourism

National level

The Ministry of Transport, Construction and Regional Development is responsible for:

- Creating the conditions for the development of tourism as a State priority;
- The formulation, implementation and monitoring of the State policy related to the development of tourism;
- Elaborating the concept of the development of tourism and being responsible for its implementation;
- The provision of required incentives and help for investments of the private sector in tourism;
- Participating in the establishment of a system of statistical information about tourism and in the processing of comprehensive statistical data on the development of tourism in the Slovak Republic;
- Cooperating with other ministries in the field of tourism related matters;
- Administrating the Register of regional tourism organisations;
- Fulfilling the tasks and commitments of the Slovak Republic in different international organisations, including the World Tourism Organisation, European Union and Tourism Committee of the Organisation for Economic Cooperation and Development (OECD));
- Guiding and monitoring the fulfilment of tasks of the Tourist Board;
- The elaboration of programmes for the development of tourism and evaluation of their implementation.; and
- Support activities of local self-governing authorities for the development of tourism and activities of regional tourism organisations.

The Slovak Tourist Board is a governmental agency belonging to the Ministry of Transport, Construction and Regional Development. It is responsible for:

- Marketing tourism at the national level;
- Providing information on travel opportunities in Slovakia;
- Promoting Slovakia as a travel destination;
- Contributing to the creation of a positive image of Slovakia abroad, and
- Supporting the sale of tourism products of the Slovak Republic.
Regional level

Regional authorities are responsible for:

- Creating the conditions for tourism development and coordinating this development;
- Coordinating the implementation of concepts and tasks related to the development of tourism, and
- Delivering content, information, analysis and evaluation to the State administration in the field of tourism.

The Slovak Tourist Board has been authorised to establish branch offices in Slovakia as well as abroad. It currently has eight local (regional) representations and six representations abroad, plus partnership offices in another three states.

Municipal level

Municipal authorities are responsible for:

- The elaboration of programmes in the field of tourism, and
- Coordinating the cooperation in matter of tourism.

Sources

Ministry of Transport, Construction and Regional Development of the Slovak Republic, in particular its Tourism section
The Slovak Tourist Board
e. Civil protection

National level

The Ministry of the Interior is responsible for:

- Monitoring the territory;
- Setting up emergency plan, including the plan of implementation of the tasks and measures on civil protection;
- The warning of the population;
- The evacuation of the population;
- The regulation of the movement of persons and the means of transport;
- First aid and immediate healthcare;
- Individual protection of the persons;
- The decontamination of terrain, building, material;
- The disposal of hazardous substances and the prevention of their uncontrolled spread, and
- The prohibition and regulation of the consumption of contaminated food, water.

Within the Ministry of Interior, the fire and rescue corps section is responsible for:

- Performing the tasks of State administration in the field of protection against fire;
- Carrying out the State fire supervision;
- Performing tasks in response to fires, in the provision of aid and the implementation of the life-saving work in emergencies, disasters events;
- Providing assistance to threatened persons;
- Carrying out the rescue work for the safe removal of structures and ice barriers;
- Ensuring uniform application of technical fire safety requirements, and
- Performing tasks in the field of education, learning and training in the field of protection against fire.

Regional level

Regional authorities are responsible for:

- Analysing the possible emergencies within the Regions;
- Planning and ensuring the coordination of evacuation;
- Training people for self-defence, and
- Promoting activities in civil defence.
The Fire and Rescue Corps consists of eight regional Directorates and 49 bureaus in several districts

**Municipal level**

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**Sources**
[Ministry of the Interior website](https://example.com), in particular its civil protection and Fire and rescue Corps pages
24. Slovenia

Slovenia became a parliamentary republic when it gained its independence from Yugoslavia in June 1991. Slovenia has a bicameral parliament composed of the National Assembly (Državni zbor) and the National Council (Državni svet). The former is the general representative body of the Slovenian nation and exercises legislative and electoral powers, as well as control over the executive and judicial powers. The National Council is the representative body for social, economic, professional and local interests. Slovenia has been a member of the European Union since 2004.

The Constitution, adopted in 1991, guarantees local self-government (Art. 9 and Art. 138 to 144). The country developed into a decentralised unitary state in 1993 as the Local Self-Government Act was adopted. This provided for territorial reorganisation and new municipalities replaced the former communes.

Slovenia is thus a decentralised unitary state composed of statistical regions, devolved State administration units and municipalities. In 2006, the Constitution was amended so as to enable the establishment of Regions, which did not exist until then. In 2012, the country has twelve statistical regions, which do not have their own governments or their own competences. In addition, Slovenia is composed of fifty-eight devolved State administrative units, which ensure State responsibilities and manage affairs falling under the area of expertise of their respective ministries at regional level. However, these units do not have the status of local government. Finally, Slovenia is composed of 212 municipalities.

State authorities supervise the legality of the work of local community authorities. According to Article 140 of the Constitution, the competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality. As for Regions, the State transfers by law the performance of specific duties within the State competence to the regions and must provide them with the necessary financial resources to enable this.

In 2010, municipal revenue amounted to almost EUR 2.18 billion\(^{371}\).

Tax revenue represents 52% of municipal revenue, while grants and other own revenue each represent over 13% of municipal revenue. Municipalities have in

addition some 21% of non-tax revenues. Own-source taxes represent 86% of municipal revenue.\textsuperscript{372}

**Central level**

The Government has national legislative powers in all areas.

Moreover, State authorities supervise the legality of the work of local community authorities.

**Regional level\textsuperscript{373}**

Regions are established by a law which also determines their territory, seat, and name. Such laws are adopted by the National Assembly. The participation of the Municipalities must be guaranteed in the procedure of adopting the law.

The State transfers by law the performance of specific duties within the State competence to the regions and must provide to them with the necessary financial resources to enable this.

**Local level**

Generally speaking, local matters of public interest as determined by law or by a municipality general act are independently performed by the municipalities.

The responsibilities devolved to municipalities are the following:

- Fire fighting;
- Education (pre-school, primary);
- Primary health care;
- Childminding facilities;
- Family and youth assistance;
- Rest homes;
- Social welfare;
- Housing;
- Urban planning;
- Spatial planning;
- Water and sewage;


\textsuperscript{373} As amended by the Constitutional Act Amending Articles 121, 140 and 143 of the Constitution of the Republic of Slovenia, adopted on 20 June 2006 and entered into force on 27 June 2006 (Official Gazette of the Republic of Slovenia No. 68/06).
Household refuse;
Cemeteries;
Environmental protection;
Culture (libraries);
Sport and leisure;
Promotion of agriculture;
Economic development of the municipality;
Promotion of tourism.

Also, urban municipalities are allowed by law to have wider responsibilities than ordinary municipalities although they have not yet implemented them.

Besides the abovementioned responsibilities, urban municipalities can have the following additional responsibilities:

Urban transport;
Urban development;
Catering facilities;
Grammar schools, secondary, vocational and higher schools;
Secondary-level public health services.

24.1 Systems of multilevel governance

**Representation**\(^\text{374}\): Generally speaking, the Association of Municipalities and Towns of Slovenia and the Association of Municipalities of Slovenia represent the local government vis-à-vis the central government. In particular, according to Article 86a of the Law on Local Self-Government, “the association shall represent the interests of its members before national bodies when the latter draft or adopt laws or regulations laying down tasks, rights, obligations and liabilities of municipalities, or when regulations interfere with interests of the members in any other way”.

The fifty-eight devolved state administrative units liaise with local government. Special joint councils exist for this purpose. Finally according to the same Art. 86a, “an association may acquire the capacity of representativeness... when at least 30% of the municipalities are its members”.

\(^{374}\) Consultation procedures within the European states, Council of European Municipalities and regions, 2007 and Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
Information and consultation\footnote{Consultation procedures within the European states, Council of European Municipalities and regions, 2007 and Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.}: During the legislative process, information is provided to the local and regional authorities by means of being published on the Parliament’s website.

According to Art. 86a of the Law on Local Self-government, the Parliament has to obtain the opinion of municipalities before adopting legislation which concerns their benefits. Moreover, the article stipulates that, “before adopting proposals of laws and before submitting them to the Parliament for adoption and before adopting other regulations in its competence, which concerns competences, activities and funding of municipalities, the Government must suitably ensure collaboration of national associations of local authorities”.

Also, associations of local and regional authorities participate in ministerial working groups and in “working consultation” with competent state bodies. However, in practice, state authorities either do not take into consideration the opinions and proposals of municipalities and their associations, or do not consider them to a large enough extent. Sometimes, state bodies do not even consult with local authorities or associations of municipalities at all.

Coordination\footnote{Consultation procedures within the European states, Council of European Municipalities and regions, 2007 and Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.}: According to Art. 86a of the Law on Local Self-government, “the government shall determine the criteria and procedure for the composition of permanent missions of representative associations of municipalities for cooperation with national bodies, and the composition of their delegations within international organisations”.

The government of the Republic of Slovenia has established a system of coordination of European affairs, which operates in cooperation with the competent authorities, central coordination units, permanent representation in Brussels, working groups for the preparation of positions during the process of adopting legislative proposals and other European Union acts, the Working Group for European Affairs, the government, and the National Assembly. Also, the Association of Municipalities and Towns of Slovenia has a committee on European affairs.
24.2 Relations with the EU/Representation at EU level

The Association of Municipalities and Towns of Slovenia and the Association of Municipalities of Slovenia work actively in the CoR, where the delegation of Slovenian local communities comprises seven members. The members of the Slovenian delegation and their alternates are nominated on the basis of proposals by both representative associations of Slovenian municipalities, i.e. the Municipality Community of Slovenia (SOS) and the Municipality Association of Slovenia (ZOS). The members and alternates of the Slovenian delegation are elected representatives from small and medium-sized municipalities from different regions of Slovenia, and represent both associations.

Neither the Association of Municipalities and Towns of Slovenia nor the local and regional authorities (LRAs) have established their own liaison offices in Brussels.

Members of the Association of Municipalities and Towns cooperate with various European territorial associations: they participate in the Congress of Local and Regional Authorities of Europe (CLRAE) within the Council of Europe. Moreover, LRAs are represented in the Council of European Municipalities and Regions (CEMR), the Network of Associations of Local Authorities of South-East Europe (NALAS), and the Euro Mediterranean Partnership of Local and Regional Authorities (COPPEM).

24.3 Subsidiarity

The National Assembly established a mechanism of subsidiarity scrutiny within the framework of the Early Warning System.

The National Council only has a limited role in this Early Warning System (EWS). Nevertheless, the National Assembly has to inform the National Council about meetings and deadlines related to the EWS process. In addition, the National Assembly shall cooperate with the National Council and consider its opinion.

The National Assembly, and in particular its Committee on EU Affairs and the Committee on Foreign Policy, examines Commission proposals and informs the

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Government and the National Council.

The National Assembly has the possibility to cooperate with other national parliaments via the InterParliamentary EU Information eXchange Platform (IPEX) and through the Permanent Representatives of the European Parliament.

The final decision on the subsidiarity analysis is transmitted to the Commission/EU Institutions and IPEX and is published on the website of the National Assembly, as well as on IPEX.

Local and regional authorities are not consulted.

24.4 Bibliography

Constitution


Legislation

The Law on Local Self-Government, 10 November 2005, Official Gazette of the RS, Nos. 100/05

Website

Government Office for Local Self-Government and Regional Policy
Government Office for European Affairs, Ministry of Agriculture, Forestry and Food
Ministry of Culture
Ministry of Defence
Ministry of the Economy
Ministry of Education and Sport
Ministry of the Environment and Spatial Planning
Ministry of Finance
Ministry of Health
Ministry of Interior
Ministry of Labour, Family and Social Affairs
Ministry of Transport
Office of the Republic of Slovenia for Youth
Publications and studies


*Consultation procedures within the European states*, Council of European Municipalities and regions, 2007.


*The selection process for Committee of the Regions members Procedures in the Member States*, Studies' service of the Committee of the Regions, 2009

Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
24.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The central government is responsible for:

- Drawing up transport policy and legislation in the field of:
  - Railway transport;
  - Air transport;
  - Maritime and inland waterway transport;
  - Road transport, and
  - Transport infrastructure and cableway installations.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of transport) determined by law or by the general act of a municipality;
- The construction, maintenance and regulation of local public roads and public ways, and
- The regulation of traffic in the municipality.

Sources

Ministry of Transport
b. Employment policy

Central level

The central government is responsible for:

- Drawing up employment policy and legislation;
- Drawing up acts and other regulations governing labour;
- Designing and conducting procedures for implementing active employment policy measures;
- Drawing up and implementing projects aimed at participating in international programmes;
- Preparing analyses, reports, information on employment in the country;
- Supervising the work of the Employment Service of Slovenia;
- Co-operating with the bodies of the European Social Fund, and
- International co-operation.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of employment) determined by law or by the general act of a municipality.

Sources

Ministry of Labour, Family and Social Affairs
c. Social policy

Central level

The central government is responsible for:

- Drawing up social policy and legislation;
- The social security system and services, including counselling to individuals, help for families, institutional care, organised care for adult persons with a physical or mental handicap and help to workers;
- Home care assistance;
- Financial social assistance;
- Compensation for handicaps;
- Social welfare programmes;
- Social inclusion strategy, and
- Granting status for humanitarian organisation societies with a public interest.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of social policy) determined by law or by the general act of a municipality, and
- Promoting the services of social welfare for:
  - Pre-school institutions;
  - The basic welfare of children and the family, and
  - Socially threatened, disabled and elderly people.

Sources

Ministry of Labour, Family and Social Affairs
d. Education policy

Central level

The central government is responsible for:

- Drawing up education policy and legislation on the education of pre-school children;
- Social protection of children, young people and adults in pre-school institutions, elementary schools (basic education), music schools, secondary schools and adult education institutions;
- Education for the Italian and Hungarian minorities, as well as of the Romany people;
- Education for the Slovene minorities in Italy, Austria and Hungary;
- Supplementary lessons in Slovene language and culture for Slovenes living abroad;
- Determining the financial criteria for public services, and
- The creation of personnel documentation and the education of personnel working in education and promotion to different academic positions.

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of education) determined by law or by the general act of a municipality;
- Promoting activities related to upbringing and education, information and documentation associations and other activities on their territory, and
- Ensuring a public network of grammar schools and secondary, vocational and higher schools in their territories.

Sources
Ministry of Education and Sport
e. Vocational training

Central level

The central government is responsible for:

- Passing laws concerning adult education and training and adopting the National Programme on Adult Education on an annual basis (2004 - 2010) (The National Assembly);
- Issuing orders and ruling specifying laws, selecting education and training providers, as well as making decisions about co-financing arrangements. (minister of the sector concerned);
- Upper secondary education, including determining the content and structure of programmes, staffing requirements and salaries, etc, and
- Upper secondary vocational and technical education (the Vocational Education Act was enacted in 2006).

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of vocational training) determined by law or by the general act of a municipality;
- Creating the conditions for adult education, important for the development of the municipalities and for the quality of life of their population;
- Ensuring a public network of grammar schools and secondary, vocational and higher schools in their territories.

Local schools have a certain level of autonomy in the implementation of the core national curricula, choice of teaching methods, staffing and employment matters and admission procedures.

Sources

Ministry of Education and Sport
f. Youth and sport policy

Central level

The central government is responsible for:

Sport policy

- Drawing up sport policy and legislation;
- Physical education and recreational sport;
- Preventive and corrective sporting activities;
- Selective and competitive sport and preparation of systematic and other solutions to problems in these areas;
- Setting up of a register of fixed assets and preparation of a programme of investment and maintenance, and
- Establishment of an information system in the areas of education and sport.

Youth policy

- Planning, organisation and implementation of measures in the area of youth policy;
- Activities in the area of social policy for children and young people, education and informal education, leisure activities, culture, public information and international co-operation;
- Monitoring of the implementation of regulations and other acts relating to young people;
- Formulation and supervision of the implementation of priority youth programmes;
- Monitoring of the role and position of young people in society;
- Improving the conditions for organised youth activities and youth organisations;
- Stimulating the mobility of young people, and
- Supporting international exchanges and the subsidising of trips for children and young people.

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of youth and sport) determined by law or by the general act of a municipality, and
- Promoting the development of sports and recreation.

Sources

Ministry of Education and Sport
Office of the Republic of Slovenia for Youth
g. Culture policy

Central level

The central government is responsible for:

- Drawing up culture policy and legislation, and performing administrative and expert tasks in the area of:
  - Art;
  - Cultural heritage;
  - Media;
  - Analyses, strategies and cultural system;
  - European Affairs and International Cooperation;
  - Minority cultural rights;
  - Slovene language;
  - State ceremonies and other events of national importance, and
  - Implementation of the European Cohesion Policy.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of culture) determined by law or by the general act of a municipality;
- Promoting culture and artistic creativity;
- Ensuring accessibility to cultural programmes;
- Ensuring library activity for general education purposes, and
- Preserving cultural heritage in local territories.

Sources

Ministry of Culture
h. Public health policy

Central level

The central government is responsible for:

- Drawing up public health policy and legislation that deals with matters relating to healthcare and health insurance. These include:
  - Healthcare activities at the primary, secondary and tertiary levels;
  - Monitoring of the nation's state of health and the preparation and implementation of health improvement programmes;
  - Economic relations in healthcare and tasks relating to the founding of public healthcare institutions in line with the law;
  - Health measures to be taken in the event of natural and other disasters;
  - Protecting the population against addiction-related health problems;
  - Protecting the population against infectious diseases and HIV infection;
  - Food safety and the nutritional quality and hygiene of food and drinking water with a view to preventing chemical, biological and radiological pollution and conducting a general policy on nutrition;
  - The production of, trade in and supply of medicines and medical products;
  - The production of and trade in poisonous substances and drugs;
  - Safety of products intended for general use;
  - Health and ecological issues relating to the environment, where a direct impact on human beings is involved;
  - Problems related to drinking water, bathing water, air, soil and vibrations;
  - Waste management from the health protection aspect;
  - Protection against ionising and non-ionising radiation in residential and work environments;
  - Conditions relating to the removal and transplantation of human organs, and
  - The formulation and implementation of international agreements on social security.

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of public health) determined by law or by the general act of a municipality, and
- Ensuring a secondary-level public health service in local territories.

Sources
Ministry of Health
i. Trans-European Networks policy

Central level

The Investment Monitoring and Finance Division (European funds section) within the Ministry of Transport is responsible for the policy on trans-European networks.

Slovenia became part of the Trans-European Transport Network (TEN-T) on 1 May 2004, the day of the country’s accession to the European Union. Therefore, Decision 884/2004/EC of 29 April 2004 on Community guidelines for the development of the Trans-European Transport Network also became applicable to Slovenia.

Currently, there are 30 priority projects defined in Decision 884/2004, of which two are of consequence for Slovenia:

- No. 6: Lyon-Trieste-Divača/Koper-Divača-Ljubljana-Budapest-Ukrainian border railway axis, and
- No. 21: Motorway of the Sea of South Eastern Europe connecting the Adriatic Sea to the Ionian Sea and the Eastern Mediterranean.

Regional level
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Local level: municipalities
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Sources
Ministry of Transport
j. Economic, social and territorial cohesion policy

Central level

The central government is responsible for:

**European Regional Development Fund (ERDF)**

- Overall legislation on economic and fiscal policies;
- Promoting entrepreneurial development;
- Increasing the competitiveness of enterprises;
- Economic promotion and promotion of foreign investment;
- Intellectual property;
- Consumer protection;
- Protection of competition, and
- Market inspection.

**European Social Fund (ESF)**

- Designing and conducting procedures for implementing active employment policy measures;
- Participating in drawing up acts and other regulations governing labour;
- Drawing up and implementing projects aimed at participating in international programmes, and
- Preparing analyses, reports, information on national employment.

**Spatial planning**

- Social housing;
- Spatial and social cohesion;
- Management of historical urban centres;
- Protection of unbuilt areas;
- Protection of national, regional and local characteristics of the land, architecture and landscape; and
- Development of modern architecture.

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of economic, social and territorial cohesion) determined by law or by the general act of a municipality.

*European Regional Development Fund (ERDF)*

- Providing the conditions for the economic development of the municipalities.

*Spatial planning*

- Planning spatial development, carrying out tasks in the areas of activities affecting the physical space and the construction of facilities in accordance with the law;
- Ensuring the public service of building land management;
- Creating the conditions for the construction of housing, and
- Providing for an increase in the rent/social welfare fund.

**Sources**

- Ministry of Finance
- Ministry of the Economy
- Ministry of Labour, Family and Social Affairs
- Ministry of the Environment and Spatial Planning
k. Environment and the fight against climate change

Central level

The central government is responsible for:

- Making overall legislation on the protection of the environment dealing in particular with:
  - Noise;
  - Industrial accidents;
  - Industrial pollution;
  - Investment in municipal and water infrastructure;
  - International co-operation;
  - Nature protection;
  - Waste;
  - Natural disaster recovery;
  - Climate change;
  - Radiation and light pollution;
  - Water protection, use and management, and
  - Air pollution.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of environment and the fight against climate change) determined by law or by the general act of a municipality;
- Protecting the air, soil and water sources;
- Protection against noise;
- Waste collection and disposal;
- Performing other activities related to environmental protection, and
- Regulating and maintaining water supply and power supply facilities.

Sources

Ministry of the Environment and Spatial Planning
I. Energy

Central level

The central government is responsible for:

- Drawing up energy policy and legislation;
- Energy supply, including the extraction and processing processes, production, transfer, distribution and delivery of energy;
- Efficient energy use;
- Renewable sources for heating and transport, and
- Granting mining rights for research and the exploitation of all types of mineral resources.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of energy) determined by law or by the general act of a municipality, and
- Regulating and maintaining power supply facilities.

Sources

Ministry of the Environment and Spatial Planning
24.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central level

The central government is responsible for:

- Drawing up agriculture policy and legislation;
- Rural development;
- The implementation and management of the CAP policy, and
- The adaptation of agriculture and forestry to climate change.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of agriculture) determined by law or by the general act of a municipality;
- Creating the conditions for the economic development of the municipalities, and
- Carrying out tasks in the areas of agriculture, in accordance with the law.

Sources

Ministry of Agriculture, Forestry and Food
b. Fisheries

Central level

The central government is responsible for:

- Drawing up fishery policy and legislation;
- Developing the fishery sector, and
- The management of Slovenian inland water fishery resources.

Regional level

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Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of fisheries) determined by law or by the general act of a municipality.

Sources

Ministry of Agriculture, Forestry and Food
c. Immigration and asylum

Central level

The central government is responsible for:

- Drawing up immigration and asylum policies and legislation;
- Registration services;
- Residence permit;
- Passport delivery, and
- Citizenship conditions.

Regional level

Local level: municipalities

Sources

Ministry of Interior
d. Tourism

Central level

The central government is responsible for:

- The preparation, drafting, coordination, implementation and monitoring of implementation of tourism policy and legislation (Tourism Directorate within the Ministry of Economy);
- The guidance and supervision of the activities promoting Slovenian tourism in domestic and foreign markets;
- The participation in international tourism related organisations and groups;
- Drafting proposals for bilateral agreements in the field of tourism and coordination of their implementation;
- Cooperation and inter-ministerial coordination in the field of tourism and catering;
- Management of administrative procedures in the field of tourism and catering, including determining status for operation of public interest in the field of tourism, as well as delineated tourist areas for gaming activities;
- Participating in drafting the budget and financial statement of the budget for items relating to the Directorate for Tourism;
- Formulating, participating in and implementing the cohesion policy (structural funds – ERDF, INTERREG, etc.) in the field of tourism, and
- Encouraging investment in tourism infrastructures.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of tourism) determined by law or by the general act of a municipality;
- Creating the conditions for the economic development of the municipality, and
- Carrying out tasks in the areas of catering, tourism and agriculture, in accordance with the law.
Sources

Ministry of the Economy
e. Civil protection

Central level

The central government is responsible for:

- Drawing up civil protection policy and legislation, and
- The organisation, preparation and implementation of the system for civil protection and disaster relief, and rights and duties of citizens with respect to civil protection and disaster relief.

Regional level

Local level: municipalities

Local authorities are responsible for:

- Performing independently local matters of public interest (of the original tasks in the field of civil protection) determined by law or by the general act of a municipality;
- Performing tasks of municipal public order;
- Organising municipal services and local police;
- Providing for fire safety and organising rescue services, and
- Organising assistance and rescue in elementary and other disasters.

Sources:

Ministry of Defence
25. Spain

Spain is a Parliamentary Monarchy under the 1978 Constitution. The Parliament is bicameral and comprises the Congress of Deputies (Congreso de los Diputados) and the Senate (Senado). The Congress of Deputies has more extended competences than the Senate (Art. 82, 88, 90, 99 and 113), and intensive debates on possibilities to reform the Senate have been going on for many years. The Senate is made up of 266 members; 208 of them are directly elected by the people. Since both elections take place on the same day and in the same districts, the Senate’s results are unlikely to differ from those of the Congress. The remaining 58 senators are appointed by the regional assemblies: each Autonomous Community appoints from its own rank one Senator and an additional Senator for every million inhabitants in their respective territories (Art. 69.5), according to a proportional system mirroring the composition of the regional assembly. All members of the Senate (elected and appointed by the Autonomous Communities) join in common political groups without respect of their territorial origin. Their political behaviour, to the present day, has been related to their political affinities and not to their territorial character.

The Government is led by a Prime Minister (Presidente del Gobierno) and the Head of State is the Monarch.

Spain is a regionalised State, also referred to as “Estado de las Autonomías”. It comprises three levels of governance: central, regional and local (comprising of Provinces and Municipalities), as established in Art. 137 of the Constitution. Whereas during the dictatorship Spain used to be highly centralised, the 1978 Constitution foresaw the possibility to create Autonomous Communities. The decision on the number of Autonomous Communities and the resulting territorial organisation are not defined by the Constitution but by each Statute of Autonomy. As a result, the creation of the different Autonomous Communities took place through a complex procedure from 1979 until 1983. The Basque Country, Cataluña, Galicia and Andalusia were the first ones to adopt their own Statutes of Autonomy (Estatutos de Autonomía) using the special fast-track procedure of Art. 151 of the Spanish constitution. The remaining regions also adopted their own Statutes under the general procedure of Art. 143, so that today all the Autonomous Communities enjoy important autonomy and have legislative powers. In addition, Ceuta and Melilla, the two Spanish Autonomous Cities located in Northern Africa, also adopted their own Statutes in 1995. Since 2006, many Autonomous Communities have reformed their Statutes (so-called Statutes of new generation).

As of today, there are 17 Autonomous Communities (Comunidades Autonomas), 50 Provinces (Provincias), 8111 Municipalities (Municipios) and two
Autonomous Cities. The Canary Islands have the outermost regions status under European Union (EU) primary law.

The right to self-government is enshrined in the Constitution (Article 2). Moreover, the autonomy of the Municipalities, the Provinces and the Autonomous Communities is embedded in Article 137. Pursuant to the Constitution, the Autonomous Communities adopt their own Statutes and hold legislative powers. The Autonomous Communities, the Provinces and the Municipalities run their respective affairs autonomously. The Provinces exist mainly for coordinating purposes. One should note that provincial competences are assumed by the AC in Communities comprising only one province (namely Murcia, La Rioja, Madrid, Asturias and Cantabria). Moreover, Basque provinces are a category of their own because of the constitutional and statutory provisions, having quasi-legislative, fiscal and executive competences of a very broad scope.

The Constitution sets out the division of powers: some competences are expressly attributed to the State whereas the Autonomous Communities may assume the residual competences in their Statutes of autonomy. It should be noted however that most Autonomous Communities have now assumed all the competences they possibly could. At first and until the mid-1990s, important differences existed between the Autonomous Communities, depending on their history and on their procedure of creation. Nonetheless, as of today, all Autonomous Communities enjoy the same degree of political autonomy and the differences between the exercise of their powers is rather low (mainly some specific cultural and linguistic powers, civil legislation and some specific provisions on police and public security, immigration, etc.) The only exception is the specific financial system of the Basque Country and Navarra, which are addressed below (see “fiscal powers”).

Conflicts on competences between the central and regional authorities are ruled by the Constitutional Court.

Besides the Constitution, the Statutes of the Autonomous Regions and several laws describe the vertical division of powers.

According to the powers constitutionally guaranteed to the State, the Statutes of Autonomy define the institutions and powers of each Autonomous Community. They must be approved via a procedure thanks to which the regional assembly and the national parliament reach an agreement. As a result, the powers of the Communities may increase or decrease without changing the Constitution – provided that they are adopted within the confines of the constitutional framework.
Nevertheless, the procedure to reform the Statutes is almost as rigid as the reform of the Constitution and must seek an agreement between the national and regional parliaments.

The Constitution contains a general warrant of the local autonomy, but the allocation of local powers is regulated by the law. The 1985 Law regulating the basis of the local government system (*Ley reguladora de las bases del régimen local*) defines the basic institutional framework of local authorities and gives an indication of their powers. However, the local distribution of powers largely depends on every sectoral law (State law or autonomic law) and may differ importantly from an Autonomous Community to another. Besides the powers expressly allocated by the law (mainly administrative powers), local authorities may adopt their own rules provided that they respect State and autonomic laws. They also have a general administrative power on matters which are not allocated to other institutions by the law. Local powers are mainly allocated to Municipalities; second-level local authorities (as Provinces) have essentially delegated powers and a general power to cooperate with municipalities.

The Autonomous Communities can participate in European Union (EU) decision-making through the Spanish delegation. Such participation is developed internally through the different sectoral conferences and, since 1997 directly in the committee system which oversees the delegated acts implemented by the European Commission (ex-comitology). Furthermore, since 9 December 2004 the Autonomous Communities and the Autonomous Cities may participate in some of the Council of the EU meetings and working groups.

In 2005, sub-national expenditure represented 20.4% of GDP and 53.4% of total public expenditure, thus demonstrating a high degree of decentralisation. The Municipalities’ revenue was composed of approximately 31.4% of autonomous taxation, 1.7% of shared taxation, 36.2% of grants and 30.6% of other sources of revenues.

The Provinces’ revenue was composed of approximately 63.7% of autonomous taxation, 3.2% of shared taxation, 27.8% of grants and 5.3 of other sources of revenues. The Autonomous Communities’ revenue was composed of approximately 25.4% of autonomous taxation, 23.7 of shared taxation, 41.5% of grants and 9.4 of other sources of revenues.

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Central Level

State authorities

The State has competence in the following fields:

Exclusive competences

- Nationality, immigration, emigration, foreign policy and asylum law;
- International relations;
- Defence and security;
- Foreign trade;
- Monetary system;
- Treasury and State debt;
- Maritime fisheries;
- Transports (ports, airports, control of air traffic, weather service; railway and transports of supra-regional interest);
- Public works of public interest or of supra-regional interest;
- Referenda.

Legislative competences

- Administration of justice; procedural law;
- Legislation on market, criminal and penitentiary matters;
- Labour legislation;
- Civil legislation;
- Intellectual and industrial property;
- Social insurance system;
- Basic legislation on environmental protection;
- Referenda.

Basic competences

- Regulation of standards ensuring equality among citizens in the exercise of their rights and compliance with constitutional duties;
- General planning of economic activity;
- Promotion and coordination of technical and scientific research;
- Guidelines and coordination of public health; legislation on pharmaceutics;
- Basic legislation on public administration and administrative procedures;
- Legislation and management of water of supra-regional interest;
• Energy resources policy;
• Legislation on arms;
• Basic legislation on communication channels;
• Defence of Spanish cultural and artistic heritage; State museums, libraries and archives;
• Regulation of standards in the field of academic and professional qualifications;
• Basic legislation relating to education;
• Statistics.

Regional level

Autonomous Communities

As a general rule, the Autonomous Community powers extend to all matters not allocated to the State by the Constitution, as well as the legislative development and implementation of the basic legislation and State legislation.

They may assume competences in the following fields:

• Organisation of regional government institutions;
• Changes in municipal boundaries;
• Public order;
• Planning, urbanism and housing;
• Public works of regional interest;
• Transports (Regional railway and road networks; Regional transport; ports and airports not engaged in commercial activities);
• Agriculture and forestry;
• Environment (protection);
• Water management;
• Inland fisheries, hunting and aquaculture;
• Festivals;
• Promotion of economic development within the frame of the national policy;
• Craftwork;
• Culture (museums, libraries and music conservatories of regional interest; cultural heritage; promotion of culture and of the regional language when relevant);
• Promotion of regional tourism;
• Promotion of sports and leisure activities;
• Social assistance;
• Health and hygiene;
• Development and implementation of state basis legislation on such matters as general regulation of economic activity, education, public health or environment;
• Execution of state legislation on matters such as labour legislation, administration of justice or intellectual and industrial property.

Local level

Provinces

Provinces are responsible for:

• Competences in fields of supra-municipal interest;
• Technical, legal, and economic assistance to Municipalities with less than 5,000 inhabitants;
• Provision of public services of supra-municipal character;
• Cooperation in the promotion of economic and social development and in planning of the provincial territory;
• Implementation of capital expenditure projects outside the municipal territorial boundaries (including secondary road networks, some hospitals etc.);
• Any delegated competence.

The actual provincial competences, which are generally defined as securing coordination and provision of municipal services, largely depend on the Provinces’ financial resources, municipal decisions, as well as on historical development. Therefore, there are tremendous differences between the Provinces.

Municipalities

Municipalities must exercise competence in the field of:

• Local public utilities;
• Local public networks (waste and water supply, public lighting)
• Local public road maintenance;
• Municipal police;
• Any delegated competence;

381 The division of competences at municipal level is extremely complicated since Municipalities shall assume the competences listed in State and Regional laws. Thus, there may be slight variations between the lists indicated in the general box on the division of competences and in the thematic boxes on each competence.
- Any other executive and administrative activities which are not allocated to other institutions by the law.

Competences exercised in the conditions defined by State and Regional laws:

- Public safety;
- Traffic management;
- Civil protection, fire prevention and extinction;
- Management of parks and garden;
- Urban policies;
- Cultural heritage;
- Protection of the environment;
- Fairs and related activities;
- Protection of public health;
- Participation in the management of first healthcare;
- Cemeteries and funeral services;
- Social services, promotion of social reinsertion;
- Cultural activities;
- Cultural or sport facilities;
- Tourism;
- Participation in the design of education programmes and facilities.

Municipalities with more than 5,000 inhabitants are responsible in any case for:

- Markets and public parks;
- Libraries;

Municipalities with more than 20,000 inhabitants are responsible in any case for:

- Civil protection;
- Social service allowances;
- Fire fighting services;
- Sports facilities.

Municipalities with more than 50,000 inhabitants are responsible in any case for:

- Environmental protection;
- Urban public transport.
25.1 Systems of multilevel governance

Representation:

Regional level:

Regional representation is effective in Spain through governmental channels. Indeed, parliamentary representation thought the Senate is very limited although there has been a Senate Commission dedicated to the relationship between the Autonomous Communities and the Senate since 1994. It is composed of Senators, Deputies of Autonomous parliaments, presidents of Autonomous Governments or their representatives and the President or Members of the central Government. It has a legislative function but also checks the “Autonomous content” of the proposals and may recommend information reports, among others. Nevertheless, the effectiveness of this Commission has so far been rather limited due to a very low level of participation of the Autonomous Communities’ governments. Intergovernmental participation has increased since the mid-1990s. It has been channelled mainly through the sectoral conferences. Created in 1992, these conferences are composed of the Ministry and the Regional government councillor of each sectoral conference’s specific field. It should be noted that their number may vary (in 2012 there are 35 of them). Collaboration is voluntary so that the agreements made are binding only to those who sign them. Different sectoral laws allocate concrete capacities of participation to the sectoral conferences. With some exceptions, all of them are limited to information, consultation and proposal.

In 2004 the national Government created the Conference of Presidents, formed by the President of the national Government and the Presidents of the 17 regional Governments and of Ceuta and Melilla. It ensures coordination among the different executive powers and tackles key aspects of the autonomic system. It does not have concrete normative or administrative powers but its decisions have a strong political weight. It also plays a coordinating and directive role for all of the Governments and sectoral conferences.

Local and provincial level:

The Provinces and Municipalities are represented by the Federation of Spanish Municipalities and Provinces (Federación Española de municipios y provincias – FEMP) pursuant to the Law 7/1985.

In addition, different Municipalities of the same Autonomous Community may form associations in order to represent their interests. As of today, all the
Autonomous Communities have one or even two territorial federations at sub-regional level representing their Provinces and Municipalities. Most of them have signed collaboration protocols with the FEMP.

**Information and consultation:**

**Regional level:**

Information and consultation take place mainly through the sectoral conferences and their working groups. Although some specific laws provide for some concrete consultation obligations, consultation is a general political principle which always applies. However, the effects of the consultations are usually solely political.

There is no general legal framework or practice establishing consultation at the parliamentary level. It only exists in some specific cases provided by the law (such as some provisions on public health, social services, fiscal and public debt, etc.)

**Local and provincial level:**

As regards the local level, the National Commission of Local Administration (CNAL) is a permanent body enabling coordination between the central and local administrations albeit consultation is not mandatory. It issues opinions on legislation having a local/regional impact. In addition, FEMP is consulted for each legislative proposal by the relevant ministry.⁴⁸²

**Coordination:**

**Vertical coordination:**

**Regional level:**

Daily coordination takes place via the working groups of the sectoral conferences and on an informal basis. The Sectoral Conferences are bodies of multilateral cooperation thanks to which the State and the government of the Autonomous Communities cooperate on concrete sectors of the public activity, and are thus the main means of coordination between both level of governments. This system represents the main pillar of inter-administrative cooperation in Spain. There are more conferences than ministries since some of them are very

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specialised. The Conference for the European affairs is one of such conferences (more information can be found in the box on the relationships with the EU).

In addition, there are bilateral commissions between the State and the different Autonomous Communities, where both Governments discuss aspects of mutual interest. The role of these commissions has been strengthened by the recent reforms of the Statutes of Autonomy, although the role of the sectoral conferences is maintained.

Finally, the State may conclude bilateral agreements with Autonomous Communities. In practice, bilateral agreements are very commonly adopted (more than 1000 per year). They normally follow a general model for all the Autonomous Communities, but they are signed on a bilateral basis.

**Local and provincial level:**

Coordination with local authorities is ensured through CNAL, as well as with via local pacts. Also, local pacts have been incrementally used for cooperation between Autonomous Communities and local authorities.

**Horizontal coordination:**

**Regional level:**

Horizontal coordination has had a very low development in Spain. Only in recent years did the Autonomous Communities create the COPREPA (Conferencia de Presidentes de Parlamentos autonomicos espanoles), which brings together the vice-presidents of the regional parliaments and which has reached some agreements. As of today, its future development is undetermined, but it lacks the general scope and daily practice which are necessary to ensure a real and efficient vertical coordination. Autonomous Communities may also sign coordination agreements amongst themselves on the basis of Art. 145.2 of the Constitution.

**Local and provincial level:**

Municipalities may sign cooperation agreements amongst themselves and form associations of Municipalities.

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383 The first Local pact was signed in 1996.
Autonomous Communities may also create a proper second-level of local administration (*comarcas*), which may be either based on an association of Municipalities or on an independent administration with cooperative functions.

**Coordination in EU matters**

A special sectoral conference, the [Conference for the European Union affairs](#) (CARUE in its Spanish abbreviation), is a key instrument of cooperation between the State and the Autonomous Communities in EU matters. It is composed of the national ministry and the regional ministries with competences in public administration’s relations.

The CARUE has been responsible for regulating a participation procedure of the Autonomous Communities in EU matters which takes place through the sectoral conferences and provides for the direct representation of the Autonomous Communities in the Spanish delegation in some working groups of the European Commission and, since 2004, in the Spanish delegation in the Council.

In 2006, CARUE adopted a guide of good practices establishing a system of transmission of information and the criteria for the nomination of a regional representative in the Council of the EU.

### 25.2 Relations with the EU/ Representation at EU level

The Spanish CoR delegation is composed of 17 members and alternates from the Autonomous Communities and four members and alternates from the Municipalities.

The [Conference for the European Union affairs (CARUE)](#) adopted various agreements enabling the Autonomous Communities’ direct participation in the EU institutions. Firstly, it established a **rotating system** among the Autonomous Communities in view of having one representative within the Spanish delegation in the meetings of the European Commission’s committees (ex-comitology). Secondly, it adopted an agreement on 9 December 2004 allowing the **participation** of the Autonomous Communities in the Council of the EU meetings and working groups: one member having the status of a regional minister or member of the autonomous government is allowed to participate in the Spanish delegation to the EU Council, in particular in formations for agriculture and fisheries, environment, employment, social policy, health and consumers, education, education, youth and culture. In recent years, CARUE extended the scope to working party on the consumer dossiers and the working party on Establishment and Services for the gambling and betting dossiers, both within the Competitiveness Council.
Many Regions have liaison offices established in Brussels (Catalonia, Andalusia, Balearic Islands, the Basque Country, the Canary Islands, Cantabria, Castilla y Leon, Extremadura, Galicia, Madrid, Murcia Navarre and Valencia). Moreover, both the City and the Province of Barcelona, as well as the Provinces of Badajoz and Caceres have liaison offices Brussels.

Furthermore, since 1996, a department on autonomous affairs exists within the national Permanent Representation to the European Union; since 2004, the two members of the department are appointed by the CARUE.

As for the local level, the FEMP is a member of the Council of European Municipalities and Regions (CEMR), the Congress of European Municipalities and Regions (CEMR) and the United Cities and Local Governments (UCLG) network. It also coordinates the Spanish participation in the Congress of local and regional authorities of the Council of Europe (CLRAE) and the Spanish local representatives of the Committee of the Regions.

In addition, four Autonomous Communities (Andalusia, Catalonia, Valencia Community and Murcia Region) are members of the Assembly of European Regions (AER). All the Autonomous Communities and the Autonomous Cities of Ceuta and Melilla are members of the Conference of European Regional Legislative Assemblies (CALRE) and the Conferences of European Regions with Legislative Power (REGLEG), the first one for the regional parliaments and the second one for the regional governments.

25.3 Subsidiarity

The Joint Committee for the European Union of the Spanish Parliament (in Spanish: Comisión Mixta Congreso de los Diputados - Senado) carries out the subsidiarity scrutiny of EU draft legislative acts.

When the national Parliament receives the communication on the commencement of the eight-week period, it transfers the EU draft legislative act to regional Parliaments, without any filtering procedure. In case the Joint Committee drafts a reasoned opinion, it must include an account of the regional opinions; nevertheless, there is no legal obligation for the national Parliament to take into account regional opinions when drafting the national reasoned opinion.

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Most Autonomous Communities, via their Regional Parliaments, conduct subsidiarity scrutiny procedures at regional level; nevertheless, the scrutiny may also take place within the broader context of scrutiny of EU acts in some Autonomous Communities.

25.4 Bibliography

Constitution

Constitution of 1978

Legislation

**Ley 7/1985, de 2 de abril, Reguladora de las Bases del Regimen Local** (BOE-A-1985-5392) (Law regulating the basis of the local government system).

**Ley Orgánica 9/1992, de 23 de diciembre, de transferencia de competencias a Comunidades Autónomas que accedieron a la autonomía por la via del artículo 143** (BOE_24.12.1992) (Organic Law on the transfer of competences to the Autonomous Communities which became autonomous pursuant to Article 143).

Websites

Government portal, Ministry of Treasury and Public Administration, State secretary on public administration, Cooperacion bilateral con Comunidades Autonomas

Government portal, Ministry of Treasury and Public Administration, State secretary on public administration, Conferencias sectoriales

Government portal, Ministry of Treasury and Public Administration, State secretary on public administration, Participación de las Comunidades Autónomas en el Consejo de Ministros

Publications and Studies


Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’,* 2007, pp 203-208

25.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

State competences

- Exclusive overall competence (legislative and executive) for inter-autononomic transport and building and management of transport infrastructures of general interest;
- Responsibility for national legislation, policy-making, planning and coordination;
- Crisis coordination and management;
- Policy-making and management of roads and railways transports with a trans-regional dimension;
- Policy-making and implementation of air and sea transports, of general interest or engaged in commercial activities;
- Ensuring implementation of Plan Estratégico de Infraestructuras y Transportes (PEIT, Strategic Infrastructures and Transport Plan) and its sectoral plans and programmes, as well as coordination of regional actions;
- Monitoring of implementation of PEIT, as well as revision and adaptation (Directorate-General of Territorial Planning and Coordination of the Ministry of Public Works and Transport).

Regional Authorities – Autonomous Communities (AC)

AC competences

- Exclusive overall competence (legislative and executive) for intra-autononomic transport and building and management of transport infrastructures of regional interest;
- Implementation and management of national policy;
- Management, planning, coordination and monitoring of public transport activities and services at regional level;
- Roads and infrastructure limited to the AC territory;
- Railways and infrastructure limited to the AC territory

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385 Spanish Constitution, articles 149.1.21 and 148.1.5,
• Airports and ports and infrastructures, not engaged in commercial activities;
• Implementing actions/objectives of PEIT within the AC territories;
• Participation in the management of State transport infrastructures in the AC:
  • In case of harbours it means that the ACs participate in the harbour council and appoints the director of the harbour.
  • In case of airports, the model is under revision for increasing the ACs’ participation.

• Inter-urban and metropolitan transport (in coordination with local authorities and usually with the State financial cooperation).

Local Authorities – Provinces and Municipalities

Provincial competences

• Securing coordination and provision of municipal services.

Municipal competences386

• Participation in metropolitan transport;
• Road surfacing; Access to urban areas;
• Public transport of passengers;
• Collective urban transport if > than 50.000 inhabitants.

Sources
Spanish Constitution, Articles 149.1.21 and 148.1.5.
Ministerio de Fomento, Organización y funciones, Secretaría de Estado de Infraestructuras, Transportes y Vivienda, [Ministry of Development, Organization and Functions, State Secretary for Infrastructures Transports and Housing].
Ministerio de Fomento, Plan Estratégico de Infraestructuras y Transporte (PEIT). [Ministry of Development, Strategic Infrastructures and Transport Plan].

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386 These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to another.
b. Employment policy

National level

State competences

- Labour market related legislation;
- Legislation on active (training) and passive (unemployment insurance) employment policies;
- General planning of economic activity;
- Coordination of employment actions (Ministry of Labour);
- Foreigners’ work legislation and execution (except for Communities with powers in this matter: Catalonia and Andalusia at the moment);
- Implementation of labour policies of trans-regional dimension.
- Management of unemployment insurance/benefits;
- Control over SPES-funded Operational Programmes, even where implemented by AC;
- Maintenance of State database, including job applicants, job offers and job contracts;
- Maintenance of Observatory of professions and drawing up of statistics;
- Management of subsidies granted for hiring workers;
- Management of programmes that are funded by the Credit Reserve;
- Drawing up, in cooperation with the AC, and follow up of Guidelines for the National Plans of Action on Employment (PNAE) and the current Reforms Plan;
- Distribution of national public funds.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Implementation and management of active policies and placement services;
- Independent organisation of public employment services (PESs);
- Management of subsidies to promote employment;
- Designing and financing of own policies;
- Participation in the selection of criteria used to distribute funds for active policies among all of the AC;
- Sending the necessary statistical information in order to maintain the State database;
- Involvement in the management of discounts of social fees for permanent
contracting\textsuperscript{387};

- Executive power and management of foreigners’ work permits (only in Catalonia and Andalusia at the moment);
- Joint agency with the State for controlling the working conditions and workers’ rights (\textit{Inspección de trabajo}).

\textbf{Local Authorities – Provinces and Municipalities}

\textbf{Provincial competences}

- Securing coordination and provision of municipal services.

\textbf{Municipal competences}\textsuperscript{388}

Definition and development of employment and training activities.

\textbf{Sources}


\textit{Real Decreto-Ley 14/2011, de 16 de Septiembre, de medidas complementarias en materia de políticas de empleo y de regulación del regimen de las fuerzas y cuerpos de seguridad del Estado} [Royal Decree-Law 14/2011, of 16 September, on complementary measures in the field of employment policies and regulation of the Regime of State Security forces and bodies].

\textit{Real Decreto-Ley 3/2012 de 10 de febrero, de medidas urgentes para la reforma laboral} [Royal Decree-Law 3/2012 of 10 February 2012 on urgent measures for the labour market reform].

\textsuperscript{387} \textit{Real Decreto-Ley 14/2011, de 16 de Septiembre, de medidas complementarias en materia de políticas de empleo y de regulación del regimen de las fuerzas y cuerpos de seguridad del Estado.} (Royal Decree-Law 14/2011, of 16 September, on complementary measures in the field of employment policies and regulation of the Regime of State Security forces and bodies).

\textsuperscript{388} These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
c. Social policy

National level

State competences\textsuperscript{389}

- Legislation on social security insurance which covers labour-related insurance as well as some concrete social subsidies not related to labour or the mentioned insurance;
- Management of the abovementioned subsidies;
- Basic legislation and coordination of the services for dependent persons (\textit{personas en situación de dependencia});
- Drawing up, management and evaluation of State action plans and programmes;
- Other subsidies, based on their inter-autonomic character, despite the critical position of Autonomous Communities and the Constitutional Court.

Regional Authorities – Autonomous Communities (AC)

AC competences\textsuperscript{390}

- Exclusive overall legislative and executive powers on social affairs, respecting the State powers on social insurance;
- Development and participation in the \textit{Sistema nacional de atención a la dependencia} (National Care System for the dependent persons);
- Passing territorial Plans of Action towards Social Inclusion.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

\textsuperscript{6} Art. 148.1.20 and 148.1.21 Spanish Constitution.
\textsuperscript{389} Art. 149.1.16 Spanish Constitution and Real Decreto 200/2012, de 23 de enero por el que se desarrolla la estructura orgánica básica del Ministerio de Sanidad, Servicios Sociales e Igualdad y modifica el Real Decreto 1887/2011, de 30-12-2011 (RCL 2011/2559), que establece la estructura orgánica básica de los departamentos ministeriales[Royal Decree 200/2012, of 23 January, which defines the basic organic structure of the Ministry for Health, Social Policy and Equality and modifies the Royal Decree 1887/2011 of 30 January (RCL 2011/2559) which establishes the organic structure of the ministerial departments].
\textsuperscript{390} Art. 148.1.20 and 148.1.21 Spanish Constitution.
Municipal competences\textsuperscript{391}

- Passing Plans of Action towards social inclusion at municipal level;
- Mandatory provision of social services, social promotion and reinsertion\textsuperscript{392};
- Depending on autonomic legislation, management of social services, regulation and provision of services which are not mandatory.

Sources
Real Decreto 200/2012, de 23 de enero por el que se desarrolla la estructura orgánica básica del Ministerio de Sanidad, Servicios Sociales e Igualdad y modifica el Real Decreto 1887/2011, de 30-12-2011 (RCL 2011\2559), que establece la estructura orgánica básica de los departamentos ministeriales\textsuperscript{391}[Royal Decree 200/2012, of 23 January, which defines the basic organic structure of the Ministry for Health, Social Policy and Equality and modifies the Royal Decree 1887/2011 of 30 January (RCL 2011\2559) which establishes the organic structure of the ministerial departments]

\textit{Ley 7/85, de 2 de abril, reguladora de las bases del Régimen Local, Art. 25.2, 26.1.} [Law 7/85, of 2nd April 1985, regulating the basis of the Local Regimen]

\textit{Ley 39/2006, de 14 de diciembre, de Promoción de la Autonomía Personal y Atención a las personas en situación de dependencia.} [Law 39/2006 of 14 December 2006 on the promotion of personal autonomy and care for dependent persons]

\textsuperscript{391} These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.

\textsuperscript{392} Ley 7/85, de 2 de abril, reguladora de las bases del Regimen Local, art. 25.2 and 26.1. (Law 7/85, of 2nd April, on the Bases of the Local Regimen).
d. Education policy

National level

State competences

- Responsibility for national basic legislation of the overall educational system (obligatory and non-obligatory education; primary school, secondary school, professional and training school, university, etc.);
- Carrying out high-level inspection procedures;
- Ensuring homogeneity and unity of educational system, via minimum standards for teaching centres and overall education programme;
- Guarantying equal conditions to all Spanish citizens in the exercise of their fundamental rights regarding education, as specified in the Constitution.

Regional Authorities – Autonomous Communities (AC)\textsuperscript{393}

AC competences

- Development of state legislation and basic standards;
- Regulation of non-basic elements of the educational system;
- Management (executive and administrative) of educational system on the AC territory;
- Establishing their own standards guaranteeing that individuals know and use their own linguistic heritage.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

\textsuperscript{393} Art. 148.1.17 Spanish constitution.
Municipal competences

- Cooperation with state and AC administrations for the development of educational policy;
- Cooperation in the creation, construction and upholding of public academic centres;
- Participation in the control of the respect of mandatory educational obligations.

Sources

Ministerio de la Educación, Cultura y Deporte, Organización del sistema educativo [Ministry of Education, Culture and Sport, Organisation of the educational system].

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394 These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
e. Vocational training policy

National level

State competences

- Regulating the validity of academic and occupational qualifications across the country;
- Setting minimum standards for teaching centres. Establishing the overall education programme, setting the minimum contents of education programmes, and regulating the validity of academic and occupational qualifications across the country;
- Drawing and implementing plans for labour market needs and training policy, in cooperation with the ACs;
- Running the National Census of vocational training centres and collaborating agencies;
- Regulating the conditions for obtaining, issuing and recognising labour certificates as valid throughout the country;
- Carrying out high-level inspection procedures.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Implementation and development of national standards and regulation of non-essential aspects of the education and the vocational training system;
- Executive and administrative powers to manage the vocational training system in the AC;
- Programming, organisation, management, administration and inspection of the provision of training, according to the Plan FIP (Vocational education and training Plan);
- Draft of operating contracts covering AC territory;
- Authorisation and validation of the courses organised by collaborating centres within the AC;
- Selecting students in accordance with the priorities and preferences established in the Plan FIP;
- Running vocational training centres;
- Preparing, enacting and implementing investment programmes in line with national economic policy;

• Holding register of centres and collaborating agencies within AC territories;
• Issuing vocational qualifications and certificates in line with national standards;
• Monitoring vocational training for the unemployed.

Local Authorities – Provinces and Municipalities

Provincial competences

• Securing coordination and provision of municipal services.

Municipal competences

• Implementation of adult education initiatives;
• Setting up of School-Workshops, Trade Learning Centres or Employment Workshops.

Sources

f. Youth and sport policy

National level

State competences

Youth policy

Youth as such is not a matter of competence in the Spanish system, but it is addressed by the State within the frame of education, labour, housing, cultural and social policy and as a transversal principle, favouring the participation of the youth in the political, social, economic and cultural development of the country through the Spanish Youth Council.

Sport policy

Under the responsibility of Superior Sport Council.\textsuperscript{396}

- Authorising and revoking the creation of Spanish sport federations, and approval of their statutes;
- Funding management;
- Qualification of official competitions with a professional or state character;
- Promotion and support of scientific research in the field of sport;
- Promotion and support of measures to prevent, control and repress the use of forbidden substances and non-regulatory methods, used to enhance sport performance;
- Authorising or forbidding the celebration of official international sport competitions on the Spanish territory, as well as the participation of the Spanish selections in international competitions;
- Design of A+D plan for approximation of national physical and sport activity with the highest EU standards;
- Support to AC and Municipalities in the adaptation, adoption of plans and programmes for implementing A+D plan;
- Authorising the registration of sport Limited Companies in the Register for Sport Associations;
- Authorising the registration of Spanish sport federations in the corresponding international sport federations;
- Collaboration with other public organisations and federations in the field of environment and protection of natural resources

\textsuperscript{396} Ley 10/1990, de 15 de octubre, del Deporte, Articulo 8, p.3. (Law 10/1990 of 15 October on sport, Article 8, p.3.)
In collaboration with CA and local entities:

- Elaboration and implementation of plans for the construction and improvement of sport infrastructures
- Update of census of sport infrastructures

**Regional Authorities – Autonomous Communities (AC)**

**AC competences**

**Youth policy**

- Design, planning and implementation of youth policies in the AC territories;
- Ensuring cohesion and even offer for services directed to youth in the whole territory;
- Promoting transversal activities related to emancipation.

**Sport policy**

- Legal, organisational, political, administrative and economic capacity to develop sport in AC territories;
- Creation and management of autonomic sport selections;
- Actions to promote physical activity and sport;
- Promotion, construction and management of sport equipment;
- Coordination, supervision and support to associative sport structures;
- Formation of people responsible (technicians and trainers) for sport system;
- Management of formation centres for physical activity and sport sciences studies;
- Physical education and sport activity during school years;
- Support to high level sport;
- Adaptation of the plan A+D at the AC level/ creation of own territorial plan to implement A+D plan objectives;
- Supervision and coordination of sport federations at the AC level;
- Programming of subsidies.

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Local Authorities – Provinces and Municipalities

Provincial competences

- Support to Municipalities.

Municipal competences

Youth policy

- Implementation and management of youth programmes, services and activities;
- Development of youth associations;
- Management of youth infrastructures and information centre for youth.

Sport policy

- Management of public sport services;
- Participation in the implementation of state A+D plan or AC plans for physical activity development;
- Development of local programmes for sport promotion;
- Construction and management of local sport infrastructures;
- Support to sport clubs registered in local territories.

Sources

Ley 10/1990, de 15 de octubre, del Deporte, Artículo 8, p.3. [Law 10/1990 of 15 October on sport, Article 8, p.3.]
Consejo Superior de Deportes, A+D Plan Integral para la actividad física y el deporte, [Superior Council for Sport, A+D Integral Plan for physical activity and sport]
Consejo Superior de Deportes, Estructura del Deporte español. Evolución y Síntesis [Superior Council for Sport, Structure of Spanish Sport, Evolution and summary]

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398 These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other. Municipal authorities have been the main promoters of sport policies since the 1990s. (source: Consejo Superior de Deportes).
g. Culture policy

National level

State competences

- Responsibility for promoting culture (funding, subsidies, grants etc.) and facilitating cultural communication between the Autonomous Communities, in collaboration with them;
- Management of libraries, archives and museums of a state character;
- Protection of heritage (cultural, architectural and artistic) against exportations and despoliation;
- Legislation on intellectual property and freedom of expression;
- Basic legislation of information and communication systems (radio, television and press).

Regional Authorities – Autonomous Communities (AC)

AC competences

- Responsibility for promoting culture in the Autonomous Communities (funding, subsidies, grants, etc.);
- Legislative development and management of services with a major public tradition (museums, libraries and archives, craftsmanship, performing arts, etc.);
- Financing of cultural institutions, in cooperation with the State;
- Implementation of national legislation relating to intellectual property and freedom of expression;
- Development and implementation of national legislation relating to information and communication systems.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

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399 Art. 149.1.27 and 149.1.28 Spanish Constitution
400 Art. 148.1.14, 15, 16, 17 Spanish Constitution.
Municipal competences\textsuperscript{401}

- Development of cultural activity at local level;
- Cultural-artistic heritage, Provisions of services of public library (> 5000 inhabitants).

Sources

\textsuperscript{401} These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
h. Public health policy

National level

State competences

- Responsibility for basic national legislation and general coordination of health, unique funds management;
- External health and international health agreements;
- Legislation about pharmaceutical products;
- Regulation, management and coordination of the National Transplant Organisation (Organización nacional de transplantes);
- Coordination of State and AC measures in case of public health crisis;
- General coordination of the public health system through the sectoral conference on health (Consejo Interterritorial del Sistema Nacional de Salud);
- Management of public health in the AC Ceuta and Melilla (via the National Institute of Public Health management –INGESA-).

In cooperation with AC:

- Public health control of environment and food products, services and products directly linked to human use and consumption;
- Legislation, authorisation and registration of medicine for human and veterinary use, as well as quality control;
- Promotion of rational use of medicine;
- Ruling of technical conditions and requirements for the approval and standardisation of infrastructure and equipments of public health centres and services;
- Promotion of quality in the National Public Health system (INSALUD);
- Specialised formation in public health centres;
- Establishment of the National Public Health’s information system.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Development and implementation of national legislation;
- Public health planning;
- Public health assistance;
- Organisation of administrative services;
• Participation in the sectoral conference on health (*Consejo Interterritorial del Sistema Nacional de Salud*).

**Local Authorities – Provinces and Municipalities**

**Provincial competences**

• Securing coordination and provision of municipal services.

**Municipal competences**

• Cooperation in the management of public basic health services.

**Sources**


*LEY 16/2003 DE 28 DE MAYO DE COHESIÓN Y CALIDAD DEL SISTEMA NACIONAL DE SALUD.* [Law 16/2003 of 28 May 2003 on the cohesion and quality of the National Health System]


*REAL DECRETO-LEY 16/2012 DE 20 DE ABRIL DE MEDIDAS URGENTES PARA GARANTIZAR LA SOSTENIBILIDAD DEL SISTEMA NACIONAL DE SALUD Y MEJORAR LA CALIDAD Y SEGURIDAD DE SUS PRESTACIONES.* [Royal Decree-law 16/2012 of 20 April 2012 on urgent measures to guarantee the sustainability of the National Health System and improve the quality and safety of its provisions].

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403 These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
i. Trans-European networks policy

National level

State competences

- Responsibility for itineraries of general interest and international communication;
- Policy-making and management of roads and railway transport with a trans-regional dimension;
- Policy-making and implementation of air and sea transport, of general interest or engaged in commercial activities;
- Management of EU funds for infrastructures with a trans-regional dimension;
- Ensuring implementation of Plan Estratégico de Infraestructuras y Transport (PEIT, Strategic Infrastructures and Transport Plan).

Regional Authorities – Autonomous Communities (AC)

AC competences

- Guaranteeing inter-regional mobility and link with state network;
- Management, planning, coordination and monitoring of public transport activities and services at regional level;
- Roads and infrastructure on the AC territory;
- Railways and infrastructure on the AC territory;
- Airports and ports and infrastructures, not engaged in commercial activities;
- Management of infrastructures with a regional dimension;
- Implementing guidelines of PEIT.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

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404 Art.149.1.21 Spanish Constitution
405 Art.148.1.5 Spanish Constitution
Municipal competences

- Public transport of passengers;
- Urban transport in municipalities with more than 50,000 inhabitants.

Sources

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406 These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
j. Economic, social and territorial cohesion policy

National level*

State competences

**European Regional Development Fund (ERDF)**
- Management of Operational Programme ‘Cohesion Fund – ERDF’ 2007-2013 (Ministry of Economy and Housing);
- Managing authority: day-to-day checking of project operations;
- Paying authority: certifying project expenditure;
- Audit body (Tribunal de Cuentas/Tribunal of Accounts): checking of effective functioning of systems and ex-post sample checking of project operations.

**Spatial planning**
- Preparation of national legislation, guidelines and rules (Ministry of Public Works, Transport and the Environment);
- Planning and management of land at national level (Sociedad Estatal para el Equipamiento de Suelo SEPES/ State company for ground equipment);
- Legislation on property rights and land property.

**European Social Fund (ESF)**
- Competence for potential State programmes only;
- Support to AC for the management of resources originating from ESF (Unidad Administradora del Fondo Social Europeo/Unity managing ESF, of Ministry of Employment and Social Security);
- Promotion of actions designed for the fulfilment of FSF objectives in the country;
- Intervention in the negotiation with the European Commission about the content of ESF programming;
- Coordination of AC and local institutions in the implementation of interventions;
- Design of National Regional Development Plans, in cooperation with AC;
- Examination of requests for aid and processing of requests to European Commission;
- Management and control of operational programme;
- Paying authority;
- Audit authority (Intervención General de la Administración del Estado (IGAE)/ General Intervention of State Administration);
- Communication and publication of co-financed interventions and their results.
Regional Authorities – Autonomous Communities (AC)*

AC competences

European Regional Development Fund (ERDF)
- Audit body (Regional audit authorities): checking of effective functioning of systems and ex-post sample checking of project operations.

Spatial planning
- Approval of own legislation and supra-local planning;
- Development of national planning legislation, guidelines and rules, i.e. territorial coordination plans;
- Approval of municipal land planning instruments, according to the law and respecting local autonomy.

European Social Fund (ESF)
- Management and programming of operational programmes;
- Audit functions (Intervenciones Generales de las Comunidades Autónomas/General Interventions of AC);
- Payment functions;
- Participation in negotiation with EU institutions.

Provincial competences
- Securing coordination and provision of municipal services.

European Social Fund (ESF)
- Monitoring, follow up and control of actions financed by ESF.

Local Authorities – Provinces and Municipalities*

Municipal competences

European Regional Development Fund (ERDF)
- Involvement in beneficiary-related activities, i.e. project (financial) management and reporting.

Spatial planning
- Establishment, adoption and revision of structure planning and land-use regulations and ordinances;
- Preparation, revisions and modifications of local development plans and projects.
European Social Fund (ESF)
Cooperation between AC and local authorities.

* Cohesion policy is not a matter of distribution of powers in Spain but a transversal principle on different matters and powers between the State, the Autonomous Communities and local authorities. As a general rule, planning and management related to the European Commission’s decisions and cohesion policy funds come under the responsibility of the Autonomous Communities; the State plays a coordinating role and is responsible for the decisions of supra-autonomic territory scope.

Sources
Ministerio de Empleo y Seguridad Social, Funciones de la Unidad Administradora del Fondo Social Europeo. [Ministry of employment and Social Security, functions of the Unit managing the ESF].
Regional Policy – Inferegio, European Commission
k. Environment and the fight against the climate change policy

National level

State competences

- Responsibility for legislation, regulation and concession of hydraulic resources and exploitation in the case of cross regional waters;
- Authorisation of electric infrastructures when their exploitation affects other AC or when the transport of energy goes beyond the territorial limit;
- Basic legislation (general legal framework) about environmental protection;
- Basic legislation (general legal framework) about mountains, exploitation of forest and cattle routes;
- Basic legislation (general legal framework) for mining and fuel;
- Approval of the National Plan on waste management;
- Monitoring, evaluation and legal authority to impose sanctions;
- Establishment of the minimum waste management targets;
- Authorisations on the transfer of waste from and to non-EU third countries, in cooperation with the relevant Autonomous Communities.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Development of national basic law on environment;
- Establishment of natural parks;
- Autonomic waste programmes;
- Authorisation, monitoring, inspection and legal authority to impose sanction on waste production and management activities;
- Granting authorisations on the transfer of waste from and to non-EU third countries and within the national territory;
- Monitoring, inspection and legal authority to impose sanctions within their remit;
- Residual competence in the field of waste;
- Territorial organisation, urbanism and housing;
- Mountains and exploitation of forests;
- Management in the area of environmental protection;
- Projects, construction and exploitation of hydraulic use, canals and irrigated land of interest for the AC;
- Mineral and thermal waters.
Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences\(^{407}\)

- Recovery and treatment of waste;
- Monitoring, inspection and legal authority to impose sanctions within their remit;
- Other voluntary responsibilities in the field of waste;
- Treatment of sewage water;
- Strategic plans of environmental action;
- Environmental protection (>50 000 inhabitants).

Sources
Constitución Española de 1978, Art.149.1.22,23 y 148.1.3,8,9,10 (Spanish Constitution).
Ley 7/1985 reguladora de las bases del Regimen Local, Art. 25.2 [Law 7/1985, regulating the bases of Local Regimes, Art.25.2].

\(^{407}\) These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
1. Energy policy

National level

State competences

- Responsibility for national mining and energetic basic legislation (Ministry of Industry, Energy and Tourism);
- Planning of energy saving and conservation;
- Planning of energy tariff regulations;
- Guarantee of energy supply in case of necessity;
- Authorisation of construction, functioning, exploitation, ceasing of exploitation, dismantling and closure, as well as change of ownership of nuclear and radioactive infrastructures of first category, with a trans-regional character;
- Modification of period and quantities related to the first phase of the cycle of nuclear combustible;
- Solving of files and subjects related to mining rights, research and exploitation of hydrocarbons; (State Secretariat for Energy)
- Planning transport of energy;
- Sustainable energies: development of the Plan de Acción Nacional de Energías Renovables [National Plan of renewable energies – PANER in its Spanish abbreviation] and of the Plan de Acción de Ahorro y Eficiencia Energética [Action plan for saving and energy efficiency] each for 10 years.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Development and implementation of national legislation;
- Authorisation for electric infrastructures within the AC territory;
- Authorisation for transport of energy within the AC territory;
- Planning at autonomic level in the field of sustainable energy, energy efficiency within the frame of national plans.
Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences

- Public lighting;
- Planning and fostering energy efficiency at local level.

Sources
Constitución Española, Art.148, 149 [Spanish Constitution, Art. 148 and 149].
25.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

National level

State competences

- Responsibility for basis legislation and general planning and coordination of economic activity;
- Support to development of agricultural activity and subsidies;
- Establishment of basic global directives for regulation of national agricultural market;
- Determination of aid requests, where the country is assigned a maximum total amount of aid for the whole national territory.

Regional Authorities – Autonomous Communities (AC)

AC competences\textsuperscript{408}

- Development of agricultural policies, in line with global directives and European norms;
- Management of subsidies, determination of aid requests, payment, control and sanction.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences\textsuperscript{409}

- Protection of traditional activities and exploitations.

\textsuperscript{408} Art. 148.1.7 Spanish Constitution.

\textsuperscript{409} These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
Sources
Federación Española de Municipios y Provincias, *Guía para el fomento del empleo verde en los pequeños municipios*, 2011, p.34. [Spanish Federation of Municipalities and Provinces, Guide for the promotion of green employment in small Municipalities, 2011, p.34].


*Real Decreto 401/2012 de 17 de febrero por el que se desarrolla la estructura orgánica básica del Ministerio de Agricultura, Alimentación y Medio Ambiente* [Royal Decree of 17 February 2012 on the structure of the Ministry of Agriculture, Food and Environment].
b. Fisheries

National level

State competences\textsuperscript{410}

- Responsibility for national legislation;
- Commercialisation and importing of fisheries’ products;
- Inspections and sanctions in external waters;
- Organisation of fishing fleets;
- Educational system and training;
- Promotion of joint ventures or other contracting entities between national and third countries’ ship-owners;
- Measures for the protection of fishing reserves;
- Authorisation of changes of bases between harbours of different AC.

Regional Authorities – Autonomous Communities (AC)

AC competences\textsuperscript{411}

- Fisheries in interior waters;
- Legislative development and implementation of state basic legislation;
- Organisation of fishery sector and internal trade of fisheries products;
- Inspections and sanctions in internal waters;
- Formation of fisheries professionals.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

\textsuperscript{410} Art. 149.1.19 Spanish Constitution
\textsuperscript{411} Art. 148.1.11 Spanish Constitution
Municipal competences

- None according to the LBRL, but different local powers and activities are related to fisheries:
  - Social policy;
  - Participation in management of local harbours; or
  - Ecological protection.

Sources


*Ministry of Agriculture, Food and Environment*
c. Immigration and asylum

National level

State competences

- Exclusive and overall responsibility for defining, planning, regulating and developing national immigration and asylum policies, including the management of authorisation procedures for entering the Spanish territory, as well as residence and work permits;
- Preparation of multi-annual strategic plan for immigration and programmes of biennial actions to reinforce social integration of immigrants and people under national protection;
- Processing of requests for international protection (Oficina de Asilo y Refugio);
- Provision for a National Fund for integration of immigrants, in cooperation with the Autonomous Communities;
- Agreement for collaboration with countries which consider the prevention of irregular immigration, the protection and return of unaccompanied minors;
- Contracting of strangers in their home countries or with visas in Spain;
- Management of authorisation procedures for entering the Spanish Territory (Ministry of Interior).

Regional Authorities – Autonomous Communities (AC)

AC competences

- Social integration of immigrants (social services, education and health);
- Care and social integration of minors;
- Processing and termination of work permits for work in the AC territory, in coordination with State authorities. In practice only two Autonomous Communities assume it: Catalonia (effectively) and Andalusia (bylaws);
- Control of work of immigrants;
- Management of emergency ports;
- Participation in the Sectoral Conference on immigration: proposals relating to immigrants’ entry quotas, when they exist.

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412 Art. 149.1.2 Spanish Constitution
Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences\(^{413}\)

- Provision of social services and assistance, in accordance with AC regulations;
- Maintenance and update of municipal register, in accordance with AC regulations;
- Approval of reports on housing and on social integration which are necessary to obtain some residence permits, in accordance with AC regulations.

Sources

Ley 12/2009, de 30 de octubre, reguladora del derecho de asilo y de la protección subsidiaria [Law 12/2009, of 30 October, regulating the asylum right and subsidiary protection].


Real Decreto 557/2011, de 20 de abril, por el que se aprueba el Reglamento de la Ley Orgánica 4/2000, sobre derechos y libertades de los extranjeros en España y su integración social, tras su reforma por Ley Orgánica 2/2009.

Secretaría General de Inmigración y Emigración, [General Secretary for Immigration and Emigration].

\(^{413}\) These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
d. Tourism

National level

State competences

- Responsibility for promoting tourism outside the national territory, together with the Autonomous Communities;
- Establishment of directives for the implication of AC in activities of promotion of tourism abroad;
- Promoting modernisation of tourism infrastructures through planning and provision of subsidies;
- Tourism-related decisions on matters of airports and transportation (such as defining airport taxes and benefits).

Regional Authorities – Autonomous Communities (AC)

AC competences

- Promotion and organisation of tourism in the AC territories.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences\(^{414}\)

- General competence in tourism.

Sources

Tercer Congreso de la Asociación Española de Expertos Científicos en Turismo, Gijón, 1996 [Third Congress of the Spanish Association of scientific experts in Tourism, Gijon, 1996].

\(^{414}\) These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.
e. Civil protection\footnote{Each level of government has to prepare a Plan of Civil Protection}

National level

State competences\footnote{Art. 149.1.29 Spanish Constitution}

- Responsibility for leading and coordinating civil protection;
- Physical protection of people and goods in the situation of serious collective risks, public disaster or extraordinary catastrophe where the security and lives of people are in danger (\textit{Dirección General de Protección civil y Emergencias}; General Directorate of Civil Protection and Emergencies);
- Management of severe emergencies;
- Cooperation with the Autonomous Communities in the management of serious and less serious emergencies, especially via the ‘\textit{Unidad Militar de Emergencias}’ established in 2007.

Regional Authorities – Autonomous Communities (AC)

AC competences

- Actions in the field of civil protection;
- Daily civil protection;
- Direction of activities in case of supra-local emergency.

Local Authorities – Provinces and Municipalities

Provincial competences

- Securing coordination and provision of municipal services.

Municipal competences\footnote{These competences shall be exercised in accordance to the conditions defined in the Regional and State laws, therefore there might be slight differences from one Autonomous Community to the other.}

- Protection of citizens;
- Direction of activities in case of local emergency;
- Prevention activities at local level;
- Establishing a Service for Civil Protection (>20 000 inhabitants).
Sources
Ministry of Defence, Unidad Militar de Emergencia
Ministry of the Interior, Directorate General on civil protection and emergencies
Orden DEF/3771/2008, de 10 de diciembre, por la que se modifica la estructura orgánica y el despliegue de la Fuerza del Ejército de Tierra, de la Armada y del Ejército del Aire, que figura en el Real Decreto 416/2006, de 11 de abril, por el que se establece la organización y el despliegue de la Fuerza del Ejército de Tierra, de la Armada y del Ejército del Aire, así como de la Unidad Militar de Emergencias
26. Sweden

Sweden is a parliamentary monarchy. The Parliament (Riksdag) is unicameral and its members are elected for a four-year term. The Government is led by a Prime Minister and the Head of State is the Monarch.

Sweden is a unitary and decentralised State; the Constitution recognises local self-government. It has three levels of governance: central, County and municipal. The County (län) dates back to 1634. The current division dates back to the 1862 local government ordinances, which fixed the municipal boundaries and created County councils. Some minor changes in the 1960s and the 1990s modified the number of Municipalities and counties and supported their financial autonomy. In 1991, the Local Government Act extended the freedom of organisation of Local and Regional Authorities (LRAs). In 1997, two Regions – Skåne and Västra Götaland – came into existence through the merging of a number of counties.

As of today, there are twenty counties (landsting), three of which are responsible for regional development and are called ‘Regions’, four Regions (regioner) and 290 Municipalities (kommuner). The island of Gotland is a municipality which also carries out the responsibilities of a County council; it is likewise responsible for regional development and is therefore also classified as a ‘Region’. Counties are both a level of self-government and of deconcentrated State authority. Municipalities, Counties and Regions do not hold legislative powers; nonetheless, they do enjoy important taxing powers.

The principle of local self-government is explicitly enshrined in the Constitution. County Councils and Municipalities are responsible for regional/local matters of public interest. There is no hierarchy between the Municipalities and the Counties/Regions.

Besides the Constitution, the 1991 Local Government Act defines the Counties and Municipalities competences.

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418 Government portal, Home/How Sweden is governed/Swedish legislation/Swedish statutes in translation/The Constitution


The LRAs’ right to levy taxes is enshrined in the Constitution (art. VIII-5 and VIII-9). **Sub-national governments’ revenues are derived from taxation (own-source), grants and other sources, mainly fees resulting from the provision of services.** Sub-national expenditure represents 25.1% of the GDP and 44.3% of the total public expenditure. These data demonstrate an important level of decentralisation. Shared taxation exists only between Regions, Counties and Municipalities, not with the State. The Municipalities’ revenue is composed of 68.5% of autonomous taxation, 21.6% of grants and 9.9% of others. The Counties and Regions’ revenue is composed of 69.7% of autonomous taxation, 24% of grants and 6.3% of others.\(^{424}\)

**National level**

**State responsibilities**

- The central Government enjoys exclusive powers in matters relating to national sovereignty, including justice, foreign affairs, finance and national defence, and
- The central Parliament holds exclusive legislative powers.

**Regional level**

**Responsibilities of Counties/Regions**

The Counties/Regions have competence in the fields of:

- Public health, including healthcare and medical services;
- Cultural institutions, and
- Public transport.

Besides the powers granted to counties, they also have responsibility for growth and development.

Local level

Responsibilities of the Municipalities

Municipalities hold mandatory administrative powers in the fields of:

- Transport, including local roads and public transport;
- Social welfare;
- Economic development;
- Education;
- Planning and building issues;
- Emergency and rescue services;
- Health protection, and
- Environment, including environmental protection, refuse and waste management, water and sewage.

Responsibilities on a voluntary basis are:

- Leisure activities;
- Culture, except libraries;
- Housing;
- Energy, and
- Industrial and commercial services.

26.1 Systems of multilevel governance

Representation: The Swedish Association of Local Authorities and Regions (SALAR) represents local government vis-à-vis the central government and the Parliament.

Information: During the legislative process, information is provided to the LRAs by means of being published on the Parliament’s website.

Consultation: The consultation procedure is not well defined; nonetheless, SALAR is the privileged interlocutor of the national Government authorities. The responsibility of the consultation rests with the ministries. They usually consult SALAR before the promulgation of new regulation affecting LRAs, especially if they have a financial impact. Moreover, individual LRAs are sometimes invited to participate in hearings on proposals having a local/regional impact by ministries and agencies. Consultation procedures are usually
Informal.  

Coordination:  

At regional level, the County Administrative Board is a deconcentrated government agency representing the central Parliament and Government. Its role is to make sure that decisions adopted at national level have the best possible effects in the County and to monitor their implementation by the local authorities. Each County Administrative Board is chaired by a governor, appointed by the central Government, thus comparable to a prefecture-type system.

As regards horizontal coordination, Municipalities may form local federations in order to perform tasks of regional impact. Regions and Municipalities often coordinate their work in several areas, such as healthcare and medical treatment.  

26.2 Relations with the EU/ Representation at EU level

The Swedish delegation to the CoR is composed of four representatives of the Counties/Regions and eight representatives of the Municipalities.

SALAR has a liaison office in Brussels. Its aims are to develop SALAR’s relations with the EU institutions and to gather early information relating to the EU decision-making. Municipalities, County councils and Regions (Västra Götaland, Central Sweden, East Sweden, Malmö, Mid-Sweden, North Sweden, Småland-Blekinge – South Sweden, Stockholm region, West Sweden and Göteborg) also have their own Permanent Representations in Brussels.

SALAR cooperates with several European territorial associations: it is a member of United Cities and Local Governments (UCLG) and the Congress of Local and Regional Authorities of Europe (CLRAE). It also maintains contacts with the Council of European Municipalities and Regions (CEMR) as well as with the Employer’s organisation CEEP.

County Councils and Regions cooperate with European associations of local and

426 SALAR, Startpage › Municipalities, County councils and Regions › Regional development.
427 SALAR portal, Startpage > About SALAR > The office in Brussels
428 Committee of the Regions, European Commission DG Regional Policy, Regional offices contact directory
430 Ibid.
regional authorities such as the Assembly of European Regions (AER) and the Conference of Peripheral Maritime Regions (CPMR). Three Municipalities (Stockholm, Gothenburg and Malmö) are members of the Eurocities network. Other medium-sized Municipalities are part of Eurotowns.

26.3 Subsidiarity

The national Parliament (Riksdag) established a mechanism of subsidiarity scrutiny within the frame of the Early Warning System. However, it does not consult local and regional authorities. SALAR established an internal mechanism of subsidiarity scrutiny of EU draft legislative acts, although it is not formally consulted by the Riksdag within the framework of the Early Warning System.

26.4 Bibliography

Constitution

Government portal, Home/How Sweden is governed/Swedish legislation/Swedish statutes in translation/The Constitution

Legislation


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431 SALAR, Startpage › Municipalities, County councils and Regions › Local government and the EU
432 Ibid.
Websites


Publications and Studies


Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
26.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- The transport of passengers and goods (roads, air traffic, shipping, railways) within the country;
- Transport between Sweden and other countries;
- Competition conditions for Swedish transport companies;
- Infrastructure for roads and railways, and
- International cooperation *inter alia* in matters concerning the EU Trans-European Transport Network.

Regional level

County/regional authorities are responsible for:

- Regional public transport (in cooperation with private operators), often together with Municipalities, and
- Traffic regulation.

Local level

Municipal authorities are responsible for:

- Local roads, and
- Local public transport (in cooperation with private operators).

Sources

Government Offices in Sweden portal, [Home/Government and ministries/Ministry of Enterprise, Energy and Communications/Areas of responsibility](http://www.government.se/en/areas-of-responsibility)
b. Employment policy

National level

The central government is responsible for:

- Employment and labour market policy (overall responsibility of the Government and Parliament);
- Working life policy, including working environment, labour legislation and wage formation;
- National Labour Market Administration:
  - The coordination and administration of employment policies in accordance with the national guidelines, and
  - The distribution of the funding to the County labour market boards.
- The Swedish Public Employment Service;
- The Swedish Unemployment Insurance Board, and
- Support to job seekers.

Regional level

County/regional authorities are responsible for:

- Implementing national guidelines and legislation (County labour Market Boards (låndsarbetsnämnd)).

Local level

Municipal authorities are responsible for:

- Local public employment offices (work in coordination with the National Labour Market Administration).

Sources
Euro guidance website, 4. Work in Sweden
Government portal, Home/Policy areas/Employment
c. Social policy

National level

The central government is responsible for:

- Social legislation;
- Social welfare programmes;
- Financial family policy;
- Children’s rights
- Social services;
- Rights of persons with disabilities;
- Elderly care;
- Long-term demand for welfare services;
- Pensions;
- Social and sickness insurances, and
- Setting minimum standards for various social services.

Regional level

County administrative boards are in charge of social care.

Municipal level

Municipal authorities are responsible for:

- Social welfare:
- Elderly care;
- Support for the disabled;
- Social services, including employment related, and
- Housing, on a voluntary basis.

Sources
Government portal, [Home/Policy areas/Health care, health, social issues/insurance](#)
Government portal, [Home/Policy areas/Central, regional and local government/County administrative boards](#)
d. Education policy

National level

The central government is responsible for:

- Overall legislation covering:
  - Preschool;
  - Out-of-school centres;
  - Compulsory school;
  - Upper secondary school;
  - Adult education;
  - Folk high schools;
  - Sami schools;
  - Universities and university colleges;
  - Research;
  - Funding, and
  - International cooperation.

The national agency in the area of education is the National Agency for Education.

Regional level

County/regional authorities are responsible for:

- Admission to secondary school (pupils may apply for a different school than the one of their municipality).

Municipal level

Municipalities are the principal organisers in the school system together with the independent (private) schools.

Municipal authorities are responsible for:

- Policy implementation;
- Child care;
- Pre-schools;
- Compulsory comprehensive school;
- Upper secondary school;
• Education for the disabled;
• Adult education;
• The setting up of goals and decisions about pre-school and other education;
• The setting up of priorities;
• The allocation of resources;
• Employment of the personnel, and
• The funding of independent schools.

Sources
Government portal, Swedish education
Government portal, Home/Policy areas/Education and research
e. Vocational training

National level

The central government is responsible for:

- Vocational training legislation;
- The provision of twelve nationally determined vocational programmes for upper secondary schools (education may be offered as upper secondary apprenticeship training), and
- All matters relating to higher vocational education (Swedish National Agency for Higher Vocational Education).

Regional level

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Municipal level

Municipal authorities are responsible for:

- The operation of upper secondary schools, which includes twelve vocational programmes and six college preparatory programmes, and
- Adult education which includes vocational education.

Sources

Government portal, Home/Policy areas/Education and research/Upper secondary school
Government portal, Home/Policy areas/Education and research/Adult learning
Swedish National Agency for Higher Vocational Education portal
Ministry of Education and Research, Fact sheet on Adult Education in Sweden, 2007
f. Youth and sport policy

National level

The central government is responsible for:

Youth Policy

- Policy formulation and legal framework;
- International cooperation, and
- Coordination, stimulating research and know-how related to the youth policy objectives, distribution of grants, as well as international cooperation (Swedish National Board of Youth).

Sport policy

- Policy formulation and legal framework;
- Support to sport follow-up (Swedish National Centre for Research in Sports and the Swedish School of Sport and Health Sciences), and
- International cooperation.

Regional level

County/regional authorities are responsible for:

Youth Policy

- Matters related to public health and medical care. There is a limited competency of the counties in Youth Policy.

Sport policy

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Municipal level

Municipal authorities are responsible for:

Youth Policy

- Formulating their own local youth policy. (National policy is not binding).
Sport policy

- Providing sport facilities.

Sources
Government portal, Home/Policy areas/Culture, the media, sports/Sports
European Commission, Study on volunteering in the EU, Volunteering in sport – Sweden, 2009
Swedish National Board for Youth Affairs, About the Swedish national board for youth affairs, 2010
g. Culture policy

National level

The central government is responsible for:

- The formulation of policy objectives for cultural activities and institutions;
- Setting the policy framework, central objectives and priorities in the area of the protection of the national cultural heritage;
- Supporting regional and municipal activities.

The national agency in the area of culture is the Swedish National Heritage Board.

Regional level

County/regional authorities are responsible for:

- Regional cultural institutions, and
- The enforcement of the Heritage Conservation Act (County administrative boards).

Municipal level

Municipal authorities are responsible for:

- Libraries, and
- Cultural activities (on the basis of a voluntary commitment).

Sources
Swedish National Heritage Board portal
h. Public health policy

Health and medical care is a shared responsibility of the central government, County councils and Municipalities.

National level

The central government is responsible for:

- The formulation of principles and guidelines;
- Setting up of the political agenda;
- Passing laws and ordinances, and
- Concluding agreements with SALAR.

National agencies related to Public Health are the National Institute of Public Health, the National Board of Health, Welfare (supervision of medical care and social services), the Medical Responsibility Board, the Swedish Council on Technology Assessment in Health Care, the Dental and Pharmaceutical Benefits Board, the Medical Responsibility Board, the Medical Products Agency and the state-owned National Corporation of Swedish Pharmacies.

Regional level

Most healthcare is decentralised to County councils. Counties enjoy considerable freedom of action.

County/regional authorities are responsible for:

- The provision of good quality health and medical care (medical centres, doctors’ surgeries, district nursing clinics, hospitals, university hospitals);
- The promotion of good health, and
- Dental care for local residents up to the age of 20.
Municipal level

Some aspects of healthcare are decentralised to the municipal level. Local authorities enjoy a considerable freedom of action.

Municipal authorities are responsible for:

- Elderly care;
- Care for the disabled;
- Support and services for people released from hospital care;
- School healthcare, and
- Emergency and rescue services.

Sources
Government portal, Factsheet 10 on Health care in Sweden (published by the Swedish Institute in 2009)
Government portal, Home/Policies/Health care, health, social issues/insurance
i. Trans-European network policy

National level

The central government is responsible for:

- Setting binding rules and the framework for planning and construction;
- The monitoring of implementation;
- The planning and construction of major transport infrastructure projects, and
- International cooperation *inter alia* in matters concerning the EU Trans-European Transport Network.

Regional level

The County administrative Board is responsible for:

- Infrastructure planning, and
- Sustainable urban planning and housing.

There exists the possibility to create a regional planning agency bringing together Municipalities under certain circumstances.

Municipal level

Municipal authorities are responsible for:

- Local planning and building issues, and
- Land and water use.

Sources


j. Economic, social and territorial cohesion policy

National level

A national Structural Fund plan implements both the ERDF and the ESF, in coordination with eight regional Structural Fund partnerships.

The central government is responsible for:

*European Regional Development Fund (ERDF)*

- Setting the overall policy framework and general guidelines for the policy, and
- Public co-funding.
- The managing authority is the Swedish Agency for Economic and Regional Growth (Tillväxtverket).

*European Social Fund (ESF)*

- Employment and labour market policies;
- The administration of unemployment benefits, and
- Public co-funding.
- The managing authority is the Swedish ESF Council.

*Spatial planning*

- The legal framework and policy guidelines for spatial planning, and
- The spatial planning policy, under the authority of the Ministry for the Environment and several executive agencies.

Regional level

County/regional authorities are responsible for:

*European Regional Development Fund (ERDF)*

- Regional growth and development (County administrative boards for the counties, and the Regions), and
- The implementation of the ERDF through eight regional Structural Fund partnerships (responsible for setting priorities among the approved projects).

*European Social Fund (ESF)*
The eight Regional Structural Fund partnerships define their regional ESF plans on how the ESF’s resources are to be used.

**Spatial planning**

- The County administrative Board has competence in the field of:
  - Infrastructure planning, and
  - Sustainable urban planning and housing.
- There exists the possibility to create a regional planning agency bringing together Municipalities under certain circumstances.

**Municipal level**

Municipal authorities are responsible for:

**European Regional Development Fund (ERDF)**

- Local economic development, and
- Electing the members of the Regional Structural Funds partnerships.

**European Social Fund (ESF)**

- Electing the members of the Regional Structural Funds partnerships.

**Spatial planning**

- Detailed, local spatial planning;
- Decisions on local spatial planning, and
- Preparing comprehensive municipal plans on spatial planning topics (Municipal plans are not legally binding and are drawn up in consultation with County administrative boards).
- Significant/important position of the Municipalities in the spatial planning process.
Sources
Government Offices in Sweden portal, Home/Government and ministries/Ministry of Enterprise, Energy and Communications/Areas of responsibility
Tillväxtverket portal, Structural Funds
Swedish European Social Fund (ESF) Council portal, About the Social Fund
k. Environment and the Fight against Climate Change

National level

The central government, in particular the Ministry of Environment, is responsible for:

- The legal and regulatory framework for environmental policy,
- Adopting policy goals (to be achieved by 2020-2050), and
- International cooperation.

Regional level

County administrative boards have responsibility for:

- Environment protection and conservation;
- Environmental quality objectives-related action, including developing and adapting regional goals, action programmes and strategies, and
- Regional adjustments of the national environment objectives.

County councils have responsibility for:

- The implementation of regional environmental quality objectives, and
- The definition of own local objectives and action programmes.

Municipal level

Municipal authorities are responsible for:

- Environmental protection, including the implementation of local environmental quality objectives, the definition of own local objectives, as well as action programmes;
- Local adjustments of the national environment objectives;
- Refuse and waste management, and
- Water and sewage.

Sources

- Environmental Quality Objectives – A shared responsibility, Summary of Government Bill 2004/05:150
- The Swedish Environmental Code (2000:61)
1. Energy

National level

The central government, in particular the Ministry of Enterprise, Energy and Communications, is responsible for:

- The security of supply;
- Reliable electricity transmission;
- Renewable energy;
- Wind power;
- Electricity certificates, and
- Improved energy efficiency.

The governmental agency for energy is the Swedish Energy Agency.

Regional level

The County Administrative Board has responsibility in the field of energy.

Municipal level

Municipalities may act in the energy field on a voluntary basis.

Sources
26.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

National level

The central government is responsible for:

- The overall legislation in accordance with the Common Agriculture Policy.

The national agency in the area of agriculture is the Swedish Board of Agriculture.

Regional level

The County Administrative Board has responsibility in the field of agriculture.

Municipal level

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Sources
Government portal, Home/Policy areas/Rural affairs, Animals and food
b. Fisheries

National level

The central government is responsible for:

- Overall regulation in accordance with the Common Fisheries Policy, and
- Drawing up of a national strategy and an operational programme.

Regional level

The County Board has responsibility in the field of fisheries.

Municipal level

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Sources
Government portal, Home/Policy areas/Rural affairs, animals and food/Fisheries
c. Immigration and asylum

National level

The central government is responsible for:

- Determining the direction of migration policy (Government and Parliament);
- International cooperation, and
- Migration, refugee, asylum, repatriation and citizenship issues (responsibility of the governmental agency, the Swedish Migration Board).

Regional level

County/regional authorities are responsible for:

- Negotiations on the reception of people in need of protection and other aliens.

Municipal level

Municipal authorities are responsible for:

- The reception of asylum seekers.

Sources

Government portal, [Home/Policy areas/Asylum, migration and integration/Migration and asylum policy](#)
d. **Tourism**

**National level**

The central government is responsible for:

- The Ministry of Enterprise, Energy and Communications:  
  - Tourism policy, and  
  - International marketing of tourism.
- The Swedish Agency for Economic and Regional Tourism (Tillväxtverket):  
  - Policy development and tourism statistics.
- VisitSweden:  
  - The promotion of the country.

**Regional level**

County/regional authorities enjoy a very high degree of autonomy in matters relating to tourism.

**Municipal level**

There is a very high degree of municipal autonomy in matters relating to tourism.

**Sources**

Government portal, [Government and ministries/Ministry of Enterprise, Energy and Communications/Areas of responsibilities](#)


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e. Civil protection

National level

The central government is responsible for:

- Strategic matters as well as support to regional and local authorities.

The governmental Agency “Swedish Civil Contingencies Agency” is responsible for:

- The management and coordination of national operational measures within and between all levels of governance, and
- Preventive efforts, response and recovery during and after a crisis or accident.

Regional level

County Administrative Board are responsible for:

- Coordinating tasks in the field of protection against accidents, emergency preparedness and civil defence.
- Supporting actors, especially the Municipalities, in their planning, risk and vulnerability assessments, training and exercises, and
- Regional risk and vulnerability assessments.

Municipal level

Municipal authorities are responsible for:

- Risk and vulnerability assessments;
- The cooperation with County administrative boards, and
- Organising regular training and exercises for politicians and officials (together with the County councils).

Sources
Government portal, Home/Policy areas/Defence, Emergency management and safety/Emergency preparedness
27. United Kingdom

The United Kingdom is a parliamentary democracy. The Parliament is bicameral and composed of the House of Commons and the House of Lords. The Government is led by the Prime Minister and the Head of State is the (King or) Queen.

The United Kingdom is an asymmetrically decentralised unitary state, but comprises England and three countries with devolved governments: Scotland, Northern Ireland and Wales. Although the UK Parliament retains absolute sovereignty, the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales have acquired differing degrees of legislative powers since devolution in 1999. The arrangements established by the respective devolution Acts are not symmetrical – the powers of the three bodies have varied in nature and scope. There are no formal positive lists of devolved powers in the cases of Scotland and Northern Ireland. These are taken to be those powers which are not specified to be “reserved powers” of the UK Parliament (nor “excepted powers” in the case of Northern Ireland).

The Scottish Parliament has primary and secondary legislative powers, as well as the power to vary internal tax rates (by up to three pence in the pound). The Scotland Act 2012 has made changes to the finances of the Scottish Parliament, including a new Scottish rate of income tax, and make a number of adjustments to the boundary of devolved responsibilities. The Northern Ireland Assembly has primary and secondary powers. The National Assembly for Wales received new powers in 2006. Following the referendum of March 2011, it has primary legislative powers in 20 specified areas and adopts “Acts of the Assembly”, as well as secondary powers generally vested in Welsh Ministers.

It should be noted that these are not complete and absolute transfers of power: a) There are specified exceptions within both reserved and devolved powers. b) The UK Parliament retains the right to legislate on all matters in all parts of the UK, but would not normally do so without the consent of the devolved Assembly or Parliament.

There are three legal systems within the UK: the laws of England and Wales, N. Irish, and Scottish laws.

Successive reforms have produced a complex set of bodies which are responsible for delivering public services at the local level. As of 2011, England has 27 “County Councils” (traditional two-tier areas in which there also 201 District Councils).
There are 55 unitary authorities (“Councils”) in England which are responsible for all local services; Wales is divided into 22 unitary Councils; Scotland has 32 directly-elected unitary Councils; N. Ireland has 26 local Councils to be reduced to 11 following the 2011 Local Government Reform Programme.

The “regional” level is being reduced in England. The Government Offices for the Regions were abolished in 2011; the nine Regional Development Agencies cease operations in 2012 and are being replaced *inter alia* by Local Enterprise Partnerships. Town and Parish Councils exist in some parts of England, and others, known as Community Councils, in Scotland and Wales. There are no such bodies in N. Ireland.

The UK has no written constitution. UK legislation is available at the following site: [http://www.legislation.gov.uk/](http://www.legislation.gov.uk/)

The financing of local government in the United Kingdom remains relatively centralised, except in Northern Ireland. Overall, local governments’ revenues are derived mainly from grants (48.5%), taxation (27.3%) and other revenue sources such as fees and sales (24.2%). English local governments’ revenue is composed of about 15.4% autonomous taxation, 13.1% shared taxation, 48.2% grants, and 23.3% other revenue sources (including 7.5% sales, fees and charges). Scottish local government revenue is composed of about 10.4% autonomous taxation, 10% shared taxation, 59.9% grants and 20% other revenue sources (including 11% sales, fees and charges). In Wales local revenue is composed of about 13.7% autonomous taxation, 9.1% shared taxation, 60.3% grants and 16.9% other revenue sources (including 8.7% sales, fees and charges). In Northern Ireland revenue is composed of about 66.5% autonomous taxation, 9.5% grants and 24% sales, fees and charges.435

**Central level**

Table 2 below lists the reserved and excepted powers as laid down in the Scottish and Northern Irish acts of devolution.

**Regional (in UK = devolved national) level**

Table 3 below gives a general overview of the main areas in which there are devolved powers in each case.

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Local Level

In the two-tier areas in England:

County councils are responsible for:

- Providing schools, social services, and public transport services

District councils are responsible for:

- Providing local services, including council housing, gyms and leisure facilities, local planning, recycling and refuse collection.

Unitary authorities in England, Wales and Scotland, and district councils in Northern Ireland, are responsible for all local services.

The Greater London Authority (GLA) shares responsibilities with the London Boroughs in the areas of:

- Economic development;
- Transport;
- Health;
- Police;
- Fire and emergency planning;
- Environment, including waste and climate change;
- Culture;
- Housing, and
- Planning.

In Scotland, Councils have regulatory competences and/or provide services in the following areas:

- Housing
- Local Public Transport & Roads
- Social work
- Primary Education
- Certain social services
- Leisure, Parcs & Recreation
- Culture, libraries, museums
- Waste Management
- Environmental Protection
- Health & Public Safety
• Licencing
• Consumer protection
• Community Planning & Control
• Economic Development & Regeneration
• Police & Fire Services (being transferred to Scottish level)
• registration (electoral registration);
• elections.

Areas in which the UK has RESERVED or EXCEPTED (*) powers, 2011

Scotland

UK has reserved powers in:

• The Crown, the Union of the Kingdoms of Scotland and England, the Parliament of the United Kingdom;
• International relations, including foreign trade except for observing and implementing EU and European Convention on Human Rights matters;
• Defence and national security, treason and provisions for dealing with terrorism;
• Fiscal and monetary policy, currency, coinage and legal tender;
• Immigration, nationality and extradition;
• The criminal law in relation to drugs and firearms, and the regulation of drugs of misuse;
• Elections, except local elections;
• Official Secrets, national security;
• Law on companies and business associations, insurance, corporate insolvency and intellectual property; regulation of financial institutions and financial services;
• Competition, monopolies and mergers;
• Employment legislation, including industrial relations, equal opportunities, health and safety;
• Most consumer protection; data protection;
• Post Office, postal and telegraphy services;
• Most energy matters;
• Railways and air transport, road safety;
• Transport safety and regulation;
• Social security;
• The regulation of certain professions, including medical, dental, nursing and other health professions, veterinary surgeons, architects, auditors, estate agents, insolvency practitioners and insurance intermediaries;
• Research Councils;
• The designation of assisted areas;
• Nuclear safety, control and safety of medicines, and reciprocal health agreements;
• Broadcasting and film classification, licensing of theatres and cinemas, gambling;
• Weights and measures; time zones;
• Abortion, human fertilisation and embryology, genetics and xenotransplantation;
• Equality legislation, and
• The regulation of activities in outer space.

Northern Ireland

UK has reserved powers in:

• Foreign trade;
• Domicile;
• Qualifications and immunities of the Assembly and its members;
• Regulation of building societies, banking, friendly societies, the investment and securities business.
• Competition, monopolies and mergers;
• Some consumer protection matters;
• Trade marks, copyright, patent and topography rights;
• Weights and measures;
• Telecommunications and wireless telegraphy;
• Consumer safety;
• Some environmental matters,
• Data protection;
• Postal services;
• Navigation, but not harbours or inland waters.
• Civil aviation, but not aerodromes;
• Nuclear installations;
• The foreshore and the sea bed and subsoil and their natural resources, and
• The designation of assisted areas.
UK has excepted powers in:

- The Crown, the Parliament of the United Kingdom;
- Dignities and titles of honour;
- International relations, but not the surrender of fugitive offenders between Northern Ireland and Republic of Ireland;
- Observing and implementing European Union and European Convention on Human Rights matters;
- Defence and national security, treason, provisions for dealing with terrorism or subversion;
- Coinage, legal tender and bank notes;
- Taxes under UK laws or existing stamp duties in Northern Ireland;
- Immigration and nationality;
- The appointment and removal of judges and director of Public Prosecutions for Northern Ireland;
- Elections, including local elections;
- National security;
- The National Savings Bank;
- Research Councils;
- Xenotransplantation, human fertilisation and embryology, surrogacy and human genetics, and
- The regulation of activities in outer space.

**Areas in which there are devolved powers, 2011 – an indicative overview**

**Scotland**

UK has devolved powers in:

- Health;
- Education and training;
- Housing;
- Local government;
- Social work;
- Planning;
- Economic development;
- The administration of the European Structural Funds;
- Public transport;
- Law and home affairs, including most civil and criminal law, criminal justice and prosecution system, police and prisons;
- Fire services;
• Environment;
• Agriculture, fisheries and forestry;
• Tourism;
• Sport and the arts, and
• Research and statistics in relation to devolved matters;
• Other powers expanded through the Scotland Act 2012.

Wales

UK has devolved powers in:

• Health and health services;
• Education and training;
• Housing;
• Local government;
• Town and country planning;
• Social welfare;
• Public administration;
• Economic development;
• The administration of the European Structural Funds;
• Highways and transport;
• Fire and rescue services and promotion of fire safety;
• Water and flood defence;
• Environment;
• Agriculture, fisheries forestry, rural development;
• Food;
• Tourism;
• Culture;
• Ancient monuments and historic buildings;
• Sport and recreation;
• The Welsh language, and
• The National Assembly for Wales.

Northern Ireland

UK has devolved powers in:

• Health;
• Education and training;
• Housing;
• Social work;
• Planning;
• Most social security, child support and pensions;
• Economic development;
• The administration of the European Structural Funds;
• Transport;
• Justice and policing;
• Fire services;
• Environment;
• Energy (except nuclear)
• Agriculture, fisheries and forestry;
• Tourism, and
• Sport and the arts.

27.1 Systems of multilevel governance

Representation: The Local Government Association (LGA), the Convention of Scottish Local Authorities (COSLA), the Northern Ireland Local Government Association and the Welsh Local Government Association (WLGA) represent the local authorities of England, Scotland, Northern Ireland and Wales respectively.

Information – consultation – coordination: Coordination between the UK Government and the devolved administrations is managed by the Joint Ministerial Committee (Europe) (JMC(E)) which was created in order:

- to consider non-devolved matters which impinge on devolved responsibilities, and devolved matters which impinge on non-devolved responsibilities;
- where the UK Government and the devolved administrations so agree, to consider devolved matters if it is beneficial to discuss their respective treatment in the different parts of the United Kingdom;
- to keep the arrangements for liaison between the UK Government and the devolved administrations under review; and
- to consider disputes between the administrations.

The JMC is a consultative body meeting at plenary levels annually (leaders of each administration, chaired by the Prime Minister); JMC (Europe) usually four times a year; and JMC (Domestic), since 2008, around three times a year.
General principles and common working arrangements are laid down in a Memorandum of Understanding which has been repeatedly revised since devolution in 1999 (latest version June 2011). Practical guidelines and arrangements for interaction are indicated in various “Concordats” (working documents which are not legally binding, but “binding in honour only”). In 2011, there were three overarching concordats (the coordination of EU policy and implementation; financial assistance to industry; and international relations touching on the responsibilities of the devolved administrations) as well as numerous bilateral concordats concerning specific areas or interaction.

The principles and mechanics of the relationship between central and local government in England are currently (2011) stated in a non-binding text - the Central-Local Concordat of 12 December 2007 signed between Her Majesty’s Government and the Local Government Association (LGA). This envisaged a renewed Central – Local Partnership (originally set up in 1997) through which regular high-level meetings would take place, and which would monitor the operation of the agreement. In 2010 this Concordat became the subject of parliamentary review, with a view to a possible codification. The Department for Communities and Local Government is responsible for supporting local authorities.

In 2007 a Concordat was signed between the Scottish Government and the Convention of Scottish Local Authorities (COSLA) which commits both the Scottish Government and the 32 Scottish Councils to endorse Single Outcome Agreements (SOAs). On the local level, Community Planning Partnerships (CPPs) are statutory bodies under the Scottish local government law bringing together public bodies, voluntary organisations and businesses to agree on strategic priorities for their area, showing how those outcomes will contribute to the Scottish Government's overarching National Outcomes. CPPs, currently being reviewed and possibly expanded help local authorities to engage with their communities to develop and deliver better public services. This is defined by the “Statement of Ambition” agreed between COSLA and the Scottish Government on April 2012.

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Relations between the Welsh Government and local authorities - represented by the Welsh Local Government Association (WLGA) - are shaped by the Local Government Partnership Scheme 2008.

The Northern Ireland Local Government Association represents collective interests in Northern Ireland.

27.2 Relations with the EU/Representation at EU level

The interaction between the UK and the devolved administrations regarding EU policy is covered by a Concordat on Co-ordination of European Union Policy Issues (composed of concordats with each country and a common annex).

UK policy in the EU is a reserved matter. However, implementation and enforcement is often a matter for the devolved authorities. The devolved administrations have agreed that they will bear the costs of any financial penalties imposed on the UK due to failures in implementation for which they are responsible. Under the Localism Act 2011, this principle also applies to local authorities. Where EU issues cannot be covered bilaterally between departments, they should be considered by the Joint Ministerial Committee (Europe) bringing together UK Ministers and Ministers of the devolved administrations. The JMC meeting in this format meets in advance of each scheduled European Council meeting and may be held more regularly. EU issues are also discussed in the EU official subcommittee of the JMC, and informally.

UK members of the Committee of the Regions (24 full members) are elected politicians representing local authorities, the devolved bodies of Scotland, Wales, Northern Ireland as well as the Greater London Authority.

Participation in Council meetings is decided on a case-by-case basis by the lead UK Minister. Attendance by officials at EU meetings is decided bilaterally with the lead UK Department.

The devolved administrations have EU Offices in Brussels which are part of the organisational structure of the UK Permanent Representation. In addition, the four national associations of Local Authorities (WLGA, NILGA, COSLA, LGA) have Brussels Offices to represent local interests in the European Union and support their CoR members.
27.3 Subsidiarity

Central Government-Devolved Parliaments

The House of Lords and the House of Commons of the UK parliament have established parallel procedures for the subsidiarity check and work independently.

The European Commission (or the Council Secretariat in the rare cases of Member State legislative initiatives) sends the proposal to the UK Parliament.

The UK Government sends to the UK Parliament and the devolved governments the proposal and an explanatory Memorandum (subsidiarity assessment).

UK Parliament (House of Commons and House of Lords): The European Scrutiny Committee (HoC)/ the European Union Committee (HoL) examine the proposal and write a report, which may be accompanied by a reasoned opinion.

Each report adopted during the plenary session of each House is sent to the relevant EU institution accompanied by the reasoned opinion if one has been issued.

The UK Parliament will cooperate with other national parliaments informally at official level through the national parliament representatives in Brussels and formally through the InterParliamentary EU information eXchange (IPEX) platform.-The devolved parliaments’ position in their subsidiarity analysis will be taken into account as part of the usual process for considering documents carried out by the EU Committee/the European Scrutiny Committee, to which the devolved parliaments should address their concerns.

However, if there are differing points of view between the central and the devolved levels, the UK Parliament will have the final say.

The three devolved parliaments liaise closely on subsidiarity monitoring both at official level and also through the EC-UK Forum of European Committee Chairs.

Internal subsidiarity scrutiny detailed arrangements exists in the Scottish Parliament to feed into the Early Warning System.
27.4 Bibliography

Legislation

**Wales**: Since 2011, the Assembly has primary legislative powers in these 20 areas - for the specific scope of these Acts see Schedule 7 to the Government of Wales Act 2006.


**N. Ireland**: Northern Ireland Act 1998


[http://www.communities.gov.uk/localgovernment](http://www.communities.gov.uk/localgovernment)

**Scotland**: Scotland Act 2012:

Publications and Studies


27.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central Government

The central government is responsible for:

- Formulating primary UK legislation on transport safety (road, rail, aviation, shipping) and vehicle and fuel duties;
- Integrated transport policy
- Vehicle licensing and regulation;
- Management of trunk roads, i.e. motorways, and other major roads (national Highways Agency, part of the national Department of the Environment, Transport and the Regions).
- Funding of local authorities as highway authorities
- Overseeing and setting guidelines for UK private railway companies, and
- Civil aviation and national and international airports.

Regional (“devolved national”) Authorities

The Scottish Parliament is responsible for:

- The Scottish road network, including parking controls, bus policy; concessionary fares, cycling, taxis and minicabs;
- The construction of new railways and grants for passenger rail services;
- Inland waterways
- Development planning at airports, designation of routes as Public Service Obligations (PSO)
- Planning and PSO designation for ports and ferries, and
- Drafting Regional Transport Strategies (seven Regional Transport Partnerships).

The National Assembly for Wales is responsible for:

- Highways;
- Street works;
- Traffic management and regulation, and
- Transport facilities and services.
The Northern Ireland Assembly is responsible for:

- The transport strategy and sustainable transport policy;
- The provision and maintenance of all public roads;
- Public transport policy and performance, and
- Certain policy and support work for air and sea ports.

The North-South Ministerial Council meets in the Transport Sector to make decisions on common policies and approaches in areas such as co-operation on strategic transport planning including road and rail infrastructure and public transport services and road and rail safety.

**Local Authorities**

County Councils are responsible for:

Producing local transport plans;

- Drafting the general transport strategy, and
- Passenger transport and highways.

District Councils are responsible for:

- Parking and other revenue collection from transport, and
- Local planning decisions that invariably involve transport issues.

**Unitary Councils are responsible for:**

Producing local transport plans;

- Drafting the general transport strategy;
- Passenger transport and highways, and
- Parking and other revenue collection from transport.

Integrated Transport Authorities (ITAs) have been created in the six English metropolitan city regions (Greater Manchester, Merseyside, the West Midlands, West Yorkshire, South Yorkshire and Tyne and Wear).

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437 Changes affecting the role of local authorities began to be introduced by the coalition government in 2010 and had still not been concluded at the time of writing.
In Scotland, Regional Transport Partnerships (RTPs) manage local and regional transport policies. These are steered by boards consisting of councillors from each of the constituent local authorities.

**Sources**

b. Employment policy

Central Government

The central government, through the UK Department of Work and Pensions, is responsible for delivering employment policy in England, Wales and Scotland.

The coalition government has introduced several major welfare reforms, including the Work Programme and the Universal Credit benefit reforms.

Regional (devolved national) Authorities

The Employment policy is only devolved, partly, in the case of Northern Ireland.

The Northern Ireland Assembly is responsible for:

- Formulating employment legislation (e.g. the Employment Acts passed in 2010 and 2011);
- Economic development;
- Financial assistance to industry;
- Inward investment;
- Administration of EU structural funding;
- Trade & business development

Moreover, the Department of Employment and Learning (DELNI) of Northern Ireland is responsible for:

- Further and higher education;
- Training and skills, and
- Employment programmes and employment law.

The Scottish Parliament is responsible for:

- The formulation and enforcement of policies for economic development;
- Funding and setting strategic guidelines for Scottish Enterprise, Highlands & Islands Enterprise and Local Enterprise Companies, and
- Providing financial assistance to industry.
The National Assembly for Wales is responsible for:

- The formulation and enforcement of policies for economic development, and
- Providing financial assistance to industry (Finance Wales).

**Local Authorities**

The executive agency of the DWP, Jobcentre Plus, is responsible for local delivery through the Job Centre Plus Offices in England, Wales and Scotland. Job Centres are supported in Northern Ireland by the DELNI.

**Sources:**


Labour Relations Agency
http://www.lra.org.uk/index/employment_legislation.htm
c. Social policy

Central Government

The central government is responsible for:

- Social security;
- Family law (England and Wales have a common system, family law is an exception to the matters included in the post-referendum 2011 schedule), and
- Developing government housing policy in England (UK Department for Communities and Local Government).

Regional Authorities

The Scottish Parliament is responsible for:

- Family law;
- The formulation and enforcement of legislation and policies on social work, housing and regeneration, and
- Promoting social inclusion.

The National Assembly for Wales is responsible for:

- Social welfare legislation, including social services;
- Housing;
- Protection and well-being of children, including adoption and fostering, and of young adults;
- Care of children, young adults, vulnerable persons and older persons, including care standards, and
- Badges for display on motor vehicles used by disabled persons.

The Northern Ireland Assembly is responsible for:

- Social security legislation;
- Family law;
- Promoting social inclusion.
Local Authorities

Local authorities are responsible for:
- Promoting social inclusion;
- The delivery of care for elderly or mentally handicapped people;
- The delivery of care for children, and
- The provision and maintenance of local authority housing.

Sources:

Department of Health

Department for Communities and Local Government
d. **Education policy**

**Central Government**

Education is one of the most completely devolved powers in the UK. The main reserved power for the UK level is Research Council funding.

**Regional Authorities**

In England, there are numerous categories of schools. The coalition government has introduced new provisions for “academies” and “free schools”. Private independent schools are not part of the state sector but are subject to standards and inspection set by the Secretary of State. The functions of inspection and regulation are carried out in England by Ofsted (Office for Standards in Education, Children’s Services and Skills).

Scotland has always had a separate education system. Education Scotland, the new Executive Agency set up in 2011, is responsible for supporting quality and improvement in all Scottish education from the early years to adult learning.

The National Assembly for Wales is responsible for:

- Education, vocational, social and physical training;
- Career services;
- Promotion of advancement, and
- Application of knowledge.

The five Education and Library Boards which have been responsible for school education in Northern Ireland are (2011) in the process of being merged into a new Education and Skills Authority covering the whole of Northern Ireland.

**Local Authorities**

Local authorities in England are responsible for:

- Ensuring the provision of efficient primary and secondary education;
- Promoting high standards and ensuring fair access to educational opportunities;
- Providing schools and equipment for pupils;

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438 The coalition government has introduced many changes which were still being finalised at the time of writing (Jan. 2012).
• Securing “diversity in the provision of schools” and increasing “opportunities for parental choice”.439
• Local authorities in Scotland are also responsible for ‘early years’ policies such as pre-school education.

Sources
http://wales.gov.uk/topics/educationandskills/;jsessionid=g0h4PRnhrM8FB2rhB0LT6gzwcfrCJyLTGLXJs8yLRkKZyTf217sv!1534110569?lang=en

439 For the situation concerning schools in England (and Wales) in 2011 see Christine Gillie, Constituency work: school-related matters, House of Commons, SN/SP/539618 August 2011.
e. Vocational training

Central Government

The central government is responsible for:

- Primary legislation on training policy and life-long learning;
- Setting framework standards for vocational qualifications in England and Wales;
- Setting national targets for education and training in England, and
- Funding government training programmes in England.

Regional (devolved national) Authorities

The Scottish Parliament is responsible for:

- Primary legislation on training policy, life-long learning, vocational qualifications, career guidance and their enforcement, and
- Organising National Training Programmes (Skills Development Scotland).

The National Assembly for Wales is responsible for:

- Primary and secondary legislation on training policy.
- Supporting the National Basic Skills Strategy (The Department for Children, Education, Lifelong Learning and Skills).

The Northern Ireland Assembly is responsible for:

- Primary legislation on training policy and its enforcement, and

Sources
For the situation concerning schools in England (and Wales) in 2011 see Christine Gillie, Constituency work: school-related matters, House of Commons, SN/SP/539618 August 2011.
f. Youth and sport policy

Central Government

The Department for Culture, Media and Sport is responsible for UK sport policy and works in partnership with Sport England, UK Sport, UK Anti-Doping and the wider sector.

Regional Authorities

The Scottish Parliament is responsible for sport legislation. Sportscotland is the national agency.

The National Assembly for Wales is responsible for legislation concerning all sport and recreational activities, except betting, gaming and lotteries.

Sport Northern Ireland is the national agency for sport in the region.

Local Authorities

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Sources
Department for Culture Media and Sport
g. Culture policy

Central Government

The central government is responsible for:

- Setting of the legal framework and providing funding for public and private cultural institutions;
- Regulating broadcasting, media, arts, heritage, libraries, museums, sports, tourism and national lottery;
- The protection of the national cultural heritage;
- The external Cultural Policy;
- Cultural institutions and events in England;
- Supervising non-governmental and public bodies in the field of culture, media and sport, as well as non-departmental public body for the protection of cultural heritage in England, and
- Developing regional focus in cultural activities.

Regional Authorities

The Scottish Parliament is responsible for:

- Primary legislation in the area of arts and its enforcement;
- Providing funding for libraries and museums, as well as financial support for cultural activities and institutions, and
- Preserving monuments and historic buildings in Scotland.

The National Assembly for Wales is responsible for:

- Arts and crafts;
- Museums and galleries;
- Libraries;
- Maintaining archives and historical records;
- Organising cultural activities and projects.

(Exceptions—Public lending right. Broadcasting. Classification of films, and video recordings. Government indemnities for objects on loan. Payments to Her Majesty's Revenue and Customs in respect of property accepted in satisfaction of tax, apart from property in which there is a Welsh national interest.)

The Northern Ireland Assembly is responsible for the policy field of Culture, including arts, libraries, museums, sports.)
There exists a close working relationship between national department and local authorities in the field of culture.

**Local Authorities**

Local authorities are responsible for:

- Delivering cultural services;
- Running museums;
- Supporting tourism, arts and public libraries;
- Developing Local Cultural Strategies corresponding to local needs, and
- Monitoring policy implementation (National department and the Local Government Association).

**Sources**  
[Department for Culture Media and Sport](#)
h. Public health policy

Central Government

The central government is responsible for:

- General policy guidelines, legislative framework and setting of overall policy objectives for Public Health;
- Legislation on and implementation of Public Health Policy for England, and
- Public health education in England.

The Health Agency is in charge of specific aspects and programmes of health education and disease prevention.

Regional Authorities

The Scottish Parliament is responsible for:

- Primary Health Policy;
- Health education in Scotland, and
- The administration of health services and hospitals.

Since May 2011, the National Assembly for Wales is responsible for:

- The promotion of health;
- The prevention, treatment and alleviation of disease, illness, injury, disability and mental disorder;
- The control of disease;
- Family planning;
- The provision of health services, including medical, dental, ophthalmic, pharmaceutical and ancillary services and facilities;
- Clinical governance and standards of health care, and
- The organisation and funding of national health service.

(NB – list of exceptions)
The Northern Ireland Assembly is responsible for:

- Health policy;
- Health education;
- The administration of health services and hospitals, and
- Non-departmental and public body in charge of health promotion programmes.

Local Government

Local authorities, in partnership with hospitals, are responsible for:

- Promoting public health;
- Public Health care provision;
- Health care for elderly, children and handicapped people.

Local authorities take part in the Public Health education and preventive care with respect to specific public health issues (cancer, AIDS etc.)

In October 2011, the ten strategic health authorities in England merged to form four clusters which will manage the National Health Service until April 2013.

There exist fourteen Local Health Boards and Special Health Boards (NHS) in Scotland and seven Local Health Boards in Wales.

In Scotland, the integration of care and health care services is currently under discussion.

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*Local government activities in the field of Public Health are based on government legislation and statutes.*
i. Trans-European Networks policy

Central Government

The central government is responsible for:

- The construction and maintenance of transport infrastructure in England;
- Transport Safety measures in the country, and
- Cooperating with devolved administrations (Department of Transport, Environment and the Regions).

The National agencies for the administration of transport infrastructure are the Highways Agency, the Office of the Rail Regulator and the Office of Passenger Rail Franchising.

Regional Authorities

The Scottish Parliament is responsible for:

- Primary legislation for the Scottish road network;
- The construction of new railways, and
- The provision of rail service.

The National Assembly for Wales is responsible for:

- Secondary legislation for the construction and maintenance of railways in Wales, and
- Further transport infrastructure projects in Wales.

The Northern Ireland Assembly is responsible for:

- Transport infrastructure planning and road services.
Local Government

Local authorities are responsible for\textsuperscript{441}:

- Actions based on governmental legislation;
- Local planning, local transport infrastructure, detailed planning;
- Carrying out specific tasks in the transport infrastructure planning, which have been funded by the state;
- Developing local transport strategies, which are related to and interconnected with major transport infrastructure projects. This is specifically the case in Scotland;
- Adopting local transport plans, and
- Developing local plans for policy implementation

\textsuperscript{441} Local governments are based on statute.
j. Economic, social and territorial cohesion policy

Central (UK) Government

The central government is responsible for:

- Overall policy coordination of the Structural Funds, including leading the negotiations with the EU institutions on future Structural Funds spending across the UK (Department for Business, Innovation and Skills (BIS));
- The delivery of the European Regional Development Fund (ERDF) in England (Department for Communities and Local Government (DCLG)), and
- The delivery of the European Social Fund (ESF) (Department for Work and Pensions (DWP)).

Regional (national) Authorities

The Scottish Executive, the Welsh Assembly Government and the Northern Ireland Administration are responsible for regional policy, including delivering the Structural Funds, on their territories.

The three countries have their own Spatial Plans.

Local Authorities

In the process of closure of the Regional Development Agencies (RDAs) and the Government Offices for the Regions (expected by March 2012), ERDF Managing Authority functions devolved to the RDAs were transferred to DCLG, and ERDF Programme Monitoring Committees were replaced by Local Management Committees (LMCs) in the regions.

The LMCs are chaired by DCLG and include representatives of local authorities, higher and further education institutions, environmental bodies, the voluntary and private sectors, members of the business community, as well as of Local Enterprise Partnerships.

Regional Spatial Strategies (RSS), which had been established in 2004, were abolished by the coalition government in 2011. The Localism Act increases the powers of local authorities and communities.
Sources
http://www.communities.gov.uk/regeneration/regenerationfunding/europeanregionaldevelopment/200713fund/
http://www.local.gov.uk/web/10161/localism-act/-/journal_content/56/10161/3107246/ARTICLE-TEMPLATE
http://www.communities.gov.uk/localgovernment/decentralisation/localismbill/keymeasures/
k. Environment and the fight against climate change

Central Government

The central government, in close cooperation with the devolved administrations in Wales, Scotland and Northern Ireland, is responsible for:

- UK environmental legislation and policy, including:
  - the natural environment, biodiversity, plants and animals;
  - sustainable development and the green economy;
  - Food, farming and fisheries;
  - Animal health and welfare;
  - Environmental protection and pollution control, and
  - Rural communities and issues

- Leading on negotiations in the EU and internationally. (Department for Environment, Food and Rural Affairs (Defra)).

The environment is a near-fully devolved area under the respective settlements (as well as through designations of responsibility for implementing European law in the European Communities Act). The UK thus has four territorial competent authorities (TCAs), for example, with regard to the implementation of EU GMO regulations.

Regional Authorities

Scotland has had legislative and executive powers since devolution. The areas covered are broadly similar, but nature conservation law is different from the rest of the UK. The Climate Change (Scotland) Act 2009 is more ambitious than the parallel UK legislation. Regulation is mainly in the hands of the Scottish Environment Protection Agency (SEPA), a non-departmental public body accountable through Scottish Ministers to the Scottish Parliament.

The Scottish Government has devolved powers over statutory land use policy and shares authority over transport policy with the UK. It also has responsibility for funding and overseeing Scottish local government services. It is also responsible for regulating most public sector activities relating to climate change within its boundaries, even where certain governmental powers are technically exercised either at UK or EU level.442

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The National Assembly for **Wales** is responsible for:

- Legislation in the field of environmental protection, including pollution, nuisances and hazardous substances;
- The prevention, reduction, collection, management, treatment and disposal of waste;
- Land drainage and land improvement;
- Countryside and open spaces;
- Nature conservation and sites of special scientific interest;
- Protection of natural habitats, coast and marine environment, including seabed;
- Biodiversity;
- Genetically modified organisms (GMOs);
- Smallholdings and allotments;
- Common land;
- Town and village greens, and
- Burial and cremation, except coroners' functions.

England and Wales share the Environment Agency, which is both an Executive Non-departmental Public Body responsible to the Secretary of State for Environment, Food and Rural Affairs and a Welsh Government Sponsored Body responsible to the Minister for Environment and Sustainable Development.

There is no independent regulator in Northern Ireland. The Northern Ireland Environment Agency is an “executive agency” of the Department of the Environment.

**Local Authorities**

**England:**

Local authorities regulate on a range of environmental matters including:

- Local Authority air pollution control;
- Statutory nuisances, including noise, odours and smells;
- Contaminated land, and
- Land use planning and tree preservation orders.
Scotland:

Local authorities are principal regulators on matters of:

- Contaminated land;
- Flood management;
- Statutory nuisance, local air quality, and
- Environmental health.

These responsibilities are reflected in SOAs with the Scottish Government (see general).

Sources
http://www.defra.gov.uk/corporate/
http://www.ukela.org/rte.asp?id=30;
1. Energy

Central Government

Energy is a reserved power of the UK government except for Northern Ireland.

Regional Authorities

Northern Ireland

Energy policy is a devolved power except for nuclear energy and installations.

Wales

Encouragement of energy efficiency otherwise than by prohibition or regulation

Scotland

Promotion of energy efficiency.

Local Authorities

England

March 2011 Memorandum of Understanding (MOU) between DECC and the Local Government Group on how to help councils to:

- Reduce carbon emissions from their own estate and operations;
- Reduce carbon emissions from homes, businesses and transport infrastructure;
- Create more, appropriate renewable energy generation, using council influence and powers, and
- Participate in national carbon reduction initiatives at the local level.

Sources

Memorandum of Understanding (2011). Between the LG Group and the Department of Energy and Climate Change

27.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture

Central Government

Agriculture is fully devolved within the UK.

The Department for Environment, Food and Rural Affairs (Defra) only works directly in England.

Regional Authorities

Full responsibility at this level.

Local Authorities

There is no policy responsibility at local level
b. Fisheries

Central Government

Fisheries is a fully devolved area within the UK.

Regional Authorities

The Department for Environment, Food and Rural Affairs (Defra) only works directly in England.

Local Authorities

Full responsibility at this level.

There is no policy responsibility at local level
c. **Immigration and asylum**

**Central Government**

Immigration and asylum are reserved areas of central UK authority.

The UK Border Authority (UKBA) is an agency of the Home Office. Its operations are split into six UK regions.

**Regional Authorities**

**Scotland**

The UKBA has recognized Scotland’s statutory responsibility for the well-being of children and works with Scottish authorities on issues affecting asylum.
d. Tourism

Central Government

The Department for Culture, Media and Sport is responsible for UK policy on tourism. It is responsible for both VisitBritain and VisitEngland, and works with VisitScotland and VisitWales.

Regional Authorities

Tourism is devolved.

Scotland

The Economy, Energy and Tourism Directorate of the Scottish Executive has responsibility for tourism in Scotland and funds VisitScotland.

Wales

The Welsh Government’s Department for Business, Enterprise Technology and Science is responsible for tourism and funds VisitWales.

Northern Ireland

The Department for Enterprise, Trade and Investment is responsible for tourism, including the Northern Ireland Tourist Board.

Local Authorities

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e. Civil protection

Central Government

Civil protection in the UK is primarily governed by the Civil Contingencies Act 2004.

Specific arrangements apply in Scotland and Northern Ireland.

Regional Authorities

Scotland

While civil protection in Scotland is largely a devolved matter and therefore the responsibility of the Scottish Executive, certain responders in Scotland are subject to Regulations and guidance by UK Ministers – the Health and Safety Executive, the Maritime and Coastguard Agency and the British Transport Police.

The Northern Ireland Government is responsible for:

- Civil contingencies and oversight of civil contingencies arrangements for transferred functions;
- Overall policy and strategy co-ordination (Office of the First Minister and Deputy First Minister (OFMDFM)), and
- National security matters, including crisis management arrangements to govern the strategic response to emergencies. (Northern Ireland Office of the UK Government).

Local Authorities

England and Wales

Local authorities and “local emergency responders” including fire, police and ambulance services are obliged to:

- Maintain a Community Risk Register, and
- Meet in a “Local Resilience Forum” (LRF).

Regional Resilience Forums formerly provided a uniform system for LRF collaboration within regions. With the abolition of the regional government
offices, “responders may now replace these regional forums with more flexible structures for multi-LRF working”.

Sources
http://www.cabinetoffice.gov.uk/resource-library/emergency-preparedness
Civil Contingencies Act Chapters 2 and 16 as revised March 2012.

Enlargement Countries
Acceding Country
28. Croatia

The process of Croatia’s independence from the former Yugoslavia started in 1990: the first free, multiparty democratic elections were held during the spring and the democratic Croatian Parliament was constituted on 10 May 1990. A referendum on the country’s independence was held on 19 May 1991 and resulted in the declaration of independence on 25 June 1991. Croatia’s independence was recognised by the European Community on 15 January 1992.

Croatia went from being a semi-presidential system to a parliamentary system in 2000. The Croatian Parliament (Sabor) has been unicameral since the 2001 amendments which abolished the former Chamber of Counties.

Croatia is not yet a member of the European Union but is an acceding country since the signature of the Accession Act. The Croatian people said yes to a referendum on Croatia’s accession to the EU on 22 January 2012. Accession is planned for 1 July 2013.

Croatia is a unitary State (Constitution, Art. 1) with three levels of governance: at the central level, at the regional level with the Counties (županija) and at the local level with the Municipalities and Towns. The City of Zagreb has a special status, having competences of both a Town and a County, and a significant role in performing State administrative tasks in its territory. The decentralisation process started on 1 July 2001 when certain functions and costs of elementary and secondary education, health care, welfare, and fire fighting service were transferred from the national budget to the budgets of the local governments445. In 2005, the category of large Towns was introduced, with a wider circle of self-government competences. Towns that are County seats received widened competencies at the same time. Croatia is also divided into three statistical Regions.

Croatia is divided into 21 regional government units: 20 Counties (županija) and the City of Zagreb. Each County (apart from the City of Zagreb) consists of Towns and Municipalities. There are 126 Towns and 429 Municipalities in total. Among the Towns, the category of so-called large Towns has been introduced for local government units with more than 35,000 citizens446.

Local government is enshrined in the Constitution (Art. 133-138). Counties have a relatively large degree of autonomy. Local and Regional Authorities (LRAs) have a general competence for matters of interest to their respective

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445 Ministry of Finance: Decentralisation of Public Sector in Croatia
446 Leaflet on the website of the Association of Municipalities of the Republic of Croatia
level. They exercise their functions in accordance with the subsidiarity principle, which was recognised as a constitutional principle in 2000.

Besides the Constitution which defines the local government system (Art. 133-138), the Law on Local and Regional Self-Government (2001), the Law on Public Utilities and many other special laws further describe the LRAs’ responsibilities.

LRAs are granted financial autonomy as regards their revenue. The latter is derived from own sources (such as assets revenues, taxation, fines, administrative fees, etc.), shared taxation, aids, financial assets revenues and loans. Moreover, the State has the duty to financially assist the weaker LRAs.

**Croatia is currently undergoing a decentralisation process**. Within the framework of Croatia's administrative and territorial re-organisation, a decrease in the number of the local self-government units was planned, but did not take place. A Council on Decentralisation was established by the new Government to produce a Policy Paper on decentralisation. This process should also be linked to the territorial re-organisation and it is expected to be finalised by September 2012.

**Central level**

The State has responsibilities in the field of:

- Overall legislation and execution;
- Security and defence;
- Foreign and domestic policy;
- Direction and control over the civil service operation;
- Economic development;
- Direction of the performance and development of public services.

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447 Association of Municipalities in the Republic of Croatia, *Local and regional government in Croatia*

448 Croatia is not covered by Dexia.

449 Council of European Municipalities and Regions, *The CEMR/Members/Croatia*

Regional level

Counties have responsibilities in the field of\textsuperscript{451}:

- Tasks of regional importance;
- Education;
- Healthcare;
- Regional and urban planning;
- Economic development;
- Environmental protection;
- Transport and traffic infrastructure;
- Establishment and development of the network of educational, medical, social and cultural institutions;
- Maintenance of public roads\textsuperscript{452};
- Issuing location and construction permits (except in territories of large towns)\textsuperscript{453}.

Local level

Municipalities have responsibilities in the field of\textsuperscript{454}:

- Tasks of local importance which directly address the needs of the citizens, and which are not assigned to state bodies by constitution or law;
- Organisation of settlement and housing;
- Spatial and urban planning;
- Utility services;
- Primary health protection;
- Social welfare;
- Elementary education;
- Culture, physical culture and sports;
- Consumer protection;
- Environment (protection and improvement of natural environment);
- Fire protection and civil protection;
- Traffic management.

\textsuperscript{451} Local and regional self-government act (6 April 2001).
\textsuperscript{452} Council of European Municipalities and Regions, \textit{The CEMR/Members/Croatia}
\textsuperscript{453} Ibid
\textsuperscript{454} Local and regional self-government act (6 April 2001).
Besides these competences, large Towns also have competence in the field of:

- Maintenance of public roads;
- Construction and renting permits.

### 28.1 Systems of multilevel governance

#### Representation:

There are associations of LRAs at all levels of governance:

- The [Croatian County Association](#) represents counties and promotes regional self-government;
- The [Association of Cities](#);
- The [Association of Municipalities](#); and
- The Coordination of Local Self-Government (a new organisational form of the old umbrella organisation – the Union of Association of Cities and the Association of Municipalities, established in February 2012).

#### Information and consultation:

During the legislative process, information is provided to the LRAs to the extent that information is published on the Parliament’s website.

No formal consultation procedure of LRAs exists. However the representatives of the different associations are often invited to participate in working groups who draft the relevant legal acts. Also, they often organise round table discussions or other public events where they present their opinion on the legal acts in public, raise concerns and propose solutions.

#### Coordination:

**Vertical coordination:**

State-LRAs: State administration authorities monitor the work of LRAs and are authorised notably to supervise the performance of the entrusted State administration activities in accordance with the law and to propose the dismissal of the LRA chairmen.

Counties-Municipalities: The Croatian County Association supports cooperation between the Counties and the local self-government units.

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455 Council of European Municipalities and Regions, The CEMR/Members/Croatia
456 Osijek baranja County portal, Croatian County Association
Horizontal coordination:

According to Article 54 of the Law on Local and Regional Government, two or more local self-government units may jointly organise the performance of specific tasks.\textsuperscript{457}

28.2 Relations with the EU / Representation at the EU level

Croatia has \textbf{nine observers in the CoR}, however strictly speaking this is not a delegation yet. As of 1 April 2012 Croatia has 12 observers in the European Parliament\textsuperscript{458}.

The Croatian Regions have a \textbf{liaison office in Brussels}\textsuperscript{459}.

Both the Association of Municipalities and the Association of Cities cooperate with the \textbf{Network of Associations of Local Authorities of South-East Europe (NALAS)}. The Croatian County Association is a member of the \textbf{Council of European Municipalities and Regions (CEMR)}. A total of 19 Counties are members of the \textbf{Assembly of European Regions (AER)}.

28.3 Subsidiarity

Not applicable

28.4 Bibliography

Legislation

Assembly of the European Regions, \textit{Regionalism Report on Croatia}, 2010

Act on job placement and unemployment insurance of 21.03.2002 (Official Gazette 32/02 with amendments 1576/03 and 2187/03).


\textsuperscript{458} \textit{The Observers in the European Parliament}, European Parliament.

\textsuperscript{459} \textit{Croatian Regions Office}.

Law on social care.

**Law on regional development of** 17.12.2009, no. 302-01/09-01/02

Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.

*Provision of tourism services Act of 21.06.2007*.

Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09).

**Sports Act (NN 71/06).**

The Environmental Protection Act of 10.10.2007 [provisional translation].


Vocational education and training Act of 27.09.2009

Websites

- Assembly of European Regions (AER)
- Association of Cities
- Association of Municipalities
- Council of European Municipalities and Regions (CEMR)
- Croatian County Association.
- Ministry on regional development, Regionalni razvoj
- National government.
- Government portal, Government/About Croatian Government/Ministries/Ministry of the Sea, Transport and Infrastructure
Publications and Studies


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Council of Europe/ERICarts, *Compendium Cultural Policies and Trends in Europe, Country profile – Croatia*

Council of Europe and European Union, Partnership between the European Commission and the Council of Europe in the field of youth, *Country sheet on youth policy in Croatia*, drafted by Sandra Car

ERI SEE, *The list of laws and regulations of the Republic of Croatia from the competence of the Ministry of Education and Sport*

European Union’s IPA Programme on civil protection cooperation for the candidate countries and potential candidates, *Country profile/Croatia*.

UN Food and Agriculture Organization, Fisheries and Aquaculture Department, *National Aquaculture Sector Overview/Croatia*, 2012.
28.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level\(^{460}461462463\)

State authorities are responsible for:

- Legislation;
- Domestic and international maritime, road, railway, air, postal and telecommunications traffic;
- River and lake traffic;
- Maritime transportation – state lines: regulation and concessions;
- Construction and maintenance of highways and state roads.

Regional level\(^{464}465466467\)

Regional authorities are responsible for:

- Transport and traffic infrastructure of regional importance;
- Construction and maintenance of County and local public roads;
- Operation of railways of regional importance, if specifically transferred by the government’s decision (not yet been done);
- Maritime transportation – County lines: regulation and concessions.

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\(^{460}\) Government portal, Government/About Croatian Government/Ministries/Ministry of the Sea, Transport and Infrastructure; Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09).

\(^{461}\) Law on road traffic transportation (OG: 178/04, 48/05, 111/06, 63/08, 124/09, 91/10, 112/10).

\(^{462}\) Law on roads (OG: 84/11).

\(^{463}\) Law on maritime transportation (OG: 33/06, 38/09, 87/09, 18/11).

\(^{464}\) Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09); Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.

\(^{465}\) Law on road traffic transportation (OG: 178/04, 48/05, 111/06, 63/08, 124/09, 91/10, 112/10).

\(^{466}\) Law on roads (OG: 84/11).

\(^{467}\) Law on maritime transportation (OG: 33/06, 38/09, 87/09, 18/11).
Local level\textsuperscript{468, 469, 470, 471}

Local authorities are responsible for:

- Traffic management;
- Operation of railways of local importance, if specifically transferred by the government’s decisions (not yet been done);
- Construction and maintenance of uncategorised roads;
- Maintenance of county and local public roads in their area (only for large Towns and County seats Towns);
- Maritime transportation – local lines: regulation and concessions;
- Local public transport;
- Taxi service – regulation and issuing of permits.

\textsuperscript{468} Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09); Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
\textsuperscript{469} Law on road traffic transportation (OG: 178/04, 48/05, 111/06, 63/08, 124/09, 91/10, 112/10).
\textsuperscript{470} Law on roads (OG: 84/11).
\textsuperscript{471} Law on maritime transportation (OG: 33/06, 38/09, 87/09, 18/11).
b. Employment policy

Central level\textsuperscript{472}

State authorities are responsible for:

- Overall employment and labour policy;
- International cooperation;
- Regulation of terms of employment;
- Labour market and employment;
- Relations with trade unions and employers’ organisations;
- Workplace safety;
- System and policy of pension and disability insurance;
- Unemployment benefits;
- Central Employment Service.

Regional level\textsuperscript{473}

Regional authorities may:
- Establish a regional Economic and social committee (a consultative body for tripartite cooperation);
- Establish a regional development agency.

Local level\textsuperscript{474}

Local authorities may:
- Establish a local Economic and social committee (a consultative body for tripartite cooperation).

\textsuperscript{472} Government portal, \textit{Government/About Croatian Government/Ministries/Ministry of Economy, Labour and Entrepreneurship} Ministry of Economy, Labour and Entrepreneurship, \textit{Labour/Croatian Employment Service}; Act on job placement and unemployment insurance of 21.03.2002 (Official Gazette 32/02 with amendments 1576/03 and 2187/03);

\textsuperscript{473} Unofficial translation of the Labour Act (consolidated text) of 21.09.2004 (Official Gazette No. 137/2004)

\textsuperscript{474} Ministry of work and pension system, \textit{Office for Social Partnership}

\textsuperscript{474} Ibid.
c. Social policy

Central level

State authorities are responsible for:

- Regulation of standards of social rights and social services;
- Network of social services;
- Organisation, coordination and supervision of social care activities;
- System and policy of pensions and disability insurance;
- Unemployment benefits;
- Establishment and running of Centres for social care which are situated in towns and municipalities;
- Counselling, expert, analytical and other assignments with regard to procedures concerning marriage, parental care, custody or adoption;
- Possibility for establishing of social care homes;
- Establishment and management of family centres.

Regional level

Regional authorities are responsible for:

- Possibility to raise standards of social rights and social services above those prescribed by the law;
- Council for social care;
- Planning of social services in the County;
- Financing heating expenses for the poor;
- Social housing;
- Possibility for establishing social care homes;
- Possibility for establishing centres for help and care.

475 Law on social care; Government portal, Government/About Croatian Government/Ministries/ Ministry of Economy, Labour and Entrepreneurship
476 Law on social care (OG: 33/12).
477 Law on social care (OG: 33/12).
478 Law on social care (OG: 33/12).
Local authorities are responsible for:

- Possibility for raising standards of social rights and social services above those prescribed by the law;
- Participation in funding;
- Possibility for establishing a centre for aid and care;
- Possibility for establishing centres for help and care;
- Covering housing expenses (rent, energy bills etc.) for the poor;
- Public canteens (for large towns only);
- Shelters for homeless (for large towns only);
- Social housing.

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479 Law on social care; Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
480 Law on social care (OG: 33/12).
d. Education policy

Central level\textsuperscript{481 482 483}

State authorities are responsible for:

- Pre-school (monitoring; curricula for pre-schools with developmental disorders and pre-schools with gifted children; regulation of standards; supervision over the implementation of law and regulations; inspection and expert-pedagogical supervision);
- Elementary education (supervision over implementation; granting authorisations; curricula and syllabi; regulation of standards, salaries for teachers);
- Secondary education (curricula and syllabi; regulation of standards; granting authorisations);
- Higher education (establishment of public universities, development of curricula and syllabi, funding and monitoring, salaries for teachers; National Council for Higher Education);
- Adult education (Adult Education Council - advisory body); Agency for Adult Education in charge of the monitoring, development and evaluation of the adult education system);
- May establish primary schools and secondary schools;
- May transfer the power to establish schools and associated rights to counties and local authorities;
- Develops national network of school institutions.

Regional level\textsuperscript{484 485 486}

Regional authorities are responsible for:

- May establish elementary schools and secondary schools (with prior approval from the Ministry of Education);
- Elementary school funding and management, including:


\textsuperscript{482} Law on pre-school education (OG: 10/97, 107/07).

\textsuperscript{483} Law on education in elementary and secondary schools (OG: 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12).


\textsuperscript{485} Law on pre-school education (OG: 10/97, 107/07).

\textsuperscript{486} Law on education in elementary and secondary schools (OG: 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12).
• Transportation of students;
• Travel expenses for employees;
• Current and capital maintenance and investments;
• Appointing three out of seven members of the school board (if County is a founder);

• Secondary schools and education funding and management, including:
  • Transportation of students;
  • Travel expenses for employees;
  • Current and capital maintenance and investments;
  • Appointing three out of seven members of the school board (if County is a founder);

• Planning and development of institutions;
• May transfer the power to establish schools and associated rights to local authorities.

Local level\textsuperscript{487, 488, 489}

Local authorities are responsible for:

• Preschool education and childcare – management and maintenance;
• May establish elementary schools (with prior approval from the Ministry of Education);
• Elementary-school funding and management, including:
  • Transportation of students;
  • Travel expenses for employees;
  • Current and capital maintenance and investments;
  • Appointing three out of seven members of a school board (if local authority is a founder).

\textsuperscript{488} Law on pre-school education (OG: 10/97, 107/07).
\textsuperscript{489} Law on education in elementary and secondary schools (OG: 87/08, 86/09, 92/10, 105/10, 90/11, 5/12, 16/12).
e. **Vocational training policy**

**Central level**

State authorities are responsible for:

- Lifelong learning;
- Adult education;
- Vocational Training, being part of the secondary school system:
  - Agency for vocational education, training and adult education;
  - May establish secondary schools;
  - Secondary education (curricula and syllabi; regulation of standards; granting authorisations).

**Regional level**

Regional authorities are responsible for:

- Adult education: funding and partial management of adult education institutions established by authorities at the regional level;
- Vocational Training, being part of the secondary school system:
  - Participation in the vocational training system;
  - May establish secondary schools (with prior approval from the Ministry of Education);
  - Secondary schools and education funding and management, including:
    - Transportation of students;
    - Travel expenses for employees;
    - Current and capital maintenance and investments;
  - Appointing three out of seven members of the school board (if County is a founder).

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Local level\textsuperscript{492}

Local authorities are responsible for:

- Adult education: funding and partial management of adult education institutions established by authorities at the local level;
- Participation in the vocational training system.

f. Youth and Sport policy

Central level

State authorities are responsible for:

Youth policy

- Overall legislation in accordance with international standards;
- Adoption of national programmes, strategies and policies;
- Funding of civil society organisations and youth clubs;
- Programmes fighting against addiction problems of the youth;
- Promotion of informal education and leisure activities;
- Implementation of the National Programme of Action for the Youth.

Sport policy

- National Sports Council;
- National Sports Programme;
- Funding of the Annual Implementation Programme;
- System organised with federations and associations at all levels;
- Croatian Olympic Committee;
- Croatian Paralympics Committee;
- Croatian Deaf Sports Association.

Regional level

Regional authorities are responsible for:

Youth policy

- Youth advisory boards at the County level: establishment (optional), organisation of elections, and funding of those bodies;
- Participation in the implementation of the national policy;
- Regional Youth Programmes adopted in cooperation with youth association;
- Ensuring access to education to the youth;
- Development of scholarship programmes;
- Co-funding

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493 Sports Act (NN 71/06); Council of Europe and European Union, Partnership between the European Commission and the Council of Europe in the field of youth, Country sheet on youth policy in Croatia, drafted by Sandra Car
Sport policy

- Implementation of the National Sports Programme;
- May establish and finance public needs in sports above national standards;
- Sports activities in schools;
- Funding:
  - Sports promotion;
  - Sports activities for children, youth and students;
  - Supporting sports associations and communities;
  - Citizen’s recreational activities;
  - Organisation of domestic and international sports competitions;
  - Planning, building and maintenance of sports facilities.

Local level

Local authorities are responsible for:

Youth policy

- Youth advisory boards at the local level: establishment (optional), organisation of elections and funding of those bodies;
- Participation in the implementation of the national policy;
- Local Youth Programmes adopted in cooperation with youth association;
- Ensuring access to education for the youth;
- Development of scholarship programmes;
- Co-funding.

Sport policy

- Implementation of the National Sports Programme;
- May establish and finance public needs in sports above national standards;
- Sports activities at school;
- Funding:
  - Sports promotion;
  - Sports activities for children, youth and students;
  - Supporting sports associations and communities;
  - Citizen’s recreational activities;
  - Organisation of domestic and international sports competitions;
  - Planning, building and maintenance of sports facilities.
g. Culture policy

Central level

State authorities are responsible for:

- Legislation;
- Cultural Councils (consultative bodies);
- Promotion of culture;
- International cooperation;
- Information;
- Stimulation of cultural programmes;
- Provision of funds, material for the development of cultural activities, including museums, galleries, libraries, archives, theatres, publications, fine arts and cinema;
- Protection of cultural heritage;
- Conservation and protection of historical town centres;
- Arts education;
- Museums;
- National Theatres.

Regional level

Regional authorities are responsible for:

- Establishment and development of cultural institutions;
- Regional cultural councils;
- Protection of cultural heritage (if not already protected by the state);
- Possibility for establishing and funding public theatres;
- Possibility for establishing and funding museums.

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495 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2; Council of Europe/ERICarts, [Compendium Cultural Policies and Trends in Europe, Country profile – Croatia](#).
496 Law on museums (OG: 142/98, 65/09).
497 Law on libraries (OG: 105/97, 69/09).
498 Law on theatres (OG: 71/06).
499 Law on protection and preservation of cultural heritage (OG: 66/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 65/12).
Local level

Local authorities are responsible for:

- Local cultural councils;
- Establishment, management and funding of public libraries (mandatory function);
- Protection of cultural heritage (if not already protected by the state);
- Possibility for establishing and funding public theatres;
- Possibility for establishing and funding museums.

500 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2; Council of Europe/ERICarts, *Compendium Cultural Policies and Trends in Europe, Country profile – Croatia*
503 Law on theatres (OG: 71/06).
504 Law on protection and preservation of cultural heritage (OG: 66/99, 151/03, 157/03, 100/04, 87/09, 88/10, 61/11, 65/12).
h. Public health policy

Central level

State authorities are responsible for:

- Legislation, strategic plans and overall standards;
- Healthcare and health insurance system;
- Protection of the population from infectious and non-infectious diseases, ionising and non-ionising radiation;
- Health validity of foods and objects;
- Use of healthcare potentials;
- Construction and investments in healthcare;
- Setting up of healthcare institutions;
- Regulation of standards;
- Sanitary inspection.
- National Health Institutes,
- Exclusive right to establish, manage and fund institutions for the highest level health service: clinics, clinic centres.

Regional level

Regional authorities are responsible for:

- Establishment and funding of medical institutions founded by the County: general hospitals, special hospitals, ambulance services, primary health services;
- Institutes for public health;
- Ambulance services;
- Primary health protection (Health homes);
- Coronation services;
- Health councils;
- Coordination of health care institutions;
- Concessions for services of primary healthcare;
- Concessions for pharmacy services;
- Planning of health protection;
- Planning and financing of health promotion and prevention activities;
- Organisation of public procurement for institutions founded by counties;

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505 Government portal, Government/About Croatian Government/Ministries/ Ministry of Health and social care
506 Law on health protection (OG: 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12).
507 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
508 Law on health protection (OG: 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12).
• Financing of epidemiological protection, food, water, soil and noise inspection;
• Financing of investments and current expenses for maintenance for health institutions founded by the County.

Local level\textsuperscript{509} 510 511

Local authorities are responsible for:

• Possibility for establishing special hospitals (towns only);
• Financing of investments and current maintenance of special hospitals founded by towns;
• Participation in the counties’ Health councils;
• Possibility for contracting more services and higher standards, especially during tourist season.

\textsuperscript{509} Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
\textsuperscript{511} Law on health protection (OG: 150/08, 71/10, 139/10, 22/11, 84/11, 154/11, 12/12).
i. Trans-European networks policy

Central level\textsuperscript{512}

State authorities are responsible for:

- International maritime, road, railway, air, postal and telecommunications traffic.

Regional level\textsuperscript{513}

Regional authorities are responsible for:

- Transit and traffic infrastructure of regional importance;
- Operation of railway of regional importance, if specifically transferred by the government’s decisions (not yet done).

Local level\textsuperscript{514}

Local authorities are responsible for:

- Operation of railways of local importance, if specifically transferred by the government’s decisions (not yet done).

\textsuperscript{512} Government portal, Government/About Croatian Government/Ministries/ Ministry of the Sea, Transport and Infrastructure

\textsuperscript{513} Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09); Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.

\textsuperscript{514} Railway Act (OJ No. 123/03, 194/03, 30/04, 79/07, 75/09).
j. Economic, Social and Territorial Cohesion policy

Central level

State authorities are responsible for:

**Spatial planning:**

- Strategy of spatial development;
- Programme for spatial planning;

**Regional development:**

- Planning, implementation and coordination of regional development policy;
- Policies aiming at cross-border, transnational and inter-regional cooperation;
- Preparation of strategic and operational documents and plans on the use of EU funds;
- Actions aiming at the reduction of disparities and at the creation of sustainable economic and social development;
- Approval of the Regional Development Strategy for the Croatian Regional Development;
- Agency for Regional Development;
- Proclamation of supported areas which benefit from various incentives (such as tax relieves, extra revenues, direct subsidies etc.), these areas being the Areas of special State concern (184 local authorities), the hilly and mountainous areas (45 LU), the islands (50 LU) and the town of Vukovar.

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515 Ministry on regional development, *Regionalni razvoj*.
516 Law on spatial regulation and construction: (OG: 76/07, 38/09, 55/11, 90/11, 50/12, 55/12).
517 Law on regional development (OG: 153/09).
518 Law on areas of special state concern (OG: 86/08, 57/11).
519 Law on islands (OG: 33/06).
520 Law on hilly and mountainous areas (OG: 12/02, 32/02, 117/03).
Regional authorities are responsible for:

**Spatial planning**

- County spatial plan – must be in accordance with national spatial documents;
- Regional and urban planning;
- Issuing location and construction permits (except in territories of large towns);
- Economic development;

**Regional development:**

- County development agencies (one in each County);
- Three Partnership Councils (advisory bodies);
- Approval of the County Development Strategy (and the development strategy of the City of Zagreb) in cooperation with local self-government units.

Local authorities are responsible for:

**Spatial planning:**

- Spatial planning (organisation of settlement; town and urban planning) – must be in accordance with the spatial plans of higher levels;
- Large towns also have competence in the field of construction and location permits;

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521 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2; [Law on regional development of 17.12.2009](#).
522 Law on spatial regulation and construction: (OG: 76/07, 38/09, 55/11, 90/11, 50/12, 55/12).
523 Law on regional development (OG: 153/09).
524 Law on areas of special state concern (OG: 86/08, 57/11).
525 Law on islands (OG: 33/06).
526 Law on hilly and mountainous areas (OG: 12/02, 32/02, 117/03).
527 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
528 Law on spatial regulation and construction: (OG: 76/07, 38/09, 55/11, 90/11, 50/12, 55/12).
529 Law on regional development (OG: 153/09).
530 Law on areas of special state concern (OG: 86/08, 57/11).
531 Law on islands (OG: 33/06).
532 Law on hilly and mountainous areas (OG: 12/02, 32/02, 117/03).
Regional development:

- Participation in the drafting of the County development strategies.
k. Environment and the fight against climate change policy

Central level

State authorities are responsible for:

- Legislation, implementation and monitoring;
- Approval of the Strategy for sustainable development in the Republic of Croatia and of the Environmental Protection Plan;
- Coordinating activities;
- Waste management: dangerous waste and waste incineration;
- Water regulation and water management (except for water supply and sewage systems, which is shared with local authorities);
- Protection of air, soil, water, sea, fauna and flora;
- International cooperation;
- Impact assessments;
- Inspection;
- Pedagogic, educational and research measures;
- Croatian Environment Agency;
- Environmental Protection and Energy Efficiency Fund;
- Environmental Protection and Sustainable Development Council;
- Adoption of the Environmental Protection Programme by the representatives of the Counties, the City of Zagreb and major Cities, with the prior approval of the Ministry.

Regional level

Regional authorities are responsible for:

- Implementation of environmental protection law;
- Regulation, organisation, financing and promotion of environmental protection activities of regional importance;
- Promotion of the environment;

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533 Government portal, Government/About Croatian Government/Ministries/ Ministry of Environmental Protection, Physical Planning and Construction.
534 Law on waters (OG: 153/09, 63/11, 130/11).
535 Law on waste (OG: 178/04, 153/05, 111/06, 110/07, 60/08, 87/09).
536 Law on environment protection (OG: 110/07).
537 Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2; The Environmental Protection Act of 10.10.2007 [provisional translation].
538 Law on waters (OG: 153/09, 63/11, 130/11).
539 Law on waste (OG: 178/04, 153/05, 111/06, 110/07, 60/08, 87/09).
540 Law on environment protection (OG: 110/07).
• Adoption of the Environmental Protection Programme by the representatives of the Counties, the City of Zagreb and major Cities, with the prior approval of the Ministry;
• Management of all types of waste except dangerous waste and waste incineration;
• Coordination of local authorities concerning waste management.

Local level\textsuperscript{541} 542 543 544

Local authorities are responsible for:

• Implementation of environmental protection law;
• Regulation, organisation, financing and promotion of environmental protection activities of local importance;
• Promotion of the environment at the local level;
• Adoption of the Environmental Protection Programme by the representatives of the Counties, the City of Zagreb and major Cities, with the prior approval of the Ministry;
• Possibility to adopt a local environmental protection programmes, if foreseen by the regional programs of particular local authorities;
• Waste Management Plans (in accordance with the County Waste Management plans and County’s environmental protection programme);
• Waste disposal and waste management for communal waste;
• Maintenance of public areas, parks and streets;
• Water supply and sewage systems – in cooperation with state authorities.

\textsuperscript{541} Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2; The Environmental Protection Act of 10.10.2007 \[provisional translation\]
\textsuperscript{542} Law on waters (OG: 153/09, 63/11, 130/11).
\textsuperscript{543} Law on waste (OG: 178/04, 153/05, 111/06, 110/07, 60/08, 87/09).
\textsuperscript{544} Law on environment protection (OG: 110/07).
1. **Energy policy**

Central level

State authorities are responsible for:

- Overall legislation and implementation of EU energy legislation at the national level;
- Strategy of energetic development;
- Programme of energetic development;
- Funding;
- Croatian Energy Regulatory Agency.

Regional level

Regional authorities are responsible for:

- Programmes for effective energy exploitation;
- Planning and development of gas distribution system at County level;
- Concessions for development of gas distribution system and for gas distribution activities;
- Participation in decision-making on location and construction of new power plants, energy networks and other facilities.

Local level

Local authorities are responsible for:

- Programmes for effective energy exploitation;
- Planning and development of thermal energy distribution facilities and systems;
- Concessions for development of thermal energy distribution system and distribution of thermal energy;

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546 Law on gas market (OG: 40/07, 152/08, 83/09, 91/11, 114/11).
547 Law on energy (OG: 68/01, 177/04, 76/07, 152/08, 127/10).
548 Law on production, distribution and supply of thermal energy (OG: 42/05, 40/10).
550 Law on gas market (OG: 40/07, 152/08, 83/09, 91/11, 114/11).
551 Law on energy (OG: 68/01, 177/04, 76/07, 152/08, 127/10).
552 Law on production, distribution and supply of thermal energy (OG: 42/05, 40/10).
554 Law on gas market (OG: 40/07, 152/08, 83/09, 91/11, 114/11).
555 Law on energy (OG: 68/01, 177/04, 76/07, 152/08, 127/10).
556 Law on production, distribution and supply of thermal energy (OG: 42/05, 40/10).
• Participation in decision-making on location and construction of new power plants, energy networks and other facilities.
28.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level\textsuperscript{557}

State authorities are responsible for:

- Overall agriculture policy;
- Regulation of legal rights on agricultural land;
- Inspection tasks;
- Incentive measures in accordance with the WTO standards;
- Regulation and coordination of co-financing;
- Regulation of standards.

Regional level\textsuperscript{558 559}

Regional authorities are responsible for:

\textit{Aid and grants for agriculture and rural development:}

- According to the Government’s directions and with prior approval from the Ministry of Agriculture, Fisheries and Rural Development, Counties may plan, develop and finance special incentives for rural development and agriculture support;
- Counties have to file a report to the ministry about the implementation of those incentives.

\textit{Land amelioration and public irrigation:}

- Adopting of irrigation programme;
- Construction and maintenance of buildings for public irrigation and land amelioration.

\textsuperscript{557} Government portal, \textit{Government/About Croatian Government/Ministries/ Ministry of Agriculture, Fisheries and Rural Development}

\textsuperscript{558} Law on water (OG: 153/09)

\textsuperscript{559} Law on state aids in agriculture and rural development (OG – Official Gazette: 92/10, 127/10, 124/11, 54/12).
Local level\textsuperscript{560}

Local authorities are responsible for:

\textit{Aid and grants for agriculture and rural development:}

- According to the Government’s directions and with prior approval from the Ministry of Agriculture, Fisheries and Rural Development, local authorities may plan, develop and finance special incentives for rural development and agriculture support;
- Local authorities have to file a report to the ministry about the implementation of those incentives;

\textit{Management of agriculture land of state property:}

- Maintenance, management and disposal of the agriculture land in state property including: agro-technical maintenance, contracting tenures, buying and selling.

According to a draft legislation which should be adopted in 2012, this competence will no longer be devolved to the local level as it will be delivered to the Agency for Agricultural Land.

\footnotesize{\textsuperscript{560} Law on agricultural land (OG: 152/08, 25/09, 153/09, 21/10, 90/10, 124/10, 39/11, 61/11).}
b. Fisheries policy

Central level\textsuperscript{561}

State authorities are responsible for:

- Overall legislation, regulation and implementation in accordance with the EU \textit{acquis communautaire}.

Regional level\textsuperscript{562}

Maritime fishery:

Counties, in cooperation with local authorities are responsible for:
- Ensuring that part of the ports are organised for fish discharging;
- Ensuring berth-spots for fishery ships;
- Proposing (to the Ministry of Agriculture, Fisheries and Rural Development) areas for fish and shellfish farming;
- Ensuring the necessary infrastructure for fish markets;
- Proposing fishery regulation concerning County area to the ministry.

Local level

Maritime fishery:

- Cooperation with counties (see regional level).

\textsuperscript{561} UN Food and Agriculture Organization, Fisheries and Aquaculture Department, \textit{National Aquaculture Sector Overview/Croatia}, 2012.
\textsuperscript{562} MŠ: Law on maritime fishery (OG: 56/10, 127/10, 55/11, 50/12)
c. Immigration and asylum policy

Central level\textsuperscript{563}

State authorities are responsible for:

- Entry, movement, stay and work of aliens on the Croatian territory;
- Asylum and refugee status (Ministry of Internal Affairs);
- Unaccompanied minors seeking asylum;
- Temporary protection;
- Financial support to asylum seekers, refugees and persons under temporary protection.

Regional level

Local level
d. Tourism policy

Central level\textsuperscript{564}

State authorities are responsible for:

- Overall legislation;
- Regulation of standards;
- Tourism promotion:
  - Establishment of the Croatian tourist community.

Regional level\textsuperscript{565}

Regional authorities are responsible for:

- Tourism promotion:
  - Establishment of the County tourist community, with Head of County as a president.

Local level\textsuperscript{566}

Local Authorities are responsible for:

- Tourism promotion:
  - Establishment of local tourist community with mayor as a president;
  - Improvement of the tourist infrastructure;
  - Cooperation with the local tourist community in different tourism-related activities.

\textsuperscript{564} Provision of tourism services Act of 21.06.2007.
\textsuperscript{565} Ibid.
\textsuperscript{566} MS: Law on touristic communities and promotion of Croatian tourism (OG: 152/08)
e. Civil protection policy

Central level\textsuperscript{567}

State authorities are responsible for:

- Overall policy, legislation and implementation;
- Risk assessment;
- Ensuring the efficient functioning of protection and rescue systems;
- Fire protection:
  - Funding of fire-fighting brigades;
  - Administrative and professional supervision over fire-fighting organisations.

Regional level\textsuperscript{568 569 570}

Regional authorities are responsible for:

- Assessment of the status of protection and rescue (once a year);
- Guidelines for the organisation and development of a protection and rescue system;
- Funding;
- Adoption of threat assessments and drafting of protection and rescue plans;
- Protection and rescue measures and activities;
- Other protection and rescue activities according to the law;
- Civil protection and rescuing:
  - Committee for the protection and rescuing at local level;
  - Coordination of all bodies in civil protection and fire protection at the County level;
  - In the case of an immediate catastrophe threat at the County level, the Head of County mobilises and coordinates all resources needed.

\textsuperscript{567} European Union’s IPA Programme on civil protection cooperation for the candidate countries and potential candidates, \textit{Country profile/Croatia}

\textsuperscript{568} Ibid; Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.

\textsuperscript{569} Law on protection and rescuing (OG: 174/04, 79/07, 38/09, 127/10).

\textsuperscript{570} Law on fire protection system (OG: 106/99, 117/01, 36/02, 96/03, 139/04, 174/04, 38/09).
Local level

Local authorities are responsible for:

• Assessment of the status of protection and rescue (once a year);
• Guidelines for the organisation and development of a protection and rescue system;
• Funding;
• Adoption of threat assessments and drafting of protection and rescue plans;
• Protection and rescue measures and activities;
• Other protection and rescue activities according to the law;
• Civil protection and rescuing:
  ➢ Committee for the protection and rescuing at local level;
  ➢ Coordination of all bodies in civil protection and fire protection at the local level;
  ➢ In the case of an immediate catastrophe threat at the local level, the Mayor mobilises and coordinates all resources needed;
• Fire protection:
  ➢ Fire protection plan;
  ➢ Establishment of public fire-fighting brigade;
  ➢ Fostering of establishment and activities of voluntary fire-fighting associations;
  ➢ Funding of public fire-fighting brigades and voluntary fire-fighting associations.

571 European Union’s IPA Programme on civil protection cooperation for the candidate countries and potential candidates, Country profile/Croatia: Law on local and regional self-government of 6 April 2001, no. 01-081-01-1100/2.
572 Law on protection and rescuing (OG: 174/04, 79/07, 38/09, 127/10).
573 Law on fire protection system (OG: 106/99, 117/01, 36/02, 96/03, 139/04, 174/04, 38/09)
Candidate Countries
29. Iceland

Iceland is a unitary State. It is a republic with a parliamentary government. The Icelandic Parliament, Althingi, is a unicameral parliament.

There are two levels of administration in Iceland: the national/central government and local authorities (municipalities). There is no regional level. There are regional committees based on regional cooperation between local governments, but they cannot be regarded as separate units of administration. At the beginning of the term 2010-2014, there were 76 municipalities in Iceland. The municipalities have diverse duties. They are expected to perform the tasks entrusted to them by law; in addition, they have a certain degree of flexibility in undertaking other tasks pertinent to the residents.

Article 78 of the Icelandic Constitution of 1944 forms the basis of the legal status of local authorities and their relationship with the central government. It states that, “Local authorities shall govern their own affairs themselves as provided by law. The revenue sources of local authorities shall be determined by law, as shall their right to decide whether, and to what extent, to exploit them.” The European Charter of Local Self-Government, signed by Iceland on 20 November 1985, confirms the autonomy of local authorities.

Alongside the Constitution, a key legal source concerning local authorities is the Local Government Act, no 138/2011, as amended. Section 1 of Article 1 of the Local Government Act provides that Iceland is divided into municipalities which govern their own affairs. The Local Government Elections Act no. 5/1998, as amended and the Local Government Finance Act no. 4/1995, as amended are two other main legislative texts. There is also legislation for specific sectors such as social welfare, education, planning, etc.

The administration of local authorities is exercised under central government supervision.

Section 5 of Article 3 of the Local Government Act states that local authorities shall have their own sources of revenue, and shall be autonomous in determining fees collected by their own companies and agencies in order to meet their own expenses. Real estate taxes and local income taxes are the local authorities’ own taxes. The Local Government Finance Act authorises municipalities to levy them.

The Act also provides for transfer payments to local authorities through the Local Authorities’ Equalisation Fund. Local authorities are not allowed to
introduce new types of taxes, as Article 77 of the Icelandic Constitution declares that the tax system shall be decided by law. By far the biggest part of Iceland local authorities’ income (63%) is based on municipal income tax. Various service fees account for 18% of the income, property taxes 11% and income from the Municipality Equalisation Fund accounts for 8% of total revenues.\textsuperscript{574}

**Central level**

The Ministry of the Interior ensures that decisions of local authorities conform to the law and do not concern tasks which have been assigned to other bodies of law.

National legislative powers in all areas:

**Local level**

Municipalities have responsibilities in the field of:

- Public utilities: water supply, waste water transportation and treatment, waste collection and treatment, electricity;
- Street/road construction and maintenance;
- District heating;
- Social services;
- Services for persons with disabilities;
- Primary education;
- Culture, sports, youth and leisure;
- Sport facilities construction and maintenance;
- Town planning and building regulation: spatial planning, building inspection and building permits;
- Public parks and open areas;
- Monitoring of public and environmental health;
- Primary health services for the elderly;
- Economic promotion;
- Fire services;
- Transport; and
- Harbours.

Municipalities have the possibility of taking on additional tasks if tasks concern their inhabitants, provided that they have the budget to support these and that the tasks in question are not assigned to other government administrations by law.

29.1 Systems of multilevel governance

**Representation:** According to Article 98 of the Local Government Act the State recognises the Association of Icelandic Local Authorities as the common guardian of the interests of Icelandic municipalities.

**Information and consultation:** Article 128 of the Local Government Act provides that the national government shall act in close consultation with the Association of Icelandic Local Authorities regarding those matters concerned with the division of responsibility between the State and municipalities, and other relations between these parties.

The consultation procedure is defined in section XIII of the Local Government Act of 2011 and in collaboration agreement between the Association of Local Authorities and the Government of Iceland.

Governmental proposals for new legislation are usually prepared by the relevant ministry. It is common that an ad hoc committee is appointed to assist the ministry which may include representatives of various stakeholders, including representatives from the Association of the Local Authorities. Even if a committee is not appointed, the ministries usually consult the association when they are preparing proposals for new legislation or regulation which affect the municipalities.

The national Parliament also consults the association regarding all proposals for new legislation. In most cases, it also sends proposals directly to the municipalities to give them the opportunity to provide their opinion.

**Coordination:** The collaboration agreement between the Association of Local Authorities and the Government establishes structures for the consultation and collaboration procedures between the association and the ministries.

There is at least one annual consultation meeting with the Minister of Finance and the Minister of the Interior (who is also the Minister of Municipal Affairs), and other ministers if relevant.

Two standing subcommittees have been set up by the new collaboration agreement, with representatives from the association and the mentioned ministries. One deals with financial affairs and the other with labour market affairs. These committees are supposed to collect data on development in their

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575 Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
respective spheres and present them at the annual minister meetings. Parallel to these structures, **informal contacts** between the association and the State institutions play an important role in the collaboration procedure.

### 29.2 Relations with the EU/Representation at EU level

The Ministry for Foreign Affairs has a department on EU accession and an EU chief negotiator.

The **Association of Icelandic Local Authorities** has a **liaison office established in Brussels**. It aims at safeguarding the interests of Icelandic local authorities *vis-à-vis* the European Union and in the EEA co-operation. The office provides information on European affairs to Icelandic local authorities and facilitates the participation of Municipalities and their regional associations in European programmes and co-operation.

The Association of Icelandic Local Authorities is associated with the Congress of Local and Regional Authorities of the Council of Europe (**CLRAE**), and the Council of European Municipalities and Regions (**CEMR**).

In addition, Icelandic local authorities and their associations have developed **extensive relations with local authorities in the other Nordic and European countries**. Icelandic Municipalities also take part in several of the European Union’s co-operation projects.

### 29.3 Subsidiarity

Not applicable

### 29.4 Bibliography

**Constitution**

*Constitution of Iceland*, of 17 June 1944, last amended 24 June 1999

**Legislation**

*Electricity Act* of 2003  
*Civil Protection Act* of 12 June 2008  
*Legislative Act on Sports* of 12 June 1998  
The Adult Education Act of 31 March 2010
The Upper Secondary School Act of 12 June 2008
Tourism Administration Act of 24 May 2005
Youth Act of 28 March 2007

Websites

Council of European Municipalities and Regions (CEMR), Iceland Page
Ministry of Economic Affairs
Ministry of Education, Science and Culture
Ministry for the Environment
Ministry of Industry, Energy and Tourism
Ministry of the Interior
Ministry of Industry, Energy and Tourism
Ministry of Fisheries and Agriculture
Ministry of Welfare
The Trans-European Transport Network Executive Agency

Publications


Council of European Municipalities and Regions, Consultation procedures within European States, 2007.

Factsheet on policy areas handled by the Ministry of Education, Science and Culture

Local governments in Iceland booklet


Structure and operation of local and regional democracy study, Council of Europe, 2005.

Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
29.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

The central government is responsible for:

- Highways;
- Urban road transport (infrastructures); and
- Airports.

Local level

Municipal authorities are responsible for:

- Roads and streets within the town limits;
- Transport; and
- Ports.

Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of the Interior
Structure and operation of local and regional democracy study
b. Employment policy

Central level

The central government is responsible for:

- General labour legislation, including legislation covering aspects of labour law and the basic principles governing workers’ rights and obligations;
- Labour market measures;
- Work permits;
- Working environment, health and safety in workplaces; and
- Establishing and maintaining equal status and equal opportunities for women and men by working against wage discrimination and other forms of gender-based discrimination on the employment market.

Local level

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Sources

Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Welfare
Structure and operation of local and regional democracy study
c. Social policy

Central level

The central government is responsible for:

- Administration of social affairs and social security;
- Policy-making on social affairs and social security;
- Welfare homes;
- Social security;
- Gender equality;
- Child protection;
- Financial assistance to parents of chronically ill children and seriously disabled children; and
- Affairs of the elderly.

Local level

Municipal authorities are responsible for:

- Responsible for social services within their boundaries. Social services means:
  - Social counselling;
  - Financial assistance;
  - Social assistance in the home;
  - The welfare of children and young persons;
  - Services for adolescents;
  - Services for the elderly;
  - Services for people with disabilities;
  - Housing;
  - Assistance for alcoholics and the prevention of drug abuse;

- Kindergarten;
- Nursery;
- Family welfare services;
- Welfare homes;
- Child protection; and
- Social service committees, elected by the municipal councils, are responsible for the implementation of the social services in the municipalities as agents of the municipal councils.
Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Welfare
Municipalities Social Services Act, No. 40/1991
Structure and operation of local and regional democracy study
d. Education policy

Central level

The central government is responsible for:

- Formation and execution of educational policy;
- The Ministry’s duties include:
  - Issuing the main curricula of pre-primary schools, compulsory schools and upper secondary schools, ballet schools and music schools;
  - Supervising the quality of teaching and research provided by the universities;
  - Analysing and distributing information;
  - Supporting innovation and development in schools;
  - The evaluation and supervision of educational activities;
  - Secondary education;
  - Vocational and technical education;
  - Higher education; and
  - Adult education.

Local level

Municipal authorities are responsible for:

- The running of pre-schools and elementary schools (primary and lower secondary education). Local authorities do not have administrative responsibilities for upper secondary education or higher education, apart from being represented on the school boards of upper-secondary schools; and
- The running of music schools is a voluntary task which most municipalities participate in, either by providing funding for privately owned schools or by direct operation of local music schools. An agreement between the central government and the Association of Icelandic Local Authorities was signed in May 2011, providing State funding for the teaching of advanced students in music schools.
Sources
Council of European Municipalities and Regions (CEMR)
Factsheet on policy areas handled by the Ministry of Education, Science and Culture
Local governments in Iceland booklet
Ministry of Education, Science and Culture
Structure and operation of local and regional democracy study
e. Vocational training

Central level

The Minister of Education, Science and Culture governs the affairs of adult education. This includes:

- General policy-making for adult education in consultation with stakeholders;
- General administration for the implementation of the [Adult Education Act](#);
- Affairs of the Education and Training Fund;
- Support for development and innovation in the field of adult education and supervision and evaluation; and
- Responsible for the affairs covered by the [Upper Secondary School Act](#), including:
  - General policy-making regarding upper secondary school matters;
  - National Curriculum Guide and validation of school curriculum guide and study programme descriptions;
  - Supervision of school administration and school activities;
  - Providing support for developmental work in upper secondary schools and for development of instructional material;
  - Gathering, processing and disseminating information on school activities.

Local level

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Sources

- [Council of European Municipalities and Regions (CEMR)](#)
- [Local governments in Iceland booklet](#)
- [Ministry of Education, Science and Culture website](#) [Structure and operation of local and regional democracy study](#)
- [The Adult Education Act](#) of 31 March 2010
- [The Upper Secondary School Act](#) of 12 June 2008
f. Youth and sport policy

Central level

The central government is responsible for:

Youth policy

- Governing of youth affairs; and
- Youth research.

Sport policy

- Responsible for sports to the extent that the State is involved. It must gather information on the practice of sports in Iceland and on facilities for the practice of sports as well as promoting research in the field of sports;
- Establishing rules regarding safety measures in sports facilities, including supervision, and regarding sports implements and equipment; and
- The State shall operate an academy responsible for the education of sports teachers.

Local level

Municipal authorities are responsible for:

Youth policy

- Youth, sport and leisure activities;
- Setting rules on the support of youth activities; and
- Local Youth Councils must be set up in order to advise municipal governments on local youth issues in their Municipality.

Sport policy

- Promotion of sports; and
- The construction of sports facilities.
Sources
Council of European Municipalities and Regions (CEMR)
Legislative Act on Sports of 12 June 1998
Local governments in Iceland booklet
Ministry of Education, Science and Culture
Structure and operation of local and regional democracy study
Youth Act of 28 March 2007
g. Culture policy

Central level

The central government is responsible for:

- Policy formulation in cultural affairs;
- Supervising the implementation of the cultural policy;
- Responsible for the general administration of cultural issues, such as issues with regard to the arts and cultural heritage, the Icelandic language, the mass media, and sports and youth affairs;
- Responsible for the relations with public cultural institutions and museums, communities, sporting organisations and other NGOs, enterprises and individuals;
- Supervising public support for arts and culture;
- Theatres and concerts;
- The Minister for Education is the supreme authority in matters regarding public libraries and responsible for monitoring compliance with the provisions and regulations issued pursuant to the Libraries Act). The State operates a national museum and a national library;
- (National) Parks and open spaces; and
- Religious facilities.

Local level

Municipal authorities are responsible for:

- Museums and libraries (operation); and
- Parks and open spaces.

Sources

Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Education, Science and Culture
Structure and operation of local and regional democracy study
h. Public health policy

Central level

The central government is responsible for:

- Policy formulation on health services;
- Hospitals;
- Health protection;
- Primary health services (except for the elderly);
- Agencies: Administration of Occupational Safety and Health; The Directorate of Health; The Icelandic Medicines Agency; The National Hearing and Speech Institute of Iceland; The State Diagnostic and Counselling Centre; National Institute for the Blind Visually Impaired, and Deafblind.

Local level

Municipal authorities are responsible for:

- Monitoring of public health;
- Primary health services for the elderly;
- Services for people with disabilities; and
- Assistance to alcoholics and the prevention of drug abuse.

Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Welfare
Municipalities Social Services Act, No. 40/1991
Structure and operation of local and regional democracy study
i. Trans-European networks policy

Iceland is not involved in Trans-European Network projects
j. Economic, social and territorial cohesion policy

Central level

The central government is responsible for:

*European regional Development Fund (ERDF)*

- Economic promotion;
- Trade and industry (mainly a supervisory role);
- Consumer protection; and
- Promotion of effective competition.

*European Social Fund (ESF)*

- Unemployment registration and employment services;
- Legislation on various aspects of labour law and basic principles governing workers’ rights and obligations;
- Supervision of the implementation of general labour legislation; and
- The Directorate of Labour deals with individual aspects of implementation.

*Spatial planning*

- Overall control of planning and building under the Planning and Building Act No. 123/2010. According to the act, a national planning policy is to be adopted in 2012 and work to prepare this policy is currently in progress;
- Agency: National Planning Agency; and
- Housing.

Local level

Municipal authorities are responsible for:

*European regional Development Fund (ERDF)*

- Economic promotion;
- Trade and industry; and
- Issuing licences for business and commercial life.
Spatial planning

- Regional/spatial planning;
- Town planning;
- The local authorities examine applications, grant building permits and carry out building inspection; and
- Housing: Local authorities are responsible for solving the housing needs of the persons within each Municipality who need assistance with the acquisition of housing. Each local authority shall monitor the needs for housing within the Municipality.

Sources
Council of European Municipalities and Regions (CEMR)  
Local governments in Iceland booklet  
Ministry of Welfare  
Ministry of Economic Affairs  
Municipalities Social Services Act, No. 40/1991  
Structure and operation of local and regional democracy study
k. Environment and the fight against climate change policy

Central level

The central government is responsible for:

- Formulating and enforcing policy for environmental affairs;
- Environmental protection (supervisory role);
- International cooperation;
- The Icelandic Ministry for the Environment supervises affairs relating to:
  - Nature;
  - Conservation and outdoor creation;
  - Protection of animals;
  - Wildlife management;
  - Pollution prevention;
  - Hygiene;
  - Planning and building;
  - Fire prevention;
  - Weather forecasting and avalanche-protection;
  - Surveying and cartography;
  - Forestry and soil conservation; and
  - Environmental monitoring and surveillance.


Local level

Municipal authorities are responsible for:

- Water and sewage;
- Refuse collection and disposal; and
- Environmental protection.

Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry for the Environment
Structure and operation of local and regional democracy study
I. Energy

Central level

The central government is responsible for:

- General energy matters;
- Utilization of energy;
- Heating;
- Electricity;
- Promotion of the utilisation of renewable energy sources;
- Establish conditions for trading in guarantees of origin;
- Promotion of an economic electricity system thereby strengthening the industries and regional development in Iceland;
- Ensuring a competitive environment;
- Security of electricity supply and consumer protection; and
- Effectiveness and efficiency in the transmission and distribution of electricity.

Local level

Municipal authorities are responsible for:

- Most Icelandic homes are heated with geothermal energy, provided by local geothermal energy companies, which often provide other utilities as well, such as water and sewage treatment and in some cases electricity.

Sources

Council of European Municipalities and Regions (CEMR)
Electricity Act of 2003
Local governments in Iceland booklet
Ministry of Industry, Energy and Tourism
Structure and operation of local and regional democracy study
29.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The Ministry of Fisheries and Agriculture is responsible for Icelandic agriculture, including:

- The utilisation of land resources;
- The issuing of agriculture quotas for certain agricultural areas;
- International cooperation;
- The execution of free trade treaties;
- Pricing and business agreements in collaboration with the ministry for foreign affairs;
- Food safety;
- Consumer issues;
- Farmers' forestry efforts, and
- The supervision of State-owned farmland.

Local level

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Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Fisheries and Agriculture
Structure and operation of local and regional democracy study
b. Fisheries

Central level

The central government is responsible for:

- Issuing fishing quotas to the fishing fleet;
- Research, conservation and utilisation of fish stocks, other living marine resources of the ocean and the seabed and management of areas where these resources can be harvested;
- Control of conservation and utilisation of fish stocks, other living marine resources of the ocean and the seabed and management of areas where these resources can be harvested;
- Research and control of production and import of fisheries products;
- Mariculture of marine species;
- Supporting the research, development and innovation in the fisheries sector; and
- International cooperation.

Local level

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Sources

Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Fisheries and Agriculture
Structure and operation of local and regional democracy study
c. Immigration and asylum

Central level

The central government is responsible for:

- Policy formulation on immigrant issues;
- Reception of refugees; and
- Residence permit.

Local level

Municipal authorities are responsible for:

- Ensuring that immigrants have the same access to social services as other residents of the Municipality;
- Preventing the social isolation of immigrants. In cases where municipalities establish preventive measures policies, such policies must also cover children and adolescents of foreign origin;
- Playing an active role in all education that has the goal of preventing prejudice;
- The municipal action plan relating to children's welfare issues must especially take into account children whose native language is not Icelandic; and
- Municipalities must ensure the participation of children and adolescents of foreign origin in sports and leisure activities organised in the Municipality.

Sources
Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Welfare
Structure and operation of local and regional democracy study
d. Tourism

Central level

The central government is responsible for:

- The operation of a tourist board to promote tourism in the country;
- The duties of the Icelandic Tourist Board are:
  - Development, quality control and organisational issues related to tourism;
  - Issuing of licences, registration and monitoring of operations; and
  - Marketing and promotion of tourism services.

Local level

Municipal authorities are responsible for:

- The operation of regional tourist offices to promote tourism in their areas.

Sources

Council of European Municipalities and Regions (CEMR)
Local governments in Iceland booklet
Ministry of Industry, Energy and Tourism
Structure and operation of local and regional democracy study
Tourism Administration Act of 24 May 2005
e. Civil protection

Central level

The central government is responsible for:

- Civil protection;
- Policy for civil protection and security;
- Issuing regulations on civil protection alert levels;
- Preparing response plans;
- Temporary service centres;
- Security; and
- Police.

Local level

Municipal authorities are responsible for:

- Fire protection;
- Civil protection committees which formulate civil protection policy and arrange civil protection activities within the Municipality;
- Examining the disaster survival capacity;
- Preparing response plans; and
- Temporary service centres.

Sources

- Council of European Municipalities and Regions (CEMR)
- Civil Protection Act of 12 June 2008
- Local governments in Iceland booklet
- Structure and operation of local and regional democracy study
30. Montenegro

Montenegro is a unitary state. In the past, however, it was part of the Federal Republic of Yugoslavia (1992-2003) and later the State Union of Serbia and Montenegro (2003-2006). By a referendum held on 21 May 2006, 55.5% of the Montenegrin population voted in favour of independence from the union it had with Serbia. On 3 June 2006, the Montenegrin Parliament declared its independence and on 22 October 2007, the new Constitution of Montenegro was proclaimed. Montenegro became a candidate for EU accession at the end of 2010; EU accession negotiations have been opened in June 2012.

Montenegro has 21 local self-government units and 2 urban municipalities (which are a subdivision of the Capital City of Podgorica). The local self-government units are: the Capital City of Podgorica, the Historical Capital of Cetinje, municipalities of: Andrijevica, Bar, Berane, Bijelo Polje, Budva, Danilovgrad, Herceg, Novi, Kolašin, Kotor, Mojkovac, Nikšić, Plav, Plužine, Pljevlja, Rožaje, Savnik, Tivat, Ulcinj and Žabljak and urban municipalities of Golubovci and Tuzi.

As is stated in Article 1 of the Montenegrin Constitution, Montenegro is a republic based on civil, democratic, ecological, social justice and rule of law principles. Montenegro has a unicameral system which contains 81 members elected for a four-year period and are elected through a closed-list proportional representation system. The president is also directly elected. The term of the presidency is 5 years. Additionally, the president may propose a prime minister to the Parliament.

Article 22 of the Constitution guarantees the right of local self-government and Chapter 4 elaborates on the system of local self-government. It identifies municipalities as the basic form of local self-government. In Article 117 it is specified that the municipalities have autonomy in the performance of their duties. Article 116 states that the municipalities can compose their own budgets and that they are financed partly from their own sources and partly from the sources of the state. The constitution does not identify any regional entities. The “Regional Development Law” divided the country into three regions for statistical purposes with no legislative or implementing powers vested in those regions. Furthermore, the Government adopted the 2011-2016 development strategy for inter-municipal cooperation together with the 2011-2013 Action Plan for its implementation and the Law on the Territorial Organisation of Montenegro was enacted by the Montenegrin Parliament on 2 November 2011.
In 2010, Montenegro adopted its Law on Local Self-Government. The law outlines the specifics on the functioning of the municipalities. It gives details on the structures, decision-making procedures and tasks of the municipalities. Additionally, the Strategy of Public Administration Reform in Montenegro 2011–2016, lays down some future reforms on local self-government.

The financial autonomy of the municipalities is laid down in the “Law on Local Self-Government Financing”. The own resources of the municipalities are: real estate tax, surtax on personal income tax, local administrative charges, local communal charges, fees for utility equipment of constriction land, fees for the use of municipal roads, fees for environmental protection, resources from the sale and rental of municipal property, income from capital (interests, stakes and shares, etc.), fines imposed in misdemeanour proceedings, revenues from concession fees for performing communal affairs and other activities, revenues collected by municipal bodies, services, and organisations through their own activities, revenues from grants and subsidies, and other revenues set out by the law. From this, 12% of the revenues on personal income tax, 80% of revenues from tax on real estate transfer and 70% of concessions and other fees are meant for the municipalities.

Central Level

The Government’s powers are listed in Article 100 of the Constitution and include:

- Managing the internal policy of Montenegro
- Managing and executing the foreign policy of Montenegro
- Enforcement of the laws and other regulations
- Contracting international agreements
- Proposing the Development plan and Spatial plan of Montenegro
- Proposing the Budget and the Final Statement of the Budget
- Proposing the National Security Strategy and Defence Strategy

The Parliament’s powers are listed in Article 82 of the Constitution and include:

- Adopting the Constitution
- Adopting laws and other acts
- Proclaiming the state of war and the state of emergency
- Adopting the budget and the final statement of the budget
- Adopting the national security strategy and national Defence strategy
- Adopting the Development plan and Spatial plan of Montenegro
• Deciding on the use of units of the Army of Montenegro in international forces
• Regulating the state administration system
• Performing supervision of the army and security services
• Calling for the national referendum
• Electing and dismissing from duty the Prime Minister and members of the Government
• Electing and dismissing from duty the President of the Supreme Court, the President and the judges of the Constitutional Court
• Appointing and dismissing from duty: the Supreme State Prosecutor and State Prosecutors, the Protector of human rights and liberties (Ombudsman), the Governor of the Central Bank and members of the Council of the Central Bank of Montenegro, the President and members of the Senate of the State Audit Institution, and other officials stipulated by the law
• Deciding on immunity rights and granting amnesty
• Confirming international agreements
• Calling for public loans and deciding on taking debts
• Deciding on the disposal of state property above values determined by the law.
• The Montenegrin Constitution provides the municipalities with autonomy with the performance of its duties in Article 117;
• The Law on Self-Government and other laws further list additional tasks and duties the Municipalities have;

**Local Level**

The following areas are within the competence of the municipalities:

- Local development
- Urban and spatial planning at local and regional level
- Construction permitting
- Construction land development and management
- Performance and development of communal affairs, maintenance of communal buildings and communal order
- Environmental protection
- Water management
- Agricultural land
- Social welfare
- Transport
- Tourism
- Culture and sports
- Investment policy
- Protection and rescue of the local population
- Consumer protection

- In Article 116 of the Constitution, it is also stated that municipalities have their own budget and their own resources (in addition to state resources).

30.1 Systems of multilevel governance

**Representation:** The Law on Self-Government provides the means for municipalities to form an association which represents their interests (Article 16 and Articles 127 to 130). Consequently, the **Union of Municipalities of Montenegro (UoM)** was formed.

**Information:** According to Article 97 of the Law on Self-Government, it is stated that during the preparation phase of new legislation, the government shall publish the draft law through media and give stakeholders the opportunity to express their views. Furthermore, the Strategy of Public Administration Reform in Montenegro 2011-2016 aims at increasing transparency of the drafting of laws by making available more information and reports on public consultations.

**Consultation:** Articles 13 and 14 of the law on Local Self-Government put forward the general legislative rules on consultation of the local authorities on issues which affect them. Consequently, the municipalities are given the opportunity to directly express their opinions on legislative texts. Intergovernmental consultation bodies (such as the Coordination Committee for Local Self-Government Financing, the Coordination Committee for Local Self-Government reform and the Council for Sustainable Development of the Republic of Montenegro) between the government and the municipalities are created to facilitate the dialogue. In addition to this, there are also the frequent informal contacts between the levels. The municipalities are in that regard represented by the UoM.\(^{576}\)

**Coordination:** No mechanism of coordination has been found. Yet, the Strategy of Public Administration Reform in Montenegro 2011-2016 states the introduction of procedures for participation of civil society in policy-making or legislative drafting.

\(^{576}\) *Council of European Municipalities and Regions, Consultation procedures within European States, 2007*
30.2 Relations with the EU/ Relations with the European territorial associations

The central level is the main body which negotiates and meets the European Commission on accession negotiations. There is a permanent representation of Montenegro to the EU.

Union of Municipalities of Montenegro (UoM) participates in the Council of European Municipalities and Regions (CEMR), the Congress of Local and Regional Authorities of Europe (CLRAE), United Cities and Local Governments (UCLG) and the Network of Associations of Local Authorities of South-East Europe (NALAS).

UOM also has bi-lateral cooperation with EU municipal organisations such as the Dutch Vereniging van Nederlandse Gemeenten (VNG).

30.3 Subsidiarity

Not applicable

30.4 Bibliography

Constitution of Montenegro

Council of European Municipalities and Regions, Consultation procedures within European States, 2007.

Law on Territorial Organisation of Montenegro (Off. Gazette of RM 54/11)
Law on self government Montenegro

Law on Local Self-Government Financing

Ministry of Foreign Affairs of Montenegro

Montenegro 2011 Progress Report

Strategy of Public Administration Reform in Montenegro 2011-2016
30.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport Policy

National Government

? State authorities are responsible for:

? • Overall responsibility for policy-making in the field of transport;
   • General road transport;
   • Railways and infrastructure;
   • Maritime transport and infrastructure;
   • Inland water transport and infrastructure; and
   • Airports and air transport.

Local level – Municipalities

Municipalities are responsible for:

• Construction of local and non-categorised roads, and streets in settlements;
• Reconstruction of local and non-categorised roads, and streets in settlements;
• Maintenance of local and non-categorised roads, and streets in settlements;
• Protection of local and non-categorised roads, and streets in settlements;
• Conditions for taxi-transportation;
• Public transport in local traffic areas; and
• Traffic regulation.

Sources
Questionnaire – 14 Transport Policy
Law on Road Transport (Off. Gazette of RM 45/05)
Standard Summary Project Fiche – IPA centralised programmes
b. Employment

National Government

State authorities are responsible for:

- General responsibility for policy and decision-making with the Ministry of Labour and Social Welfare;
- Adoption of a National Strategy for Employment;
- Ensuring optimal conditions for access to and participation in the labour market;
- Anti-Discrimination Laws;
- Ensuring solidarity and equal rights and opportunities;
- General Collective Agreement; and
- Union registration.

Local level – Municipalities

Municipalities are responsible for:

- Stimulating entrepreneurial development;
- Implementing matters transferred to the field social welfare and employment by the national administration; and
- Implementation of Employment Agency of Montenegro.

Sources

Labour Law
Law on Employment and exercise rights from Insurance of Unemployment (Off. List CG no. 14/2010 of 17.03.2010).
Ministry of Labour and Social Welfare
The Law on Regional Development (Off. Gazette of Montenegro, no. 20/11 and 26/11 of 10.06.2011).
c. Social Policy

National Government

State authorities are responsible for:

Social assistance:
- Legislative framework for social welfare.

Family policy:
- Legislative framework on family matters;
- Directorate for Youth and Sport is responsible for coordination of youth issues in Montenegro.

Social Security:
- Overall legislation;
- Social insurance;
- Social Council which adopts views regarding the development and improvement of collective bargaining, influence of economic policy and measures for its implementation on social development and stability of employment policy, wages and prices; competition and productivity; etc.

Local level – Municipalities

Municipalities are responsible for:

Social assistance:
- Regulating and providing for home care and help at home for the aged and the disabled;
- Establishing public services in public and child welfare;
- Implementation of social welfare provisions.

Public health:
- Implementation of primary health care.
Family policy:

• Registration of marriage.

Social Security:

• **Social Council** which adopts views regarding development and improvement of collective bargaining, influence of economic policy and measures for its implementation on social development and stability of the employment policy, wages and prices; competition and productivity; etc.

Public housing

Sources

Directorate for Youth and Sport
Family Law of Montenegro
Law on Social Council
Law on Social Protection and Child Welfare
d. Education Policy

National Government

The Ministry of Education and sports is responsible for conducting educational policy at all levels:

- Pre-school education;
- Primary education;
- Secondary education;
- Special education;
- Higher education;
- School inspection; and
- Founding of education institutions.

Local Level – Municipalities

Municipalities are responsible for:

- Founding of education institutions; and
- Partly financing of educational institutions.

Sources
General Law on Education (Off. Gazette of RM no. 64/02, 31/05, 49/07 and "Off. Gazette of Montenegro", no. 45/10)
Questionnaire – 26 Education and culture
The Law on Educational Inspection
e. Vocational training policy

National Government

State authorities are responsible for:

- The Ministry of Education and Sport are responsible for defining national policy in education, structuring and financing education;
- Adoption of a Vocational Education Development Strategy;
- Founding of education institutions;
- Establishing criteria for evaluation of educational curricula; and
- Education inspections.

Local level – Municipalities

Municipalities are responsible for:

- Partly financing vocational training;
- Decentralisation through the creation of new bodies namely: Vocational Education and Training Centres, Bureau for Education Services (research activities on vocational education), Examination Centre (responsible for external testing knowledge and skills), Council for Vocational Education (establishing exams, curricula, etc.), Council for General Education, Council for Adult Education; and
- Founding of education institutions.

Sources

Centre for Vocational Education
Edict on Promulgating Law on Changes and Amendments of Law on Vocational Education
General Law on Education (Off. Gazette of RM no. 64/02, 31/05, 49/07 and "Off. Gazette of Montenegro", no. 45/10)
The Law on Educational Inspection
Vocational Education Development Strategy (2010-2014)
f. Youth and Sport policy

National Government

State authorities are responsible for:

- **Directorate for Youth and Sport** is responsible for youth issues in Montenegro; and
- Establishing a National Plan of Action for Youth (NPAM).

Local Level – Municipalities

Municipalities are responsible for:

- Providing conditions for the development and improvement of sports for children, youth and citizens, and development of inter-municipal sports cooperation.

Sources

**Directorate for Youth and Sport**

General Law on Education (Off. Gazette of RM no. 64/02, 31/05, 49/07 and "Off. Gazette of Montenegro", no. 45/10)
g. Culture policy

National Government

State authorities are responsible for:

- Setting of general policy objectives on culture.

Local Level – Municipalities

Municipalities are responsible for:

- Regulating cultural development;
- Maintaining cultural facilities (museums, etc.);
- Making decisions on expropriating heritable property to meet local needs; and
- Cultural heritage.

Sources

Law on Local Self-Government
Ministry of Culture
h. Public health policy

National Government

State authorities are responsible for:

- Policy framework, legislation and regulations on specific aspects of Public Health provided by the national level;
- Ambulances and emergency services;
- Health inspections;
- Financial resources for health care facilities are provided by the national government;
- Health insurance;
- Foundation of health institutions;
- Institute for Public Health;
- Clinical centres; and
- Hospitals.

Local Level – Municipalities

Municipalities are responsible for:

- Initiate and proposed measures in area primary health protection;
- Participate in management health institutions;
- Foundation of health institutions;
- Take activities for improvements primary health protection, in line with the law; and
- Health education.

Sources

i. Trans-European networks policy

National Government

State authorities are responsible for:

- Planning, construction and maintenance of major transport infrastructure.

Local Level – Municipalities

Municipalities may voice their views during public meetings.

Sources

Questionnaire Trans-European Networks
j. Economic, social and territorial cohesion policy

National Government

State authorities are responsible for:

- N/A

*European Regional Development Fund (ERDF)*

- N/A

*Spatial planning*

- Regulation of legal framework for spatial planning; and
- Setting the overall framework for spatial planning of the whole country in various policy fields.

*European Social Fund (ESF)*

- N/A

Local Level – Municipalities

Municipalities are responsible for:

- N/A

*European Regional Development Fund (ERDF)*

- N/A

*Spatial planning*

- Local spatial planning.

*European Social Fund (ESF)*

- N/A

Sources

Law on spatial planning and development (Off. Gazette of RM No. 28/05)

*Spatial Planning of Montenegro until 2020*
k. Environment and the fight against climate change policy

**National Government**

State authorities are responsible for:

- Monitoring the overall environmental situation;
- Keeping a pollution register;
- Dealing with the disposal of hazardous material;
- Establishing an ecological programme.

**Local level – Municipalities**

Municipalities are responsible for:

- Spatial planning at municipal level (structure vision and allocation plans);
- Preserving and protecting natural resources;
- Air quality;
- Noise protection;
- Waste disposal;
- Recycling;
- Water management;
- Erosion protection;
- Implementing the ecological programme.

**Sources**

[Environment Law](#)
I. Energy policy

National Government

State authorities are responsible for:

- Establishing a Energy Development Strategy;
- Providing permits for the construction of energy production facilities; and
- Providing energy inspectors.

Local Level – Municipalities

Municipalities are responsible for:

- Providing efficiency measures; and
- Implementation of the local energy plan in accordance with the Energy Development Strategy.

Sources

Energy Law ("Off. Gazette of Montenegro", no. 28/10 of 14 05\textsuperscript{th} 2010th)
Law on Local Self-Government
Law on Energy Efficiency ("Off. Gazette of Montenegro", no. 29/10 of 20 5\textsuperscript{th} 2010
30.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National Government

State authorities are responsible for:

- The Ministry of Agriculture & Rural Development is responsible for proposing and implementing policy for agriculture;
- The Ministry of Agricultural & Rural Development establishes a national forest strategy;
- Negotiates with the EU to bring their national policy in line with the Common Agriculture Policy; and
- Inspectors

Local Level – Municipalities

Municipalities are responsible for:

- Providing support for rural development.
- Establishing conditions for the use of agricultural land; and

Sources
Law on agriculture and Rural development ("Off. list CG " no. 5 6/09 of 14. 08th 2009th)
Law on agricultural land ("Off. List RCG " no. 15/92, 59/92, 27/94 and "Off. list CG " no. 32/11 from 01 07th 2011)
b. Fisheries policy

National Government

State authorities are responsible for:

- The ministry in charge of the marine and freshwater fisheries is the Ministry for Agriculture & Rural Development;
- Overall legislation;
- Establishes a fisheries strategy;
- Disease prevention; and
- Negotiates with the EU to bring the national policy in line with the Acquis Communautaire.

Local Level – Municipalities

Municipalities are responsible for:

- Issuing licences for sport fishing clubs.

Sources

Fisheries Strategy Montenegro
Law on Marine Fisheries and Mariculture ("Off. List CG ", 56/09 than 18 08th 2009)
c. Immigration and asylum policy

National Government

State authorities are responsible for:

- Overall legislation and policies;
- Criteria for citizenship;
- Establishing an Asylum Office under the Ministry;
- Determining housing facilities for asylum seekers; and
- Receiving applications and making decisions on claims.

Local Level – Municipalities

Sources
Asylum Act ("Off. Gazette of RM" no. 45/06 of 17 07th 2006)
d. Tourism policy

National Government

State authorities are responsible for:

- Establishing overall legislation and policy.

Local Level – Municipalities

Municipalities are responsible for:

- Developing and maintaining tourism services and issuing permits for establishing tourism services.
- Tourism development; and

Sources

Law on Tourism, ("Off. Gazette of RM" No. 61/10 of 22.10.2010)
e. Civil protection policy

National Government

State authorities are responsible for:

- Establishing a national security strategy;
- Montenegro's Civil Police Aviation Unit;
- Police on horseback; and
- Border police.

Local Level – Municipalities

Municipalities are responsible for:

- Exercising supervision by Communal Police;
- Communal Police acts on matters regarding:
  - Parking;
  - Waste disposal;
  - Water supply;
  - Drainage of sewage and star water;
  - Public hygiene;
  - Public lighting;
  - Maintaining markets;
  - Parks;
  - Greenery;
  - Traffic signs and signalling;
  - Burials;
  - Local roads;
  - Noise;
  - Working hours;
  - Transport of passengers in the municipalities and the surroundings;
  - Taxi transport;
  - Residential sector – supervision of management of residential buildings;
  - Abandoned pets and other animals; and
  - Construction and posting auxiliary and prefabricated temporary buildings.

- Communal Police offers information on services to citizens and perform other affairs within jurisdiction of the municipality;
• Civil protection Service under the supervision of the mayor:
  
  - To ensure protection and rescuing of property and citizens from fires, explosions, damages, and other accidents and extraordinary situations.

**Sources**

Police
31. Serbia

Serbia is a Republic (Republika Srbija). The Parliament (National Assembly - Narodna skupština) is unicameral. The Government is led by a Prime Minister and the Head of State is the President. After the collapse of former Yugoslavia, Serbia and Montenegro formed the Federal Republic of Yugoslavia from 1992 to 2002. From 2003 to 2006, it was a confederation. Since 2006, Montenegro and Serbia are two independent countries.

Serbia is a candidate country to the European Union since 1 March 2012.

Serbia is a unitary State which recognises local self-government. The 2006 Constitution foresees three levels of governance: central, provincial and local. The Autonomous Provinces date back to Tito’s Yugoslavia: in 1974, Vojvodina, Kosovo and Metohija were granted significant autonomy. This autonomy was ended in the 1980s and restored in 2002. On 14 December 2009, the statute of the Autonomous Province of Vojvodina was adopted. The same year, the Law on establishing competencies of the Autonomous Province of Vojvodina transferred competences from the State to the Province. Serbia does not recognise Kosovo and Metohija’s independence which was proclaimed on 17 February 2008 and considers it as an Autonomous Province. The Constitution provides that the substantial autonomy for Kosovo and Metohija shall be regulated by a special law (art. 182). Kosovo and Metohija is under the interim civilian administration and security peace.

In parallel, following the adoption of the Constitution in 2006, a set of important laws on decentralisation was passed and granted local self-government units with powers.

As of today and according to the Constitution, Serbia is composed of two Autonomous Provinces (autonomne pokrajine) (Vojvodina as well as Kosovo and Metohija) and the local self-government units, i.e. the City of Belgrade, 23 Cities (grad) and 150 Municipalities (opština). Municipalities are the basic local self-government units. Cities have more than 100.000 inhabitants. The City of Belgrade has a special status.

The Autonomous Province of Vojvodina contains itself 7 Districts, 6 Cities and 45 Municipalities. The rights and duties of the Province are described in the Constitution and in the Province’s Statute. Kosovo-Metohija consists of 29 Municipalities and 5 districts.

577 UNSCR 1244, adopted on 10.06.1999.
In addition, Serbia has 5 Regions for statistical purposes (Belgrade Region, Vojvodina Region, Sumadija and Western Serbia Region, Eastern and Southern Serbia Region and Kosovo and Metohija Region) and 29 administrative Districts.

Local self-government and provincial autonomy are enshrined in the Constitution (Art. 12 and 176). Provinces and local authorities have the status of legal entities. Local self-government units are not bestowed with legislative powers; they exercise their functions by means of regulations.

Local authorities and autonomous provinces have a general competence for matters of local/provincial interest respectively, and in accordance with the subsidiarity principle (Art. 177). The Constitution sets out the competences of the Autonomous Provinces (art. 183) and of the local self-government units (art. 190). The allocated competences are shared. In addition, the central Government may delegate some competences.

Besides the Constitution, the division of powers between the different levels of governance is specified by various laws:

- the Law on Territorial Organisation of the Republic of Serbia\textsuperscript{579},
- the Law on the Establishment of Competencies of the Autonomous Province\textsuperscript{580},
- the Law on the Capital City\textsuperscript{581},
- the \texttt{Law on Local self-government}, which defines the competences of local authorities,
- the \texttt{Law on Local Government Finance} which regulates the financing of local self-government units,
- the Law on Local elections\textsuperscript{582},
- the Law on Regional development\textsuperscript{583}.

Autonomous Provinces have direct revenues for the exercise of their competences. In accordance with the Serbian Constitution, Vojvodina’s budget shall amount to at least 7\% (65.19 \textit{milijardi dinara}) of Serbia’s budget.\textsuperscript{584}

\textsuperscript{583} Law on Regional development, Official Gazette of the Republic of Serbia, No. 51/2009 and 30/2010.
\textsuperscript{584} Constitution, Article 184.
Local self-government units’ budgets are derived from own and shared taxation, grants and fees\textsuperscript{585}. The Republic is obliged to provide local authorities with adequate funds\textsuperscript{586}.

**Central level**

**State responsibilities**

- Overall legislation.

**Regional level**

**Responsibilities of the Provinces**

In accordance with the Constitution (Art. 183), the Autonomous Provinces may regulate matters of provincial interest in the field of:

- Regional development;
- Urban planning and development;
- Agriculture;
- Water management;
- Catering;
- Forestry;
- Hunting;
- Fishing;
- Tourism;
- Hospitality industry;
- Spas and health resorts;
- Environmental protection;
- Industry and craftsmanship;
- Roads;
- River and rail traffic, road design;
- Events organisation;
- Education;
- Sport;
- Culture;
- Healthcare;
- Social welfare;
- Public information;

• Realisation of human and minority rights;
• Determined symbols of Autonomous Provinces and ways of using them;
• Managing the property of Autonomous Provinces;
• Having the original income, the provision of funds to local level for performing delegated tasks, bringing the budget and final accounts.

Local level

**Responsibilities of the Municipalities and Cities** (Constitution, art. 190)

• Regulation and provision of municipal services;
• Urban planning;
• Local roads;
• Education;
• Culture;
• Healthcare;
• Social welfare;
• Child welfare;
• Sport;
• Tourism;
• Agriculture;
• Other tasks specified by the law.

Moreover, Cities also have competence in the field of local police.

Cooperation between Vojvodina and the central Government were recently formalised, nevertheless, they still need to be implemented.

### 31.1 Systems of multilevel governance

**Representation:** The **Standing Conference of Towns and Municipalities of Serbia** (SCTM) represent local authorities and interests.

**Information and consultation:** During the legislative process, information is provided to the LRAs to the extent that information is published on the Parliament’s website.

No formal and legally binding consultation procedure exists in Serbia. SCTM is consulted on an *ad hoc* basis on draft legislation or policy documents by the relevant authorities. Nonetheless, in some cases, SCTM itself initiated the
consultation process after having known that the draft legislation was about to be finalised.\(^{587}\)

**Coordination:**

*Vertical cooperation*: Vojvodina cooperates with local self-government units within its territory on matters within their remit.

*Horizontal cooperation*: Local self-government units cooperate in order to accomplish common objectives, plans and development programmes. Moreover, they may cooperate with international local authorities’ organisations and with foreign local authorities.\(^{588}\)

### 31.2 Relations with the EU/ Relations with the European territorial associations

SCTM is a member of the Network of Associations of Local Authorities of South-East Europe (NALAS), the Council of European Municipalities and Regions (CEMR). In addition, various local self-government units and the Autonomous Province of Vojvodina are members of the Congress of Local and Regional Authorities of the Council of Europe (CLRAE). The Autonomous Province of Vojvodina is also a member of the Assembly of European Regions (AER).

### 31.3 Subsidiarity

Not applicable

### 31.4 Bibliography


*Legislation*


\(^{587}\) Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 186-190.


Websites

Council of European Municipalities and Regions, The CEMR/Members/Serbia Government portal, Home/Facts about Serbia/Basic Facts/Provinces/Kosovo-Metohija
Government portal, Home/Facts about Serbia/Basic Facts/Provinces/Vojvodina
Standing conference of towns and municipalities portal

Publications and studies

Assembly of the European Regions, Regionalism Report on Serbia, 2010

31.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central Level

The Ministry for Infrastructure and Energy is in charge of the overall transport policy.

Regional Level

Autonomous provincial authorities are responsible for:

- Regulating issues relevant for the Province concerning road, river and railway transport;
- The management of public roads, with the exception of national roads that are part of the European roads network and municipal roads;
- Establishing the public company for management of public roads on the territory;
- The management of waterways, establishment of the public company for management of waterways, enacting of the annual programme of marking and maintenance of waterways;
- Performing other duties stipulated by law.

Local Level

Local authorities are responsible for:

- The construction, reconstruction, maintenance and use of local network of roads and streets and other public facilities of municipal interest;
- The regulation and provision of local transport.

Sources

b. Employment policy

Central Level

The Ministry of Labour and Social Policy is in charge of:

- Labour law;
- State Secretary for Labour;
- Decision on minimal wage and average salary;
- Safe and healthy working conditions;
- Necessary protection at work;
- Limited working hours, daily and weekly interval for rest, paid annual holiday, fair remuneration for work done and legal protection in case of termination of working relations;
- Special protection for women, young and disabled people.

Regional Level
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Local Level
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Sources
Constitution of the Republic of Serbia
Labour Law
c. Social policy

Central Level

The Ministry of Labour and Social affairs is in charge of:

- The overall social policy:
- Pensions and disability insurance;
- Social security;
- Family law;
- Gender equality;
- The protection of the youth and women;
- The protection of the disabled;
- The protection of children.

Regional Level

Autonomous provincial authorities are responsible for:

- Social welfare;
- Regulating issues and enhancing the conditions related to the pension insurance, employment, veterans’ and disability protection, social protection of the family, children, youth and elderly people.

Local Level

Municipal authorities are responsible for:

- Social welfare.

Sources

Ministry of Labour and Social Policy
d. Education policy

Central Level

The central government is responsible for:

- The overall legislation;
- Establishing an institution;
- Funding;

Regional Level

Autonomous provincial authorities are responsible for:

- Establishing educational institutions;
- Funding;
- Extending expert assistance to the Ministry of Education;
- Monitoring the alignment of education;
- Recommending higher education policies to the Government;
- Issuing work permits to higher education institutions;
- Carrying out administrative supervision;
- Ensuring the exercise of the right to education in native language to persons belonging to national communities;
- Regulating secondary and adult education.

Local Level

Municipal authorities are responsible for:

- Establishing an institution;
- Funding;

Sources

Law of 2009 on the Fundamentals of Education System
Law of 2005 on Higher Education
e. Vocational training policy

Central Level

The Ministry of Education and Science is in charge of:

- The overall policy;
- Developing a flexible vocational education and training (VET) system based on the principles of Lifelong Learning.

Regional Level
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Local Level
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f. Youth and sport policy

Central level

The central government is responsible for:

Youth policy

General competence of the Ministry for Youth and Sport for:

- Carrying out National Youth Policy and National Youth Strategy, action plans and programmes for youth;
- The integration, protection and assistance to the youth;
- Guidance and training in the field of employment and volunteering;
- International cooperation;
- Support to youth organisations;
- Monitoring and evaluating the position of youth in Serbia;
- Support to the establishment of regional and local youth offices and the development of local youth action plans in cooperation with local authorities.

The Ministry of Education and Science and the Ministry of Labour and Social policy are in charge of child day care and pre-school services.

The Ministry of Justice is involved in juvenile delinquency.

The Ministry of Health is in charge of youth health.

Regional level

Autonomous provincial authorities are responsible for:

Youth policy

- The Ministry for Youth and Sport opened six district offices for youth; Belgrade also opened a district office.
- These districts coordinate local offices’ work and are funded by the Ministry.
- Vojvodina: Action plan for youth in Vojvodina for the 2010-2015 period is implemented by the provincial secretariat for sport and youth.
Local level

Local authorities are responsible for:

*Youth policy*

- The implementation of the National Youth Strategy and Action plan
- The development of ‘Local action Plans’ and/or establishment of Local youth offices.
- Local Youth Offices have responsibility in the field of:
  - Developing and implementing local youth action plans, in cooperation with all the relevant local actors and in accordance with the National Youth Strategy;
  - Developing networking in the field of youth problems;
  - Providing information;
  - Supporting projects;
  - Preparing and implementing programmes;
  - Providing material and technical support for youth activities;
  - Conducting surveys.

Sources
Parliamentary board in charge of youth issues
Partnership between the European Commission and the Council of Europe in the field of youth, Country sheet on Youth policy in Serbia
g. **Culture policy**

**Central Level**

The central government is responsible for:

- The overall legislation;
- Creating opportunities for intensive and coordinated cultural development;
- The creation of conditions for the promotion of cultural and artistic creativity;
- The search for, preservation and use of cultural property;
- The financing of current expenditures and the achievement of cultural institution programmes;
- Programmes and projects for cultural institutions, cultural associations and other subjects in a culture that contributes to the development of culture and arts;
- The detection, production, research, preservation and presentation of the Serbian culture and culture of national minorities in Serbia;
- Ensuring the conditions for public access to cultural heritage;
- Research, conservation and use of goods of special importance for Serbian culture;
- Construction of a unified information system in the field of cultural heritage;
- Encouraging children's and young people’s creativity.

**Regional Level**

Autonomous provincial authorities are responsible for:

- Looking after the implementation of cultural policy in its territory and regulating matters of provincial interest in culture within rights and obligations established by the Constitution and law;
- Developing a programme for cultural development that provides funding for the budget of the Autonomous Region.
Local Level

Municipal authorities are responsible for:

- Taking care of the needs of citizens related to the culture in its territory and specific issues of interest to citizens, and how to achieve them, within the rights and obligations set by the Constitution and the law;
- Adopting a culture development programme in accordance with providing funding in the budget of local governments.

Sources
Zakon o Kulturi [Law on Culture]
h. Public health policy

Central Level

The Department of Public Health and Sanitary Protection is in charge of:

- The overall policy;
- The monitoring and analysis of the main indicators of the population health status;
- The analysis of risk factors for the population’s health arising from habits and behaviour of the population and conditions in the environment and work environment;
- The monitoring of preventative healthcare;
- Sanitary and health inspection, and
- The control of sanitary and hygiene condition.

Regional Level

Autonomous provincial authorities are responsible for:

- Regulating issues in the field of healthcare and health insurance and enhance the health protection, health and pharmaceutical service on the territory, and
- The establishment of institutions for secondary and tertiary health protection ensuring the public interest in the field of health protection.

Local Level

Local authorities are responsible for:

- The maintenance of primary care centres, and
- Healthcare.

Sources
Constitution of the Republic of Serbia
Department of Public Health and Sanitary Protection
i. Trans-European networks policy

Central Level

The central government is responsible for:

- The overall legislation which is related to EU directives;
- Transport networks;
- Pipeline transportation;
- Energy Networks.

Regional Level

Autonomous provincial authorities are responsible for:

- Intermodal terminals;
- Issuing construction permit for the construction of facilities referred to in Article 133 of the Law which are located in their territory.

Local Level

Local authorities are responsible for:

- Logistic centres;
- Issuing construction permits for construction of the transport infrastructure facilities that are not stipulated in Article 133 of the Law on Planning and Construction.

Sources
j. Economic, social and territorial cohesion policy

Central Level

The Ministry of Economy and Regional Development is in charge of:

- The overall policy, in accordance with the EU standards;
- The legislation on regional development;
- The cooperation with carriers of local and regional development (regional agencies, municipalities, businessmen, associations);
- The Department of Regional Development Policy and IPA projects.

Regional Level

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Local Level

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k. Environment and the fight against climate change policy

Central Level

The central government is responsible for:

- Sustainable development;
- The system of protection and improvement of the environment;
- The protection and improvement of flora and fauna;
- Planning developmental and socio-economic analysis of strategic priorities of exploration and utilisation of natural resources;
- Ecological-spatial principles on the potentials of natural resources or good;
- Setting the conditions for progressive substitution of natural resources.

Regional Level

Autonomous provincial authorities are responsible for:

- The implementation of the national strategy, plans, programmes and principles;
- The application of standards, norms and regulations on utilisation and protection of natural resources and good;
- Environmental impact assessment of projects at all levels of research and exploitation;
- Integrated prevention and pollution control;
- Harmonised system of licenses, approvals and consents;
- The maintenance of cadastre of utilisation of natural resources and goods;
- The organised monitoring of utilisation of natural resources and goods.

Local Level

Municipal authorities are responsible for:

- Environmental protection;
- The prevention of natural and other disasters; and other disasters;
- The protection of cultural heritage of the municipal interest.

Sources

Law on Environmental Protection, Official Gazette of Republic of Serbia 135/04
1. Energy policy

Central Level

The central government is responsible for:

- The safe, good quality and reliable supply of energy and energy sources;
- The balanced development of energy activities;
- Stimulating market competition based on the principles of non-discrimination, transparency and market competition incentives;
- Creating conditions for the safe and reliable operation and functioning of energy systems;
- Ensuring the development of energy infrastructure and the introduction of state-of-the-art technologies;
- Providing conditions for promoting energy efficiency in carrying out energy activities and energy consumption;
- Creating transparent, attractive and stable conditions for investments in the construction, reconstruction and modernisation of energy facilities and systems;
- Creating conditions for stimulating the use of renewable energy sources and combined heat and electrical power generation;
- Promoting environmental protection;
- The decentralisation in energy sector development programmes planning and implementation.

Regional Level

Autonomous provincial authorities are responsible for:

- Carrying out inspection supervision;
- Making proposals for the national strategies;
- Adopting energy plans;
- Following the implementation of the policies.

Local Level

Municipal authorities are responsible for:

- Issuing energy permits for the construction of the facilities;
- The extension of the energy permit validity;
- Adopting tariff systems for calculating heat delivered;
- Prescribing the conditions for granting the privileged heat producer status;
• Keeping the register of privileged heat producers.

Sources
31.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central Level

The central government is responsible for:

- Strengthening competitiveness of agricultural products on the market;
- Providing high-quality and safe food;
- Providing support to the living standards of farmers that cannot, through their own production, ensure economic survival on the market;
- Providing support to rural development;
- Protecting the environment from adverse effects of agricultural production.

Regional Level

Autonomous provincial authorities are responsible for:

- Determining support measures for implementation of agricultural policy;
- Funding the implementation;
- Support to implementation.

Local Level

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Sources

Law on Agriculture and Rural Development, Official Gazette of Republic of Serbia 41/2009
b. Fisheries policy

**Central Level**

The central government is responsible for:

- The overall legislation;
- Supervising the work of the competent authorities of the autonomous province in the exercise of delegated tasks;
- The protection and sustainable exploitation, fishing and marketing of fish stock.

**Regional Level**

Autonomous provincial authorities are responsible for:

- The monitoring of fishing areas.

**Local Level**

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**Sources**

Закон О Защити И Одрживом Коришћењу Рибљег Фонда [Law on Protection and Sustainable use of fish stocks]
c. Immigration and asylum policy

Central Level

The Ministry of the Interior (Asylum Office) takes first instance decisions.

Regional Level

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Local Level

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Sources

d. **Tourism policy**

**Central Level**

The central government is responsible for:

- The overall legislation;
- Strategic plans and programmes;
- The proclamation of a tourist area;
- Promotional activities.

**Regional Level**

Autonomous provincial authorities are responsible for:

- Adopting programmes and strategies of the state;
- Promotional activities.

**Local Level**

Municipal authorities are responsible for:

- Adopting programmes and strategies of the state;
- The management and development of a tourist area;
- The application for categorisation of a tourist resort;
- Promotional activities;
- Displaying tourist signalisation;
- Fixing the tourist taxes.

**Sources**

e. Civil protection policy

Central Level

The central government is responsible for:

- The overall legislation;
- Providing information;
- Prevention;
- Monitoring and coordinating implementation of measures envisaged in the National Strategy for Protection and Rescue emergency;

Regional Level

Autonomous provincial authorities are responsible for:

- Providing information;
- Organising the functioning of civil protection in its territory;
- Planning and programming a development of system of protection;
- Determining the fund resources for performing the tasks of civil protection programme;
- Development and implementation;
- Forming headquarters for emergency situations;
- Cooperation and coordination with other levels or institutions;
- Preparation risk assessment and plan of protection and rescue in emergency situations.

Local Level

Municipal authorities are responsible for:

- Providing information;
- Using the State police or army for protection;
- Making a decision on the organisation and functioning of civil protection and ensuring its implementation;
- Creating a plan and programme development system of protection and rescue;
- Planning and identifying fund sources; Staff trained for emergencies;
- Direct cooperation with relevant departments, other governmental agencies, companies and other legal entities;
- The preparation of risk assessment and plan of protection and rescue in emergency situations;
• Following the dangers, informing the population about the dangers and taking other preventive measures;

Sources
Zakon o vanrednim situacijama [Law on Emergency situations]
32. The former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia gained independence from former Yugoslavia in 1991. The former Yugoslav Republic of Macedonia is a parliamentary democracy. Its parliament is unicameral. The Head of State is the President of the Republic and the government is led by a prime minister. The former Yugoslav Republic of Macedonia applied for EU membership in 2004 and became a candidate in 2005.

The former Yugoslav Republic of Macedonia is a unitary State comprising two levels of governance: central and municipal. It used to be a decentralised country during the Yugoslav period. Once it gained independence, several changes were made to territorial organisation and the municipalities' competences were reduced. The decentralisation process started again with the adoption of a law on local self-government in 1995. Under the so-called "Ohrid Framework Agreement" of 2001, a new law on local self-government was approved in 2002 and foresaw the transfer of some administrative competences to the municipalities. Finally, a law on the territorial organisation of local self-government was adopted in 2004 and initiated the actual transfer of some competences to local self-government units. Since the transfer of competences has not yet been completed, it is foreseen that during the 2011-2015 period, some new competences will be transferred from the central to the local level, namely in the field of spatial planning and healthcare. Concerning land for building, the main objective is to transfer its management to the local level. This process is still ongoing, so at the moment several municipalities have full responsibility for building land(selling, leasing, exchange etc.).

At present, there are 84 municipalities (opstina) plus the City of Skopje. The latter is recognised as having a special status and consists of 10 municipalities (which are included among the 84 municipalities). Moreover, there are 8 statistical regions for planning purposes only. Within the municipalities, local (rural) or urban communities may be established. The main goal of the local/urban communities is to enable the residents concerned to address issues, take positions and prepare proposals on immediate and day-to-day municipal issues.

The principle of local self-government is enshrined in the Constitution (Articles 8,114-117 and Amendments XVI and XVII). The central authorities are responsible for monitoring the legality of municipal acts. Municipalities

589 Government portal, Decentralization and regional development
have the right to appeal to the Constitutional Court if the State authorities encroach on their prerogatives.

Besides the Constitution, the division of powers between the different levels of governance is set out in some specific laws:

- the 2002 Law on Local Self-Government;590
- the 2004 Organic Law on territorial organisation of local self-government;591
- the 2004 Special Law on the City of Skopje; and
- the 2004 Law on financing the units of local self-government.593

The distribution of competences among the different levels of governance is further described in numerous other laws.

**Municipalities get their revenue** from their own revenue sources (including local taxation, fees, charges and fines) – approximately 40% – and from grants – approximately 60%.594 Only 15% of their revenue is used for development initiatives, the remaining 85% being spent on administrative costs. These data reflect a high degree of centralisation and a lack of financial sustainability at the local level. Also, municipalities may borrow at home and abroad, with the consent of the Ministry of Finance.

**Fiscal decentralisation started in July 2005 and is still ongoing:** the law on Local Government Finance created a two-phase process for fiscal decentralisation. During the first phase, local government units became the owners of social sector functions and were given earmarked grants to pay for the costs of maintaining these facilities.

Under the second phase, local government units that met specific conditions become responsible for maintaining these facilities but also for paying the wages of their employees.595 At present, only 1 out of 85 municipalities has yet to enter the second phase of fiscal decentralisation.

590 Law on Local Self-Government, Official Gazette 05/02.
National level\textsuperscript{596}

State responsibilities

- Overall legislation and execution;
- Security and defence;
- Foreign policy;
- Organisation of civil service, and
- Spatial plan.

Regional level

Responsibilities of statistical Regions

- Regional development.

Municipal level\textsuperscript{597}

Responsibilities of Municipalities

- Urban planning;
- Communal activities;
- Local economic development;
- Environmental protection;
- Water supply and sewerage;
- Local economic development;
- Transport (local roads);
- Culture;
- Tourism;
- Sport and recreation;
- Social welfare and health protection (including children protection);
- Education (preschool, primary and secondary education);
- Civil protection (disaster protection and assistance);
- Fire-fighting, and
- Affairs which are delegated from State bodies to municipalities.

\textsuperscript{596} Constitution, Official Gazette 52/1991.
\textsuperscript{597} Constitution, Official Gazette 52/1991, Article 115; Amendments XVI and XVII to the Constitution, Official Gazette 91/2001; \textit{Law on Local Self-Government}, Official Gazette 05/02
32.1 Systems of multilevel governance

Representation: The NGO - Association of the Units of Local Self-Government of the former Yugoslav Republic of Macedonia (hereinafter referred to as ZELS) represents local government vis-à-vis the central government.

Information: During the legislative process, information is provided to the municipalities to the extent that it is published on the parliament website.

Consultation: A memorandum was signed in 2003 by ZELS and the central government (Ministry for Local Self-Government) whereby the former must be consulted on any regulation having a local impact. Besides, ZELS members are regularly invited to take part in parliamentary and governmental commissions/working groups. Moreover, the government and the governing board of ZELS meet on an annual basis.598

Coordination: In accordance with the law on local self-government, ZELS is competent to cooperate with the central government on issues of local relevance, has a right of legislative initiative in areas of local interest, and assesses the legal and administrative framework for local taxation and grants. ZELS cooperates with the State authorities on EU integration issues through the same channels599.

32.2 Relations with the EU/ Representation at EU level

The Association of the Units of Local Self-Government of the former Yugoslav Republic of Macedonia (ZELS) is a member of the Congress of Local and Regional Authorities of Europe (CLRAE), the Council of European Municipalities and Regions (CEMR), the Network of Associations of Local Authorities of South-East Europe (NALAS), the Association of Local Democracy Agencies (ALDA) and the Joint Consultative Committee of the former Yugoslav Republic of Macedonia and the Committee of the Regions.

32.3 Subsidiarity

Not applicable

598 Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp. 135-140.
599 Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, p. 139.
32.4 Bibliography

Legislation


Law on higher education of 14.03.2008, Official Gazette, 35/08.

Law on secondary education, Official Gazette 44/1995


Законот за култура [Law on Culture] of 10 October 2003, Official Gazette 49/03

Law on cohesive regional development, Official Gazette 63/07.


Law on spatial and urban planning, Official Gazette, No. 4/96; 8/96; 28/97; 18/99 and 70/96; 5/97; 76/99.

Law for implementation of the spatial law in the former Yugoslav Republic of Macedonia of 18 June 2004, Official Gazette, 39/04.


Websites

Association of units of local self-governments of the former Yugoslav Republic of Macedonia (ZELS)

Government portal

On the way to the EU

Parliament

Publications and Studies

Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp. 135-140.

Council of European Municipalities and Regions, The CEMR/Members/FYROM.

Chamber of Local Authorities, 14th Plenary Session CPL(14)2REP, 4 May 2007, Local democracy in “the former Yugoslav Republic of Macedonia”
32.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level\textsuperscript{600}

The Ministry for Transports and Communications is in charge of:

- The overall policy;
- Road traffic and road infrastructure;
- Railway traffic and infrastructure;
- Air traffic and infrastructure;
- Internal navigation;
- Postal traffic and infrastructure, and
- Other types of transport and infrastructure necessary for transport (aerial cableways and ski-lifts etc.).

Local level\textsuperscript{601}

Local authorities are responsible for:

- The regulation and organisation of public local transportation of passengers;
- The construction, maintenance, reconstruction and protection of local roads and other infrastructure facilities;
- The regulation of traffic regime (together with the Ministry of Interior);
- The construction and maintenance of street traffic signalisation (together with the Ministry of Interior), and
- The construction and maintenance of parking, organising service for removal of improperly parked vehicles.


\textsuperscript{601} Law on Local Self-Government, Official Gazette 05/02
b. Employment policy

Central level\textsuperscript{602}

The Ministry of Labour and Social Policy is in charge of:

- The labour law;
- The regulation of standards;
- The protection of workers;
- Temporary unemployment, and
- Wages and living standards.

Local level

\textsuperscript{602} Ministry of Labour and social policy portal
c. Social policy

Central level

The Ministry of Labour and Social Policy is in charge of:

- The overall social policy;
- Pensions and disability insurance;
- Social security;
- Family law;
- Gender equality;
- The protection of the youth and women;
- The protection of the disabled;
- The protection of civilians wounded in war, and
- The protection of veterans, war invalids and their families.

Local level603

Local authorities are responsible for:

- Social welfare, including child care;
- The ownership, financing, investments and maintenance of kindergartens and homes for the elderly;
- The exercise of social care for:
  - Disabled persons;
  - Orphans and parental care;
  - Children with educational and social problems;
  - Children with special needs;
  - Children from single-parent families;
  - Abandoned children;
  - Persons exposed to social risk;
  - Persons with drug and alcohol addiction problems, and
- Raising citizens’ awareness;
- The housing of persons put to social risk, and
- Exercising the right and education of pre-school children.

The performance of these competencies shall be in accordance with the National programme for development of social care.

603 Law on Local Self-Government, Official Gazette 05/02
d. **Education policy**

### Central level

The central government is responsible for:

- The overall legislation;
- Elementary and secondary education, including the determination of curriculum for primary and secondary education, validation and equivalence of foreign certificates and diplomas, relations and cooperation with Municipalities in the process of implementation of primary and secondary education;
- Higher education, including international cooperation, Tempus and CEPPUS, support to the Board, the Evaluation Agency and the Council for higher education, equivalence and recognition of foreign qualifications;
- Scientific, technologic and technical development;
- The establishment of state schools (for pupils with special educational needs), and
- International cooperation.

### Local level

Local authorities are responsible for:

- Preschool, primary and secondary education with cooperation with the state bodies;
- The management of the financial assets allocated for education;
- The ownership and maintenance of school buildings;
- The establishment of municipality schools (with the consent of the Ministry of Education);
- The recruitment of education staff, selection and dismissal of the directors of the schools, the payment of salaries for auxiliary staff, and
- The organisation of transportation of students and their accommodation in dormitories.

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5. Law on secondary education, Official Gazette 44/1995
6. Law on Local Self-Government, Official Gazette 05/02
e. Vocational training policy

Central level\textsuperscript{609}

The central government is responsible for:

- The vocational training policy (Ministry of education and Science and Ministry of Labour and Social Policy);
- The establishment of a Council for Vocational Education and Training as an advisory body that proposes strategic issues relating to policy development of vocational education and training;
- The establishment of a Centre for Vocational Education as a body that coordinates and integrates the public interest and the interest of the social partners\textsuperscript{610},
- Lifelong learning programmes (National Agency for European Educational Programmes and Mobility);
- Adopting national framework programmes (Ministry of Education and Science)
- Considering the needs of staff from vocational education and training by analysing the labour market and to provide an opinion on enrolment policy (Council Ministry of Labour and Social Policy);
- Supervising the regulations for the protection requirements for the implementation of practical training (Ministry of Labour and Social Policy).

Local level\textsuperscript{611}

Local authorities are responsible for:

- The analysis of the local needs of the labour market and perceptions of the needs expressed by the centres or facilities for vocational education and training;
- Making proposals to the Ministry of Labour and Social Policy to develop programs and agendas, and
- Making proposals for enrolment policy in vocational education and training to the Ministry of Labour and Social Policy.

\textsuperscript{609} National Agency for European Educational Programmes and Mobility portal.
\textsuperscript{610} The Centre contributes in development of Vocational Education, conducts surveys on the labour market, develops the European orientation for Vocational Education, drafts and initiates curricula for Vocational Education etc.
f. Youth and Sport policy

Central level\textsuperscript{612}

The central government is responsible for:

- Youth and sport policy (Agency of Youth and Sport, which responds directly to the Prime Minister):
  - Social development and social integration of the youth via qualitative formal and non-formal education;
  - Economic prosperity of the youth via youth entrepreneurship;
  - Improvement of quality of life;
  - Active participation of the youth in the decision-making at both local and national level:
    - National Youth Strategy;
    - National Youth programmes;

- The Ministry of Labour and Social Policy takes part in the protection of the youth (especially the socially vulnerable youth), as well as the Ministry of Education and Science in the field of appropriate education of the youth, and

- The National Agency for Youth Educational Programs and Mobility in charge of the European Commission programs such as Youth In Action.

Local level\textsuperscript{613, 614, 615}

Local authorities are responsible for:

- The development of mass sport and recreation activities for citizens, development of school sport system;
- The organisation of sports events, organisation of competition on local level for certain sports, support on traditional sport events, tournaments, etc.
- The building and maintenance of sport facilities and recreational zones; management of the sport facilities in the ownership of the Municipalities;
- Supporting local sport clubs and local sport associations;

\textsuperscript{612} Council of Europe and European Commission, \textit{Country sheet on youth policy in the former Yugoslav Republic of Macedonia}.
\textsuperscript{613} Constitution, Article 115.
\textsuperscript{614} Law on Sports, Official Gazette 29/02, 66/04, 81/08, 18/2011, 51/2011
\textsuperscript{615} Council of Europe and European Commission, \textit{Country sheet on youth policy in the Former Yugoslav Republic of Macedonia}. 

1132
• The adoption of Programmes for development, financing and organisation of sport on local level;
• Supporting youth information centres, and
• The adoption of the National Action Plan for implementation of the National Youth Strategy (Involvement of the Association of Local Communities in the process).
g. Culture policy

Central level\textsuperscript{616} \textsuperscript{617}

The central government is responsible for:

- The overall legislation, including monitoring, analysing and proposing acts and measures for development and improvement of culture;
- International cooperation (including with UNESCO);
- The organisation, financing and development of national institutions network and financing programs and projects of national interest in this field;
- Activities in the field of art and culture, including publishing, music, stage-art, film, gallery, library, archive, museum and cinema activities;
- Copyright and related rights;
- The monumental celebration of events and prominent individuals of national interest;
- The promotion of cooperation with neighbouring and European countries, and
- The protection of cultural heritage (Office for protection of cultural heritage of the former Yugoslav Republic of Macedonia – UZKN);

Local level\textsuperscript{618}

Local authorities are responsible for:

- Cultural affairs;
- Institutional and financial support of cultural institutions and projects;
- Cherishing of folklore, customs, old crafts and similar cultural values;
- Organising of cultural events, and
- Encouraging various specific forms of cultural work.

\textsuperscript{616} Ministry of culture portal
\textsuperscript{618} Law on Local Self-Government, Official Gazette 05/02
h. Public health policy

Central level 619

The Ministry of Health is in charge of:

- Health care and health insurance;
- The organisation and development of public health policy;
- The monitoring of the population’s health;
- The supervision and control over quality and safety of food
- The protection against infectious diseases deriving from harmful gases, ionizing radiation, as well as noise, air, water and land pollution;
- Sanitary matters;
- Medicines, supplementary medicines, medical devices and medical equipment, and
- Poisons and narcotic drugs.

Local level 620

Local authorities are responsible for:

- Health protection, including managing health care organisations and facilities in the primary health care;
- Health education;
- Health improvement;
- Preventive activities;
- The protection of health of workers and protection at work;
- Health monitoring of the environment;
- The monitoring of the contagious diseases, and
- Assistance to patients with special needs (mental health, child abuse, etc.);

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620 Law on Local Self-Government, Official Gazette 05/02
i. Trans-European networks policy

Central level\(^621\)

The central government is responsible for:

- The overall policy ([Ministry for Transports and Communications](#));
- Participation in the TEN-T (cf. Memorandum of Understanding on the Development of the South East Europe Core Regional Transport Network, signed in 2004 by the former Yugoslav Republic of Macedonia, Albania, Croatia, Bosnia and Herzegovina, Kosovo, Serbia, and Montenegro). Through the Memorandum of understanding, the former Yugoslav Republic of Macedonia committed itself to:
  
  - Developing the infrastructure on the multimodal South East Europe Core Regional Transport Network;
  - engaging in regional cooperation with the other Memorandum’s participants on the harmonisation of its legislation with the relevant EU acquis, and
  - Developing and implementing an annual and multi-annual action plan with the aim of most efficient use of funds and know-how; and promote and enhance local capacity for the implementation of investment programmes.

Local level\(^622\)

Local authorities are responsible for:

- Local roads.

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\(^622\) Constitution, Article 115. [Law on Local Self-Government](http://www.legislation.gov.mt/Sections/L115.htm), Official Gazette 05/02
j. Economic, Social and Territorial Cohesion policy

Central level

The central government is responsible for:

- The harmonisation of the regional development policy with the Government’s macroeconomic and sector policies (National Council for Regional Development);
- The formulation and implementation of regional development policy, as well as acquisition and use of the funds intended for economically underdeveloped regions (Ministry of Local Self-Government);
- The implementation of the regional development policy and provision of help to the Centres (bodies within the Ministry of Local Self government) for Regional development (State Bureau for Regional Development), and
- Balancing economic and social development (Ministry of Labour and Social Policy).

Regional level

Regional authorities are responsible for:

- Councils for development of the planning Regions:
  - The creation and implementation of regional development programmes;
  - The coordination between the Municipalities' activities in the joint projects inside the planning region,
  - Delivering suggestions to the Bureau for Regional development for certain needs within the planning region, and
  - The promotion of cross-border cooperation.

Centres for Regional Development:

- Operational units implementing the regional development policy for each planning region.

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623 Mojsovska S., Decentralisation and Regional Policy in the republic of Macedonia: Developments and Perspectives, LSEE Papers on Decentralisation and Regional Policy, Research Paper No. 4, July 2004.
624 Law on cohesive regional development, Official Gazette 63/07
Local level

Local authorities are responsible for:

- Spatial planning, including
  - Local planning, and
  - Water supply and sewerage.
- Local economic development, support to the development of small and middle enterprises and entrepreneurship at the local level;
- Participation of Mayors in the Councils for development of the planning Regions, and
- The development of joint regional projects.
k. Environment and the fight against climate change policy

Central level

The Ministry of Environment and Physical Planning in charge of:

- The overall legislation and standardisation;
- Monitoring and detecting environmental issues;
- The restoration of polluted areas;
- Proposing measures for solid waste management;
- Sustainable development;
- Ensuring the involvement of local self-government units in the decision-making, and
- Adopting national action plan for environment

The Ministry of Health is in charge of:

- The protection against infectious diseases deriving from harmful gases, ionizing radiation, and
- Noise, air, water and land pollution.

Local level

Local authorities are responsible for:

- Environmental protection; based on the principle of subsidiarity the local governments have the right and duty to take all necessary measures for protection and promotion of environment that are not under the exclusive competence of the state bodies (Ministries);
- Measures for the protection and prevention of water, air and land pollution;
- The protection against noise and ionizing radiation;
- Adopting local action plan for environment;
- Taking part in Councils of affected parties whose goal it is to provide efficient management of the protected areas on the territory of the relevant

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627 Law on Local Self-Government, Official Gazette 05/02
Municipality (representatives from Municipalities and urban or local communities).
1. Energy policy

Central level

The central government is responsible for:

- The overall policy (Ministry for Economy);

The Energy Regulatory Commission (independent regulatory body) must ensure:

- Safe, secure, continual and quality energy supply;
- The protection of environment and nature;
- The protection of consumers, and
- The promotion and protection of a competitive energy market based upon the principles of objectivity, transparency and non-discrimination.

The Energy Regulatory Commission have the following competences:

- Monitoring the functioning of the energy markets;
- Adopt regulations and tariff systems and adopting or approving methodologies for formation of regulated energy activities tariffs;
- Adopting regulation, methodologies for price formation and formation of tariff systems for supply of particular energy;
- Adopting rules on the supply of electrical energy, rules on the supply of thermal energy and rules on the supply of natural gas;
- Cooperating with the competent state bodies, bodies of local self-government units, entities that carry out energy activities, energy users and other organisations and institutions.
- Energy Development Strategy (adopted every five years for a period of at least 20 years), and
- Programme for the implementation of the Energy Strategy (for a period of five years).

The Energy Agency of the former Yugoslav Republic of Macedonia (state body established in 2005) is responsible for:

- Providing support in implementing the energy policy;

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• The preparation of mid-term and long-term strategies, preparation of long- and short-term programmes;
• Giving initiatives and proposals in the process of preparation of studies and projects for Energy Efficiency and use of renewable energy resources;
• Regional cooperation and coordination of regional projects, and
• Drafting bills, by-laws and technical regulations proposals in the field of energy.

Local level\textsuperscript{634} \textsuperscript{635}

Local authorities are responsible for:

• Local Energy Development Programmes adopted in compliance with the Energy Development Strategy (for a period of three years);
• The management of natural gas;
• The production and distribution of heat and geothermal energy, and
• Deciding on construction of new or expansion of existing facilities for thermal energy generation.

\textsuperscript{634} Austrian Energy Agency, \textit{Home / The Former Yugoslav Republic of Macedonia / Energy Policy}

\textsuperscript{635} Energy Law, Official Gazette 16/2011, 136/2011
32.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

The Ministry of Agriculture, Forestry and Water Economy is in charge of:

- Agriculture and forestry;
- The use of agricultural land, forests and other natural resources;
- The protection of plants against diseases and vermin;
- Study and research of meteorological, hydrological and biometeorological phenomena and processes;
- Agricultural policy analysis;
- Viticulture, wine and fruit legislation in line with EU and international standards;
- Horticulture;
- Livestock;
- Agricultural production, and
- The monitoring and records of registered farmers.

Local level

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b. Fisheries policy

Central level\textsuperscript{637}

The Ministry of Agriculture, Forestry and Water Economy is responsible for:

- Hunting and fishing,
- Monitoring and studying the situation with water, maintenance and improvement of the regime waters.

Local level

c. Immigration and asylum policy\textsuperscript{638}

Central level

The Ministry of Interior is in charge of:

- The overall policy of immigration and asylum, and
- The implementation of the procedure for recognition of the right to asylum and decision-making in the first instance.

Local level

Local authorities are responsible for:

- Accommodating recognised refugees and persons under humanitarian protection depending on their economic development and on the number of their inhabitants.

d. Tourism policy\textsuperscript{639}

Central level \textsuperscript{640}

The central government is responsible for:

- The overall policy under the supervision of the Ministry of Economy;
- The promotion of tourism resources and capacities at the international level and the cooperation with the local self-governments in respect of promotion and improvement of the quality of tourism offer with inclusion of locally organised events (Agency for Tourism Support and Promotion).

Local level

Local authorities are responsible for:

- Tourism promoting and presenting activities since 2007;
- Development strategies, and
- Alternative tourism development (rural tourism, wine tourism etc.).

\textsuperscript{639} Macedonian Chamber of Tourism
\textsuperscript{640} Law for establishment of Agency for promotion and support of tourism, Official Gazette 103/2008, 156/2010, 59/2012
e. Civil protection policy

Central level

The Parliament and the Government have the overall competence in this field.

- Protection, rescue and aid programmes
- Prevention;
- Risks assessment;
- Education and training;
- Monitoring;
- The organisation of protection and state rescue forces;
- Self-protection, self-aid and mutual assistance, and
- International cooperation.

The Parliament adopts National strategy for protection and rescue (for a period of five years).

The Directorate for protection and rescue is a state body established for implementing the activities for protection and rescue from natural and other disasters.

Local level

Local authorities are responsible for:

- Disaster protection and assistance;
- Plan for protection and rescue;
- Guidelines for the organisation and development of a local protection and rescue system;
- Threat assessments as well as protection and rescue plans;
- Fire-fighting;
- The clearance of local roads, streets and other infrastructures in case of natural disaster;
- First aid;
- The protection of animal and plants from deceases, vermin and other natural disasters;
- Monitoring the municipality’s preparedness;
- The distribution of humanitarian aid;

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642 EU’s IPA Civil Protection portal, Country profile – Former Yugoslav Republic of Macedonia
643 Constitution, Article 115.
• The formation of local rescue forces;
• Annual programme for protection and rescue in line with the National strategy for protection and rescue, and
• Plan for protection and rescue from natural disaster.
33. Turkey

The Republic of Turkey is a democratic, secular and social state governed by the rule of law (Article 2 of the Constitution). The Turkish State is an indivisible whole, with its country and nation (Article 3 of the Constitution).

Legislative power is vested in the Turkish Grand National Assembly (TGNA) and this power cannot be delegated (Article 7 of the Constitution). The executive power and duties are carried out by the President and the Council of Ministers (Article 8 of the Constitution), and judiciary power is exercised by independent courts (Article 9 of the Constitution). The TGNA comprises 550 deputies designated in elections held every four years.

The organisation of the administration of the Turkish State is based on principles of central administration and decentralisation (Article 123 of the Constitution). The system is therefore organised in a two-tier structure, with central and local government. The central administration consists of central bodies (ministries, agencies.), with its de-concentrated branches disseminated on the territory. This administrative de-concentration divides Turkey into 81 provinces and, under these, 892 districts. On the other side, the local administration is organised in three autonomous types of local government: special provincial administrations, municipalities and villages. There are 81 special provincial administrations, one in each province. In addition, there are currently approximately 2947 municipalities and 34402 villages. The municipalities are organised in several types: metropolitan municipalities (or greater city municipalities), provincial municipalities, district municipalities, metropolitan district municipalities and town municipalities. There are currently 16 metropolitan municipalities (though their number is planned to soon grow to 29) along with 65 provincial municipalities in the rest of the provinces. Each district also hosts its municipality (892), while in many small settlements there are also town municipalities. The criteria to establish a new municipality is to have at least 5000 inhabitants, while the number of 750.000 inhabitants is required for establishing a new metropolitan municipality.

The administrative regions as such do not exist in Turkey, thus the geographically largest administrative entities are provinces. At the level of provinces both the institutions of devolved state administration and the institutions of self-government co-exist, which may sometimes lead to confusion. In fact, while the special provincial administration is a local government according to the Constitution and has an elected assembly (provincial general assembly), its executive body is headed by the governor of the province. Thus, the governor is an agent of the central state with two
simultaneous functions: he is appointed by the central government which he represents in the province and also chairs the executive of the special provincial administration.

Local elections (for provincial or municipal assemblies or village headmen and aldermen) take place every five years through proportional representation system. Mayors are elected directly by people for a five-year term. In metropolitan municipalities, which have two-tier structure (metropolitan municipality and district municipalities under it, with a defined division of competences between the two), the metropolitan and district mayors are elected directly, while the metropolitan assembly is not elected, but composed of representatives of district assemblies. All types of municipalities as well as provincial administrations have their own budgets.

The municipalities have three organs: assembly, executive committee and mayor. The municipal assembly is the highest decision-making body and gathers each month. The executive committee is comprised of representatives of the assembly and of the municipal administration and gathers each week. It is deliberative and executive organ. The Mayor is the highest representative of the municipality and chairs both the assembly and the executive committee.

Municipalities consist of several neighbourhoods, which have their very basic administration: headman (muhtar) and assembly of aldermen. They are also elected for a five-year term and have rather an advisory function.

Villages are the local administration in rural areas and usually have a population of 150 to 5000 inhabitants. The local administration of a village consists of headman (muhtar) and an assembly of aldermen.

Despite the ongoing decentralisation process, the pre-eminence of the central administration over local government through administrative tutelage is guaranteed by Article 127 of the Constitution, which states that: “the central administration has the power of administrative tutelage over local authorities within the framework of principles and procedures set forth by law, with the objective of ensuring the functioning of local services in conformity with the principle of the integral unity of the administration, securing uniform public services and meeting local needs in an appropriate manner”.

The Turkish administrative system is based upon certain fundamental political and legal principles stated in the Constitution of 1982. However, this Constitution has been subject to many amendments in the last 30 years. Its latest amendments were adopted after the constitutional referendum of 2010. The other main legal basis for local authorities are provided by the Law on
Municipalities (Law N° 5393), the Law on Special Provincial Administration (Law N° 5302), the Law on Unions of Local Authorities (Law N° 5355) adopted in 2005 and the Law on Metropolitan Municipalities (Law N° 5216) of 2004, in addition to other legislative instruments related to fiscal issues.

The revenues of local governments (provincial administrations and municipalities) consist mainly of subsidies from the central government and own revenues. According to the Law on Tax Revenue Shares for Special Provincial Administrations and Municipalities (Law N° 5779 of 2008), out of the overall national tax collection, 2.85% goes to municipalities other than metropolitan ones, 2.5% goes to district municipalities in metropolitan areas, 1.15% goes to special provincial administrations. Moreover, metropolitan municipalities receive 5% of the taxes collected in their territory as well as 30% of the subsidies received by their district municipalities. The proportion of the central government’s subsidies to own revenues in a budget varies from municipality to municipality. Thus while the main parts of metropolitan municipalities’ and special provincial administrations’ overall budgets come from the central government, in many district municipalities own revenues are predominant.

The respective assemblies of local governments prepare and adopt their budgets, without approval by the central government.

Central level

Central administration and de-concentrated branches

The central level has the legislative power in all areas (the Constitution delegates this power to the Turkish Grand National Assembly (TGNA) and this power can not be delegated (Article 7 of the Constitution).

The central level carries out:

- State policy;
- State budget;
- Law and order;
- Monetary policy;
- National defence;
- Foreign policy;
- National transportation;
- Water and forestry resources;
- Energy policy;
- Health policy;
- Educational policy; and
- Agricultural policy.

Local level

Provincial government

The special provincial administrations have the duty to do the following provided that they are of a local and common nature (Article 6 of the Special Provincial Administration Act):

- **Within provincial boundaries:**
  - Services related to health;
  - Services related to agriculture;
  - Services related to industry and trade;
  - Environmental arrangement plan of the province;
  - Public works and housing;
  - Protection of soil;
  - Prevention of erosion;
  - Social services and assistance;
  - Granting micro loans to the poor;
  - Nurseries and orphanages;
  - Procurement of plots of lands for primary and secondary education schools; and
  - Construction, maintenance and repairs of their schools.

- **Outside provincial boundaries: services related to:**
  - Reconstruction;
  - Roads;
  - Water;
  - Sewage;
  - Solid wastes;
  - Environment;
  - Emergency assistance and rescue;
  - Culture;
  - Tourism;
  - Youth and sports affairs;
  - Supporting forest villages;
  - Afforestation; and
  - Establishment of parks and gardens.
Municipal government

Functions of Municipalities (Article 14 of the Law on Municipalities):

- Urban infrastructure: development of the region, water and sewage system and transportation, geographical and urban data systems;
- Environment and environmental health;
- Cleaning and solid waste;
- Security forces, fire brigade, emergency aid, relief services and ambulance;
- City traffic;
- Funeral and cemetery services;
- Forestry, parks and greens areas;
- Housing;
- Culture and artworks;
- Tourism and presentation;
- Youth and sporting activities;
- Social aid and aid services;
- Marriage ceremonies;
- Professional trainings and services aimed at development of economy and commerce;
- Pre-elementary school education centres;
- Maintenance and repair of school buildings belonging to the central government;
- Opening and operation of health facilities;
- Protection of cultural and natural resources and places having historical value; and
- Providing equipment and support to students and amateur sport clubs.

Functions of Metropolitan Municipality (Article 7 of the Law on Metropolitan Municipalities): within the limit of the metropolitan area:

- Metropolitan municipality’s strategic plan;
- Urban implementation plans, land development plans, plotting plans;
- Draw up and implement the metropolitan transport master plan, plan and coordinate transport and public transport services;
- Build, maintain and repair squares, boulevards, avenues and main roads within the metropolitan municipality’s purview;
- Set up geographic and urban information systems;
- Protection of the environment, agricultural land and water basins;
- Issue permits to and inspect grade on polluting business;
• Municipal police services in areas under the metropolitan municipality’s authority;
• Build and operate license passenger and freight terminals;
• Build and operate social facilities, regional parks, zoos, animal shelters, libraries, museums, sporting, leisure and recreational facilities;
• Build premises and facilities for healthcare, educational and cultural services;
• Conservation of cultural and natural assets;
• Metropolitan public transport services;
• Water supply and sewer services;
• Build and operate cemeteries areas;
• Metropolitan-level plans and other preparations relating to natural disasters; and
• Manage and develop healthcare centres, hospitals, mobile healthcare units and social and cultural services.

Bibliography:

Constitution of Turkey, last amendment 2010.
Council of European Municipalities and Regions
Law on Municipalities, Law № 5393, dates from 03.07.2005.
Law on Special Provincial Administration, Law № 5302, dates from 22.02.2005.
Committee of the Regions, Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
33.1 Systems of multilevel governance

**Representation:** Under Article 80 of the Constitution, members of the Turkish Grand National Assembly represent not only their own constituencies, but also the nation as a whole. In practice however, provincial and local interests are represented at the national level by informal lobbies of deputies to the parliament.

The governor at the province level represents the State. He is the head of the provincial local administration and supervises the work of local government. He is represented by a sub-governor in each district of the province.

**Information and consultation:** Authorities at the sub-national level may, with the permission of the Council of Ministers, form associations for the purpose of performing specific public services. There are over 800 of such associations, among which two national associations (Union of Municipality of Turkey), as well as several regional associations of municipalities (for example Union of Municipalities of Marmara). The national associations are entitled to protect the interest of local governments and to submit opinions in the process of adoption of legislation related to local government (Article 20 of the Law on the Unions of Local Authorities).

**Coordination:** A supervisory role of the central government over the local government is guaranteed by the Constitution. Exercising the supervision, the central government is supposed to ensure the principle of equality and uniformity of services throughout the country, the conformity with the law and the overall public administration integrity between the central and the local governments. The Ministry of Interior through its Directorate General of Local Administrations exercises the administrative tutelage.

Turkey is signatory of the European Charter of Local Self-Government, in effect in Turkey since 1993. It, however, maintains a large number of reservations to the Charter, even though a number of them are no more relevant in the light of developed national legislation.
33.2 Relations with the EU/ Relations with the European territorial associations

According to the Law on Municipalities and the Law on Special Provincial Administrations, both types of government are entitled to establish sister city relations, to join international organisations or to implement joint projects and activities with their foreign counterparts. The decision taken for this purpose by the local assembly is however subject to the approval by the Ministry of Interior (which supervises the local governments). The ministry usually consults the Ministry of Foreign Affairs.

The municipal level is usually more active than the provincial level in international relations.

The Union of Municipality of Turkey (UMT) is a member of the Council of European Municipalities and Regions (CEMR). It also keeps the secretariat of the Turkish National Delegation to the Congress of Local and Regional Authorities of the Council of Europe.

In addition, the Union of Municipality of Marmara (UMM) is member of the Network of Association of Local Authorities of South-East Europe (NALAS), of which it holds the presidency for the period 2012-2013. The UMM is main operational partner of the EU Committee of the Regions’ Working Group on Turkey; it is the only Turkish LG organisation listed in the CoR Directory of Regional Offices in Brussels. The UMM is active partner of the Congress of Local and Regional Authorities of the Council of Europe, currently in the process of submitting an observer status request.

Local governments and their associations use informal ways of representation and lobbying in Brussels, as the current legislation does not allow them to open formal representation/liaison offices abroad. On the other side, the Joint Consultative Committee between the EU Committee of the Regions and Turkey has not been established; despite several calls made by the CoR for such a formal platform with the EU candidate country (the establishment of such a body requires an official request from the Turkish Government). Thus the CoR Working Group on Turkey provides a working link between the CoR and Turkish local governments.
33.3 Subsidiarity

Not applicable

33.4 Bibliography

Constitution

Constitution of Turkey

Legislation

Law on Municipalities, Law N° 5393
Law on Special Provincial Administration, Law N° 5302
Law on Metropolitan Municipalities, Law N° 5216
Law N°3146 of 01/09/1985 on the organisation and functions of the ministry of Labour and social security.
Fisheries Law No. 1380 as amended by Law No. 3288 of 1986.

Websites

Assembly of European Regions, Report by country Council of European Municipalities and Regions (CEMR)
GAP - Republic Of Turkey Ministry Of Development South-eastern Anatolia Project Regional Development Administration.
List of Regional Offices Based in Brussels, EU Committee of the Regions (version of 01.12.2011)
Ministry of Transport, Maritime Affairs and Communications
Ministry of Labour and social security
Network of Association of Local Authorities of South-East Europe (NALAS)
The State Planning organisation of Turkey
Turkish ministry of Environment and urbanisation
Publications and studies


Presentation on Civil protection regulations by Ahmet Hamdi USTA, Head of Department of Civil Defence General Directorate

The Turkey Interactive CD-Rom

Committee of the Regions, *Study on the Division of Powers between the EU, the Member States and Regional and Local Authorities*, (Author: European University Institute, under the supervision of Professors Michael Keating and Jacques Ziller) 2008.
33.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for the overall legislative and policy competences in the field of:

- Road transport;
- Maritime transport;
- Civil aviation;
- Railway transport;
- Communications;
- Aeronautics and space technologies; and
- Transport and communications Infrastructure.

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Outside provincial boundaries: to provide services relating to roads. Municipalities can provide the following services (Article 14 of the Municipal Law):
  - Urban infrastructure such as development of transportation; and
  - City traffic.
**Municipal government**

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Draw up and implement the metropolitan transport master plan;
- Plan and coordinate transport and public transport services;
- Designate the numbers, fares and schedules, timing and routes of any type of service and public transport vehicles that are operated on land, sea, water and railways and taxis;
- Operate the stops and vehicles parking spots on motorways, roads, avenues, streets, squares and similar places;
- Build, maintain and repair boulevards, avenues and main roads of the municipality area;
- Build, operate or license passenger and freight terminals and closed and open parking spaces; and
- Provide metropolitan public transport services, operate such facilities, and issue licenses for public transport vehicles, including taxis and service buses, on land and sea within the metropolitan boundaries.

**Sources**

[Ministry of Transport, Maritime Affairs and Communications](https://example.com)
b. Employment policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Legislative and policy competences on working life, worker - employee relations and labour peace;
- Investigation of potential problems in working life;
- Social security-related rights;
- Business inspection;
- Promotion of gender equality at work;
- Civil servant working conditions;
- Work permits for foreigners;
- Measures for vocational rehabilitation; and
- Health and safety at work.

Turkish Employment Organisation (ISKUR) was established by Law No. 4904 and published in the Official Gazette dated 5 July 2003. The main responsibilities of ISKUR are:

- To help job seekers to find jobs and help employers to find workers;
- To provide job and career counselling services and training programmes for improving job search methods through vocational information centres;
- To implement active labour market programmes (in addition to the usual training and employment services);
- To implement passive labour force programmes (such as unemployment insurance and job loss compensation services); and
- To regulate private employment agencies.

Local level

Provincial government

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Municipal government

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Sources
Law N°3146 of 01/09/1985 on the organisation and functions of the ministry of Labour and social security,
Ministry of Labour and social security
c. Social policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Legislative and organisational competences on social policy and social security;
- The social security institution (SGK) implements the social security system;
- The Social Assistance and Solidarity General Directorate (SYDGM) through all assistance and solidarity foundations present in all provinces assist citizens in need and contribute to the improvement of wealth distribution by taking precautions in reinforcing social justice and encouraging solidarity;
- General Directorate of Foundations (Decree N°227) provides wages to the handicapped, and to people in need, provides them with food, pays the hospital expenses of people in need, give grants to students in need and gives social assistance to anyone who is in trouble for any reason;
- The Social Security Institution (Law N° 2022): provides a salary for those in need, over 65, handicapped over 18 and legally responsible for a handicapped person under 18. Under the same law, treatment costs of the elderly and handicapped who received a salary are covered by the state thanks to the “Green Card”; and
- Families, children, the disabled and the elderly who are in need of protection are given boarding or day-time continuous protection and care for 24 hours by the Social Services and Child Welfare Establishment (SHÇEK).

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- to provide services relating to social services within provincial boundaries.
**Municipal government**

Assistance and solidarity foundations in all provinces ensure the competences of the Social Assistance and Solidarity General Directorate (SYDGM).

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Social and aid services.

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Build and operate social facilities serving the entire metropolitan area; and
- Manage and develop social services of all kind for adults, elderly people, persons with disabilities, women, young people and children.

**Sources**

*Ministry of Labour and social security*
d. Education policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Education is one of the fundamental functions of the state (legislative and policy competences) and it is carried out under state control and supervision;
- The Ministry of National Education is responsible for offering educational services. The Turkish national education system is composed of two main divisions, formal and non-formal education, which complement each other;
- The Ministry of National Education has established various institutions abroad; and
- Turkey has been participating in the Lifetime Learning Programme ("Comenius (School Partnerships)", “Erasmus (Higher education)”, “Leonardo da Vinci (Vocational Education)”, “Grundtvig (Adult Training)” and “Mutual Subject Programme” elements) in full, since 2004.

Non-Muslim minority schools have a different status such as "private schools", but which do not benefit from private school and state school facilities.

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the Special provincial administrations have the duty, provided that it is of a local and common nature:

- To provide within provincial boundaries services relating to the procurement of plots of land for primary and secondary schools, and the meeting of their needs for the construction, maintenance and repairs of their schools.
Municipal government

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Opening of pre-elementary school education centres; and
- Maintenance of school buildings belonging to the Government, procurement of all kinds of equipment/material for this purpose.

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Build premises and facilities for educational services and carry out maintenance and repair of those facilities.

Sources
Regulation titled "Private Education Institutions Regulation" published in the Official Gazette on 20 March 2012.
e. Vocational training policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- In non-formal education the main responsible body and basic service provider is the Ministry of National Education (Milli Eğitim Bakanlığı-MEB) through the General Directorate of Apprenticeships and Non-Formal Education (Çıtraklık ve Yaygın Eğitim Genel Müdürlüğü);
- Continuing education and training activities organised outside of formal education institutions are conducted in the Adult Education Centres (Halk Eğitim Merkezleri-HEMs);
- The main policy–making body related to apprenticeships and non-formal education is the Vocational Education Board (Mesleki Eğitim Kurulu). The board undertakes: planning, developing and evaluating national level vocational and technical education (including non-formal education), determining the needs of vocational education, forming opinions on the curriculum and duration of vocational programmes, preparing regulation proposals related to examinations and examination commissions and offering them to MEB;
- The Ministry of Labour and Social Security (Çalışma ve Sosyal Güvenlik Bakanlığı) is responsible for providing vocational education to employees (organisational skills training for the unqualified labour force, development and implementation of vocational education and labour adjustment programmes for employees);
- The responsibilities of the chambers affiliated to the Union of Chambers and Commodity Exchanges of Turkey (Türkiye Odalar ve Borsalar Birliği – TOBB), one of the biggest vocational organisations may be listed as organising courses, helping the courses that are organised and supporting the activities to develop vocational education;
- Large enterprises have the responsibility of forming education units to train their personnel;
- Additionally, there are instructional services provided by the private sector which require payment. These programmes are also carried out under the supervision of the MEB (approval of curriculum, acceptance requirements, standards, duration and certification, etc.); and
- The Turkish Government has launched various international projects in different vocational schools.
Local level

Provincial government

- At provincial level, the Vocational Education Board is organised as the Province Vocational Education Board (İl Mesleki Eğitim Kurulu’). The decisions of the board are implemented by MEB units and vocational institutions.

Municipal government

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Open vocational training and skills courses, cooperate with universities, colleges, vocational schools, public entities and civil society organisations in the provision of such services.
- The Ministry of National Education has organised vocational courses with various municipalities and employer organisations (such as TUSIAD, MUSIAD, TESK ...)

Sources
Official Gazette of the Republic of Turkey (2002), ‘’Vocational Education and Training regulations’’ N° 24804, July 3, 2002
Structures of Education and Training System in Europe, Turkey, 2009-2010, European Commission
f. Youth and sports policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

Youth policy:

- The Directorate General of Youth and Sports is responsible for the services offered within the framework of the use of leisure time in line with the youth’s interests, demands and capabilities;
- The Directorate General runs youth camps, youth centres, youth clubs, international youth organisations and traditional children’s games; and
- It also fulfils the task of coordination between public institutions and non-governmental organisations.

Sport policy:

- Construction of main sports complexes;
- Important investment in sport;
- The Directorate General of Youth and Sports is in charge of 60 sports federations;
- The “Turkish Doping Control Centre” is one of the 35 doping centres worldwide.

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the Special provincial administrations have the duty, provided that it is of a local and common nature:

- Outside provincial boundaries to provide services relating to sport and youth affairs; and
- In sports affairs, provincial directorates perform services in 81 provinces.
Municipal government

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Youth and sports activities;
- Providing equipment to amateur sports clubs;
- Arranging amateur sports matches; and
- Giving awards following the decisions of the municipal council to sportsmen who have been successful in matches performed at home or abroad or who have received a degree in matches.

Metropolitan municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Build and operate sporting, leisure and recreational facilities;
- Provide amateur sports clubs with equipment and garner the support needed;
- Organise sport competitions between amateur teams; and
- Reward athletes.
g. Culture policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Formulation and implementation of Turkey’s cultural policies;
- Promotion of cultural diversity;
- Preservation and development of cultural heritage; and
- Cooperation with other bodies: Atatürk High Council of Culture, Language and History.

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the Special provincial administrations have the duty, provided that it is of a local and common nature:

- Outside provincial boundaries to provide services relating to culture affairs.

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Urban infrastructure such as culture and artworks.

Municipal government

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Build, operate regional parks, libraries and museums;
- Build premises and facilities for cultural services; and
- Ensure the conservation of cultural and natural assets, of the historical urban fabric and of areas and functions of historical significance to the town, carry out maintenance and repairs for the purpose and, where conservation is impossible, reconstruct them in their original form.
h. Public health policy

Central level

Central administration and de-concentrated branches

The Ministry of Health operates an integrated system of health care, providing primary, secondary and tertiary care. It is responsible for:

- Global planning and programming of health care delivery systems;
- Approving capital investment (although this function is defined in legislation, as explained above, the state planning organisation performs global planning);
- Developing programmes for communicable and non-communicable diseases;
- Implementing some environmental health programmes;
- Promoting mother and child health and family planning;
- Regulating the production, prescription and dispensing of pharmaceuticals;
- Producing and/or importing vaccines, serum, blood products and medications;
- Maintaining health precautions in ports of entry; and
- Building and operating health care facilities.

General directorates within the Ministry of Health:

- The General Directorate of Primary Health Care is in charge of the strategic and operational management of health centres, health posts and, to a lesser extent, some environmental health services. It is also responsible for controlling communicable diseases;
- The General Directorate of Curative Services is in charge of Ministry of Health hospitals and develops programmes for non-communicable diseases;
- The General Directorate of Mother and Child Health and Family Planning implements programmes for maternity, family planning and selected childhood problems through health centres;
- The General Directorate of Health Education primarily operates vocational schools for training nurses, midwives, health officers and other personnel;
- The General Directorate of Pharmacy Health Care Systems in Transition and Drugs is responsible for regulating drugs, including their licensing, registration and pricing.
Local level

Provincial government

According to Article 6 (a) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Within provincial boundaries to provide services relating to health

Provincial health directorates administer the health services provided by the Ministry of Health at the provincial level. Each of the 80 provinces has a health directorate led by a director who is accountable to the governor of the province.

The directorates’ administrative responsibilities are primarily personnel and estate management. They also make technical decisions pertaining to health care delivery, such as the scope and volume of health services. Units that provide health care or have health care-related functions at the provincial level consist of:

- Health centres;
- Health posts, mainly in rural areas;
- Mother and child health and family planning centres;
- Tuberculosis dispensaries;
- Hospitals; and
- Public health laboratories (in some provinces).

Municipal government

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Relief services and ambulance;
- Opening and operation of health facilities.

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Build premises and facilities for health care, carry out all forms of maintenance;
- Manage and develop health care centres, hospitals, mobile health care units of all kinds for adults, elderly people, persons with disabilities, women, young people and children; and
• Issue permits to and carry out inspections on polluting businesses, including foodstuff enterprises, establish and operate laboratories to test foodstuffs and beverages.
i. Trans-European networks policy

Central level

Central administration and de-concentrated branches

The development of the transport networks and policies is the responsibility of the Undersecretariat of the State Planning Organisation, the Ministry of Transport (General Directorate of Railways, Ports and Airports Construction, the Turkish State Railways, the General Directorate of State Airports Administration), the Ministry of Public Works and Settlement (General Directorate of Turkish Highways), and the Undersecretariat for Maritime Affairs.

They are responsible for:

- The road network;
- The railway network;
- Maritime transport;
- Air transport;
- The energy network (electricity, gas network); and
- Telecommunication networks.

Local level

Provincial government

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Municipal government

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Sources

Screening report Turkey, Chapter 21 Trans-European Network, June 2007
j. Economic, social and territorial cohesion policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Drawing up and implementation of economic, and fiscal policies;
- Management of the six state-owned banks;
- Public financial management;
- Preparation and implementation of the government budget;
- Management of the state owned enterprises; and
- Foreign economic relations.

The State Planning Organisation (SPO), a Turkish governmental agency is the main policy formulation institution at the national level. The main functions of the SPO are:

- To provide consultancy services for the Government in determining economic, social policies and targets of the country;
- To formulate long-term development strategies and policies and multi-year programmes conforming to the targets determined by the Government;
- To allocate the public investment appropriations;
- To define regional and sectoral development priorities and strategies;
- To monitor, coordinate and evaluate the implementation of these national policies;
- To make studies and recommendations about the targets and policies regarding relations with the EU and the pre-accession process;
- To provide overall coordination for the EU Pre-accession Financial Assistance in the areas of Regional Development and Human Resources Development under the Instrument for Pre-Accession Assistance (IPA);
- To evaluate, coordinate and harmonise strategic planning in the public sector;
- To coordinate the process of the transformation into an information society;
- To monitor, evaluate and project macro economic variables such as growth, employment, current account and budget;
- To compile, consolidate and publish public sector accounts and general government accounts; and
To contribute to the formulation of policies regarding international economic and commercial cooperation initiatives participated in and/or led by Turkey and provide secretarial services to these initiatives, if required.

Local level

Provincial government

According to Article 6 (a) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Within provincial boundaries:
  - To provide social services and assistance; and
  - To provide services relating to industry and trade.

Municipal government

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Social and aid services; and
- Services aimed at the development of economy and commerce.

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Draw up, approve, implement and monitor the implementation of master plans, plotting plans and land development rehabilitation plans and urban implementation plan;
- Draw up and license land development plans, plotting plans and all land development implementation;
- Issue permits to and inspect business in built-up areas; and
- Set up geographic and urban information systems.

Sources

State Planning Organisation
k. Environment and the fight against climate change policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for the overall legislative and policy competences in the field of:

- Biological diversity;
- Nature protection, deforestation;
- Climate change;
- Protection of Mediterranean costal areas;
- Air and water quality;
- Waste management;
- Noise;
- Reduction of greenhouse gas emissions;
- Waste water treatment plan of action;
- Industrial pollution control and risk management;
- Chemicals and genetically modified organisms;
- Organic pollutants; and
- International relations in the field of the environment.

Local level

Provincial government

According to Article 6 (a) and (b) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Within provincial boundaries, to provide services relating to:
  - The environmental arrangement plan of the province;
  - Protection of soil; and
  - Prevention of erosion.

- Outside provincial boundaries, to provide services relating to:
  - Water;
  - Sewage;
  - Solid wastes;
- Environment; and
- Supporting forest villages, afforestation, and establishment of parks and gardens.

**Municipal government**

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Environment and environmental health;
- Forestry, parks and green areas; and
- Protection of cultural and natural resources.

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Ensure the protection of the environment, agricultural land and water basins; plant trees; gather polluting businesses, recreational facilities and other businesses that have an impact on public health and environment in specific places in the city; designate storage areas and sales points for building materials, scrap materials, and storage areas for excavated soil and rubble, sand and gravel, places for the sale and storage of wood and coal; take necessary measures to prevent environmental pollution in such areas and places and during transport; draw up or cause to draw up the metropolitan area’s solid waste management plan; except for the collection of solid waste at origin and the transport of such waste to the processing plant, provide services for the recycling, storage and disposal of solid waste and excavated soil, establish or cause to establish, operate or cause to operate facilities for the purpose; provide services concerning industrial and medical waste, establish or cause to establish, operate or cause to operate facilities for that purpose; collect or cause to collect waste from maritime vessels, treat such waste and make the necessary arrangements in this regard; and
- Provide a water supply and sewer services and build and operate the necessary dams and other facilities for this purpose; rehabilitate streams; market spring water and produced water.

**Sources**

Turkish Ministry of Environment and urbanisation
1. Energy policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- The Ministry of Energy and Natural Resources (MENR) is responsible for the preparation and implementation of energy policies, plans and programmes in co-ordination with its affiliated institutions and other public and private entities;
- The General Directorate of Energy Affairs (EIGM) is the main policy-making body within the MENR. It executes national energy policy. It carries out studies on general energy policies, energy markets, renewable energy, fossil fuels, energy efficiency and environment. EIGM is responsible for the co-ordination of the electricity and natural gas reform programmes. It also deals with the consequences of previous efforts to bring private investments into the electricity sector;
- The General Directorate of Petroleum Affairs (PIGM) is responsible for the regulation of exploration and production activities in the oil and natural gas sectors;
- The Electrical Power Resources Survey and Development Administration (EIE) of MENR carries out various activities in relation to energy efficiency and renewable energy resources;
- The Energy Market Regulatory Authority (EMRA) is the regulatory authority for electricity, natural gas, oil and liquefied petroleum gas markets;
- The competition authority has the right to issue authorisations with respect to any merger or acquisition to be carried out in the market;
- The State Planning Organisation (DPT) is an advisory body, assisting the government in determining economic and social objectives and the policies to be adopted;
- The Turkish Atomic Authority (TAEK) is the regulatory body responsible for the licensing of activities related to the site selection, construction, operation and decommissioning of nuclear installations and other activities involving nuclear or radioactive materials;
- Almost half of the hydroelectric power production in the country is generated by the Karakaya, Atatürk, Tigris, Kralkızı, Birecik, Karkamış and Batman hydroelectric plants, all of them GAP projects.  

645 The South-eastern Anatolia Project (GAP), is an integrated sustainable project based on human development, consisting of 22 dams and 19 hydroelectric plants and irrigation facilities envisaged to be built along the Tigris
Local level

Provincial government

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Municipal government

Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities):

- Install, cause to install, operate or cause to operate central heating systems.

Sources

GAP - Republic Of Turkey Ministry Of Development South-Eastern Anatolia Project Regional Development Administration website

(Dicle) and the Euphrates (Firat). It encompasses urban, rural, and agricultural infrastructure as well as the industry, education, transportation, health, housing, tourism and other sectors.
33.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Overall policy and legislative competences;
- Infrastructure for irrigation and cultivation (the most important of these infrastructural ventures is the Southeast Anatolia Project (GAP)).

Local level

Provincial government

According to Article 6 (a) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Within provincial boundaries to provide services relating to agriculture.

Municipal government

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b. Fisheries policy

Central level

Central administration and de-concentrated branches

The main duties of the Ministry of Agriculture and Rural Affairs and Fisheries are:

- To determine and implement the major fisheries policies (including aquaculture);
- To assist services such as the provision, supply and distribution of the fisheries (including aquaculture) credits and other inputs that fish farmers and fishermen use;
- To establish and operate the quality control systems and organisations required to ensure and regulate fish and other fishery products being captured, processed, stored, marketed and exploited in accordance with the international quality standards;
- To establish and operate research activities on the improvements, controlling, production, processing units, agencies, laboratories and establishments, and to provide technical assistance to private sector organisations wishing to establish and operate such kind of institutions;
- To prepare and implement extension and training systems, programmes and projects for farmers and fishermen;
- To collaborate with private agencies, universities, research institutions and international organisations to increase the productivity, conservation of natural stocks and to protect them from biotic and abiotic hazards; and
- To promote and support fishery organisations (associations and co-operatives).

Local level

Provincial government

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Municipal government

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Sources
Fisheries Law No. 1380 as amended by Law No. 3288 of 1986.
c. Immigration and asylum policy

Central level

Central administration and de-concentrated branches

State authorities are responsible for:

- Government and Parliament determine the direction of migration policy; and
- International cooperation.

Local level

Provincial government

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Municipal government

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d. Tourism policy

Central level

Central administration and de-concentrated branches

The Ministry of Culture and Tourism is responsible for tourism policy and in particular:

- Encouraging diversity in tourism
- Promoting tourism facilities;
- Geographical accessibility; and
- International marketing of tourism.

The Turkish Ministry of Tourism works in collaboration with many associations dealing with tourism (Association of Turkish Travel agencies, Turkish Tourism Investors’ Association...)

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Outside provincial boundaries to provide services relating to tourism.

Municipal government

Municipalities can provide urban infrastructure service such as (Article 14 of the Municipal Law):

- Tourism.
e. Civil protection policy

Central level

Central administration and de-concentrated branches

The Emergency Management General Directorate is part of the Prime Minister’s cabinet. It works in collaboration with the Emergency Management Agency of Turkey. Their tasks are:

- To establish and coordinate emergency management centres in government departments and agencies;
- To monitor and evaluate the implementation of measures and preparation of short- and long-term plans;
- To coordinate the use of all types of land, sea and air transport vehicles and rescue/relief equipment;
- To coordinate the reception and protection of relief supplies and their dispatch to locations where such supplies are needed; and
- To provide general coordination among related ministries and organisations as well as international aid organisations.

The General Directorate of Disaster Relief Affairs:

- Implement & coordinate emergency relief operations after disasters;
- Implement short- and long-term measures for immediate temporary sheltering;
- Determine disaster prone areas and take necessary mitigation measures; and
- Determine and ensure implementation of all measures and principles to ensure minimum loss of life and assets in disaster prone areas

The Turkish Red Crescent Organisation (NGO):

- Organises humanitarian relief (food, clothes, blankets, tents etc.) and provides temporary accommodation and other urgent needs of victims; and
- Assists in the delivery of national and international assistance (including medical teams and equipment, blood/blood products and their storage & distribution).
The General Directorate of Civil Defence (Ministry of Interior):

- Fulfil civil defence functions through provincial and district Civil Defence Directorates and civil defence experts within public and private institutions;
- Set up civil protection and defence services nationwide and ensure the planning, implementation, coordination and supervision of measures in government and private establishments;
- Plan and implement all activities for non-armed protection, emergency assistance and first aid;
- Set standards for fire departments, educate their staff, supervise and coordinate them for fire protection and prevention;
- Train civil defence personnel and create public awareness; and
- Encourage voluntary organisations and individuals to provide relief in emergency situations.

Local level

Provincial government

According to Article 6 (b) of the Special Provincial Administrative Act, the special provincial administrations have the duty, provided that it is of a local and common nature:

- Outside provincial boundaries to provide services relating to emergency assistance and rescue.

Municipal government

Municipalities can provide the following services (Article 14 of the Municipal Law):

- Security forces;
- Fire brigades; and
- Emergency aid.
Metropolitan Municipalities shall (Article 7 of the Law on Metropolitan Municipalities)

- Provide municipal police services in areas under the metropolitan municipality’s authority and zones operated by the metropolitan municipality;
- In accordance with provincial-level planning, make metropolitan-level plans and other preparations relating to natural disasters; where necessary, provide other disaster areas with support in the form of equipment and supplies; provide fire-fighting and emergency services; designate production and storage locations for explosives and inflammable substances, inspect homes, businesses, recreational facilities, factories, industrial enterprises and public entities with regard to fire and other disaster prevention measures and issue the statutory permits in this respect; and
- Evacuate and demolish buildings that are liable to cause a disaster or that constitute danger to life and property.

Sources
Presentation on Civil protection regulations by Ahmet Hamdi USTA, Head of Department of Civil Defence General Directorate.
Potential Candidates
34. Albania

Albania became a parliamentary republic in the early 1990s and thus ended more than 40 years of communism. The Parliament is unicameral. The Head of State is the President of the Republic and the Government is led by the Chairman of the Council of Ministers.

The Republic of Albania (Republika e Shqiperise) comprises three levels of governance: central, regional (county or qark) and local (municipalities and communes). The decentralisation process started in 2000 with the adoption of the ‘Decentralisation Strategy’. The latter established a new territorial structure based on Regions, Municipalities and Communes, thus abolishing the Districts. The decentralisation process was further developed between 2000 and 2007, the most recent step being the adoption of the ‘Regional Development Cross-Cutting Strategy’, approved in 2007. Nevertheless, it still needs to be fully implemented.

In 2012, there are 12 Regions as well as 375 Municipalities (mainly urban areas) and Communes (mainly rural areas). Municipalities and Communes constitute the basic units of local self-government whereas the Regions constitute the second level of local government. Prefects are appointed by the central Government as representatives in the Regions. They control the legality of local acts and coordinate the activities of local authorities in charge of State services.

Regional Councils are composed of mayors from the Municipalities and Communes who elect their chairman. Because of their composition, Regional Councils seem to be considered more as a local government association rather than a second level of governance.

The principles of decentralisation and local autonomy are embedded in the Constitution (art. 13). Central authorities are vested with the residual competence (Art. 13). LRAs are attributed ‘exclusive functions’, ‘shared functions’ and ‘delegated functions’ which they exercise in accordance with the subsidiarity principle. They do not hold legislative powers and exercise their functions by means of decrees, ordinances and orders.

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646 CeSPI, 2nd research report on ‘Decentralisation and local development in Western Balkans: convergences and divergences among different contexts’, drafter by Raffaella Coletti with the collaboration of Andrea Stocchiero, June 2011, Rome.
647 Council of European Municipalities and Regions, Study on ‘Consultation procedures within European States’, 2007, pp. 10.
Besides the Constitution, various laws set out the territorial organisation and the division of powers among the different levels of governance:

- the 2000 Decentralisation Strategy;
- the 2000 Law on organisation and functioning of local government\textsuperscript{650},
- the 2000 Law on territorial administrative division of local government units in Albania\textsuperscript{651},
- the 2001 Legal Package on Public Property and the Transfer to Local Government;
- four Decisions of the Council of Ministers (2003/2004) on decentralisation; and
- the 2007 Regional Development Cross-Cutting Strategy.

Local government units are granted the right to fiscal autonomy (Constitution, Article 8.III). Local revenues are derived from own sources (locally derived taxes and fees), shared national taxation and governmental grants. Moreover, the central Government must provide local self-government units with sufficient funds in case of delegated and shared functions.\textsuperscript{652}

National level

State responsibilities

- Any State function not attributed to another authority;
- Guidelines of the general State policy;
- Security and defence;
- Implementation of legislation and policies;
- Citizenship;
- State of emergency;
- Civil service, and
- Territorial division.

Regional level\textsuperscript{653}

Responsibilities of the counties or qarks

- Development and implementation of regional policies;
- Harmonisation of regional policies with the national level;

\textsuperscript{651} Law No. 8653/200 on administrative – territorial division of LGUs of 31.07.2000.
\textsuperscript{652} Law No. 8652 on organisation and functioning of local government, of 31.07.2000, Chapter V.
\textsuperscript{653} Law No. 8652 on organisation and functioning of local government, of 31.07.2000.
• Any delegated function by the central Government.

Local level\textsuperscript{654}

Local exclusive competences

• Water supply;
• Sewage and drainage systems;
• Local roads, pavements and squares;
• Public lighting;
• Public transport;
• Cemetery management and funeral service;
• Decoration service;
• Management of parks, gardens and public green spaces;
• Waste management;
• Land and urban development;
• Social services;
• Culture;
• Local economic development;
• Small business development;
• Preservation and development of local cultural and historical values;
• Organisation of sport and leisure activities;
• Administration of kindergartens, care homes for the elderly, orphanages, etc.;
• Veterinary services.

Competences shared with the central Government

• Pre-school and pre-university education;
• Primary healthcare and public health;
• Social assistance and poverty mitigation;
• Protection of the environment;
• Public order and civil security.

Any delegated function by the central Government.

\textsuperscript{654} ibid.
34.1 Systems of multilevel governance

**Representation:** There are three associations representing regional and local interests: the Albanian Association of Municipalities, the Albanian Association of Communes, and the Albanian Association of Regions.

**Information and consultation:** During the legislative process, information is provided to local government units to the extent that information is published on the Parliament’s website.

Despite the absence of a law defining consultation procedures, local self-government units must be consulted by the Government. As a result, the Albanian Association of Municipalities is regularly consulted by central authorities on acts having a local impact. Moreover, the Parliament consults Regions on matters having a regional interest.

**Coordination:**

The Ministry of Interior, through the Deputy Minister for Decentralisation and Local Governments, is the national institution responsible for coordinating the decentralisation programme within the country.

State/LRAs: Because of the abovementioned obligation of consultation, the Parliament and the Albanian Association of Municipalities maintain good relations, resulting in a good integration of local concerns in the legislative process. Regional Councils also play a facilitator role between the State and the local authorities.

LRAs: Regional Councils cooperate with Municipalities and Communes in areas of shared competences. Moreover, the three associations cooperate by exchanging experiences and acting as lobbies together.

Horizontal coordination: The different LRA associations act as platforms for exchanging information between their respective members.

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655 Law No. 8652 on organisation and functioning of local government, of 31.07.2000, Article 74.
657 ibid
34.2 Relations with the EU/ Relations with the European territorial associations

All the Albanian Regions are member of the Assembly of European Regions.

The Albanian Association of Municipalities cooperates with numerous European territorial associations: the Network of Associations of Local Authorities of South East Europe (NALAS), the Congress of Local and Regional Authorities of Europe (CLRAE), and the Council of European Municipalities and Regions (CEMR).

34.3 Subsidiarity

Not applicable

34.4 Bibliography

Constitution


Legislation

Decision No.1509 of 30/7/2008 on the approval of the National Strategy for Higher Education 2008-2013


Law No. 7952 of 21.06.1995 on Pre-University Education system


Law No.7995 of 20.09.1995 on employment promotion

Law No. 8224 of 15.05.1997 “On the Organisation and Functioning of Municipal and Commune Police” as amended by Law No. 8335 of 23.04.1998


Law No. 8743 dated 22.2.2001 “On State Owned Real Estate”

Law No. 8744 dated 22.2.2001 “On the Transfer of State-owned Real Estates to Local Government Units”

Law No. 8872 of 29.03.2002 for vocational education and training in the Republic of Albania

Law No. 7908 of 05.04.1995 on fisheries and aquaculture

Law No. 9355, date 10.03.2005 on Social Assistance and Services

Law no. 9632, dated 30.10.2006, “On the local taxes system”

Law No. 9741 of 21.05.2007 on the Higher Education in the Republic of Albania

Law No.9970 of 24.07.2008 on Gender equality

Law No. 10 237 dated 18.2.2009 on Safety and Health at Work

Law No. 10 138 of 11.05.2009 for the public health

Normative Provisions on pre-university education

Websites

Albanian Association of Municipalities portal
Albanian Association of Communes portal
Energy Agency, Energy Country Profiles/Albania
European Union’s IPA Programme on civil protection cooperation for the candidate countries and potential candidates, Country profile/Albania
Ministry of public works, transports and telecommunications portal
Ministry of Tourism, Culture, Youth and Sports, Youth Directory
Ministry of Tourism, Culture, Youth and Sports, Sports Directory
Ministry of Tourism, Culture, Youth and Sports, Culture Directory
Ministry of Tourism, Culture, Youth and Sports, Tourism Directory
Ministry of Environment, Forests and Water Administration portal
Ministry of the Interior
Ministry of Agriculture, food and Consumer Protection, *Misioni*

Ministry of Environment, Forestry and Water Administration, Directorate of Fisheries Policies, *General outline of marine capture fisheries legislation and regulations in Albania*

Keshilli i Ministrave (Council of Ministers)

**Publications and Studies**


*Cespi*, 2nd *Research Report on ‘Decentralisation and local development in Western Balkans: convergences and divergences among different contexts’*, drafted by Raffaella Coletti with the collaboration of Andrea Stocchiero, June 2011, Rome.


Council of European Municipalities and Regions, *Study on ‘Consultation procedures within European States’*, 2007, pp. 10.

Institute for Development Research and Alternatives (IDRA) “State of the art decentralization in Albania”

34.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

National level

The central government is responsible for:

- The preparation and implementation of the overall policy, in accordance with European standards;
- National and international scale infrastructures;
- Road transport;
- Railway;
- Maritime transport;
- Air transport;
- Telecommunications;
- The monitoring of implementation;
- Funding.

Regional level

Regional authorities are responsible for:

- The development of regional infrastructure, including roads;
- The provision of regional road services;
- The distribution of national funds for:
  - Rural road infrastructures;
  - Regional transport.

Local level

Local authorities are responsible for:

- Urban public transport;
- Local roads;
- Road traffic.

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b. Employment policy

National level 659

The central government is responsible for:

- The overall employment policy;
- The supervision of the implementation;
- The labour law, in accordance with international standards;
- Safety and health at work;
- State Labour Inspectorate;
- National Employment Service;
- Active employment promotion;
- Unemployment benefits;
- Training funds;
- The employment of the disabled;
- The assessment of the economic development and labour market;
- Matching offer and demand;
- The definition of standards for foreigners;
- The development of vocational training and retraining programmes;
- The implementation of international agreements;
- Mediation activities aiming to identify decent work for jobseekers and provide them with information and necessary training.

Regional level 660

Regional authorities are responsible for:

- Employment office at the regional level;
- Mediation activities aiming to identify decent work for jobseekers and provide them with information and necessary training;
- Safety and health at work (State Labour Inspectorate at the regional level).

Local level

Local authorities are responsible for:

- Employment office at the local level;
- Mediation activities aiming to identify decent work for jobseekers and provide them with information and necessary training;
- Safety and health at work (State Labour Inspectorate at the local level).

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661 ibid
c. **Social policy**

**National level**

The central government is responsible for:

- The overall legislation;
- The regulation of standards;
- Economic Assistance and Disability Payment Inspectorate in charge of supervision;
- The distribution of funds;
- The overall legislation and implementation of Gender equality policy;
- National Council on Gender Equality.

**Regional level**

Regional authorities are responsible for:

- Social care services and socio-medical care services for individuals residing in several local units of the same region;
- Regional plan of social assistance;
- Collaboration with the State for the implementation of the Gender Equality policy.

**Local level**

Local authorities are responsible for:

- Social care services and socio-medical care services (including orphanages, day care, elderly homes, etc.) to inhabitants of their local units;
- Disability benefits;
- Support to poor families;
- The decision on the eligibility and amount of economic assistance and other special benefits;
- Cooperation with the civil society;
- Collaboration with the State for the implementation of the Gender Equality policy.

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662 Law No. 9355, date 10.03.2005 on Social Assistance and Services. Law No.9970 of 24.07.2008 on Gender equality.
d. Education Policy

National level\textsuperscript{663}

The central government is responsible for:

- The overall policy, legislation and implementation;
- The regulation of standards;
- The supervision of the legality of school acts;
- The supervision of inspection;
- Network of primary and secondary schools;
- Teaching plans and curricula;
- The establishment of post-secondary schools and universities;
- Higher education, in accordance with European standards;
- The opening of public vocational schools and special schools.

Regional level\textsuperscript{664}

Regional authorities are responsible for:

- Local subsidiaries of Higher Education institutions established at the regional level.

Local level\textsuperscript{665}

Local authorities are responsible for:

- Kindergartens;
- Compulsory education schools;
- General public secondary education schools;
- Participation in funding;
- The assignment of scholarships for students;
- The establishment of special classes;
- The ownership, preservation, maintenance and funding of pre-university education buildings;
- The improvement of curricula;


\textsuperscript{665} Law No. 7952 of 21.06.1995 on Pre-University Education system. Normative Provisions on pre-university education.
• The administration of dormitories;
• The monitoring of the educational institutions’ performance;
• Participation in school boards.
e. Vocational training policy

National level 666

The central government is responsible for:

- The general coordination of the vocational training system;
- Vocational Training Council (advisory body);
- The creation of vocational training institutions, establishment and reorganisation of private institutions, awarding of licenses, definition of general standards, and supervision of vocational training institutions;
- The development of vocational training and retraining programmes;
- Training funds;
- The opening of public vocational schools;
- Involvement in the testing and certification of the attendants in VET institutions;
- Permissions for job exercising to the physical persons in vocational training.

Regional level
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Local level 667

Local authorities are responsible for:

- The opening and closing of specialties, courses and schools in accordance with regional development needs;
- The maintenance of vocational training institutions;
- The opening of self-funded vocational training courses.

666 Law No. 8872 of 29.03.2002 for vocational education and training in the Republic of Albania, Law No.7995 of 20.09.1995 on employment promotion
667 ibid
f. Youth and Sport policy

National level

The central government is responsible for:

Youth policy

- The overall policy;
- The Youth Directory in particular:
  - Coordinates the youth policy on behalf of the youth;
  - Cooperates with NGOs and other stakeholders;
  - Cooperates with international organisations (including European) and donors.

- National Youth Strategy;
- Youth Action Plan.

Sport policy

- The overall sports policies;
- The expansion and strengthening of sports culture, including investments;
- Institutional reform;
- Financial support;
- Sports system organised with federations.

Regional level

Regional authorities are responsible for:

Youth policy

- The implementation of the National Youth Strategy;
- Cooperation with the Youth Directory.

Sport policy

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668 Ligj Nr. 9376, datë 21.04.2005 PËR SPORTIN (në të cili është reflektuar dhe ligji nr.9816, datë 22.10.2007) Në mbështetje të neneve 78 dhe 83 pika 1 e Kushtetutës, me propozimin e Këshillit të Ministrave [Law No. 9376 of 21.04.2005 For SPORT [in which is reflected and Law No. 9816 of 22.10.2007] Pursuant to Articles 78 and 83 item 1 of the Constitution, proposed by the Council Ministers].
Local level

Local authorities are responsible for:

Youth policy

- The implementation of the National Youth Strategy;
- Cooperation with the Youth Directory.

Sport policy

- The organisation of sport and leisure activities;
- The administration of the respective institutions.

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g. Culture policy

National level

The central government is responsible for:

- Cultural heritage (Cultural heritage Strategy; Action Plan);
- Arts, including
  - The legislation, coordination and supervision of the national artistic institutions’ work;
  - International promotion and cooperation;
  - The Arts Strategy;
  - The Arts Action Plan.
- Libraries, including the design and implementation of the policy, in coordination with all the stakeholders; National Strategy and Action Plan.

Regional level

Regional authorities are responsible for:

- The development of social-cultural activities such as competitions, festivals, championships, Olympics, etc. which have a regional extension and importance.

Local level

Local authorities are responsible for:

- Saving and promoting the local cultural and historic values;
- The organisation of activities;
- The management of relevant institutions.

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h. Public health policy

National level

The central government is responsible for:

- The overall definition and coordination of public health policy;
- Supporting the central and regional structures to perform their duties (Public Health Institute);
- National Council of Public Health (advisory body);
- Funding.

Regional level

Regional structures of public health are in charge of:

- Essential and other complementary services;
- The supervision of primary healthcare institutions;
- The coordination of public health activities;
- The promotion of health;
- Prevention;
- The collection of data;
- The assessment of risks;
- The maintenance and improvement of the public health services’ quality;
- The preservation of health from environmental impacts in collaboration with local government and special regional agencies
- Information;
- The use of national conditioned grant for construction and reconstruction of health centres for the primary health care service for investment in local territories.

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672 Law No. 10138 of 11.05.2009 for the public health.
673 Ligj Nr. 10 107, Datë 30.3.2009 PËR KUJDESIN SHËNDETËSOR NË REPUBLIKËN E SHQIPËRISË (Law No. 10 107 of 30.03.2009 for the public health).
675 Law No. 10138 of 11.05.2009 for the public health.
Local level

Local authorities are responsible for:

- Priority health service and protection of public health;
- The ownership of health centres and clinics;
- The preservation of health from environmental impacts in collaboration with regional structures of public health;
- Supply to the population with hygienically clean water;
- Food security for consumer protection;
- Cooperation with regional structures of public health;
- Prevention;
- The support to the implementation of the national programmes in the public health;
- Funding.

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678 Law No. 8652 on organisation and functioning of local government, of 31.07.2000; [Law No. 10 138 of 11.05.2009 for the public health](#).


i. Trans-European networks policy

National level

The central government is responsible for:

- The preparation and implementation of the overall policy, in accordance with European standards;
- National and international scale infrastructures.

Regional level

Regional authorities are responsible for:

- Regional roads.

Local level

Local authorities are responsible for:

- Rural, communal and regional roads.

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682 Ibid.
j. Economic, Social and Territorial Cohesion policy

**National level**

The central government is responsible for:

- The overall employment policy.

**Regional level**683

Regional authorities are responsible for:

- The Regional employment Office;
- Regional development planning.

**Local level**684

Local authorities are responsible for:

- The Local Employment Office;
- The implementation of the regional policy.

**Spatial planning**

- Land management and urban planning (Territorial Adjustment Councils);685
- Water supply;
- Sewage and drainage systems;
- Rural, communal and regional roads.

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683 ibid.
684 ibid.
685 Law No 8991 on some changes to the law on urban planning of 23.01.2003.
k. Environment and the fight against climate change policy

National level

The Ministry of Environment, Forests and Water Administration is in charge of:

- Implementing relevant national policies;
- Defining priority environmental and forestry investments;
- The development of national research programmes in the environmental field;
- Coordinating environmental protection-related activities of the other ministries and local authorities;
- Proposing measures for the protection and preservation of the environment, forestry and water resources;
- Implementing water policy and forestry policy.

Regional level

Regional authorities are responsible for:

- The improvement of the water supply and wastewater service;

Local level\(^{686} \text{ }^{687}\)

Local authorities are responsible for:

- Water and waste management services, including removal and treatment of wastewaters and waste collection and removal;
- Forests, pastures and natural resources;
- The protection of the environment upon delegation;
- Participation in the drafting of local environmental plans and concrete projects, collaboration for funding and implementation of the projects.

\(^{686}\) Law No. 8652 on organisation and functioning of local government, of 31.07.2000.
1. Energy policy

National level

The central government is responsible for:

- The overall legislation;
- Support of the Electricity Regulatory Agency in the definition of the legislation;
- The preparation and update of the National Strategy of Energy through the National Energy Agency;
- The approval of the National Energy Efficiency Action and of the National Renewable Energy Sources Action Plan;
- The promotion of private, domestic and foreign investments;
- Market reform in accordance with EU standards;
- Support to public energy companies in view of privatisation.

Regional level

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Local level

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^688^ Law No. 9072 of May 22, 2003 “On the Power Sector”.
34.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

National level

The central government is responsible for:

- The overall legislation;
- National Strategy and National Plan;
- Implementation of programmes relating to agriculture and food;
- The compilation and approximation of legislation in compliance with EU standards;
- Information;
- The management of agricultural land (including sustainable management);
- Support and information to farmers;
- Drainage management.

Regional level

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Local level

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b. Fisheries policy

National level\textsuperscript{689}

The central government is responsible for:

- The overall policy and legislation;
- The adoption of the Fishery Sector Development Strategy and Fisheries and Aquaculture Administration Plan;
- International cooperation;
- Investment;
- Scientific research projects.

Regional level\textsuperscript{690}

Regional Fishery Inspectorate offices are in charge of registry.

Local level\textsuperscript{691}

Local authorities are responsible for:

- Local consultative commissions for fisheries and aquaculture (advisory bodies).

\textsuperscript{689} Law No. 7908 of 05.04.1995 on fisheries and aquaculture.

\textsuperscript{690} Ministry of Environment, Forestry and Water Administration, Directorate of Fisheries Policies, \textit{General outline of marine capture fisheries legislation and regulations in Albania}.

\textsuperscript{691} Law No. 7908 of 05.04.1995 on fisheries and aquaculture.
c. Immigration and asylum policy

National level 692

The central government is responsible for:

- The overall policy;
- Granting or denying refugee status to asylum seekers (Department for citizenship and refugees);
- The Office for Refugees;
- The National Commission for Refugees.

Regional level
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Local level
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d. Tourism policy

National level

The central government is responsible for:

- The overall policy;
- Interministerial Tourism Committee;
- Advisory Committee on Private Sector Tourism;
- National Tourism Agency;
- The Action Plan, including awareness and marketing; product development; investments; human resources; assessment; data management.

Regional level

Local level

Local authorities are responsible for:

- The inventory on the main tourist resources;
- The inventory of tourism businesses;
- Technical assistance;
- Propositions to institutions.

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693 Ligj Nr. 9734, datë 14.5.2007 PËR TURIZMIN [Law No. 9734 of 14.05.2007 For Tourism]
694 ibid
e Civil protection policy

National level

The central government is responsible for:

- The overall policy, adoption of strategies, policies and programmes aiming at the prevention, mitigation, preparation and response to civil emergency situations;
- International cooperation;
- The management of the National system of civil emergency;
- The declaration of the state of civil emergency;
- Coordinating tasks.

Regional level

Regional authorities are responsible for:

- The regional civil emergency plan;
- The Qark Commission for civil Emergency Planning and Response;
- Response to civil emergency situations.

Local level

Local authorities are responsible for:

- Civil emergency planning and crisis management;
- Local Civil Emergencies Commissions;
- The organisation and coordination of plan drafting;
- The organisation and coordination of emergency preparedness;
- The implementation of protective measures;
- Operational forces.

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695 European Union’s IPA Programme on civil protection cooperation for the candidate countries and potential candidates, Country profile/Albania, no mention as to when it was lastly updated.
35. Bosnia and Herzegovina

Bosnia and Herzegovina (*Bosna i Hercegovina* – hereinafter BiH) declared its independence from the former Yugoslavia on 1 March 1992. The declaration of independence, which was boycotted by the Bosnian Serbs, gave rise to an armed conflict. In 1995, a peace agreement was reached with the signature of the Dayton Peace Accords in Paris, which include the BiH Constitution in its annexes. The BiH Constitution instituted a multi-ethnic system of government with an asymmetrical and complex governance structure. The Presidency is composed of three members from each of the constituting nations: one Bosniak and one Croat from the FBiH and one Serb from the Republika Srpska. The Head of State is the Chairman of the Presidency and the Government is lead by the Chairman of the Council of Ministers. The Parliament is bicameral and is composed of the House of Peoples (*Dom Naroda*) and the House of Representatives (*Predstavnički Dom*).

Bosnia and Herzegovina is not a member of the European Union; it participates in the Stabilisation and Association Process.

Bosnia and Herzegovina comprises 4 tiers of governance, at the State, Entity, Canton and municipal levels:

- **Bosnia and Herzegovina**: BiH shall consist of two Entities: the Republika Srpska and the Federation of Bosnia and Herzegovina (*Federacija Bosna i Hercegovina* – hereinafter FBiH) and the Brcko District.

- **Republika Srpska**: The Republika Srpska is a unique and indivisible constitutional and legal entity comprising one level of local self-government with sixty-two Municipalities.

- **FBiH**: The FBiH consists of ten federal units, the Cantons, which have their own Constitution, Parliament, Government and judicial powers. In total, there are eleven constitutions, governments and legislators in the FBiH (10 cantonal and one Entity). Cantons operate under the laws of FBiH as a whole. Moreover, they are further divided into seventy-nine municipalities and cities, which constitute the local self-government units. They hold both executive and legislative powers.

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696 Last updated in June 2012.
697 Annex 4 of the latter contains the Constitution of BiH.
698 Constitution of Republika Srpska “Official Gazette” of Republika Srpska, 3/92, 6/92, 8/92, 15/92, 19/92, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, further amendments published in official gazettes: 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05, 27/08, 48/11.
- **Brecko District**: It was previously considered a municipality divided into two parts, one in the Republika Srpska and the other in FBiH. The final award was brought by an international arbitration tribunal in 1999 and prescribed the establishment of Brecko as a District. It is since then a condominium jointly owned by the Entities but not managed by either. State legislation directly applies to the District and its fields of competence are nearly the same as the ones of the Entities (including executive, legal and judiciary authorities).

The BiH Constitution sets out the division of competences between the State and the Entities. It enumerates a list of attributions that come under the State and the Entities, and provides that the Republika Srpska and the FBiH have competence in all the fields that are not expressly assigned to the central Government.

- **Republika Srpska**: The Republika Srpska is vested with all state functions and powers which are not expressly granted to the central Government of Bosnia and Herzegovina. The Parliament exercises the legislative power whereas the Government owns the executive power. Local self-government is one of the basic principles of the Republika Srpska’s Constitution (Art. 5). Municipalities have both exclusive and shared competences with the Republika Srpska.

- **FBiH**: The FBiH was created by the Washington Agreement signed on 18 March 1994. The Government of the FBiH owns the executive power and the Parliament is vested with legislative powers. According to the FBiH’s Constitution, the Cantons have competence in all the fields that are not expressly granted to the Federation. It also lists a number of competences which are expressly attributed to the Cantons. The Constitution foresees the express allocation of competences to local self-government units and the possibility for the Cantons to delegate them some responsibilities. This delegation of competences is mandatory where the majority of population in a local self-government unit is different from that of the Canton as a whole.

Besides the Constitution of Bosnia and Herzegovina, the constitutions of both Entities describe the distribution of powers between the different levels of governance. Moreover, both Entities have adopted their own laws on local self-government.

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699 Amendment I to the Constitution of Bosnia and Herzegovina, Official Gazette of BiH No. 25/09.
700 Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08.
In the FBiH, local units of self-government shall independently manage their funds in accordance with the law.\textsuperscript{701}

As regards the Republika Srpska, local self-government units have right to efficient own financial resources that can freely be disposed by a local unit in accordance with its competences and in accordance with law. All resources from a local self-government unit’s own income belong to a local self-government budget.\textsuperscript{702}

**General division of powers**

**Central level (BiH)\textsuperscript{703}**

The central Government of BiH has competence in the field of:

- Foreign policy;
- National defence\textsuperscript{704};
- Intelligence and Security\textsuperscript{705};
- VAT\textsuperscript{706};
- Judicial system\textsuperscript{707};
- Foreign trade policy;
- Customs policy;
- Monetary policy;
- Finances of the institutions and for the international obligations of Bosnia and Herzegovina;
- Immigration, refugee, asylum policy and regulation;
- International and inter-Entity criminal law enforcement, including relations with Interpol;
- Establishment and operation of common and international communications facilities;
- Regulation of inter-Entity transportation;
- Air traffic control;
- Matters necessary to preserve the sovereignty, territorial integrity, political independence, and international personality of the State, and

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\textsuperscript{701} Z\textsuperscript{a}k\textsuperscript{o}n\textsuperscript{o} P\textsuperscript{r}in\textsuperscript{c}ip\textsuperscript{i}ma L\textsuperscript{a}kal\textsuperscript{n}e S\textsuperscript{a}mu\textsuperscript{p}r\textsuperscript{a}ve U F\textsuperscript{e}d\textsuperscript{e}rac\textsuperscript{i}j\textsuperscript{i} Bi\textsuperscript{h}ne I H\textsuperscript{e}r\textsuperscript{z}e\textsuperscript{g}ov\textsuperscript{i}n\textsuperscript{e} [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation], Article 7. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09.

\textsuperscript{702} Z\textsuperscript{a}k\textsuperscript{o}n o l\textsuperscript{a}kal\textsuperscript{n}oj s\textsuperscript{a}mu\textsuperscript{p}r\textsuperscript{a}ve [Law on local self-government – unofficial translation], Article 66, Official Gazette of Republika Srpska 101/04, 42/05, 118/05.

\textsuperscript{703} Constitution of Bosnia and Herzegovina.

\textsuperscript{704} Law on Defence of BiH (Official Gazette of BiH 88/05).

\textsuperscript{705} Law on Intelligence and Security Agency of BiH (Official Gazette of BiH 12/04, 20/04, 56/06, 32/07, 12/09).

\textsuperscript{706} Law on Value Added Tax (Official Gazette of BiH 9/05, 35/05).

\textsuperscript{707} Law on High Judicial and Prosecutorial Council of BiH, (Official Gazette BiH 25/04, 93/05, 48/07, 15/08).
• Other matters decided by the two Entities.

Regional level

Responsibilities common to both Entities

Both Entities have competence in the field of:

• Special relationship with neighbouring states provided that they are consistent with the sovereignty and territorial integrity of Bosnia and Herzegovina;
• Assistance to the central Government as regards the execution of its international obligations;
• Ensuring a safe and secure environment by the maintenance of civilian law enforcement agencies;
• Some international agreements, and
• All the fields that are not expressly assigned to the central Government.

Federation of Bosnia and Herzegovina\textsuperscript{708}

The Federation has exclusive responsibility in the field of:

• Citizenship of the Federation;
• Economic policy, including planning, reconstruction, land use policy at the federal level;
• Finance, financial institutions and fiscal policy of the Federation
• Combating terrorism, inter-cantonal crimes, drug trafficking and organised crime;
• Allocation of electronic frequencies for radio, TV and other purposes according to BiH Constitution;
• Energy policy, incl. inter-cantonal distribution matters, and providing and maintaining the related infrastructure;
• Financing activities of or under the aegis of the Federation Government by taxation, borrowing or other means.

The Federation and the Cantons share responsibilities, which may be exercised either jointly or separately, in the field of:

• Guaranteeing and enforcing human rights;

\textsuperscript{708} Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04,71/05, 72/05, 32/07 (Corrigenda), 88/08.
• Health;
• Environmental policy;
• Infrastructure for communications and transport in accordance with the BiH Constitution;
• Social welfare policy;
• Implementation of laws and regulations concerning citizenship and passports of citizens of BiH from the Federation territory and on foreigners staying and movement;
• Tourism, and
• Use of natural resources.

Republika Srpska

In accordance with its Constitution\textsuperscript{709}, the Republika Srpska has competence in the field of:

• Integrity, constitutional order and territorial unity of the Republic;
• Security
• Measures falling under its jurisdiction in case of the state of imminent threat of war or state of emergency
• Constitutionality and legality;
• Implementation and protection of human rights and freedoms;
• Property and obligation relations and protection of all forms of property, legal status of enterprises and other organisations, their associations and chambers, economic relations with foreign countries, which have not been transferred to institutions of Bosnia and Herzegovina, market and planning;
• Banking and tax system;
• Main objectives and directions of economic, scientific, technological, demographic and social development, the development of agriculture and the village, the use of space, politics and measures for direction of the development and commodity reserves;
• Control of legality of the disposal of means of legal entities and the collection of statistical and other data of general interest;
• Organisation, competence and the work of State bodies;
• Public services system;
• Work relations, safety at work, employment, social insurance and other forms of social care, healthcare, soldiers and invalid protection, child and

\textsuperscript{709} Constitution of Republika Srpska “Official Gazette” of Republika Srpska, 3/92, 6/92, 8/92, 15/92, 19/92, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96, 21/96, 21/02, 26/02, 30/02, 31/02, 69/02, 31/03, 98/03, 115/05, 117/05, 27/08, 48/11.
youth care, education, culture and cultural resources protection, physical culture;
• Environmental protection;
• Public information system;
• International cooperation, with the exception of the one transferred to institutions of Bosnia and Herzegovina.
• Financing the exercise of the rights and duties of the Republic;
• Other relations relevant for the Republic, in accordance with the Constitution;
• Police;
• Local media.

Some competences are shared with the municipalities:

• Education (preschool, primary and secondary school);
• Public administration;
• Fire fighting;
• Civic affairs registry;
• Healthcare centres;
• Culture (Theatres and galleries);
• Planning (Gas supply);
• Trade and tourism;
• Employment;
• Local media.

Intermediate Level

Cantons (FBiH)

Cantons have competence in the field of:

• Police (establishment and control of the forces);
• Development of educational policy, including regulation and provision of education;
• Development and implementation of cultural policy;
• Development of housing policy, including regulations on construction of residential buildings;
• Development of policy on provision of public services;
• Regulation of local land use, including zoning;

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Footnote 710: Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08.
- Development of policy on radio and television, including regulations on their provision and construction;
- Implementing Social welfare policy and services;
- Development and implementation of Cantonal tourism policy, development of tourism resources;
- Financing of activities of the cantonal government or its agencies through taxation, borrowing or other means, and
- All the fields not expressly granted to the Federation.

Municipal level

FBiH’s Municipalities

The Cantons may delegate their responsibilities to a municipality or a city, notably in the field of:

- Education;
- Culture;
- Tourism;
- Local business, and
- Radio and television.

Local self-government units have responsibility in the field of:

- Insurance and protection of human rights and fundamental freedoms in accordance with the Constitution;
- Adoption of a local self-government unit’s budget;
- Adoption of development programmes and creation of conditions for economic development and employment;
- Development and implementation of spatial planning and environmental protection policies;
- Adoption of spatial, urban and implementation plans, including zoning;
- Development and implementation of housing policies and adoption of housing and other construction programmes;
- Establishing a policy and setting the level of reimbursement for the use of public goods;
- Development and implementation of policy on use and management of construction land;
- Development of policy on management and use of a local self-government unit’s assets;

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711 Ibid.
712 Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation], Article 8, Official Gazette of FBiH 49/06, 51/09.
Development of policy on management of natural resources of a local self-government unit and allocation of the profits from their use;

Management, funding and development of activities and facilities of a local utility infrastructure:

- Water supply and wastewater treatment,
  - Collection and disposal of solid waste,
  - Maintenance of public hygiene,
  - City cemeteries,
  - Local roads and bridges,
  - Street lights,
  - Public car parks,
  - Parks;

- Organisation and development of local public transport;
- Development of pre-school educational policy, advancement of the institutional network, and management and financing of public institutions for preschool education;
- Establishment, management, financing and advancement of elementary educational institutions;
- Establishment, management, advancement and financing of institutions, and construction of facilities for cultural and sport activities;
- Assessing the work of institutions and quality of services in the areas of healthcare, social welfare, education, culture and sport, and ensuring funds required for the improvement of their work and quality of services in accordance with the needs of citizens and capabilities of the local self-government unit;
- Analyses of public order and peace and level of safety of people and property, and making recommendations to relevant authorities;
- Organising, implementation and responsibilities for measures of protection and rescue of people and material goods from elements and natural disasters;
- Establishment and conduct of compliance inspections with regard to the regulations from within the competencies of the local self-government unit;
- Rendering regulations on taxes, reimbursements, contributions and fees within the competencies of the local self-government unit;
- Organising referendums in the territory of a local self-government unit;
- Floatation of bonds and decisions on debt incurrence by local units of self-governance;
- Conduct of activities for ensuring proper sanitation and health conditions;
• Ensuring proper working conditions for local radio and TV stations in accordance with the law;
• Ensuring and maintaining records of personal status of citizens and electoral rolls;
• Activities from the domain of land survey and land cadastre, and property records;
• Organisation of efficient local government in accordance with local needs;
• Establishment of organisation of community self-government;
• Animal protection.

Republika Srpska’s Municipalities

Municipalities have competence in the field of:

• All the fields of local interest that are not explicitly excluded from their competences or expressly assigned to other levels of power\(^{713}\);

Independent functions:

*Regulatory competences*\(^{714}\)

• Adoption of local government budget, development programmes, spatial, urban and regulation plans;
• Establishment of municipal bodies, organisation and coordination of the services;
• Collection, collection control and enforcement of the original revenue of the municipality;
• Adoption of regulations on taxes, fees, duties and tariffs coming under the local government unit;
• Inspections surveying the implementation of regulations under the competences of the local government unit;
• Management of natural resources in the local government unit;
• Use of public goods (definition of the policies and fees);
• Disposal, use and management of construction sites;
• Organisation of the municipal police.

\(^{713}\) *Zakon o lokalnoj samoupravi* [Law on local self-government – unofficial translation], Article 11, Official Gazette of Republika Srpska 101/04, 42/05, 118/05.

\(^{714}\) Ibid., Article 12a.
Service provision competences

Besides the shared competences with the Republika Srpska, the municipalities have responsibilities in the field of:

- Civil protection;
- Social welfare (centres for social work);
- Public health (geriatric centres; sanitation);
- Sport and culture halls;
- Planning;
- Transport;
- Environment protection;
- Crafts.

Municipalities also in charge of:

- Health care;
- General and detailed land use planning;
- Local roads and streets;
- Regulating construction and business premises;
- Other tasks as determined by laws and the statute of the municipality;
- Transferred functions.

35.1 Systems of multilevel governance

Representation: The Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina (Savez općina i gradova Federacije Bosne i Hercegovine) and the Association of Local Authorities of Republic Srpska (Savez opština i gradova Republike Srpske) represent local self-government units of the Federation and the Republika Srpska respectively. They act as representatives of local self-government units before their respective Entities and the central Government.

Consultation: Republika Srpska: The Republika Srpska’s administration must ask the opinion of the Association of Local Authorities of Republic of Srpska and of the local self-government units during the drafting process of the legislative acts that regulate the status, rights and obligations of local

715 Ibid., Article 12b.
716 Ibid., Articles 12 to 27.
717 Ibid., Article 28.
government. In addition, the Republika Srpska consults mayors and associations of Communes and Towns on a bi-annual basis.\textsuperscript{718}

**FBiH:** Pursuant to Article 56 of the Law on the principles of local government in the FBiH, the federal and cantonal authorities must consult local self-government units when a proposal has a local impact. Consultation is conducted via the representatives of the Association of Municipalities and Cities of the FBiH\textsuperscript{719}.

**Coordination:**

*Vertical coordination:*

The Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina\textsuperscript{720} and the Association of Local Authorities of Republic Srpska ensure vertical coordination within their respective territories. They promote their interests before their respective Entities and the BiH Government.

Pursuant to Article 51 of the Law on the principles of local government in the FBiH, the Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina:

- Acts as a legal representative for its members before the authorities of the BiH Federation;
- Prepares legislative proposals and amendments to improve the laws and regulations which define the work of local self-government units, and
- Provides opinions and recommendations with regard to the allocation of public revenue in the part thereof that concerns the funding of local units of self-government.

According to Article 53 of the Law on the principles of local government in the FBiH, cantonal authorities shall have the obligation to consider initiatives, proposals and suggestions of local self-government units and inform local self-government units on their position and related activities within 30 days from the date of receipt of an initiative, proposal or suggestion.

\textsuperscript{718} Congress of Local and Regional Authorities, *Local and regional democracy in Bosnia and Herzegovina*, CG(22)12, 21 March 2012.

\textsuperscript{719} Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina, *Lobby Strategy*, Sarajevo, September 2011.

\textsuperscript{720} Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina, *O Savezu općina i grada Federacije Bosne i Hercegovine*. 

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The Governments of the Federation and of the Republika Srpska have prepared a code of relations in order to improve coordination between the different levels of Government.\textsuperscript{721}

**Horizontal coordination:**

The Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina\textsuperscript{722} and the Association of Local Authorities of Republika Srpska\textsuperscript{723} ensure horizontal coordination within their respective territories. Moreover, they act as platforms for sharing knowledge and information.

Thematic boards of the Association of Local Authorities of the Republika Srpska are working bodies that bring together municipal and city representatives working on crucial issues of local self-government interest in order to exchange experience and formulate legislative and other initiatives for improvement of the position of the local self-government and their better representation before the government.\textsuperscript{724}

**EU-related coordination:**

**Bosnia and Herzegovina** has a Directorate for European Integration\textsuperscript{725} tasked with coordinating the process of BiH’s integration into the EU. The Directorate overtook the role of the former Ministry of European integration of BiH. The Directorate for EU integration is competent for the following\textsuperscript{726}:

- Coordination of activities on harmonisation of the BiH legal system with the EU accession standards (*acquis communautaire*);
- Verification of the coherence of all draft laws and regulations submitted to the Council of Ministers by all ministries and administrative units with the directives of the *White Paper – Preparation of Associated States of Central and Eastern Europe for Integration into the Internal Market of the Union*.
- Harmonisation of the activities of the authorities and institutions of BiH in the field of EU integration;


\textsuperscript{722} Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina, O Savezu općina i gradova Federacije Bosne i Hercegovine

\textsuperscript{723} Association of local authorities of Republic of Srpska, About us

\textsuperscript{724} Ibid.

\textsuperscript{725} Law on Council of Ministers of BiH, Official Gazette of BiH, No. 38/2002 of 18 December 2002

\textsuperscript{726} Official website of the Council of Ministers of BiH.
- Coordination of enforcement of decisions passed by the relevant authorities and institutions of BiH, Entities and the Brčko District with regard to all the activities necessary in the field of EU integration;
- Acting as the central operational partner of the institutions of the European Commission in the process of stabilisation and association;
- Coordination of the EU assistance.

It also participates as a technical operational body for keeping contacts with the European Commission, in the activities on or is involved with drafting laws, regulations and guidelines concerning the inclusion into the European integration processes. 727

In Republika Srpska, there are EU integration units in every ministry with the exception of the Ministry of Justice. The Ministry of Economic Relations and Regional Cooperation has an overall coordinating role on EU matters. FBiH has established an EU integration unit in some ministries.

Nevertheless, there is an important lack of coordination of EU-related matters within the FBiH and between the Entities and BiH. 728

35.2 Relations with the EU/ Relations with the European territorial associations

The Sarajevo Canton is a Civex member of the Committee of the Regions. Republika Srpska 729 and the Sarajevo Canton 730 have liaison offices established in Brussels.

Republika Srpska, the Brčko District, and the Cantons of Sarajevo, Bosna Podrinje, Herzegovina-Neretva, Tuzla, West Herzegovina, Zenica-Doboj as well as the Canton 10 are members of the Assembly of European Regions (AER) 731.

The Association of Local Authorities of Republika Srpska and the Association of Municipalities and Cities of the Federation of Bosnia and Herzegovina cooperate with the Congress of Regional and Local Authorities of Europe (CLRAE), the Council of European Municipalities and Regions (CEMR) and

727 ibid.
729 Republika Srpska regional representation in Brussels
730 Sarajevo Canton representation to the EU
731 Republika Srpska regional representation in Brussels
the Network of Associations of Local Authorities of South-East Europe (NALAS).

35.3 Subsidiarity

Not applicable

35.4 Bibliography

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[Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation], “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09

**Zakon o mladima FBiH (36-2010)** [Law on youth 36-2010]

**Zakon o poljoprivrednom zemljištu** [Law on agricultural land], Official Gazette of FBiH 2/98.

**Zakon o slatkovodnom ribarstvu** [Law on fresh water fishery]

**Zakon o lokalnoj samoupravi** [Law on local self-government – unofficial translation], Official Gazette of Republika Srpska 101/04, 42/05, 118/05.


**Zakon o republickoj upravi** [Law on Republic administration- unofficial translation], Article 25, Official Gazette of Republika Srpska 118/08.

**Zakon o visokom obrazovanju** [Law on higher education- unofficial translation], Article 16, Official Gazette of Republika Srpska 73/10.

**Zakon o osnovnom obrazovanju i vaspitanju** [Law on primary education- unofficial translation], Article 20

**Zakon o srednjem obrazovanju i vaspitanju** [Law on secondary education- unofficial translation], Article 15

Законо образовању одраслих Република Српска [Law on Adult Education, Republika Srpska, June 2008]

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- FBiH Government portal, Federal Ministry of Labor and Social Policy
- FBiH Government portal, Federal Ministry of Education and Science
- FBiH Government portal, Federal Ministry of Culture and Sport
- FBiH Government portal, Federal Ministry of Environment and Tourism
- FBiH Government portal, Federal Department of Civilian Protection

FBiH Federal Ministry of agriculture, water management and forestry

Official website of the Council of Ministers of BiH

-Council of Ministers of BiH portal, Ministry of communications and transports
-Council of Ministers of BiH portal, Ministry of civil affairs
-Council of Ministers of BiH portal, Ministry of Physical Planning
-Council of Ministers of BiH portal, Ministry of Foreign Trade and Economic Relations
-Council of Ministers of BiH portal, Ministry of Displaced Persons and Refugees
-Council of Ministers of BiH portal, Ministry of Security

Republika Srpska regional representation in Brussels.

Republika Srpska Government Portal

Republika Srpska Government portal- Ministry of Industry, Energy and Mining

Republika Srpska Government portal/ Ministry of agriculture, forestry and water management

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Decentralisation process – OECD

35.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level (BiH)\textsuperscript{732}

- Common and international communications facilities (policy and regulation);
- International and inter-Entity transportation and infrastructure;
- Control of unimpeded transport in international transport;
- Civil air traffic.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\textsuperscript{733}

- Infrastructure for communications and transport (shared with the Cantons)
- Road transport;
- Public roads, railways, air, maritime, river, lake transport;
- Pipeline transport;
- Safety of road, rail, air, maritime, river and lake transport; flight control;
- Telecommunications and post, except for establishment and functioning of the joint and international communication devices;
- Inspection and supervision in the field of public roads and road, rail, air, maritime, river and lake transport (Federal Ministry of Transport and Communications);
- Planning, coordination and development, standardisation and maintenance of the capacities of the airport facilities and equipment, flight control equipment and aircrafts (Federal Directorate for Civil Aviation);
- Training and development of human resources;
- Financial engineering; preparation, organisation and managing of the construction of motorways;

\textsuperscript{732} Constitution of Bosnia and Herzegovina; Council of Ministers of BiH portal, Ministry of communications and transports

\textsuperscript{733} Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08.
• Coordination and implementation of commitments in defining and constructing the motorway corridor (Vc and other corridors);
• Preparation of long-term and medium-term plans, as well as project tasks for the construction and development of motorways in the Federation;
• Preparation of investment-technical documentation; preparation, defining and elaboration of tender documentation;
• Organisation of financing for construction of motorways (Federal Directorate for Building, Managing and Maintaining Motorways).

Republika Srpska

Administrative and technical tasks in the field of:

• Legislation in the field of transport;
• Road traffic, road traffic safety;
• Technical safety of motor vehicles and licensing of stations for technical inspection of motor vehicles;
• Public roads (motorways, main roads and regional roads);
• International bilateral permits for transporting goods via international road traffic, licensing drivers and vehicles in international road transport;
• Rail transport, railway transport security, railway infrastructure, industrial railways, urban railways and cable cars, verification of companies for production of railway equipment, approval of prototype devices for railways;
• Air transport, airports, air-companies, organisations and associations in the field of air transport;
• River and lake transport, safety of inland waterways and lake transport, development of waterways;
• Water infrastructure (ports, harbours, etc.);
• Transport permits and approvals for sailing ships;
• Combined transport and trans-shipment services;
• Communication systems, radio communications, postal, telegraph and telephone traffic, telecommunications, telecommunications infrastructure, broadcasting systems;
• Monitoring and guiding of the development of all forms of transport and telecommunications;
• Coordination of preparation of medium- and long-term plans for development of transport in Republika Srpska;
• Development of strategic infrastructure projects and investment programmes in transport and other infrastructure works.

734 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96; Zakon o republickoj upravi [Law on Republic administration-unofficial translation], Article 26, Official Gazette of Republika Srpska 118/08.
Intermediate level

Cantons (FBiH) 735

- Infrastructure for communications and transport (shared with the Federation).

Municipal level

FBiH’s Municipalities 736

- Management, financing and improvement of local roads and bridges;
- Organisation and improvement of local public transport.

Republika Srpska’s Municipalities 737

- Local and uncategorised roads and streets;
- Public transportation.

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735 *Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04,71/05, 72/05, 32/07 (Corrigenda), 88/08; FBiH Government portal, Federal Ministry Transport and Communications*

736 *Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09*

737 *Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.*
b. Employment policy

Central level (BiH)\textsuperscript{738}

Ministry of civil affairs in charge of defining basic principles for:

- Coordination and consolidation of Entities plans;
- Definition of an international strategy;

“The state-level BiH Agency for Labour and Employment has authority in the domain of representing BiH internationally, signing and implementing international agreements regarding labour and employment, as well as regulating relationships with other states for the purpose of enabling our workers to seek work abroad. One of its important responsibilities is to manage compensation payments for returnees from Germany after the recent war.”\textsuperscript{739}

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\textsuperscript{740}

- Labour and employment policies;
- Labour relations and rights arising from labour relations;
- Industrial protection and safety;
- International conventions, and
- Agreements and bilateral covenants in the area of employment.

Republika Srpska\textsuperscript{741}

- Employment (shared with the Municipalities);
- Work relations;
- Safety at work;
- Labour relations and rights arising from labour relations;
- International conventions;
- Strategy of employment;\textsuperscript{742}

\textsuperscript{738} Council of Ministers of BiH portal, Ministry of civil affairs
\textsuperscript{740} FBiH Government portal, Federal Ministry of Labor and Social Policy
\textsuperscript{741} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
• Action plan of employment;743  
• Training and employment of disabled persons;  
• Collective agreements;  
• Temporary employment of workers abroad in coordination with authorities at the state level;744  
• Employment of youth.

Intermediate level

Cantons (FBiH)745  

• Regulation and promotion of local business and charitable activities.

Municipal level

FBiH’s Municipalities746  

• Employment;  
• Plans and programmes necessary for economic growth and job creation.

Republika Srpska’s Municipalities747  

• Employment (shared with the Republika Srpska).

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743 Ibid.

744 *Zakon o republickoj upravi* [Law on Republic administration- unofficial translation], Article 25, Official Gazette of Republika Srpska 118/08.

745 Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03.


747 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
c. Social policy

Central level (BiH)\textsuperscript{748}

Ministry of civil affairs in charge of defining basic principles for:

\begin{itemize}
  \item Coordination and consolidation of Entities’ plans;
  \item Definition of international strategy.
\end{itemize}

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\textsuperscript{749}

\begin{itemize}
  \item Social welfare and solidarity policy;
  \item Pension and disability insurance;
  \item Welfare of the civil victims of the war;
  \item Family welfare, children adoption and custody;
  \item Social protection.
\end{itemize}

Republika Srpska\textsuperscript{750, 751}

\begin{itemize}
  \item Child and youth care;
  \item Social insurance and other forms of social care;
  \item Social welfare, family and child protection;
  \item Planning and operation of social, family and child protection;
  \item Planning and financing of realisation of individual social protection rights;
  \item Programmes on construction, reconstruction, adaptation and equipping of institutions for social protection;
  \item Development programmes aiming at the improvement of social, family and child protection;
  \item Supervision of professional work of institutions for social and child protection;
\end{itemize}

\textsuperscript{748} Council of Ministers of BiH portal, \textit{Ministry of civil affairs}
\textsuperscript{749} Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08. FBiH Government portal, \textit{Federal Ministry of Labor and Social Policy}
\textsuperscript{750} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
\textsuperscript{751} \textit{Zakon o republickoj upravi} [Law on Republic administration- unofficial translation], Article 21, Official Gazette of Republika Srpska 118/08.

1241
• Planning and coordination of additional professional training of social workers;
• Introduction of standards of professional performance and services provided in social welfare institutions;
• Participation in development, preparation and implementation of strategies and programmes on social, family and child protection;
• Fostering and promoting of family protection and social forms of child care, youth care and care for adult individuals without families;
• Monitoring and promoting of programmes for social, family and child care, social rehabilitation and training of persons with disabilities;
• Monitoring, analysis and study of the phenomenon and needs in social, child and family protection;
• Monitoring of vulnerability and the social needs of the population;
• Encouraging and coordination of social and humanitarian activities;
• Harmonisation of legal regulations with the EU standards.

Intermediate level

Cantons (FBiH)\textsuperscript{752}

• Implementation and provision of services;
• Housing.

Municipal level

FBiH’s Municipalities\textsuperscript{753}

• Housing (creation and implementation of housing policy; adoption of programmes for housing development and other kinds of property developments);
• Social welfare: assessing the work of institutions and quality of services;
• Ensuring funds required for the improvement of their work and quality of services in accordance with the citizens’ needs and the local self-government units’ capabilities.

\textsuperscript{752} Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08.

\textsuperscript{753} Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09
Repulika Srpska’s Municipalities\textsuperscript{754} 755

- Centres for social work;
- Monitor the social needs of its citizens, families and individual vulnerable groups and define social care policy in their area;
- Develop a municipal social care programme;
- Create conditions for the provision of quality social services to its citizens (services for children, elderly, invalids, families with problems, and other socially vulnerable persons);
- Establish centres for social work and take care of staffing, housing, financial and technical conditions for their work;
- Provide funds for payment of the rights set by the law;
- Monitor and assist the social work of humanitarian organisations and citizens in performing humanitarian activities;
- Develop other activities in accordance with needs and possibilities in social care.

\textsuperscript{754} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

\textsuperscript{755} Zakon o lokalnoj samoupravi [Law on local self-government – unofficial translation], Article 18, Official Gazette of Republika Srpska 101/04, further amendments published in official gazettes: 42/05, 118/05.
d. Education policy

Central level (BiH)\textsuperscript{756}

Ministry of civil affairs in charge of defining basic principles for:

- Coordination and consolidation of Entities’ plans;
- Definition of international strategy.

Regional level

Responsibilities common to both Entities

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Federal of Bosnia and Herzegovina\textsuperscript{757}

- Pre-school, elementary and secondary school education;
- Pedagogical standards, standards in the area of premises, equipment and teaching aids in preschool, elementary and secondary school education processes;
- Validation and equalisation of foreign school certificates and diplomas;
- Training and professional specialisation of the teaching staff;
- Textbooks for elementary and secondary schools;
- Research aimed at improving educational work and standards for university-level education;
- Pupils’ and students’ standard of living;
- Development of scientific activity;
- Development of scientific-researching institutions;
- Protection of copyrights and intellectual property;
- Coordination of scientific-research activities;
- Encouragement of fundamental applied research;
- Development of investment technologies and human resources in scientific-research field;
- Follow-up innovations;
- Development and improvement of technologies;
- Other tasks as laid down by the legislation governing this field.

\textsuperscript{756} Council of Ministers of BiH portal, \textit{Ministry of civil affairs}
\textsuperscript{757} FBiH Government portal, \textit{Federal Ministry of Education and Science}
• Primary and secondary school (shared with the Municipalities);
• Higher education;
• Pre-school;
• Curricula for preschool, primary, secondary and higher education;
• Strategic planning at all levels of education;
• Establishment of standards and norms, and other requirements for educational work;
• Approval of textbooks;
• Approval of education and training of teachers and professional staff;
• Supervision of legality of work of educational institutions;
• Provision of financial and material resources for education institutions;
• Provision of education for students with special needs;
• Provision of lifelong learning;
• Creation of an enrolment policy in accordance with market needs;
• Pupils and student standards;
• Student associations;
• Scholarships for students in the Republic and abroad;
• Coordination of international students and academic staff exchange;
• Validation and equalisation of foreign school certificates and diplomas;
• Recognition of foreign higher education diplomas;
• Education of pupils and citizens that work abroad;
• Preparation of programmes of educational cooperation with other countries and international organisations;
• International agreements in the field of education;
• Scientific-research activities;
• Strategy of scientific development of the Republic;
• Promotion of basic, applied and development research and other forms of scientific research;
• Establishment and operation of research institutes;
• Promotion of scientific research;
• Provision of infrastructure for scientific research;
• Scientific publications;
• System of scientific information and communication;
• Participation in international scientific and research activities.

758 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
759 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 27, Official Gazette of Republika Srpska 118/08.
Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 19, Official Gazette of Republika Srpska 118/08.
Intermediate level

Cantons (FBiH)

- Decisions relating to regulation and provisions;
- Pedagogical standards and norms;
- Criteria for financing of preschool educational institutions;
- Licensing of educational institutions;
- Register of educational institutions;
- Supervision of work and legality of work of educational institutions;
- Financing of the programmes of health protection of children;
- Harmonisation of needs for establishment of secondary schools in accordance with market needs;
- Curricula for preschool, primary and secondary education;
- Together with educational institutions, parents, pupils, NGOs and local self-government units promote and implement programmes and actions for prevention of abuse of children and young people against drug abuse, and other addictions, juvenile delinquency, and any other phenomena that threaten the health and lives of pupils;
- Provides part of funds for implementation of scientific, artistic research and work of the higher education institutions.

Municipal level

FBiH’s Municipalities

- Preschool policy;
- Improvement of the preschool institutional network;
- Management and funding of public institutions for preschool education;
- Establishment, management, funding and improvement of institutions for primary education;
- Assessing the work of institutions and quality of services;
- Ensuring funds required for the improvement of their work and quality of services in accordance with the citizens’ needs and the local self-government units’ capabilities.

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761 Zenko Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. Official Gazette of the Federation of Bosnia and Herzegovina, 49/06, 51/09
Republika Srpska’s Municipalities\textsuperscript{762}

- Provision of conditions for preschool education;
- Preschool education;
- Primary and secondary school (shared with the Republika Srpska);
- Cost of stay of children in preschool facilities;
- Provision of conditions for maintenance, construction, adaptation and equipping of preschool facilities which it has established;\textsuperscript{763}
- Initiative for establishment of a higher educational institution;\textsuperscript{764}
- Initiative for establishment of public primary and secondary schools;\textsuperscript{765}
- Funding of part of the expenses of the public primary and secondary schools in its region;\textsuperscript{766}
- Securing equipment and infrastructure for access and participation in the educational process of persons with special needs in primary and secondary schools;
- Promotion and implementation of programmes and actions to prevent the abuse of children and young people, human trafficking, against drug abuse, alcoholism, smoking and other addictions, juvenile delinquency, and any other phenomena that threaten the health and lives of pupils.

\textsuperscript{762} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

\textsuperscript{763} Zakon o lokalnoj samoupravi [Law on local self-government – unofficial translation], Article 19, Official Gazette of Republika Srpska 101/04, further amendments published in official gazettes: 42/05, 118/05.

\textsuperscript{764} Zakon o visokom obrazovanju [Law on higher education- unofficial translation], Article 16, Official Gazette of Republika Srpska 73/10

\textsuperscript{765} Zakon o srednjem obrazovanju i vaspitanju [Law on secondary education- unofficial translation], Article 15, (last consultation: 21/05/2012); Zakon o osnovnom obrazovanju i vaspitanju [Law on primary education-unofficial translation], Article 20 (last consultation: 21/05/2012).

\textsuperscript{766} Ibid, Article 123 and 153 respectively.
e. Vocational training policy

Central level (BiH)

The Ministry of Education and Science is responsible for the policy in the field of vocational training.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

• Training and specialisation of teaching staff;
• Organisation and implementation of education and training.

Republika Srpska

• Licensing of institutions and organisations;
• Adopt a framework for vocational training;
• Funding for research and development of vocational training.

Intermediate level

Cantons (FBiH)

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Municipal level

FBiH’s Municipalities

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Republika Srpska’s Municipalities

• Analysing and monitoring the situation in the area of human resources;
• Identify needs and priorities in vocational education and training;
• Collect information on labour market in the area;
• Funding of adult learning programmes.

767 FBiH Government portal, Federal Ministry of Education and Science
768 Закон о образовању одраслих Република Српска [Law on Adult Education, Republika Srpska, June 2008].
769 Ibid
f. Youth and Sport policy

Central level (BiH)

Youth policy
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Sport policy

Ministry of Civil Affairs in charge of defining basic principles for:

- Coordination and consolidation of entities plans;
- Definition of international strategy.

Regional level

Responsibilities common to both Entities
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Federation of Bosnia and Herzegovina

Youth policy

- Activity of organisations and associations of citizens;
- Improvement of sport and physical culture;
- Development of strategies.

Sport policy

- Improvement of sport and physical culture;
- Activity of organisations and associations of citizens;
- Development of strategies.

\[770\] Council of Ministers of BiH portal, Ministry of civil affairs
\[771\] FBiH Government portal, Federal Ministry of Culture and Sport
\[772\] Zakon o mladima FBiH (36-2010) [Law on youth 36-2010]
Youth policy

- Child and youth care;
- Employment of youth;
- Formal and informal education of youth;
- National action plan and youth policy of the republic and ensuring its implementation;
- Creation of prerequisites for solving of problems of youth;
- Improvement social status and social inclusion of youth;
- Implementation of youth projects;
- Encouragement of active participation of youth in society;
- Establishment of youth centres;
- Cooperation with youth organisations;
- International cooperation in the field of youth organising;
- Youth housing policy.

Sport policy

- Legislation;
- Physical culture and sports;
- Creation of conditions for development of sport at national level and its legal regulation;
- Strategy for development of sport in the republic;
- Monitoring of strategy and programme implementation;
- International cooperation, independently or through joint bodies at the state level;
- Short- and long- term planning;
- Development of sport programmes and fundraising for their implementation, establishment of criteria for funding allocation and monitoring of their use, creation of conditions for improvement of professional sport performance, sports facilities and their use;
- Registration of sports and other organisations;
- Collecting and processing of statistical data and information on sport;
- Coordination of sport federations, and
- Supervision of the work of sports organisations.

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773 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
774 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 22, Official Gazette of Republika Srpska 118/08.
775 Ibid.
• **Intermediate level**

**Cantons (FBiH)**

*Youth policy*

- Ensure adequate space for young people, youth work and youth activities (shared with the municipalities);
- Ensure the budget concerning youth issues (shared with the municipalities);
- Professional development and training of youth (shared with the municipalities).

*Sport policy*

- Sport and physical activity.

**Municipal level**

**FBiH’s Municipalities**

*Youth policy*

- Ensure adequate space for young people, youth work and youth activities (shared with the cantons);
- Insure the budget concerning youth issues (shared with the cantons);
- Professional development and training of youth (shared with the cantons).

*Sport policy*

- Establishment, management, funding and improvement of institutions and building facilities;
- Assessing the work of institutions and quality of services;
- Ensuring funds required for the improvement of their work and quality of services in accordance with the citizens’ needs and the local self-government units’ capabilities.

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776 *Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine* [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09
Youth policy

- Youth commission in municipal assemblies, whose work focuses on improvement of youth policy at local level;
- Provision of conditions for maintenance, construction, adaptation and equipping of institutions for child and youth care that the local unit has established, and provision of conditions for its work;
- Local youth policy and action plan.

Shared with the Republika Srpska

- Youth employment;
- Housing for young people;
- Education, culture and physical culture;
- Health and social policy for youth;
- Youth information;
- Gender equality;
- Mobility, youth work and organisation;
- Combat against violence and crime;
- Leisure and youth participation in society, and
- Environmental protection and youth.

Sport policy

- Construction, maintenance and use of sport and recreational facilities;
- Provide and direct the implementation of school and student sport competitions;
- Development and promotion of amateur sports;
- Organisation and maintenance of sports competitions and manifestations;
- Issue licenses for professional sport organisations.

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777 Закон о локалној самоуправи [Law on Local Government in Republika Srpska]
778 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
779 Omladinska politika RS 2010-2015 [Youth Policy of RS 2010-2015], (last consultation: 18/05/2012).
780 Закон о омладинском организованju [Law on youth organising – unofficial translation], Article 5 and 9 respectively, Material for the 14th Session of the National Assembly of the Republika Srpska, 2012
781 Закон о републичкој управи [Law on Republic administration– unofficial translation], Article 22, Official Gazette of Republika Srpska 118/08.
g. Culture policy

Central level (BiH)\textsuperscript{782}

\textbf{Ministry of Civil Affairs} in charge of defining basic principles for:
- Coordination and consolidation of Entities plans;
- Definition of international strategy.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\textsuperscript{783}
- Researching scientific activity in the field of safeguarding and use of cultural-historical heritage;
- Museums, archives, libraries, publishing, theatres, music, fine arts, film and show business activities,
- Activity of organisations and associations of citizens;
- Development of strategies.

Republika Srpska\textsuperscript{784 785}
- Legislation;
- Conservation and enrichment of historical, cultural and artistic wealth;
- Promotion of culture, tradition and cultural heritage;
- Theatres and galleries (together with the Municipalities);
- Culture and cultural resources protection;
- Libraries;
- Literary and publishing work;
- Cultural property;
- Museums, galleries, memorial area;
- Film, music, fine art, architecture, design;
- Associations of citizens involved in cultural activities;
- Proposing of the budget for culture at the national level;
- Monitoring, preparation, analysis of expenditures of funding of cultural projects;

\textsuperscript{782} Council of Ministers of BiH portal, \textit{Ministry of civil affairs}
\textsuperscript{783} FBiH Government portal, \textit{Federal Ministry of Culture and Sport}
\textsuperscript{784} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
\textsuperscript{785} \textit{Zakon o republickoj upravi} [Law on Republic administration- unofficial translation], Article 19, Official Gazette of Republika Srpska 118/08.
• Cultural policy and strategy,
• Organisation and coordination of activities in the field of culture;
• Development and introduction of modern systems, methods and techniques in the field of culture;
• Provision of expertise in the field of culture,
• Cooperation with other agencies, organisations and individuals in the field of culture;
• International cultural cooperation.

Intermediate level

Cantons (FBiH)\textsuperscript{786}

• Culture;
• Cultural preservation and historical heritage.

Municipal level

FBiH’s Municipalities\textsuperscript{787}

• Establishment, management, funding and improvement of institutions and building facilities;
• Assessing the work of institutions and quality of services;
• Ensuring funds required for the improvement of their work and quality of services in accordance with the citizens’ needs and the local self-government units’ capabilities.

Republika Srpska’s Municipalities\textsuperscript{788,789}

• Protection of culture property;
• Organisation of events and anniversary celebrations of cultural significance for the municipality;
• Culture halls;
• Protection and maintenance of monuments and memorials of cultural and historical significance.

\textsuperscript{786} Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08.

\textsuperscript{787} Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09

\textsuperscript{788} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

\textsuperscript{789} Закон о локалној самоуправи [Law on Local Government in Republika Srpska]
h. Public health policy

Central level (BiH)\textsuperscript{790}

Ministry of Civil Affairs in charge of defining basic principles for:
- Coordination and consolidation of Entities’ plans;
- Definition of international strategy.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\textsuperscript{791}

- Health (together with the Cantons);
- Functions that cannot be executed at the Cantonal level;
- Sanitary inspections at borders;
- Developing legislation at federal level;
- Developing health policy for the F BiH;
- Planning of the health care facilities network;
- Capacity building;
- Health inspections;
- Developing and regulating of compulsory health insurance;
- Monitoring and evaluating the health status of the population.

Republika Srpska\textsuperscript{792 793}

- Health care centres;
- Analysis and monitoring of health status and needs of the population;
- Preparation and implementation of health policies and health strategies;
- Improving of the quality of health care system;
- Analysis, planning and monitoring of health care funding;
- Health insurance;
- Plans and programmes of capital investment in the health sector;
- Assessment of the results of applying health policies and health strategies, plans and programmes;

\textsuperscript{790} Council of Ministers of BiH portal, \textit{Ministry of civil affairs}.
\textsuperscript{792} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
\textsuperscript{793} \textit{Zakon o republickoj upravi} [Law on Republic administration- unofficial translation], Article 21, Official Gazette of Republika Srpska 118/08.
• Planning of a network of health institutions and organisation of health systems;
• Supervision of professional work and management of health institutions and other organisations in the health sector;
• Planning and implementation of health technologies in health care;
• Professional training and specialisation of health workers;
• Production and trade of medicines, poisons, chemicals and stupefying drugs;
• Planning, coordinating and undertaking measures in order to ensure quality, safe and effective use of medicines and drugs in the health care system;
• Safety of water, food and subjects for general use;
• Radiation protection and radiation safety;
• Medical waste management;
• Monitoring of modern achievements in the development of health systems;
• Harmonization with the EU standards and norms;
• Monitoring performance and development directions of health systems in other states;
• Cooperation with other institutions and organisations, professional associations, health professionals, international health organisations and NGOs.

Intermediate level

Cantons (FBiH) 794

• Health (together with the Federation);
• Cantonal health legislation;
• Advising on technical matters;
• Implementing regulations;
• Organising health care services and health policy;
• Planning mostly related to the Cantonal hospitals, the health centres (Dom Zdravlja – DŽ), the ambulantas (basic outpatient unit within Dom Zdravlja);
• Pharmacies and other Cantonal health institutions.

Municipal level

FBiH’s Municipalities
- Conduct of activities for ensuring proper sanitation and health conditions;
- Management, financing and improvement of the operations and facilities of local infrastructures (public sanitation);
- Assessing the work of institutions and quality of services;
- Ensuring funds required for the improvement of their work and quality of services in accordance with the citizens’ needs and the local self-government units’ capabilities.

Republika Srpska’s Municipalities
- Public health (geriatric centres; sanitation);
- Health care;
- Provision of health care at local self-government unit includes activities for the implementation of health care primarily for the needs of the citizens at the territory of the local self-government unit;
- Monitoring of health institutions at the primary level of health care;
- Establishing a network of ambulantas (basic outpatient units) of family medicine;
- Provision of conditions for multi-sector cooperation;
- Provision of resources for co-financing of programmes and projects of health care of interest to the local government unit;
- Co-financing of construction and equipping of health institutions;
- Provision of resources for continuous maintenance of facilities, renewal and purchase of equipment for health facilities;
- Provision of resources for health insurance for socially disadvantaged persons;
- Reduction or elimination of health problems caused by elementary and other disasters and emergencies;
- Provision of local government budget items for health care;
- Establishment of the local government committee for health for the purpose of active participation in achieving goals of health strategies at the level of primary health care, support and help to health institutions and health workers, and direct involvement of citizens in addressing their needs for health care.


796 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

797 Zakon o zdravstvenoj zastiti [Law on health care - unofficial translation], Article 9, Official Gazette of Republika Srpska 106/09.
i. Trans-European networks policy

Central level (BiH)

- Common and international communications facilities (establishment and operation).

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

- Allocation of electronic frequencies;
- Infrastructure for communications and transport (shared with the Cantons);
- Planning, reconstruction, land use policy.

Republika Srpska

- Highway and regional roads;
- Public roads (motorways, main roads and regional roads);
- International bilateral permits for transport of goods in international road traffic, licensing drivers and vehicles in international road transport;
- Rail transport, railway transport security, railway infrastructure, industrial railways;
- Air transport, airports, air-companies, organisations and associations in the field of air transport;
- River and lake transport, safety of inland waterway and lake transport, development of waterways;
- Water infrastructure (ports, harbours, etc.);
- Combined transport and trans-shipment services;
- Communication systems, radio communications, postal, telegraph and telephone traffic, telecommunications, telecommunications infrastructure, broadcasting systems;
- Monitoring and guiding of the development of all forms of transport and telecommunications;
- Coordination of preparation of medium- and long-term plans for development of transport in Republika Srpska;

Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
- Development of strategic infrastructure projects and investment programmes in transport and other infrastructure works.

**Intermediate level**

**Cantons (FBiH)**

- Infrastructure for communications and transport (shared with the Federation).

**Municipal level**

**FBiH’s Municipalities**

- Joint infrastructures;
- Management, financing and improvement of local roads and bridges.

**Republika Srpska’s Municipalities**

- Local and uncategorised roads and streets.

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800 *Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.*
j. Economic, Social and Territorial Cohesion policy

Central level (BiH)

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Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

- Economic development, including planning, reconstruction, land use policy.

*Spatial planning*[^1]

- Physical planning and improvement;
- Policy of land use at the Federal level;
- drafting, enforcing and applying the Physical Plan of the Federation BiH;
- Verification of harmonisation of the physical plans of the Cantons with the Physical Plan of the Federation BiH;
- Directing a long-term development plan in utilisation of natural resources;
- Supervision of appropriate institutions.

**Republika Srpska**[^2]

- Economic, scientific, technological, demographic and social development

*Spatial planning*[^3]

- Territorial organisation;
- Use of space;
- Development and monitoring of implementation strategy and spatial plan of the Republic and other documents of spatial regulation adopted by the National Assembly;
- Development of spatial plans for use of space;

[^1]: Council of Ministers of BiH portal, Ministry of Physical Planning
[^3]: Zakon o republikoj upravi [Law on Republic administration- unofficial translation], Article 60, Official Gazette of Republika Srpska 118/08.
• Professional analytical activities in the field of spatial planning and spatial
development;
• Collection, codification and systematisation of data;
• Establishment and management of spatial information systems;
• Spatial planning and development of programmes of interest for the Republic;
• Coordination of spatial planning documents of regional spatial
development and planning of urban areas;
• Coordination, preparation and development of spatial plans for special
purposes;
• Approval of environmental, urban and other plans;
• Regulations in the field of spatial planning.

Intermediate level

Cantons (FBiH)

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Municipal level

FBiH’s Municipalities

• Joint infrastructures;
• Local economic development (plans and programmes necessary for
economic growth and job creation);
• Establishment and implementation of spatial planning policies;
• Adoption of regional, urban and implementation plans, including zoning.

Republika Srpska’s Municipalities

• Adoption of local development programmes;
• Enactment of urban planning;
• Regulation and insurance of the use of urban construction sites and
business premises;
• Crafts.

804 Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local
government in the Federation of Bosnia and Herzegovina - unofficial translation], article 8. “Official Gazette of
the Federation of Bosnia and Herzegovina”, 49/06, 51/09
805 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92,
28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
k. Environment and the fight against climate change policy

Central level (BiH)

The Ministry of Foreign Trade and Economic Relations is responsible for:

- Coordination;
- Consolidation of Entities’ plans with those of international institutions.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

- Environmental policy (shared with the Cantons);
- Rational use of natural resources;
- Ecological air, water and soil protection;
- Drafting environmental strategy and policy;
- Air, water and soil quality standards;
- Ecological monitoring and control of air, water and soil.

Republika Srpska

- Environmental protection;
- Water management;
- Integrated protection and improvement of environment and nature in general;
- Research, planning and management of environmental protection;
- Comprehensive protection of natural resources, natural and cultural heritage;
- Participation in development and implementation of projects on international and domestic level in the field of environmental protection;

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806 Council of Ministers of BiH portal, Ministry of Foreign Trade and Economic Relations
807 Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08; FBiH Government portal, Federal Ministry of Environment and Tourism.
808 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
809 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 29, Official Gazette of Republika Srpska 118/08.
• Cooperation and exchange experiences with international and domestic agencies, organisations and NGOs in the field of environment;
• Participation in the implementation of projects financed by international financial organisations in the field of environmental protection.

Intermediate level

Cantons (FBiH)

• Environmental policy; (shared with the Federation);
• Use of natural resources.

Municipal level

FBiH’s Municipalities\textsuperscript{810}

• Environmental protection policies (establishment and implementation);
• Management of natural resources of the local self-government units;
• Management, financing and improvement of the operations and facilities (water supply, wastewater disposal and treatment and solid waste collection and disposal);
• Management, financing and improvement of parks.

Republika Srpska’s Municipalities\textsuperscript{811, 812}

• Ensure the preservation of natural resources in the area;
• Ensure the improvement of air quality and publish information about the state of air quality;
• Determine the water management requirements;
• Implementation of specific activities for protection and preservation of the environment.\textsuperscript{813}

\textsuperscript{810} Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09.

\textsuperscript{811} Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

\textsuperscript{812} Закон о здравственоj застити [Law on health care - unofficial translation], Article 9, Official Gazette of Republika Srpska 106/09.

\textsuperscript{813} Закон о здравственом самоуправе [Law on Local Government in Republika Srpska] (Last consultation 27.04.2012)
1. Energy policy

Central level (BiH)

The Ministry of Foreign Trade and Economic Relations is responsible for\(^{814}\):

- Coordination;
- Consolidation of Entities’ plans with those of international institutions.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina\(^{815}\)

- Energy policy (including inter-cantonal distribution matters and the supply and maintenance of their infrastructures);
- Implementation of enacted policy and enforcement of the laws;
- Administrative supervision of implementation of laws and other regulations;

Republika Srpska\(^{816} 817 818\)

- Power management policy;
- Planning and management of electrical energy strategy;
- Development and construction of power facilities;
- Promotion and management of energy efficiency and renewable energy;
- Producing and promoting the use of biofuels;
- Transportation of gas;
- Long-term planning;
- Monitoring of safety and quality of electric energy;
- Development of the internal electric energy market;
- Exploitation of resources for electric energy production;
- Development and construction of power facilities;

\(^{814}\) Council of Ministers of BiH portal, Ministry of Foreign Trade and Economic Relations

\(^{815}\) Council of Ministers of BiH portal, Ministry of Energy, Mining and Industry

\(^{816}\) Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

\(^{817}\) Republika Srpska Government portal- Ministry of Industry, Energy and Mining

\(^{818}\) Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 29, Official Gazette of Republika Srpska 118/08.
• Concessions for exploration, construction and exploitation of energy facilities, promotion and management of energy efficiency;
• Promotion of renewable sources of energy;
• Participation in activities in the areas of energy and use of natural resources at the international level;
• Production and processing oil, natural gas and biofuel;
• Safe pipeline transportation of gas;
• Supply of oil and gas;
• Medium- and long-term strategy for energy (oil, gas and biofuels).

**Intermediate level**

**Cantons (FBiH)**

• Regulation and local energy production facilities.

**Municipal level**

**FBiH’s Municipalities**

• Heating facilities.

**Republika Srpska’s Municipalities**

• Management of natural resources in the local government unit.

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819 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
35.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level (BiH)

The Ministry of Foreign Trade and Economic Relations is responsible for:

- Coordination;
- Consolidation of Entities’ plans with those of international institutions.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

- Agriculture policy;
- Implementation of agriculture development policy;
- Follow-up of agricultural development;
- Preparation of legislation and regulations;
- Preparation of analyses, information materials and other documents;
- Relations with the EU;
- International cooperation and alignment with international regulations and standards.

Republika Srpska

- Protection and use of agricultural land;
- Production and trade of seeds and planting materials;
- Training of agricultural producers;
- Food and beverage industry;
- Farming;

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820 Council of Ministers of BiH portal, Ministry of Foreign Trade and Economic Relations
821 FBiH Federal Ministry of agriculture, water management and forestry
822 Republika Srpska Government portal/ Ministry of agriculture, forestry and water management
823 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 28, Official Gazette of Republika Srpska 118/08.
• Defining and implementation of measures of agricultural and structural policies;
• Monitoring of implementation agricultural strategy;
• Defining and implementation of rural development policies;
• Implementation of incentive measures in agriculture;
• Improving of competitiveness of agricultural production;
• Economic and social revitalisation of rural areas and infrastructure;
• Harmonisation of domestic agricultural policies and regulations according to international standards.

Intermediate level

Cantons (FBiH)824

• Evidence of state-owned agricultural land;
• Separate records on agricultural land that has been leased, concession or has had its use changed;
• Examination of agricultural land contamination.

Municipal level

FBiH’s Municipalities825

• Evidence on cultivated or not agricultural land by cadastral cultures and classes, owner structure and neglect;
• Determines individual parcels of agricultural land that are not cultivated.

Republika Srpska’s Municipalities826

• Adopt the principles of protection, use and cultivation of agricultural land and ensure their implementation.

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824 Закон о полјoprивредном землишту [Law on agricultural land], Official Gazette of FBiH 2/98.
825 Ibid..
826 Закон о локалној самоуправа [Law on Local Government in Republika Srpska]
b. Fisheries policy

Central level (BiH)

The Ministry of Foreign Trade and Economic Relations is responsible for:

- Coordination;
- Consolidation of entities plans with those of international institutions.

Regional level

Responsibilities common to both Entities

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Federation of Bosnia and Herzegovina

- The Ministry of Agriculture, Water Management and Fisheries is in charge of the fisheries policy.

Republika Srpska

- Management of fisheries and areas of fish resources;
- Protection and preservation of fish stocks and biological balance;
- Development of fisheries and aquaculture, and promotion of economic, environmental and social activities.

Intermediate level

Cantons (FBiH)

- Licenses for using fishing areas, with compensation on the basis of the fishing area management programme;
- Determines the amount of compensation for use of fishing areas;
- Determines borders of fishing areas;
- Measures of protection of fishing stock;
- Determines conditions of use of fishing areas.

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827 Council of Ministers of BiH portal, Ministry of Foreign Trade and Economic Relations
828 Ministry of Agriculture, Water Management and Forestry
829 Закон о рибарство Република Српска [Law on Fisheries, March 2012]
830 Zakon o slatkovodnom ribarstvu [Law on fresh water fishery]
Municipal level

BiH’s Municipalities
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Republika Srpska’s Municipalities
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c. **Immigration and asylum policy**

**Central level (BiH)**

- Immigration, refugee, asylum policy and regulation;
- Customs policy;
- Permanent and temporary residence registration;
- Passports.

**Regional level**

Responsibilities common to both Entities

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**Federation of Bosnia and Herzegovina**

- Gathering and processing data on refugees and displaced persons;
- Construction of housing units for accommodation of the refugees and displaced persons;
- Coordination of reconstruction activities, together with registration and supervision of the NGOs;
- Running of regional centres for assistance to immigration and asylum activities.

**Republika Srpska**

- Protection and provision of alternative accommodation for refugees, displaced persons and returnees;
- Construction, operation and maintenance of facilities and housing;
- Protection of displaced persons, refugees and returnees;
- Provision of full legal protection of refugees, DPs and returnees in accordance with Annex 6 and 7 of the General Framework Agreement for Peace in Bosnia and Herzegovina;
- Status and property rights of refugees, displaced persons and returnees;
- Providing of alternative accommodation for refugees, displaced persons and returnees;

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831 Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08; Council of Ministers of BiH portal, Ministry of civil affairs

832 Council of Ministers of BiH portal, Ministry of Displaced Persons and Refugees

833 Republika Srpska Government portal - Ministry for Refugees and Displaced Persons

834 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 30, Official Gazette of Republika Srpska 118/08.
• Restoration, reconstruction and construction of housing, infrastructure, cultural, religious and public buildings in order to facilitate return and re-socialisation;

• Programme of re-socialisation of socially vulnerable refugees, displaced persons and returnees;

• Coordination with other state, federal institutions and international organisations in implementation of programmes of social reintegration of refugees and displaced persons;

The Ministry of Refugees and Displaced Persons of RS has 54 regional departments in all cities of Republika Srpska.

**Intermediate level**

*Cantons (FBiH)*

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**Municipal level**

*FBiH’s Municipalities*

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*Republika Srpska’s Municipalities*

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d. **Tourism policy**

**Central level (BiH)**

The Ministry of Foreign Trade and Economic Relations is responsible for:

- Coordination;
- Consolidation of Entities plans with those of international institutions.

**Regional level**

Responsibilities common to both Entities

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**Federation of Bosnia and Herzegovina**

- Tourism (shared with the Cantons);
- Mountain tourism (shared with the municipalities);
- Drafting of development strategies and policies in the area of tourism and catering activity;
- Monitoring of tourist flows and trends in local and international markets;
- Directing the long-term development of tourism within the economic system.

**Republika Srpska**

- Trade and tourism, including rural tourism (shared with the municipalities);
- Proposing policies and strategies for development of tourism and catering;
- Implementing laws and regulations governing the fields of tourism and hospitality, and monitoring their performance;
- Monitoring, directing and proposing measures for making investments in tourism.

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835 Council of Ministers of BiH portal, *Ministry of Foreign Trade and Economic Relations*
836 Constitution of the Federation of Bosnia and Herzegovina, Official Gazette of the Federation of Bosnia and Herzegovina, 1/94, 13/97, 16/02, 22/02, 52/02, 60/02, 18/03, 63/03, 9/04, 20/04, 33/04, 71/05, 72/05, 32/07 (Corrigenda), 88/08; FBiH Government portal, *Federal Ministry of Environment and Tourism*
837 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
838 Republika Srpska Government portal- Ministry of Trade and Tourism
**Intermediate level**

**Cantons (FBiH)**

- Tourism (shared with the Federation);
- Cantonal tourism policy;
- Development of tourism resources.

**Municipal level**

**FBiH’s Municipalities**

Upon delegation by the Canton:

- Mountain tourism (shared with the Federation);

**Republika Srpska’s Municipalities**

- Trade and tourism, including rural tourism (shared with the Republika Srpska)
- Providing of conditions for development of tourism, touristic locations and development and improvement of utilities, sport and recreation and other activities that contribute to tourism development;
- Conditions for organising tourist informational and promotional activities;
- Providing of conditions for development and promotion of hospitality, crafts and trade.

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839 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.

840 Zakon o lokalnoj samoupravi [Law on local self-government – unofficial translation], Article 21, Official Gazette of Republika Srpska 101/04, further amendments published in official gazettes: 42/05, 118/05.
e. **Civil protection policy**

**Central level (BiH)**[^1]

The Ministry of Security is in charge of:

- Fulfilment of international commitments and co-operation in enforcing civil protection;
- Coordination of entities civil protection services and plans;
- Development of protection and rescue plans and programmes.

**Regional level**

Responsibilities common to both Entities

- Ensure a safe and secure environment by the maintenance of civilian law enforcement agencies.

**Federation of Bosnia and Herzegovina**[^2][^3]

The FBiH Parliament adopts the federal programme on the development of protection and rescue from natural and other disasters in the FBiH. Its duties include:

- Assessment of danger from natural and other disasters in the Federation;
- Proposing the federal programme;
- Adopting the Plan for protection and rescue from natural and other disasters in the FBiH;
- Establishing a unified methodology for the assessment of damages resulting from natural and other disasters;
- Assessment of the state of protection and rescue in the FBiH and rules on structuring, preparation and operation of civil protection in the Federation;
- Declaring the state of natural or other disaster in the FBiH;
- Providing the necessary funding in the budget of the FBiH for financing protection and rescue in the FBiH;
- Other duties of protection and rescue, as defined by the law and other regulations.

[^1]: Council of Ministers of BiH portal, [Ministry of Security](#)
[^2]: FBiH Government portal, [Federal Department of Civilian Protection](#)
[^3]: Law on protection and rescuing people and property from natural and other disasters ("Official Gazette of FBiH" no. 39/03, 22/06 and 43/10).
Federal ministries and other bodies of the FBiH have responsibility in the field of:

- Organisation, planning and insurance of the implementation of preventive measures of protection;
- Participation in the preparation of Risk Assessment for the FBiH, the Federal Programme and the Federal Plan;
- Implementation of measures of protection and rescue;
- Provision of information to the Federal Department of Civilian Protection of importance for planning, organising and implementing protection measures;
- Reporting on exercises of protection and rescue.
- Other tasks in the field of protection and rescue.

Administrative, professional and other activities in the field of protection and rescue are implemented by the Federal Department of civilian protection as an independent body.

The Federal Department of civilian protection is in charge of:

- Implementation of the established policy and execution of federal laws and regulations in the field of protection and rescue;
- Assessment of danger;
- Development of the Federal programme of protection and rescue of natural and other disasters;
- Proposal of the Federal plan of protection and rescue from natural and other disasters;
- Regulations on the content, manner and deadlines for reporting on natural and other disasters;
- Organisation, preparation and training of headquarters, units and staff responsible for civil protection and protection and rescue services;
- Organisation and coordination of the implementation of protection and rescue measures, and organisation of the implementation of fire protection and fire fighting;
- Organisation of the Federal civil protection operations centre;
- International cooperation in the field of protection and rescue;
- Issuing instructions for implementing the federal policy, law and other regulations in the field of protection and rescue to the cantonal and municipal bodies;
- Inspection in the field of protection and rescue;
- Records and other tasks in the field of protection and rescue;
- Organisation and implementation of the demining programme in the framework of the Strategy for Anti-Mine Actions in BiH.
Measures in case of the state of imminent threat of war and of state of emergency;  
Police;  
Fire fighting (shared with the Municipalities);  
Monitoring, coordination and implementation of identified policies and guidelines;  
Enforcement of laws and regulations in the field of civil protection;  
Development of civil protection programmes in the Republic;  
Making of vulnerability assessments in the whole territory of the Republic;  
Plan of civil protection;  
Collection of data on all types of phenomena and dangers that can lead to natural and other disasters of humans and material goods in the affected areas;  
Monitoring, reporting and alert;  
Organisation, preparation and training of civil protection in accordance with the training programmes and plans;  
Organising and equipping of units of civil protection at the national level;  
Research projects in the field of civil protection;  
Provision of expert assistance;  
Adoption of guidelines and instructions for CPAs in local self-government units in the field of civil protection;  
Demining;  
International cooperation in the field of civil protection;  
Recovery from natural and other disasters;  
Undertaking of preventive, operative and postoperative measures in case of natural and other disasters.

Intermediate level

Cantons (FBiH)

- Establishment and control of the police forces;  
- Examination of the state of preparations for protection and rescue;

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844 Constitution of Republika Srpska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.
845 Zakon o republickoj upravi [Law on Republic administration- unofficial translation], Article 36, Official Gazette of Republika Srpska 118/08.
846 Law on protection and rescuing people and property from natural and other disasters (“Official Gazette of FBiH” no. 39/03, 22/06 and 43/10).
• Measures for organising, developing and strengthening of civil protection in the canton;
• Adoption of programmes of development of protection against natural and other disasters;
• Regulations on the organisation and functioning of civil protection;
• Organisation of the cantonal civil protection operations centre and provision of its functioning;
• Regulation of issues of financing of protection and rescue in the canton;
• Cantonal legislation on establishing civil protection headquarters, appointment of a commander and a chief of staff, and determining the function of the cantonal ministries, cantonal civil protection administration and other bodies of cantonal government;
• Development of the cantonal plan of protection from natural and other disasters;
• Declaration of the state of natural or other disaster in the canton and prevention, mitigation and elimination of harmful consequences for people and material goods.

**Municipal level**

**FBiH’s Municipalities**[^847]

• Protection and rescue of people and material goods from element and natural disasters (organisation, implementation, responsibilities for measures).

**Republika Srpska’s Municipalities**[^848]

• Civil protection;
• Fire fighting (shared with the Republika Srpska).

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[^847]: *Zakono Principima Lokalne Samouprave U Federaciji Bosne I Hercegovine* [Law on the principles of local government in the Federation of Bosnia and Herzegovina - unofficial translation]. “Official Gazette of the Federation of Bosnia and Herzegovina”, 49/06, 51/09

[^848]: *Constitution of Republika Srpaska, Official Gazette of Republika Srpska, 6/92, 8/92, 15/92, 19/91, 21/92, 28/94, 8/96, 13/96, 15/96, 16/96 and 21/96.*
36. Kosovo*

* This designation is without prejudice to positions on status, and is in line with UNSCR 124/99 and the ICJ Opinion on the Kosovo Declaration of Independence.

Kosovo* proclaimed its independence from Serbia on 17 February 2008. Serbia does not recognise its independence, whereas so far there are 88 countries that do. The head of State is the President of the Republic and the head of government is the prime minister. Its parliament is unicameral.

Since 1999, Kosovo has been administered by the United Nations Interim Administration Mission in Kosovo (UNMIK). Moreover, the European Union Rule of Law Mission in Kosovo (EULEX) provides assistance and support to Kosovo authorities in the field of rule of law. Kosovo statehood is recognised by 22 EU Member States, but not by the EU itself. The International Civilian Office (ICO) is scheduled to conclude its mission by September 2012, after which Kosovo will gain full unsupervised independence.

Kosovo* is organised on a unitary basis with one level of decentralisation, at the municipal rank. Decentralisation in Kosovo dates back from 2008 as it relies on the so-called "Ahtisaari proposal", which was rejected by Serbia but accepted by Kosovo in its declaration of independence. Moreover, a law on local self-government was adopted in 2008 and implemented the proposal.

Kosovo* is composed of two levels of governance: at the central and municipal levels. There are currently 37 municipalities.

The principle of local self-government is enshrined in the Constitution (Art. 12). The municipalities' competences are divided between own competences, extended competences and delegated competences (Art. 124.3). Municipal acts adopted in the area of their own competences may be reviewed by the central authorities with regard to the Constitution and the law only (Art. 124.7).

Municipalities exercise their competences in accordance with the subsidiarity principle and enjoy full and exclusive powers for their own competences.

849 As of 17 February 2012. See: Ministry of Foreign Affairs
851 Communiqué, Fifteenth meeting of the International Steering Group for Kosovo, 2nd of July 2012, Vienna.
853 UNSC, Report of the Special Envoy of the Secretary-General on Kosovo’s future status, S/2007/168, 26.03.2007
856 Extended competences are comparable to own competences, except that they are assigned to specific municipalities.
857 Law on local self government, Article 15
De facto, the Serbian municipalities (especially those in the North) operate largely outside the control of the Kosovo government institutions\textsuperscript{858}.

Besides the Constitution, the division of powers between the different levels of governance is specified by various laws:

- The law on local self-government\textsuperscript{859};
- The law on local government finance\textsuperscript{860}; and
- The law on administrative municipal boundaries\textsuperscript{861}.

Moreover, there is an explicit reference to the European Charter of Local Self-Government in the Constitution (Art. 123.3).

Municipalities enjoy financial autonomy for the competences within their remit (Constitution, Art 124.5). Their resources are commensurate to their competencies. The municipalities' revenues are derived from own revenues, grants and municipal borrowing\textsuperscript{862}. They may assess, levy or collect tax only on immovable property within their borders\textsuperscript{863}. In case of delegation, the State covers the expenditure.

Some of the legislation on local government is being amended: a law package will be changed with the End of Supervised Independence (ESI). This will entail the end of the Athisaari Plan, so that it will be taken out of the Constitution and replaced by other relevant laws adopted by the Kosovo authorities. The ESI is planned for 10 September; the law package is thus to be adopted shortly beforehand.

**Central level\textsuperscript{864}**

**State responsibilities**

- International relations;
- Foreign policy;
- Security and defence;
- Economic and monetary policy, and
- Any area of public interest.

\textsuperscript{859} Law No. 2008/03-L040 on local self-government of 20.02.2008
\textsuperscript{860} Law No.2008/03-L049 on local government finance of 13.03.2008
\textsuperscript{861} Law on administrative municipal boundaries
\textsuperscript{862} Law No.2008/03-L049 on local government finance of 13.03.2008, Article 7
\textsuperscript{863} Law No.2008/03-L049 on local government finance of 13.03.2008, Article 3
\textsuperscript{864} Constitution.
Local level

Local responsibilities

- Transport;
- Planning;
- Environment;
- Civil protection (local emergency response);
- Education;
- Public health;
- Social welfare;
- Culture;
- Local economic development;
- Tourism;
- Reintegration of repatriated persons;
- Promotion and protection of human rights, and
- Any matter not explicitly excluded from their competence nor assigned to any other authority.

Delegated competences:

- Registry (cadastral records; civil registries; voter registration; business registration and licensing);
- Distribution of social assistance payments (excluding pensions); and
- Forestry protection on the municipal territory;
- Other competences, in accordance with the law.

Enhanced competences:

- Health;
- Education;
- Cultural affairs;
- Local police.

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865 Law on local self government, Articles 17, 18 and 19
36.1 Systems of multilevel governance

**Representation:** The **Association of Kosovo Municipalities** represents local self-government units.

**Information and consultation:** During the legislative process, information is provided to the municipalities to the extent that information is published on the parliament website.

**Coordination:**

*Vertical coordination:* The Ministry of Local Government Administration ensures coordination between the central and local levels and exercises a supervisory role over municipal competences.

*Horizontal coordination:* Municipalities have the right to inter-municipal cooperation on matters of mutual interest in the exercise of their competences. The Association of Kosovo Municipalities acts as a platform for municipal coordination.

36.2 Relations with the EU/Relations with the European territorial associations

Municipalities may establish cross-border cooperation in all areas of own and enhanced competence (LLSF, Art. 30).

The Association of Kosovo Municipalities cooperates with various European associations. It has observer status in the **Conference of European Regional Legislative Assemblies (CALRE)** and guest association status in the **Council of European Municipalities and Regions (CEMR)**. Moreover, it is a permanent member of the Network of Associations of **Local Authorities of South-East Europe (NALAS)** and a member of the Local Government Information Network (LOGIN) and of the Local Governments Network (LOGON).

36.3 Subsidiarity

Not applicable

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866 Law on local self government, Article 28
36.4 Bibliography

Constitution

*Constitution* of the Republic of Kosovo of 15.06.2008.

Legislation

- **Law No.2004/1** on road transport of 24.03.2005
- **Law No.2008/03-L040** on local self-government of 20.02.2008
- **Law No.2008/03-L049** on local government finance of 13.03.2008
- **Law on administrative municipal boundaries**
- **Law No.02/L-5** on support to small and medium enterprises of 23.03.2005
- **Law No.02/L-17** on social and family services of 21.03.2005
- **Law No.02/L-30** on waste of 22.07.2005
- **Law No.02/L-42** on vocational training and education of 23.02.2006
- **Law No.02/L-85** on fishery and aquaculture of 10.10.2006
- **Law No.03/L-212** on Labour of 01.11.2010
- **Law No. 03/L-019** on vocational ability, rehabilitation and employment of people with disabilities of 18.12.2008
- **Law No.03/L-025** on environmental protection of 26.02.2009
- **Law No.04/L-032** on pre-university education in the Republic of Kosovo
- **Law No.04/L-037** on higher education in the Republic of Kosovo
- **Law No.03/L-68** on education in the municipalities of the Republic of Kosovo, Article 2
- **Law No.03/L-098** on agriculture and rural development of 11.06.2009
- **Law No.03/L-145** on empowerment and participation of the youth
- **Law No.03/L-160** on air protection from pollution of 25.02.2010
- **Law No.04/L-027** for protection against natural and other disasters
- **Law No.04/L-049** on fire fighting and rescue
- **Law No.04/L-073** on asylum of 21.12.2012, Article 72
- **Law No.04/L-075** on amending and supplementing the Law No. 2003/24 on sport of 21.11.2011
- **Law No.2003/14** on spatial planning of 03.07.2003
- **Law No.2004/4** on Kosovo health law
- **Law No.2004/24** on water of 08.07.2004
Websites

Association of Kosovo municipalities
LOGIN portal
LOGON portal
Ministry of Culture, Youth and Sports, Department of Culture
Ministry of Culture, Youth and Sports, Department of Sports
Ministry of Foreign Affairs
Ministry of Health, Home/Scope
Ministry of Infrastructure portal

Publications and studies


UNSC, Report of the Special Envoy of the Secretary-General on Kosovo’s future status, S/2007/168, 26.03.2007 This report is pretty much outdated – there are more recent ones.
36.5 The division of powers among different levels of governance in the fields of mandatory consultation of the CoR

a. Transport policy

Central level\textsuperscript{867}

The central Government is responsible for:

- The overall policy;
- Civil aviation, railway and maritime transport;
- Road transport, including transport policy; interurban transport; international transport, and
- Road infrastructure.

Local level\textsuperscript{868}

Local authorities are responsible for:

- The provision and maintenance of local roads;
- The licensing of local public transportation and taxis, and
- The provision and maintenance of local transport.

\textsuperscript{867} Ministry of Transports portal; \textsuperscript{868} Law No.2004/1 on road transport of 24.03.2005.
b. Employment policy

Central level

The central Government is responsible for:

- The overall policy relating to labour law and employment;
- The Small and medium enterprise agency, and
- The employment of people with disabilities.

Local level

Local authorities are responsible for:

- Municipal offices of employment.

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869 Law No.02/L-5 on support to small and medium enterprises of 23.03.2005; Law No.03/L –212 on Labour of 01.11.2010; Law No. 03/L-019 on vocational ability, rehabilitation and employment of people with disabilities of 18.12.2008
c. **Social policy**

**Central level**

The Ministry of Labour and Social Welfare has overall responsibility for the organisation of social and family services provision\(^{870}\), including:

- The development of policies and preparation of strategic plans;
- The regulatory framework for social and family services;
- The coordination of international and government agencies and NGO activities;
- The right to determine the organisation of social and family services at the municipal level;
- Research;
- The distribution of funds to the municipalities, and
- Child protection.

**Local level\(^{871}\)**

Local authorities are responsible for:

**Own competences:**

- The provision of family services (child care, elderly care), including registration and licensing of these care centres, recruitment, payment of salaries and training of professionals;
- The provision of other social welfare services (care for the vulnerable, foster care), including registration and licensing of these care centres, recruitment, payment of salaries and training of professionals, and
- Public housing.

**Delegated competence:**

- The distribution of social assistance payments (excluding pensions).

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\(^{870}\) Law No. 02/L-17 on social and family services of 21.03.2005

\(^{871}\) Law on local self government, Articles 17 and 18
d. **Education policy**

**Central level**

The central Government is responsible for:

- The overall policy and legislation;
- Any matter in the field of education which is not of local interest;
- The formulation of standards;
- The general system of certification for all teachers;
- Adult education, lifelong learning;
- Research promotion;
- The development of a comprehensive library system;
- The promotion of an inclusive policy for the disabled integration into the educational system;
- Education inspection;
- The planning of, setting standards in, and quality assurance of the pre-university education system;
- Higher education, including planning, regulating the providers of higher education and approving their statutes and the distribution of funds;
- The definition and award of diplomas, ranks and titles;
- International and European cooperation;
- The promotion of equality in access and admission to higher education, the coordination activities and licensing of private providers, and
- The Higher Education Agency: Kosovo Accreditation Agency KAA.

**Local level**

Local authorities are responsible for:

Competences, to the extent that they concern local interest:

- Pre-schools;
- Primary education;
- Secondary education;
- The registration and licensing of educational institutions; and

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872 Law No.03/L-68 on education in the municipalities of the Republic of Kosovo, Article 2; Law No.04/L-037 on higher education in the Republic of Kosovo, Law No.04/L-032 on pre-university education in the Republic of Kosovo

873 Law on local self government, Articles 17 and 21; Law No.03/L-68 on education in the municipalities of the Republic of Kosovo; Law No.04/L-032 on pre-university education in the Republic of Kosovo
• The recruitment, payment of salaries and training of education instructors and administrators;
• The construction of education and training facilities;
• The maintenance and repairs of the premises and equipment of educational and training institutions;
• Ensuring a healthy and safe environment for pupils and staff, and
• Dealing with violent or bullying behaviour and substance abuse in or associated with the respective institution.

The Municipality of Mitrovicë/Mitrovica North has competence for the provision of higher education, including:

• The registration and licensing of educational institutions;
• Recruitment;
• The payment of salaries, and
• The training of education instructors and administrators.
e. Vocational training policy

Central level

The central Government is responsible for:

- The overall policy under the supervision of the Minister of Education, Science and Technology;
- Vocational education and training council under the supervision of the Minister, and
- Vocational ability, rehabilitation and employment of people with disabilities.

Local level

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f. Youth and sport policy

Central level

The central Government is responsible for:

Youth policy

- The overall legislation;
- The development, adoption and implementation of documents and programmes relevant to the youth;
- The promotion and recognition of volunteer work and other forms of youth activities;
- Data collection on the position of the youth;
- Information and consultations on youth policies and programmes (both national and international);
- Programmes aimed at vulnerable groups, and
- Central Youth Action Council (voluntary organisation representing the youth organisations’ interests).

Sport policy

- The strategy on sport development and action plan (drafted by the Ministry for Sport in cooperation with the Kosovo Olympic Committee, Sports Federations and other competent institutions);
- Providing support to numerous sport activities;
- International cooperation, and
- The sport system organised with federations.

Local level

Local authorities are responsible for:

Youth policy

- The provision of child care;
- The implementation of youth programmes;
- Facilities for youth activities and informal education;

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875 Law No.03/L-145 on empowerment and participation of the youth.
876 Law No.04/L-075 on amending and supplementing the Law No. 2003/24 on sport of 21.11.2011; Ministry of Culture, Youth and Sports portal, Department of Sports
877 Law on local self government, Article 17; Law No.03/L-145 on empowerment and participation of the youth.
• Support to informal education for youth organisations and other development activities, and
• Local Youth Action Council.

*Sport policy*

• The establishment of municipal departments for sports, and
• Funding.
g. Culture policy

Central level\textsuperscript{878}

The central Government is responsible for:

- Designing and implementing policies in the field of cultural heritage, performing arts, music, virtual arts and libraries;
- Supporting, directing and coordinating and monitoring the implementation of cultural and artistic projects;
- Promotion, and
- International cooperation.

Local level\textsuperscript{879}

Local authorities are responsible for:

- The licensing of local cultural services and facilities, and
- Cultural and leisure activities.

All the Municipalities having a Serb majority have competence in cultural affairs, including:

- The protection and promotion of Serbian and other religious and cultural heritage within their territory, and
- Support to local religious communities.

\textsuperscript{878} Ministry of Culture, Youth and Sports portal, \textit{Department of Culture}
\textsuperscript{879} Law on local self government, Articles 17 and 22.
h. Public health policy

Central level\textsuperscript{880}

The central Government is responsible for:

- The overall policy and implementation;
- Coordination activities;
- The regulation of standards;
- The monitoring of standards’ implementation;
- The prevention and control over healthcare problems;
- Awareness campaigns, and
- Research.

Local level\textsuperscript{881}

Local authorities are responsible for:

- The implementation of primary health care;

The Municipalities of Mitrovicë/Mitrovica North, Graçanicë/Gracanica, Shtërpcë/Štrpce have competence for the provision of secondary health care, including:

- The registration and licensing of health care institutions;
- Recruitment;
- The payment of salaries, and
- The training of healthcare personnel and administrators.

\textsuperscript{880} Law No.2004/4 on Kosovo health law
\textsuperscript{881} Law on local self government, Articles 17 and 20; Law No.2004/4 on Kosovo health law
i. Trans-European networks policy

Central level

The central Government is responsible for:

- The overall policy;
- Civil aviation, railway and maritime transport;
- The coordination with local and international organisations in order to harmonise Kosovo spatial planning with European and international standards.\(^{882}\)

Local level

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\(^{882}\) Law No.2003/14 on spatial planning of 03.07.2003
j. Economic, social and territorial cohesion policy

Central level

The central Government is responsible for:

- The overall policy relating to labour law and employment;
- Spatial planning\textsuperscript{883}, including:
  - Spatial plan of Kosovo and spatial plans for special areas;
  - The coordination of spatial planning;
  - Spatial development policy;
  - The review and monitoring of spatial planning documents;
  - Advice and assistance to municipalities;
  - The database on spatial planning, and
  - Water management, including the determination and implementation of policies for water development; management of water resources; water strategic plan and other plans.

Local level\textsuperscript{884}

Local authorities are responsible for:

- Local economic development, and
- Spatial planning, including
  - Municipal development plans, urban development plans and urban regulatory plans;
  - The implementation of building regulations and building control standards;
  - The provision and maintenance of water supply at local level, sewers and drains, sewage treatment, waste management, and local heating schemes;
  - The naming of roads, streets and other public spaces, and
  - Land use and development.

\textsuperscript{883} Law No. 2004/24 on water of 08.07.2004.; Law No. 2003/14 on spatial planning of 03.07.2003
\textsuperscript{884} Law on local self government, Article 17, Law No.2003/14 on spatial planning of 03.07.2003
k. Environment and the fight against climate change policy

Central level

The central Government is responsible for:

- The overall legislation;
- Coordinating activities;
- The regulation of standards;
- Facilities management;
- Awareness campaigns;
- The monitoring and assessment of the environmental situation;
- Research;
- Water management;
- Waste management (Waste management strategic plan);
- The promotion of clean technologies, and
- Air pollution.

Local level

Local authorities are responsible for:

- The implementation of national laws.
- Plans for environmental protection and sustainable development within the municipality territory;
- Local action plans for air protection;
- Local plans for waste management, and
- Cooperation with the Ministry.

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885 Ministry of Health portal, Home/Scope; Law No. 03/L-025 on environmental protection of 26.02.2009; Law No. 02/L-30 on waste of 22.07.2005; Law No. 03/L-160 on air protection from pollution of 25.02.2010

886 Law on local self government, Article 17 Law No. 03/L-025 on environmental protection of 26.02.2009; Law No. 02/L-30 on waste of 22.07.2005; Law No. 03/L-160 on air protection from pollution of 25.02.2010
1. Energy policy

Central level

The central Government is responsible for:

- The overall policy, and

Local level

Local authorities are responsible for:

36.6 The division of powers among different levels of governance in the fields of particular interest for LRAs

a. Agriculture policy

Central level\textsuperscript{887}

The central Government is responsible for:

- The overall policy, and
- Agriculture and Rural Development Plan and Action Plan for its implementation.

Local level

\textsuperscript{887} Law No.03/L-098 on agriculture and rural development of 11.06.2009

\textsuperscript{887} Law No.03/L-098 on agriculture and rural development of 11.06.2009
b.

Fisheries policy

Central level888
The central Government is responsible for the overall policy.
Local level
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Law No.02/L-85 on fishery and aquaculture of 10.10.2006.

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c. Immigration and asylum policy\textsuperscript{889}

Central level

The central Government is responsible for the overall policy.

Local level\textsuperscript{890}

Local authorities are responsible for:

- Social assistance or emergency assistance to asylum seekers with status of refugee, additional or temporary protection;
- Implementation of the national strategy for reintegration of repatriated persons.

\textsuperscript{889} Law No.04/L-073 on asylum of 21.12.2012, Article 72
\textsuperscript{890} Strategy for reintegration of repatriated persons of 10.10.2007
d. **Tourism policy**

**Central level**

The central Government is responsible for the overall policy.

**Local level**\(^{891}\)

Local authorities have own competence in tourism.

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\(^{891}\) [Law on local self government](#), Article 17
e. Civil protection policy

Central level\textsuperscript{892}

The central Government is responsible for:

- The management of the civil protection system;
- Research;
- The preparation and implementation of strategies and State programmes;
- Facilities;
- Inter-municipal civil protection;
- The monitoring, warning and alarming at central and regional level;
- The organisation and maintenance of the public notice system and communication systems;
- Damages assessment;
- Assistance in restoration and recovery;
- Qualification and training programmes, and
- Fire-fighting, including
  - The creation of professional and efficient fire fighting and rescue mechanisms;
  - The authorisation for establishing fire-fighting units in industry, and
  - The oversight of Agency duties and fire-fighting and rescue units operating in the municipalities.

The Emergency Management Agency is responsible for:

- The structuring, classification and the manner of operation of professional fire-fighting and rescue units and professional staff;
- Encouraging the establishment of fire-fighting and rescue voluntary associations in accordance with the risk assessment and fire protection plan, and
- Establishing professional fire-fighting and rescue units in the territories of municipalities which lack a sufficient number of fire-fighting and rescue units.

\textsuperscript{892} Law No. 04/L-049 on fire fighting and rescue; Law No.04/L-027 for protection against natural and other disasters
Local authorities are responsible for:

- The enforcement of civil protection;
- The management system for protection, rescue and assistance at the local level;
- The monitoring of risks, warning and alarming;
- Equipment with electronic communication tools;
- Preventive measures planning and implementation;
- The processing of risk assessment and emergency response plans;
- The organisation, development and management of personal and reciprocal protection;
- The organisation, management and implementation of protection, rescue and assistance at the local level;
- The definition, organisation and equipment of units and utilities;
- The supply of necessary resources for emergency accommodation;
- Training programmes of local importance;
- The coordination of emergency response plans and other protection operations with neighbouring municipalities;
- The supply of basic conditions of life and restoration;
- International cooperation;
- Municipal cooperation, and
- Fire-fighting, including

- Encouraging the establishment of one or more fire-fighting and rescue voluntary associations;
- The implementation of the structure, organisation, classification and the manner of operation of fire-fighting and rescue voluntary associations units in accordance with the requirements of the agency;
- Defining the tasks and the number of voluntary fire-fighting staff, assets and equipment necessary for fire-fighting and rescue voluntary associations units in accordance with the municipality risk assessment and central fire protection plan, and
- Undertaking the measures to establish fire-fighting voluntary units if they lack a sufficient number of fire-fighting and rescue units in their territory.

\[\text{Law on local self government, Article 17; Law No.04/L-027 for protection against natural and other disasters}\]