

WORKSHOP 1 - TERMINOLOGY WORKSHOP: TRANSLATION OF LEGAL LEXICON IN THE FIELD OF LOCAL GOVERNMENT

Chair:

- Mr. Charles Eddy, University of Lille (France)
- Mr. Alexandre Fauquette, University of Lille (France)

This workshop is framed within the project of a bilingual or trilingual dictionary (English and French, possibly German) composed of essential vocabulary in the field of local autonomy. A discussion took place on the terminology and definitions used in the dictionary..

WORKSHOP 2 - CONTROL AND SUPERVISION OF ADMINISTRATIVE ACTS

Chair:

- Pr Angelika Emmerich-Fritsche, Friedrich Alexander University (Germany)
- Dr Didier Lhomme, University of Valenciennes (France)

Speakers:

- Mr. Thibault Delavenne, University of Lille (France)
- Pr Biruta Sloka and Mrs Inga Jekabsons, University of Latvia (Latvia)

Experience feedback:

- Mr. Luc Martens, Mayor of Roeselare, President of the Association of Flemish Cities and Municipalities (Belgium)

The review of administrative activities takes different forms: prior and subsequent, preventive, internal and external. Those performing the review can also differ: the local government itself, legislative bodies, higher levels of government, independent authorities (e.g. ombudsmen), and even private companies or citizens and individuals (by means of democratic rights and judicial remedies), can all be at the origin of reviews.

The form of the review can range from deliberations and verifications, auditing, and coaching (see the contribution of Mr Martens, Mayor of Roeselare) to direct oversight by national authorities (see Angel Hervé Ahui Brou Miano: *Supervising Local Public Procurement in Cote d'Ivoire*).

Thibault Delavenne examined the subject of judicial review by using a comparative law approach. Apart from a certain autonomy at the regional level in the UK, the local legal system is highly centralised and the activities of local governments are almost entirely overseen by the British Parliament. Judicial review is possible when citizens seek redress of their grievances. The judge can determine whether a litigant has “sufficient interest” (locus standi) and rule as to the lawfulness of the local authority’s actions, but does so only in cases of grave breaches of the law.

In France, the legalism born out of the experience of the revolution places reviews of legality – independently of individual rights – at the centre of the French system, which has only been decentralized since 1982. Against this backdrop, it is easy to see why there exists the possibility for a taxpayer to go to court on the behalf of the local government he or she belongs to – a possibility that also exists in Spain.

Unlike France, in Germany (and also in Spain), to have standing, plaintiffs must prove that their rights have been violated (Art. 19 IV 1 Fundamental Law, § 42 II VwGO). During the subsequent debate, Eija Mäkinen brought up the fact that locus standi is not required in Finland. Max-Emanuel Geis reminded the audience of the particularity of the existence of actio popularis (popular action) in the Bavarian Constitution (Art. 98, 4 BV).

Mr Geis explained that in Bavaria, prior arbitration with local governments has been abolished, and

in response to a question from Mr. Volmerange, he replied that this procedure was free, but that it rarely resulted in success for the plaintiffs in 90% of cases dealing with construction. In Germany, it is rather the Länder (federal states), which exercise their considerable right to review the lawfulness of municipal activities (see Art. 110, 112, 113 Bay. Gemeindeordnung). Furthermore, the minimum levels for taking legal action at a local level (Art. 18a Bay.GO) are lower than in France. Mr Geis indicated that, in response to the influence of European Union law, Germany has also moved toward judicial review of legality.

Inga Jekabsone presented an empirical approach, based on the SPIRAL method, concerning strategic planning and review of local government actions to ensure the well-being of society. The research comprised participants from 25 different interest groups. The results of research on well-being in Salaspils have shown that once citizens gain access to basic infrastructure and a proper living environment, they are interested in taking on responsibility and actively participating in society. The goal is to create a model for local “governance” based on citizens’ participation during the elaboration of long-term planning documents.

This model and the empirical approach sparked a number of questions in the debate:

- Who has the authority to define what constitutes “well-being”?
- How can this model be tied to fundamental rights and democratic legitimacy when it is only based on “indicators”? What is the concept of participation?

Ms Jekabsone stressed that survey responses are necessarily empirical and subjective, but she also highlighted the mistrust toward the former Soviet republic in relation to a policy of “well-being”.

Local autonomy cannot exceed the general framework of legality, fundamental rights, and democratic legitimacy. On the other hand, supervision threatens local autonomy whenever it lacks objectivity, lawfulness, proportionality and democratic foundations.

The different solutions in the methods of supervising local public activities are partly born out of different levels of decentralisation. But they can also be explained by the relationship between the national government and its citizens, who ultimately bear responsibility for the lawfulness of government activities. The “final supervisor” is defined according to tradition and the notion of freedom and individual rights. When all is said and done, this supervision is performed by the authority in which society places the most trust.

WORKSHOP 3 - THE EVOLUTION OF LOCAL GOVERNMENT CONTROLS

Chair:

- Pr Adam Bosiacki, Warsaw University (Poland)
- Dr Jaroslaw Kostrubiec, Warsaw University (Poland)

Speakers:

- Pr Patrizia Magarò, University of Genoa and Mrs Cristina Sollenni, official of the Court of Auditors (Italy)
- Pr Ivan Koprivic, Dr Mateja Crnkovic, Dr Iva Lopizic, University of Zagreb (Croatia)
- Pr Angel Manuel Moreno, Carlos III University of Madrid (Spain)
- Pr Lumila Malikova and Mr. Tomas Jacko, Comenius University (Slovakia)

The topic of Workshop 3 was the evolution of control and supervision of local authorities in the given Member States of the European Union.

The first presentation was performed by Prof. Patrizia Magarò and Mrs. Cristina Sollenni on *The Evolution of the Control and Supervision of Local Government Activities in Italy*. One of the remarks was that the control over territorial authorities’ activities was one of the greatest problems in Italy. The author concluded that the system of control currently operating in Italy was essentially a kind of hybrid. It is configured according to a model that is sometimes closer to the French experience of the “contre-rôle” (in which the verification is aimed at ascertaining the regularity of

the activity and is usually armed with a sanctioning power) or to the model of the Anglo-Saxon “control” (in which verification is conceived as functional to the direction and orientation of public administrations).

The issue of the effectiveness of means of review of local authorities’ activities was also the problem that was read in the next paper of Prof. Ivan Kopic, Dr. Mateja Crnkovic and Dr. Iva Lopizic (*Control of Local Governments in Croatia: Many Components, Still a Weak Control.*) One of the most important concluding remarks found in this paper was the inefficiency of control mechanisms in present Croatia. There are four basic types and many kinds of control, as well as very many control bodies and mechanisms, regulated in huge number of laws and regulations. The main sign of weak, although a very complex, review system is the high number of local officials, mainly mayors and governors, with criminal charges or convictions. The newest and most striking examples are the mayors and former mayors of the following cities: Zagreb, Split, Zadar, Dubrovnik, etc. That is why the author concluded that new and more effective forms of reviewing local authorities’ activities are still needed.

New forms of control over municipalities in Spain and local self-government were the subject of the paper of Prof. Moreno. He analyzed, from a legal perspective, the new forms of intergovernmental review of municipalities’ activities that have been introduced in Spain in recent years. These reviews are performed by the regions (Comunidades Autónomas) and by governmental agencies. The paper presented the new forms of expediency control over the decisions, plans and measures adopted by the municipalities which are performed by other levels of government under the guise of a legality review. Secondly, it highlighted the use of the technique of coordination as a justification for the exercise of expediency controls on municipal activities and services. Finally, the author presented the most recent local government reforms approved in the kingdom, focusing on the new inter-administrative forms of control which have been introduced by the described reform, and discussed its compatibility with local autonomy. All this raised the question as to whether these measures were in abstracto compatible with the essence of local self-government, understood as the capacity of local authorities to make decisions, free of intervention by the government or the regions. In this perspective, it was clear that reform has a major impact on the essential core of local autonomy.

The dilemma of autonomy versus supervision in the context of the local government in Slovakia was the topic of the final paper, presented by Prof. Lumila Malikova and Mr. Tomas Jacko. A fundamental research issue of this paper was formulated in the following way: “What steering/control measures have been introduced in Slovak municipalities since 1990, and how have they performed before and after the recent financial crisis?” The authors demonstrated the degree of autonomy of local self-governments in Slovakia in light of interference, control and supervision by the central government. They discussed the autonomy and supervision of local governments in Slovakia and illustrated this dichotomy through the lens of both internal (i.e. chief municipal auditor) and external control/audit (i.e. the Supreme Audit Office) mechanisms. The presentation also used primary data obtained from the General Prosecutor, the Supreme Audit Office, Ministry of Finance, Public Defender of Rights (Ombudsman), which fur-



ther supported the case and also provided data to compare the pre-crisis and post-crisis periods.

All papers presented in Workshop 3 made it possible to compare the different systems of control and supervision of local government activities in the countries that were studied, as well as to investigate the genesis of measures and means of supervising local governments and to better understand the process of inner evolutions or development trends. The key message of the presentations was to draw attention to the necessity of supporting the autonomous resolution of local governments' own problems in accordance with the principle of subsidiarity.

WORKSHOP 4 - ROUND TABLE

“CONTROL AND SUPERVISION: A THREAT TO AUTONOMY OR AN ENCOURAGEMENT TO IMPROVE PERFORMANCE?”

Moderator:

• Mrs Gunn Marit Helgesen, CEMR Vice-President, President of the Norwegian Association of Local and Regional Authorities, Councillor of Telemark and Porsgrunn (Norway)

Speakers:

• Dr Ulrich Maly, Mayor of Nuremberg, President of the Association of German Cities (Germany)

• Mrs Mariana Gaju, Mayor of Cumpăna, Vice-president of CEMR, First Vice-President of the Association of Romanian Communes (Romania)

• Mr. Ronny Frederickx, President of the Union of Local Authority Chief Executives of Europe (Belgium)

Academic Feedback:

• Dr Maris Pukis, , University of Latvia, Senior Advisor to the Union of Local and Regional Governments of Latvia (Latvia)

My top 5 Takeaways

1. The role national associations of local and regional governments can play is crucial. Concrete examples were presented on how they can facilitate the daily work of their members to better comply with European or national requirements.
2. Even in countries with an old tradition of decentralisation, state control remains a real threat. Regular verifications that there is not too much bureaucracy and the respect of the principle of proportionality are necessary.
3. Giving local governments the capacity to execute their delegated powers and organise their self-evaluation system is fundamental. Practical examples were showcased on internal control and external supervision of the system.
4. The state must not only exercise control but also provide support and assistance to develop solutions. Only then can interaction at all levels of government become truly productive.
5. Our Norwegian Association KS has developed a tool to allow interested municipalities to analyse their self-audit system, to compare, to learn from others, and to establish improvement measures. Why not try this in your country?

Local and regional governments face different challenges to their autonomy: structural and functional reforms in their national governance structures, the rules of the EU internal market, the introduction of modern public management methods, the Stability and Growth Pact in Euro-zone countries, etc. All these elements include instruments of control and supervision of local and regional governments and can constitute a threat to their right to self-government.

The described measures are often accompanied by supervisory instruments that have been intro-



duced in the name of better administration for a variety of reasons. For instance to ensure transparency or the rule of law and harmonised application, but also to ensure accountability and efficient spending of public money.

In this Round Table, speakers exchanged their views and experiences as to in what measure they have experienced control and supervision measures as a threat to their local autonomy and/or whether there are also positive aspects, as auditing and supervision can help to improve the performance of their city, municipality or region.

In the first presentation of the roundtable, Ms. Gunn Marit Helgesen, CEMR Vice-President and President of the Norwegian Association of Local and Regional Authorities (KS) presented the tools and methods developed by KS to put municipalities and regions in a position to better comply with the requirements of the European Charter of Local Self-Government.

This initiative is a reaction to a recent report from the Council of Europe's Congress of Local and Regional Authorities on local and regional democracy in Norway, which expressed concerns about levels of state supervision and control. The Congress found that the supervision of the governor and other supervising bodies exceeds the spirit of the law and that the control exercised by the central government should be limited solely to legal review, avoiding a recentralisation of transferred powers.

The tools and methods developed by KS and its members provide independent responsibility for control and regulation to both elected municipal and county councillors and administrative leadership. Popular control invites citizens and councillors to answer questions on how they experience local democracy in their municipality. The Council of Europe's 12 principles for good governance have been integrated in the survey and covers different aspects of good local democracy: reliable, responsible, listening and effective government. Councillor control consists of a training programme for newly elected councillors and a handbook with the title "trust" on the role of councillors and how to exercise this role. Control from the administrative leadership is executed with "efficiency improvement networks", a voluntary tool for self-regulation that offers municipalities an arena to analyse their activities, to compare and learn from others, and to set improvement measures by working in a network.

Ms. Helgesen highlighted that this method of benchmarking and mutual leaning is a suitable way of working, not least with the focus on self-evaluation and continual improvement.

Then, Dr Ulrich Maly, Mayor of Nuremberg (Germany), presented the specific case of Germany on control and supervision of local governments. He stated that in general, procedures of constitutional review of local action in Germany work well and don't systematically give cause for complaint. However, too much state control can become a threat to local autonomy, and this threat is also real in Germany.

He expressed his concern about the tendency of the Federal Government and the federal states to regulate the administrative implementation of laws, although such implementation actually is subject to the rules of federal states and more specifically of local governments. As a result, there is a loss of flexibility and a surplus of bureaucracy. Fortunately, as Dr Maly pointed out, legal supervision, support and advice to improve local activities are no longer in contradiction but are actually complementary. This is because of the activities of institutions like the Bavarian Local

Audit Association, a kind of “Court of Auditors for local governments” whose tasks go far beyond general audits and audits of annual accounts, as it also provides local governments with advice and expert opinions.

According to Dr Maly, state control of local governments is inevitable and necessary, but the principle of proportionality must be observed and the core of local autonomy respected. He concluded that the State must not only exercise control but also provide support and assistance to develop solutions. Only then can interaction at all levels of government become truly productive.

Ms. Mariana Gaju, Mayor of Cumpăna (Romania) and First Vice-President of the Association of Romanian Communes (ACoR), gave a presentation on internal audit cooperation in Romania. In Romania, internal audit activity is a mandatory legal obligation for any public institution, regardless of the number of employees or financial resources.

Ms. Gaju pointed out that financial constraints in the public sector have negatively influenced public internal audit work by blocking positions and capping salaries at local government level. As a consequence, most local governments have been unable to carry out this activity, due to the lack of financial or human resources available.

The Association of Communes of Romania has contributed decisively to create a solution to this problem by modifying Romanian legislation and allowing local public institutions to cooperate to organise activities in the areas of inspection or audit in accordance with the principles of efficiency, effectiveness and economy. Thus, efficiency in the use of public funds in terms of auditing activities is achieved at the local public administration level. This type of problem solving in terms of internal audits allowed and encouraged the efficient use of financial and human resources in the local public administration, which has reduced corruption and fraud.

In his intervention, Mr Ronny Frederickx, president of the Union of Local Authority Chief Executives of Europe (UDITE), highlighted the importance tied to local governments having sufficient ability to organise themselves and design and develop an internal supervisory system that keeps control over the decision making process. In this way, external supervision can be limited to a screening of that internal control system.

We can distinguish between different types of supervision: legal review and outcome-based supervision. According to Mr Frederickx, an internal review needs to keep control over the outcome (are the objectives achieved or not, with what means, and within which time frame?) and the evaluation has to be made within the organisation because the local government has to be responsible to its tax payers, and not to the regional or state organisation. Mr Frederickx concluded that it is important to make local governments capable to execute their delegated powers and organise their self-control system.



Dr Maris Pukis, professor at the University of Latvia and Senior Advisor for the Union of Local and Regional Governments of Latvia, gave the academic feedback of the roundtable. He first presented a general frame of supervision focusing on the questions: “Supervision of whom?” “Supervision of what?” and “Control and supervision for what reason?” His conclusions were that the main efforts to improve control and supervision of local and regional governments should focus on explaining and applying the principle of proportionality in public management practice.

Reduction of the control and supervision of the central governments can be achieved by increasing trust towards local and regional governments. A precondition for such trust is actively introducing local or regional innovations and improving communication with citizens. Besides, financial supervision should mainly be an internal power for local governments (internal audits, outsourcing of external audits) in order to limit the scope of the supervision by the central government. He confirmed Ms. Hegelsen's comment that local and regional government bench-learning can be a powerful tool for decentralisation of control and supervision.

WORKSHOP 5 - FINANCIAL AUDITING OF LOCAL AUTHORITIES

Chair:

- Dr Stéphane Guérard, University of Lille (France)
- Dr Marie-Anne Vanneaux, Artois University (France)

Speakers:

- Pr Verginia Vedinas, , University of Bucharest, Head of the legal department of the Court of Auditors and Member of the Audit Offices (Romania)
- Mr. Vincent Potier, Managing Director, and Mr. Benoît Cathala, Manager of the mission Europe of the Centre National de la Fonction Publique Territoriale (France)
- Mr. Rudy Chouvel, University Paris 1 - Panthéon Sorbonne (France)

Experience feedback:

- Mrs Louise-Marie Bataille, Secretary General of the Union of cities and municipalities of Wallonia (Belgium)

Although the primacy of local government autonomy is expressed in the Constitutions and legislation of European Union member states, in practice it is confronted with the phenomenon of national government audits of local finances. Born out of a shared concern for the proper financial management of local governments, each nation organises its system of financial supervision – by courts or by some other means – a phenomenon that was brought to light by this workshop's speakers.

The first article presented an opportunity to examine the organisation and the current challenges posed by the auditing of local government finances in Romania. After reviewing the status of these Romanian local governments, Dr Vedinas, Head of the Legal Department and member of the Court of Auditors, provided a description of the system of review of local finances by audit courts, which is largely performed by the Court of Auditors with the assistance of County Audit Chambers. The nation's Court of Auditors, created at the end of the 19th century, was inscribed in the Constitution in 2003 by Article 140, and has absolute independence from the Government and from Parliament. Assisted by 41 County Audit Chambers, it is tasked with reviewing the collection and use of public resources, and is consulted both on a regular basis and when it is presented with specific financial questions by the houses of Parliament. The latter role, which also entails reviews of management, was also accompanied by a judicial role until 2003, when it was shifted over to the courts. The Romanian Court of Auditors is also assisted in auditing the proper use of public funds by an Independent Auditing Authority whose role is, in particular, to observe the use of European aid funding awarded to local governments. This authority is also assisted on a local level by local and regional bureaus. This demonstrates that the financial management of local government entities in Romania is subject to extensive oversight, and one might further add that the powers of County Chambers also extend to ensuring that government funding is properly used by local executive branches. For instance, this oversight can be exercised over local policies in matters of environmental protection, public works, or for public procurement or public services under contract to the private sphere. Consequently, it is not only local governments, but also more broadly, the entirety of the public sector that is subject to financial supervision by County Audit Chambers. These courts, which have the power to call upon criminal courts if they discover offences tied to the handling of government resources, can also freeze money if its use is found to be unlawful or

inefficient. This point should be highlighted, because it demonstrates the scope of these judicial powers in and of itself, which can in certain respects border on reviews of the appropriateness of local measures. In this way, Dr Vedinas demonstrates the usefulness and efficiency of the Romanian Court of Auditors and County Audit Chambers, showing that while the autonomy of local governments in Romania is inscribed in the constitution, it cannot be construed as allowing these governments to manage themselves with the utmost freedom – at least financially.



Vincent Potier, Director General of the National Centre for Local Civil Service (CNFPT), presented

the system of financial evaluation of local policies that has been implemented by French audit courts. It primarily consists of audits performed first by Regional and Territorial Audit Chambers, and second by the Court of Auditors. As far as the former are concerned, they are currently limited to verifying the lawfulness of financial management, simply gauging the efficiency and effectiveness of government spending. The fear expressed by the speaker is that this judicial review of proper management practices is in fact a way of judging the appropriateness of local measures seems to hold water, despite the fact that the notion of reviews of financial management has become ever-more circumscribed since 2001. While the observations of these regional financial courts are without legal force, they still do bear consequences. First, the resulting visibility (with the publication of the findings circulated by the press and repeated in the annual Report of the Court of Auditors) allows taxpayers to be informed of the way in which local finances are handled. The findings of Regional Audit Chambers also warn local governments of problems and incite them to remedy them. The recommendations that can be included allow them to take stock of future financial and legal problems. As for the Court of Auditors, it has published an annual report on local government finances since 2013. With a wider scope that adds to the evaluations made by Regional Audit Chambers, this study tracks the current burden of local government finances on national coffers, which have been required since 2008 to assist them in terms of financial recovery. In this report, the Court of Auditors also includes a study of the local financial system (including the tax system) that is both quantitative and qualitative, even if this means, as Mr Potier highlighted, performing an evaluation of certain local government policies. When all is said and done, audit courts all work toward improved local government management, with their role incidentally not being so much to sanction as to teach.

As for Rudy Chouvel of Paris 1 University, he provided a broad overview of external auditing and local government management in European Union countries. By studying all of the systems, which use (combined or separately) examinations of management, verifications of local accounts, and more thorough judicial supervision, Mr Chouvel's analysis went further in reality, establishing a classification of this supervision based on the nature of the authorities responsible for it and the way it is exercised. The institutions responsible for external financial auditing of local government entities can thus be divided into four categories: higher auditing institutions, regional auditing institutions, more or less deconcentrated or decentralised administrative bodies, and private-sector bodies. As he examined and illustrated each of these broad categories, Mr Chouvel concluded that the choices made by member states to turn to one institution rather than to another do not originate from the countries' constitutional structure or from their geographical or economic character-

ristics. As for the review methods themselves, they range from simple administrative and judiciary accounting verifications (ascertaining that accounts are in good order and that ledgers are accurately and honestly kept) to more qualitative reviews of management. Each country may furthermore freely organise these types of activities, combining them if necessary and emphasising one or the other depending on the goal that has been set in terms of proper use of government funds. What's more, when national or local audit courts take part in these verifications, they all follow – in all cases – judicial procedure that carries minimum procedural guarantees (the right to a fair hearing, the impartiality of the court's members). Lastly, the decisions, recommendations, and (possible) sanctions that they hand down, like those given by other types of supervisory bodies, are unique in that they have no legal force. Yet the transmission of the results of these verifications to the local governments, parliamentary assemblies, and/or ministers who are concerned by them ensures, in each of the countries that was studied, a level of visibility that at the very least exposes the problems that are found. The chosen systems of review and supervision therefore serve, beyond the intrinsic characteristics that set the countries apart from each other, a preventative – or even remedial – purpose.

Following a presentation of the constitutional, legislative, and financial background of Wallonian municipalities, Louise-Marie Bataille, Secretary General of the Union of Cities and Towns of Wallonia (UVCW), highlighted how significant the goal of balanced budgets has become for these local governments. However, as part of the more global goal of improving Belgian public finances, the speaker showed all the limitations and difficulties concretely faced by municipalities in following the financial dictates imposed by the Stability and Growth Pact and the European accounting standard (Eurostat). As for financial supervision over Wallonian municipalities, it seems that it has little to do with courts, but rather with the region of Wallonia, which, by scaling down municipal budgets in accordance with strict budgetary and administrative rules, has once more put in place a sort of direct administrative supervision. Consequently, since the 1990s, in exchange for aid awarded to municipalities by the region, cities and towns have faced the obligation of respecting a strict fiscal management plan and are required to consent to verifications performed by inspectors from the regional municipal aid centre. In each municipality, supervision takes place both over the local budget and over all decisions involving the disbursement of public funds in the manner described by Ms Bataille. In Flanders, in addition to a strict local budgetary framework that – even more so than in Wallonia – unites “municipal budgets and policy objectives”, an auditing body belonging specifically to the region is tasked with external audits. Louise-Marie Bataille concluded that the system implemented in Belgium should no longer allow municipalities to accumulate large quantities of debt. She highlighted the fact that the financial challenges that municipalities currently face are in reality less the result of local governments' own financial management than that of the abandonment and subsequent shifting of certain programmes onto local governments without financial compensation.

All of the articles presented in this workshop ultimately demonstrate that beyond the external auditing systems in place in Europe, each country devotes particular attention to the way local government revenues are collected and spent. Whether it is via ordinary or specialised courts, via private-sector agencies or sometimes centralised administrative departments, supervision generally takes the form of verifications as to the law-



lawfulness of local government financial transactions and the proper use of government funds. While this supervision of local finances does in some ways place limits on local self-government, it is not any less essential – especially since 2008. What's more, its aim is to combine the supervision of financial management with legal supervision.

WORKSHOP 6 - TYPOLA

Chair:

- Dr Stéphane Guérard, University of Lille (France)
- Dr Jean-Baptiste Pointel, University of Rouen (France)

Speakers:

- Dr Eva Julia Lohse, Friedrich Alexander University (Germany)
- Dr Ange Hervé Ahui Brou Miano, Alassane Ouattara University of Bouaké (Ivory Coast)
- With the participation of the European members of the OLA network

Part One:

Dr Ange Hervé Ahui Brou Miano of Alassane Ouattara de Bouaké University (Cote d'Ivoire) had been unable to join the conference to give his presentation "*Supervising Local Public Procurement in Cote d'Ivoire*" the previous day.

Since 2005, the UEMOA (the West-African Economic and Monetary Union) has implemented important reforms with the objective of creating greater transparency in public activities. Therefore, as Cote d'Ivoire moves along the path toward municipalising or even regionalising its public activities, the national government has put into place supervision which goes against the principle of local self-government, in particular by reviewing the execution phase of public procurement. This review takes place preventively, but it may also take place after a contract has been awarded. Supervisory authorities closely scrutinise to the different steps of public procurement. They provide a "Certificate of No Objection" required by the ministry. Furthermore, review is subsequently performed that takes two forms: a review of conformity and a review of execution. The conformity review consists of verifications concerning the accuracy of information; furthermore, it is possible for the national government to take the place of decentralised authorities to verify proper implementation, upon which it may terminate the contract. Regulatory review is performed by the national public procurement regulatory authority, a body from which all citizens can request a review. In summary, the problem still lies in the transparency of information and in the fact that the national government should not always have the last word.

With the presence of our colleague Ange Hervé Ahui Brou Miano, OLA has now welcomed its first African team, working out of Côte d'Ivoire. Other teams will be formed in 2015, in Chad, Cameroon, and Mali. This is made all the more interesting by the fact that an African Charter of Decentralisation has been in place since 27 June 2014.

Eva Julia Lohse, "*Internal Control Authorities as Actors of the Implementation of EU Law – Decentralised Control of Municipal Administrative Activities in Germany and France*"

A directive is passed by the European Union on air quality that set target levels to be applied by member states. What happens if the city of Munich passes regulatory measures on air quality that violate this directive? Can a superior government authority pass its own measures to ensure that this European commitment is complied with? German law provides constitutional protection for the handling of local affairs by municipalities, but it also provides for the supremacy of European law if the directive is binding.

In France, responsibility ultimately lies with the national government; it can take action, but only a strict minimum, in order to ensure respect of the right to public participation. This begs the question as to whether the Prefect must challenge local government measures that are contrary to European Union law. In the case of the air quality directive, the plan is not 100% mandatory.

In Germany, a municipality can thus avoid applying the law transposing the directive; if there exists a way of applying the directive that differs from the one decided upon by the national government, central authorities must accept that Munich can intervene differently, so long as it achieves results. By reviewing these results, it is possible to use the supremacy of EU law to supplant supervisory measures.

EU law only considers national governments as liable under law. Local governments cannot provide support for their national government before the ECJ.

In Germany, since the reform of federalism, private individuals have been able to challenge the decisions of local or national governments, but this procedure is not possible between local government entities.

Part Two:

Submission of summaries on the typology of local government systems in Europe, brainstorming and discussion on the OLA projects.

