

REPORT ON

**SAFEGUARDING MUNICIPAL INTERESTS IN
RELATION TO NATIONAL DECISION MAKING
PROCESSES:**

**POLAND'S JOINT COMMISSION FOR INTERGOVERNMENTAL
CONSULTATIONS**

AND

**COMPARISON OF POLAND, SWEDEN AND TURKEY WITH
RESPECT TO CEMR CODE OF GOOD PRACTICE**

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**TUSELOG:
TURKISH-SWEDISH PARTNERSHIP FOR LOCAL GOVERNANCE
PROGRAMME**

The Tuselog Programme – Turkish–Swedish Partnership for Local Governance – is a four year programme of cooperation between the Union of Municipalities of Turkey, UMT, and the Swedish Association of Local Authorities and Regions, SALAR.

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SKL International, a consultancy affiliated to SALAR, is responsible for the implementation of the Tuselog programme.

Important Note: *This document has sections which are identified with different colours. Please use colour-printing while printing this document.*

ABBREVIATIONS

UMT: Union of Municipalities of Turkey

SALAR: Swedish Association of Local Authorities and Regions

TUSELOG: Turkish – Swedish Partnership for Local Governance Programme

SIDA: Swedish International Development Cooperation Agency

CEMR: Council of European Municipalities and Regions

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INTRODUCTION

The Union of Municipalities of Turkey (UMT) is cooperating with the Swedish Association of Local Authorities and Regions (SALAR) within the Turkish – Swedish Partnership for Local Governance Programme (Tuselog), financed by the Swedish International Development Cooperation Agency (SIDA). The SALAR subsidiary SKL International is responsible for programme management. The overall objective of the programme is to contribute to enhance local governance in Turkey by strengthened capacity of the Union of Municipalities of Turkey, and improved Municipal Capacity to provide services in the areas of civic participation, gender mainstreaming, organizational development, service delivery and planning and partnership themes.

The programme includes five components:

1. Strengthening of the institutional and organizational capacity of UMT
2. Enhancing UMT capacity to promote and safeguard municipal interests in relation to national decision making processes
3. Strengthening UMT capacity to address EU integration preparations
4. Municipal partnerships
5. Strengthening of the capacity in (selected) Turkish Municipalities in the areas of civic participation, gender mainstreaming, organizational development, service delivery and planning

Within the second component, a Turkish delegation composed of UMT and central government officials studied the Polish experience of intergovernmental consultations, especially the Joint Commission of Central Government and Local/Regional Governments (hereinafter referred to as the Joint Commission) on 25-29 March 2012.

Observations and learnings from this study as well as a comparison to how intergovernmental consultations are done in Sweden and Turkey, and comparison of these practices with Council of European Municipalities and Regions' (CEMR) Code of Good Practice in Consultation are rendered in this report.

In the framework of Tuselog Programme, the Turkish delegation visited Warsaw between 25-29 March 2012 to study the Polish local self-government system, and in particular the seemingly unique Joint Commission, which functions as the major formal institution for consultations between the central government and the local and regional self- governments. It can be said that, the conventional bilateral cooperation was extended to a trilateral cooperation between associations of local governments of Turkey, Sweden and Poland.

The Turkish delegation was led by the Secretary General of UMT and consisted of relevant officials from the central government as well as specialists and functionaries of UMT. The participants from the central government were from offices that are particularly influential in the primary and secondary legislation preparation procedures as well as fiscal determinations that affect municipalities: Departments from the Ministry of Interior, Laws and Regulations Department in the Prime Minister's Office, Treasury and Controllers/Inspectors who exercise the administrative tutelage on local administration were invited to form the delegation on the central government side.

The program in Warsaw was focused on intergovernmental consultations. Following a brief introduction into the Polish Administrative System and in particular into the local and regional government system, intergovernmental relations were explained from the central

government's point of view. The central government perspective continued with the explanation of financing the local governments by Ministry of Finance. A further point of discussion was Poland's policymaking process for regional development, which encompasses the EU level (cohesion policy), national level and regional and local level. The program continued with the point of view of the local and regional governments on intergovernmental relations. The Turkish delegation was also given the chance to observe the talks and discussion among the members of the commission on the local/regional government side (forming their position, opinion, for several government proposals, eg. on the salary of the teachers). The final and paramount event the delegation was allowed to observe was the actual meeting of the Joint Commission. There, parties (national government and local regional governments) try to convince the other and come to a mutually acceptable point.

EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT

CEMR gives the number of "over 60%" for administrative and political decisions in European countries that have a direct impact on local governments, and "70%–80% of public investments"¹ in Europe are made by local and regional authorities. These figures only show the weight of local authorities in the public sector. Local authorities being the major service providers and the closest instance to the citizens, their need to take part in decision making processes and their ability to self-govern become more important. A major part of self-government is the ability to represent and defend the needs and interests of local administrations in the national legislation and decision-making processes.

The European Charter of Local Self-Government provides the basis and joint background for intergovernmental consultations. Relevant articles are 4.6, 5 and 9.6.:

4.6. Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

5. Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

9.6. Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.

Turkey and Sweden signed the charter in 1988, and Poland in 1993. Sweden and Poland are fully committed to implement it whereas Turkey has put several reservations. However under current national conditions, reservations on intergovernmental consultation are no more necessary for Turkey.

STATE OF TURKEY WITH RESPECT TO INTERGOVERNMENTAL CONSULTATIONS

Turkey signed the agreement of 15 October 1985 on 21 November 1988 and ratified it on 9 December 1992, putting the agreement into effect from 1 April 1993. Even though Turkey

¹ CEMR, Local and Regional Government in Europe

was the first to sign the European Charter of Local Self-Government among the three countries of interest (Sweden 4 October 1988, Poland 19 February 1993), she put several reservations on articles including 4.6 and 9.6. Turkey makes almost no commitment with regard to consulting the local level in matters that concern them. Furthermore, with 7 more reservations on other subjects, makes a limited commitment for developing the local self-government. However, there have been considerable changes since then. A public administration reform was initiated, laws on municipalities were changed (Laws on metropolitan municipalities in 2004, municipalities in 2005, provincial administrations in 2005, and various changes to the laws until today) and the candidacy to European Union was realized.

The Union of Municipalities of Turkey supports the position that the reservations have no more validity since changes in Turkey's national system and readjustments in legislation brought the country to a state that she anyhow complies with the provisions of the European charter on intergovernmental consultations.

The arguments in particular are:

To 4.6. (consult local authorities in decision making in matters that concern local authorities directly);

The Law on Unions of Local Authorities (no. 5355) regulates establishment of national unions in the article 20. There it states that unions at national level may be established for (...) representing municipalities in the preparation process of legislation that concerns municipalities.

Prime Minister's decree regulating the legislation preparation for the ministries and central public authorities (Mevzuat Hazırlama Usul ve Esasları Hakkında Yönetmelik) states that the local authorities (...) can be consulted.

Thus the Turkish legislation enabled a consultation procedure between local authorities and the central government, and the reservation on this issue can be pulled back.

To 9.6. (redistribution of resources);

The law regulating redistribution of funds to local authorities (no. 5779) does not indicate ways of use of those funds; thus it is solely under the jurisdiction of respective local authority how the fund is to be used. Therefore Turkey's reservation on European Charter is not necessary anymore.

Yet improvements can be made in the way that competence and responsibility are matched with the financial resources. Current system of redistribution is mainly based on the criteria of population size and development index from 2004. A correspondence to the competences does not exist.

POLISH LOCAL ADMINISTRATION – AN OVERVIEW²

DECENTRALIZATION AND STRUCTURE OF LOCAL SELF-GOVERNMENT IN POLAND (GMINA, POWIAT, VOIVODESHIP)

In Polish, local authorities are referred to as self-government. The word government is “rzad” in Polish; and local government “samorząd” (samo-rząd) meaning self-government. This is not without reason. Polish local and regional authorities did not exist during the communist era. Only representatives of the party in the localities were in place under the name of ‘local committees’. A highly centralized and strictly hierarchical state was filling the administration scene. Later, in the 1980’s when the Polish Solidarity Movement started to gain influence and Perestroika policies loosened the tight Soviet control, local self-government could rise. The Polish municipalities, GMINA, are being understood not only as a territory but also as an association of individuals who live in a given area as Jerzy Regulski puts it³. This is an association having constitutional rights to settle all local affairs on its own behalf and responsibility.

So there is a strong public support and ownership behind the local self-government notion of Poland. Due to this historic background, it was said that there is a strong political power with the municipalities, whereas a strong administrative power (including in form of tutelage) lies with the national government. Thus the Joint Commission may be regarded as a necessary formal platform to balance the different powers that different levels of governments have.

The Polish decentralization has two phases: The local (municipal) reform of 1990 and the regional reform of 1998. With the municipal reform, 2478 municipalities have come to existence. Polish Association of Municipalities differentiates these according to their size. There are;

307 cities and towns (urban units),
582 urban – rural units,
1589 rural units,
with an average population size of 15.300 inhabitants.

The municipalities are understood as main actors in local development and have general competences on almost all local issues, unless stipulated otherwise through legal means. Municipalities in Poland are considered to be the most important local authority with autonomy. An important part of the reform was to transfer the ‘ownership’ of the formerly “state property” to municipalities. Today 2% of rural municipalities, 20% of towns and 25% of cities areas are owned by municipalities. In 2009 income of local self-governments from property was:

rural municipalities – 2%,
towns – 7%,
cities – 6%,

² Poland, its local administration system and the intergovernmental consultation mechanism constitute the focus of this paper, since it is closely associated with the study tour to Poland. However a brief description of the local government systems of the two other partner countries of the Project, Turkey and Sweden need to be remembered for a comprehensive overview and comparison. The systems of these two countries are given in the Annexes 1 and 2 as they are presented in the CEMR publication Local and Regional Government in Europe.

³ Jerzy Regulski, Local Government Reform in Poland: An Insider's Story, Budapest, 2003

powiat – 1,3%,
voivodeship – 0,4% of their budgets

In 1998, a second stage, in other words a regional reform is realized, establishing the regions and the counties. This reform was partly for defining European Regions and partly for the need to re-cluster the atomized local government towards efficiency. In this second stage (1998/9);

16 regions (voivodeships) and

315 counties were established. Additionally 65 large cities received county rights.

After the reforms, resulting local self-government structures are:

Unit	Polish Definition	Title of President	Election method of the President
Municipality	GMINA	Burmistrz (Mayor) Prezydent miasta (Mayor of a big city) Woyt (Mayor of rural municipality)	elected by public vote
County	POWIAT	Starosta	elected from within the district assembly
Region / Province	WOJEWÓDZTWO	Marszałek	elected from within the provincial assembly

The central government sends representatives only to the level of voivodeships to coordinate central governments competences at the local/regional level. Central government's representative is called Voivode. Even though the Voivodeship level in Poland is understood as the regional level and is the level to access and redistribute European cohesion funds, they are comparable to Turkish provinces by size and administration. Voivodeship is the level, where both local and central levels meet, in the way, having the voivode sent from central government (comparable to the Vali in Turkey) and the locally elected assembly and its marszałkowski (il genel meclisi and meclis başkanı) simultaneously.

GMINA: MUNICIPALITY

Municipalities are seen as the main actors in local development. Having a general competence at the local level, their main tasks are listed as follows:

- spatial planning, local development strategies,
- local sectorial policies (environment protection, waste disposal, energy supply, social strategy, schools network, public housing),
- water, sewage, solid waste (environment),
- local roads,
- local public transportation,
- nurseries; kindergartens,
- basic education (elementary 1-6; secondary 1-3),
- culture (local cultural centers, public libraries),

- welfare; difficult families, children,
- sport, recreation, etc.,
- open health-care,
- public safety,
- public cemeteries,
- green areas, parks, municipal forests,
- co-operation with NGOs,
- basic administrative services.

The weight of municipal services in terms of expenses shows that education and welfare take half of the share in municipal service scale:

Services	Municipalities (Total 19.204 million EUR)	Municipalities with County Rights (Large Cities (Total 14.216 million EUR)
education	34,5 %	30,5 %
welfare	16,6 %	12,2 %
transport, roads	10,9 %	20,3 %
environment	8,4 %	5,4 %
administration	9,2 %	6,6 %
culture	3,9 %	4,2 %
sport, recreation	3,6 %	4,9 %
housing	3,1 %	5,6 %

Municipalities finance their budget with the following resources:

- Local taxes (property tax, transaction tax) and fees (administrative, services),
- Shares in national taxes (PIT – Personal Income Tax, CIT- Corporate Income Tax. The share in PIT is higher and therefore more important for municipalities),
- General subsidies (education, equalizing) – status similar to pure own income,
- Task subsidies (investment),
- Municipal property,
- Other resources:
 - PPP
 - EU regional / cohesion policy

POWIAT: COUNTY

Powiat is the second-level unit of local government. A powiat is part of a larger unit or province called a voivodeship. In turn a powiat is usually subdivided into gminas, municipalities. Metropolitan or big cities function as separate counties in their own right (65 cities with the rights of a powiat). Legislative power within a powiat is vested in an elected council (rada powiatu), while local executive power is vested in the starosta, who is elected by that council.

In Poland powiats were the basic unit of territorial organization since the 14th century. They continued to exist under Russian and German Rule during the partitioning of Poland and became again the usual territorial units throughout the country after Poland regained independence in 1918. Powiats were abolished in 1975 but were reintroduced in 1999 along with the second local government reform. This reform also created 16 larger voivodeships. Today, Powiats (counties) in Poland are regarded as a supplementary local level and have a relatively limited set of competences:

- intermediary education (colleges, professional),
- other local cultural units,
- welfare (supplementary, advanced; support to families),
- organization of basic hospitals,
- county roads,
- fire protection,
- building administration,
- other local administrations (geodesy).

Main expenses of powiats are distributed as follows. Their total expenditure with 5.735 million EUR amounts only to a 1/4th of the municipalities' annual budget.

education	34,4 %
welfare	17,2 %
roads	21,8 %
sport, recreation	12,1 %
culture	10,5 %
administration	10,0 %
health care	5,9 %
safety	5,0 %

VOIVODESHIP: PROVINCE/REGION

Voivodeships are the largest local units. They are administratively and size-wise comparable to the province level but correspond to the European Level 2 NUTS regions. Therefore in many instances they are referred to as the regional level. 16 voivodeships exist since the second local administration reform of Poland in 1998/99.

Administrative authority at voivodeship level is shared between a government-appointed governor called a voivode, an elected assembly called a sejmik, and an executive chosen by that assembly. The leader of that executive is called the voivodeship marshal (marszałek województwa).

The structure is very similar to the Turkish provincial administration, where the appointed government representative is the governor (vali), the elected assembly (il genel meclisi) and the president of the assembly (meclis başkanı). However, in the Turkish case distribution of competences favour the governor as the chief executive in the province instead of the locally elected assembly.

In Poland the governor (voivode) is the appointed regional representative of the central government. The voivode acts as the head of central government institutions at regional level, such as the police and various inspectorates, manages central government property in the region, oversees the functioning of local government, coordinates actions in the field of public safety and environment protection.

The competences of the local administration (marshal and sejmik) are concentrated more on regional policy subjects, including redistributing EU and national funds for cohesion and regional development:

- regional development strategies/policies,
- regional roads,
- regional railways,

- ERDF (European Regional Development Fund) planning and distribution (since 2007) (also important part of ESF – European Social Fund),
- high education,
- organization of regional hospitals,
- regional cultural units (theatres, philharmonic orchestras, regional museums etc.),
- regional environmental policy,
- practically no administrative services.

Approximately 3.660 million EUR spent by voivodeships in a year is distributed in the following services. Building and maintaining roads, caring for transportation took almost a 40% share in expenditures making it the most important task for this level.

education	6,6 %
welfare	4,2 %
roads, transport	39,5 %
sport, recreation	3,3 %
culture	8,6 %
administration	9,2 %
health care	6,3 %
agriculture, industry	12,5 %

ADMINISTRATIVE AND FINANCIAL CONTROL AND SUPERVISION

Relations of Polish central government and local governments are based on two principles:

- provision of services and administration at closest level possible,
- central government assumes control and supervision for assuring equal distribution of services in the unitary organized country.

According to the Constitution, it is the Prime Minister who is responsible for supervision of local governments, but control and supervision are exercised by the voivodes and regional financial audit chambers (RIO). These control and supervision is limited to legal and financial appropriateness (legality) of decisions and not political or content supervision.

Local self-government (municipality) sends its decisions to the voivode within 7 days. Voivode controls the lawfulness of the decision within 30 days and may cancel it when necessary. However cancellation must be explained and justified. Municipality may apply to administrative court insisting on its decision. Court's verdict would be final.

The Regional Chambers of Audit '*audit the financial management of municipalities, powiats and voivodeships, as well as intercommunal unions and other local legal entities and supervise the legal acts of local authorities and their unions in financial matters*'. There exist 16 Regional Chambers of Audit in each province. The chambers supervise the financial matters of the actions of local authorities and audit the financial management and public procurement of local bodies; that is not only the local governments but also their associations, unions or subsidiaries that use/receive resources from the budgets of local government units.

Like the Voivode's legality control, the supervision of regional chambers of audit is carried out by reviewing the legality of resolutions and directives passed by local government bodies concerning the:

- procedure of passing the budget and changes therein,

- implementation of the budget including budget modifications,
- contraction of debts,
- allocation of subsidies,
- local taxes, fees and charges,
- vote of approval for the local executive for its budget execution,
- long-term financial forecast and changes therein.

In the case of a serious breach of law, the regional chamber of audit declares the invalidity of a resolution or directive as a whole or partially. The execution of the reviewed act may be suspended by instituting proceedings. In case of a minor breach of law, the RIO only points out that the reviewed act has been issued with breach of law. Appeals against the decisions on the invalidity of budget resolutions may be filed in the administrative courts.

An additional supervisory and disciplining task of the Regional Chamber of Audit is establishing the yearly budget of local authority if it has not adopted it before 31st January. In such a case, the body is no longer competent to pass the budget resolution. The budget of the local authority will be established by the regional chamber of audit. The chamber defines the budget only to address the mandatory duties to be performed by the local government unit.

Regional chambers of audit also perform opinion-giving functions. The provided opinions, although not binding, considerably enhance the financial conduct of local authorities, as audits of the level of public debt of local authorities have revealed.

REGIONAL DEVELOPMENT AND LOCAL ADMINISTRATIONS IN POLAND

Almost $\frac{3}{4}$ of Poland's investment budget is decentralized. Municipalities undertake public investments in excess of 50% and powiats and voivodeships invest another close to 20% mainly to public infrastructure. Based on these figures Polish local government officials assert that municipalities rebuilt Poland. Many areas of life depend on local efforts.

Since 1999 Poland has voivodeships, which are the subjects of regional policy. They were very weak at the beginning, but since the new local/regional finances act (2004) the situation of regions improved. Since 2007 it has changed significantly: Voivodeships became main actors of EU regional policy in Poland, utilizing and redistributing European Regional Development Fund (ERDF) and European Social Fund resources (ESF). The task is taken by the local government part (marszałek) of the voivodeships and not by the central government representative (voivode). Regional policy is developed and coordinated by the Ministry of Regional Development at government level but execution of the policy is done by local-regional actors. The ministry plays an intermediary role between Brussels and the 16 voivodeships.

Regional development policy is replacing sectoral policies and physical infrastructure development. Poland's current regional policy relies on strengthening the engines of local development, which are the metropolitan cities and the capitals of voivodeships; in other words, the 16 urban areas are key players in regional competitiveness: they produce 50% of Poland's GNP.

Although EU with its regional funds is a major driver in regional policy-making, its share in development expenditures between 2004-2010 was not more than 1/3 of total funds spent; major share of development budget must be generated from within country.

POLISH JOINT COMMISSION OF CENTRAL GOVERNMENT AND LOCAL/REGIONAL GOVERNMENTS: *'KOMISJA WSPÓLNA RZĄDU I SAMORZĄDU TERYTORIALNEGO'*

The main mode of interaction between central and sub-national governments is through the Joint Commission of Central Government and Local/Regional Governments (Komisja Wspólna Rządu I Samorządu Terytorialnego). The commission was first called by the prime minister in 1993. Only associations of municipalities of different sizes⁴ were taking part in the Joint Commission until 1998, since the intermediary and regional levels did not exist until then.

- Union of Polish Metropolises (12 major cities)
- Association of Polish Cities
- Union of Small Towns
- Association of Polish Rural Local Governments

Each of the organizations was represented with two members. Additionally a co-president on the side of the local governments was elected making up 9 representatives on the local governments' side. Similarly the central government was represented with 9 members, being the prime minister (or his representative) and eight ministers.

In 1999, with the second decentralization reform, two more member associations, i.e. 4 more members joined the commission on the local government side: Association of Polish Voivodships and Association of Powiats. But then the co-president position is cancelled and the post has become a rotating post among representatives of associations. Government side increased its number to 12, too. Government's side is permanently chaired by the Minister of Public Administration (or his/her representative).

Secretarial tasks are also divided (or shared) between the central and local sides. A head of department in the Ministry of Public Affairs and the Director of the Polish Association of Cities jointly assume this task. Their main duty is to organize commission and working group (problem issue) meetings.

In 2005 a special law for the Joint Commission has passed and made it a formal legal institution for interaction between central and local governments (published in the official gazette on 23 May 2005).

There the Joint Commission is regarded as a social dialogue institution. According to law, it provides a forum for working out a common stance of the Government and local governments; and examines issues related to the functioning of local government and the state policy regarding local government.

According to the law, the Joint Commission is expected to;

⁴ Membership of associations is not compulsory, but all Polish regions and over 80% of all districts belong to their respective organizations. In the case of municipal governments, membership is lower: Only less than half of local governments are members of any of associations.

There can be more than one union/association for the same level of local governments. The law on Joint Commission authorizes the Ministry of Public Administration for inviting the union/association with higher number of members. This hypothetical situation did not occur until now, since there aren't alternative unions/associations at each level of local governments.

- develop a common stance with regards to economic and social priorities related to public utilities, the functioning of local governments and regional development,
- review and assess the legal and financial condition of local government work,
- evaluate (good) functioning of local governments in the EU integration process
- analyse information on drawn up legal act projects, documents and government programs referring to local government issues, in particular to expected financial results,
- provide opinions on draft of normative acts, programs and other government documents related to local government issues.

The central government side calls for meetings of the commission or the working groups. This is explained in that it is the central government who proposes draft legislations to the parliament and changes laws and regulations; thus the local government side is the side to be consulted. A certain time or interval for meetings is not defined. The law states that the meetings are done whenever there is a need, but it also states that the gap between meetings should not exceed two months.

Permanent or problem based working groups are formed with representatives from both sides – usually the most relevant levels of local governments and representatives of relevant ministries find an opportunity to discuss, review and negotiate on draft legislation. The representatives of local governments do internal talks with the other members of local governments and try to reach a consensus within the group.

This is another negotiation. The Turkish delegation observed an internal meeting of the local government representatives where government's proposal to increase teachers' salaries were discussed. Representatives of smaller municipalities demanded large municipalities' support in rejecting the government proposal. Large municipalities responded with asking support in resisting to reduction in Personal Income Tax (PIT). Mutual agreement is thus a matter of negotiation and consensus also within the local level. The structure institutionalizes defending own interests on an even ground.

Draft proposals are usually discussed in the working groups and the result of the discussion – normally an opinion – is presented to the Joint Commission. Joint Commission may adopt the opinion or not. If an agreement is not reached, than the draft proposal is sent to the parliament with the dissenting opinion of the local governments. All decisions of the Joint Commission are advisory and do not supersede any formal decision mechanism. Yet an agreement of the central government and local governments on a draft proposal would have a very strong political argument.

If the Government insists on its draft proposal and sends to the parliament against the will of local governments, individual unions/associations (participating in the Joint Commission) may join the parliamentary commission sessions and continue lobbying against the draft there. If the draft is adopted by the parliament, associations/unions may try to influence the president to withdraw his signature. And even after that there is the possibility by filing a case at the constitutional court. However, not unions/associations, but individual local governments may apply to the constitutional court.

In theory, every draft law that affects local governments should be discussed by the Joint Commission before it is sent to Parliament, but this requirement is not always fulfilled. However, the lobbying of local governments through the Joint Commission has been effective on many occasions, and this is one of the instruments through which local government has become a powerful actor on the national political scene.

IS THE JOINT COMMISSION A MODEL FOR TURKEY?

This is a question that was discussed with the members of the Turkish delegation after returning from the study tour in Warsaw. These are the salient points:

Positive Aspects of the Joint Commission:

- Equal representation of both, local and national sides,
- Co-president and co-secretary structure underline there are two sides, respects both sides as equal counterparts, at least formally,
- Direct dialogue enabled. No hierarchical relation between the centre and local parties; each side represents interests,
- Legal guarantee to meet at least every second month, to keep Joint Commission always in sight.

Negative Aspects of the Joint Commission:

- Not certain, if the commission reaches a common understanding on discussed issues, or local side is asked for opinion just for the sake of asking,
- Discussing proposals in the working groups and the Joint Commission extends legislation period, may cause delays,
- System is not much efficient, too many loops in the system: ask the associations, association come to internal agreement, join and discuss in working group, bring results to the Joint Commission, etc. and at the end there is only a non-binding advisory decision if agreement is reached.

A Model for Turkey:

- A similar structure may be useful,
- Political and administrative power is concentrated at the centre in Turkey, difficult to establish an equal counterpart relation,
- Turkey needs to take further steps towards decentralization first; the model may be introduced afterwards,
- Competences of the centre and local administration need to be redistributed; a joint committee may help realizing that.

When looked at the history of decentralization of Poland the political power of the local self-governments stands out. The notion of 'we' the local self-government and 'they' the state is still a pillar in the political rhetoric. On the other hand strong administrative and financial control and supervision exercised on local self-governments strengthens the central/national level. This mutual interplay of political and administrative powers demands better dialogue and preferably a structured consultation. The Joint Commission is therefore a very suitable solution where national and local governments can have a more or less equal dialogue for exchanging opinions.

However in Turkey the powers are highly centralized. Competences of municipalities are mainly concentrated on urban physical development and physical infrastructure. A few social and economic development competences are usually supplementary and most of the time, shared with the governorates and central government institutions. Moreover, Turkey prefers to take back municipal competences if there is a 'special situation': For example, if the city is located in a tourism area, urban and regional planning competence is removed from the municipality and given to the Ministry of Culture and Tourism. With a government decree the recently formed Ministry of Environment and Urbanisation has collected

extraordinary intervention competence in urban planning and construction issues along with the Mass Housing Authority (TOKİ). A consultation with respective municipality is not included, nor a joint implementation process is foreseen. A municipality cannot even regulate traffic flow in the city and must consult in a province traffic commission where it has a seat.

Reluctance in increasing competences of municipalities is very often explained by the proponents of a centralistic system in the limited technical capacity of municipalities and mayors' high political influence, which may exceed legal provisions. Therefore it is very often argued that municipalities must be controlled and supervised legally, technically, financially and politically; and this control and supervision shall be exercised by the representatives of central authority. These arguments are still strong in the Turkish administration and also among people.

Another means of dialogue between central and local decision makers is the internal channels of political parties. Of course these channels are open for the members of the ruling party. Mayors submitting their needs and demands to ministers and high-level officials in the ministries and being consulted by the national politicians in power is a common process in the Turkish central – local administration relations. However, mayors of all of the non-ruling parties are exempted from this privilege. Their channels to influence legislation processes are limited and cannot be accounted for an intergovernmental consultation.

Therefore a joint commission idea needs to be comprehensively accompanied by lobbying efforts promoting decentralization.

INTERGOVERNMENTAL CONSULTATIONS – COMPARISON OF POLAND WITH TURKEY AND SWEDEN ON THE BASIS OF CEMR CODE OF GOOD PRACTICE

The following chapter comparatively portrays the situation of intergovernmental consultations in the three countries, Poland, Sweden and Turkey. Code of Good Practice in Consultation developed and agreed by CEMR (Council of European Municipalities and Regions) constitutes a guide and benchmark for comparison. CEMR states that:

'The Council of European Municipalities and Regions, which represents the national associations of local and regional governments across Europe, has drawn up this Code in order to promote good practice in all countries in relation to consultation of local and regional authorities and in particular their representative associations'.

Code on Good Practice in Consultation consists of 11 articles. Each country's applications are described according to each of those articles. Information on Poland and Sweden is primarily taken from another CEMR document, 'Consultation Procedures within European States'. The document describes each European Country's consultation Procedures but does not refer back to the Code of Good Practice in Consultation. Information on Turkey relies on interviews with officials from the Ministry of Interior and UMT and questionnaires applied to the participants of the study visit to Poland.

The comparison is originally made in form of table. But to facilitate reading, the table format has been abandoned. Articles are shown in the boxes. Information on countries is given in colour codes. Poland in red, Sweden in blue and Turkey is in black.

Article 1 – The scope of consultation

Local and regional governments have the right to be consulted by the relevant authorities in due time and in an appropriate way in the planning and decision-making processes on all affairs, decisions and legislation which significantly affect them.

POLAND

There are two strictly defined consultation procedures: one with the two chambers of Parliament, and the other with the national government.

The Association of Polish Cities (APC) receives drafts of all legislation and is invited to take part in the meetings of the different Parliamentary Committees, particularly in the Committee of Local Government and Regional Policy. Regarding the upper chamber of the Parliament (Senat), the Chairs of the Committees may invite representatives of national associations.

Since 1993, the Joint Commission of Central Government and Local/Regional Governments is a medium to negotiate with the Central Government and present their opinions on draft legislation proposed by the Government and the decrees of the Government or ministers. In addition to this legal framework, some ministries send out draft legal acts in the early stages, allowing for more influence on their final form.

SWEDEN

The consultation procedure is not strictly defined. There are regulations that national government authorities shall consult local and regional authorities through the Swedish Association of Local Authorities and Regions (SALAR) before they circulate new regulation that affects them. SALAR is consulted in many different ways by participating in government committees that prepare new legislation before the ministries propose new legislation to Parliament.

The funding principle implies that ministries and government authorities may not impose additional obligations on local and regional authorities without corresponding funding. They are therefore expected to consult SALAR.

TURKEY

There isn't a strictly defined consultation process. Two regulations enable a consultation with local authorities, particularly municipalities and provincial special administrations.

According to the Law on Local Administration Unions, Union of Municipalities of Turkey (UMT), as the national association of municipalities, is the organization to deliver opinions on draft legislations that affect them.

In addition to the stated law allowing consultation with UMT, a secondary legislation, the 'Regulation on Preparation of Legislation' (Mevzuat Hazırlama Usul ve Esasları Yönetmeliği), published by the Prime Minister's Office, pronounces that ministries may take municipalities' opinions along with other related parties throughout the legislation process. However, this is not binding.

In practice, there are various consultation processes for new legislation:

- Ministry of Interior organizes regional workshops with municipalities and asks for opinion and recommendations.
- After a draft is composed, sample municipalities are consulted.

- Draft legislation is put on the website of the Ministry of Interior with the aim of open consultation, particularly for the municipalities.
- Council of Ministers may consult municipalities prior to sending the draft to the parliament. This is rather a political consultation process and usually happens through the channels of political party (the ruling party).
- During parliamentary commission debates, UMT is formally consulted on the position of municipalities.
- The parliamentary commission may also consult the municipalities, which are directly affected, when necessary. However, there is no legal regulation defining this consultation process.

Article 2 – Formal guarantee of the right to consultation

The right of local and regional governments to be consulted should be enshrined in the constitution or in law, or by long-standing arrangement, universally recognized, which has similar force. A formalised framework for consultation should be defined by legislation and/or in a formal cooperation agreement which has effect independently of a particular government, if possible by agreement with all major political parties.

POLAND

The Polish Constitution does not mention the procedures, which are based on the European Charter of Local Self-Government, ratified by Poland in 1993. At parliamentary level, consultation procedures have their legal basis in the regulations of both chambers.

From 1993 to 2005, the Joint Commission of Central Government and Local/Regional Governments functioned on the basis of the decree of the Prime Minister, whereas since 2005 it operates on the basis of the “Act on the Joint Commission of Central Government and Local/Regional Governments and the representatives of the Republic of Poland in the Committee of the Regions”.

SWEDEN

There are no special bodies related to the consultation procedures. However, the negotiations between the ministries or government authorities and SALAR about the application of the funding principle are rather well established. Informal contacts and meetings are the most important part of the consultation procedures.

TURKEY

Except for UMT’s right to participate in formal decision-making processes, mentioned in the Law on Local Administration Unions, there exists no legislation guaranteeing consultation processes. Article 20 states that:

“Only one union at national level may be founded for the municipalities and special provincial administrations in order to safeguard their interests, to foster development, to train personnel and **to express opinions in the related legislation processes.** (...)”.

UMT, being the national union of municipalities, has the right to take part in consultations in the legislation processes.

Article 3 – The partners for consultation

(1) The relevant national, and if appropriate the regional, representative association or associations should be consulted by the relevant authorities on all matters which affect their members generally, or which affect a group of those members.

(2) Where the matter in question affects or relates (only or in particular) to a single authority or a small number of authorities, they should be consulted individually; the representative association should also be consulted if the issue is of wider interest or concern, or if the individual authorities so request.

POLAND

There are two strictly defined consultation procedures: one with the two chambers of Parliament, and the other with the national government.

Since 1999, Poland has been divided into three levels of local authorities: the regions/provinces (*voivodeships*), the counties (*powiats*) and the municipalities (*gminas*). According to the terms of the 1997 Constitution, local authorities are competent in all areas not attributed to other levels of government by the Constitution or legislators.

Within the Joint Commission of Central Government and Local/Regional Governments, consultations are conducted exclusively with associations. In Parliamentary Committees, representatives of individual local authorities are also sometimes invited. In addition, specific consultations regarding municipal law on the changing of borders of municipalities, counties or regions are carried out directly with the relevant individual local authorities. Government Ministries take an active part in the consultation procedures through the Joint Commission of Central Government and Local/Regional Governments. The representatives of national associations are invited to take part in the meetings of Parliamentary Committees. APC (Association of Polish Cities) representatives participate in the work of different national consultation bodies, including the Council of National Environmental Fund, National Employment Council, the Council of Public Benefit (which also includes NGOs and government ministries), the Council of National Health Fund, and others.

SWEDEN

SALAR is consulted in most cases. Individual local and regional authorities used to be referred for consideration on the proposals from government committees and they are still sometimes invited by ministries and agencies to participate in hearings about proposals that affect them.

Among the actors at state level, the ministries have the most important role in the consultation process. In addition, the governmental committees preparing new legislation will often offer an informal but very important opportunity for SALAR to argue for the interests of the local and regional authorities. Local and regional authorities are often but not systematically consulted on issues that have direct bearing on their interests. This depends on the different ministries and government authorities.

TURKEY

The legally defined main partner concerning municipalities is UMT. Ministries usually consult UMT through written correspondence in the preparation process of new legislation.

UMT is expected to consult member municipalities through, for example, working groups or specialist committees to constitute a common position regarding the draft. However, this is

not regulated and usually UMT's opinion is based on the work of experts working within the body of the organization.

Individual municipalities may also deliver reports expressing their position towards the draft. The official written correspondence is always taken into consideration by the ministry.

Article 4 – The purposes of consultation

(1) The overall purpose of an effective system of consultation of local and regional governments, as set out in this Code, is to improve the quality and effectiveness of decision-making by all levels of government, working together in the public interest.

(2) In addition, such a system of consultation aims:

1. to ensure that the relevant authorities (which may be a government or other public decision-maker) is aware of the likely impact upon local and regional governments of their decisions or legislative acts
2. to ensure fairness, equality of treatment and transparency in the relations between the relevant authorities and the local and regional governments, for example in relation to systems of financial grants or equalisation
3. to promote the development of effective local and regional self-government
4. to facilitate an ethos of co-operation and partnership between the different spheres of government

POLAND

Polish legislation on consultation processes as well as on the Joint Commission often refer to the European Charter of Local Self-Government. The purpose for consultation is thus adopted from the Charter. Article 36/5 of the regulation of the lower chamber (Sejm) states "Examination of the acts which, in case of their adoption, may cause changes in the functioning of local government need to be consulted with national associations which form the part of the Joint Commission of Central Government and Local/Regional Governments."

However, there were cases where the draft was 'urgent' cases or evaluation of financial consequences was lacking, the Central Government sent draft legislation to the Parliament without the opinion of the Joint Commission.

SWEDEN

In cases of new regulations affects the local and regional governments, the national government authorities shall consult SALAR and reach an agreement on how the local and regional governments can finance the possible new responsibilities without raising taxes.

TURKEY

Consulting local administrations in the legislation drafting process has become a common application in the last years. Harmonization to European Union is one of the reasons for that. The process does not only enable municipalities to represent local interests but also let institutions at the national level get a review on the draft and expand political support for the draft law.

Article 5 – The main subjects of consultation

Consultation between the relevant authorities and the local and regional governments should take place on all significant issues that fall within Article 1(1), and in particular:

- (1) proposals for changes in the system and structure of local and regional government, including constitutional and legislative changes, e.g. compulsory mergers of municipalities, boundary changes etc.
- (2) proposals for legislation which affect the competences or interests of local and regional authorities
- (3) proposals in relation to the financing and resources of local and regional authorities, e.g. decisions on annual general grants to local governments, on the system and principles to be adopted for the equalisation and redistribution of resources, on relevant fiscal changes which may affect the resources of local or regional governments, on limitations on capital or revenue expenditure or budgets, on borrowing, or on significant changes in accountancy rules
- (4) other non-legislative decisions which impact on individual authorities or a group of authorities, e.g. administrative decisions on the siting or route of important infrastructure developments.

POLAND

Consultations in the Joint Commission may contain any subject that directly influence local governments in any manner. The topics of the agenda of meetings, however, are principally defined by the central government. Since it is the government that proposes laws or legal and regulatory amendments, this is considered normal.

SWEDEN

The funding principle implies that ministries and government authorities may not impose additional obligations on local and regional authorities without funding. They are therefore expected to consult the Swedish Association of Local Authorities and Regions (SALAR), and to conclude an agreement on how the local and regional authorities can finance the estimated costs for the new responsibilities without raising taxes.

TURKEY

Changes in laws and regulations about municipalities are mainly consulted with directly affected municipalities and their representatives (eg. UMT). However legal changes that may affect municipalities but are not necessarily about municipalities are usually not consulted unless there is a demand from the side of local governments.

Consultations on general administrative issues including financial resources etc. do not take place on a formal basis or through UMT's involvement representing the entirety of the municipalities. Individual municipalities (mayors) keep intense contact and negotiations with relevant government institutions for increasing funds or approval of certain projects, mostly infrastructural investments, on semi-formal basis. Political networking and party relations play a great role in these matters.

Article 6 – The stages of consultation

(1) Consultation should take place at each of the main stages of formulation of a relevant proposal or policy which has or may have a significant effect on some or all local or regional governments.

(2) Consultation (including informal consultation) should normally commence at the initial, formative stage of any proposal, so that the initial formal proposal to be put forward may already properly take into account the likely impact upon local and regional governments.

(3) Local and regional governments should be consulted properly, in a timely manner, at all formal stages of decision-making in relation to a proposal or decision, and have sufficient opportunity and time to make a reasoned written response and put forward any counter-proposals or suggested changes to the draft proposal.

(4) Local and regional governments should have the right to propose amendments to legislation which affects their competences or interests.

(5) Local and regional governments should also be consulted in relation to the follow-up and evaluation of relevant laws and decisions.

POLAND

The associations of local and regional authorities are systematically consulted on draft legislation that affects them. Plenary meetings of the Joint Commission are organized once a month (by law the Joint Commission must meet every two months).

SWEDEN

Different ministries and government authorities often do consultations with local and regional authorities on issues that directly affect their interests; but this is not organized or done systematically.

There are also large discrepancies concerning how often and how regularly SALAR is consulted, also depending on the ministries.

SALAR is often consulted in the middle or at the end of the decision-making process. However, SALAR is sometimes consulted early in the process.

TURKEY

Unions of local administrations at national level are entitled to consultation at every stage of legislation process, from preparation of the draft to parliamentary commission debate.

Additionally, Ministry of Interior consults municipalities during the draft preparation phase through regional workshops and through bilateral consultations with sample municipalities (taking the mostly effected municipalities into account).

Even though, it is not defined, Council of Ministers may consult municipalities prior to sending the draft to the parliament.

The parliamentary commission may invite relevant municipality to submit opinion to form a decision.

Article 7 – Access to information

(1) Local and regional governments should have free access to the information and documents available to the relevant authorities which directly relate to a matter or proposal which is the subject of consultation; any limitations e.g. on grounds of confidentiality or national security must be narrowly defined and specifically justified.

(2) Local and regional governments should, on request, make available to the relevant authorities the information and documents which relate to the matter or proposal, on which they rely in putting forward their comments, representations or counter-proposals.

POLAND

Consultations are based on draft legal acts, before these are sent to the Parliament. Draft decrees of the Council of Ministers, Prime Minister or specific ministers are often sent to associations for consultation at a very early stage, but sometimes later.

SWEDEN

There is a long-standing tradition of consulting SALAR, already at the very early stages of decision-making process. SALAR is formally or informally informed of debates and drafts that may affect local and regional administrations.

TURKEY

UMT is consulted by the ministries at every stage. The draft legislation is released on the website of the related ministry for open consultation, before it is sent to the Council of Ministers.

Article 8 – The formal procedures for consultation

(1) Without prejudice to the importance of effective informal processes, there should always be a formal procedure for consultation between the relevant authorities and local and regional governments; these procedures may differ according to the type of subject-matter, provided the principles set out above are adhered to.

(2) Formal procedures for consultation should be defined in or under legislation, or (where this provides a system satisfactory to all parties) by a consensus agreement which is treated as binding by all concerned; in the latter case, it should normally have the explicit support of all major political parties, to ensure that it is applied by successive governments.

(3) Formal procedures should always include provision for meetings and dialogue between the most senior representatives of the relevant authorities and of the representative associations of local and regional government.

(4) Consultation procedures should not in any case be limited to the ministers or ministry responsible for local or regional government, but should include all ministries whose proposals and decisions have a significant impact on local and regional governments in the discharge of their tasks and competences.

POLAND

The Joint Commission of Central Government and Local/Regional Governments represents by their national associations different types of self-government units: rural municipalities, small towns, towns and cities, metropolitan cities, counties and regions. The Central Government is represented by deputy ministers of the relevant departments concerning local government: administration, finances, education, culture, health, housing, infrastructure, regional development, agriculture, labour and social policy. The Commission meets once a month. There are eleven thematic committees within the Joint Commission (European policy; public finances; education/culture/sport; health care and social policy; infrastructure, local development, regional policy and environment; public safety; rural areas and agriculture; information society; public statistics; local government capacity building; and administration style) which are responsible for the preparation of the draft opinions for the plenary meetings of the Joint Commission. The Government is required to add the opinion of the Joint Commission to the draft legal act..

The Ministry of Regional Development regularly organises informal consultations with the local and regional level. Other ministries rarely organise informal contacts or meetings, but the platform of the Joint Commission ensures regular formal contacts.

SWEDEN

In Sweden, there is a long tradition of cooperation and consultation between the national and local level. That means that there are many opportunities for the local and regional level to affect the policy-making process, and that the national level is interested in the contribution of the local and regional level. On the other hand, the traditional links between the levels have weakened over the last decade and the genuine interest from the ministries and government authorities to consult SALAR is not always as strong as it was. There are also big variations between different departments.

SALAR demands a more formalized consultation procedure at a high political level.

TURKEY

A formal procedure for consultation is not defined. The two legal provisions, Law on Administration Unions and Regulation on Legislation Process, provide a legal basis for consultation but a formal procedure on how the consultation is to take place is not described. Ministry of Interior's consultation procedures (regional workshops etc.) are becoming a common application but they are not adopted by all the relevant ministries, yet.

Article 9 – European Union legislation and policies

(1) Local and regional governments should be consulted by the relevant authorities, in a timely manner and at all key stages, on proposals for European Union legislation and policies which would have a significant impact on them.

(2) The principles set out in the above Articles shall apply equally to European Union matters as they do to domestic matters. The formal procedure for consultation on European Union matters may differ from the general procedure, to reflect the specific timescales and nature of the issues.

(3) The fact that there has been consultation on European Union legislation at an earlier stage in no way diminishes the need for proper consultation at the point of proposals to transpose the EU legislation into domestic law.

(4) This Article applies in particular to local and regional governments of member states of the European Union or EEA-EFTA countries; it could also apply, as appropriate, in relation to accession states, and other European states who may wish in future to join the European Union

(5) This Article is without prejudice to the separate duty of the EU institutions to consult local and regional governments, and their representative associations, on all matters which may affect their competences or interests.

POLAND

Concerning EU affairs, consultations were organised during the pre-accession period through the National Council for European Integration. Now consultations are conducted through the Joint Commission and its thematic committee on European policy. In addition, some ministers consult associations on drafts of EU legislation.

SWEDEN

There are no specific consultation procedures concerning EU affairs, but sometimes there are informal consultations with ministries and governmental authorities.

TURKEY

Municipalities are not consulted for the accession negotiations. On the other hand UMT collaborates with the Ministry for EU Affairs (formerly Secretariat General for EU) to support municipalities in the process. UMT provides trainings and advice for municipalities. All of this describes a one-way relationship to prepare municipalities to the accession but not a dialogue and consultation.

Article 10 – Other European and international policies and decisions

Local and regional governments should be consulted by the relevant authorities on all other policy proposals of European and international institutions which may have a significant interest for, or impact on, local and regional governments, e.g. other EU policies or financial opportunities, relevant Council of Europe instruments and policies, or relevant treaties or texts to be adopted within the UN system.

POLAND

There are no specific consultation procedures concerning international affairs.

SWEDEN

There are no specific consultation procedures concerning international affairs.

TURKEY

There are no specific consultation procedures concerning international affairs.

Article 11 – Consultations undertaken by national or regional Parliaments

- (1) The principles and provisions of this Code should apply equally to consultations undertaken on the initiative of national or regional Parliaments, with any necessary modifications to reflect the specific character of such consultation.
- (2) In particular, local and regional governments should be consulted by the relevant Parliament on any issues it is considering which may have a significant interest for, or impact on, local and regional governments.

POLAND

At parliamentary level, consultation procedures have their legal basis in the regulations of both chambers. Article 36 of the regulation of the lower chamber (Sejm) stipulates:

“5. Examination of the acts which, in case of their adoption, may cause changes in the functioning of local government need to be consulted with national associations which form the part of the Joint Commission of Central Government and Local/Regional Governments.

6. National associations have the right to present their opinions within 14 days of receiving the draft.

7. Opinions are delivered to the members of the Parliamentary Committees or all the members of the Sejm.

8. Representatives of self-governments can present their opinions at the meetings of the Sejm Committees.”

In practice, the Association of Polish Cities (APC) receives drafts of all legislation and is invited to take part in the meetings of the different Parliamentary Committees, particularly in the Committee of Local Government and Regional Policy.

Regarding the upper chamber of the Parliament (Senat), the Chairs of the Committees may invite representatives of national associations. In practice, the associations of local and regional governments are invited by the Committee of Local Government and Public Administration.

SWEDEN

Parliament (the Riksdag) is the sole legislator. This means that the responsibility for approving all new or amended legislation lies with Parliament. There is no specifically defined consultation process for consulting local authorities.

In the Swedish law-making process, main consultation takes place in the inquiry stage before the government bill is prepared. The inquiry report is circulated for comment to relevant consultation bodies. These bodies may be central government agencies, local government authorities or other bodies, including non-governmental organisations, whose activities may be affected by the proposal.

TURKEY

Parliamentary commissions may invite experts/specialists while to take their opinions. Union of Municipalities of Turkey (UMT), as the national association of municipalities, is entitled to take part in parliamentary commissions on draft legislations that affect them. Individual municipalities may also be invited to be consulted.

However, consultation with municipalities within the political party structures is more common. Opposition’s chance to take effectively part in consultation process and to influence legal debate is limited.

ANNEXES

ANNEX 1: LOCAL AND REGIONAL GOVERNMENT IN TURKEY (as presented in Local and Regional Government in Europe – Structures and Competences published by CEMR)

Turkey is a unitary state composed of villages (köy), municipalities (belediye) and special provincial administrations (il özel idaresi)

Local Level:

34.395 villages (köy), 2.950 municipalities (belediye) and 81 special provincial administrations (il özel idaresi)

Villages

Villages are the traditional local administration in rural areas and usually have a population of 150 to 5.000 inhabitants.

The **village association** (köy meclisi) is one of the decision-making bodies of the village. It is composed of citizens of 18 years or more.

The **council of elders** (ihtiyar heyeti), also known as the village council, is the main executive and decision-making body of the village.

The **headman** (muhtar) is elected by the villagers for a total of five years. He/she represents the village and carries out the services provided to its inhabitants.

Municipalities

The **municipal council** (belediye meclisi) is the local authority's main decision-making body. It is composed of members, whose number varies from nine to 55 depending on the demographic size of the municipality, elected by direct universal suffrage for a period of five years.

The **municipal executive committee** (belediye encümeni) is both the executive and decision-making body of the municipality. A part of its members are bureaucrats appointed by the mayor from among the local administration's heads of unit, while the rest are elected from within the municipal council for a one-year term. Local authorities with a population of less than 100.000 have five executive committee members while those with more than 100.000 inhabitants have seven members.

The **mayor** (belediye başkanı) is the executive body of the municipality. He/she is elected by direct universal suffrage for five years. The mayor heads the municipal administration and represents the local authority.

Competences of villages and municipalities:

- Town planning
- Water supply and sewage
- Transport
- Environment and environmental health
- Hygiene
- Police, fire fighting, emergency, rescue and ambulance services
- Urban traffic

- Funerals and cemeteries
- Parks and green areas
- Housing
- Culture and tourism
- Youth and sports
- Social services and assistance
- Weddings
- Vocational and skills training
- Services for economic and commercial development

Note: Municipalities with more than 50.000 inhabitants can also open shelters for women and children.

Special provincial administration

The **provincial council** (il genel meclisi) is the special provincial administration's legislative body and is composed of members elected by direct universal suffrage for a five-year mandate. It is headed by a president, elected by and among the members of the council.

The **provincial executive committee** (il encümeni) is composed of five members elected each year by the provincial council from among its own members via secret ballot and of five other members appointed for one year by the governor of the special provincial administration among the administration's heads of unit. The head of the financial services unit is among the latter five members.

The **governor** (vali) is the head of the special provincial administration. He/she is appointed by the national government and represents the administration.

Competences of special provincial administrations:

- Health and social assistance
- Public works
- Culture
- Education
- Agriculture and animal husbandry
- Economic and commercial matters

Note: The 81 Turkish special provincial administrations are divided into 957 districts. Moreover, 16 of the special provincial administrations have the status of metropolitan municipality (büyükşehir belediyesi). This extra administrative unit is headed by a mayor elected by direct universal suffrage for a period of five years. Metropolitan municipalities notably coordinate the work of the municipalities under its jurisdiction. They are each administered by an executive committee and by a metropolitan council and enjoy full administrative and financial autonomy.

<<CEMR.in.Turkey.-.Union.of.Municipalities.of.Turkey.(www.tbb.gov.tr)>>

ANNEX 2: LOCAL AND REGIONAL GOVERNMENT IN SWEDEN (as presented in Local and Regional Government in Europe – Structures and Competences published by CEMR)

Sweden is a unitary state composed of municipalities (kommuner), county councils (landsting) and regions (regioner).

Local Level: 290 municipalities (kommuner)

The **municipal assembly** (kommunfullmäktige) is composed of members elected by direct universal suffrage for a four-year term. This assembly is the municipality's decision-making body but can delegate important decision-making powers to the municipal executive committee and to the specialised committees. It also levies taxes and adopts the municipal budget.

The **municipal executive committee** (kommunstyrelsen) is composed of members appointed for a period of four years by the municipal assembly based on the share of seats obtained by each party within the assembly. The municipal executive committee heads and coordinates the municipal administration, supervises the activities of the specialised committees, drafts the municipal budget as well as prepares and implements municipal council decisions. It is presided over by a chair, the highest political representative of the municipality, which can be referred to in other countries as the "mayor". However, in some Swedish municipalities the "mayor" is the chair of the municipal assembly.

The **specialized committees** (nämnder) are composed of members appointed for a four-year mandate by the municipal assembly. The committees are responsible for assisting the municipal executive committee in the preparation and implementation of decisions made by the municipal assembly.

Competences:

Mandatory competences:

- Social services
- Childcare and pre-school
- Primary and secondary education
- Care for the elderly
- Support for the physically and intellectually disabled
- Primary healthcare
- Environmental protection
- Spatial planning
- Refuse collection and waste disposal
- Rescue and emergency services
- Water supply and sewerage
- Road maintenance

Optional competences:

- Culture
- Housing
- Energy
- Employment
- Industrial and commercial services

Regional Level: 17 county councils (Landsting) and 4 Regions (Regioner)

The **county council or regional council assembly** (landstingsfullmäktige for county councils and regionfullmäktige for regions) is composed of members elected by direct universal suffrage for a period of four years. This assembly is the decision-making body of the county or region, approves the budget and levies taxes. The assembly can delegate important decision-making powers to the executive committee and to the specialised committees.

The **executive committee of the county or regional council assembly** (landstingsstyrelsen for county councils and regionstyrelsen for regions) is appointed for four years by the county or regional council assembly based on the share of seats obtained by each party within the assembly. This executive body is responsible for the preparation and implementation of county or regional council assembly decisions. It also supervises the activities of the specialised committees, which are chaired by what can be considered in English as the “president” of the county council or region.

The **specialized committees** (nämnder) are composed of members either appointed or elected by the assembly depending on its political composition. The committees are responsible for assisting the executive committee in the preparation and implementation of decisions made by the county or regional council assembly.

Competences:

Mandatory competences:

- Healthcare
- Dental care
- Public transport (via a regional public transport authority)

Optional competences:

- Regional development
- Culture
- Tourism

Note: The four regions of Skåne, Västra Götaland, Halland and Gotland have retained the status and functioning of the county councils but have assumed greater responsibility in terms of regional development. Gotland, an island in the Baltic Sea, has the status of a municipality but also has competences normally attributed to regions, which is why it is also referred to as a region.

<<CEMR in Sweden – Swedish Association of Local Authorities and Regions (www.skl.se)>>