

THE RELATION BETWEEN TERRITORIAL COLECTIVITIES IN FRANCE AND THE EUROPEAN UNION. THOUGHTS ON THE CROSS-BORDER COOPERATION

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Abstract

France, one of the founding members of the European Union, is a unitary state from the administrative-territorial point of view, based on deep centralism. Having territorial collectivities with highly complex structure (communes, departments, regions, sui-generis collectivities and overseas collectivities), France committed itself to cooperation not only between its own administrative structures, but also to cross-border cooperation within the European Union.

After showing reluctance to external actions underwent by territorial collectivities, France ended up with acknowledging this right of its territorial collectivities within the «decentralized cooperation», expressly brought under regulation by the Law of 6 February 1992. According to the law, there is no need for any ratification on behalf of the State to allow cooperation between territorial collectivities, within the boundaries of their competence. The Law of 1992 thus authorized the territorial collectivities to close agreements with other collectivities from abroad. Furthermore, the Law of 4 February 1995 allowed several treaties with the border states to be signed, thus creating the SAAR-LOR-LUX region (an European cross-border region that made way for cooperation between Germany, France and Luxembourg). The French legislation also allowed several European districts to be created, acting as local groups for cross-border cooperation, created on the initiative of territorial collectivities.

The aim of our study is to identify the main relationship between territorial collectivities in France and EU and to analyze the cooperation instruments used by the French collectivities in order to foster the cross-border cooperation.

Keywords: *French collectivities, cross-border co-operation, co-operation instruments, euroregion, eurodistrict, structural funds*

Introduction

In these days, in Europe, the economical success often relies on the capacity of a region to develop cooperation networks with other regions. The cooperation and the exchange of experience between regions can be crucial in fostering a dynamic process for regional development. The European Union plays an important role in negotiating and supporting partnerships across the Union's regions. The European Territorial Co-operation objective is financed by FEDER between 2007-2013. This objective supports cross-border, transnational and interregional co-operation programmes.

In the period 2007-13, the European Territorial Co-operation objective covers three types of programmes:

- 52 *cross-border co-operation* programmes along internal EU borders (ERDF contribution: €5.6 billion);
- 13 *transnational co-operation* programmes cover larger areas of co-operation such as the Baltic Sea, Alpine and Mediterranean regions (ERDF contribution: €1.8 billion);
- The *interregional co-operation* programme (INTERREG IVC) and 3 networking programmes (Urbact II, Interact II and ESPON) cover all 27 Member States of the EU. They provide

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a framework for exchanging experience between regional and local bodies in different countries (ERDF contribution: €445 million)¹.

The aim of our study is to identify the main relationships between territorial collectivities in France and the European Union and to analyse the cooperation instruments used by the French collectivities in order to increase the cross-border cooperation in particular, but also to highlight the way in which the funds granted by the European Union helped the French regions to develop.

The first step of our scientific approach is a brief presentation of the French administrative organization in order to highlight the role played by the regions in the administrative-territorial architecture of France.

In order to achieve the objectives of our research, the next step is to analyse how the French legislator regulated the cooperation instruments.

The importance of our study also consists in showing the way in which the French territorial collectivities, the regions in particular, understood the major role of cooperation in developing the communities and improving the relationships between the European Union's citizens. The cooperation instruments used by France can be regarded as models of good practice for Romania. The European funds absorption and a good management determined the French regions to experience an accelerated dynamic.

Under this consideration, we appreciate the subject we have propose is actual and our scientific approach is useful.

1. Preliminary thoughts on the administrative-territorial organization of France

The French political system is mainly based on the representative democracy, both at local and national level. The instruments of direct democracy are limited within the French system. We are talking here only about the referendum, there is no way for popular initiative or the power of veto. In its attempt to bring the citizen closer to the political decision, the French legislator inserted within the French legislation several elements of participatory democracy. We have to mention that this formula is not to be found *expressis verbis* within the French legislation, but we do find the concept of *local democracy* or *proximity democracy*².

The relationship between the French Republic and its constituent collectivities are regulated by Title XII and Title XIII of the Constitution, and also by special laws. According to Art. 72 of the Constitution, the territorial collectivities of the Republic are communes, departments, regions, sui-generis collectivities and overseas collectivities, provided by Art. 74³. Any other collectivity can be created according to the law, instead of one or several of the above mentioned collectivities, if necessary.

The administrative-territorial organization of France is complex⁴. One of the most debated issues in France concerns the optimal dimensions of territorial collectivities, but also the optimal number of „administration levels”⁵.

¹ http://ec.europa.eu/regional_policy/cooperate/cooperation/index_en.cfm

² On proximity democracy, participatory democracy and representative democracy, as they were conceptualized by French politicians, in Yves Sintomer, *Enjeux et attentes d'une démocratie participative*, p. 140 in *Conseil de quartier. Mode d'emploi*, Les éditions d'Adels, 2003 (the material can be checked on: http://www.adels.org/edition/complement_guide_conseils_quartier_oct03.pdf)

³ Dominique Grandguillot, *Les collectivités territoriales après la réforme*, (Paris, Gualiano Publishing House, 2011).

⁴ The restyle of the French society triggered an update of the complex administrative organization of France. In 2009, the French administration underwent a substantial reform, which will take place in several steps. The President of the Republic grounded the inception of this reform on the following reasons: „French people criticize the jacobine centralization they feel like the Government administration doesn't come close to the citizens and their activities. French people are more and more critical as far as decentralization is concerned and the organization of local collectivities. From their perspective, the number of local collectivities is too high. They are browned of the increasing local inland revenue and costs of collectivities' activity. (...) The French citizens, our enterprises, our inland civil

There are three levels of administration in France:

1. *the communes* – the basic unit of local public administration. It is the oldest level and the closest to the citizen. There are 36.682 communes and they succeeded in 1789 the old parishes. The mayor, who is elected by the municipal council, represents the state within the commune, but he also fills the local executive power. France is one of the countries with a high number of communes. In order to cope with the risk of plotting the local public policies, there has been developed an *intercommunal level*, which enables several communes to manage together certain public services and to develop certain policies. In order to meet this target, there have been created Public Institutions for Intercommunal Cooperation – EPCI⁶, which are public persons, lacking the status of territorial collectivities. These Institutions are the outcome of the territorial collectivities' will;

2. *the departments* – they have been created in 1789. The 100 departments form one of the three levels of local government. 96 departments are metropolitan and 4 of them are to be found in the overseas territories. These territorial collectivities are administered by a General Council, elected once in three years. Each councillor is elected for one canton. Furthermore, there is a new territorial subdivision within a department – *the arondissement*, where a Subprefect represents the Government;

3. *the regions* (in number of 22) – the officially became territorial collectivities in 1982. The first election for the Regional Council took place in 1986, by means of universal vote.

The Government is represented by the mayor, prefect and regional prefect. In France, there are also the *sui-generis collectivities* and the *overseas collectivities* besides the territorial collectivities.

Within the Metropolis, *Paris, Lyon and Marseille* have a *sui-generis* status. These cities are divided into arondissements, which elect the arondissement mayors and councillors. Paris has a double status: commune and department. *Corsica* also has a particular institutional organization.

French Polynesia and New Caledonia make the so-called *overseas countries* (*Pays d'outre mer au sein de la République*⁷). By means of local referendum, which is going to take place in 2014, these two entities will decide if they continue to part of the French Republic⁷.

Following a simple analysis, we notice how complex is structured the local public French administration. The French territorial collectivities play a crucial role within the social life.

2. The relationship between the French territorial collectivities and the European Union, regulated by the French legislation

Having territorial collectivities with a highly complex structure, France opened itself to cooperation not only between its own administrative structures, but also to cross-border cooperation within the European Union.

The cooperation between cross-border regions has been developed ever since 1970 in order to solve the actual problems that the citizens living in cross-border regions had to deal with (environment protection, issues related to cross-border workers etc.).

servants, office holders, our country on the whole, is waiting for a deep reform in terms of local organization. The French citizens want the structures to be simplified, the competences to be cleared up, the responsibilities to be identified and the local expenses to be reduced. It's a matter of effectiveness, but also of democracy. (...) We need to update the country more than ever We need challenging and innovative answers. The whole speech held by the French President can be checked on: <http://reformedescollectiviteslocales.fr>

⁵ Dana Apostol Tofan, *European Administrative Institutions* (Bucharest, C.H. Beck, Publishing House, 2006), p.143.

⁶ In 2010, in France there were 16 urban communities (with 413 communes and 7.6 mil. inhabitants), 181 conglomerate communities (with 3107 communes and 22,5 mil. inhabitants) and 2.409 communities of communes (with 31.224 communes and 27,5 mil. inhabitants). For further details, please check: <http://www.dgcl.interieur.gouv.fr>

⁷ Marc Thoumelou, *Collectivités territoriales quel avenir?*, (Paris, La Documentation française Publishing House, 2011), p.13-24.

The law of 2 March 1982 regarding the rights and liberties of communes, departments and regions⁸ used to regulate the *cross-border cooperation* in the Art. 2. By means of the Prime Minister (Pierre Mauroy) curricula of 26 May 1983, there has been created the institution of *The delegate for external actions* of local collectivities. This institution acknowledged the concept of external action of territorial collectivities.

Once the Law of 6 February 1993, regarding the territorial administration of the Republic, has been adopted, France legally acknowledges in Title IV the – *Decentralized cooperation*. Art 131 indent 1 of the above mentioned Law stipulates the following aspects: „the territorial collectivities were valid to close agreements with foreign territorial collectivities, within the boundaries of their specific competences and with the obligation to obey France’s international commitments”.

At first, France proved to be reluctant to the external actions of territorial collectivities, but it ended up by acknowledging this right of its territorial collectivities within the «decentralized cooperation», stipulated by Law of 6 February 1992. According to the law, the Government doesn’t have to ratify the cooperation between territorial collectivities, within the boundaries of their competences. Cooperation is achieved in various forms: development support, institutional support, common management of goods and services, cross-border cooperation or inter-regional cooperation.

The Law of 4 February 1995 also enabled several treaties to be signed with the neighbor states, thus creating the SAAR-LOR-LUX region (it’s about an European cross-border region which made way for cooperation between Germany, France and Luxembourg).

The law of 13 August 2004 regarding the local liberties and responsibilities issued the concept of „*European district*”, a legal entity with financial autonomy. These districts are local groups for cross-border cooperation, founded at the initiative of territorial collectivities.

The Law of 2004 also enables the establishment of mixed groups with members from the neighbor country collectivities in order to commonly create and manage territorial projects, equipments and public services. The Law simplifies at once the authorization procedure for those collectivities that attend foreign structures. The legal norms authorize the transfer of structural funds management to territorial collectivities, transfer experimentally exercised by the Alsace region.

3. Instruments for cross-border cooperation used by France

The territorial collectivities are not regarded as leading actors within the European construction, they act at European level through the agency of the Committee of the Regions, created in 1992. As far as the lobby actions are concerned, the territorial collectivities use to associations: the Assembly of European Regions (AER) and the Council of European Municipalities and Regions (CEMR), two groups that originally created the Committee of the Regions.

Nowadays, all the French regions have an office in Bruxelles. These offices are working particularly on issues related to the competences of local and regional collectivities, such as: social problems, economical development, transports, environment, education (social mobility of young people), culture, research and innovation. Their mission is to initiate a dialogue with the European institutions, aiming to help the collectivities to build up a «cross-border» partnership. In order to use the resources on mutual basis or because they share the same problems, certain regions gather together so they could establish a commune structure designed to represent them. This would be the case of the following regions: Bretagne, Pays de la Loire and Poitou-Charentes.

In 2006, for better cooperation, several associations of the local power have established the European House of Local Authorities (Maison européenne des pouvoirs locaux⁹).

According to an account issued in 2010 regarding the cross-border policy¹⁰, France has 3.000 km of border line, meaning 20% of the metropolitan territory is open towards the neighbor

⁸ Loi n°82-213 du 2 mars 1982 relative aux droits et libertes des communes, des departements et des regions (Loi Defferre), JOFR du 3 mars 1982 p. 730.

⁹ <http://www.pouvoirs-locaux-francais.eu/> (Accessed January 20, 2012).

countries. In France, 16 regions and 28 departments are facing the cross-border, while 10 mil. of French people live near the cross-border lines.

Instruments for cross-border territorial cooperation:

- LCCG – The Local Cross-border Cooperation Group – it's a legal instrument, made possible by the Karlsruhe Agreement in order to facilitate cross-border cooperation. The general code of territorial collectivities provides a number of forms of public inter-communal cooperation establishments, which might adjust to cross-border cooperation¹¹;
- ECCG – European Cross-border Cooperation Groups¹²;
- ECG – Euro-regional Cooperation Groups.

France collaborated very well with its neighbor countries and created Euro-districts in the first place, which may function within the Euroregions. Most of the Euroregions turned afterwards into European cross-border cooperation groups.

France is involved in 21 programmes for territorial cooperation: there are 9 programmes for cross-border cooperation, 5 programmes for transnational cooperation within the metropolitan area and 3 programmes within the overseas departments. Other 4 programmes aim at inter-regional cooperation: INTERACT II, URBACT II, ESPON/ORATE and INTERREG IV C.

Here is a chart to serve this purpose:

N°	EGCT ¹³	Member States	Data of constitution
1.	Eurometropool Lille-Kortrijk-Tournai	FR-BE	2008/01
2.	Amphictyony	GR- CY-IT-FR	2008/12
3.	West-Vlaanderen/Flandre-Dunkerque-Côte d'Opale	BE-FR	2009/04
4.	Euroregion Pyrénées-Méditerranée	ES-FR	2009/08
5.	Eurodistrict Strasbourg - Ortenau	FR-DE	2010/02
6.	GECT- INTERREG - Programme Grande Région (SaarLorLux)	FR-DE-BE-LUX	2010/04
7.	Cerdanya Cross-Border Hospital	ES-FR	2010/04
8.	Eurodistrict SaarMoselle	FR-DE	2010/05
9.	Espacio Portalet	FR-ES	2011/05

As far as the government level is concerned, the Government of France initiated a series of dialogues with the Governments of neighbor countries regarding the whole cluster of border issues. The Ministry of Foreign Affairs in France, Germany and Switzerland hold every year meetings with the administration of the border regions, lands and cantons. There has been established an inter-governmental committee regarding the cross-border cooperation with Luxembourg. There is a borderland committee with Italy. Several administrations in France and the neighbor countries have established committees or commissions which get together on a regular basis and discuss on topics

¹⁰ The report can be checked on: <http://territoires.gouv.fr/sites/default/files/datar/20100619-rapport-transfrontalier.pdf> (Accessed January 10, 2012).

¹¹ Example: LCCG Euro-Institut, established in 2003 for six years, whose members are from Kehl and Ortenaukreis in Germany, the Alsace region, the Bas-Rhin department and the urban commune Strasbourg in France.

¹² 90% of the ECCG's located at the French borders are LCCG's with «governance» vocation, designed to create territorial cross-border projects (or integrated cross-border strategies). For instance: LCCG Lille/ Kortrijk/ Tournai (France – Belgium) is the first LCCG. For further details: *Synthèse du Séminaire GECT du 20 janvier 2011* (the material can be checked on: <http://www.europe-en-france.gouv.fr/Centre-de-ressources/Etudes-rapports-et-documentation/Connaitre-les-programmes-europeens-Synthese-du-Seminaire-GECT-du-20-janvier-2011> (Accessed January 27, 2012).

¹³ List of European Groupings of Territorial Cooperation: <http://portal.cor.europa.eu/egtc/en-US/Projects/Documents/2011-10-10%20List%20of%20existing%20EGTC.pdf> (Accessed January 20, 2012).

that fall under their competence, issues related to taxation and the transport infrastructure in particular.

4. The role of structural funds in the regional development of France

In France, the regional policy of the European Union is coordinated by the Interministerial Delegation for Territorial Planning and Regional Attractiveness - *Délégation interministérielle à l'aménagement du territoire et à l'attractivité régionale* (DTPRA). The structural funds are the main tool to put into practice the regional policies and aim to reduce the regional disparities in Europe. The European Union established in 1994 a cohesion fund designed for the countries with a national gross income lower than 90% of the communitarian average.

France ranged with the seven years calendar established by the European Union within the *plan contracts* State-Region, which later became *project contracts* State-Region (2000-2006, 2007-2013), in order to improve the relationships between regions and Europe. Between 2000 and 2006, nearly 140.000 projects received a contribution from one of the European funds (ERDF or ESF). This support given by the European Union led to 200.000 new jobs between 2000 and 2006.

In the Nord-Pas-de-Calais region, the European Union financed research programmes on technological innovation and launched the operation „Villes et territoires numériques”.

The European supplies enabled the Lorraine region to establish a cross-border partnership with the Sarre Land (Germany) in order to develop the plastics industry, thus creating more than 2.000 new jobs within the two cross-border regions.

In Normandy, the operations of dragging the Mont Saint-Michel in order to preserve the marine patter of the area capitalized €21,5 million from European funds, that is 15% from the lump sum.

For 2007-2013, France benefits from an European investition of more than €14 billion:

- €10,3 billion under the regional competitiveness and employment in metropolitan regions objective (funds earmarked by ERDF and ESF);
- €3,2 billion under the convergence objective regarding DOM - Départements d'outre mer - (funds earmarked by ERDF and ESF);
- €860 million under the European territorial cooperation objective which finances the cross-border, trans-national and inter-regional cooperation projects (funds earmarked by ERDF)¹⁴.

These investments are carried out within 36 operational programmes, of which 31 programmes are financed by ERDF and 5 programmes by ESF. The cohesion policy for 2007-2013 stipulates particular measures for those four overseas departments: Martinique, Guadeloupe, Réunion and Guyane.

Within the operational programme for regional cooperation INTERREG, for 2007-2013, there have been granted €1,15 billion for cross-border programmes that cover the French border territories. This financial support given by the European Union is a tremendous support that encourages the exchanges and the relationships between the collectivities and populations living near the border.

Financially speaking, between 2007 and 2013, 63% of the structural funds invested in convergence regions and 79% of those granted for competitiveness regions will finance the priorities stipulated within the Lisbon Strategy, with a significant boost as far as the investments in research, development and innovation are concerned. France's priorities regarding the cohesion policy during the period 2007-2013 are as follows:

- to promote research, development and innovation, with a grant of €4,2 billion;
- to promote the entrepreneurial spirit and the small and medium enterprises, with a grant of €1,4 billion communitarian support
- accessibility and transport infrastructure, with a grant of €1,1 billion¹⁵;

¹⁴ <http://www.europe-en-france.gouv.fr/Des-programmes-pour-qui-pour-quoi/A-chaque-programme-son-Fonds/La-cohesion-economique-et-sociale> (Accessed January 30, 2012).

- to promote workers' formation and adaptation to the new economical environment¹⁶;
- to develop informatics societies, for which France invested €636 million.

The cohesion policy for the period 2007-2013 encapsulates specific measures for the four overseas departments: Martinique, Guadeloupe, Réunion și Guyane.

- to increase the assistance funds from the structural funds (ERDF and ESF) with 85%; (FEDER and FSE) cu 85%;

- to assign a special grant, worth of €481,6 million, in order to reduce disparities in the overseas departments¹⁷ due to ultra-peripheral location.

The European Commission has adopted¹⁸ a draft legislative package which will frame cohesion policy for 2014-2020. The new proposals are designed to reinforce the strategic dimension of the policy and to ensure that EU investment is targeted on Europe's long-term goals for growth and jobs („*Europe 2020*”).

The new elements in the package are:

- Concentration on *Europe 2020*;
- Better coordination of various EU actions;
- Rewarding performance;
- Sound macro-fiscal environment;
- *Reinforcing territorial cooperation*;
- Further simplification of the policy is a guiding principle¹⁹.

Regions will continue to receive support within three (3) defined categories:

- *less developed regions*, whose GDP is below 75% of the Union average, will continue to be the top priority for the policy.

- *transition regions*, whose GDP is between 75% and 90% of the EU 27 average;

- *more developed regions*, whose GDP per capita is above 90% of the average.

Conclusions

In the report from March 2009, the Balladur Committee reached the conclusion that *region* is often perceived as a promising administrative level for the state authorities, thus making from this territorial level the center of the state services and actions reorganization.

Along with the reform of 16 December 2010 in France regarding the territorial collectivities²⁰, France brought the cooperation between its regions and the European Union to a new level.

Whether it is trans-national, cross-border or inter-regional, the cooperation with other territorial collectivities became the base line of the French regions policies and the European regional policy as a matter-of-course.

As a member state of the European Union, France managed to absorb substantial European funds, which led to a noticeable restyle of the French territorial collectivities and regions in particular.

¹⁵ The aim is to develop sustainable transport facilities in order to improve the quality of services designed for the users, the road safety and to support the fight against pollution and noise.

¹⁶ With emphasis on developing programmes for professional training and encouraging continuous training.

¹⁷ For Martinique, the grant is €107 million, for Guadeloupe the grant is €120,3 million, for Réunion the grant is €206 million, and for Guyane the grant is €48,3 million.

¹⁸ On 6 October 2011 in Brussels.

¹⁹ <http://www.ec.europa.eu> (Accessed January 10, 2012).

²⁰ Loi n° 2010-1563 du 16 décembre 2010 de réforme des collectivités territoriales, JORF n°0292 du 17 décembre 2010 page 22146

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