

REGIONAL AND LOCAL STRUCTURES IN GREECE AND IN MEMBER-STATES OF THE EUROPEAN UNION

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The themes¹ concerning Decentralization, of the Public Administration at large and of Self-Administration bear in themselves a very special meaning. But this meaning that they have, acquires bigger dimensions at periods, due to particular circumstances, under which a country «stands»; according to them our country «stands» under special circumstances for various reasons.

Significantly:

Even though, the decentralization of the Administrative mechanism of the state, represents a constitutional order and the dream of decades, it hasn't been completed for various reasons; among them, (apart from objective reasons of weakness) stand political choices which head toward the direction of a non-complete application of the institution, despite the opposite declaration here and the happenings elsewhere, where the correlating mechanisms are applied in a profitable way and from a distance (e.g. France and others).

The Public Administration in general, «follows» the destiny of decentralization. The latest «urgent» arrangements of the state and the continuous ardent declarations of the opposition on various matters of Public Administration, (including the one relevant to its regional dimension-March 1996) obviously demonstrate the problem of its

1. The text owes its main points to the professor's lecture, at the Beneficial Institution A.S. Onassis (Athens), after an invitation made by the Union of Scholars of the Institution (March 6, 1996 a.d.). The lecture has been attended by a representative of the Institution's Board of Directors, the B.Ds and Members of the Union, University Professors, Special Scientists etc. Before the lecture, the Union's President Dr J. Kondili briefly referred to the work made by the Benevolent Institution and by the Union and also spoke about the personality of the speaker who has, among others, been the Scientific Responsible of the survey which was funded by the Institution.

2. See REVIEW OF DECENTRALIZATION, LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT. Scient. Respon. C. GE. ATHANASSOPOULOS. Athens, 1996, issue 3, pp. 1-3.

dysfunction, which according to the phenomena appears as permanent and intense and it creates a number of side effects in the country's wider lifestyle.

The Local Administration of A' and B' degree didn't have the luck of having, beyond its constitutional security, a better fate. Our country, being on an alternating and staggering state «conceived» the idea before centuries; at periods, it abandoned to its fate the A' degree and it is not long ago that it decided to occupy with the B' degree, which is not at its best as it has been designed and applied only partially.

The nature of the applied or suggested solutions, which are given at times on matters of decentralization, of Public Administration and of Local Self-Administration, are matters which are usually and continually detached and placed as they should in a vast, cohesive, functional, effective network of policies and of measures, they refute the noble intention of their advisers, thus leading to undesirable results. The continuous change of associated regulations (of legislative and administrative character) as well as the procrustean application, at times, of the relevant provisions of the law and the occasionally observed, from State agencies or from agencies of Local Structures, inactivity of the application of existing laws, do not lead in the «production» of the extremely useful, especially in our days, «administrative» work.

But the above phenomena should cease to exist. Both the general situation of the country and the international occurrence under which the country «lives» and «acts» suggest more profitable, brave and obvious rates (with a lot of consensus...).

It must be annotated, that beyond the service of the citizens, in the good sense of the term, on matters of current Administrative character, the orthologically organized and perfectly functioning Public Administration which stands under a regime of complete Decentralization and the Local Self-Administration, both constitute a *conditio sine qua* of non important matters like for instance, Development in the wider sense of the word (economic, social, cultural) etc.

We must make clear at this point, that the above mentioned Administration, the State, as the late academic George Vlachos has successfully written in an important monograph «under a certain point of view (the point of view of the security of the common interest) (the State) identifies or at least covers the total of important events, which take place in a wider geographical place, events, that never remain stable in a specific period of time, but are born, developed or transformed all along during their historical lifetime, under the influence of multiple endogenous or exogenous causes, but also of random historical events. In any case, in this area nothing can be successfully and effectively dealt, without the entire view and the appreciation of the total».

This appreciation of the total commands the «disengagement» from the specific partial geographical total thus leading to the «wholle».

In this case the wholle commands a report on relevant actions in favor of National or non-National Agencies and especially those of the European Parliament³, which some months ago, successfully organized, a Conference of the European Parliament and of the Local and Regional Authorities of the European Union with the collaboration of the

³ See Const. GE. ATHANASSOPOULOS, I. VLASSIS, V. D. DELITHEOU: *LAW IN THE EUROPEAN UNION*. Athens, 1996, pp. 63-66.

Regional Committees. In addition, in this conference took part the European Regional Assembly and the Council of Communities and regions. The purpose of this Conference was to enforce the relationship with the Local and Regional authorities of the Union and to make public a relatively common question on the perspectives of the governmental Assembly of the year 1996 a.d.

The participants in the assembly also discussed about the economic and social cohesion and about the contribution of Local and Regional Authorities in the construction of a more Democratic and mutual European Union, which will stand at the side of its citizens⁴.

It must be noted, that the Committee of Regional Politics of the European Parliament has formed two reports on two major issues of the conference, while the Regional Committee had been called to submit two proposals on the same matters. The Assembly of the European Regions (ARE) and the Council of European Communities and Regions (CCRE) have submitted their views. These four documents have formed the base for the discussions during the meeting of all the Members of the Conference and the model for the drafting of the Final Declaration of the Conference.

In this Declaration, among others, it is emphasized that the Debating Members are certain that the necessary enforcement of the democratic legitimacy of the European Union stems from the increased participation and the merging of the Regional and the Local Authorities to the organical structures and to various policies of the Union. As a result, they feel that it is necessary that the current revision of the Treaty should end up in the reformatations that are requested from the present Declaration.

They are also convinced, that the true nature of the European construction is based on a draft of a common lifestyle, which is based on mutual support; all the Authorities of Local Administration must offer their special advice and they must demand the enforcement of the Federal Authorities and the spirit of regionalization along with local autonomy. They also suggest that the states should fully respect the countenance of each Region.

Moreover, according to their judgement, the European Parliament, as a direct expression of the people of the Union, constitutes the privileged debator and the natural ally of the Citizens and of the political Agencies, (which are closer to them than the Local and Regional Authorities) and they require that the revision of the treaty will lead in the enforcement of their legislative role. They also underline, in this particular case, the role that is ascribed to the Regional Committee during the reformation of the Structural Funds and the necessity of a close collaboration with the European Parliament. Finally, they judge as necessary the reassignment of the principle of subsidiarity, which anticipates its application in the Regional and Local Authorities, in relation to the provinces, that have been assigned to them, according to the enternal justice of the Member-States, from the scope of solisitude for a greater effectiveness in

4. See Const. GE. ATHANASSOPOULOS: *The Important problem of the lack of informing (about the Maastricht's Treaty). Interview, on the ECONOMY AND CONVERGENCE, EXPRESS, HELLENEWS, Athens, January 1997 a.d., pp. 59-63.*

the level of taking decisions, as well as in the application of various policies. In addition, they demand that the principle of local autonomy, as defined in the chart of Local Autonomy of the European Council, to be registrated in the Treaty as a general principle of the Communal Law, which derives from the common constitutional traditions of the Member-States and they remind, that this principle deals with the respect to the total of these jurisdictions of Local Self-Administration, as well as with the provision of the necessary means for their fullfillment.

But beyond the European Parliament which is functioning constantly and with all the consequences coming out of this situation, the Maastricht Treaty which, as it is well known, has been valid since November the 1st 1993 a.d., anticipates for matters of a regional level of the Regional Committee⁵.

The Regional Committee has been formated from the Treaty concerning the European Union, which was confirmed with the L. 2077/1992 according to the article 28 of the current Constitution of Greece.

Some of these regulations concerning the Regional Committee go as follows:

The Regional Committee consists of 222 Members at the following proportion: Austria 12, Belgium 12, France 24, Germany 24, Denmark 9, Greece 12, United Kingdom 24, Irland 9, Spain 21, Italy 24, Luxembourg 6, Holland 12, Portugal 12, Sweden 12, Finland 9.

The Members and their Alternets are been appointed from the Council after the relevant propositions made by the Member-States on the four year serving in the army (article 198 Maastricht Treaty).

The Regional Committee, according to an additional Protocol, uses a common organizational structure with the Socioeconomic Committee.

The Regional Committee has written and ratified, on May 1994 a.d. (3rd Plenary Assembly, 17, 18 May 1994), its internal Regulation, in which the procedures and the affairs that concern the convocation of the Regional Committee are being regulated and especially on matters of the Plenary Assembly, of the Presidency, the Office, the Special Committees, and of the General Secretariat. The Regulation has been approved from the E.U.'s Council at the 1759th session at the 25th of May 1994 a.d. and has been modified by the Regional Committee during the Plenary Assembly of the 1st and 2nd of February 1995 a.d; and it has finally been ratified by the EU's Council during its 1833rd Session at the 10th of March 1995 a.d.

The Presidency of the Regional Committees is elected for a period of two years and is composed from 36 Members, in which the President and the first Vice President are included, as well as one Member from each Member-State with the rank of the vice president. The first President to be elected from the Regional Committee was the French Jacques Blanc (1994), President of the Regional Council of Languendoc-Roussillon.

⁵ *Const. GE. ATHANASSOPOULOS: Regional Administration and Local Government. Issue A'. C' publ. Athens, 1995, pp. 57-60.*

The Members of the Regional Committee are been allocated in Committees and in sub-committees which go as follows:

A' Committee: Economic, Regional Development, Regional and Local Economics.
Sub-Committee: Regional and Local Economics

B' Committee: Planning of the open country, Hunting, Fishing, Farming, Forests, Seas, and Highlands.

Sub-committee: Tourism, Open Country.

C' Committee: Transportation, Networks of Communication.

Sub-Committee: Telecommunications

D' Committee: Civil Policies

E' Committee: Environment, Energy.

F' Committee: Education, Qualification.

G' Committee: Europe for the Civilians, Research, Culture, Youth, Consumers.

Sub-Committee: Youth, Athletics

H' Committee: Sociocultural, Public Health, Socioeconomic Coherence.

Special Committee:

The Members of the Regional Committee are not allowed to be committed to any imperative command. They exercise their duties independantly from the common benefit of the Community. The Council or the Committee request the opinion of the Regional Committees in cases where it is provided in the Treaty, as well as in every case that the Committee feels that it is needed⁶.

The sectors, in which the Opinion of the Regional Committees is required, refer to five Communal Policies:

Article 126 paragr. 4: issues on Education.

Article 128 paragr. 5: cultural development of Member-States

Article 129 paragr. 4: issues on public health.

Article 129 B, C, D: creation and development of european networks of infra-structural works for transportations, telecommunications and energy.

Article 130: issues of socioeconomic coherence, Structural Funds, European Funds of Regional Development.

Among the various important Opinions of the Regional Committee, we refer here to the Opinions concerning the «Propositional Regulation (EP) of the Council on provisions concerning: the applications of the Regulation relating to the creation of a Coherent Fund», 1994, the «Proposition of the Announcement towards the Member-States concerning urban areas in relation to the actions of communal initiative in the range of Structural Funds», 1994, the «Green Book-Appeal of the consumers to Justice and the regulation of consuming differences in the internal market, 1994, the Announcement of the Committee titled as «Politics of the European Union on industrial competition», 1995, the «European Chart of the Highlands», 1995, the «Innovational actions in the range of Structural Funds 1995-1999-Directional policies for the second series of actions according to the 10th article on Special Funds for

6. See *REVIEW OF DECENTRALIZATION, LOCAL GOVERNMENT AND REGIONAL DEVELOPMENT. Scient. Resp. C. GE. ATHANASSOPOULOS. Athens, 1995, issue 2, pp. 97-100.*

Regional Development (ΕΤΠΑ)», on the «Consequences of fishing policies in the regions», 1996, about the «Announcement of the Committee regarding new regional programs for targets 1 and 2 of the common structural politics» 1996 etc.

Beyond those the Regional Committee is the only new political institution which has been formed under the Maastricht treaty and the determination of the way it functions, of its jurisdictions and of its resources have been objects of long and intense discussions between the European Members, with Germany exerting a greater «pressure» for its formation.

At that time Belgium and Spain had taken the same position with Germany, while Greece had shown on the matter a «favourable neutrality» and the U.K. had been against the Formation of the Committee.

Among the negative⁷ elements of the Regional Committee, the most important one is considered its heterogeneous composition, given the fact that many Countries are been represented in the Committee by Members which have occupied higher ranks in their home countries (like that of the Prime Minister, or Minister and at the same time being President of the Regional Councils, thus having a political «power» and an enormous experience on the matters concerning Regions) as opposed to the other representatives of other Countries (e.g. Greece) which come from lower Regional and Local Structures e.g. Municipalities.

To be continued...

7. See Const. GE. ATHANASSOPOULOS: *Regional Administration and Local Government. Issue A'. C' publ. Athens, 1996, pp. 58-61.*

ΠΡΑΚΤΙΚΑ ΕΠΙΣΤΗΜΟΝΙΚΟΥ ΣΥΜΠΟΣΙΟΥ

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ΣΠΥΡΙΔΩΝΟΣ

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