

Reorganisation of decentralised authorities in Belgium

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6th state reform: impact on territorial decentralised authorities (provinces, municipalities,...)

- 6th state reform's objective: (11 October 2011): creating a **more efficient federal state** as well as **greater autonomy for the regions**.
- Revision of the **Constitution** (5, 41, 162 en 170, § 3) and the **Special Law on Institutional Reform** (article 6, § 1, VIII, BWHI on regional competences concerning the decentralised authorities). Objective: to **guarantee full autonomy for the Regions** in terms of their **provinces and their institutions**.
Significant exception: **role and function governor** (mixed federal and regional competences).
- From now on, Flemish and Walloon Region are authorised to **create new provinces**, to **reduce the number** of provinces and/or to **abolish provinces** in order to replace them by **'supra-municipal governments'**.
- Municipalities, provinces and supra-municipalities **have local autonomy**.
- **Constitutional principles: article 41 CONST** (Interests which are exclusively of a municipal or provincial c.q. supra-municipal nature are ruled on by municipal or provincial or supra-municipal councils. **Article 162 CONST** (Principle of legality and the basic principles of provincial and municipal institutions and -mutatis mutandis- supra-municipal institutions: direct election, transparent government/disclosure of information, administrative supervision, ...). **Article 170 CONST** (fiscal sovereignty)

6th state reform and its consequences on territorial decentralised authorities (municipalities, provinces c.q. supra-municipal governments)

- **Double meaning of the word 'province'**: 1) '**subordinate or decentralised authority**', with own political institutions (**institutional meaning**); 2) an 'administrative description' (mere **territorial meaning**)
- **Special Legislator** (2/3rd of the majority and majority in every language group) has authorised **Special Regional Legislator** (2/3rd majority of regional state parliament) to abolish provinces by "special decree", as a condition for the creation of supra-municipal authorities. Cumbersome procedure: **confirmation of the fundamental nature of provinces in Belgium.**
- **Reinforcement 'constitutive' competences of regions** regarding **decentralised authorities.**
- **"The provinces are dead, long live the provinces"**: they do **not emerge weaker, but stronger** out of the 6th state reform: shift from federal constitutional power towards 'constitutive competence' of the regions.

Internal state reform: restriction of provincial tasks in FLANDERS

- From 1/1/2018 on, provinces **no longer competent for “person-related matters”**, like Welfare, Culture, Sports, Youth.
- **Provinces remain competent** for Education and for certain aspects of the Cathedral Churchwardens, Orthodox and Islamic worship services.
- Provinces 2.0. **mainly competent for territory-related matters**: spatial and urban planning (environment); economy; agriculture; mobility (cycle highways); integrated water management + management of certain watercourses; recreational domains and parks; energy (solar panels, wind turbines, geothermal energy, residual heat),...
- Halving of the number of **Members of the Provincial Council**.
- Reduction of the number of **Members of the Provincial Executive Council**.

Provinces remain competent for...



Governors

- **Governors** “we reinforce and broaden the coordinating tasks and competences of the governors” (Flemish Coalition Agreement).

- Governors remain **representative/commissioner** of the **federal** and **regional government**. As well the federal as the Flemish government rely more often and for an increasing number of matters on the commitment of and the intermediation by governors, like:
 - a. Civil security (emergency planning and management)**

 - b. Police security, road safety and enforcement**

 - c. Coordination tasks:** mobility; integrated water management; complex projects; strategic area development; sustainable, renewable energy (wind turbine projects, geothermal energy,...)

Internal state reform Flanders: other reforms

- **Integration of 'OCMW's'** (*Public Centres for Social Welfare*) ' in municipalities
- (voluntary) **merger of municipalities**: (presumed) reinforcement of the administrative efficiency and power
- **Less administrative 'cluttering'**: fewer and more transparent intermunicipal partnerships with broader competences and a "fixed scale".
- **Reinforcement decentralisation** (More competences and resources for larger municipalities)
- Towards a new decree '**Local government**'

Thank you!

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