

LEGAL REGULATION OF INTER-MUNICIPAL COOPERATION IN EUROPEAN COUNTRIES

Vladimir V. Olkhovik^{1,2}, Edvardas Juchnevicius³¹ *Financial Research Institute of the Ministry of Finance of the Russian Federation, Moscow, Russia*² *HSE University, Moscow, Russia*³ *University of Gdansk, Gdansk, Poland***Article info**

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The subject. Financial relations between municipal entities represent a crucial mechanism for enhancing the efficiency of public service delivery in European countries. Collaborative efforts among municipalities can lead to cost savings and the utilization of economies of scale. This is particularly prominent in countries with a high number of small municipalities. This article aims to identify effective forms of financial activities among municipalities across various cooperation domains and assess the applicability of international experience in the context of the Russian Federation.

Methodology. This study analyzes various organizational forms of inter-municipal cooperation, drawing insights from different countries, including Switzerland (associations of districts and cantons), Slovakia (joint municipal institutions, municipal associations, associations of legal entities), and France (syndicates and districts). Special attention is paid to the experience of inter-municipal cooperation in Slovakia, where it is not only a vital component of local government but also a tool for project management, often funded by external sources.

The main results, scope of application. The analysis of international experience in inter-municipal cooperation reveals diverse organizational models, each tailored to specific local contexts. Based on this analysis, the authors propose amendments and enhancements to Russian legislation. Implementation of these suggestions could enhance the efficiency of interactions among Russian municipal entities, improve planning capabilities, enhance labor productivity, and optimize public service expenditure.

Conclusions. Inter-municipal cooperation, as demonstrated by various international models, offers valuable insights for Russia. Adapting and implementing lessons from abroad can lead to improved governance and resource allocation, ultimately resulting in enhanced service delivery and cost-effectiveness for the benefit of the Russian population.

1. Introduction

Municipal fragmentation is a significant barrier to the effective delivery of public services at the local level. With the increase in the number of small municipalities, the relevance of this problem increases, since it directly affects the quality of life of the population and their ability to obtain the necessary services. The average number of municipalities per 100 thousand population in 2023 in OECD countries was 10.3, with the highest value of this indicator noted in the Czech Republic, Slovakia and France, which also have the smallest average municipality size (less than 2 thousand people). Hungary and Switzerland, on the contrary, are characterized by less fragmentation of municipalities and their enlarged size (more than 3 thousand people). Detailed data for the countries of the European Community are presented below in Table.

Sizes of municipalities in OECD countries in 2023.

Countries	Average number of municipalities per 100 thousand population	Average municipality size (population)
Czech	59,2	1 688
Slovakia	54,0	1 854
France	53,1	1 885
Hungary	32,4	3 088
Switzerland	26,5	3 768
Austria	24,0	4 166
Iceland	22,0	4 541
Spain	17,5	5 720
Luxembourg	17,5	5 727
Germany	13,4	7 449
Italy	13,1	7 617

Source : compiled By according to OECD, Subnational governments in OECD countries: Key data (brochure), OECD, Paris, www.oecd.org/regional/regional-policy.

Consideration of the legal aspects of intermunicipal cooperation, including legislation and the legal basis for the creation of associations, as well as the provision of subsidies for the development and operation of associations, represents an important element of scientific novelty, since it allows the development of more effective legal instruments to promote cooperation

between municipalities.

Comparing the experiences of Austria, Hungary and Slovakia in the field of intermunicipal cooperation makes it possible to identify successful practices and transfer them to the context of other countries. This contributes to the development of new methods and models of municipal cooperation, which is scientifically significant and practically useful.

For example, in Austria there is a wide range of intermunicipal cooperation, both formal and informal. Cooperation arrangements include cooperation, mutual assistance, private legal contracts, associations and companies under the Austrian Civil Code and company law, as well as inter-municipal associations under public law.

Intermunicipal cooperation is carried out in Hungary in accordance with the Law on Local Self-Government and the Law on Municipal Associations. There are various forms of cooperation: from the creation of joint administrative bodies and institutions to an integrated representative body for cooperation agreements

The experience of Slovakia is interesting, where the legal provisions on multi-purpose micro-regional associations provide for the provision of small subsidies both for the creation and maintenance of the activities of such associations.

Thus, research on the topic of intermunicipal cooperation and overcoming municipal fragmentation is relevant, since they make it possible to develop solutions to optimize the organization of local government and improve the quality of public services in a variety of municipalities.

2. Literature review

In 2018, Budds , J. [1] presented a report that highlights the current state of intermunicipal collaboration. This report can provide valuable information about the structure and effectiveness of such collaborations. A study by De Peuter B., V. Pattyn , E. Wayenberg [2], published in 2011, assesses the criteria underlying decisions and debates about local government reforms in the Flemish region. This study provides insight into the factors considered in shaping local government

policies. Also in 2011, Ebinger F., S. Grohs and R. Reiter [3] conducted a study comparing decentralization strategies in Germany, France and England. This comparison reveals differences in the effectiveness of different decentralization strategies. And in 2020, Pfeil, ES [4] reviewed local government reforms in Hungary and the creation of micro-regional associations. His work provides insight into the variety of approaches to organizing local government and the use of multi-purpose associations.

In 2016, Steiner R. [5] presented a chapter on intermunicipal cooperation in the book "Praxishandbuch Public Management". This chapter allows us to consider intermunicipal cooperation as an important element of the organization of local government. The book Teles P. Swianiewicz, [6] published in 2018, examines intermunicipal cooperation in Europe. This work highlights the role of such collaboration in improving service delivery and local governance.

In 2012, Wollmann H. [7] conducted a study of local government reforms in several European countries. His work allows comparison of the common and distinctive features of these reforms, which can be useful for analyzing changes in local governance.

A review of the literature, taking into account the synchronicity of publication dates by authors, allows us to identify current topics and trends in the research of local self-government and decentralization at a certain point in time. In this case, authors who have published their work can make the most consistent contribution to the topic.

Alaverdyan O. A., N. R. Avetisyan [8] in 2018 published a study of the challenges of international tax cooperation in Armenia. This is relevant for understanding the international aspects of local government. In 2020, Babichev I.V. [9] explored changes in the constitutional status of local government in Russia. This is important for analyzing changes in legislation. In the same year, Budaev A.M. [10] studied the interactions of local government. This is a relevant topic for understanding political relations at the local level. And Shugrina E. S. [11] gives an idea of the future state policy in the field of local government, which

reveals the prospects for the development of local government.

In 2021, Byalkina T.M. [13] mentions some aspects of urban self-government in Russia, which is especially relevant for understanding the problems of urban management. Chikhladze L. T. [28] examines administrative decentralization and relations between government bodies, and Shugrina E. S. [31] examines legislation on local self-government and its development, taking into account legislative changes.

A review of the literature on the topic of intermunicipal cooperation, examined through the prism of the works of these authors, allows us to highlight a number of key aspects:

1. Federalism and constitutional reform. Gritsenko E.V. [15] in the context of constitutional reform in Russia draws attention to issues of local self-government and federalism. Intermunicipal cooperation can become an important tool in municipal governance, especially in the new constitutional context.

2. Institute of management of the head of the municipality. Davydova N. Yu. [16] considers the problems of municipal management, including issues related to the dismissal of heads of municipalities, which may require joint efforts and cooperation between different municipalities.

3. Empowering local governments with state powers. Dityatkovsky M. Yu. [17] raises the important issue of granting local authorities certain state powers. Intermunicipal cooperation can help to implement such powers more effectively.

4. Financial and legal status of municipalities. Mironova S.M. [21] assesses the financial status of municipalities, which is determined more effectively through cooperation and exchange of experience between municipalities.

5. Foreign experience of intermunicipal cooperation. Olkhovik V.V. [22] compares the international experience of intermunicipal cooperation for Russia and other countries.

6. Constitutional reform of local self-government. Peshin N.L. [24] examined local government within the framework of constitutional reform and emphasizes the importance of the legal aspects of municipal cooperation.

7. Problems of liability in municipalities. So

Pylin V.V. [25] believes that intermunicipal cooperation can contribute to a more effective solution to issues of responsibility to the population and representative bodies.

8. Administrative decentralization. Chikhladze L. T. [28] clarifies that the relationship between state and municipal authorities can be more effective using the principles of administrative decentralization and municipal cooperation.

9. The role of local government in the system of public power. Sheremet K.F. [29] believes that analysis of the role of local government in the general system of state power can lead to the development of new models of cooperation.

10. Discrepancy between the constitutional, legislative and actual models of local self-government. Shishkina O. E. [30] draws attention to the differences between formal constitutional provisions and real practice, which may be due to the need for closer cooperation and coordination.

11. Assessing the effectiveness of local governments Shchepachev V. A. [33] believes that intermunicipal cooperation can become a tool for assessing the effectiveness of local governments.

Thus, the topic of intermunicipal cooperation is examined in the context of various aspects of local self-government and federalism, providing valuable research and practical implications for improving organization and management at the municipal level

3. Experience and forms of intermunicipal cooperation in Slovakia

The most significant form of intermunicipal cooperation in Slovakia is a joint municipal institution, or joint municipal office (in English: Joint municipal offices, in words. Spoločne obecne úrady). According to the overview of general municipal authorities in the register of the Ministry of Internal Affairs of the Slovak Republic, as of 2019 there were already 221 joint offices operating in Slovakia¹.

The united municipal office of Vinicne², consisting of three municipalities (Vinicne, Limbach and Slovenski Grob) with a population of 8,184 people, operates on the basis of an agreement concluded for the purpose of carrying out a specific task or activity, to create or establish a legal entity in accordance with the law. The main areas of activity are spatial planning, nature conservation, construction, and water communications.

Common examples of inter-municipal cooperation within a joint municipal office include construction management and education management (school office). Thus, the joint municipal office Leopoldov is based in Hlohovec with the aim of resolving issues in construction, environmental, social issues and is an institution of joint municipal management^{3,4}

Associations in the form of a school office are created in accordance with Law No. 596/2003 and Directive No. 50/2013, which determines the procedure for the work of the district office at the location of the district when approving the municipality as a school management body and when assessing the professional activities of the municipality in this field.

For example, the united school office in Spišská Bjela was created on 1 September 2007 to manage schools belonging to the municipalities of Spišská Bjela, Toporec, Golumnica, Podhorany, Krizova Ves, Slovakska Ves in agreement with the mayors of all municipalities⁵.

Another example of cooperation is the joint school in Sladkovichovo, created in accordance with § 20 of Law No. 596/2003 "On public administration in the field of education and school self-government

¹ Prehľad spoločných obecných úradov. https://www.minv.sk/?prehlad_SOU&subor=245852 (accessed on 21.10.2022).

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²Official website of the municipality of Vinicne. <https://www.vinicne.sk/historia-obce.html>. (accessed on 21.10.2022).

³Official website of the United Municipal Office Leopoldov (Leopoldov). <https://www.leopoldov.sk> (accessed on 21.10.2022).

⁴Official website of the United Municipal Office. <https://www.leopoldov.sk/sk/Mestsky-urad.html> (accessed on 21.10.2022).

⁵Official website of the united school office in Spišská Belá. <https://spisskabel.sk/obcan/skolstvo/spolocny-skolsky-urad/> (accessed on 21.10.2022).

and on amendments to certain legislative acts”.⁶

The functional component, as well as the legal and organizational basis of joint institutions, are stipulated in agreements on the creation of joint municipal offices. These agreements are concluded in accordance with Article 20 paragraph “a” of Law No. 369/1990⁷ in the prescribed form and provide for the solution of tasks delegated to local authorities by current legislation⁸.

4. Intermunicipal cooperation in France

France has three main territorial levels of government: region, department and municipality (commune). The French territorial system is highly fragmented, with 36,682 municipalities (communes) that vary considerably in size. The average population of a municipality in France is about 1,700 people, 98% of all municipalities have a population of less than 10 thousand inhabitants.

An important feature of intermunicipal cooperation in France is that municipalities create associations (unions) voluntarily with the consent of local councils. In general, municipalities can delegate any of their functions to intermunicipal organizations, with the exception of those that are the exclusive powers of mayors.

The predominant form of cooperation in France is a targeted intermunicipal association created by two or more municipalities. These associations are voluntary municipal organizations that provide public services such as water supply, waste management, transport, etc., with the goal of achieving efficiency gains through economies of scale.

to the Chevènement Law Law) new communities of municipalities must create their own governing bodies (EPCI), as well as have their own political powers (binding and non-binding) not

only in traditional areas such as water supply, sanitation and waste management, but also in spatial planning, economic development and city management.

5. Intermunicipal cooperation in the Czech Republic.

The most common form of cooperation in the Czech Republic is the voluntary association of municipalities (microregions). In 2015, Law No. 128/2000 “On Municipalities” was adopted, after amendments to which only one form of cooperation was legally established - the voluntary Association of Municipalities (paragraph 49). Previous forms of cooperation, such as “contract concluded for the purpose of carrying out a specific task” and “cooperation of municipalities based on the creation of a legal entity,” were excluded.

One of the striking examples of cooperation is the microregion “Union of Municipalities of the Desna Valley”, the purpose of which was to restore the local railway after the floods of 1997. In addition to this task, two more were set: to improve housing, as well as the quality of school premises and their equipment. About 13,000 citizens live here in 9 municipalities with populations ranging from 150 to 3,234 people, which cooperate within the microregion. The microregion has its own microregional schools, which have a unified personnel policy and their own school bus service. As part of the cooperation, negotiations are underway to reduce energy prices, which leads to lower operating costs. Sources of funding are funds from the European Union and the regional government of the Olomouc region.

6. Intermunicipal cooperation in Switzerland

The following mechanisms of intermunicipal cooperation are presented in Switzerland:

- informal cooperation – relationships that develop between municipalities without a legal basis. This form is most often used for neighboring municipalities in order to solve current problems.
- formalized cooperation, in which one municipality performs tasks independently for other municipalities;
- joint implementation of a task by two or more municipalities, based on a contract.

⁶Official website of the united school Sladkovichovo. <https://zsmssladkovichovo.edupage.org/a/skolsky-klub-deti>. (accessed on 21.10.2022).

⁷ Zakon č. 369/1990 Zb. Zakon Slovenskej people Rady o obecnom zriadení. <https://www.zakonypreludi.sk/zz/1990-369/znenie-20190201#cast3> (accessed on 21.10.2022).

⁸ Zakon č. 583/2004 Z.z. Zákon o rozpočtových pravidlách územnej samosprávy ao zmene a doplnení niektorých zákonov. <https://www.zakonypreludi.sk/zz/2004-583/znenie-20190101#c11-cast2> (accessed on 21.10.2022)

Another form of cooperation in Swiss agglomerations is the "Hauptstadtregion Schweiz" ("Switzerland metropolitan region"), whose members are the cantons, regions, cities and municipalities in the Bern area. Its goal is to develop the identity of the Swiss capital region based on cooperation between all participants in the agglomeration.

Cooperation is carried out in accordance with the principle of parity, meaning that the cantons, on the one hand, and the cities, municipalities, regional organizations, on the other hand, pay an equal share to the agglomeration.

7. Applicability of foreign experience in Russian conditions

An analysis of foreign experience has revealed a number of effective forms of intermunicipal integration and cooperation. However, not all of them are applicable in Russian conditions due to stricter legislative regulation of issues of local importance, as well as due to the critically high dependence of cooperative forms on the political process in individual municipalities.

Below are proposals for forms of interregional cooperation and integration, formed on the basis of an analysis of foreign experience, the application of which in Russian conditions seems appropriate.

1) Expanding the possibility of using budget loans in interregional and intermunicipal economic cooperation. For this purpose, it is proposed to include in Article 93.3 of the Budget Code a provision on the provision of budget loans for the purposes of interregional and intermunicipal economic cooperation with the following content: "From the budget of a constituent entity of the Russian Federation (municipal entity), on the basis of an agreement, budgetary loans may be provided to another constituent entity of the Russian Federation (municipal entity) provided for the purpose of implementing interregional investment

projects and socio-economic development programs, as well as the joint exercise of powers to organize the provision (provision) of state (municipal) services within the powers of the authorities of the constituent entities of the Russian Federation (municipal entities)."

2) Development of public law contracts (agreements) in intermunicipal economic cooperation

The following definition is proposed: intermunicipal economic cooperation – joint implementation of activities on the basis of agreements between municipalities for the implementation of investment projects and socio-economic development programs, provision of public services within the powers established by the legislation of the Russian Federation.

To implement this norm, it will be necessary to develop amendments to the Federal Law of October 6, 2003 No. 131-FZ "On the general principles of organizing local self-government in the Russian Federation" and the Civil Code of the Russian Federation.

Thus, intermunicipal cooperation in foreign practice is an important tool for the socio-economic development of the territory. The positive impact of such cooperation is achieved thanks to:

- efficient provision of public services, which involves both reducing the cost of the service and increasing its quality. At the same time, improving the quality of local public services is not achieved automatically with the introduction of intermunicipal cooperation;
- improving the accessibility of local public services;
- a tool for overcoming the fragmented structure of local governments;
- increasing the planning capabilities and productivity of municipalities included in the cooperation;
- effective distribution of additional financial resources.

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INFORMATION ABOUT AUTHORS

Vladimir V. Olkhovik – PhD in Economics; ¹Leading Researcher; ²Associate Professor, School of Finance

¹ *Financial Research Institute of the Ministry of Finance of the Russian Federation*

² *HSE University*

¹ 3/2, Nastas'inskii per., Moscow, 125375, Russia

² 11, Pokrovskii bul., Moscow, 109028, Russia

E-mail: olhovik@nifi.ru

RSCI SPIN-code: 2957-3199

Edvardas Juchnevicius – Doctor of Law, Professor, Department of Financial Law

University of Gdansk

6, Jana Bażyńskiego ul., Gdańsk, 80-309, Poland

e-mail: edvardas.juchnevicius@prawo.ug.edu.pl

ORCID: 0000-0001-7390-4885

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