REAP ERPA

EUROPEAN REVIEW ON PUBLIC ADMINISTRATION - N°3 - JUNE 2020

THE NEW FORMS OF TERRITORIAL ORGANISATION OF THE STATE IN EUROPE

FORMATIONS 2020

NOUS INVENTONS ENSEMBLE VOS SOLUTIONS FORMATION

DÉCOUVREZ NOTRE NOUVELLE OFFRE DE FORMATION SUR **WWW.CNFPT.FR**

le cnfpt

QUAND LES TALENTS GRANDISSENT, LES COLLECTIVITÉS PROGRESSENT

europa
Entretiens Universitaires Réguliers pour l'Administration en Europe

EUROPA ASSOCIATION
Based in:
Site des Jacobins - 88 rue du Pont Saint-Martial,
87000 Limoges
Site Internet : www.europaong.org

EDITORIAL STAFF AND SUBSCRIPTION
Tél. : +33 6 82 80 21 39
Courriel : europa@unilim.fr

EDITOR : Hélène PAULIAT, President of EUROPA

RÉDACTION
Editor-in-Chief: Christophe BONNOTTE, Secretary General of EUROPA; Caroline BOYER-CAPELLE, Deputy Secretary General of EUROPA

Editorial Secretariat and Reading Committee: Michel SENIMON, EUROPA Delegate General; Christophe BONNOTTE, EUROPA Secretary General; Caroline BOYER-CAPELLE, EUROPA Deputy Secretary General

Contributor to this issue:

Germany: Margot BONNAFOUS, Training Manager, Euro-Institut Kehl • Clarisse KAUBER, Head of Studies, Euro-Institut Kehl • Benedikt FRANZ, Linda WALLBOTT and Heike BOEHLER, Technische Universität Darmstadt

Belgium: Christian DE VISSCHER, Professor, Catholic University of Louvain • Jean-François HUSSON, • Centre for Research in Public Action, Integration and Governance, Catholic University of Louvain and University of Liège

Spain: • José M. RUANO DE LA FUENTE, Professor of Administrative Sciences at the Faculty of Political Science, Complutense University of Madrid

France: • Anne AZAM-PRADEILLES, International Expert in Governance and State Reform, Civil Administrator HC (Hon), Deputy Vice-President for Coordination of the EUROPA Network • Pierre-Etienne BISCH, Regional Prefect (h), Member of the Council of State in extraordinary service • Hélène PAULIAT, Professor of Public Law, President of EUROPA • Nadine POULET-GIBOT-LECLERC, Senior Lecturer at the University of Limoges

Greece: • Dr Stella KYVELOU, Architect Engineer, Associate Professor, University of Political and Social Sciences Panteion of Athens

Hungary: Viktória LINDER, Senior Lecturer, National University of Public Service of Budapest

Irland: • Dr. Bríd QUINN, Senior Lecturer at the University of Limerick

Italy: Giuseppe BETTONI, Professor at the University of Rome "Tor Vergata"

Lithuania: • Dr. Virgis VALENTINAVIČIUS, Associated Professor, Mykolas Romeris University of Vilnius

Luxemburg: • Franz CLEMENT, PhD in sociology, CEPS/INSTEAD

Netherlands: • Dr. Laurens J. ZWAAN MMC, Public Administration Consultant in Leeuwendaal and representative at the Erasmus University of Rotterdam and the Radboud University of Nijmegen to EUROPA

Portugal: • Luis FABRICA, Professor of Law, Faculty of Law, Portuguese Catholic University of Lisbon

Slovakia: • Maria HOREHAJOVA, Senior Lecturer, Faculty of Economics, Matej Bel University of Banska Bystrica • Jana MARASOVA, Senior Lecturer, Faculty of Economics, Matej Bel University of Banska Bystrica

REAP/ERPA PROJECT PARTNERS
- University of Limoges
- National Centre for Territorial Civil Service (CNFPT)

Université de Limoges

SCIENTIFIC PARTNERS OF THE REAP/ERPA PROJECT
- European Association of Territorial State Representatives (AERTE)
- University of Limoges - Observatory of Institutional and Legal Changes (OMIJ)
- Research group PoliTIS - Complutense University of Madrid

OMIJ Observatoire des Mutations Institutionnelles et Juridiques

ISSN : in progress

Table of contents

Michel SENIMON
General delegate of EUROPA

In 2020, EUROPA has continued, as always, to adapt its governance and its modes of intervention to international, national and regional contexts in which it has been developing for almost 25 years now, in a bid to promote public action across Europe.

At international level, as a member of the Conference of INGOs of the Council of Europe with a consultative status, after a long period of cooperation, it has established strong ties of trust with various bodies of this international organisation. Thus the head of the German team of our network, who is our permanent correspondent at this institution, also sits on our behalf in the Conference of INGOs migration task force.

EUROPA has also participated for three years in the work of the European Parliament's Common Goods and Public Services Intergroup, where it now plays a real think-tank role.

In addition, EUROPA is developing successful cooperation with the European Association of State Territorial Representatives (EASTR), as well as the Network of Institutes and Schools of Public Administration in Central and Eastern Europe (NISPACEE) and the Federation of European Union Local Authority Chief Executive Officers (UDiTE).

Structured recently around a Conference of Vice-Presidents, EUROPA also consolidates its own network of European experts, whereby it organises international seminars and workshops and responds to calls for tenders and/or calls for projects at European and national level.

At national level, the lasting partnership it has built since its establishment with the National Centre for Territorial Public Function (CNFPT) has enabled it to create the European Review of Public Action (ERPA), a real showcase of its comparative analysis in the field of public action available on the pages of its 3rd issue.

This also allows it to put forward its training offer and enrich its e-resources policy in the European field.

For its part, the partnership agreement currently being developed with the National Union of Directors General of Local Governments (SNDGCT) reinforces the involvement of our NGO alongside French local authorities and their EPCI, because of the European perspective pertaining to their public policies.

Wishing to extend its action in the field of applied research, EUROPA is intensifying its contacts with the economic and unionist world, with the stated aim of creating a Chair of Excellence with the partnership of the Foundation of the University of Limoges.

At regional and local level, EUROPA has gained its place in the new ecosystem emerging from the merger of regions and the creation of the new Aquitaine area. Thus, with the renewed support of the region which remains our main partner, we have also asserted our territorial foothold in Limousin, thanks to the trust and assistance provided not only by the Limoges-Métropole agglomeration authority, the City of Limoges and the University of Limoges, but also by the economic and social fabric of our territory.

Recently, EUROPA has joined the Regional Research Network *Europe, Law and Public Action*, which the New Aquitaine Region calls for and whose development it wishes to support.

But governance issues are nothing without what lies in the meaning and at the heart of the action that EUROPA has been conducting for many years.

Hélène PAULIAT
President of EUROPA

That is why, in a difficult international context, we state and constantly repeat that in the face of threats and difficulties, the only solution is Europe:

- because the underlying values are the best and the sole response to the authoritarian slippage of certain political regimes whose victims are always the most fragile;
- because faced with the hegemonic aspirations of the great international powers, whose *raison d'etat* is the only guide to their action, there must be a strong political organisation behind which the European peoples affirm the relevance of our political and social model;
- because we owe to Europe the longest period of peace among European nations given its state of play: the European fabric, a union of destinies.

That is why, as it has been doing for the past 25 years, EUROPA use its energy, its time, the enthusiasm of its team and its network to defend a positive and constructive concept of Europe and to show the importance of its action to guarantee a model seeking to reconcile economic prosperity, social justice and political democracy.

Editorial ERPA

In the mid-1980s the question of the state's decline as a relevant form of exercise of political power appeared to be sorted, or at least about to be so – overshadowed by globalsation and the parallel emergence of large regional groupings progressively overtaking the remits of state power, while the state was in competition with territories whose competences and resources of action were reinforced by various movements of decentralisation underway in Europe. However, at present we seem to witness the "comeback of the state".

This return to grace – symbolic reinvestment in the wake of various crises which hit industrialised countries, and particularly the European nations – is illustrated by the first part of the third issue of the European Review of Public Action which shows the major role played by the state in defining and implementing responses to the major issues of the day. Whether it comes to energy transition, the fight against global warming, or many solutions to the crisis of refugees and migrants, the state appears not only as a central stakeholder in the mobilisation of resources – legal, human, material, financial – which it has at its disposal, but still as the only one able to coordinate the action of various public institutions (local authorities) or private entities (associations), and citizens (civil society).

Perhaps this is the most obvious characteristic of the state: less of supervision and control, placed both in a position of externality and overhang with respect to the social fabric, and rather an (inter)mediator, conciliator, regulator, which, through the exercise of its arbitral authority, reconciles different interests expressed by the components of society.

Will the state be able to continue exercising this regulatory function, which guarantees the humanist values at the heart of the pact uniting European nations in a Europe in the midst of self-doubt and mistrust, even hostility towards others? The inexorable rise of populist movements, their rise to power, to the functions of government, puts states at risk of no longer being this neutral and benevolent appeals body, but the instrument of capsulation, rejection, hatred and inequality.

The second part of this issue is dedicated to the transformations of the so-called territorial state: if the state can still exercise these functions of regulation, mediation, arbitration, it is because its organisation - and consequently its action - has been able to adapt to very different territorial realities. The territorial peculiarities are evident within the state borders; they are all the more so if one compares the situations of various European states whose organisation has been described by the contributors to this issue. If the word deconcentration seems weird to the French administrative organisation, it designates a territorialised organisation of the state, of its administration, of the institutions placed under its authority and its responsibility. On the other hand, this is rather common in Europe. Simply, this particular form of organisation of the state assumes very different forms and modalities discussed in the opening feature.

Beyond this first observation, the issue of the European Review of Public Action highlights the search for coherence that drives policies of deconcentration: this search for coherence is played out in the articulation between the services of the state and local authorities whose competences and resources, as mentioned above, have been progressively strengthened. Deconcentration of state services is unthinkable without the role played by local and regional authorities. This articulation is not without difficulty and it often constitutes a blind spot for the study of forms borrowed by territorial public action. We have tried here to shed some light on this question.

The last point addressed by the ERPA third issue concerns the situation of states in which the question of territorialisation of their organisation is non-existent, or, on the contrary, a question of such a political difficulty that its realisation seems pushed back and remains unfinished.

In a political and social context marked by tensions across our society, it is good to recall the role of the state as a guarantor of the cohesion of the Nation, whatever forms it assumes.

Caroline BOYER-CAPELLE
Lecturer in public law at the University of Limoges
Deputy Secretary General of EUROPA

Christophe BONNOTTE
Lecturer in public law at the University of Limoges
Secretary General of EUROPA

Interview de Pierre-Etienne BISCH,

Regional Prefect (h), member of Conseil d'Etat in extraordinary duty and Secretary General of the European Association of State Territorial Représentatives (AERTE)

Three questions from EUROPA

1. *Having graduated from the National School of Administration (ENA), class of 1978, Pierre Mendès-France, you entered the French prefectural body before the major laws of decentralisation and you thus experienced directly this institutional revolution since 1982. Ten years later, Article 1 of Framework Act No 92-125 of 6 February 1992 on the territorial administration of the Republic stated that "The territorial administration of the Republic shall be entrusted to local authorities and deconcentrated services of the state", placing local authorities before deconcentrated services. Based on Article 6, Decree No 92-604 of 1 July 1992 on the deconcentration charter stipulates in Article 1 "Deconcentration is the general rule of allocation of responsibilities and resources between different levels of public administrations of the state." As a subprefect, then prefect, and later regional prefect, how did you experience this double revolution?*

For sure the years 1982-1992 were a real disappointment for civil servants just entering their professional career who, as still young graduates, could not anticipate this watershed in the history of the Republic's territorial organisation.
Many of my fellows then chose to try another career, and in many case this meant joining local authorities, including departments.

To illustrate this disappointment, we can remember the tensions prevailing between the services of prefectures and those of general or regional councils for leadership or, in a more trivial context, for precedence in public ceremonies. The control of legality also testified these tensions for a whole decade.

I was a witness of the preparation of the 1992 law and the decree of 1 July 1992 when I was working at the Directorate General of Local Authorities (DGCL), as a deputy director of local institutions, and then as a first deputy director general.
The culture of this service was shaped by the idea that the reform of the state would pass largely by the surrender of competences for the benefit of local authorities.

Consistently since 1992 it was a practice to draw the distinction between the territorial administration (local authorities and local services of the state) and deconcentrated administration of the state, making the former a unit of new design, positioned vis-à-vis the central state.

You understand that the emergence of this territorial unit served as a fulcrum for the deconcentration charter. Indeed, what else to do in the face of "liberated" authorities than to assert a strong state at local level, which implies the primacy of the territorial administration of the state vis-à-vis the central administrations?

Of course, I do not underestimate the long process between this new principle and its fulfilment...

You ask me how as a sub-prefect and a prefect I experienced these events.

Necessity quickly turned into a rule: the historical role of the prefectural body has always been to be useful in the harmonious resolution of local affairs, in view of the legitimacy conferred on it by its independence in the face of political or economic pressures and the sense of reserve which characterises its members. Let us add that growing executive issues in our day-to-day work have conclusively removed nostalgia to leave room for an even more resolute commitment for the enthusiasts of public action that we are.

2. *Within the international cooperation of the Ministry of the Interior, you have carried out missions abroad to discover other modes of governance. In South Africa, for example, you visited the Ministry of Cooperative Governance, which is the ministry that facilitates the dialogue between the state and local and regional authorities at different territorial levels of governance. In Morocco, as a prefect of the Alsace region, you made a study visit to the Moroccan wilayah of Fez to explore the modalities of advanced regionalisation - that is to say decentralisation, and transfers to regional authorities and the deconcentration initiated by the Moroccan Ministry of the Interior based on the French model. As a prefect of a border region, you may have conducted other cooperation on these themes. What lessons have you learned from these exchanges of experience; after all have you found the same problems under different institutional disguise in each country,?*

International cooperation reminds us regularly of the importance of historical legacy and national traditions.

In countries where France has left its mark on the administrative culture, as in the Maghreb, we easily find a common language with our counterparts.

Thus, when the King of Morocco considered developing the competences of local authorities, the exchange of experience with France and its prefects was relevant and was probably useful. Naturally, the notion of "local freedoms" cannot be decreed and the maturity of local authorities in the exercise of these freedoms will largely depend on the experience with the practices and the familiarity of the stakeholders with the respect for the rule of law...

The case of South Africa is significant of the limits of the exercise. For strategic reasons related to the exchange with the BRICS, the French government wanted to send a group of prefects to the public authorities of South Africa, if not to offer our services, at least to show what we are and maintain our influence in this huge country.

We were not even aware how divergent our administrative cultures and our law were. To put it bluntly, we sometimes had the impression of two worlds too different to consider operational and territorial cooperation. On the other hand, the idea of influencing the introduction of modern branches of law in South Africa such as competition, communication or the internet would probably be more relevant. But we deal with areas that are not within the remit of prefects, but rather of professional lawyers.

Let us add that the notion of a territorial state, even if presumably professional and impartial, in a country which has for so long suffered from stand-alone development, may give rise to mistrust among the descendants of apartheid victims.

As a direct heir of the Napoleonic era, the French prefectural body has been eroded and "polished" by two centuries of democratic life. It has a proven track record of law enforcement and social utility.

The transposition of the model into young, rapidly evolving states, whatever the continent, cannot be sustainable without the other local public institutions having acquired sufficient maturity. Otherwise, prefects within a regime, either unstable, authoritarian, corrupt, or all these together, would probably be one of the worst things to consider.

3. *Finally, as a Secretary General of the European Association of State Territorial Representatives (EASTR), prefects, governors, voivodes, government delegates, commissioners of the king, etc. depending on the country, you find yourself at the heart of the problem of the exercise of deconcentrated state power. The EASTR is now a little over twenty years old, and every year a conference deals with a theme that concerns STR in the exercise of their tasks. Beyond the differences arising from the history of each country, deconcentration remains the "hard core" of the function of state territorial representative. The Euro-Mediterranean STR Observatory, whose first major conference was held in Marrakech, Morocco, in 2011, showed that the problem is comparable all around the Mediterranean. What lessons can you learn from these exchanges and comparisons between the systems of different countries?*

First of all, the exchange of professional experience between peers is always beneficial, even if it is not a top priority on a daily basis for each of us.

The EASTR's raison d'être is to offer this platform, unparalleled for practitioners such as STR.

The EASTR meetings make it possible to regularly check how different our administrative traditions and our professional practices are, beyond what we have in common, namely: democracy, respect for human rights and the rule of law.

The place of the state is very different in Norway, Germany or Turkey. But, with rare exceptions, the unitary state or the federal state most often has a local representative.

The situation is evolving with more countries re-centralising territorial level supervisory functions, such as Finland - to name a recent example. The push for decentralisation in favour of local authorities, the search for budget savings and simplification of structures, as well as the dematerialisation of procedures play a significant role in these developments.

France presents a model that could be described as "a legacy pattern", with a prefect entrusted with wide and important remits, either in the realm of executive issues or in the realm of influence, in economic, social and even societal issues. We must amit that in the European area this model is no longer widespread, while it probably remains more so in the global Francophone space. Our example is quite isolated in Europe, which shows the progress of Scandinavian or Anglo-Saxon models where the state intervention is expressed in a less strong way, if not less "imperial".

On the other hand, beyond the differences in administrative organisations, the central issues facing the territorial authorities are similar, in particular with the reception of asylum seekers or the fight against terrorism.

The idea of our annual conferences is to point out different approaches and to discuss them, if possible in the presence of renowned experts of the main trends at stake.

For example, our work for 2018, during the Lyon Days, focused on the role of state representatives in partnership with the public when it comes to infrastructure decisions or sensitive events. These could include, for example, airport projects or major road works, or the organisation of the Olympic Games or UEFA EURO 2016.

Populism in the land of compromise

Dr. Laurens J. Zwaan MMC
Consultant for public administration at Leeuwendaal and representative in EUROPA for Erasmus University of Rotterdam and Radboud University of Nijmegen.

Preceding the March 2017 elections for Dutch parliament there was genuine concern with our European neighbours. Was populist PVV leader Geert Wilders to take the lead as some polls predicted? Could this lead to a "Nexit" separating the EU and The Netherlands, one of its six founding countries? Great relief followed when PVV came in second with a substantial difference.
What is the real chance of populists leading Dutch government? On the surface the Dutch political landscape seems fragmented, giving ample room for populists. The Dutch proportional electoral system gets blamed. Diversification within the Dutch political landscape however has always existed. This may give room for the populist vote, but at the same time makes the chance of populist dominance unlikely.

Being second in place, Wilders claimed a natural right to be included in the coalition. Much to his frustration other parties excluded him. After 225 days, the longest cabinet formation in Dutch history, a coalition government of 4 parties was formed. Even if PVV had come out first, this would not have guaranteed a stake in government. In the diversified political landscape the Dutch have always had to form multiple party coalitions to secure a governing majority. In their proportional system one party is unlikely to gain a majority on its own and several smaller parties can create a majority leaving out a bigger party.

Nevertheless, something has changed. At present it takes more parties to form a coalition than ever. The Dutch political landscape has always been diversified, but voters have become much less predictable and votes are evened out more between contesting parties.

Since 1919 elections on all levels are proportional, allowing small parties to gain access to parliament. Society and politics alike where organised through separate social tiers; Roman Catholic, protestant, socialist and liberal. No party has ever obtained more than fifty-four seats, so a coalition government is self-evident. Since 1977 coalitions where usually formed between two or three parties. In 2017 three parties won't suffice any more. A majority vote requires at least four parties. This takes its toll on the ability to compromise, but then again compromise and consensus are rooted in Dutch political culture.

> The proportional electoral system gives easy access for populist parties into the representative bodies, but little chance to govern

Current fragmentation lies not so much in the number of parties but in their relative size. From 1965 and onwards the number of parties in parliament has fluctuated from nine to fourteen. In that respect 2017 doesn't even set a record. The main difference is the distribution of the seats. Traditionally there where two lager parties, with forty to fifty-four seats each and one or two runner ups with fifteen to thirty seats. The other parties would be quite small. In 2017 the largest party obtains no more than thirty-three seats followed by no less than five runner ups with fourteen up to twenty seats. In the municipal elections of March 2018 we see a similar pattern.

It is doubtful that this shift can be attributed to the influence of the populist vote. More important is a social and cultural evolution through which gradually the traditional tiers have lost their meaning. People no longer vote based on cultural, social or religious identification and are much more inclined to rethink their vote of choice each election. Nevertheless the populist movement does worry traditional parties.

What does Dutch populism look like? Populism has many forms [1], but there are common characteristics. One of them is the conviction the idea that the political elite does not represent the "real" will of the people, which obviously the populists understand better. Populists tend to believe in a strong leader who will speak for the people. With nationalist populists "the people" is loaded with nationalistic, ethnic and xenophobic connotations. Dutch populism can be divided in roughly three categories[2]; socialist (mainly the SP), liberal (LPF and LN) and conservative-nationalist (CP, CD, PVV and FvD).

A category in itself are local parties that are organized on local level and only participate in the municipal election. Some of these parties show populist traits. Since 1994 these are a growing force on local level and in many municipalities a local party is number one and often local parties are part of the governing coalition[3]. In the municipal elections march 2018 local parties won 33% of the votes.

The liberal oriented LPF was the first populist party to gain a substantial electorate. Despite or maybe because of the assassination of its leader and namesake, Pim Fortuyn, this newcomer obtained an amazing twenty-six seats and became part of the governing coalition. The success was not lasting. The party fell apart through internal strife and consequentially so did the coalition.

At the following elections, only a year after their triumphant victory, the LPF dropped to eight seats and soon after was disbanded, ending the participation on parliamentary level of the liberal populist movement.

The socialist branch of Dutch populism arose in the early nineties with the SP (Socialist Party). Its peak was in 2006, when it obtained twenty-five seats. The SP however, after its charismatic leader Jan Marijnissen stepped down in 2008 and also after on provincial and municipal level the SP in several cases became part

[1] Zijderveld, A.C. (2009). *Populisme als politiek drijfzand*, Amsterdam, Nederland: Cossee ; Lucardie, P. & Voerman, G. (2012). *Populisten in de polder*. Amsterdam, Nederland: Boom ; Müller, J.W. (2016). *What is populism ?* Philadelphia, USA: University of Pennsylvenia Press.

[2] Lucardie, P. & Voerman, G. (2012), op. cit.

[3] Derksen, W. & Schaap, L. (2010). Lokaal bestuur. (6e ed.) Dordrecht, Nederland: Convoy.

Family	Populist	Party	1956	1959	1963	1967	1971	1972	1977	1981	1982	1986	1989	1994	1998	2002	2003	2006	2010	2012	2017
Socialist		PvdA	**50**	48	43	37	39	**43**	53	44	47	52	49	**37**	**45**	23	42	33	30	38	9
Socialist		CPN	7	3	4	5	6	7	2	3	2										
Socialist		PSP		2	4	4	2	2	1	3											
Socialist		PPR					2	7	3	3	2	2									
Socialist		EVP									1										
Socialist		GL											6	5	11	10	8	7	10	4	14
Socialist	x	SP												2	5	9	9	25	15	15	14
Socialist		DS '70					8	6	1												
Christian		KVP	49	**49**	**50**	**42**	35	27													
Christian		ARP	15	14	13	15	**13**	14													
Christian		CHU	13	12	13	12	10	7													
Christian		CDA							**49**	**48**	**45**	**54**	**54**	34	29	**43**	**44**	**41**	21	13	19
Christian		SGP	3	3	3	3	3	3	3	3	3	3	3	2	3	2	2	2	2	3	3
Christian		GPV			1	1	2	2	1	1	1	1	2	2	2						
Christian		RPF								2	2	1	1	3	3						
Christian		CU														4	3	6	5	5	5
Christian		RKPN						1													
Liberal		VVD	13	19	16	17	16	22	28	26	36	27	22	31	38	24	28	22	**31**	**41**	33
Liberal		D66				7	11	6	8	17											
Liberal		NMP					2														
Liberal	x	LPF														26	8				
Liberal	x	LN														2					
Conserevative	x	CD											1	3							
Conserevative	x	CP									1										
Conserevative	x	PVV																9	24	15	20
Conserevative		FvD																			2
Elderly		AOV												6							
Elderly		Unie 55+												1							
Elderly		50Plus																		2	4
Farmers		BP			3	7	1	3	1												
Animals		PvdD																2	2	2	5
Imigrants		DENK																			3

The grey marked parties are member of the governing coalition.	Socialist populists; SP
KVP, ARP and CHU merged into CDA	Liberal populistst; LPF, LN
CPN, PSP, PPR and EVP mergeed into GL	Conservative, nationalist populists; CD, DP, PVV
GPV and RPF merged into CU	

The categorising by political family is inevitably somewhat of a gereralisation!

of the ruling coalition, has gradually developed into a more regular democratic party, although some populist traits linger.

The conservative-nationalist populists where the first that managed to get access to parliament in 1982 with the centre party (CP), followed in 1989 by the centre democrats (CD). The CD was whipped out in the 1998 elections. Conservative-nationalism made its come back in 2006 when Geert Wilders secured nine seats for his PVV. Following elections (2010) PVV became in third with twenty-four seats. Subsequently the PVV was reluctantly included in a coalition government. PVV did not actively join by supplying its own cabinet members, but in exchange for influence on cabinet policies, supplied the coalition its majority vote. PVV proved an unreliable partner and government fell within less than two years. After this debacle the PVV lost nine seats in the 2012 elections and was not included in the new coalition. Wilders however managed to regain following, taking a more and more radical stand in the media, in particular on the issues of immigration, Islam and Europe. This position seemed to pay off when the polls indicated that PVV would come out of the 2017 elections as the largest party. The eventual result was therefore a disappointment to Wilders.

A newcomer that can be more or less categorised as conservative-nationalist populist is the FvD. This party won two seats in the 2017 elections, but has since been doing extremely well the polls[4].

On local level PVV also had electoral successes. On a provincial level the PVV became the largest party in Limburg during the 2011 elections and became part of the governing coalition. Soon however the coalition fell apart and a new coalition was formed excluding the PVV. In 2010 and 2014 PVV joined the municipal elections in The Hague and Almere. Both times PVV came out as number one in Almere and in The Hague as number two. Despite these victories in either municipalities PVV was left out of the coalition and denied governance. However the presence of the PPV on municipal level so far was limited to two towns. April 2017 Geert Wilders announced that in the march 2018 municipal elections the PVV will compete in sixty municipalities[5].

Eventually the PVV, encountering difficulties finding enough qualified candidates, managed to enlist for the elections in thirty municipalities, only half the target. In both The Hague and Almere PVV couldn't sustain its previous success. In The Hague PVV went from 7 to 2 seats and in Almere from 9 back to 6. On the other hand PVV won one or more seats in each of the other 28 municipalities where it participated[6].

So far we see that the proportional electoral system allows easy access to populist parties. But when it comes to presenting themselves as viable partners in government they fall short. LPF was the only one to be a full coalition partner for a very short period, but proved lack of the necessary stability. The PVV for some time was giving influence on cabinet policies in exchange for support of the minority cabinet, but PVV proved itself an unreliable coalition partner.

Because of this experience and in reaction to the increasingly xenophobe position of Wilders, other parties rule out any form of cooperation with him. In the Dutch system, where no party is likely to gain a parliamentary majority by itself, this means that the road to government can be blocked for such parties. Even if PVV had become the largest party in the 2017 elections a coalition would have been formed without him.

This however does not mean that a relatively strong populist position has no consequences. Had PVV become the largest to still be excluded from government, this would have fed the resentment and mistrust of populist voters against the so-called establishment, alienating them further. Also we saw preceding the elections, as a reaction to the rise of Wilders in the polls, mainstream parties taking over populist and nationalist themes, although in a more tempered tone. Liberal and Christian democratic politicians, despite supporting the EU as such, express Euro-critical messages to their audience.

Also on the immigration issue they tend to become more restrictive. The Christian democrat leader played the nationalist card, proclaiming that the national anthem should be sung in schools (De Telegraaf, March 4, 2017). And November 2017 parliament decided that the Dutch flag should be displayed permanently in the parliamentary assembly hall (Korteweg, December 26, 2017).

[4] De Hond, M. (2018). http://politiek.tpo.nl/2018/02/04/opiniepeiling-maurice-hond-potentie-forum-democratie-en-sp-is-gestegen/

[5] De Volkskrant. (5 avril 2017). *De lijst is langer: PVV wil in 60 gemeenten meedoen met verkiezingen. Amsterdam, Nederland:* De Volkskrant: https://www.volkskrant.nl/binnenland/de-lijst-is-langer-pvv-wil-in-60-gemeenten-meedoen-met-verkiezingen~a4483174/

[6] Kiesraad. www.verkiezingsuitslagen.nl.

[7] De Telegraaf. (4 mars 2017). *Volkslied Buma weggehoond.* Amsterdam, Nederland: De Telegraaf: https://www.telegraaf.nl/nieuws/1330699/volkslied-buma-weggehoond

[8] Korteweg, A.J. (26 décembre 2017). *Nieuwe vlag in Kamer staat voor alles wat Nederlands is: pragmatisch, op de centen en goed voor eeuwig geharrewar*. Volkskrant: https://www.volkskrant.nl/opinie/nieuwe-vlag-in-kamer-staat-voor-alles-wat-nederlands-is-pragmatisch-op-de-centen-en-goed-voor-eeuwig-geharrewar~a4548890/

Evolution and recent political developments of the Slovak Republic

Jana MARASOVA
Lecturer
Faculty of Economics, Matej Bel University of Banska Bystrica

Slovakia is hardly twenty-five years old in its political history, which started when the country was born on 1 January 1993. The beginning of its history, as well as the current political situation, result from several phenomena related to the past: seven decades of cohabitation with the Czechs (from 1918 to 1992), the short existence of the independent Slovak state during the Second World War and radical changes in the early 1990s, which accompanied the country's transformation from a totalitarian system into democracy.

Freedom of expression, granted in 1989, brought out different visions of the evolution of the Czechoslovak State, and in particular that of an independent Slovakia, which had been desired for years by those who were nostalgic of the independent state built during the war. This aspiration materialised in 1993. However, acute polarisation of society marked the 1990s surrounding the struggle

for the democratic nature of the state and its international orientation. At the time, only one political party dominated (V. Meciar) while the opposition made many mistakes and suffered many defeats. The dominant, nationalist-centrist party was known for its pro-European declarations without translating them into the decisions and measures as required by the Copenhagen criteria. This persistent ambiguity placed Slovakia in the second group of countries in the process of accession to the European Union.

Gradually, a left-right political elite emerged and quickly gained influence in the media and public opinion, before having a key impact on the country's governance for a decade. From 1998 to 2006, the political scene was marked by the presence of a relatively strong right wing *(SDKU-DS)*, resulting from the consensus between several small parties. Some key politicians (M. Dzurinda, I. Miklos, E. Kukan) have become the spearheads of the most important decisions, including on the necessary economic reforms and the international orientation of Slovakia, and received a very strong support among the population. This all helped to successfully conclude the country's accession to the European Community in 2004, with the countries of the first group.

However, this political right wing was originally organised primarily to confront the ruling party, not to defend certain values and interests, which led to some problems. These began to emerge after the 2006 parliamentary elections, where the political right was in opposition.

The six years leading up to the early elections in 2012 revealed several serious political phenomena, which still persist and have contributed to the emergence of the far right (*SLS* - M. Kotleba) in the country, for the first time since the war. This has fragmented the electoral base and hence the whole society. In the 2010 elections, the right wing came back to power, but this victory was not due to a pickup of its own forces, but to several corruption scandals within the left. Four right-wing parties formed a coalition that was fragile from the beginning due to conflicts, ultimatums and mutual threats. It only lasted for two years, and ended with the resignation of Prime Minister I. Radicova[1]. The right lost its authority in the face of the media, public opinion and its supporters abroad, as if it had forgotten how to inspire and capture the public's attention.

In 2012, political party *SMER* (R. Fico) came to power and is currently in its second term

> The current political situation reflects a much more serious problem, i.e. the loss of moral values

of office. It gradually managed to unite the pre-1989 communists and the younger generation[2]. In the beginning, its success was based on the choice of a clear orientation of its foreign policy towards Europe and the transatlantic structures. SMER has successfully implemented the elements of corporatism in the Slovak political system and makes extensive use of political marketing technologies. But, taking advantage of the support of a large part of the population and the inability of the opposition to resist, it has become more and more arrogant and is now using methods that break with classic political culture.

This quick reminder of the political developments in Slovakia helps to explain the rise of the extreme right. The right-wing opposition parties have been disappointing their supporters for many years now, proving themselves incapable of going beyond their own interests to unite. The opposition lacks dynamism and brings together worn-out characters full of hostility. As a result, a large part of the population has succumbed to skepticism, believing they cannot change the course of events... unless they vote for M. Kotleba

Another explanation is the attitude of the ruling *SMER* government, which accepts no criticism, covers up corruption scandals in its ranks and does not take seriously the thousands of citizens who take the streets and demand the resignation of policy-makers. Abuses committed by its own members and involving public resources and EU funds are tolerated, while there is acute shortage of such resources in the health and education systems.

The consequences of the economic crisis have also contributed to a deterioration of the situation. The last crisis, like all the others, had political repercussions. Many impoverished and underprivileged citizens turned to politicians who made populist remarks and developed impressive but vague discourses.

Another reason for the decline of traditional political forces, typical of post-communist countries, is the insufficient experience of these parties, which date back only to the fall of totalitarian regimes. In Slovakia, the experience of a pluralist political system during the first Czechoslovak Republic during the inter-war period was forgotten. Therefore, political democracy and culture, political dialogue, the search for constructive cooperation, have to be re-learnt and it is increasingly obvious that twenty or thirty years are not enough for this endeavour.

The way the European Union operates has also contributed to this unprecedented fragmentation of the political landscape and the rise of extremism. Even though Slovaks have long been very pro-European in polls, voices are rising to criticize this bureaucratic functioning, which would threaten entrepreneurial potential and individual initiative.

To summarize, the emergence and then the rise of the extreme right in Slovakia echo what is happening in many European countries. The phenomenon is a result of the weakness and helplessness of traditional political forces, which have bent down in the face of their own difficulties. But the current political situation reflects a much more serious problem, i.e. a loss of moral values, which no longer guide the behaviour of the politician or the voter. The difference between democracy and anarchy, as well as respect for the law, is blurred: we forget to appreciate freedom and all that it represents.

The Slovaks forget that their country has nevertheless made considerable progress. In a quarter of a century it managed to integrate in Europe, to build a more or less functional democratic state and a prosperous market economy. But what is missing, according to former finance minister Miklos[3] is a general consensus, a desire to move the country forward.

One of the ways out of the political slump could be the incumbent president, A. Kiska. Although he announced that he would not commit to creating a political party and that it is unclear whether he will run for a second mandate in the 2019 presidential election, the impact of his personality on the country's public life will remain strong, because to withdraw or remain passive in the face of serious social issues is not in his nature[4]

[1] RADICOVA, I. – LESNA, L. 2013. *Krajina hrubych* ciar. Bratislava : Ikar

[2] HRONSKY, M. 2016. *Politicke hry*. Bratislava : Marencin PT.

[3] MIKLOS, I. 2016. Festival MOVE. *Postavme Slovensko na nohy*. Bratislava : le 21-22 octobre 2016.

[4] HRIB, S. 2017. Kto po *Andrejovi Kiskovi?* Tyzden no 7/2017. Tyzden no 7/2017.

Ever New, Nothing New: Populism in Lithuania

Assoc. Prof. Dr. Virgis VALENTINAVIČIUS
Mykolas Romeris University, Vilnius, Lithuania

The victory of the Union of Lithuanian Peasants and Greens *(Lietuvos valstiečių ir žaliųjų sąjunga, LVŽS)* in the 2016 parliamentary election follows several well-established trends in Lithuanian politics. Firstly, the near majority winning margin of 56 seats in the 141-seat Seimas (Lithuanian parliament) puts at least a temporary stop to the long-time fragmentation of party politics when an election could be won with less than 40 seats. Secondly, for the first time an overtly populist force and a relatively new fraction is a clear election winner with an unquestionable mandate to form a government.

For the first time an overtly populist force and a relatively new fraction is a clear election winner with an unquestionable mandate to form a government

The result is a measure of crisis of the mainstream Lithuanian parties that, prior to 2016, had routinely managed to keep populists at bay due to the sufficient vote numbers they won, as well as due to their vast experience of smart coalition politics to harness populists by assigning them various auxiliary roles. Populist newcomers had never been in the leading position that would allow a substantial policy change and, before the LVŽS victory in 2016, the mainstream parties, left or right, always controlled the commanding heights of politics

Proliferation of new populist parties before every parliamentary election is typical of Lithuanian politics. Putting aside instances when newly established political parties win nothing and disappear on the election night, the longer-living new Lithuanian populist parties could be divided into two groups: single-election- success parties and parties which stayed afloat for more than one election cycle.

Typically, a one-term party is designed as a nation salvation party called to do the job that the establishment has allegedly failed to do.

In the 2008 parliamentary election, the newly created National Resurrection Party *(Tautos prisikėlimo partija, TPP)*, packed with showbiz stars and led by Arūnas Valinskas, a host of several TV shows, won 15.09% of the popular vote and 16 seats. The TPP capitalised on the pulling power of celebrities and the nonchalant attitude that "show comes before message" (the latter, actually, never materialised). The party became a junior partner of the right-of-centre ruling coalition, and was dissolved in 2011 due to incompetence and poor discipline of its members. One might say that six years before Mr Trump Lithuania got a glimpse of what trumpesque reality show politics looked like.

In the 2012 election, the newly established Path of Courage *(Drąsos kelias, DK)* won 7.99% of the party list vote and 7 seats in parliament, by whipping up voter emotions about an alleged pedophile ring that the establishment was covering up (the pedophile conspiracy was never proven). The party owes its name to Drąsius Kedys, who believed his 4-year-old daughter was sexually molested. Kedys claimed that he was fighting pedophiles in high places and eventually shot two people to death in 2009, a Kaunas district court judge being one of them. Kedys went into hiding and was found dead a year later. His sister, Neringa Venckienė, a justice of the same district court, took over her brother's anti-pedophile, anti-law enforcement, anti-establishment crusade, organised the party Path of Courage and subsequently became a member of parliament. However, by the middle of her term she went fugitive because she was and still is wanted by the Lithuanian law enforcement on charges of libel, accomplice to murder, perjury and abuse of office – all related to her activities in defence of her late brother, a suspected murderer of two people.

With the party chairwoman in hiding, in the 2016 election the DK won zero seats. Nevertheless, four years earlier Mrs Venckienė proved the point that by exploiting a largely invented case of child abuse it is possible to seduce every 13th Lithuanian voter. In February 2018, she was arrested in Chicago and currently is waging a legal battle against Lithuania's extradition request.

There are two major parties that have survived more than one election cycle. The first one – the Law and Justice party *(Tvarkos ir teisingumo partija, TTP)* – was established in March 2002 by Rolandas Paksas, former prime minister who was then known for refusing to sign the largest Lithuanian privatisation deal that would sell the big and antiquated Mažeikiai oil refinery, which was in dire need of investment, to an American investor. Paksas argued that it would be a sell-off of national wealth. He placed his bet on a simple law-and-order message and on the anti-Western sentiment harbored by part of the population with nostalgia for Soviet certainties and won the presidential election over the incumbent president Valdas Adamkus, an American Lithuanian from Chicago, in the same year 2002.

Two years later, President Paksas was impeached and removed from office on charges of illegally awarding Lithuanian citizenship to a Russia-linked aviation tycoon, of leaking state secrets to the same tycoon, and of aiding the illegal takeover of a road building company. Since then, in every election, Paksas' party gained seats: ranging from 11 in 2004 (the lowest number) to 15 in 2008 (the maximum). But in the last election of 2016, the TTP barely managed to stay above the 5% minimal threshold securing 8 seats, and Mr Paksas announced he would not be leading the party any longer. Political observers tend to agree that this may be the last appearance of the TTP in parliament. At different times, the TPP was part of various ruling coalitions but never succeeded in playing a more significant role.

The second party of the extended cycle group – the Labour party *(Darbo partija, DP)* – was established in November 2003, less than a year before the election in October 2004. The party was created by Mr Viktor Uspaskich, a Russian-born welder turned millionaire, who struck gold by importing Gazprom gas to Lithuania and later investing in the food processing industry. Thanks to the slick populist campaign promising everything to everybody and its leader's showmanship, the debut of the DP was successful: in the 2008 election, the party won 39 seats. Yet,

instead of ruling the roost, the DP became a junior partner in the coalition led by the Lithuanian Social Democrats, who managed to stay on top because of their experience and canny maneuvering despite the fact that they had only 20 seats. One more time the DP gained 29 seats in the 2012 election, again becoming a junior coalition partner. In 2016, with just 2 parliamentary seats, the DP virtually ceased to exist as a viable force. The DP crashed after the court found the party leaders guilty of illegal party funding in the notorious false accounting case.

The second party of the extended cycle group – the Labour party (Darbo partija, DP) – was established in November 2003, less than a year before the election in October 2004. The party was created by Mr Viktor Uspaskich, a Russian-born welder turned millionaire, who struck gold by importing Gazprom gas to Lithuania and later investing in the food processing industry. Thanks to the slick populist campaign promising everything to everybody and its leader's showmanship, the debut of the DP was successful: in the 2008 election, the party won 39 seats. Yet, instead of ruling the roost, the DP became a junior partner in the coalition led by the Lithuanian Social Democrats, who managed to stay on top because of their experience and canny maneuvering despite the fact that they had only 20 seats. One more time the DP gained 29 seats in the 2012 election, again becoming a junior coalition partner. In 2016, with just 2 parliamentary seats, the DP virtually ceased to exist as a viable force. The DP crashed after the court found the party leaders guilty of illegal party funding in the notorious false accounting case.

In the 2016 election, the LVŽS created a parallel universe that abounded in resentment and 'alternative facts', which was not so far away from the French electoral experience in May 2017, when Natalie Nougayrède said that, like it or not, bluster and bigotry à la Trump was emerging as a universal pattern of Western politics: 'If this final French presidential TV debate offers any lessons, it is that alternative facts, used as a political weapon, are here to stay in the fabric of western democracies. They are the vehicle whose purpose is to channel popular anger'[1].

No matter how contradictory and eclectic their potpourri is, the LVŽS hate factory proved difficult to resist, especially in the situation when the mainstream parties looked aloof and not very responsive to the prevailing sentiment of the electorate, fuming over growing impoverishment and social inequality.

The Lithuanian mainstream parties consist of the conservative Homeland Union - Lithuanian Christian Democrats *(Tėvynės Sąjunga-Lietuvos krikščionys demokratai, TS-LKD)*, the left-of-centre Lithuanian Social Democratic Party *(Lietuvos socialdemokratų partija, LSDP)*, either of the pair took turns to lead all governments before 2016; and the smaller pro-business Lithuanian Liberal Movement *(Lietuvos liberalų sąjūdis, LLS)*, which used to be a junior coalition partner to the above major parties.

The mainstream entered the 2016 election race with a selection of deficiencies. The TS-LKD, in opposition since 2012, was going through a leadership change and their election campaign resorted to the familiar "we will help people by stimulating businesses to create jobs", while a sizeable part of the public preferred a government that would take care of them in a more direct way.

The approach of the Liberals (LLS) was similar; in addition, the Liberals were badly hurt by a huge corruption scandal when a bribe of over €100,000, allegedly taken by the party leader, exposed the LLS as a paid lobbyist of big business. The ruling Social Democrats were handicapped by multiple corruption scandals, inept leadership and, above all, strongly pro-business policies that made a caricature of the socialist credentials of the party.

In the opinion of Kęstutis Girnius, professor of the International Relations and Political Sciences Institute in Vilnius, the mainstream parties defeated themselves: 'A leap in distrust of the traditional political parties is well deserved, since they are not able to address the economic and welfare challenges of globalisation; at the same time, because of political correctness, the traditional parties for years were reluctant to enter an honest discussion on immigration when immigration has long been probably the biggest problem Europe faces'[2].

Prof. Ainė Ramonaitė, who has been researching electoral preferences for several decades, finds it difficult to understand why the mainstream parties are turning a blind eye to social issues: 'One can have an impression that after the collapse of the Soviet system politicians are afraid to talk of class interest or economic exploitation'[3]. But the refusal of the Social Democrats to follow policies the name of their party implies helped the populist LVŽS to win the election by a landslide, consolidating the votes of the Path of Courage, Labor Party, Social Democrats and the Law and Justice – 'the parties we are used to calling left'[4].

La victoire de LVŽS s'est produite dans le contexte d'une disparition progressive de la division droite - gauche en Lituanie et d'une incapacité des partis traditionnels à comprendre les besoins des citoyens ordinaires, ce qui a développé l'aversion de ces derniers pour la politique des partis.

The LVŽS victory came about against the background of the fading divide between Right and Left in Lithuania, and of the mainstream parties' inability to connect to the needs of ordinary people, resulting in their aversion to party politics. The LVŽS, a newcomer in power, started disappointing voters just months after the election by a massive U-turn in social policy (among other things, the LVŽS adopted the pro-business Labor Code, which they had castigated before the election), by making a mockery of their much vaunted environmentalist stance when the LVŽS leader Karbauskis bought a petrol-guzzling Cadillac jeep with a 6-liter engine or by compromising the moral high ground taken before the election on traditional family values when the same Karbauskis had to fend off rumors of his extramarital affair.

The mounting heap of broken promises and gaffes of the LVŽS government gives the political mainstream a window of opportunity to regain their positions, provided they reconnect with voters and fight back the ground lost to the populist newcomers in 2016. First of all, the established parties suffered defeat due to the arrogant neglect of growing poverty and social exclusion and adherence to the traditional "free market will solve it all" approach. The answer may be in offering a moderate solution to globalization and immigration challenges, and if the mainstream parties do not rise to the

[1] Natalie NOUGAYREDE, « Le Pen deployed bluster and bigotry in the TV debate. Sound familiar? - posted on May 4, 2017, retrieved at https://www.theguardian.com/commentisfree/2017/may/04/le-pen-trump-hyperbole-bigotry-presidential-debate

[2] Kęstutis GIRNIUS, « Notes on Populism (Pastabos apie populizmą) », posted on October 8, 2016, retrieved at http://www.bernardinai.lt/straipsnis/2016-10-08-pastabos-apie-populizma/149763

[3] Ainė RAMONAITĖ, An Interview: the Voter is Conditioned by Attitude towards Soviet Time (A. Ramonaitė, Interviu: rinkėją valdo požiūris į sovietinius laikus), posted January 28, 2015; retrieved at http://www.tspmi.vu.lt/tinklarastis/2015/01/a-ramonaite-interviu-rinkeja-valdo-poziuris-i-sovietinius-laikus/

[4] Ainė RAMONAITĖ, Values of the R. Karbauskis party researched: surprise result (Ištyrė R. Karbauskio partijos vertybes: rezultatas netikėtas), posted November 25, 2016; retrieved at http://www.delfi.lt/news/daily/lithuania/istyre-r-karbauskio-partijos-vertybes-rezultatas-netiketas.d?id=72981634

challenge, the populists will fill the void with their ever-misfiring radical delusions.

A year and a half past the election, it does not seem, however, that the mainstream parties have learnt the lesson of 2016. The Lithuanian Social Democrats (LSDP) are on the way to extinction as its several members – so called dinosaurs of the old post-Communist school – have chosen to stay within the ruling coalition with the LVŽS, thus splintering from the LSDP. The LSDP in turn is rapidly moving towards the radical Left. In effect, Gintautas Paluckas, its newly elected young leader, is pursuing an ideological revolt in the style of Jeremy Corbin. The electorate is not impressed either by the dinosaurs or by the revolutionaries, and their standing in opinion polls is plummeting.

The liberals (LLS) have not recovered after the €100,000 bribery scandal, while the past year exposed their new leadership's weakness in winning the public trust back.

The conservative TS-LKD under the still maturing leadership of Gabrielius Landsbergis is so far not been able to articulate a socially sensitive message – indeed any clear message – and in terms of popularity is stuck on par with the ruling populist LVŽS. Although since the election the LVŽS popularity has halved to some 18 per cent (in February 2018), the TS-LKD has not yet gained something more substantial above that. To sum up, in spite of the considerable loss of popularity, the LVŽS is still in the position to score another election win in the face of the persistent failure of the mainstream parties to reorganize themselves and live up to voter expectations.

The institutional crisis and the onset of national populism in Spain

José M. RUANO DE LA FUENTE
Complutense University of Madrid

1. The origins:

In 2008 Spain suffered a triple crisis. The deepest economic crisis of its recent history that was the combination of several simultaneous factors: the international financial crisis, the burst of the real estate bubble and the reckless management of politicised savings banks under the passivity of the supervisory institutions.

Unemployment rose from 9% in 2007 to about 26% in 2012 and the GDP diminished 9.2% from 2008 to 2013. Second, the economic crisis was compounded by the politicians' loss of prestige (perceived as the third problem of the Spanish for years), involved in numerous cases of corruption that have mainly affected the mainstream parties. Lastly, the economic and political crisis was intensified by a huge mistrust in public institutions, which were unable to foresee or curb neither the economic crisis nor the corruption and at the time neglected the basic needs of citizens in the crisis context by implementing heavy budget cuts that ended up impacting on the provision of public services.

Corruption, economic difficulties or the fear to globalisation have been the breeding ground of populist and xenophobic parties in Europe and in the USA. In Spain, the long authoritarian and nationalist past acted as a vaccine against far-right parties and inoculated a weak national identity that favoured the emergence of peripheral nationalist forces, seen by the left during the transition to democracy as liberating and progressive forces in the common fight against General Franco's regime. However, the triple Spanish crisis meant the end of bipartisanship, and the exacerbation of peripheral nationalism.

> Populism and radical nationalism have arrived and threaten institutional stability and liberal democracy

2. The outbreak:

On 15 May 2011, a week before the municipal and regional elections, hundreds of people called through the social networks were concentrated in the centre of Madrid against the political establishment under the slogan "they do not represent us".

The 15-M movement was born (or the "outraged" movement named after Stéphane Hessel's book Indignez-vous, published in 2010). This protest movement was replicated in other Spanish cities and around the world by similar movements such as Occupy Wall Street in the USA. There were numerous demonstrations against the actions of eviction of families who actually were victims of the real estate speculation and against the government measures based on fiscal austerity to comply with the European rules on public deficit and debt. Polls showed a pronounced decline of the Popular Party, although the Socialist Party, in opposition, did not take advantage of this situation. What was happening?

The interest and concern for the political and economic situation was maximum, and the television operators did not stay in the margin. It is worth knowing that in Spain there is a television oligopoly formed by two large national groups (Atresmedia and Mediaset) that control 95% of advertising revenues and get 80% of the audience [1], and that they depend on the allocation of frequency bands by the government.

3. The first outcome: populism.

The politics-show and the interest of the discredited central government converge: a group of former advisers to the former general secretary of the Spanish Communist Party founded Podemos ("We can"), a name of Obamaist resonances that presented itself as the representative of the people and rejected the traditional right-left cleavage by replacing it with an up-down approach. Illiberal, anti-capitalist, anti-European and anti-establishment party ("We must put an end to the regime of the 1978 Constitution"), its origins are in the Centre for Political and Social Studies (CEPS) Foundation set up by the leaders of Podemos and financed by the putschist commander and President of Venezuela Hugo Chávez, to extend "Bolivarian socialism" in Latin America. Chávez's example as a leader against the corruption of Venezuelan bipartisanship is its inspiration. From Venezuela they not only obtain financing, but they imitate the scenography and the staging in the electoral rallies and even borrow the name of the party (Podemos is the acronym of "Por la

[1] Source: General Media Research, EGM 2018

Democracia Social", the second most important party integrated into the pro-Chávez political forces).

From the local televisions and Hispan (the Iranian television by satellite for the Hispanic world), the leader of Podemos made the leap to the big national TV channels. The party's message is simple but effective: it does not speak of the traditional terms left and right, but rather about the interests of "the caste" ("a plot of privileged people who kidnap democracy in Spain") and the ordinary people, whom they represent (without a doubt, they know the book by Gian Antonio Stella and Sergio Rizzo, 2007: *La casta. Così i politici italiani sono diventati intocabili)*.

Never in history has an extra-parliamentary political party had such a daily presence in the channels of the television oligopoly. The campaign for the 2014 European elections was made: in those elections Podemos got 1.2 million votes (8%) and 5 seats. The huge public presence of the leaders of Podemos on television gave revenues: despite the unpopularity of the central government, the PP remained the first Spanish political party. The political victims of the irruption of Podemos are, Izquierda Unida (coalition led by the Communist Party) and, interestingly, the main adversary of the PP, the Socialist Party, which obtained the worst result in its history (3.6 million votes and 23 %) in European elections. The subsequent turn to the left of Podemos' discourse will accentuate the crisis of the Socialist Party, which will also obtain the worst result of its history in the Spanish parliamentary elections of 2016 getting 5.4 million votes and just a 22.6% of support.

However, Podemos is not the only political party that emerges from the general anger of the Spaniards and that contributes to the deterioration of the two-party system. Founded in 2006 in Catalonia, Ciudadanos (Citizens) emerged as a Catalan party against ethnic nationalism and the corruption of the nationalist government, making the leap to the rest of Spain as a centrist political force of diffuse ideology (which first embraces social-democratic ideological elements, and liberal ones later on) that tries to give an answer to the triple Spanish crisis from the reformism and not from the rupture with the system and putting first the defence of the individuals' rights over those of groups, as nationalism does. In the 2014 European elections its results are, however, more modest with half a million votes representing 3.1% of the total and getting two MEPs.

The consolidation of Podemos and Ciudadanos in the following elections (municipal elections of 2015, parliamentary elections of 2015 and 2016) implied the loss of the hegemony of the two major Spanish parties. Thus, the sum of PP and PSOE that reached 83.8% of the total votes in the parliamentary elections of 2008, fell dramatically to 55.6% in 2016.

4. The second outcome: the exacerbation of nationalism.

Catalonia is one of the richest regions of Spain (with a population of 16% of the country concentrates 19% of GDP) and one of the most prosperous regions of Europe along with Lombardy, Rhône-Alpes or Baden-Württemberg. In addition, it is a region that has some of the highest levels of self-government in Western countries. It is responsible for the main public services such as health, education and welfare, in addition to managing prisons, its own police and a wide public radio and television network, whereas just 9% of the more than 300,000 public employees who work in Catalonia are not directly managed by the Catalan government.

This broad management capacity has been possible thanks to the decentralised framework of the Constitution of 1978 and the Catalan Statute of 1979, which were strongly supported via referendum by the Catalans at the time, and the Statute of 2006, which deepened Catalan self-government despite a controversial ruling of the Constitutional Court that declared unconstitutional one Article and subsections of another 13 out of a total of 238 Articles. In any case, the level of regional self-government reached in Spain (and especially in Catalonia) is extraordinary from a comparative perspective according to the OECD, which considers Spain the seventh country in decentralised fiscal power and the first in intensity of decentralisation between 1995 and 2004 [(2)].

However, the economic crisis that began in 2008 also strongly affected Catalonia, whose government implemented huge cuts in public services to a much greater extent than the rest of the autonomous communities, which provoked numerous demonstrations against the policy of the Catalan nationalist government. In parallel, the pressure of the judges for corruption in public procurement and illegal financing against the leaders of the incumbent political party (Convergence and Unity, CiU, governed 31 years out of the 38 years of Catalan autonomy and developed a wide clientelist network), pushed the Catalan government to blame the regional financing system and to demand another one that limited its contribution to territorial solidarity.

The refusal of the central government to reform the regional financing system in the context of the economic crisis guided the strategy of the Catalan government towards the holding of a referendum on self-determination as a response. The strategic objective was achieved: the Catalan leaders passed from being subjected to the pressure of demonstrations against theirs cuts in public services to take the lead in demonstrations in favour of independence, although it was achieved at a high price: the disappearance of CiU as a moderate nationalist party (ruined by corruption) and its transformation as an unequivocally independentist party (it changed its name to Democratic European Catalan Party, PDeCAT) and, above all, the destabilisation of the whole political system. The Catalan government's strategy faithfully fulfils the patterns of subversion of democracies: first, a crisis occurs. Second, an enemy is found ("Spain steals from us"). Third, identity politics is exploited on the ground of nationality, culture or the collective rights. Finally, institutions are nobbled and put at the cause of service.

It must be said at this point that all the countries of continental Europe do not allow the holding of referendums of secession (the most recent examples are the judgment of the Italian Constitutional Court of 2015 on the Veneto and that of the German constitutional court of 2016 against the request for a referendum of independence in Bavaria). However, in Spain these restrictions do not operate to the extent that all articles of the Constitution can be reformed, with the sole condition that they are subject to legality (as the Venice Commission requires in its resolution 762/2014 on the referendum in Crimea). In this sense, according to the Spanish Constitution, "the political decisions of special importance can be submitted to all citizens in a consultative referendum on the President of the Government's proposal after previous authorisation of the Congress" (article 92).

Thus, between 2014 and 2017, four different types of consultations were held in Catalonia: the Catalan government called a non-binding referendum on the independence of Catalonia in November 2014 that was permitted by the central government although rejected by the Catalan constitutionalist parties. In it, those over 16 years and foreigners were able to vote, but turnout just reached 37%.

[(2)] Fiscal Federalism, OECD, 2016.

In September 2015 the Catalan president dissolved the Parliament and decided to call an election to which it gave the value of "plebiscitary elections" on independence.

The turnout was 77.4% and the pro-independence parties obtained 47.7% of the votes (35.5% of the electoral census), although they got 72 out of 135 seats in the Parliament due to an electoral law that overrepresents rural constituencies against urban ones and in consequence favours the less populated provinces (Lleida and Girona) and prejudices the most urbanones where constitutionalism is stronger (Tarragona and Barcelona).

This "legitimacy" was waved by the independentists to violate the Spanish Constitution and the Catalan Statute and to ignore the rulings of the Constitutional Court, the legal reports of the Catalan Parliament and those of the Council of Statutory Guarantees (a kind of Catalan Constitutional Court). In just two days (6 and 7 September 2017) and restricting the parliamentary rights of the opposition (representing most of the Catalans although being a minority in seats), the Parliament passed two laws: the "law for the referendum of self-determination" and the "law for the transition and founding of the Catalan Republic", that designed an authoritarian State in which the judicial power was subordinated to the executive one and foresaw a mixed organ of rulers and representatives of the civil society to prepare the constituent process.

Under these premises, the Catalan government decided to call another (this time) binding referendum in October 2017. Although without an official census, without democratic guarantees and plenty of irregularities (at which it was added the over-reaction of the national police trying to stop it), the Catalan officials gave a turnout figure of 42% (that is the 36.6% of the potential electoral census) and on 27 October declared the independence.

The central government, following approval granted by the overall majority of the Senate as foreseen by the article 155 of the Constitution for cases in which "a self-governing community acts in a way that is seriously prejudicial to the general interest", dismissed the Catalan government and called regional elections to be held in December 2017.

In those elections, the results almost were repeated, revealing a fracture of Catalan society in two halves: With a turnout of 79%, the independence parties obtained 47.5% of the votes (37.8% of the electoral census) against the majority obtained by the constitutional parties and the victory of Ciudadanos with 25.4% of the total votes. Yet the independentist parties asserted their parliamentary majority to invest Quim Torra as president, a rightist and openly racist and xenophobic politician.

Definitely, Spain is no longer an exception among the European democracies. Populism and radical nationalism have arrived and threaten institutional stability and liberal democracy.

Refugee reception in Germany by public authorities and civil society

Margot BONNAFOUS
Training Manager, Kehl Euro-Institute

The Euro-Institute is a Franco-German organisation created in 1993. As a binational training entity, the Euro-Institute supports cross-border cooperation in the Upper Rhine and thereby contributes to developing European integration and strengthening territorial cohesion in Europe.

„Wir schaffen das!" There is no need to translate German Chancellor Angela Merkel's words, which stand for her decision, taken in September 2015, when Europe faced a massive influx of refugees. Fearing a humanitarian emergency, the German Chancellor agreed to let in several thousand refugees "on an exceptional basis" coming to Germany from Hungary through Austria. The rest is history. Since then, Germany has hosted many refugees: 890,000 in 2015, 280,000 in 2016. In 2017, about 186,000 people arrived.

Applauded by some and criticised by others, Angela Merkel made a decision that deeply affected political and societal life in Germany. The challenges have been enormous, generating deficits, but the administration and civil society have developed considerable management, coordination and innovation capacities.

> "Challenges have been enormous, but the administration and civil society have developed considerable management, coordination and innovation capacities."

A three-tier process that reflects German federalism

It should be noted that Germany has a three-tier procedure for reception of refugees that reflects German federalism. Indeed, responsibilities are shared between the levels of the Federation *(Bund)*, *Länder* and municipalities. Citizen engagement plays an important role. Refugees are distributed in the *Länder* according to a distribution system, the *Königsteiner Schlüssel*, which is calculated according to the tax revenues of different *Länder*. Thus, in 2016, North Rhine-Westphalia took care of the largest number of refugees, i.e. 21.21%. At the level of the *Länder*, there are reception centres. These are large structures where refugees are registered and have a medical checkup.

These first reception structures are where they can file their asylum application. The Bund, the Federation, is responsible for these applications. The Länder, for their part, ensure the follow-up, in cooperation with municipalities. The latter take over when refugees are forced to leave the *Länder*-run reception centres.

After a maximum of three months, asylum seekers are placed under the responsibility of the districts *(Landkreise)* for a maximum of 24 months. During this period, asylum seekers live in collective dwellings or apartments. Then, it is up to the municipalities to provide housing for newcomers to prevent these people from being homeless. Cities are actively looking for apartments and are also calling on landlords to rent out flats to asylum

seekers. At this stage, volunteers organised in refugee support networks are also involved in supporting adapted housing searches.

When, especially since 2015, the number of arrivals has increased considerably, a wave of solidarity has been observed across Germany. We remember the images taken, for example, at the Munich train station, where families welcomed refugees with gifts; this was a nice gesture, but the real support for the newcomers started later.

To gain a foothold in their new environment, refugees need effective help. Their integration into German society is supported by the measures of the public authorities, for example by integration courses *(Integrationskurse)* offered by the *Bund* authorities. However, this is not a recent arrangement; integration courses have been available in Germany since 2005. These courses consist of a part dedicated to language learning and another whose objective is orientation in German society. As a general rule, 600 hours of lessons are provided for beneficiaries.

The municipal level, largely responsible for accompanying refugees, makes considerable efforts, in cooperation with civil society, to support the *Länder*. *Baden-Württemberg*, for example, has provided municipalities with EUR 320 million as part of the Pact for Integration *(Pakt für Integration)*. This amount is dedicated to the housing of asylum seekers, measures concerning training and professional qualification, but also to the recruitment of integration officers who are now available in many municipalities.

In many cities and towns, networks of volunteers have been formed. They support municipalities, especially for the integration of asylum seekers. In Kehl, a town of 35,000 inhabitants near the border between France and Germany, a circle of volunteers has formed. This network, which in 2017 had a hundred volunteers for about 500 refugees, acts in close cooperation with the officials of the municipal administration. There are numerous and diverse activities; apart from the support of language courses and homework support, volunteers assist families to help them find their way in German society. Other projects in focus are swimming lessons or the group of volunteer interpreters, made up of people who speak at least one foreign language and help those who do not speak German or their language skills are very basic.

Substantial efforts are needed to support these people in their qualification so that they can enter the labour market

One of the difficulties that currently mark the discussion in Germany is certain confusion regarding the status of newcomers. At the height of the crisis, humanitarian aid was at the forefront, but many representatives of the political and economic world were convinced that Germany, faced with a lack of skilled labour, needed these people, presumably qualified to quickly integrate in the labour market. This hope turned out to be largely an illusion. If we take the example of Syria, studies show that more than 50% of refugees do not have a secondary education diploma (cf. *Bundesinstitut für Berufsbildung*). As regards language skills, asylum seekers who speak German are extremely rare (around 2%). About a third of newcomers say they speak English (see www.tagesschau.de) according to a study by the Bundesamt für Migration und Flüchtlinge. The occupational activities of refugees are concentrated in a few occupations and branches, and in most cases are at a low or medium level of qualification (cf. *Bundesamt für Migration und Flüchtlinge*). This shows that substantial effort is required to support these people in their qualification so that they can enter the job market. It therefore seems necessary that a difference be made between asylum seekers who need protection and migrants who come to Germany to fill vacancies. For this, Germany needs a new law to regulate immigration *(Einwanderungsgesetz)*. In 2016 and 2017, the Social Democrats and the Greens presented drafts for such a law. According to its supporters, the goal of a new immigration law would be to promote Germany as a modern country that could attract skilled workers. This would be a strategy completely separate from the right to asylum.

Turning green? The Renewable Energy Sources Act and citizen ownership of RE plants in Germanye

Benedikt FRANZ, Linda WALLBOTT et Heike BOEHLER
Technische Universität Darmstadt, Germany [1]

In the early hours of 1 January 2018, Germany was able to cover 95% of its electricity de-mand from renewable energy (RE)[2]. Seven years earlier the German government announced the plan for an ambitious policy shift – the so-called *Energiewende*, whereby it would shut down all nuclear power plants by 2022 and limit electricity generation from fossil fuels to 20% by 2050. Today, 9 out of 10 citizens support the statement that the use and expansion of RE is "important" or "very important". Thus, it is fair to say that it is socially strongly accepted[3]. However, at the same time, the design and implementation of RE polity has also come with contestation and trade-offs, and has not proceeded in a linear way. Hence, in this contribution, we want to follow up on the question which goals have actually driven the ener-gy transition in Germany, and which historical pathways have led to its development.

A first milestone within this policy field was the national Electricity Feed-in Act *(Stromein-speisungsgesetz)* of 1991. It introduced feed-in laws for electricity generated by renewables, guaranteed the feed-in of energy into the grid and coupled the remuneration for RE producers to consumer prices. In contrast, the Renewable Energy Sources Act (*Erneuerbare-Energien-Gesetz*, EEG), which entered into force in 2000, guaranteed a feed-in tariff for RE.

[1] This contribution has partly been facilitated by the research project "GreeTS: Green Transformations in the Global South" (www.greets-project.org), that is financed by Volkswagen Foundation, Riksbankens Jubileumsfond and Wellcome Trust as part of the initiative "Europe and Global Challenges".

[2] http://www.spiegel.de/wirtschaft/unternehmen/erneuerbare-energien-oekostrom-verbrauch-steigt-auf-rekordhoch-a-1186312.html (accessed 15 April 2018)..

[3] https://www.unendlich-viel-energie.de/themen/akzeptanz-erneuerbarer/akzeptanz-umfrage/akzeptanzumfrage2017 (accessed 19 April 2018).

The German energy transition in general, and the EEG in particular are backed by a set of underlying, potentially competing goals. These three goals concern the environmental, eco-nomic and the participatory dimensions of energy transition and, if taken together, promise the achievement of sustainable energy policy. First, the EEG serves an environmental purpose to reduce greenhouse gas emissions by increasing the share of RE production. Second, the EEG adheres to a set of economic goals. These include the promotion of economic growth and job creation in the emergent RE sector as well as affordable electricity prices. Third, con-cerning participation, the EEG responds to societal demands of social acceptance and citizen participation in a democratic energy transformation[4]. The EEG's development can thus be interpreted as a struggle for an adequate balance between those three dimensions.

Collective effort and fixed prices: the start of the EEG and ownership of RE plants

The impact of the EEG in terms of RE capacity, production and investment has been deemed huge success, as, for example, the share of renewable power in electricity consumption in-creased six-fold between 2000 (6%) and 2017 (36%) with the main share coming from wind power, biomass and photovoltaic (solar)[5]. Concerning participation, the EEG has led to a pe-culiar ownership structure of RE plants with a high share of citizen-owned plants. By legally guaranteeing a fixed remuneration for 20 years, the law ensured a high level of security that made it possible for smaller actors to participate, leading to a "heterogeneous spectrum"[6] and a "diversified" landscape of electricity producers[7].

Thus, a particular feature of the RE sector in Germany is the strong representation of citizen-owned RE systems. Generally, citizen ownership can be defined on the basis of four criteria: (1) investments are made by private persons, agricultural enterprises or legal entities, excluding large corporations, (2) investments are made with equity capital that grants the investors significant control over the project, (3) investors hold at least 50% of votes, and (4) they reside in the same region where the plant is located[8]. In contrast, non-citizen-owned plants are those that are built or financed by utilities, institutional investors (e.g. insurance companies), industrial companies and businesses and professional developers[9]. Of roughly 73,000 MW installed RE capacity in 2012, ca. 34% were citizen-owned in the narrower sense. In the wider sense - including e.g. transregional investments - the share was roughly 47%[10]. Recent legal changes affecting the support scheme for RE could, however, lead to a changing landscape of RE plant owners. A short overview of the most recent major legal adjustments with regard to citizen-owned RE projects of the EEG follows.

More flexibility and less financing: the 2014 reform of the EEG

The German energy transition in general, and the EEG in particular are backed by a set of un-derlying, potentially competing goals. These three goals concern the environmental, economic and the participatory dimensions of energy transition and, if taken together, promise the achievement of sustainable energy policy

The feed-in tariff is financed by a surcharge paid by all electricity consumers, but so-called energy-intensive industries can apply for exemptions. As the production of renewable elec-tricity increased, more producers were eligible to receive the feed-in tariff, thereby increasing the overall costs and the surcharge for consumers. In 2009, the production of renewable elec-tricity amounted to about 96,000 MWh. The surcharge had risen moderately (roughly 0.1 cent/kWh per year) reaching 1.3 cent/kWh in 2009. From 2009 to 2013, renewable electricity generation increased by 59% accompanied by a sharp increase in the surcharge[11]. In 2013, the Transmission System Operators set the surcharge to almost 5.3 c/kWh, which constituted an increase of 47% compared to 2012[12]. This development set off a heated debate on rising costs of (renewable) electricity.

Here, a trade-off between environmental and economic goals became visible: The huge success of the EEG in enhancing the expansion of RE was coupled with a steep increase in the economic costs of this instrument. The progress towards environmental goals thus opened a debate on the economic challenges of the energy transition.

After complex negotiations, the EEG was thus reformed in 2014. The goals of the reform were, among others, to limit the seemingly exploding costs, to better control the expansion of renewables and to substantiate the linkages between renewables and the market[13]. To achieve these goals, several provisions were formulated: the expansion of RE should proceed incre-mentally and reach a share of 40-45% by 2025 and 55-60% by 2035[14].

A "flexible ceiling", that had already been in place for photovoltaic energy, was introduced for wind and biomass. The decrease of the feed-in tariff was thereby tied to actual expansion levels: If more capacity than the ceiling value is added (e.g. 2400 - 2600 MW annually for onshore wind), the feed-in tariff decreases more rapidly[15].

Thereby - and without actually introducing a fixed cap - the law made it economically

[4] For a detailed empirical analysis of various goals that have been be attributed to the German energy transition, see Joas, Fabian/Pahle, Michael/Flachsland, Christian/Joas, Amani (2016): Which goals are driving the Energiewende? Making sense of the German Energy Transformation. In: Energy Policy, 95, 42 - 51.

[5] https://www.bmwi.de/Redaktion/DE/Dossier/erneuerbare-energien.html (accessed 1 May 2018).

[6] Mautz, Rüdiger/Byzio, Andreas/Rosenbaum, Wolf (2009): *Auf dem Weg zur Energiewende. Die Entwicklung der Stromproduktion aus erneuerbaren Energien in Deutschland.* Göttingen: Universitätsverlag Göttingen, p. 93.

[7] Jakubowski, Peter/Koch, Annika (2012): *Energiewende, Bürgerinvestitionen und regionale Entwick-lung*. In: Informationen zur Raumentwicklung, 9/10, 475 - 490, p. 476.

[8] Trend:research/Leuphana Universität (2013): *Definition und Marktanalyse von Bürgerenergie in Deutschland,* p. 35f.

[9] Ibid., p. 35f.

[10] Ibid., p. 42.

[11] BMWi (2018): Zeitreihen zur Entwicklung der erneuerbaren Energien in Deutschland, p. 4. Consultable via https://www.erneuerbare-energien.de/EE/Redaktion/DE/Downloads/zeitreihen-zur-entwicklung-der-erneuerbaren-energien-in-deutschland-1990-2017.pdf?__blob=publicationFile&v=15 (accessed 1 November 2018).

[12] https://www.bmwi.de/Redaktion/DE/Infografiken/Energie/eeg-umlage.html (accessed 9 November 2018).

[13] BMWi (2014): Wir haben etwas an der Energiewende gestrichen: Nachteile, p.6f. Accessible via https://www.erneuerbare-energien.de/EE/Redaktion/DE/Downloads/Hintergrundinformationen/eeg-2014-infobroschuere-bf.pdf?__blob=publicationFile&v=9 (accessed 4 May 2017).

[14] Erneuerbare-Energien-Gesetz (EEG 2014), §1 (2).

[15] Gawel, Erik/Lehmann, Paul (2014): Die Förderung der erneuerbaren Energien nach der EEG-Reform 2014. In: Wirtschaftsdienst, 94/ 9.

less attractive to add more capacity than the initial quantification.

The law furthermore floated the next stepping stone in terms of a shifting private-public di-vide of the *Energiewende:* Since 1 January 2017, the remuneration for renewables from large power plants is defined through auctions and no longer through public regulation.

Uncertain future of the participatory transition: Auctions and citizen-led RE projects

Overall, the auction scheme introduced a fixed cap on the expansion of renewables. Every year, a fixed capacity is auctioned for different technologies. Producers bid for this capacity by suggesting a price per kWh for the capacity they plan to install. The bids are then ranked, starting with the cheapest offer, whereas only bids will be successful until the foreseen capacity is reached.

Before the law was formally adopted, these changes were strongly criticized in a joint state-ment by RE associations, who plead to "save the *Energiewende*"[16]. They argued that the in-troduction of a cap for the expansion of renewables was environmentally and economically harmful and put the German climate goals and jobs of the sector at risk[17]. Furthermore, critics referring to the participatory dimension of the energy transition did not buy into the prospects for realizing a "fair competition" in the course of auctioning off, arguing that smaller stake-holders would be disadvantaged. The *Bündnis Bürgerenergie*, an association of citizens and cooperatives owning RE plants, highlighted several disadvantages of the proposed reform: It pointed to new additional bureaucratic burden for citizen-led projects, which mostly relied on volunteering work. Furthermore, in contrast to bigger players, smaller projects could not ben-efit from economies of scale. Finally, participating in auctions would always come with in-creased risk and insecurity in terms of rewards; this could not be absorbed by smaller actors easily. The *Bündnis Bürgerenergie* therefore suggested the exemption of small projects (smaller than 1 MW, for wind energy 6 MW or six plants) from the suggested mechanism[18].

But this demand was only partially considered and no general exception for citizen-projects from auctions was agreed. Rather, all plants with a capacity exceeding 750kW (wind and pho-tovoltaics) and 150 kW (biomass) must participate in auctions, which means that some citi-zen-owned projects will have to do so, too. However, those who advocated for a more decen-tralized approach towards the energy transition were still successful with a view to more spe-cific regulation, as citizen-led wind projects were granted certain privileges. For instance, citizen projects are exempted from certain bureaucratic approval procedures ahead of the auc-tions. As these procedures can be a long and costly process, the provision was considered a positive result of the overall development. Furthermore, the timeframe for the realization of a successful bid for citizen projects was extended by 24 months.

These changes required the introduction of a legal definition of citizen-led wind projects, which until then did not exist. The law mentions three qualifications: (1) at least ten individu-als must be members with voting rights or shareholders, (2) persons residing in the area where the wind turbine is planned hold at least 51% of the voting rights, (3) no member or share-holder holds more than 10% of the voting rights[19].

The first three rounds of auctions for wind energy that took place according to the new law included 747 bids in total, out of which 557 (i.e. 75%) were made by citizen-led projects ac-cording to the legal definition. Given the concerns voiced beforehand, this outcome is rather surprising. What was even more surprising is that 185 bids by citizen-led projects were suc-cessful, as opposed to only 13 bids by conventional actors. 93% of all successful bids were hence made by citizen-led projects[20]. However, a rather high concentration of successful pro-jects in the hands of a few developers suggests that these projects might not be genuinely citi-zen-owned i.e. that they are linked to other entities, while still fulfilling the legal criteria in order to benefit from the privileges for citizen-led projects[21].

Besides, the auction system introduced another element of a possible trade-off in this regard: As mentioned above, citizen-owned projects, as opposed to other projects, did not require completing the administrative approval procedures ahead of the auctions in 2017. Hence, it is possible that implementation might be hampered at a later stage, when successful projects might not be realized due to various obstacles in the course of the approval process[22].

These doubts led to further reforms: The privileges of taking part in an auction without having completed the administrative approval process and the longer realization timeframe for citizen projects were revoked for the auctions in 2018. And indeed, the four subsequent auctions held different results: Only 50 out of 396 bids were submitted by citizen-led projects (13%). Out of those 50 bids, 47 were successful amounting to a share of 16% of all successful projects[23].

These results show that the design of auctions probably has an impact on the rate of participa-tion of citizen-led projects, while not necessarily determining how these actually perform in the auctions. This assumption is furthermore backed by the additional observation that the number of new citizen-led associations had peaked in 2013 but that a downward trend set in afterwards, with the number of newly found citizen-led associations declining to roughly half of the peak value until 2016[24]. Yet, as indicated above, the definition of a citizen-led project continues to be a crucial matter, as it implies the granting of certain privileges.

Against these developments, it will be interesting to observe whether the diverse ownership structure of RE plants in Germany will continue to exist in the long run. What seems clear, however, is that recent legal changes have the potential to bring about

[16] Bundesverband Erneuerbare Energien e.V. (2016): Energiewende retten! Consultable via https://www.bee-ev.de/fileadmin/Publikationen/Positionspapiere_Stellungnahmen/20160510_Energiewende_retten-Forderungsplattform_EEG2016_BEE-BSW-FVB-BWE.pdf (accessed 7 May 2017).

[17] Ibid., p.2.

[18] Bündnis Bürgerenergie e.V. (2015): Manifest des Bündnis Bürgerenergie e.V. zu Ausschreibungen: Freiheit und Teilhabe nicht einschränken - Bürgerenergie erhalten!, p. 5. Available at: https://www.buendnis-buergerenergie.de/fileadmin/user_upload/BBEn_Manifest_Ausschreibungen_04122015.pdf (accessed 4 May 2017).

[19] Erneuerbare-Energien-Gesetz (EEG 2017), § 3, (15).

[20] https://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Sachgebiete/Energie/Unternehmen_Institutionen/Ausschreibungen/Hintergrundpapiere/Statistik_Onshore.xlsx?__blob=publicationFile&v=4 (accessed 30 October 2018).

[21] Schomerus, Thomas/Maly, Christian (2018): Zur Vergangenheit und Zukunft des Erneuerbare-Energien-Gesetzes. In: Holstenkamp, Lars/Radtke, Jörg (ed.): Handbuch Energiewende und Partizipation. Wies-baden: Springer, 1117-1133, p. 1127.

[22] Ibid.

[23] https://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Sachgebiete/Energie/Unternehmen_Institutionen/Ausschreibungen/Hintergrundpapiere/Statistik_Onshore.xlsx?__blob=publicationFile&v=4 (accessed 29 October 2018).

[24] Kahla, Franziska/Holstenkamp, Lars/Müller, Jakob R./Degenhart, Heinrich (2017): Entwicklung und Stand von Bürgerenergiegesellschaften und Energiegenossenschaften in Deutschland, p. 13. Available at https://mpra.ub.uni-muenchen.de/81261/1/wpbl27_BEG-Stand_Entwicklungen.pdf (accessed October 29, 2018).

significant changes in the ownership structure, as might be hinted at by the observations outlined above. This also begs the questions of where the German *Energiewende* will head over the next years, also concerning the wider societal effects that citizen-owned projects have, regarding for example public acceptance of RE plants. Additionally, a discussion on the overall judgment of the ef-fects of RE policy should also consider trade-offs that include the economic dimension: The auctions so far have led to decreasing prices from the former feed-in tariff that set out 8,9 cents for systems up to 750 kWp (solar) and 8,4 cents for wind plants that started operating in the beginning of 2017[25] to 4.7 cents (solar) and 6.3 cents (wind) per kWh on average in the last auction in October 2018[26]. However, a volatility of prices can be observed between the different auctions leading to uncertainty about future price developments.

Hence, we conclude with the assumption - which might also inform future research on RE policy - that the changes in the EEG might actually entail a trade-off between a heterogene-ous ownership structure and the costs of introducing RE on a larger scale. Overall, the EEG remains at the heart of a constant struggle to reconcile the environmental, economic and par-ticipatory dimensions of a successful and sustainable energy transition.

[25] https://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Sachgebiete/Energie/Unternehmen_Institu-tio-nen/ErneuerbareEnergien/ZahlenDatenInformationen/PV_Datenmeldungen/DegressionsVergSaetze_Mai-Juli18.xlsx?__blob=publicationFile&v=2 et https://www.bundesnetzagentur.de/SharedDocs/Downloads/DE/Sachgebiete/Energie/Unternehmen_Institu-tio-nen/ErneuerbareEnergien/ZahlenDatenInformationen/VOeFF_Registerdaten/EE_Foerderung_Wind_07_2018.xlsx?__blob=publicationFile&v=3 (accessed 10 May 2017)

[26] https://www.bundesnetzagentur.de/DE/Sachgebiete/ElektrizitaetundGas/Unternehmen_Institutionen/Ausschreibungen/Ausschreibungen_node.html (accessed 1 November 2018).

Social innovation in response to energy poverty in times of crisis: reflections on the Greek case

Dr Stella KYVELOU,
Architect-Engineer
Associate Professor, the Panteion University of Political and Social Sciences - Athens

Energy poverty is a major problem in Europe. According to a study by the BPIE Institute (Buildings Performance Institute Europe, 2014) between 50 and 125 million people are affected by fuel poverty and do not have adequate indoor heating. Although there is no common European definition, the importance of the problem and the serious health consequences of energy poverty are widely recognised[1]. To measure energy poverty, the study uses indicators related to the inability of people to keep their housing warm enough, the impossibility of paying their bills and to live in housing without defects (leaks, damp walls, etc). In 2012, 10.8% of the total European population was unable to have sufficient heating at home and this figure rose to 24.4% for low-income people.

On the other hand, social innovation is a process of developing concepts, strategies and effective solutions to solve complex social and/or environmental problems through collaborative action by different stakeholders[2]. Social initiatives must be *"designed by and for society"* to serve the well-being of people. Social innovation leads to changes in behaviour and institutions, and promotes creativity and responsibility for a synthesis of social, economic and environmental goals.

Can fuel poverty stimulate social innovation as a strategy for more equitable use and management of energy resources? The answer is Yes: according to publications and practices already developed around the world, social innovation in the energy sector makes it possible to propose alternative development models and increased participation of stakeholders, local communities and users.

> An innovative social policy should combine energy, environmental and social aspects in order to tackle the problem in a global way and be able to adapt to the needs of different social groups and to people in poverty.

Energy insecurity in times of crisis in Greece

The BPIE study, based on the average of the three indicators of fuel poverty, presents the share of people at risk of poverty affected by fuel poverty. It notes that the problem is serious in most countries of Central and South-East Europe, in particular Bulgaria, Hungary, Greece and Cyprus, but less so in Northern European countries.

To meet the challenges posed by this situation, good practices in the fight against fuel poverty have been developed, based on energy efficiency measures characterised by their collective nature, their orientation towards citizens, the protection of public health and the creation of new jobs. These systems create synergies and networks among stakeholders through collaborative energy associations and innovative business models. They are often implemented as part of social housing.

In Greece, there is no clear definition of energy poverty, nor specific indicators to cope with the phenomenon. A household is considered affected by energy poverty when its energy needs correspond to more than 10% of its income, an indicator combined with other criteria, social and geographical, for the allocation of benefits.

[1] Energy poverty has affected the number of winter deaths, the development of mental disabilities, respiratory problems and circulatory problems.

[2] The European Commission defines social innovation as "the development and implementation of new ideas (products, services, models) in response to social needs which create new relationships or social collaborations" (European Commission 2013, p.6).

It should be noted that in Greece, 1.5 million households experience fuel poverty, the total income of these households not exceeding EUR 15,000 per year.

Most of the national social policies, indirectly related to the fight against fuel poverty, take the form of subsidies: *the social electricity tariff* of the Hellenic Public Power Company, the supply of free electricity (until 300 kWh in 2015) for households experiencing difficulties in paying their energy bills, housing allowance or heating allowance. The most important policy to combat energy poverty was the Energy Efficiency Programme for Residential Buildings, which proved ineffective due to bureaucracy, limited budgets and poor governance. This policy has not produced valid or long-term results.

This article looks at specific proposals to combat energy poverty in Greece, beyond the allocation of new subsidies. These solutions take into account the complex nature of the phenomenon and seek durable solutions to indirectly increase household income, with the aim of simultaneously contributing to national and EU objectives in environmental protection and climate change. In addition, the development of a new coherent and comprehensive strategy to eliminate energy poverty is considered extremely important. This strategy must address the social, environmental and energy aspects holistically and this can be achieved by the following steps: a. Official definition of energy poverty based on EU experience and modern approaches in this field; b. Definition of appropriate indicators for measurement and monitoring, incorporating quantitative and qualitative criteria; c. Preparation of a medium and long-term national roadmap to eliminate energy poverty through social policy based on an innovative "green" and "frugal" vision, based on energy efficiency and quality measures environmental; d. Reorganisation of the Energy Poverty Observatory and promotion of its interaction with the EU Observatory.

Three areas are important to address the phenomenon: a) information and education b) energy efficiency of buildings and c) the use of renewable energies.

Information and education

Measures to change the behaviour of tenants can significantly reduce final energy consumption, placing citizens at the heart of the solution by progressively moving from being a user to being an informed and active consumer. Training and certification of unemployed, recent graduates and young scientists as energy consultants could facilitate their access to the labour market and the provision of advice on energy consumption to vulnerable households. Other actions may include a web platform and national or municipal telephone line for energy use advice.

Improving energy efficiency of buildings

Improving the energy efficiency of residential buildings is of strategic importance. Energy retrofits require a larger initial investment, which vulnerable households cannot afford. To increase investment rates on energy efficiency measures, an advisory body[3] could provide information and advice and thus contribute to the use of EU funds by drawing up action plans. At the same time, energy performance contracts could be used, together with other funds or low-interest loans, for energy retrofits of homes for vulnerable households. Energy service companies (ESCOs), owners and tenants could share the economic benefits of energy conservation in a win-win situation. The promotion of collective systems and energy associations (both at the building level and at the neighborhood level where energy savings can be optimised) can be achieved through information campaigns for landlords and tenants.

Use of renewable energy)

The use of renewable energy can contribute in many ways to the fight against fuel poverty, ensuring energy security and affordable prices for citizens. This objective can be achieved through the improvement of self-generation and self-consumption policies from renewable energy sources (initial investment cost schemes, low interest loans or available loans), training of stakeholders and creation and promotion of energy co-operatives, producers and at the same time suppliers of renewable energy at affordable prices. The launch of schemes such as the "energy contract with consumers" and the "guarantee of origin"[4] will empower consumers at the centre of the energy system

Epilogue

An innovative social policy should combine energy, environmental and social aspects in order to tackle the problem in a comprehensive way and to be able to adapt to the needs of different social groups and people in poverty. To this end, a new strategy favouring green, smart and frugal cities, integrating buildings into changes in the energy model and emphasising the synergies between different stakeholders, remains to be invented!

[3] The Energy Poverty Observatory, for example.

[4] Which guarantees consumers the right to know where the energy consumed comes from.

Energy transition and the Rifkin report in Luxembourg

Franz CLEMENT
PhD in sociology (Luxembourg Institute of Socio-Economic Research - LISER)

Energy in Luxembourg

Luxembourg, a small country of 2,586 km2, is one of those states whose energy sector is mainly based on imports. In 2013, Luxembourg accounted for barely 0.3% of the EU's primary consumption.[1]

In its 2015 Energy Architecture Performance Index (EAPI) report, the World Economic Forum ranked the country 29th.The strong energy dependence and CO2 emissions, greatly amplified by fuel tourism (given the low cost of fuels) are the two main criteria behind this ranking. But this situation is changing rapidly in recent years, thanks to the development of renewable energies and the improvement of energy efficiency. Since Luxembourg does not have fossil resources, it is highly dependent on energy imports. They represented close to 100% for the year 2000.

In 2001, the construction of the CCGT power plant Twinerg reduced the rate to 98%. However, the shareholders of Twinerg decided by mutual agreement to liquidate the company and proceed with the final closure of the combined-cycle gas turbine power plant located in Esch-sur-Alzette. After looking for a buyer in vain, the shareholders felt that the production unit no longer offered the prospects of profitability to keep it in the market despite the interesting location of the power plant at the crossroads of Luxembourg, French, Belgian and German grids, its powerful technical characteristics, its impeccable maintenance status and the successive

efforts made to reduce its operational costs.

In 2007, the combined action of renewable energy development and energy efficiency of buildings again reduced the rate to an average level of 96%.

Luxembourg's gross energy consumption first registered an upward trend between 1960 and 1974. Thereafter consumption gradually decreased until 1983. A new wave of growth followed until its record year of 2005, when the trend reversed again to continue with a slow decline.

If we go back to the 1960s, the main energy vector used in Luxembourg was coal, which covered 93% of the market. But this vector was already in a declining phase that continued until 2000 to reach a minimum level.[3]

Indeed, this energy vector was gradually replaced by another with many advantages: oil and its derivatives. Continued growth in the use of this new vector was observed until 1973, the year of the first oil crisis. After a period of decline and stagnation, petroleum products found a new impetus that led to a peak, in 2005, to cover 64% of the market. This new growth was intrinsically linked to the development of road transport and the taxation of fuels considered advantageous in Luxembourg.

BWhile available since the 1960s, it was not until the 2000s when renewable energies took off.
The government's energy policy has three main objectives:
- To maintain and strengthen security of supply.

Luxembourg is largely dependent on its energy supply: almost all energy needs are covered by imports. To ensure supply and to avoid excessive geographical dependence, the government is making efforts to diversify sources of energy supply.
- To guarantee the competitiveness of energy prices.

The government works to ensure access to energy at competitive prices for all economic actors.
- To ensure sustainable supply of energy.

The government is working to support the development of renewable energies on the national territory. In addition, it aims to promote energy efficiency and energy savings.

The Rifkin report

Jeremy Rifkin, the renowned US economist, presented on 14 November 2016 a report he wrote together with his collaborators on the possible implementation of various mechanisms related to the third industrial revolution in a particular country: the Grand Duchy of Luxembourg. This is a specific assignment from the Luxembourg government to this economist. Rifkin addressed the following issues related to the development of digitisation: energy, mobility, construction, food, industry, finance, the circular economy, the social model.[4]

In terms of energy transition, Rifkin suggested the country should tap its full potential for energy efficiency that can be achieved by the renovation of the housing stock, to find less polluting alternatives in the transport sector in view of the COP21 agreements, to exploit the full potential of economically sustainable renewable energy so as to cover up to 70% of its total consumption and finally to reduce the import of energy according to the share of renewable energy produced at national level.

To achieve this, Luxembourg's government has chosen a pilot city located in the north of the country: Wiltz, capital of Luxembourg's[5] Ardennes. The project is part of the Wiltz - CAPital 2030 framework. It is an integrative development plan for the municipality of Wiltz, with the aim of developing strategically and sustainably the municipality, so that it becomes an attractive hub in its region. In addition, the ambition is to develop an innovative project, benchmark in terms of sustainability and privileging the circular, social and solidarity economy.

> US economist Jeremy Rifkin has proposed energy transition solutions to the Luxembourg government. The latter has designated the city of Wiltz as a pilot project.

The project consists of a global urbanisation concept aimed at upgrading and redeveloping brownfield sites in the lower town of Wiltz. The government has allocated EUR 700 to 800 million over a period of 10 to 15 years to implement the project. The start of the work was scheduled for late 2018 or early 2019. The first inhabitants should be able to move in the new districts as from 2021. In 2015, Wiltz had 6533 inhabitants and by 2030 it hopes to reach 10,000 residents. The project is being carried out in collaboration with the Luxembourg Government, the City of Wiltz and the Housing Development Fund

The land provides for the construction of a brand new district covering an area of 25.5 hectares allowing 780 housing units to be made available in the medium term to 1800 inhabitants within a real social mix. The neighborhood must also include public buildings near the bus station. It will also host a new general school and a music school. In a second phase, an additional 220 homes will be built on 8.3 hectares.

US economist Rifkin casts a shadow over this project though. In the context of the implementation of its report, the government was able, in addition to the housing file, to announce the creation of many jobs. Indeed, Wiltz is already considered as a pioneering city in Luxembourg thanks to the set-up of the Tarkett company. The latter offers solutions for flooring and sports facilities in accordance with a philosophy of sustainable development. The government is therefore considering new innovative models that may eventually be exported abroad.

In the same context, the project leaders emphasised that the new housing plan would aspire to integrate issues related to the current geographical location, mobility and energy and environmental challenges. Thus, soil remediation, as well as the creation of new urban green spaces and the renaturation of the Wiltz watercourse will be an integral part of the urbanisation project. They will aim to provide spaces of leisure and meeting venues for residents.

(1) https://fr.wikipedia.org/wiki/%C3%89nergie_au_Luxembourg, 3 mars 2017.

(2) http://www.corporatenews.lu/fr/archives-shortcut/archives/article/2016/07/fermeture-definitive-de-la-centrale-turbine-gaz-vapeur-d-esch-sur-alzette-et-liquidation-de-la-societe-anonyme-twinerg?author=Enovos, 3 mars 2017.

(3) http://www.gouvernement.lu/4067443/energie, 3 mars 2017.

(4) http://www.troisiemerevolutionindustrielle.lu/wp-content/uploads/2016/11/CC-brochure-3e-revolution-FR.pdf, 23 février 2017.

(5) « La Capitale des Ardennes va muer », in : Le Quotidien, jeudi 26 janvier 2017, p. 18.

FORMATIONS 2020

EUROPE ET INTERNATIONAL

Contact : benoit.cathala@cnfpt.fr

WWW.CNFPT.FR

QUAND LES TALENTS GRANDISSENT, LES COLLECTIVITÉS PROGRESSENT

E-COMMUNAUTÉS

Réseau social professionnel des métiers de l'action internationale et européenne des collectivités territoriales

E-COMMUNAUTÉ ACTION EXTÉRIEURE ET INTERNATIONALE DES COLLECTIVITÉS TERRITORIALES

Cette e-communauté vise plusieurs objectifs :

- Accompagner les agentes et agents territoriaux dans la gestion des affaires internationales de leur collectivité, en mobilisant les ressources internes et externes en vue d'une réponse collective ;
- Capitaliser les expériences des uns et des autres et les mettre à disposition de tous ;
- Produire un savoir commun/collectif au service de l'action publique locale.

Echangez, réagissez, commentez. Questionnez et présentez vos projets. Contribuez à enrichir la bibliothèque de ressources documentaires.

Contact : emmanuel.thouary@cnfpt.fr

E-COMMUNAUTÉ EUROPE

Partager, échanger et confronter les points de vue sur l'action publique locale au niveau européen et sur l'action publique européenne au niveau local (thèmes abordés : fonds UE, politiques UE, approche comparée) pour mieux co-construire les politiques européennes de demain.

Contact : benoit.cathala@cnfpt.fr

E-COMMUNAUTÉ RÉSEAU MÉDITERRANÉEN DE L'ACTION PUBLIQUE

Quel sens donner aujourd'hui à l'action publique dans un monde euro-méditerranéen en proie à des mutations rapides et des transitions constantes ?

Cette communauté se veut un lieu de rencontres, d'échanges, de partage de ressources et de réflexions sur les nouvelles dynamiques de l'action publique de part et d'autre de la Mer méditerranée.

Contact : andreas.korb@cnfpt.fr

https://e-communautes.cnfpt.fr/

Deconcentration: recently coined concept, old reality, global trend in public administration reform

Anne AZAM- PRADEILLES
International expert in governance and state reform,
Civil Service Administrator HC (Hon)

Roman antiquity offers without doubt the most accomplished example of deconcentration with the territorial organisation of Rome at the time of Julius Caesar, proconsul of Narbonensis from 58 to 49 BC. Emperor Augustus reinforced the concept in 22 BC, reorganising the administration of the province, which became a senatorial province, placed under the authority of the Senate in Rome. Gallia Narbonensis was then divided into 22 cities (civitates). All heads of state, kings, emperors or presidents for 2000 years have been trying to reproduce this model by designating delegates or decentralised representatives of the central power in the periphery of their kingdom, empire or republic.

Let us try and imagine for a brief moment the administrative responsibility of the "official" representing Rome in the first centuries of our era near the two walls that marked the confines of the Empire: the Hadrian wall at the Scottish border in the North-West and that of Chisinau in Moldova by the Black Sea in Ukraine to the South-East. Not to mention the representatives of Rome in overseas territories, friends or enemies, such as in Mauretania with Volubilis, Tipaza in Algeria or Carthage in Tunisia, or even Alexandria in Egypt or Palmyra in Syria – all these countries being quoted with their names today to show the spatial and political scale of the governance challenge at the time.

The speed of sending orders from Rome to the periphery compels astonishment and admiration - speed doubtlessly due to the quality of the network of paved Roman roads. As many historians have analysed, the system was working as long as there was a centre, Rome, and the deconcentration was able to rely on a sufficient network of soldiers and officials from all peoples and tribes of the Empire loyal to Rome. The Empire fell into decay because of the weakening centre but also, and perhaps above all, because of the more and more distended nature of the network of "deconcentrated services". This opened the door to large invasions.

> Nowadays decentralisation and deconcentration are inseparable. Deconcentration is essential to succeed in decentralisation: indeed, stakeholders vested with new powers and new competences must be able to find responsible counterparts equipped with the power of action and decision making at the territorial level without having to refer to the centre

The Roman Empire of the East survived, despite the episode of its conquest by the Crusaders in 1204, until the capture of Constantinople by the Ottomans in 1453. The Ottoman Empire, whose westward thrust stopped at the walls of Vienna in 1683, suffered the same fate as the Roman Empire. This empire had chosen a type of deconcentration very close to decentralisation, especially in Bulgaria, Romania and Moldavia where the deconcentrated Ottoman administration was rather scarce in numerical terms – too scarce probably by the end.

The Russian colonial empire to the borders of the Pacific Ocean, the ice of the Arctic and the deserts of the Muslim republics, survived the 1917 revolution in the form of the Union of Soviet Socialist Republics (USSR) until its collapse in 1991. Centralisation was extreme however with some deconcentration, closely managed and controlled by the centre – the Tsar and the Communist Party. The territorial reform of President Putin in 1999 put in place a highly controlled deconcentration: governors close to the head of state administer seven huge regions, which are composed of many republics.

The great invasions of the early Middle Ages saw the return of tribal and feudal territorial organisation. The spread of Christianity on the one hand and Islam on the other added a new dimension with, gradually, the advent of a new spiritual power - hence the crusades and religious wars, for example, between Catholics and Protestants.

Modern deconcentration probably emerged in France with Louis XIII and Richelieu who tried to put an end to feudalism – where the Fronde (1648 -1653) is undoubtedly one of the last ditch efforts. Louis XIV institutionalised the system: the aristocracy no longer lived on its lands where it could exercise counter-power but in Versailles, courtiers, and the monarch kept an eye on them. The territory was covered by farmers-general, quasi-officials charged with levying the tax on behalf of the king - taking an official percentage and sometimes even more. The farm was the subject of many complaints in the notebooks of grievances of the 1789 revolution.

The revolution gave rise to the prefectural institution, established by the law of 28 Pluviose, Year VIII, or 17 February 1800: "a law concerning the division of the territory of the Republic and the administration" . It is one of the first great laws of Bonaparte, First Consul, who wanted to reform and professionalise the

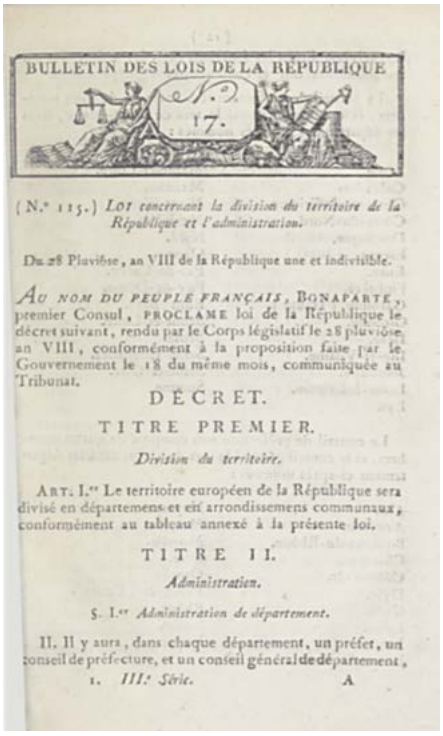
revolutionary administration. The law had two parts, 24 Articles and an Appendix. It was developed largely by Chaptal, the mathematician then in charge of the Ministry of the Interior.

This law of the Year VIII is very "modern" and has never been completely repealed. In the Third Republic, there was still a reference thereto in Decree No 50-722 of 24 June 1950 concerning the delegation of specific powers to prefects, sub-prefects and secretary-generals of the prefecture. It is still part of the recitals in Decree No 64-250 of 14 March 1964 on the powers of prefects, the organisation of state services in departments and administrative deconcentration.

The law of Year VIII is at the heart of Law No 82-213 of 2 March 1982 setting out the rights and freedoms of municipalities, departments and regions and Decree No 82-389 of 10 May 1982 setting out the powers of Commissioners of the Republic and the action of public services and state bodies in departments. In fact, the major decentralisation laws bring about a complete paradigm shift with the end of supervision over local authorities and ex ante control. The re-established revolutionary title of Commissioner of the Republic was in use for only six years in metropolitan France (1982-1988) but remained in overseas territories such as New Caledonia, Polynesia or Wallis and Futuna.

Ten years after the major decentralisation laws, the concept of deconcentrated services was formalised in Article 3 of Part 1 of Framework Law No 92-125 of 6 February 1992 on the territorial administration of the Republic: "In all laws and regulations, the reference to 'external services' shall be replaced by 'deconcentrated services'".

The grounds of Decree No 92-604 of 1 July 1992 on the deconcentration charter constitute a kind of history of the gradual process of transferring powers and competences from the centre to the periphery. Decree No 2015-510 of 7 May



BULLETIN DES LOIS DE LA RÉPUBLIQUE

17.

(N.° 115.) *Loi concernant la division du territoire de la République et l'administration.*

Du 28 Pluviôse, an VIII de la République une et indivisible.

Au nom du peuple français, Bonaparte, premier Consul, proclame loi de la République le décret suivant, rendu par le Corps législatif le 28 pluviôse an VIII, conformément à la proposition faite par le Gouvernement le 18 du même mois, communiquée au Tribunat.

DÉCRET.

TITRE PREMIER.

Division du territoire.

Art. I.er Le territoire européen de la République sera divisé en départemens et en arrondissemens communaux, conformément au tableau annexé à la présente loi.

TITRE II.

Administration.

§. I.er *Administration de département.*

II. Il y aura, dans chaque département, un préfet, un conseil de préfecture, et un conseil général de département.

1. *III.e Série.* A

(1) https://gallica.bnf.fr/ark:/12148/bpt6k6534793j/f268.image

2015 on the deconcentration charter repeals the first decree and includes in its initial version a notice to sum up the issue. Article 1 provides an excellent definition of deconcentration:

"Deconcentration consists in entrusting to the territorial levels of public administration of the State the power, the resources and the capacity of initiative to organise, coordinate and implement public policies defined at national and EU level, with the aim of efficiency, modernisation, simplification, territorial equity and proximity with users and local stakeholders".

In Europe and around the world, in the states of written Roman law, the concept of deconcentration, relatively recent in its formulation, was immediately understood and adopted. The Anglo-Saxon world had a harder time understanding it and often confused it in early 2000s with other types of transfer of powers and competences. In translation, one thus can find the English words decentralisation or devolution.

In acceding countries on the way to the European Union, the concept has been well understood thanks to the example of management of funds: if the funds sent from Brussels were managed by the Delegation of the European Union, the territorial antenna of the Commission in the candidate country, this was deconcentration, if the funds were entrusted to the candidate country's Contract Management Unit, this was decentralisation.

Nowadays decentralisation and deconcentration are inseparable. Deconcentration is essential to succeed in decentralisation: indeed, stakeholders vested with new powers and new competences must be able to find responsible counterparts equipped with the power of action and decision making at the territorial level without having to refer to the centre. This transfer is the operational translation of the principle of subsidiarity and is a global trend of public administration reform.

State of play of deconcentration in Europe:

prospects and changes in the organisation of the state?

Nadine POULET-GIBOT-LECLERC
Lecturer at the University of Limoges - OMIJ

The development of decentralisation and the increased autonomy of local and regional authorities cannot overshadow the development and reform of deconcentrated administration of various states of the European Union.

Deconcentration is an old mode of administrative organisation, older than decentralisation. It was born at a time, varying from state to state, where national authorities were no longer able to ensure the development and implementation of public policies[1]. The decluttering of the higher levels of the state, the need to make decisions adapted to local realities, the closer ties between administration and users resulted in a deconcentrated administration. It was set up according to a uniform and hierarchical system, the representatives of the state on the territory being closely subordinated to the ministers: they had to speak in one voice across the national territory.

Developments occurred, concomitant with each reform in terms of decentralisation. The strengthening of the powers of the state representative has followed the increase in the autonomy of local authorities and has particularly increased at the regional level. These changes did not call into question the pyramidal system of territorial deconcentration.

Nevertheless, the last two decades of the twentieth century saw a real turning point. It is linked to the spread of the New Public Management doctrine which inspired reforms of the deconcentrated administration in most of the states of the European Union. Borrowed from the business world, it involves taking into account - and applying in the administrative environment - goal setting, performance indicators, tailor-made human resources management, efficiency and effectiveness. The strategic state determines public policies that must be managed and implemented, not necessarily by the traditional deconcentrated administrations, but by other structures, notably the agencies. This leads to a polycentric model in which negotiation and compromise replace unilaterality and constraint[2]. This polycentric model, however, did not replace the hierarchical model; the two are superimposed, leading to a certain number of dissonances.

This observation is the result of a convergent evolution of deconcentrated administration in all states of the European Union: they are experiencing a territorial deconcentration which was tightened at the regional level, following the assertion of the region, but they all implemented a functional deconcentration with massive reliance on agencies.

I - Territorial deconcentration in favour of the regional level

States have built their deconcentrated administration in most cases based on a hierarchical model that has been static for long[3]. Nevertheless, the assertion of the region has led to the constitution of a tightened and integrated state organisation at the regional level.

A - A desire to refocus state representation at the regional level

The observation concerns states with a regional level, either because the region is identified as a local authority, or because there are regional constituencies that tick more than one deconcentration principle[4].

The importance of state representation varies by form. In federal states, there is no specific representation of the federal state within the federated units, it usually falls to the executive of the federated unit, which is a functional overlap. Thus, in Austria, the governor is both the head of the Land Government, elected by the Diet and reports to it, and the representative of the Federal State, applying the instructions issued by the federal government. In Germany, the federal state is weakly represented at the local level, but only for a few services, such as employment agencies. Essentially, deconcentrated services represent the Lander and are subordinate to the Land ministers. In Belgium too, the deconcentrated administration is essentially present at the level of the federated entities, the regions and the communities. The governor, appointed by the regional government with the consent of the federal authority, represents altogether the federal authority, the region and the community.

In unitary states, the assertion of regions has led states to give priority to their regional representation. This is the case in France, where all successive reforms have aimed to strengthen the prefectural institution in its role of state representative. The decree of 16 February 2010 lays down the principle whereby the regional level is the level of common law of the local steering of implementation of public policies of the state[5].

[1] This model, called Weberian, was established in the nineteenth and twentieth centuries for Western European states. The states of Central and Eastern Europe opted for it after the 1989 revolution

[2] J. Chevallier, « Agencification et gouvernance », in public report of the Council of State, Les agences: la nouvelle gestion publique? , Doc fr, 2012 p. 239.

[3] Sweden is an exception: the Swedish model, developed in the early 19th century, is based on a horizontal separation between the government and the ministers responsible for defining policy orientations on the one hand, and autonomous offices and agencies responsible for the implementation of government policy, on the other hand." organisation of the Central State Administration", Policies - Instruments, Document SIGMA No. 43, 2007.

[4] G. Marcou, « Le représentant territorial de l'Etat et le fait régional dans les Etats européens », RFAP 2010, n°135, p 268.

[5] Decree No. 2010-146 of 16 February 2010.

Previously, the department was in this position[6]. By this very fact, the text introduces, for the first time, a hierarchy between the prefect of the region and the prefect of the department: the former has a power of instruction and summoning vis-à-vis the latter. The Decree of 7 May 2015 will only confirm the regional constituency as the most important deconcentration step and extend its tasks[7]. The steering of public policies is regional, implementation is done at the level of the department.

Poland was largely inspired by the French system and the territorial services of the state are organised mainly at the regional level, under the authority of the government-appointed governor. In Slovakia, state representation, maintained at the district level, is under the authority of the regional prefect. The UK, under the 1998 Development Agencies Act, has strengthened the government's regional offices and their interaction with the central administration. However, these agencies, which had to be transformed into regional territorial units, were subsequently abolished. In Portugal, some ministries have reorganised their services at the regional level. Greece, even before the recognition of the regions as local authorities, had entrusted extensive powers to the secretary-generals of the thirteen administrative regions.

In the regional states, on the other hand, the state representative tends to fade away. Thus, in Spain, the constitution had provided for the institution of a government delegate in each autonomous community, charged with guiding the state administration and coordinating it with that of the autonomous community. The law of 14 April 1997 on the general administration of the state confirmed this role. The civil governor of the province was replaced by a subdelegate appointed by the government delegate in the autonomous community. Nevertheless, the significant transfer of powers to regional entities has reduced the remit of deconcentrated authorities. Moreover, the ministries deal directly with their counterparts in the autonomous communities. On the other hand, in the large autonomous communities, there is a strong development of deconcentrated administrations, but in respect of the regional government.

In Italy, there is no specific representation of the state in the regions, but the President of the Junta, the executive body of the regions, exercises administrative functions delegated by the state to the region, within this hypothesis, at the instructions of the government of the republic[8].

This general tendency to strengthen the regional representation of the state was accompanied by an effort to streamline structures.

B - Streamlining state structures

The demands and imperatives of efficiency, productivity and simplification have reduced the staff and have asserted the unity of state representation under the authority of the regional delegate of the government.

In Germany, this streamlining effort took place within the Lander. One of the most important is Bade Wurtenberg. Budgetary problems, high cost of staffing, lack of transparency led to a reform that began in 2005. It has led to rationalisation of deconcentrated services that have been integrated for most of them into the "intermediate state authorities" (between the Lander and local authorities), which have been reinforced[9]. The reduction in the number of actors thus favoured cooperation between territorial entities, and allowed rapid decision-making[10].

Italy merged the services of eight ministries in 1999 into a single body, the territorial office of the government[11]. Finland initiated a reform of the deconcentrated services map in provinces and regions. As of 1 January 2010, it resulted in the merger of the six pre-existing networks into two new networks.

In Greece, the Kallikratis reform of 2011 created seven so-called "decentralised" dioceses, which can be described as deconcentrated, consisting of up to three regions. They are headed by a secretary general appointed by the government. The aim is to consolidate state services and ensure that government policy aimed at local levels is well put in place. Each of these administrations has an advisory council of representatives of the regions and municipalities. This step makes it possible to make the link between the central government and the decentralised regions.

In Portugal, after the failed setup of administrative regions as local authorities, the reform was postponed by a referendum of 8 November 1998, and to counterbalance the absence of decentralised regional authorities, the legislator created deconcentrated state bodies at the regional level, such as Regional Coordination and Development Commissions (CCRD). The president of each CCRD is appointed by the government, on the basis of a list of three names drawn up by an independent recruitment and selection commission, by competition. CCRDs carry out important tasks in environment, spatial planning and cities and regional development. They are also responsible for promoting an articulation between the deconcentrated services of regional competence. They must guarantee the development, monitoring and evaluation of territorial management instruments, ensuring their articulation with territorial management instruments of national and regional scope[12].

France has also put in place a reform to this effect. The general reform of public policies (RGPP), launched in 2007, included also a reform of the territorial administration of the state (REATE), the purpose being to streamline the organisation and the functioning of the state administration and strengthen the unity of action of the state under the authority of the prefect[13].

At regional level, the scheme is based on competence scales corresponding to the missions of the ministries in the governmental organisation. Eight directions have been identified[14].A new reorganisation took place following the recasting of the regional map[15].

[6] ATR law of 6 February 1992 and Decree of 1 July 1992 on the deconcentration charter.

[7] Decree No. 2015-510 of 7 May 2015 on deconcentration charter - H.Pauliat, « La déconcentration nouvelle est arrivée! », JCP A 2015, p. 2179.

[8] Art. 121 of the Italian Constitution of 27 December 1947.

[9] The "Regierungspräsidium".

[10] M. Bonafous, "The administrative reform of 2005 in Baden Wurtenberg", Discussion, updated in 2018.

[11] Etude des stratégies de réforme de l'Etat à l'étranger, IGF report, avril 2011.

[12] F. Alvès Correia, « Le Portugal, une régionalisation sans régions administratives ? », RFAP 2015, n°156, p. 959.

[13] Kada, « La réforme de l'administration territoriale », RFDA 2012, p. 109 - H. Pauliat, « La cour des comptes et la désorganisation de l'État », JCP A 2013, actu 638 - N. Kada, I.Muller-Quoy, « Réforme de l'administration territoriale de l'Etat: les ratés de la REATE », AJDA 2011, p. 765.

[14] La DIRECTE: direction régionale des entreprises, de la concurrence, de la consommation, du travail et de l'emploi.

La DRAAF: direction régionale de l'alimentation, de l'agriculture et de la forêt.

La DREAL: direction régionale de l'environnement, de l'agriculture et de la forêt.

La DRAC: direction régionale des affaires culturelles.

La DRJSCS: direction régionale de la jeunesse, des sports et de la cohésion sociale.

La DRFiP: direction régionale des finances publiques

L'ARS: agence régionale de santé.

Le Rectorat d'académie

[15] Loi n° 2015-29 du 16 janvier 2015 relative à la délimitation des régions, aux élections régionales et modifiant le calendrier électoral.

The transition from 22 to 13 regions resulted in the disappearance of 45 regional directorates and 9 SGARs. A reform of the state departmental services was also carried out[16].

The territorial organisation of many European states has thus refocused at the regional level, following the assertion of the region as a decentralised authority. However, states have assigned various tasks to other territorial structures, including agencies.

II - Functional deconcentration leading to 'agencification'

The creation of agencies, autonomous bodies entrusted with the implementation of public policy, is a phenomenon common to all states of the European Union. The European Union itself uses executive agencies to assist the Commission in the implementation of financial support programmes[17]. Their success leads to the notion of agencification. Nevertheless, their multiplication poses problems of articulation with the traditional administrative entities.

A - Increased reliance on agencies

The observation concerns all states. The creation of agencies is often linked to the spread of the new public management doctrine in the countries of old Europe. The demand for greater efficiency in public management draws a distinction between the conception of public policies and their execution and hence these tasks are assigned to two different structures. The development of public policies is the responsibility of the state and its central administrations, refocused on the strategic functions, while their implementation must be entrusted to other entities that may be deconcentrated services, public institutions, classic in nature, but which are increasingly, in practice, agencies.

In Sweden, where the movement is very old, the ministries are only small entities with weak staff, while the agencies, which are involved in the implementation of public policies, have multiplied. Agencies are the ordinary form of state administration, as in the United States[18].

In central and eastern European countries, the origin of agencies is different. The centralised hierarchical system of the communist era actually encompassed a large number of individual organisations in the business sector and the public sector with specialised functions, all attached to ministries. These organisations operated according to the agency principle, and were transformed in many cases into agencies after the 1989 revolution. This has been the case for many state-owned enterprises, higher education institutions, research institutes, arts and cultural institutions, and so on[19].

It is in the United Kingdom that the agencification movement has been most prominent. The systematic reliance on agencies has indeed been the instrument of state reform in the era of Margaret Thatcher[20]. Agencies enjoy a large degree of autonomy. They negotiate overall budgetary envelopes with the supervisory authority, and they have considerable room for manoeuver in terms of human resources management: hiring temporary staff, fixing the remuneration of staff according to their performance... However, they do not have legal personality, which allows the executive power to set up or close them at will. They are an integral part of the state administration, in which they are fully integrated. There is indeed a governance framework shared by all agencies. The supervising minister sends Guidelines to the executive director of the agency, indicating strategic objectives, performance targets, allocated resources, and definition of human resources management procedures. Each agency drafts an annual report published and sent to the Parliament.

In other states, the reliance on agencies is pragmatic, not organised. There is no overall cohesion of the model. An agency is created punctually, to structure a new public policy, to modernise the management of an administration, to respond to crises. Nevertheless, they meet current governance requirements: professionalism and capacity for expertise are increased because of the specialty of each agency that intervenes in a specific area. The contribution of human resources (capacity to recruit qualified people) and financial resources (own resources) allow efficiency gains. They are also a guarantee of neutrality, avoiding the intervention of political power. In Sweden, agencification is based on genuine mistrust of political powers. The constitution prohibits ministers from giving individual instructions[21]. Success came a bit later in Germany and France, where traditional deconcentrated administrations seemed to meet all needs[22].

However, since the beginning of the 1980s, the creation of public-law administrations and private-law bodies seems to be stalling in many countries. The agencies then become the organisation of choice to ensure autonomy of management to certain public bodies. In the Netherlands, for example, autonomous executive agencies, created since the early 1990s, with no legal personality, are conceived as an alternative to independent administrative bodies, which fall under ministerial authority. This has resulted in a redefinition of agency operating conditions and strengthening of control over the implementation of public action[23].

Their multiplication, however, contributes to the complexity of the administrative landscape.

B - Difficult articulation with other state structures

The proliferation of agencies contributes to the image of a state broken down, without overall coherence of public action[24]. However, they do not dismember the state, they are a component, an instrument for the application of public policies decided at the state level. They are autonomous but not independent. Their autonomy is framed, they are attached to the government which heads the administration: the director general of the agencies is appointed by the government, the ministers set the strategy, they send them letters of mission, directives.

[16] At the departmental level, the services were grouped together in departmental interministerial directorates (DDI) in order to adapt the services to the territories and to the needs of citizens. They have gone from fifteen to two or three DDIs: the departmental directorate of territories and the departmental directorate of population and social cohesion, which can be divided into two entities, upon decision of the prefect, in the departments of more than 400,000 inhabitants.

[17] There are also observatories responsible for collecting scientific and technical information and data in their specific field of activity, as well as decentralized or regulatory agencies that assist the Commission in decision-making or are responsible for inspection. R.Mehdi, « Le pouvoir de décision à l'épreuve de « l'agencification » de l'Union: quelques questions constitutionnelles », HAL, open archives, 2015.

[18] The first agency was created in 1634 and their existence is enshrined in the 1809 constitution.

[19] M.Beblavy, « Comprendre les vagues de création d'agences et les problèmes de gouvernance qu'elles ont causés dans les PECO », Presentation at the OECD conference in Bratislava on 22 and 23 November 2001.

[20] In this respect she followed the recommendations of the report to the Prime Minister written by Robin Ibbs: *Improving management in government: the Next Steps.*

[21] Article 7 of the Constitution of 28 February 1974.

[22] The formula has been advocated in France by the Blanc and Picq reports. C.Blanc, *Pour un État stratège garant de l'intérêt général*, 1993 - J.Picq, *L'Etat en France: servir une nation ouverte sur le monde*, La doc française, 1994.

[23] Walter JM Kickert, "Managing Emerging and Complex Change: The Case of Dutch Agencification," RISA 2010, vol 76, p. 515.

[24] Dossier « Les nouveaux territoires de l'Etat », AdCF n°141, January 2010.

They are under the responsibility of the minister.

They are sometimes perceived as a "latent reconcentration" to the extent that they were created to escape the rigor and bureaucratization of the traditional administration[25]. Also, relations with the traditional deconcentrated administration are complex. In this respect, they benefit from rules different from those applicable to the state, in statutory, financial, accounting or organisational matters. The agencies form a parallel network on the same field of implementation of public policies. When they have local branches, or when they only exist at the territorial level, they are not placed under the hierarchical authority of the state representative. In France, for example, the recent reform of the territorial administration of the state has focused on the state and its traditional perimeter, that of deconcentrated services dependent on the ministries and ignored the agencies.

Agencies are subject to a number of criticisms. The distinction between strategic functions reserved for the state and the implementation functions of public policies assigned to agencies is difficult to put into practice. It is not uncommon for agencies to invest in the design of public policies. Sometimes the texts recognize their power of proposition. Moreover, they are naturally involved in the development of public policies because of their capacity for expertise in a particular field and they are frequently consulted by the ministries as soon as the reforms are prepared. The major criticism concerns the imbalance of power between the central administrations and the agencies. The disproportion of resources and expertise of ministries and agencies makes it difficult for these agencies to be supervised.

Reforms are needed; the Council of State in France called for them back in 2012[26]. It proposes, among other things, rebalancing and clarification of the relations between the central and territorial state on the one hand and the agencies on the other, which could take the form of multi-year contracts of objectives and resources within the guidelines set by the Prime Minister. The prefect, as the representative of the state and of each member of the government, in accordance with Article 72 of the Constitution, is to ensure that the agencies implement the strategic guidelines defined by the state. It also recommends defining the criteria for identifying an agency and promoting the Parliament's monitoring and evaluation role. The Council of Europe, too, in a resolution voted in 2004, stressed the need for clear and coherent decision-making frameworks and for the oversight of the government and Parliament[27].

In fact, some measures are under consideration or have been adopted in many states, but without ever challenging the agencies. An effort to streamline the structures was made, often by way of the merger. Sweden started a first wave of mergers in the early 1990s, an effort it has made in recent years, including the merger of national and regional agencies performing the same tasks. In the United Kingdom, Cameron launched a comprehensive reform of agencies to reduce their number and cost and improve their governance. Similar reforms take place in all states.

Agencies are at the heart of challenges for state reform. Advocating a functional deconcentration, in the service of efficiency, in a relationship of autonomy with the state which gives only guidance, they oppose territorial deconcentrated structures. It will now be up to the states to regulate the use of agencies and to rebalance and clarify relations between the central state, the territorial state and the agencies[28].

[25] Les agences, nécessité fonctionnelle ou nouveaux démembrements de l'État ?, ENA report, 1994.

[26] Les agences: une nouvelle gestion publique?, public report, op.cit., note 2.

[27] Resolution 2008, Art. 11-3.The Assembly calls on the member states of the Council of Europe to establish clear and consistent decision-making frameworks and benchmarks for privatization and agencification and to entrust their oversight to the Government and the Parliament. and to further standardize and clarify how privatization and agencification decisions are to be implemented.

[28] L'Etat et ses agences, IGF report, 2011.

A burial without funeral: the demise of the Portuguese prefect

Luis FABRICA
Professor of Administrative Law
Faculty of Law of the Portuguese Catholic University of Lisbon

Lisbon, June 2017: Despite air conditioning, the atmosphere in the House of Parliament is particularly heavy. In a shaking voice, the Minister of the Interior is trying to explain herself to the MPs, following the death of 66 people killed in the worst forest fire that Portugal has ever seen. Faced with accusations of opposition MPs who point to the responsibility of a government lacking leadership, incompetence of leaders, poor preparation of firefighters and malfunctioning telecommunications, the Minister mentioned other culprits of the disaster: a year of drought, extreme heat, extreme weather phenomena, the downburst which spread the flames, etc. And, faced with the risk of repetition of such tragedies, she uttered a striking sentence. *" During these four days of fire, there were two sites of complicated operations, in two different districts. I was present at one of these sites of operation and my Secretary of State on the other. But if three, four or five districts had been affected, we would have faced a problem of the lack of political authorities at the district level."* Then the Minister paid an unexpected tribute to an institution that has been missing for the last few years: *"We must distinguish between the civil governor as a representative of the state in the district and the civil governor as a decentralised service. Regarding the latter, there is a major gap"*.

In October, the tragedy recurred and more than 46 people lost their lives in a second forest fire. Could things have been different if civil governors still existed?

The proposal to resuscitate civil governors seemed all the more astonishing as their disappearance, while non-official as we will see later, did not give rise to great debates and, during the following years, no authorised voice called for their return. And for a good reason: Portuguese civil governors have never had good reputation nor enjoyed a marked prestige.

This body was created in 1832 modelled upon the French prefect. Like in France, where each department had a prefect, in Portugal each district had a civil governor. However, the competences of these entities did not fully overlap and these differences were reflected in the mode of recruitment.

> Civil governors have not been properly removed de jure, but they have disappeared *de facto*

The civil governor, like the French prefect, was an organism of the state, organically attached to the Ministry of the Interior and having competence in matters of public order and security, guarantee of the legality and administrative supervision on the local authorities. However, unlike the French prefect, the civil governor has never been the "custodian of state authority" in the district. He reported only to the Minister of the Interior, his sole superior, and he had no powers over other local bodies and services of the state not under his ministry. The civil governor was not, strictly speaking, a representative of the state, but simply a local official of the Ministry of the Interior, with no particular competence vis-à-vis the deconcentrated administrative services of other ministries. The governor did not manage or coordinate local government agencies and services.

Civil governors were not to be confused with offices of local authorities either. The district has never been a local authority, but a simple administrative district with general administrative purposes, and the civil governor has never had the status and functions of a representative of the people. He presented himself, on the contrary, as a representative of the government.

For historical and political reasons, the civil governor was generally regarded as the instrument of central power for the purposes of electoral control, political surveillance and restriction of local autonomy. In the 19th century and well into the 20th century, the civil governor was mostly considered a longa manus of the executive power at the local level intended, depending on the political regime, to get votes for the parties in power, to remain vigilant vis-à-vis political opponents and to ensure tranquility in the streets.

EAs political agents, civil governors were freely appointed and dismissed by the Minister of the Interior, based on political criteria. They did not belong to the category of civil servants and did not benefit from the guarantees associated with this status, particularly in terms of career. They were not recruited into a state body following specific training and their qualifications were very diverse. Indeed, political loyalty was much more important than technical competences.

In essence, the status of civil governors has always remained very close to this original model, surviving regime changes, from the constitutional monarchy to the republic, and from the republic to the authoritarian regime. Even after 1974, in the new democratic framework, the elements of continuity remained obvious.

The 1976 Constitution mentions the civil governor only in the final and transitional provisions because a new local authority, the administrative region, was to replace the district. This alternative would have involved the disappearance of the civil governor. However, the constitutional norm is ambiguous: was it the intention of the constituents to convert districts into transitional local authorities while awaiting the arrival of the administrative regions? Should the district remain a mere territorial constituency where the civil governor was to continue to perform his traditional functions, now accompanied by a deliberative assembly composed of representatives of the communities included in the district? In any case, the 1976 Constitution retained the civil governor until the creation of the still pending administrative regions and expressly vested him with the powers of government representation and the exercise of administrative supervision, which were part of the hard core of traditional functions.

With regard to the provisions of the ordinary law, the many competences of civil governors could be grouped into three categories: competences (a) as representatives of the government; (b) as supervisory bodies; and (c) as supreme police authorities in the district. But the

practical importance of these competences was far below what one could imagine.

As a representative of the government, the civil governor limited himself to informing Lisbon of the discontent of various local interest groups: street rallies ended ritually with a meeting with the civil governor, with the submission of grievances by the unions, environmental groups or farmers' associations. The powers of supervision, especially over local authorities, were largely a fiction, since the control of administrative and financial legality was exercised by the state inspection bodies, which were subordinated to their ministries, respectively. The solution was the same in terms of policing: the maintenance of public order belonged to the security forces, under the direct control of the minister. The authority of the civil governor was purely nominal, with, the only real powers being the issue of certificates, authorisations and licenses, whose bureaucratic insignificance illustrated the governor's decline. At the end of the 20th century, the designation of civil governors consisted of a rather benign form of reward, a dubious position of prestige, rewarding political loyalty of second-rank politicians on the eve of their retirement.In an attempt to justify the survival of this body, a 1992 law attempted to redesign the status of the civil governor, adding to its functions as a representative of the government a new competence, that of fostering adequate cooperation between various local services under the guidance of their respective ministers. Obviously, this model was borrowed from the French prefect and was intended to provide a new impetus to the institution. But it was already too late: this trial failed and everyone continued to regard the civil governor as an anachronistic entity, waiting for the coup de grace that his constitutional consecration made difficult.However, either because of inertia or because of the fear of the consequences for the process of regionalisation, none of the successive revisions of the Constitution has removed the transitional norm for civil governors. And the atmosphere of political tension that has accompanied the crisis of public finances since 2010 has removed the possibility of new constitutional reforms, due to the lack of agreement between the major parties.

This constitutional blockage did not prevent the government, at the end of 2011, from using a surprising solution. Seeking a direct saving of EUR 3 million (!), the governmental voluntarism in this area resulted in the dismissal of all civil governors and the approval of laws attributing to other organisations all competences belonging to this institution. In short, the position of civil governor no longer had any incumbents or competences. The government seemed proud of this Egg of Columbus, in spite of the stupefaction of constitutionalists. But in a country plagued by the economic crisis, the fate of civil governors seemed far from deserving priority attention. Against a background of general indifference, some isolated voices denounced a serious violation of the Constitution. But this question of the constitutionality of the reform has not even been brought before the Constitutional Court.

And that was all about it. The civil governors were not properly removed de jure, but they disappeared de facto. And until the unexpected proposal of the Minister, no one seemed to have noticed, let alone deplored, the disappearance of the civil governors.

Ministers now have simplified local intervention channels, through the decentralised services of their respective ministries, without the intervention of a second-rank political officer, without specific qualifications. Local municipalities were happy to see the disappearance of an entity that had, even though nominally, a few powers of administrative supervision. Finally, as far as the citizens were concerned, this led mainly to a change of the administrative counterpart, which seems all the less important since many grievances can be processed via the internet.

That is why, when the new socialist government, supported by the far left, pledged to reverse many of the previous government's measures by proclaiming a return to absolute respect for the Constitution, nothing has changed in this regard. These posts remained vacant, as well as the legislation organising the transfer of the powers of civil governors: not even a word on the subject... This consensus between two executives who diverge on almost everything went unnoticed. It seems that the parties are only waiting for the political climate to calm down to launch the constitutional revision that would legalise the elimination of the civil governor.

As for the Minister, who was hoping for the return of civil governors, she was dismissed from office.

Territorial reform of public administration in Hungary

Viktória LINDER
Lecturer
National University of Public Service in Hungary, Budapest

Since the change of regime in the early 1990s, Hungarian territorial public administration has continued to evolve. This constant evolution accelerated on the back of new concepts after 2010, when the Parliament decided to redistribute tasks and competences between the state administration and local governments and to reorganise the structure of the state administration at the local level.

The government wanted to subject different types of bodies to uniform regulation and unified management. The key words of the public administration reform were formulated in 2011 in the *Zoltán Magyary* programmes[1]. Parallel to these developments, due to the adoption of the new Basic Law, the legislators initiated a reform of the whole Hungarian public law. From the entry into force of the new Constitution on 1 January 2012, new regulations were gradually adopted in public administration, in the form of laws, government decrees, government statements, etc. The new legal instruments governed (i) the organisational structure of the public administration; (ii) the division of tasks and competences determining the administrative action and (iii) the new statutes of the personnel (civil servants) working in different branches of the administration.

Organisational structure and division of tasks and competences, determining factors of the action of the territorial public administration

Since 2010, the principle of centralisation has been reinforced in Hungary in accordance with the new legislation. At the local level, the deconcentrated bodies of state administration have been progressively

[1] Magyary Zoltán (1888-1945) - a university professor, specialist in administrative sciences, civil servant, government commissioner responsible for the reform of public administration in the 1930s.

> Since 2010, the principle of centralisation has been reinforced in Hungary in accordance with the new legislation

consolidated, to the detriment of local governments. The new bodies representing the government at the level of the 19 counties and the capital and the local bodies placed in the provincial districts and the districts of the capital (174 in the country and 23 in Budapest) have taken over more and more tasks which previously belonged to local governments.

Thus, since 2012, different types of public institutions, such as municipal schools, clinics and hospitals, have been transferred from local governments to the state, and more specifically to the deconcentrated bodies of public administration at the county level. These twenty bodies were established shortly before the territorial government offices and were entrusted with general competences[2]. On 1 January 2013, the districts were established and most of the tasks of the public administration of the state at the local level were transferred to these entities (previously, these tasks were performed by the local government authorities, mainly by the notary, the state administration does not have its own bodies at the local level). At this date, some 60% of the state's local tasks were transferred to the districts, and transfers have continued since then, and other public tasks have subsequently been taken over by the district offices. The powers of local governments have thus decreased, at the level of municipalities but especially at the level of counties.

In parallel with this reorganisation of competences between local governments and the units of state administration, considerable transformations took place in the organisation of the latter. From 1 April 2015, twenty government offices and the districts (174 + 23) were restructured. Prior to this date, the various administrative bodies integrated in these large government offices had benefited from a relative sectoral 'autonomy'. These integrated bodies - 18 from 2012 to 2015, but gradually increasing in number - were managed by their respective ministries, but in 2015 they were under the unified leadership of twenty government commissioners, representatives of the state placed at the head of these county offices. These commissioners (18 men and only two women as of June 2018) are appointed by the Prime Minister[3]. Since 2015, it has been the Minister of the Chancellery who manages, monitors and directly controls these county offices. As a result, the influence of sectoral ministers on the management of the professional activity of these bodies has decreased.

As a next step in the reform, in 2016 the government decided to reduce the number of ministerial bodies under central administration. Many of these administrative bodies were restructured and their duties transferred to the ministries or the twenty county or district offices. The government's stated goal was to strengthen the territorial administration of the state, to put in place a more transparent organisational structure and to reduce staff and, of course, the costs involved. This process began in the autumn of 2016 and continued in 2017.

> State administration at the local level is part of an increasingly uniform organisation and is now concentrated in the county and district offices of the government

As a result, the tasks of the territorial administration of the state have increased and the size of the organisations intervening at these levels has increased.

The main competences of the governmental offices in the counties are the following:
- to operate as first or second instance authorities;
- to coordinate government tasks at the county level;
- to control all governmental bodies in counties and the capital (except the armed bodies and the tax offices);
- to be consulted on affairs of other governmental bodies operating on their territory;
- to provide IT services to the administration in their county;
- to provide continuing education for state and local government officials;
- to ensure the legality control of acts of local authorities;
- to offer services by way of one-stop shops.

The sectoral competences of government offices in the counties cover a wide range of areas. It should also be noted that the government also has other bodies (i) at regional level (NUTS III units) and (ii) territorial special units. But their numbers have continued to decline in the past three years.

Territorial public administration staff

With regard to the personnel of the territorial public administration it is difficult to trace all the changes, very frequently, occurring in the matter. Since 2010, three new laws governing the Staff Regulations have been adopted by the Hungarian Parliament. Henceforth, local and territorial statutory officials work under the aegis of two separate laws, one of which pertains to local government officials and the other to territorial state officials employed in the district and county offices of the government). In 2011, a reform aimed at the interoperability of career paths was announced but, at present, it cannot be predicted whether the regulation will opt for uniformity or differentiated treatment[4].

To sum up, the last eight years of reforms in the territorial public administration in Hungary have seen a major reshuffle in the distribution of tasks between local authorities and the territorial bodies of the state. The municipalities are responsible for local public services, but their powers have shrunk, while the territorial administration of the state has been strengthened, through the competences supported by local governments on the one hand and by the central administration of the state, on the other.

State administration at the local level is part of an increasingly uniform organisation and is now concentrated in the county and district offices of the government.

[2] Temesi, István, "Administrative and territorial organisation of states in Europe - Hungary", European Review of Public Action, No 2 - March 2016, p. 9-10.

[3] These are political jobs, since the law does not require any qualifications or practical experience as conditions for their appointment. Below this political level, it is the General Managers and the Directors who are the administrative heads of these offices.

[4] There is yet another category at the local level whose status is regulated by other laws and which is of interest to police officers, customs officers, public institutions, etc. (not to mention the specific status of civil servants working for the government at the central government level, eg in ministries).

Decentralisation and deconcentration in Morocco (1993-2018)

ANNE AZAM-PRADEILLES
International expert in governance and state reform,
Civil Service Administrator HC (Hon)

The Kingdom of Morocco has been part of the Southern European Neighborhood Policy (ENP) since 2008. The European Union-Morocco partnership was initiated with the 1969 Trade Agreement and was reinforced by the 1996 Association Agreement to be furthered by the ENP later. The agreement provides for a "gradual and consistent regulatory alignment with the acquis communautaire" and a draft action plan for the implementation of the advanced status (2012-2016).

Article 1 of the Constitution of 29 July 2011 states: *"Morocco is a constitutional, democratic, parliamentary and social Monarchy. The constitutional regime of the Kingdom is founded on the separation, the balance and the collaboration of the powers, as well as on participative democracy of [the] citizen, and the principles of good governance and of the correlation between the responsibility for and the rendering of accounts.[...] The territorial organization of the Kingdom is decentralized. It is founded on an advanced regionalisation."*

Echoing this strong assertion of decentralisation and the pre-eminence of the regions, Title IX, Regions and other local authorities, specifies in Article 145 the role of the state and its representatives, walis at regional level and governors at prefecture level (urban area) and province (rural area): *"In the local authorities, the walis of regions and the governors of provinces and prefectures represent the central power. In the name of the government, they guarantee the enforcement of laws, implement governmental regulations and decisions and exercise the administrative control. The walis and governors assist the heads of local authorities and in particular the presidents of the Councils of regions in the implementation of development plans and programmes. Under the authority of the competent ministers, they coordinate the activities of deconcentrated services of the central administration and ensure their proper functioning."*

Decree No 2-93-625 of 4 Jumada I 1414 (20 October 1993) on administrative deconcentration, inspired by the French Decree of 1992 on the Deconcentration Charter, provides in Article 3 that: *"The external services are responsible, at the territorial level, for the implementation of government policy and all decisions and directives of the competent authorities within the framework of the legislative and regulatory provisions in force. The resources necessary for the operation of these services, within the scope of their remit, are made available to them by the central administrations. Ministers may delegate to the heads of their external services and governors to act on their behalf within the limits of their territorial jurisdiction. The heads of external services may be established as sub-authorisers of spending for all or part of the credits made available to them."* This decree remained a statement of principle for many departments.

> Deconcentration is a priority for successful advanced regionalisation

Decree No 2-05-1369 of 29 Shawwal 1426 (2 December 2005) setting out the rules of organisation of ministerial departments and administrative deconcentration specifies the nature of transfers in Article 4: *"Subject to the provisions of Dahir bearing Law No 1-75-168 of 25 Safar 1393 (15 February 1977) on the powers of the Governor, [...] the regional directorates and the provincial or prefectural directorates and the services constituting them, are in charge of the implementation of all decisions and guidelines issued by central authorities. The central administrations provide the aforementioned directorates with the resources necessary for their operation."* The decree also provides for delegation of signature and responsibility to make individual administrative decisions at the decentralised level and an organisational audit and the development of a deconcentration blueprint. Few audits have been carried out or the quality was heterogeneous, insufficient or unrealistic. No blueprint was submitted for validation and the commission was dissolved in 2006.

A Deconcentration Charter approved on 25 October 2018 by the Council of Ministers

Twenty-five years after the 1993 Decree, after a throne speech on 29 July2018, recalling that deconcentration is a priority for successful advanced regionalisation, a Council of Ministers, chaired by King Mohammed VI, convened on 25 October 2018 to finally approve the Deconcentration Charter: it reiterated the region as the most relevant level of territorial management, set up a service coordination mechanism, created a general secretariat for regional affairs with the wali, and regrouped deconcentrated regional directorates into interdepartmental directorates. The roadmap has an implementation horizon of 6 years.

Ireland: the centre holds

Dr. Bríd QUINN,
University of Limerick

Centralisation has always been a key feature of Ireland's local government system which evolved from the Westminster system put in place prior to Ireland's independence in 1921. Local authorities in Ireland have a more limited range of functions than their continental counterparts and their financial autonomy is limited. Reforms implemented in 2014 have led to some change but central government still dominates. Ireland does not have a system of territorial

representatives of the state. There is, however, frequent interaction and a range of formal and informal links between local authorities and central government departments and state bodies. The recession led to significant rationalisation of structures and a reduction in the number of state agencies in recent years.

> Local authorities in Ireland have a more limited range of functions than their continental counterparts

Territorial organisation

Until 2014, Ireland had 114 units of local government. Thirty four were city or county councils and the remaining eighty were historically-designated town councils which represented only 15% of the population. The Local Government Reform Act (2014) reduced the number of units of local government to thirty-one, following abolition of town councils, mergers of city and county councils in Limerick and Waterford and merging of Tipperary's two local authorities. A system of municipal and metropolitan districts (MDs) was implemented in 2014 with ninety five MDs covering the country at sub-county/city level.

Regional government has never been strong in Ireland. Since the 1960s various state services (e.g., tourism) have been organised on a regional basis but with varying regional boundaries. During the 1990s, in response to the exigencies of the EU's Structural Funding regime, eight Regional Authorities and later two Regional Assemblies were created to monitor delivery of EU Structural Funding and promote the co-ordination of public service provision in the regions. Their members were indirectly elected, being nominated by the constituent local authorities. These Regional Authorities and Assemblies worked with other public sector agencies in the regions but had limited functions and finance so did not hugely alter Ireland's governance landscape.

Following the 2014 Act, they were replaced in 2015 by three new regional assemblies with specific functions regarding regional spatial and economic strategies, EU funding programmes, oversight of local authority performance and implementation of national policy.

Attempts to deconcentrate State services in Ireland

Health, education and local authority staff have always been dispersed in Ireland. From the 1960s, some central government departments moved civil servants to locations outside Dublin. Such changes were ad hoc and uncoordinated. State agencies were often organised on a regional basis but with varying regional designations. From the 1980s, as in other OECD countries, the number of public agencies and state bodies increased significantly with some of them located outside Dublin. In a surprise budget announcement in December 2003, the Minister for Finance announced a voluntary decentralisation scheme aimed at relocating that more than 10,000 public service posts to over fifty locations (3,000 of these posts were in state agencies).

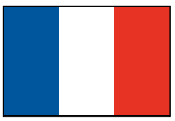
There had not been a cost-benefit analysis of the plan nor had there been wide consultation about its potential impact and eventually the ill-conceived Decentralisation Programme was cancelled in 2011. The financial crisis necessitated austerity measures which led to a reduction of 10% in public sector employment and a culling of state agencies. In summary, attempts to deconcentrate state services in Ireland have been politically or pragmatically rather than purposefully motivated.

Future/evolution of the territorial organization of the State in Ireland

Within the Department of Public Expenditure and Reform the current emphasis seems to be on organizational reviews and improvements through increased openness, transparency and accountability. There are no specific plans to change the territorial organization of state services.

A high level Advisory Group and a Local Government Forum were established in 2015 to review the operation of the revised local government system but it is unlikely that any major changes to territorial organisation of the state will be recommended.

> Attempts to deconcentrate state services in Ireland have been motivated by political or pragmatic reasons rather than strategic objectives



What are the prospects for deconcentrated services of the state in France?

(on the Court of Auditors report made public in November 2017)

Hélène PAULIAT
Professor of Public Law (OMIJ - Limoges)

"The reform of the territorial administration of the state is an old question and has become a recurring project", this is the opening of the report of the Court of Auditors of November 2017 entitled The deconcentrated services of the state: clarifying their tasks, adapting their organisation, trusting them... As the question is how to know what the state must do in the territories, in what way and for which purposes. The reform of regions, decentralised local authorities, has not been put in place in connection with a reform of deconcentration that should have accompanied it. Therefore, the restructuring of state services has followed the change of regional dimension, often with a delay, and especially with difficulties in the coherence of the perimeters. The problems addressed by the Court of Auditors are therefore fundamental and deserve attention for the state to be able to provide the most relevant response.

The context in which deconcentrated state services intervene remains complex (i), from the legal point of view as well as from the sociological and demographic point of

view; the services must be refocused on a certain number of priority tasks, which should therefore be ranked in the framework of the general review of state tasks and public policies launched by the government as part of the transformation of the public action 2022 (AP 2022) (ii); but the state must adapt to the challenges of the territories, by allowing deconcentrated services to benefit from room for manoeuver to innovate and experiment with organisations and modes of operation in relation to territorial challenges (iii).

I - A complex context of intervention of deconcentrated services

The territorial administration of the state faces major changes; the gap between metropolitan and rural areas widens with a significant change in the population density in these territories. Institutional change is evident, with waves of decentralisation that have upset the French administrative landscape. However, among the leading countries of the European Union, France remains the one where the share of local public expenditure is the lowest relative to the GDP. The main decision-making centres are now the regions and intermunicipalities, whereas departments and municipalities are losing a large part of their prerogatives. Public institutions of inter-municipal cooperation in particular have joined forces to become very substantial entities in terms of population, with strengthened competences, the threshold of minimum population having been raised to try to build relevant groupings.

In this context, the territorial administration of the state has been subject of major reforms, in particular with the Deconcentration Charter of 7 May 2015. Yet the state still seems to hesitate between territorial deconcentration and functional decentralisation, transferring competences to agencies or to national operators. The number of deconcentrated services fell sharply, but not evenly, with a sharp decline in the number of employees in departments, while comparatively less so in regions.

This sensitive context requires refocusing of services on priority tasks.

II - Deconcentrated services must be refocused on priority tasks

The tasks that these services must carry out are diverse. Even if the review of the tasks of the state in 2014-2015 paved the way to certain decisions, it did not deploy a relevant strategy. The new provisions over the last two or three years have significantly expanded their tasks (reform of the right of asylum, control of weapons in the field of security, strengthening of the labour inspectorate for the Ministry of Labour). The difficulty lies in the fact that these tasks are not hierarchical; the guidelines for deconcentrated services have been simplified, inter-ministerial steering has improved.

There is still room for progress; for example, territorial impact studies are very rarely conducted. The tasks themselves and the way they are rendered are not properly evaluated. More seriously, many tasks are abandoned or incompletely exercised (roads, higher education, control of legality, budget control...).

> Deconcentrated services must be refocused on a certain number of priority tasks

The development of digital tools has contributed to disrupting the functioning of services because certain issues have not been anticipated; in terms of human resources management, this deployment has considerable impacts, without the latter having been evaluated. It appears necessary to redistribute the exercise of tasks: some could be exercised at the supraregional level, at the interdepartmental level (tasks of the Ministry of the Interior or social tasks); the distribution of certain tasks can be optimised (justice, housing and accommodation, economic action and employment). The control tasks must also evolve, the observation and expertise tasks deserve to be reinforced. The report of the Court of Auditors also mentions the tasks which could be abandoned (authorisation to operate agricultural holdings) or transferred to technical bodies (guidelines on EAGGF aid).

Advisory and support tasks should be reviewed because they do not fit well with the exercise of control. But the organisation and operation of services must be adapted to the areas in which they operate.

II - Deconcentrated services must adapt to the challenges of territories

As territorial reform was carried out in urgent mode, the state did not draw all the consequences of regional reform for deconcentrated services. The establishment of regional directorates has not always been consistent, the principle of functional specialisation of different sites has not always been respected. Multi-site entities lead to managerial and operational difficulties (with high costs due to necessary commute). “All in all, the Court emphasises that the headquarters of organisations formerly located on a single site have become multi-sites. Two contradictory objectives were targeted in this reorganisation: to improve the efficiency of regional directorates and to save money, but also that to maintain a balance of public employment on the territory in the central towns of the old regions. The choices of territorial balance and the commitment not to impose geographical mobility lead to a complex and costly reorganisation. These choices pose managerial and budgetary risks and can only be transitory.” (Report, page 95).

It is therefore essential to think about the new function of the regional prefect, some regions having a considerable size and encompassing ten or a dozen departments. This brings about the question of maintaining the functional duplication of the prefect of the region, and at the same time prefect of the department. The Court of Auditors proposes the creation of a post of prefect delegated to the department headquarters, including public order, in the four ‘mega-regions’. The creation of these posts could be guaranteed by the elimination of an equivalent number of prefects on public service mission. This solution would make it possible to reconcile state representation in the region and in the department headquarters; furthermore, the powers delegated to the department prefect could be designated by the regional prefect (Report, p. 98). The regional prefects could be given a four-year term, to avoid incessant turnover, which makes the representatives of the state unable to carry out real public policies, in the long term and with coherence. The General Secretariats for Regional Affairs (SGAR) would then constitute “a reinforced regional staff at the service of the regional prefect.” The Court of Auditors also emphasises that “the regrouping of regions did not prevent the persistence of derogations, whereas, in several fields of state action, regional reform should have favoured an evolution in the sense of greater harmonisation of the deconcentrated or territorial services map, a guarantee of better legibility for users and public service partners and a prelude to increased cross-cutting of public policies and more shared management of resources” (Report, p. 101).

This is the case in defence and security zones, public finances, national education, the judicial map. It should be noted, however, that in the two latest cases, reforms are underway or advocated, aiming to retain only the rectorates of academic regions for education, and to align the jurisdiction of the courts of appeal with the regional demarcation.

The organisation of the state in the departments is probably also to be reviewed. Staff reductions have mainly affected the departmental level. The infra-departmental network must evolve, the map of districts seeming hardly any more adapted. But given the requirements of proximity, particularly in terms of security, the suppression of sub-prefectures is hardly feasible; it is imperative to clarify the role of the sub-prefect. Territorial networks can be an obstacle for efficiency (small treasuries for DGFIP).

The very modes of intervention of services sometimes seem not very effective.

III-Management of deconcentrated services must be extensively upgraded

Human resources management appears to be rigid and inappropriate. The territorial distribution of the workforce is poorly adapted to the needs of territories. This is the case for national education services, for security services, for financial administrations... The deconcentration of human resources management (recruitment, induction training, appraisal, sanctions) is still rudimentary. While the movement of deconcentration of certain management acts had to be reinforced since 2003, there is a regression in some areas, as regards the remuneration or career of agents. Three ministries (agriculture, finance, culture) do not deconcentrate almost any management function and have not issued any specific provision on deconcentration for their ministerial department. These difficulties have a managerial impact, the diversity of management of agents preventing the creation of "interministerial working authorities" which are nevertheless indispensable after the merger of regional directorates. The lack of massive deconcentration of HRM functions is explained by strong resistance to change...

The Court of Auditors therefore invites the government to adopt a gradual approach, based on experiments and evaluations. This "could also put to the test the deconcentration of regional changes for sufficiently staffed bodies whose tasks may be of interest for several government departments at the same pool of jobs, in order to align the pools with job requirements and ensure continuity of service across the territories" (Report, p. 135).

> The state must adapt to the challenges of the territories, by allowing deconcentrated services to benefit from a room for manoeuver to innovate and experiment

This deepening deconcentration should lead to deconcentration of social dialogue and joint bodies at regional level. The mobility of agents faces numerous obstacles, the ministerial logic still taking an upper hand over interministerial logic, though encouraged by the reform of the territorial administration of the state (REATE); the status and remuneration remain very heterogeneous; the evolution of competences of agents requires geographical or functional mobility. Forward planning of jobs and headcount remains largely theoretical, as few regional prefects are able to propose a forward-looking and strategic vision. Although experiments are planned, particularly with regard to the organisation of the prefectures, these have hardly been covered by the media and it will probably be necessary to wait for the presentation and the report of the prefect before the National Conference of Territorial Administration of the State to draw useful conclusions.

Deconcentration of financial resources is also partial. Budget mapping has been simplified (reduction in the number of BOPs) but the budget architecture remains complex. The shared programmes have been expanded, but without overall coherence. The volume of deconcentrated loans remains low. Some state intervention expenditure (capital expenditure) has been recentralised by the procedures of call for projects and calls for expressions of interest. The management dialogue remains very burdensome. The main difficulty in deconcentrating financial resources lies in the fact that the logic of LOLF and of deconcentration are totally different, the former being based on a vertical logic, while the latter is based on a horizontal logic.

The pooling of support functions of deconcentrated administration must be valued, but the solutions adopted are highly heterogeneous (pooling by a ministry, or an interministerial entity); improvements are possible if steering is streamlined and goal setting is clarified.

The Court of Auditors has formulated 49 proposals to encourage a rapid evolution of deconcentrated services; the Prime Minister's response strongly insists on the need to continue deconcentration within the framework of the Transformation of Public Action programme AP 2022 and the review of 21 ongoing public policies, to refocus the state on its tasks, including at territorial level.

The Regierungspräsident – at the crossroads of ministries and local players

Clarisse KAUBER
Head of studies, Euro-Institut de Kehl

The 16 German Länder are federated states, with their own constitution, government, assembly and jurisdictions. In most major Länder, state administration is organised into three levels. In Baden-Wuerttemberg, Bavaria, Hesse and North Rhine-Westphalia, the *Regierungspräsident*(in) is the central figure, at the head of the *Regierungspräsidium* (or *Bezirksregierung* or *Regierung*), an intermediate authority between the central directorates and the local level.

The territorial state in Germany

By 1815, Prussia had established *Regierungsbezirke* regions within its provinces, and this geographical division was adopted in the *Länder* organisation

Map of the four Regierungspräsidien and 35 Landkreise of Baden-Württemberg

after 1945. In the 2000s, four Länder replaced the *Regierungspräsidium* with other, less territorialized and more specialised administrative organisations.

Some European states or smaller German Länder do not have intermediate levels between their central administration and local authorities. We will take the example of Baden-Württemberg (10.7 million inhabitants and 35,752 km2), divided into 4 *Regierungsbezirke*, which altogether comprise 35 *Landkreise* and 1,101 municipalities.

In each of these four territories, the *Regierungspräsidium* (-en) provides the interface between the Ministries of the Land and local authorities.

The *Landkreis* administration, the *Landratsamt*, is both a supra-municipal territorial authority and a Land administration for local public services (a medical centre, residence permits, etc.) under the responsibility of the *Regierungspräsidium*.

The *Regierungspräsidium*, a partner for the *Land* and the region

The *Regierungspräsident*(in) puts in place the Land policy on its territory while defending local interests before the government. Its services (2,000 agents) supervise and control the implementation of state domains by local authorities or other specialised administrations. In general, the *Regierungspräsidien* group together many administrations (e.g. academic inspection, healthcare, forests) previously dispersed in order to recreate coherence and cross-cutting approach, to add efficiency, reactivity and readability[1].

The *Regierungspräsidien* have become privileged counterparts of the population and the territorial players as regards the public policies of education, environment, agriculture, health, transports, roads, economic development, the technical control of industrial and pharmaceutical companies, local development, regional planning, civil protection, etc. On the other hand, the regional police forces of the Land are headed by a dedicated prefect, *Polizeipräsident*, based on a more local geographical division than that of the *Regierungspräsidien*.

In Baden-Württemberg, the citizen, the company, the association or the municipality can access online explanations, forms and contacts for grants, subsidies or authorisations covering the field of the ten Ministries of the Land (except Justice, Finance, Relations with the Federation), sometimes involving local authorities or the German federation. The user can contact the Regierungspräsidium by post or e-mail, on site or via a direct landline. In addition, the *Regierungspräsidenten* of Baden-Württemberg plays a leading role in the development of participatory democracy (civic meetings, online forums, transparency...).

> In Baden-Wuerttemberg, Bavaria, Hesse and North Rhine-Westphalia, the Regierungspräsident(in) is the central figure, at the head of the Regierungspräsidium, an intermediate authority between the central directorates and the local level

Political role

Externally, a *Regierungspräsidium* share a lot of features in common: same website, common forms, similar organisational chart, even Land policy. However, every leader, *Regierungspräsident*, leaves their own mark.

In practice, the *Regierungspräsident* has the status of a political official (a kind of functional job) and implements the policy on the territory, in line with that of the Land and in consultation with local players. They have the legitimacy to represent the Land at official events and conventions.

This legitimacy comes from their experience of administrative services and/or political functions but especially from the confidence of the head of government (*Ministerpräsident*), who appoints and dismisses them. If the government no longer agrees with a political official, it can, without justification, replace them and place them in pre-retirement, which happened for example after the 2016 elections to the *Regierungspräsidenten* of Stuttgart and Tübingen. In contrast, the presidents of the Freiburg and Karlsruhe *Regierungspräsidien* have been in office since 2012 despite the alternation, which guarantees a certain continuity of policy and partnerships[2].

In the field, the *Regierungspräsident*(in) has room for maneuver and appreciation. Of course, regular meetings take place between the *Regierungspräsidien* and the ministries, but decisions are taken at the *Regierungspräsidium* without having to seek the systematic approval of the central administrations. This shortens the circuits and decision times.

They authorise, supervise or manage complex projects, for example the establishment of a waste treatment centre, the construction of a highway or a wind farm, the creation of a regional nature park. In this case, they must coordinate the players, reconcile various projects of the territory and bring together people with contradictory interests to propose compromises and acceptable solutions. Namely, this action that is most visible in the media.

Each *Regierungspräsident* conducts their policy and chooses to focus, for example, on environmental protection, innovation, infrastructure and training, while preserving social and cultural achievements (Freiburg).

[1] Notably a major reform in 2005 in Baden-Wuerttemberg which quadrupled the number of staff directly attached to the *Regierungspräsidien*

[2] In 2017, when the state of Baden-Württemberg was led by a coalition CDU-Grünen, the four *Regierungspräsidenten* were of different political affiliation: CDU, SPD, Grünen and independent

The guarantor of legality and public management

As in the local authorities, the Regierungspräsidenten must reform their administration and reduce staff costs.

In addition, the *Regierungspräsidium* exercises the control of legality and budgetary control over the acts of the Kreise, big cities, public institutions and municipalities in second instance after the Landratsämter. The objective is to guarantee the free administration of local authorities while securing decisions. The *Regierungspräsident* can exercise powers of information collection, cancellation of decisions, injunction, supervision but in fact they mainly exert preventive control in the form of advice to the local authorities and only decide on the legal acts voluntarily submitted to them, or by law (eg budget) and complaints. The most frequent subjects of control concern the approval of budgets and loans, elections, personnel or even equity investments in companies.

Competences beyond Bezirk's borders

During the 2005 reform, the competent Land administrations of Baden-Württemberg were divided among the *Regierungspräsidien*, depending on the geographical proximity but also by balancing the weight of the four Regierungspräsidien. For example the safety and certification service for manufactured products *(Regierungspräsidium* Tübingen), support of newcomers refugees in Karlsruhe, the public health department in Stuttgart and cross-border cooperation with Switzerland, France and Austria in Freiburg.

As such, the *Regierungspräsident*in Freiburg represents the state of Baden-Württemberg in the bodies and projects with neighboring countries.

This differentiated functional delegation to the *Regierungspräsident*en shows that certain competences do not justify the creation of a service in each of the four Bezirke. Moreover, it confirms the raison d'être of the German intermediary authorities around the principle of subsidiarity and the need to establish administrations outside the capital. The government and its ministries spearhead strategy and policy, while implementation is delegated to Regierungspräsidien, based on cooperation with local authorities and citizens.

Sources :

- Activity reports and documentation by the Regierungspräsidien of Freiburg, Karlsruhe, Tübingen and Stuttgart
- Constitution and Code of Municipalities of Baden-Württemberg
- Jörg Bogumil, Ebinger Falk, "Die große Verwaltungsreform in Baden-Württemberg", 2005

Fragility of intergovernmental cooperation and coordination instruments in Spain

José M. RUANO DE LA FUENTE
Complutense University of Madrid

Out of more than 20 countries in the world that have a federal type structure (although they represent more than 40% of the world's population), Spain is an atypical case due to the characteristics of its decentralisation, based on the political momentum of the demands of peripheral nationalism, and the speed of that process, which has converted Spain, in little time, into one of the most decentralised states in the world at regional level.

Specifically, the lack of definition of a territorial distribution model of power that responds to a unitary or closed federal pattern - that is, opting for an open model that has been constructed on the basis of 'pushes' and demands for greater self-government by the nationalist leaders of the Basque Country and Catalonia (demands that were immediately replicated by the other regions) - has allowed autonomous communities to achieve a level of self-government comparable to federal states, at the price of the lack of a stable, forecastable and comprehensible tool set of coordination between the layers of government.

Therefore, Spain has a pseudo-federal superstructure that has evolved in function of the stability of central governments and at the rhythm of the demands for self-government of the nationalist governments. These governments have managed to negotiate a level of responsibilities above those, in some cases, of the federated states, which as a consequence, reject the closure and standardisation of the model, or any type of mechanism of multilateral coordination, and only feel linked by the arenas of bilateral negotiation with the central government; that is, by government-to-government agreements.

Following the first period of institutionalisation of the autonomous communities, with the creation of their respective governments and parliaments (1979-1983), starting with the PP-PSOE 1992 agreements, all the communities achieved the 'competence ceiling' of Article 149 of the Constitution, and the new system of intergovernmental relations obliged the political centre and the periphery to negotiate permanently. That is, a small number of competences are exclusive to a particular level of government, while the majority of competences are shared. So, the essential point of this decentralised 'cooperative type' model is not simply the transfer or delegation of competences and resources from central to subnational levels, but rather the fact that all levels of government are forced to interact, what requires efficient mechanisms of intergovernmental relations.

It should be noted that, in contrast to other highly decentralised countries, where the Constitution determines the distribution of competences between central government and the federated entities, the open or incomplete character of the Spanish model and the preference for bilateral negotiation between governments has meant that the statutes of the autonomous communities are those that determine the sphere of competences of the regions and, indirectly, the sphere of competences of the state. Regarding the competences recognised in the statute, the regions will be able to, depending on the case, implement specific central government policies, develop legislatively the state legislation and implement a shared policy or be uniquely responsible for the legislation and implementation of their exclusive competences. However, most frequent, as has been said above, is the existence of shared competences between central and regional governments. To the extent to which

the autonomous communities have assumed new competences, the distribution of responsibilities between the state and the communities has been channelled through "the basic legislation of the state", a type of legislation that is not expressly defined in the Constitution and that serves to establish the minimum elements that are of application throughout Spanish territory. The problem consists in defining when those 'minimum' contents in the basic legislation threaten the sphere of regional self-government. What is certain is that the Constitutional Court is responsible for resolving conflicts over competences but in hundreds of verdicts has not been capable of clearly defining the limits of the state in spheres - also reserved for regional action - as important as education, health, economy and environment. That lack of specificity, over the tier of government that is in charge of the competences, has traditionally resulted in a high number of conflictive cases brought before the Constitutional Court.

Therefore, since the 1978 Constitution, we can say that the autonomous communities have consolidated themselves as representative institutions and deliverers of services, but the State of the Autonomies still has problems as an integrated and coherent institutional system. To a great extent, the level of intergovernmental conflict is due to a lack of efficient coordinating mechanisms that are more typical of decentralised states. That is, the State of the Autonomies has progressively federalised itself without having available instruments of coordination typical of federal states. On the other hand, its development has been marked by bilateral negotiations between central and nationalist governments: with the former seeking stability and the latter looking for advantages and differentiating factors. What is clear is that the system as a whole suffers due to a lack of effective cooperation and coordination mechanisms that give sense to public actions in their entirety and coherence to the institutional system.

The link between the national government and the regional ones is the Government Delegate (*Delegado del Gobierno*) which is located at the top of the peripheral administration of the state and represents the national government in the territory of the autonomous community. It is in charge of the coordination of the peripheral administration of the central government with the ministerial departments and with regard to the competences related to intergovernmental relations, it is part of the Mixed Transfer Commissions or the Bilateral Cooperation Commissions what allows it to promote the use of cooperation mechanisms with other local or regional administrations such as collaboration agreements.

Another consultative mechanism of coordination is the 'Presidents' conferences' in which the prime minister and heads of government of the autonomous communities can debate issues of general interest. However, during the period of Spanish democracy the conferences have only been called by successive prime ministers on five occasions and in an irregular way (2004, 2005, 2007, 2009 and 2012), depending on the negotiating will of the head of central government.

> The building of the State of the Autonomies has led to the paradox that the fragility of the coordinating instruments contrasts with the range of competences assumed by the autonomous communities in record time, compared to other federal systems

On the other hand, the 'sectorial conferences', coordinating bodies between national ministers and the equivalent ministers of autonomous communities, began to meet at the end of the 1980s and, although the number of meetings has gradually increased over time, both its functioning and above all its coordinating efficiency are very irregular, according to the administrative sectors, and depend upon the negotiating attitude of the minister who calls and presides over the meetings.

Furthermore, the coordinating capacity of the sectorial conferences is limited by the party colours of the ministers of the autonomous communities. That is, if they belong to the same political wing of central government, they will subordinate themselves to the political directives given that their political boss is the prime minister of the national government. Meanwhile, the nationalist governments, more favourable to the instruments of bilateral negotiation, distrust a coordinating body that puts all the autonomous communities on an equal footing. On the other hand, there are no horizontal sectorial conferences, which are bodies of cooperation between regions without the participation of the central government.

Therefore, despite the fact that the sectorial conferences are the formal instrument of channeling intergovernmental relations, what is certain is that party alignment, nationalist governmental preferences for exclusive negotiations with central government and the lack of faith of the national legislator in not allowing horizontal conferences, seriously call into question their role as efficient coordinating institutions.

One alternative to the excessive state intervention in many regional competences through their framework laws could consist in structuring the Senate as a body of territorial representation, of collaboration and integration of the autonomous communities in the constitutional bodies of the state. However, the superposition of Spanish federal structures on a previously unitary system, which has been a consequence of their permanently open nature, has structured a Senate more like that of the unitary and centralised states. The Senate functions more like a 'review chamber' and not as a space of multilateral dialogue between autonomous communities.

In conclusion, the building of the State of the Autonomies has led to the paradox that the fragility of the coordinating instruments contrasts with the range of competences assumed by the autonomous communities in record time, compared to other federal systems.

Development of regions within public administration

Jana MARASOVA
Lecturer, Faculty of Economics,
Matej Bel University of Banska Bystrica

Maria HOREHAJOVA
Lecturer, Faculty of Economics,
Matej Bel University of Banska Bystrica

Since 1993, the year of the birth of independent Slovakia, the evolution of the territories and the public administration has undergone several changes in its administrative organisation. This evolution was based from the outset on a desire to decentralise state power, which was naturally due to a desire to break with the negative experiences of the centralised system of the former communist regime.

Historical background

In 1990, after the fall of the totalitarian regime, at the beginning of the democratisation process, a first major reform of the public administration consisted of the abolition of regional bodies, on the one hand, and the creation of districts (38) as well as smaller territorial units within districts (121), on the other hand.

From 1996 to 2003, further changes in the territorial and administrative organisation were made, including the creation of 79 districts and eight regions and the establishment of eight regional offices (*Krajský úrad*) as state territorial representatives (STR).

However, these were removed in 2007 and their competences redistributed among district offices (*Okresný úrad*) and some specialised state institutions created at the regional level.

As for the administrative organisation of local authorities, a two-tier system was set up: municipalities (municipalities and cities) and regional councils (VÚC - *vyššie územné celky*). Since then, despite repeated criticisms[1] concerning this territorial division and the efforts of some to redevelop the regions as they were at the time of the first Czechoslovak Republic (1920), the VÚC have remained the same since 2003.

From 2004 to 2012, reorganisation strengthened the efficiency and management quality of the public administration. This has been formalised in particular by fiscal decentralisation concerning the financing of cities and municipalities. Municipal funding, which until now was only a transfer of funds from the state budget, was radically changed in 2005 as local taxes became the main resources of municipal budgets. The organisation of the education system has also undergone considerable revamp, with several competences being transferred from the Ministry to local and regional authorities.

Despite these changes in the public administration, its territorial division, organisation and financing, the European Commission notes that the services provided to citizens remain insufficient in terms of quality and efficiency[2]. That is why the Slovak government launched the same year a major reform, called ESO (*Effective, Reliable and Open Administration*), which should be carried out until 2020.

> In a young democratic context, territorial representations have a history too short to count on real leaders and competent staff

This reform is based on the results of analyses that have shown that:

- Various services of state administration bodies (the 79 district offices) are subordinate to the relevant ministries, their management is vertical, fragmented and isolated;
- There is no adequate system of human resources management in the state administration, which would enable the training of real civil servants upon hiring, their appraisal and adequate remuneration;
- The state administration system does not have enough specialists capable of conducting an objective analysis of operational problems, which leads to a too slow evolution in the implementation of public policies and the provision of public services;
- Public funds are essentially allocated to operating expenses of the state administration; this cost is growing, to the detriment of investment that could improve the supply and quality of public services.

In view of these findings, the objective of the ESO reform is to optimise the structure of the state administration and its operating processes, at national and local level.

As for the improvement of the services offered to citizens and businesses, it should lead to the establishment of one-stop shops, aiming, on the one hand, to increase the quality and efficiency of delivery and, on the other hand, a reduction in the bureaucracy and cost associated with this service. Better transparency and accessibility of services are also expected from ESO.

However, although the reform started five years ago, the establishment of one-stop shops and the development of other planned measures have not been completed. It seems a bit early to evaluate its success or failure right now, but some critics[3] already speak out: ESO would not reduce the cost of public services, the processes of cutting down on red tape or developing electronic services would be too slow and implemented in a questionable manner.

(1) SLOBODA, D. and DOSTAL, O. (2005): Zupny variant. Navrh na zmenu uzemneho clenenia SR. Bratislava: Conservative Institute. Retrieved from: http://www.konzervativizmus.sk/ upload/Zupny_variant_2005/, date accessed 13 November 2014.

(2) EUROPEAN COMMISSION Staff working document, 2014, p. 27-28. Assessment of the 2014 national reform programme and stability programme for Slovakia. Brussels, 2.6.2014 SWD (2014) 426 final, retrieved from: http://ec.europa.eu/europe2020/, date accessed 16 December 2014.

(3) HAMALOVA, M et al. 2014. Teoria, riadenie a organizacia verejnej spravy. Bratislava: Walters Kluwer.

Persistent legislative problems

One of the issues that remains problematic and where the current reform does not provide solutions is the lack of coherence between the action of the territorial representatives of the state (district offices) and that of the representatives of the decentralised local authorities (VÚC at the level of the regions).

This problem is particularly tangible with regard to regional development. Upon the emergence of the VÚC, the legislative framework (2001) defined their role and responsibilities for the economic, social and cultural development of their territories. One of the objectives assigned to VÚC is to reduce regional disparities by identifying and mobilising the human and social capital of the region.

The law requires these regional authorities to carry out planning, investment and entrepreneurship activities in order to create favourable conditions for the development of education, culture, health, sports and tourism systems. VÚC are supposed to co-operate with municipalities, particularly with regard to the programmes of economic and social progress of the territories. Thus, they have become important players in the development of the regions.

However, the 2001 law does not specify the instruments that regional authorities must employ to achieve these objectives. In line with the 2005 tax reform, the main VÚC resource consists, in part, of the income taxes of the citizens of the region and, on the other hand, their power to tax car owners.

VÚC use these resources to finance their 'original competences' (funding for schools, inter-city transport, social affairs, part of the road network, etc.), while other VÚC competences, called 'delegated competences' because they have been assigned to them by the state, continue to be financed by the budgets of the relevant ministries. As for the financing of innovation activities in the regions, which represent the driving force for their development, the above-mentioned law does not refer to them.

In 2008, a new legislative standard for the operation of VÚC and their influence on regional development came into effect, without providing solutions. Even if the objectives of this development were defined therein (to boost employment, economic performance and the competitive capacity of the regions), these remain rather declarative, without definition of an appropriate methodological, institutional and financial framework. Two documents define the role of VÚC in the development of territories: a *Programme for Economic and Social Development* (PHSR) resulting from strategic planning and an Urban Plan. However, while the law specifies the structure and programming phases of the PHSR, it does not provide for monitoring and evaluation of the results achieved. Moreover, it does not specify which actors should participate in the creation of the PHSR, nor which regional policy instruments are necessary for its implementation.

Another problem is that, although it is clear that the development of a region cannot be achieved without the cooperation of regional and municipal authorities, the law does not require these entities to make their development projects compatible. Municipalities are not subordinated to VÚC and, therefore, the coordination power of the latter vis-à-vis municipalities is very limited[4]. Without minimum harmonisation of priorities and perspectives, the effective development of a territory is impossible. However, the law pays no attention to the process of ensuring the compatibility of development projects carried out by these two levels of territorial administration.

The innovation issue

Innovation drives the development of a region, particularly in terms of its economic performance and, consequently, its competitive capabilities. In this, support for innovation and the definition of strategic objectives in this area are becoming increasingly important in regional VUC policies. The necessities of participation and partnership are increasingly emphasized. *The Regional Innovation Strategy* (RIS) focuses on the internal factors of regional development and the innovation capabilities of companies within the region. This attention to innovation should encourage state territorial representatives (STR) and territorial authorities (VÚC) to join forces and cooperate consciously and effectively. However, the reality is more complex because it depends on certain general problems and more or less favourable conditions depending on the region.

Firstly, there is a general problem of coherence between state territorial representatives (STR) and that of the territorial authorities (VÚC). The latter do not have, at their regional level, partners representing the state, since these are at the district level. The state administration in the regions is represented by only a few specialised offices, whose competences are very little in respect of regional development or innovation. To achieve the PHSR, the VÚC develop their innovation strategies on their own, or in collaboration with district offices (STR) but, at the institutional level, the participation of the latter in the RIS is not guaranteed. The fact that the representatives of the VÚC invite STR and other stakeholders (universities, research centres, representatives of the business community) to participate in the development of their RIS depends only on the good will of the individuals responsible for the regional strategies.

Legislative powers are a second obstacle to innovation. The European Union, which pays great attention to the development of the regions and allocates considerable financial resources to this end, has always emphasised the importance of the territorial authorities in terms of innovation. In Slovakia, however, the two laws of 2001 and 2008 do not define the powers of municipalities or VÚC. The situation is paradoxical: the territorial authorities are legally responsible for the economic, social and cultural development of their territories, but in terms of innovation, the driving force behind this development, they do not have adequate competences.

A third point concerns the financing of innovation. Since there is no arrangement to oblige VÚC to finance innovation, budget resources are rarely allocated to this goal. However, a VÚC wishing to contribute to the development of its region cannot but channel financial resources into innovation. The law allows it to finance companies it has founded and whose activity contributes to regional development, through subsidies or repayable financial assistance. In the same way, a VÚC can participate in the financing of activities exercised by municipalities, if these activities contribute to the development of the region. It is also possible for it to give a share of its own revenue to private companies, provided that they also contribute to the progress of its region.

In spite of the legal requirements imposed on the territorial authorities, it is the state (the government and the ministries), the STR (district offices) and other organisations

[4] CERNAKOVA, V. 2012. Moznosti podpory inovacii na regionalnej urovni. Kosice: UPJŠ, Ekonomicke aspekty v uzemnej samosprave II

such as the Slovak Academy of Sciences (SAV) or Agency for Support and Development of Innovation, which have the most important role in innovation. The Research and Innovation Strategy for Smart Specialisation of the Slovak Republic is the key document on this point.

It is an instrument drafted by the Ministry of the Economy and the Ministry of Education, based on the Europe 2020 priorities, whose objective is to promote research and innovation in 2014-2020. In defining the ambitions of the innovative strategy, the need for greater decentralisation in terms of innovation is very clear. The integration and networking of companies and their suppliers is supposed to contribute to the creation of local added value. This principle of decentralisation should be reflected in better cooperation between the STR and the territorial authorities, both during the preparation phase and during the implementation phase of regional innovation strategies. However, practice shows that this cooperation is either insufficient or does not exist at all.

For better coherence of territories and state territorial representatives

There are a number of reasons for this lack of coherence. Some solutions can be considered for the most important ones. In the first place, one of these reasons is the silence of the law regarding the position of the territorial authorities (VÚC) in the development of regions, their competences, their obligations towards different partners, as well as the financing of some of their activities. Clearly defined rules, for example, as regards grants from the state or access to EU funds, strengthen the role of local authorities and would promote their cooperation with STR.

Bottom-up initiatives, those of the territorial authorities themselves, but also those coming from companies or citizens, could lead to pressure on the state to force it to modify the legislative framework to make it favourable to balanced development of the regions.

Furthermore, territorial authorities (VÚC) do not have STR partners at their level, they can only address the district STR when it comes to development. Given the competences of the latter, limited to their administrative units, this undoubtedly complicates cooperation.

But if there are visionary and competent leaders on both sides, considering this cooperation as necessary for the well-being of all citizens, they could develop their exchanges and make them productive; provided that these leaders hold office long enough to implement coherent development strategies, which brings us to the next problem.

The functioning of the state territorial representatives is under strong political influence. At every parliamentary election, the winning political party systematically replaces the STR leaders and the new leaders part with the initiatives of their predecessors, to the detriment of a stable and coherent state policy. This is the sign of a certain immaturity of society in terms of political collaboration. The maturity in question will only come with time and with the development of the experience of a democratic social system.

Finally, the last point to be addressed regarding this problem of coherence between the strategies of the local authorities and those of the STR, concerns the status of civil service in Slovakia. In a young democratic context territorial representations have a history too short to rely on true leaders and competent staff.

Until now, no national system, offering initial and continuing training aimed at developing their careers and, thus, a stable public service, has been put in place.

Territorial reforms: where is Belgium in the picture

Jean-François HUSSON
Centre for Research in Public Action, Integration and Governance,
Catholic University of Louvain and University of Liège

While France is wondering whether to keep small municipalities or to increasingly integrate them in an inter-municipal level - to the point of evoking the disappearance of the municipality - the situation in Belgium is quite different. This article proposes a brief overview of the situation in Belgium, first addressing federal structures before dealing with local authorities and in particular municipalities.

1. Federal structures

While the expression *mille-feuilles* seems to be a label for France, in Belgium it is another dish that we use to refer to the institutional configuration - lasagna given the existence of several levels of power, as summarised in Table 1.

To set priorities: primary expenditure of social security accounts for about 18% of GDP, Communities and Regions - 16%, the federal power (excluding social security) 9% and local authorities 7%, in total, and subject to rounding, a little less than 50% of Gross Domestic Product[1].

> The institutional debates take place in a context where we cannot rule out a new reform of the state after the next federal elections, which could see a new transfer of powers (which ones?) to the federated entities, even transition to confederalism

What developments are in the pipeline?

Remember that the margins of Flemish political world want the Belgian state to disappear. As for federal structures, the situation is asymmetrical and complex. In attempting to schematize, the Flemish Community exercises the powers of the Flemish Region while the French Community, which has been cash-strapped, has transferred many of its original powers to

[1] P. Bisciari et L. Van Meensel, « La réforme de la loi de financement des Communautés et Régions », Revue économique de la Banque nationale de Belgique, June 2012

Tableau 1

LEVEL	NUMBER	MAIN COMPETENCES	TAX POWERS
Federal state	1	Regalian functions Social security	YES
Regions	3 (Walloon, Flemish and Brussels-Capital Regions)	Economic and territorial competences	YES
Communities	3 (Flemish, French and German-speaking communities)	Education and culture	NO

(a) Federal laws as well as regional and community decrees are on the same legal footing (except for the special case of the Brussels-Capital Region ordinances). In case of conflict, it is up to the Constitutional Court to decide.

(b) For the record, Community Commissions also exist on the territory of the Brussels-Capital Region.

the Walloon Region. In turn, the latter has transferred a number of regional powers to the German-speaking Community, responding to a request from the latter which would see itself well in a... fourth region.

On the other hand, several Flemish political parties insist on the disappearance of the Brussels-Capital Region in favour of a territory to be administered by the two Communities. Both on the Walloon side and on the Brussels side, but with varying intensity, there are more and more voices to transfer the French Community into the Walloon and Brussels-Capital Regions.

These institutional debates take place in a context where we cannot rule out a new reform of the state after the next federal elections (June 2019), which could see a new transfer of competences (which ones?) to the federated entities, even the transition to confederalism. On the other hand, some (even in Flanders) argue for re-federalisation (i.e. a return to federal power) of certain powers - notably in terms of airports, energy and mobility - in order to overcome pending issues in these areas stemming from regionalisation.

2. The local authorities

Local authorities are based on two levels of power, the origin of which is old, namely municipalities and provinces. Their action is complemented by institutions dealing with specific competences, most often in a supramunicipal framework, namely police zones, relief zones and inter-municipal companies.

It should also be noted that the territorial organisation is within the responsibility of the regions. These appear in some ways to follow convergent paths, confronted with common problems. In view of the above, public policy instruments and timelines may vary from one federated entity to another.

2.1. Municipalities

If, initially, the role of municipalities was limited to keeping civil status records and maintenance of order and tranquility, it expanded in the 19th century to compulsory education, charity intervention and supervision of mutual societies. At the same time, new municipalities emerged as a result of economic and urban development. In the 20th century, new demands have generated new municipal services (for water supply, gas, electricity, sewerage) while new powers were granted to them (infrastructure, spatial planning, culture, economic development ...).

The number of municipalities changed from 2492 at the time of independence - and after a peak in 1961 - to 2359 in 1975. The following year, in the wake of a large merger of Belgian municipalities (with the exception of the 19 Brussels municipalities), this number was brought down to only 589.

This forced merger, led by the Ministry of the Interior (after consultation), followed incentive schemes (which were largely unsuccessful) and a law on agglomerations, intended for "big cities", but which partially materialised only in the Brussels region.

What about these mergers? While in many cases they have led to economies of scale, the merger itself has been the occasion for a fiscal slippage that has led to the adoption of serious austerity measures at the municipal level at the end of the 1970s and even more so from 1982, in a period of general austerity among the public authorities.

As for the size of municipalities, some are too small but one, Antwerp, is obviously too big. This led to the creation of infra-municipal districts in this last city of more than 500,000 inhabitants, with the election of a council and executive charged with certain municipal competences. After Antwerp, only eight cities have more than 100,000 inhabitants: Ghent and Bruges in Flanders, the City of Brussels, Anderlecht and Schaerbeek in the Brussels region, Charleroi, Liège and Namur in Wallonia.

At the other end of the scale, 230 municipalities have fewer than 10,000 inhabitants and, of these, 69 have under 5,000 or even fewer than 2,500 (including a municipality with fewer than 1,000 - or rather less than 100 - inhabitants). It is the situation of these latter municipalities that has motivated the Flemish Region to encourage mergers of municipalities through a recovery of part of the local debt by the Region. On 1 January 2019, Flanders had 300 municipalities against 308 today. On the Walloon side, the merger of municipalities is on a voluntary basis but there is currently little demand, the smaller municipalities being a majority on the Flemish side. Finally, in the Brussels-Capital Region, the question of the merger is regularly on the agenda but more often than not it is postponed, as the political and sociological balances are sensitive, let alone with a Flemish nationalist party - the NVA - in ambush.

In conclusion, the municipal level is not threatened, as evidenced by the many regional and community policies based on municipal anchoring. Mergers will however continue in Flanders and may occur in Wallonia and the Brussels-Capital Region. On the contrary, more intra-municipal mergers are on the political agenda, by integrating into the municipal structure of the current independent Public Centres of Social Action - being one per municipality - an evolution already underway in Flanders and encouraged by the federal government. Finally, in some cases, the question of supramunicipality remains topical, in particular for small municipalities, most often rural, faced with increasingly complex technical competences.

2.2. Provinces

The 9 provinces, inherited from the French departments, increased to 10 in 1994 with

the split of the Province of Brabant into a Flemish Brabant and a Walloon Brabant, the Brussels-Capital Region being the only portion of the Belgian territory without a provincial structure.

Since the beginning of the 2000s, in view of the added value of this level of questionable power, the Flemish Region dramatically reduced the financial resources granted to it. The disappearance of the provincial structure in Flanders seems imminent.

In the Walloon Region, the provincial powers framework was limited in the early 2000s and regional funding was reduced. The latest regional government agreement (June 2017) refers to the disappearance of the provinces, but the outlines of this reform remain unclear to this day.

In the latter case, a commission of 27 (9 representatives of the Walloon Government, 9 representatives of the Walloon Parliament, 9 representatives of the Walloon municipalities and provinces) was set up in the early 2000s. It examined various forms of supramunicipality, a series of "urban community" having emerged in Hainaut while other more flexible structures appeared in the Liège region. While some have interpreted this as an alternative to provinces in this role of supramunicipal body, others have especially seen the risk of non-transparent structures, without an elected assembly and without external control[2].

If the provinces appear little known in their actions (which differ quite strongly from one province to another) and sometimes even disliked[3], they have also been served by the expensive image or baronnies that certain provincial executives have been able to give at certain periods, sometimes even recently.

Finally, the intervention of the Walloon provinces in education is a strong argument for their retention. As things stand now[4], it would be impossible to transfer the provincial education to the French Community or municipalities, being unable to support the expenses currently borne by provinces[5].

2.3. L'Agglomération bruxelloise

In the Brussels-Capital Region, there is an agglomeration, which is in a way the predecessor of the region and allows it to have powers of public policy that other regions do not have.

The law of 26 July 1971 on federations of municipalities and agglomerations was to apply to the country's major cities, namely Brussels, Antwerp, Ghent, Charleroi and Liège. In short, these federations and agglomerations were transferred municipal powers (firefighting, cleanliness,...) and were assigned a fiscal capacity. These agglomerations were to be managed by bodies elected in direct elections, as was organised in Brussels in 1971. This was implemented in the Brussels region alone, the only one where there was no merger of municipalities[6]. And the agglomeration still exists since it is thanks to it that the Brussels-Capital Region has been endowed with security competences following the 2011 State Reform.

2.4. Specific structures

Beside this, there are specific structures.

There are thus 196 police zones, monomunicipal (covering a single municipality) or multi-municipal (covering several municipalities); it is the local level of integrated two-tier police that was established as a result of the "merging" of all police forces and the Gendarmerie at the turn of the century. At the same time, 32 rescue zones, all multi-municipal, provide firefighting and ambulance services. These two areas are regularly subject to tensions between local authorities and the federal government, the former (especially on the Walloon side) claiming that federal funding is insufficient.

Finally, around 150 multi-municipal public companies and/or with participation of other levels of power (province, region), called intermunicipal, provide a diversified set of services: healthcare, energy distribution, economic development, waste collection, etc. Over the years, the number of these intermunicipalities has been reduced. Depending on the regions and sub-regions, some of these intermunicipalities develop a multi-business approach on a geographical basis while others develop a sectoral approach, sometimes raising questions about the interest of investments abroad or again on governance practices.

3. Concluding remarks

Without prejudging changes in institutions concerning Belgian federal structures, we should note that local authorities in Belgium rely both on a municipal level whose existence is strengthened (including by mergers between municipalities or even between municipal level bodies) and provincial level questioned without a clear alternative (at least in Wallonia). Coupled with the debate on intermunicipal public companies, this is an important issue - particularly on the Walloon side - both in terms of services provided to residents and businesses and in terms of governance.

[2] Provinces are partially subject to the control of the Court of Auditors

[3] *A fortiori* when the territory does not correspond to a sociological reality, like the Province of Hainaut.

[4] Some political entities advocate transferring education to the Walloon and Brussels-Capital Regions, where appropriate by "liquidating " the structure that constitutes the French Community. This solution would be a priori the only one to face this problem of taking care of the costs of the provincial education.

[5] Which *a fortiori* have a tax authority

[6] It should be noted that, formally, this law is still effective in the Code of Local Democracy and Decentralisation of the Walloon Region.

Coherence of territorial public action put to test amid federalism

Christian DE VISSCHER
PPROFESSOR AT THE CATHOLIC UNIVERSITY OF LEUVEN

Belgium has been in the era of federalism since the 1970 constitutional reform, which established two types of federated entities: three communities (French, Flemish and German-speaking) to which cultural, social, educational and language competences were transferred, and three regions (Wallonia, Flanders and Brussels-Capital), which have been given powers in terms of aid for economic expansion, regional planning and environmental protection, public works, regional transport, housing and organisation and supervision over local authorities.

> Amid the country's federalisation regions increasingly appear to be (...) the relevant arena of mobilisation and coordination of territorial public action

There is no hierarchy between the standards set by the federal authorities and those by the regions and municipalities: a regional or municipal decree in matters transferred to these entities is equivalent to federal law. The central government cannot exercise any kind of supervision over regions and municipalities, with the notable exception of limiting the borrowing capacity of the latter. On the other hand, federalisation laws impose, particularly in areas of shared competence, mandatory consultation procedures between different entities. In addition, the Constitutional Court created in 1980 is responsible for settling conflicts of competences that may arise between the standards enacted by the Federal Authority, the regions and the municipalities[1].

At the level of implementation of public action, it is the egalitarian option[2] which prevails, that is to say that each level of power - Federal Authority, region, municipality - enacts policies for which it is responsible or competent. Each authority has its own administrative services: central administration, deconcentrated services and, where appropriate, functionally decentralised public services.

Needless to say, this choice leads to cumbersome political and administrative coordination when several entities are involved in the same policy. This is particularly the case when the separation of powers between the entities is not homogeneous, or when natural (e.g. hydraulic) or technical (telecoms, energy) imperatives require such coordination.

For sure, institutional reform laws have provided mechanisms to organise coordination and prevent conflicts. It is the role of interministerial conferences - bringing together federal, regional or community ministers depending on the subject matter - as a forum for discussion and development of cooperation agreements. On the other hand, at the level of administrative coordination, nothing is institutionalised in the sense that there is no - like the French prefect - agent of the central power charged with coordinating the action of deconcentrated services of the Federal Authority and/or federated entities in the territories. The only exceptions are policing and emergency services for which the provincial governor - appointed by the regional government, on the recommendation of the federal council of ministers - provides a coordination mission[3].

The rise of new entities, seeking to increase their autonomy and build their legitimacy, has inevitably led to a less coherent public policy, or even political blockages on a range of priority issues for economic, social or environmental development of the country. A very unfortunate example is the considerable delay accumulated in the construction of a regional express network RER around Brussels because of the multiple conflicts between the Federal Authority, responsible for rail transport, and the regions competent in planning and economic development of the territories. This is the price to pay, no doubt, to keep peace between the North and the South of the country.

But amid the country's federalisation regions increasingly appear to be - because of the competences attributed to them - the relevant arena of mobilisation and coordination of territorial public action[4].

They use various public policy instruments to coordinate or help design regional projects, whether at the regional or sub-regional level. Thus in Wallonia, the preferred tool on this point is the Regional Spatial Development Scheme (SDER) - now known as the Territorial Development Scheme - which is a kind of contract-plan, originally designed as a land policy tool, and which tends to define a number of objectives for the territorial planning of the region according to the needs of the economic sectors.

Consistency between the Scheme, by nature transversal, with sectoral plans is not always obvious. Thus, the Marshall Plans (1999-2004, 2004-2009, 2010-2014, 2015-...) adopted by the successive Walloon governments laid the foundations for a new industrial policy intended to encourage entrepreneurship and innovation. This policy focuses on business networks and the creation of competitiveness clusters in different sectors of the future, such as aeronautics or biotechnology for example, and not on the promotion of territories[5].

Regions also rely on provinces and municipalities to put in place local projects. Let us recall that, according to the "decentralized" option as defined by Meny[6], local authorities have important competences and resources to develop their own policies, but they also implement a very large part of the policies defined at regional level. These co-management tasks include, for example, the adoption of municipal development plans and the issue of planning permits. This model is built on the cooperation of external services of ministries of the central power (federal, community or regional according to the subject matter) and the local administrations, which come under different elected powers.

Finally, the assertion of the regional factor is accompanied, according to Leloup et al, by a movement of re-territorialisation, that is to say "the emergence of new levels of public action (districts, counties or

> The assertion of the regional factor is accompanied by a movement of re-territorialisation, that is to say the emergence of new levels of public action (districts, countries or agglomerations)

(1) P. Blaise, J. Faniel & C. Istasse C., Introduction à la Belgique fédérale. La Belgique après la sixième réforme de l'Etat, Bruxelles, CRISP, 2014. M. Uyttendaele, Les institutions de la Belgique, Bruxelles, Bruylant, 2014.

(2) Y. Meny, Politique Comparée, Paris, Montchrestien, 1991.

(3) Association des Provinces wallonnes ASBL (en collaboration avec le professeur C. Behrendt), *Etude sur les activités des provinces wallonnes*, Namur, 2012.

(4) D. Aubin et al., « La complexité de l'action publique en Belgique », *in* D. Aubin, F. Leloup, N. Schiffino, *La reconfiguration de l'action publique en Belgique*, Louvain-la-Neuve, L'Harmattan-Academia, 2012, p. 159.

(5) P. Destatte & M. Van Cutsem (dir.), *Quel(s) vision(s) pour le(s) territoire(s) wallons(s) ?*, Namur, Institut Destrée, 2013.

(6) Yves Meny, *op. cit.*

agglomerations). These levels no longer correspond to political entities regulated by elective suffrage; they fit into new spatial forms (for example trans-municipal) or new forms of territorial organisation (rendered by the notion of a living area for example)[6]". Thus, in Wallonia, the development of the SDER at the end of the 1990s was an opportunity for the Walloon government to encourage the development of partnerships at the level of living areas through subsidies. These new forms of supralocal or trans-municipal cooperation do not replace the existing inter-municipal associations, but are different from the latter as long as they are only voluntary groupings around a project or a vision., on the initiative of the municipalities and, where appropriate, of private partners or citizens. These trans-municipal associations are active mainly in the field of spatial planning and use existing legal forms (ASBL).

[7] F. Leloup et al., « La gouvernance territoriale comme nouveau mode de coordination territoriale ? », *Géographie*, économie, société, 2005/4 (Vol. 7), p. 323.

[8] R. Claudot, *Dynamiques des coopérations transcommunales construites par les acteurs locaux des espaces ruraux wallons*, Collection études et documents, série aménagement et urbanisme, 2016, n° 13, Namur, SPW/DG04; F. Leloup, « La transcommunalité à l'épreuve du fédéralisme : une illustration en Région wallonne », *Revue française d'administration publique*, 2017/2 (N° 162), p. 353-368.

Territorial reform in Italy: an unfinished evolution

Giuseppe BETTONI
Professor at the University of Rome « Tor Vergata »

The governance of the Italian territory, as in many other countries, is subject to continuous reform. The Italian institutional system, based on the outcome of the referendum of 2 June 1946 of a republican regime, has for a long time known certain stability. It is centralised like the French system and only provides for the deconcentration of certain administrations, with a prefecture being placed in each department (Provincia). It was not until 1970 that the system of regions was set up, even though it was well enshrined in the 1946 Constitution. In reality, at this time, this was only another level devoid of real powers: Italy was still a centralised republic. A real takeover of the local on the central level began only in 1993 for municipalities and in 1995 for regions. From 1994 until the constitutional reform of 2001, the evolution led to real administrative reforms, which required a modification of the Constitution. This change was introduced by Constitutional Law No 3 of 18 October 2001.

Today, Article 114 of the Constitution sets out the structure of the Italian Republic: "The Republic shall be made up of municipalities, provinces, metropolitan cities, regions and the state. Municipalities, provinces, metropolitan cities and regions are autonomous entities with their own statute, powers and functions, in accordance with the principles set out in the Constitution. Rome shall be the capital of the Republic. Its status is governed by the law of the state."

As we can see, this Article treats on an equal footing all the institutional levels, which the provinces are obviously part of: the state is placed at the same level as the municipality.

This situation is the result of a specific power relationship between the state and local authorities. After the so-called Clean Hands operation launched in 1992 by the investigations of the magistrates' team of the Milan Court, the Italian parliamentarians were perceived as the products of a clientelist system, which had indebted the country without any advantage for the citizen. This negative image gave voters the feeling that they could only trust their local elected representatives, who were more reliable than those at the national level. It is in this context that the 2001 reform gave most of the legislative power to the regions and entrusted this authority with a very large number of powers, some of them in competition with the state, the two levels having the right to determine them.

> The 2001 reform gave birth to a new regional entity, with a role of a main stakeholder, but no clear scope of action with regard to the state

This situation evolved from 2005 to 2012. During this period, it was the turn of several elected Regional Councils (Lazio and Lombardy, in particular, but no region was spared) to be brought to justice for bribes, abuse of public funds, fraud, etc. This period gave rise to the discontent of citizens to fuel social movements, some of which will result in the creation of genuine political parties, such as the Five Star Movement, now the leading Italian political party.

This preamble was necessary to introduce the most important reform in Italy in the field of local government since 2001, a reform that was only half completed.

Indeed, since the 2001 reform, the Provinces have had a lesser part, wedged between the regions (the real winners of this reform) and the municipalities (historically very powerful in Italy). Except for the maintenance of part of the national education establishments, part of the roads and the control of natural hazards, they did not have much left to do. But in the face of social discontent with those accused of forming a caste, that is, elected representatives from all walks of life and all levels, the government of Mr Enrico Letta had to demonstrate to the Italian voters that the government got the message. It was necessary to simplify the "Italian mille-feuilles" perceived henceforth as a pile of "boxes", serving only to offer remuneration to the Italian political caste.

The Delrio Reform

We must return, as a preliminary point, to the so-called Delrio reform, named after Minister Graziano Delrio. This law of 2014 results, as pointed out above, from a growing popular pressure on a political class increasingly considered unfit. To the general surprise, the 2013 national elections saw the victory of a citizen movement that appeared for the first time in national elections: the Five Star Movement. This prompted Letta's government (composed of a coalition from right to left, but without the Five Star Movement) and then that of Mr Renzi to send a signal to their voters. In the face of persistent criticism of the existence of a very expensive and inefficient political caste (Stella & Rizzo, 2007), which had to be done away with, the government decided to propose a reform which would probably require a little more work and planning. The aim was to reduce the costs of the Italian political system by removing one of the institutional levels, which are still available today, according to the

Constitution, five in number. On this point, we must focus on the action taken to achieve this and, above all, on the impact on the metropolitan city

All Italian provinces have been transformed into a second-level institution, that is, they are no longer directly elected by the citizens. The mayors of municipalities which make up a province are members of the Assembly of Mayors, and the Government is composed of the President, elected among the mayors. The members of the Assembly receive no remuneration, even the President who, with his advisers, must ensure the work of the mayor of his municipality and work also for the province. The Province - while virtually deprived of budget - still has to provide public services, starting with the maintenance of school buildings, maintenance of county roads, etc. The Council has a number of councilors proportional to the population of the province: 10 councilors for a population of less than 300,000 inhabitants, 12 for a population of between 300,000 and 700,000 inhabitants, 16 councilors for populations greater than 700,000 inhabitants.

This law defines a different role for *Metropolitan City*. There are fourteen of these, but four have been determined not by the state but by their region (Sardinia and Sicily) because of the "Special Status"[1] of these, which gives them a large autonomy. It is important to emphasise here that the "*metropolitan city*" covers the entire territory of the province, without any regard to the concept of "urban", "city" or "rural".

Un examen de la liste de ces « villes métropolitaines » permet de constater que la dimension et la densité démographique de ces dernières sont très variables. Parmi les 93 Provinces italiennes, 63 ont une population supérieure à celle de la ville métropolitaine de Cagliari (celle qui compte le moins d'habitants parmi les villes métropolitaine) et 51 ont une densité démographique supérieure à la Ville Métropolitaine de Reggio de Calabre (celle qui relève de la densité la plus faible).

The list of these "metropolitan cities" shows that the size and the demographic density of the latter vary a lot. Of the 93 Italian provinces, 63 have a higher population than the metropolitan city of Cagliari (the one with the smallest population among the metropolitan cities) and 51 have a higher population density than the Metropolitan City of Reggio Calabria (the one with the lowest density). Although the label "metropolis" or "metropolitan city" cannot be attributed according to the density or the population, the public entity has chosen a territorial delineation which is not clearly explained. Of the fourteen cities dubbed "metropolitan" by the legislator, only three actually have a metropolitan system: Rome, Milan and Turin. Another one has this system but only for part of its territory: Venice, whose metropolitan system should also have covered the provinces of Padua and Treviso, left outside. In fact, these are three different provinces but part of a highly integrated socio-political system that could have been unified in a single metropolitan city. Other cities also deserved to be included among the "metropolitan cities", such as Brescia and Verona, to name only the most obvious.

This undoubtedly requires political will: to identify "metropolitan" units to decide then on their vocation.

The legislator in pursuit of voters

The legislator has initiated a territorial and social change, without knowing exactly how to do it. This reform presents two major difficulties. First, it should have ended with a change in the Constitutional Law. Secondly, it does not make it possible to define real metropolitan cities, competitive, nor to ensure that the provinces are guided by real strategic plans.

The first problem emerged with the defeat of Matteo Renzi's government in the referendum, which was called to confirm the reform of the Constitution by removing the provinces from Article 114. This referendum on 4 December 2016 should have ratified the proposal of the government; only a constitutional law that can definitively erase the provinces of the institutional landscape. Due to the discontent with the government, this referendum (very complicated since it involved several reforms at the same time) became a referendum against Mr Renzi's cabinet.

At the institutional level, the provinces thus persist while they lack their own funding, direct representation and are managed by mayors - immediate ambassadors of the interests of their municipality, but very poorly motivated since they receive no remuneration and have even less political legitimacy.

This totally unforeseen scenario led to a very sensitive situation. In 2001, the reform did not fully empower the regions, leaving in many areas a power of intervention to the state. In the same way, the provinces have not disappeared from the landscape, which could have justified the establishment of other intermunicipalities, without however entrusting to them real means of actions.

The 2001 reform gave birth to a new regional entity, with a leading role, but without a clearly defined framework for action with regard to the state. At the time, the balance of powers between local actors and the state was confusing and in this context, the establishment of competing competences (a solution used by the German Constitution, but in a much narrower and clearly defined framework) was deemed relevant. But this competition established between the state and the region sometimes tends to delay significantly the public action on the territory.

In the same way, what happened to provinces is the result of a political response under pressure from the media and the timing. The province has not disappeared and no one speaks of erasing the intermediate level between municipalities and regions. The citizens' request was to simplify the institutional system, hoping to reduce costs. But the result is marginal since the sum saved does not exceed EUR 200 million for the whole country, while the services of the provinces still remain important today and are offered, but with great difficulty.

If the level of the province is considered important for the performance of public service missions, it seems necessary to maintain a direct representation mechanism for the designation of provincial authorities. The delegation of mayors to manage them has profoundly changed the strategies. Not only the mayor designated as a "president" of the province will only marginally focus on the mission of the latter, but in addition, the other mayors will see it only as a place to defend the interests of their municipalities. This is true for small provinces, which do not have large cities, as much as for "metropolitan cities" where, despite the importance of the central city, mayors still remain fundamentally attached to their municipality and disregard the provincial level.

[1] Article 116 of the Italian Constitution of 1948 provides for the possibility of a special status for an Italian region. This special status is today attributed to five regions: Sicily, Sardinia, Trentino-Alto Adige, Friuli-Veneto, Valle d'Aosta. This status ensures exclusive legislative powers and turns out to be the equivalent of a constitutional law, while the other regions' statuses are governed by a regional law.

Territorial reform in the Grand Duchy of Luxembourg

Franz CLEMENT
PhD in sociology (Luxembourg Institute of Socio-Economic Research – LISER)

The Grand Duchy of Luxembourg is the smallest state in the European Union after Malta. The size of its territory, representing 2,586 km², means that it does not have sizeable structures like larger European states. Two levels of structures are available: municipalities and cantons. This organisation, in principle quite simple, has, however, been modified for some time. In fact, until 2015 another level of territorial arrangement was part of the picture: i.e. districts. They have disappeared ever since. Municipalities have been undergoing mergers for several years now. We will therefore try to trace these developments and see how deconcentration activities can be affected in this country.

Luxembourg is a unitary state decentralised at the municipal level under the terms of the 1868 Constitution[1]. The country is currently divided into 12 cantons[2] and 105 municipalities. The cantons exist only for purely administrative and territorial purposes; in no way do they form a decentralised level of government. Lacking competences, the canton represents a level of the state administration. By contrast municipalities have existed since the French Revolution.

As noted above, districts lasted until 2015. Originally, they were 3 (Luxembourg, Diekirch and Grevenmacher) and constituted the largest territorial subdivision of the country. Seen as obsolete, districts were abolished, making cantons the largest territorial entities in the country. The district's competences were transferred to the state to streamline administration.

Each district was administered by a district commissioner, appointed by the Grand Duke. District commissioners supervised the management of municipal administrations, associations of municipalities and public institutions under municipal supervision. The competence of district commissioners extended to all towns and municipalities within their jurisdiction, with the exception of the city of Luxembourg, which remained under the direct authority of the Minister of the Interior, except in cases provided for by special law. District commissioners exercised a form of supervision over municipalities, but also issued fishing and hunting permits. Each district was divided into three to five cantons.

> The territorial organisation of Luxembourg has for some time undergone some changes. Districts were removed in 2015. Meanwhile, municipalities have gone through major mergers for several years

This situation does not necessarily rule out any deconcentration within the Grand Duchy. The state deploys some of its services in the form of zones across the country. Without being able to quote everything, let us give here only two examples. Thus, the first concerns the Agency for Employment Development (ADEM) which is structured on a territorial basis. It has six regional offices in Esch-sur-Alzette, Diekirch, Wasserbillig, Differdange, Dudelange and Wiltz.

The mission of ADEM is to promote the optimal use of the work potential, to recruit workers abroad, to pay full unemployment benefits, to provide young people with vocational guidance, to carry out retraining, to ensure the professional integration of persons with disabilities and to ensure outplacement of workers with reduced work capacity[3].

This is also the case for the National Roads Administration, which has eleven regional services across the country: Capellen, Clervaux, Diekirch/Vianden, Echternach, Esch-sur-Alzette, Grevenmacher, Luxembourg, Mersch, Redange, Remich, Wiltz[4]. This administration is in charge, within the limits fixed by the laws and regulations, of civil engineering on behalf of the state, but also of the municipalities.

The National Roads Administration has the following responsibilities:
- on behalf of the state:
  - construction, maintenance and modernisation of the major road network;
  - traffic management on highways and safety control in tunnels;
  - construction, development and maintenance of the road network of the state and its dependencies;
  - road permits and policing of the state roads;
  - monitoring and maintenance of hydroelectric facilities of Haute-Sûre and Basse-Sûre as well as dams and locks of the navigable channel;
  - setting up and maintenance of public lighting of the state road network;
  - constructive maintenance and operation of the navigable channel and the banks of the canalised Moselle and the port of Mertert;
  - construction and maintenance of certain infrastructure at Luxembourg airport.
- on behalf of municipalities, within the limits indicated above:
  - project implementation and supervision of works on the municipal road network and its dependencies.
- on behalf of the state and on behalf of municipalities:
  - analysis and testing of building materials;
  - geology works and applied geology.

Despite these instances of deconcentration, it is clear that the country has two types of public service: at the level of the state and at the level of municipalities. The right to local self-government is enshrined in the Constitution, municipalities having the status of legal persons empowered to manage their own resources, heritage and interests. Although municipalities have general competences in all areas of municipal interest, these powers are purely administrative in nature. The municipal competences are divided between compulsory and optional missions.

(1) http://www.wikiterritorial.cnfpt.fr/xwiki/wiki/econnaissances/view/Notions-Cles/IntercommunalitepresentationsynthetiquedelorganisationterritorialeduLuxembourg, 23 February 2017.

(2) Capellen, Clervaux, Diekirch, Echternach, Esch-sur-Alzette, Grevenmacher, Luxembourg, Mersch Rédange, Remich, Vianden and Wiltz.

(3) http://www.adem.public.lu/fr/demandeurs-demploi/sinscrire-a-ladem/index.html, 13 March 2017.

(4) http://www.pch.public.lu/fr/organigramme/liste-contact/index.html, 13 March 2017.

The bourgmestres[5] represent both the state and their municipality. This indicates that the representation of the state is performed at the basic institutional level that is the municipality. Hence the importance given to this level of power.

The municipal territorial reorganisation of the country actually started in August 2004 as part of the Government Declaration[6] whereby the new Government then in power pledged to take the necessary steps to provide the country with a public service and territorial structures to face "the challenges of the 21st century". It planned to reduce the number of municipalities to only 71 in 2017.

In the spring of 2005, an integrative blueprint for a territorial and administrative reform of the Grand Duchy of Luxembourg was elaborated[7], presented by the Minister of the Interior and Territorial Planning. The document referred to a critical mass of some 3,000 inhabitants needed for municipalities to be able, in the medium term, to offer to their inhabitants an adequate basic service.

On 3 July 2008, a policy debate took place on the territorial reorganisation of Luxembourg in the Chamber of Deputies, confirming the need to carry out a sustained awareness-raising campaign in favour of a movement towards strong and autonomous municipalities.

What was the point in merging municipalities? Some excerpts from the integrative blueprint provide us with an answer: "Every municipality, of any size, has to face a certain number of essential operating costs (municipal buildings, municipal staff), which, for small local units, represents a significant burden for the municipal budget, while their weight is less important in the budget of a large municipality. Some of the basic services have a standard cost that weighs heavily in the modest economy of a small town, even though this cost is minimised. The administrative services needed to provide public services can be organised more efficiently when the size of the municipality increases."

At the level of the Grand Duchy, without going into details, we can distinguish three levels of municipalities which are characterised by a more or less wide range of services offered on the municipal territory. The missions that municipalities of a certain level will have to be able to assume in their own right are functionally related to their resources in terms of personnel, finances and critical mass of administrators.

Among the three levels of municipalities, the basic level is the most important one since it concerns both the majority of municipalities of the country and includes the obligatory missions essential to the realization of an effective municipal autonomy.

It is this basic level that is targeted by the merger of small municipalities. The integrative blueprint for territorial and administrative reform describes this basic level as follows: "This level encompasses mandatory municipal missions related to land and population management, including pre-school and primary education and early childhood education and extracurricular care..."[8]

> Deconcentration of state services is not at stake, rather it is municipal reorganisation."

An analysis of the composition of personnel and services offered at the time in the 118 municipalities of Luxembourg showed that municipalities of at least 3,000 inhabitants could be considered viable. In these municipalities the municipal staff consisted, besides the compulsory secretary and treasurer, of additional administrative staff and the administrative service was often equipped with a population office, for example. It is also in this type of municipality that one found a technical service headed by a technical engineer, whereas in the smallest municipalities often there are only artisans and workers. Mainly municipalities of this size were able to organise their school infrastructure on their own without neglecting their commitments in the organisation and maintenance of transport (water supply, sewerage) and traffic (road) infrastructure.

The threshold of 3,000 inhabitants has also been identified by empirical studies and comparisons with similar areas in Europe. It should be noted that at the time, according to a source from the Central Statistical and Economic Studies Service STATEC dated January 2005, 66 of the country's 118 municipalities had under 2,000 inhabitants, 80 had under 3,000 and 86 under 3,500. The majority of municipalities in the country thus were of a demographic size undeniably below such a critical threshold. It should be noted that there are even 26 that had under 1,000 inhabitants, which was simply unsustainable in the light of a correct interpretation of municipal autonomy.

This flagrant lack of critical mass of a large part of the Luxembourg municipalities required territorial and administrative reorganisation measures to give the territories concerned an operational structure as a basic autonomous administrative and democratic unit. It may be concluded in view of the foregoing that in practice a more rational and more efficient administration of the new 'basic level' municipality would be possible, presenting undeniable advantages both from the point of view of organisation and from the point of view of financing:

- a single municipal administration gathering all the necessary premises for good day-to-day management of the municipality, such as optimising the operation of meeting rooms, offices, technical workshops;
- an administrative service bringing together the administrative staff of former municipalities and allowing a rational and better structured organisation of services (municipal secretariat, population, civil status office,...) and facilitating the replacement of the secretary[9] in case of impediment;
- a financial service in charge of all missions relating to the finances of the municipality and the municipal revenue and facilitating the replacement of the municipal treasurer in case of impediment;
- an appropriate technical service, adequately equipped with personnel and equipment to perform a job that meets the current requirements and able to face the challenges, particularly of municipal planning in the context of sustainable development.

[5] The function of the bourgmestre corresponds to that of mayor in France.

[6] https://www.gouvernement.lu/793944/04declaration, 23 February 2017.

[7] Integrative blueprint for territorial and administrative reform of the Grand Duchy of Luxembourg, Ministry of the Interior and Territorial Planning, Luxembourg, 29 April 2005.

[8] Territorial reorganisation of Luxembourg - Draft of the new cartography of the municipal landscape, Ministry of the Interior and Regional Planning, Luxembourg, January 2009.

The mergers of municipalities is carried out exclusively on a voluntary basis by the municipal authorities of the municipalities concerned. For each merger it is necessary to vote a specific law. Thank to this procedure, each merger can be tailor-made, taking into account the specificities of the merging municipalities.

Before entering into the legislative procedure of a bill on the merger of two or more municipalities, the municipal councils concerned must take the initiative to organise in their respective municipalities a referendum on the proposed merger, according to the procedure defined by Article 35 of the Municipal Act[10] in respect of the organisation of local referenda.

With regard to the content of a law governing the merger of municipalities, several elements are to be taken into account, in particular that municipal staff and trade union staff likely to lose their jobs in the merger (for example school unions) must to be hired at their remuneration, acquired rights and advantages by the new municipality.

The municipal by-laws of each former municipality remain in force for the original territory until they are replaced by regulations valid across the territory of the new municipality.

The new municipality succeeds to the property, rights, burdens and obligations of the former municipalities and, as the case may be, of the union or unions which will disappear in the merger.

Social offices[11] are merged, the election and installation of the members of the social office of the new municipality will take place within 6 months after the entry into force of the merger.

When the municipalities that propose to merge are not located in the same canton, the same district, the same constituency, the same judicial district, then the law will determine to which canton, district, constituency and judicial district the new entity will belong.

The law can increase the number of members of the municipal college for a transitional period, for example until the municipal elections of 2017[12]. Afterwards, the status quo will be restored in accordance with the electoral law. The law can also increase the number of communal council members by two for a transitional period, for example until the elections of 2017. Afterwards, the status quo will be restored in accordance with the electoral law.

As the new municipality will have only a secretary and a treasurer, it is advisable to agree before the merger on the allocation of these positions. With regard to the treasurer, the law does not permit the sharing of this post between two or more persons. It is then necessary, either to arrange amicably with the potential holders, or to provide that the municipal council of the amalgamated municipality chooses by vote the treasurer of the new municipality among the treasurers of the former municipalities.

The treasurer(s) of the former municipalities not appointed will keep all their advantages and prospects, but they may have other attributions corresponding to their career level in the amalgamated municipality.

With regard to the function of municipal secretary, the procedure may follow that for the treasurer, that is to say either to find an amicable arrangement, or to select the municipal secretary by a vote of the municipal council of the amalgamated municipality.

With regard to the territorial boundaries of a merged municipality, some specificities may be provided, for example the attachment of one or more localities to another municipality, for topographic reasons in particular; the attachment of different lands to another municipality, for reasons of ease of access in particular.

We can thus see that in Luxembourg, the real stake does not really concern the deconcentration of services of the state, but rather municipal reorganisation.

[9] Each municipality must have a municipal secretary and a municipal treasurer.

[10] Municipal Act of 13 December 1988, Memorial A No 64, 13 December 1988.

[11] The social office is a public institution set up by the law of 18 December 2009. It provides social welfare services to individuals and their families who live in the territory of the municipality or municipalities where it carries out its mission.

[12] The municipal elections were held on Sunday, 8 October 2017.

BAROMÈTRE DES RÉFORMES INSTITUTIONNELLES LOCALES EN EUROPE

Le CNFPT et l'Association Internationale des Ecoles et Instituts d'Administration (AIEIA) ont élaboré un baromètre des réformes institutionnelles locales en Europe avec notamment l'appui du Conseil des Communes et Régions d'Europe (CCRE) et du Conseil de l'Europe.

Quels sont les principaux paramètres de l'organisation horizontale et verticale des niveaux d'administration locale dans les pays de la grande Europe ?

Cette étude fait un état des lieux des niveaux et strates de collectivités en Europe ainsi que des évolutions et réformes de « simplification » conséquentes réalisées depuis la crise financière de 2008. Elle permet ainsi de fournir des points de repère et d'avoir les idées claires sur les réformes territoriales qui ont eu cours en Europe dans les 10 dernières années.

Découvrir cette étude
www.barometre-reformes.eu

le cnfpt

QUAND LES TALENTS GRANDISSENT, LES COLLECTIVITÉS PROGRESSENT

Presentation of the research group PoliTIS - Complutense University of Madrid

The Research Group on Policy Design: Transfer and Innovation (PoliTIS) is a research space in which different researchers pool their experience in the design and implementation of public policies, with the aim of developing useful knowledge for decision-makers and public bodies.

The group's objectives are diverse:

- Develop the theoretical framework for public policy analysis, including the integration of applied approaches to address transfer processes.

•- Contribute to a rigorous reflection on how to improve the modelling of actions, processes and practices in which governments and their organisations are the key actors, within the specific public policy framework.

- Analyze the difficulties of designing and implementing public actions that address complex and diverse public problems.

With regard to these objectives, the group's researchers are working on specific themes such as:

- Urban policies, with the central concern of supporting local governments on issues related to urban governance. In this sense, research focuses on institutional design, participatory processes or the effects of certain social phenomena in the city, such as tourism or the emergence of new urban cultures.

- Design of new institutional mechanisms for the co-production of public policies, through the creation of hybrid spaces favouring open innovation and collaborative governance processes between actors, in environments marked by dialogue and listening, the use of collective intelligence and the enhancement of common goods.

- Analysis of the actors and their approaches in the construction of discourse and programs, with the aim of facilitating communication between the actors involved.

- Public opinion and public policy: design of policy evaluation tools through studies on public opinion, political argumentation and institutional communication.

- Intergovernmental relations and mechanisms for cooperation and coordination between the different levels of government.

- Transfer of knowledge in the design and implementation of development policies, search for innovative solutions to build capacity, improve the quality of policies and build alliances for development policies.

En savoir +
www.ucm.es/politis

PoliTIS
Diseño de políticas: transferencia e innovación social

UNIVERSIDAD COMPLUTENSE MADRID

José M. Ruano, President of the Scientific Council of EUROPA and Co-Director of PoliTIS, with colleagues from his research group

Hyperloop Limoges est une association loi 1901 créée en décembre 2017. Elle s'inscrit dans une ambition de désenclavement de la ville de Limoges et du territoire de la Haute-Vienne.
Ses objectifs sont de favoriser l'implantation d'une entreprise qui développent la technologie Hyperloop sur notre territoire ; de créer un écosystème dynamique entre l'Université de Limoges pour la recherche et développement et les acteurs qui développent la technologie Hyperloop pour la création d'emplois ; de promouvoir Limoges et son territoire partout dans le monde à travers ce projet ; positionner Limoges et la Haute-Vienne sur un futur tracé de ligne Hyperloop.

Hyperloop Limoges est à l'origine de l'intérêt que porte la société Transpod pour la création de son futur centre d'essai de Droux, dans le nord de la Haute-Vienne.

Début 2019 a été marqué par une nouvelle étape du projet. Après avoir obtenu le Permis de Construire fin novembre, le mois de janvier a été l'occasion d'annonces de partenariats importants.

C'est à l'ambassade du Canada à Paris, à l'invitation et en présence d'Isabelle Hudon, Ambassadrice du Canada en France, qu'a eu lieu la signature des premiers accords industriels entre Transpod et ses trois premiers partenaires : EDF, Arcelor-Mital et La Sade. A cette occasion les représentants d'Hyperloop Limoges ont exprimé leur volonté d'aller plus loin et de fédérer les groupes et associations locales soutenant des projets de développement de lignes Hyperloop. Un projet d'une grande association Hyperloop France a d'ailleurs été annoncé.

Dans les prochains mois d'autres partenariats devraient voir le jour, ainsi que le début des travaux du centre expérimental. Un Appel à Manifestation d'Intérêt a été lancé en ce sens afin que les entreprises locales puissent avoir l'opportunité d'accéder à ce nouveau marché.

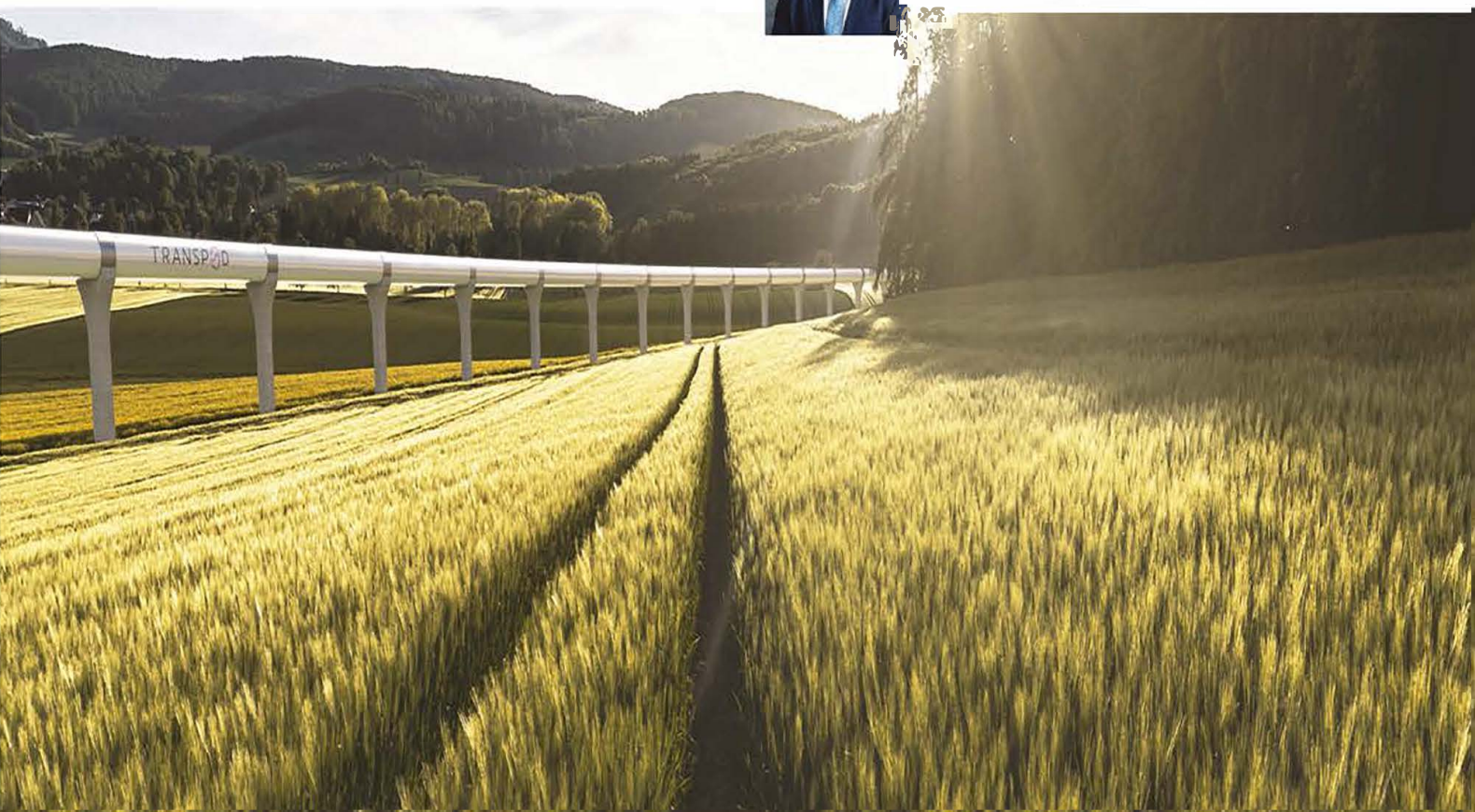
Ces derniers jours, le projet Hyperloop a connu une accélération : Transpod a annoncé un premier calendrier pour le centre d'essai de Droux. Le site serait raccordé au réseau électrique au mois d'avril par Enedis. La voie verte quant à elle sera défrichée. Puis au mois de mai, aura lieu la réalisation de l'étude de sol, ce qui permettra ensuite la construction du bâtiment du centre technique. Pour l'ensemble de ces phases du chantier, les appels d'offres sont d'ores et déjà en cours d'élaboration.

Les tubes, quant à eux, devraient arriver prochainement. Conçus par la Sade, société partenaire de Transpod et spécialiste dans les réseaux, les premiers mètres seront réalisés et livrés d'ici la fin de l'été par Arcelor-Mittal, partenaire également de TransPod, qui réalisera l'installation et les soudure. L'alliage qui les composera est en cours d'élaboration.

Au-delà du centre d'essai, c'est aussi une possible ligne Paris-Orléans-Châteauroux-Limoges-Toulouse qui retient l'intérêt. Châteauroux Métropole est désormais intéressée et souhaite adhérer à l'association Hyperloop Limoges, motrice dans ce projet depuis son tout début.
Des rencontres ont également eu lieu avec la Communauté Urbaine Limoges Métropole afin de commencer à envisager le financement d'une étude de faisabilité et d'impact économique. Différents autres partenaires comme Orléans, la Région Ile-de-France et Aéroport de Paris pourraient y participer, le portage de cette étude devant être assuré par l'association Hyperloop Limoges.

Pour adhérer ou soutenir HYPERLOOP LIMOGES, rendez-vous sur le web : https://www.helloasso.com/associations/hyperloop-limoges

Vincent Léonie,
Président de Hyperloop Limoges



ISSN en cours

HYPERLOOP LIMOGES

Hyperloop Limoges est une association loi 1901 créée en décembre 2017. Elle s'inscrit dans une ambition de désenclavement de la ville de Limoges et du territoire de la Haute-Vienne.
Ses objectifs sont de favoriser l'implantation d'une entreprise qui développent la technologie Hyperloop sur notre territoire ; de créer un écosystème dynamique entre l'Université de Limoges pour la recherche et développement et les acteurs qui développent la technologie Hyperloop pour la création d'emplois ; de promouvoir Limoges et son territoire partout dans le monde à travers ce projet ; positionner Limoges et la Haute-Vienne sur un futur tracé de ligne Hyperloop.

Hyperloop Limoges est à l'origine de l'intérêt que porte la société Transpod pour la création de son futur centre d'essai de Droux, dans le nord de la Haute-Vienne.

Début 2019 a été marqué par une nouvelle étape du projet. Après avoir obtenu le Permis de Construire fin novembre, le mois de janvier a été l'occasion d'annonces de partenariats importants.

C'est à l'ambassade du Canada à Paris, à l'invitation et en présence d'Isabelle Hudon, Ambassadrice du Canada en France, qu'a eu lieu la signature des premiers accords industriels entre Transpod et ses trois premiers partenaires : EDF, Arcellor-Mital et La Sade. A cette occasion les représentants d'Hyperloop Limoges ont exprimé leur volonté d'aller plus loin et de fédérer les groupes et associations locales soutenant des projets de développement de lignes Hyperloop. Un projet d'une grande association Hyperloop France a d'ailleurs été annoncé.

Dans les prochains mois d'autres partenariats devraient voir le jour, ainsi que le début des travaux du centre expérimental. Un Appel à Manifestation d'Intérêt a été lancé en ce sens afin que les entreprises locales puissent avoir l'opportunité d'accéder à ce nouveau marché.

Ces derniers jours, le projet Hyperloop a connu une accélération : Transpod a annoncé un premier calendrier pour le centre d'essai de Droux. Le site serait raccordé au réseau électrique au mois d'avril par Enedis. La voie verte quant à elle sera défrichée. Puis au mois de mai, aura lieu la réalisation de l'étude de sol, ce qui permettra ensuite la construction du bâtiment du centre technique. Pour l'ensemble de ces phases du chantier, les appels d'offres sont d'ores et déjà en cours d'élaboration.

Les tubes, quant à eux, devraient arriver prochainement. Conçus par la Sade, société partenaire de Transpod et spécialiste dans les réseaux, les premiers mètres seront réalisés et livrés d'ici la fin de l'été par Arcelor-Mittal, partenaire également de TransPod, qui réalisera l'installation et les soudure. L'alliage qui les composera est en cours d'élaboration.

Au-delà du centre d'essai, c'est aussi une possible ligne Paris-Orléans-Châteauroux-Limoges-Toulouse qui retient l'intérêt.
Châteauroux Métropole est désormais intéressée et souhaite adhérer à l'association Hyperloop Limoges, motrice dans ce projet depuis son tout début.
Des rencontres ont également eu lieu avec la Communauté Urbaine Limoges Métropole afin de commencer à envisager le financement d'une étude de faisabilité et d'impact économique.
Différents autres partenaires comme Orléans, la Région Ile-de-France et Aéroport de Paris pourraient y participer, le portage de cette étude devant être assuré par l'association Hyperloop Limoges.

Pour adhérer ou soutenir HYPERLOOP LIMOGES, rendez-vous sur le web : https://www.helloasso.com/associations/hyperloop-limoges

Vincent Léonie,
Président de Hyperloop Limoges