

Summary

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Loyal adaptation or strategic participation

Local government and the EEA-Agreement

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The Norwegian Institute for Urban and Regional Research (NIBR) has completed a study for the Norwegian Association of Local and Regional Authorities (KS) into the impacts of the European Economic Area Agreement (EEA) on the municipal sector. This summary condenses the study's main findings. The EEA agreement is the most comprehensive international treaty to which Norway is party. The agreement affects across many areas of society and has a formidable regulatory side. We conducted a review of obligations and opportunities following from the EEA agreement with a bearing on Norwegian municipalities as a means of determining how the agreement affects the municipal sector, that is, as a regulatory vehicle. The study also explored responses within the municipal sector to constraints and opportunities arising from the EEA agreement. On the basis of these two parts of the study, we discuss the consequences the EEA agreement could have for the municipal sector.

The first part of the project – the review of the EEA agreement as a regulatory vehicle – essentially comprised a study of relevant documents, including the agreement itself, government reports, white papers and R&D reports, along with local and county government business in 20 local councils /county councils. The second part of the project – i.e., how local and county councils approach the EEA agreement – was conducted as a two-stage case study. The first stage comprised general interviews in fifteen municipalities and five counties, followed by more thematically focused interviews in four municipalities.

The EEA agreement as a regulatory vehicle for local councils

Our investigation found that the municipal sector in Norway is profoundly and increasingly affected by the EU via the EEA agreement. The regulatory vehicle, which is originated in the EU and is incorporated into the body of Norwegian law via the EEA agreement comes with a comprehensive set of criteria for local authorities to follow. At the same time, the EEA agreement offers new opportunities which if taken, will help communities and services develop, not least by means of the various European programmes. It means, in other words, that the agreement concerns all aspects of municipal responsibilities.

The municipal sector and the EEA agreement

There is wide variation in the approach taken by municipalities to the EEA. It is a relatively non systematic variation, but certain differences tend to show up between working in projects funded by EU programmes and harmonisation of by-laws, and between small and large municipalities/counties. The latter have a more pro-active stance on programme implementation. The most active councils apply the longer-term perspective, working systematically with a strong technical and political foundation. They look to the chances to profit from participating in programmes of relevance to their obligations. The less active councils are more likely to proceed in an ad hoc fashion and be dominated by a few enthusiasts.

Most of the small municipalities – with a few exceptions – are not particularly active in projects funded by EU programmes. The smallest municipalities lack the expertise and are largely ignorant of the programmes or the significance of the EEA local acts. Since these local councils are supposed to provide the same services and perform the same tasks as the larger, they may lack both the capacity and energy to get involved. We also find variation within municipalities,

between those working on projects supported by the EU (Interreg, EU sector programmes or EEA funding) and those involved in approximating legal acts with EU origin. The former are more familiar with the EU and EEA, and acknowledge the need for expertise whether in project development, application drafting or knowledge on how the EU and the EEA work. EEA legal acts tend to elicit a more reactive response. There is little awareness of the possibilities and usefulness of taking part in the preparations of the legal acts in Brussels or later when they are transposed into Norwegian legislation. Nor has the government done much to ease the involvement of local councils. On the other hand, council and county council officials are relatively wellinformed within their areas of expertise on the local or regional impacts of state or EU legislation. And although the legal acts are generally not identified as EU products, several informants noted obscurities, inconsistent interpretative practices and angles on issues in legislation from the EU. The county councils and some of the bigger local councils have adopted strategies and plans for their international work, mainly limited to the projects that are funded by the EU. A couple of local councils have studied EU procedures and information in several EU member states in connection with sector-wise planning. One county council made reference to relations between the EU and EEA in its training plan.

In conclusion then, while policy at the local level has changed significantly in the wake of the EEA agreement, that is, while EU policy is increasingly relevant to local government, steps to harmonise policy organisation or procedures are less in evidence. While the project work of local councils is tentatively aligned to special interests and ideas, legal acts are approximated in a reactive, rule-based way.

EEA harmonisation challenges

The EEA agreement highlights the need for local and county councils to learn more about the agreement and what it entails. This is the case in project work and the opportunities afforded by EEA legal acts in the municipal sector. And it is the case not least when it comes to implementing EU legislation into national law. The legal acts are complicated and hard to understand (rules on public procurement or impact assessments for instance) and rely on advanced solutions in the municipalities (like the rules on water or waste management).

Local and county councils need help and advice in aligning themselves with the EEA. There is a need to make project competence available to the councils, via, for instance, the regions' representations in Brussels. Local councils want to see guidance and training measures in place to help them meet the regulatory requirements, timely measures that take account of local challenges.

The smallest municipalities are more likely to lack expertise. The smallest local councils try to solve the problem by hiring private consultants and working together with other local councils. The bigger municipalities work with others as well, but are more likely to have and want to keep "in-house" experts. The EEA agreement stimulates inter-municipal collaboration, especially on procurements and waste disposal. Another highly significant challenge facing local and county councils is to get politicians to take an active interest in EEA/EU affairs. Politicians know less about how the EEA affects the municipal sector than council officials. At the same time, several informants advise against political debates on EEA regulations so as to avoid wider debates on Norwegian EU membership. There is a final challenge: getting the municipal sector to work with state officials involved in EEA work. The municipal sector is not involved in the preparation of EEA regulations or their transposition into Norwegian law. And as said above, the government has not done much to help local and county councils get involved either, particularly in relation to the regulations, less perhaps in relation to programme work.

Conclusion

The EU via the EEA agreement will become an increasingly important aspect of life for local and county councils: the EEA agreement has led to comprehensive changes in municipal policy making. A problem for many council informants is Norway's implementation of EU policy via the EEA agreement, which, they say, is insufficiently sensitive to local conditions. The municipal sector is highly knowledgeable about local policy objectives and intentions, but is rarely involved in the processes of policy formulation and specification. They are unaware of the opportunities and of the importance of taking part, and they lack the political organisation and procedures. One consequence of the EEA agreement to the municipal sector, we conclude, is a looser bond between policy substance and society at large.