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LOCAL ADMINISTRATIVE GOVERNANCE AS AN EU PRIORITY (CONCEPT, PRINCIPLES AND OBJECTIVES)

Нові глобальні виклики вимагають ефективних дій на місцях і більшої прихильності з боку місцевих громад і місцевої влади при розробці та реалізації політик ЄС. Таким чином, основні суб'єкти, такі як Європейська комісія та Європейський парламент, визнають, що місцеве врядування відіграє ключову роль у реалізації порядку денного ЄС. Отже, у статті розглянуто зростаючу роль місцевого управління в процесі прийняття рішень Європейським Союзом та в процесах розвитку, а також роль місцевого управління в усій архітектурі ЄС. Крім того, порядок денний ЄС має ґрунтуватися на знаннях місцевих особливостей, на підтримці місцевого управління, і необхідно докласти більше зусиль, щоб місцева влада спромоглася задіяти увесь свій потенціал.

Ключові слова: місцеве врядування, легітимність, субсидіарність, пропорційність, ЄС.

We are living now in a fast-changing environment, with new global challenges posed by different phenomena such as immigration, demographic changes, youth unemployment, globalization, digitalization and new global needs. As a result, more and more people demand and expect rapid, equitable and efficient reactions from authorities in terms of quality of services, security, freedom, environmental protection, and access to clean and affordable energy. Therefore, the authorities' role changed over time, these new challenges and demands claiming new approaches and new responsibilities for those in charge with making policies, formulating alternatives, taking decisions, and implementing them.

In this context, the actors at EU level came to a common understanding of the importance of local governance in the decision-making process and applying EU legislation, therefore, promoting the principles of subsidiarity and proportionality. At present, the whole architecture of the European

Union rests on the principles of multi-level governance and subsidiarity, through which cities represent the political level best understood by the public and the one that offers a proper space for public dialogue, collaboration, and negotiation. Furthermore, decision-makers are in search for innovative solutions that offer social, economic, environmental, and political sustainability at all levels. All actors involved in the process of decision making should be aware that their actions should be oriented towards achieving sustainable and durable goals. All stakeholders, such as public authorities, schools, universities, mass-media, NGOs, representative associations, and citizens, should concentrate their efforts to find solutions, implement available mechanisms, and orient their actions towards the future. In this whole process, cities are seen as having a key role as tools of public diplomacy involved in addressing issues, revising the existing legislation, and reflecting on future policies, whose stronger commitment should be oriented towards tackling current challenges, but also towards predicting and embracing the future ones.

I. The place of administrative governance in the decision-making process of the European Union

From a decision-making perspective, the European Union is seen as a singular, complex and original model. This reality attracts, first of all, a lot of criticism, particularly from the point of view of its efficiency and effectiveness, as long as, very often, the decisions of the Union take a long time and can become obsolete by the time they are implemented. The logic of this decision-making system is, however, the foundation for achieving its objectives, which are to ensure its legitimacy and recognition within the entire union of states. It therefore remains to note that in the light of decision-making legitimacy, the concept of “decisional efficiency” was somehow overshadowed by a conscious decision of the founding fathers, proposed and supported by Jean Monnet and known as the “community decision-making method”.

In fact, the entire evolution of the decision-making system of the European Union has evolved, over time, towards ensuring its legitimacy, a fact recognized as necessary by the founding fathers and implemented

through several additional mechanisms by its decision-makers (Scrutiny, European Citizen Initiative), but also by ensuring an increasingly strong role for the European Parliament as a direct representative of EU citizens¹. On the other hand, in political theory, the legitimacy of a regime is consistently studied from the perspective of its pillars, and the extent of the European construction makes the object of study all the more complex. „For a political regim to be legitimate, its citizens, will need to be convinced about three things: its democracy, its performance and its identity.”²

Coming precisely from the legitimization of the decision-making process, we see two tools manifested as its tendencies as essential. Moreover, they are closely related together in the whole process: subsidiarity and decisional governance. Regarding subsidiarity, the issues become clear from the first evaluations: “There are actions that members want to pool and others that Europe must not participate in. This is the principle of subsidiarity enshrined in the Maastricht Treaty: the Union only intervenes in areas where each of the member states can only act ineffectively.”³ And the areas in which EU action is mandatory, only permitted or not permitted are subsequently distinguished by means of the Treaty of Lisbon, through the categories of “competence of the Union”. The objective is simple, explained below by the same author: “The objective of this principle is for decisions to be taken by authorities as close as possible to European citizens. Precisely, this means that a number of fields – education, health and social protection, culture, justice, police, etc. – continues to be the almost exclusive competence of the member states, (...).”⁴ A careful look at the listed policies shows us precisely their sensitivity regarding national sovereignties. European legitimacy would be more questionable in the fields of culture, education, or social protection. The right of states to decide their own policies in the mentioned

¹ Dobra Dorin-Mircea, Manole Georgiana-Claudia.: *The COSAC Procedure and the national parliaments in the framework of the European Parliament procedures*. URL: <http://neweurope.centre.ubbcluj.ro/wp-content/uploads/2012/05/Online-Journal-No.-12-September-2014.pdf>

² Bomberg, E.; Stubb, A., *The European Union, How does it work?*, Oxford University Press, 2003, p. 160

³ Echkenazi, J., *Ghidul Uniunii Europene*, Ed. Niculescu, București, 2008, p. 36

⁴ *Ibidem*, p. 36

fields automatically brings into question the concept of governance, in synergy with those of subsidiarity and legitimacy, as we have already mentioned.

Unlike subsidiarity, governance takes into account another essential aspect of the Union: complexity. „Analyzing the EU as a system of governance enables us to see how its various parts interact: we can see more accurately how it really operates, how rules are really made, and who are really the main players in decision-making and policy-making”⁵.

The aspect of decision-making complexity within the EU, which we have emphasized since the beginning, makes the need for the two concepts even more obvious: subsidiarity and governance. „Which criteria are to be used to decide at any point in the evolution of an integration scheme, whether certain policy areas should be integrated or not? This question is not specific to integration schemes; any state be it a unitary or a federal, has to decide on the best way to distribute competencies over the various layers of government”⁶. We will soon notice that we are not only talking about the complexity of mechanisms and actors, but also about their multitude, be they at the European, national, subnational or local level. Precisely for this reason, the European Parliament “urges the Member States to involve the competent local and regional authorities and representatives of civil society from the initial stages of the negotiations, regarding Union legislation and programs benefiting from structural funds with the aim of making timely dialogue possible at the different levels of government; urges these authorities to be part of the responsible decision-making bodies, on an equal footing with the national representatives”⁷. In this way, the multiple legitimate decision-making levels throughout the Union are recognized, and the call for their involvement is known under the concept of “multi-level governance”.

Governance becomes, therefore, one of the fundamental concepts in the decision-making process of the EU. The passage of time, the history

⁵ Bomberg, E.; Stubb, A., *Idem*, p. 171

⁶ Molle Willem, *The economics of European Integration (Theory, practice, policy)*, Ed. Dartmouth, England, 1994

⁷ Rezoluția Parlamentului European din 14 decembrie 2010 privind *Buna guvernare și politica regională a UE*

of European integration, the multitude of decision-makers (almost 100 thousand local administrations), all led to the highlighting of this mechanism. “Governance is one of the main keys to the success of the European integration process. Europe will be strong, its institutions will be legitimate, its policies – effective, its citizens will feel involved and taken into account, if its mode of governance guarantees cooperation between the different levels of power, in order to implement the Community agenda and to respond to global challenges”⁸.

The principles of good European governance are precisely the Union's response in terms of the objectives of decision-making legitimacy, participatory democracy, distribution of power, decision-making efficiency. Listed in the White Paper on European Governance⁹, these are: transparency, democratic participation, accountability, efficiency and coherence. The distribution of the decision on various routes and vectors of decision-makers, as well as on various levels of the decision, seeking the involvement of as many actors as possible with the aim of obtaining the broadest common denominator regarding the interests of the Union and its citizens seems to us at this moment to be the most appropriate description of a concept on which many of the dimensions of the EU depend. “If governance in the EU is to earn democratic legitimacy, the overriding task, we conclude, is the greater clarification of the democratic values its citizens want to secure, and the balance they are willing to strike between those values”¹⁰.

II. Local governance in the global and EU agendas

As mentioned before, local government is a major actor, being the closest level to the citizens, being responsible to deliver efficient administration, high-quality services, and a correct implementation of laws. Local public authorities are the core objectives of modernization processes in the context

⁸ Cartea Albă a Comitetului Regiunilor privind Guvernanța pe mai multe niveluri, 17-18 iunie 2009

⁹ Cartea Albă a Guvernanței Europene, 2001

¹⁰ Bomberg, E., Stubb, A., *Idem*, p. 172

of New Public Management reforms, to become viable, well-performing, responsive and democratically accountable.

Back in 1985, the principle of local self-government has been mentioned in the European Charter of Local Self-Government, as “the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population”¹¹ and as a principle that should be recognized in domestic legislation. Later, in 2007, the United Nations published international guidelines on decentralization and the strengthening of local authorities, emphasizing the responsibility of local authorities in spheres involving interests of local citizens, while in 2016 the UN Habitat Agenda presented a paradigm shift based on the role and science of cities in the development of urban areas. It highlighted the “linkages between sustainable urbanization and job creation, livelihood opportunities and improved quality of life”¹² and the incorporation of different actors in multiple levels of government, civil society, private sector and citizens in every urban policy and strategy, in accordance with the processes launched under the 2030 Agenda for Sustainable Development. These documents include transformative commitments in the field of social, economic, environmental and spatial sustainability, through encouraging and empowering local authorities to develop and implement sustainable policies.

On June 2019, the European Council agreed on a new strategic agenda which should provide an overall framework and guidance for the work programs of other EU institutions. The main belief was that EU institutions should focus on what really matters. “In line with the principles of subsidiarity and proportionality, the EU must be big on big and small on small. It must leave economic and social actors the space to breathe, to create and to innovate [...]”¹³. Thus, the agenda includes four main priorities: protecting citizens and freedoms, developing a strong and vibrant economic base, building a climate-neutral, green, fair and social Europe,

¹¹ Council of Europe, European Charter of Local Self-Government, Strasbourg, 15.X.1985

¹² United Nations Human Settlements Programme (UN-HABITAT), *The New Urban Agenda*, *The New Urban Agenda Illustrated Handbook* | UN-Habitat (unhabitat.org)

¹³ European Council, *A new strategic agenda for the EU 2019-2024, a-new-strategic-agenda-2019-2024.pdf* (europa.eu)

and promoting European interests and values on the global stage. Moreover, it emphasizes the need to engage citizens, civil society and social partners in this whole process of achieving societal objectives, to work side by side and use the talents of regional and local actors for the benefit of all. Therefore, it emphasizes the role of governance, as the interaction between civil society and government in determining appropriate governmental action.

Working together, civil society and government, and across different levels of government, became a priority at EU level, to deliver policies more effectively. In achieving these goals, local authorities, which are responsible to deliver efficient administration, high-quality services and a correct implementation of the law, should take all the necessary steps and measures to provide good governance and good administration. Without good governance and quality of public administrations, the European Union *acquis* cannot be implemented effectively. Thus, local authorities should develop a relationship between citizens and government, should ensure legitimacy, democratic participation, accountability and trust. Multi-level governance, models of good practices and collaborative planning are part of the mechanisms through which these principles could be ensured. At the same time, all stakeholders should be involved because the benefits of involving different stakeholders are numerous: they can improve the quality of decision-making processes because they would provide the necessary expertise, they may come with different perspectives and ideas helping authorities to solve conflictual issues, and they may reduce the risk of failure and opposition in later stages of implementation, increasing the confidence of citizens about decisions and public policy proposals.

Conclusions

We could say that today we would not even see a European Union without governance as possible. To be more precise, however, we will only say that the European Union would certainly not be so integrated, solid and solidary if it did not have this mechanism at its disposal. After all, this is the greatness of the European construction: the ability to absorb, take into account every opinion, and then make decisions that satisfy all parties down to the smallest level. Moreover, cases are recognized in which

a local community has made its voice heard, later its desire turning into an exception to the community rule, an exception accepted precisely on the basis of the "unity in diversity" principle.

In the end, governance, especially in the field of local public administration, is also the ultimate weapon against the chorus of voices complaining about the lack of authority and sovereignty of the states in front of the EU. Here, not only the states, but also the regions, even local communities have every right to self-determination, and the European integration process to continue on its way, respecting opinion, diversity, multiculturalism.

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New global challenges demand local responses and a stronger commitment on the part of the cities and local authorities when designing and implementing EU policies. Thus, main actors, such as the European Commission and the European Parliament, acknowledge that local governance plays a key role in delivering the EU's agenda. Therefore, this article aims to provide an overview of the increasing role of local governance in the decision-making process of the European Union and development processes, debating the role of local governance in the whole EU architecture. Moreover, the EU's agenda should be built on local knowledge and in support of local governance, and more efforts are needed to ensure that local authorities reach their full potential.

Keywords: local governance, legitimacy, subsidiarity, proportionality, EU

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