

SEMINAR:

METRONET-
***A NEW PATH FOR THE GOVERNANCE OF
EUROPEAN METROPOLITAN CITIES***

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Presentation:

*“The governance of the urban metropolitan space:
the Spanish experience”*

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1.- INTRODUCTORY REMARKS

1.1.- The constitutional context



1.2.- The metropolitan urban space (*espacio metropolitano*) and its institutional governance.

(A) In geographical terms:

- Different “áreas metropolitanas” or “regiones metropolitanas” in Spain. 2014 data:
 - Madrid: 7,3 million inhabitants
 - Barcelona: 5,5 M.
 - Valencia: 2,6 M
 - Sevilla: 1,4 M
 - Bilbao: 0,91 M
- Problems: no agreement on what is a “metropolitan area” and how it should be identified/measured. Example: the so-called “metropolitan area” of Madrid is unclearly defined: *stricto sensu-lato sensu*
- Different names:
 - “Integrated Urban Area”,
 - “Metropolitan area”,
 - “metropolitan region”, etc.

(B) In legal terms, the situation is not clear, since there is not state-wide legislation on the subject

1.3.- The lack of historical tradition

- Historically, the Spanish legislation on local authorities has disregarded the metropolitan phenomenon
- In Franco’s times, several planning bodies were set up for big urban agglomerations (not true local authorities):
 - Madrid (1944)
 - Bilbao (1945)
 - Valencia (1946)
 - Barcelona (1953)

2.- MAIN LEGISLATION ON LOCAL AUTHORITIES FOR THE GOVERNANCE OF THE URBAN METROPOLITAN SPACE

2.1.- Key idea: local bodies for the administration of metropolitan areas are regulated by Regional legislation, no State legislation.

2.2.- Local authorities for metropolitan urban space are only foreseen by national legislation: art. 43 of the Act n°. 7/1985, of 2 April 1985 (the framework legislation on local authorities).

- Basic, minimum criteria are set. Name: “áreas metropolitanas”
- Deference to regional legislation
- Areas metropolitanas are a specific form of “municipalities grouping”, not a voluntary association. The MLA is “imposed” by the region
- The Area Metropolitana is a true, local authority, with an important array of powers and competences.

2.3.- Metropolitan local bodies and authorities (MLA) are dealt independently in each regional statute of autonomy/legislation. Different situations:

2.3.1.- In some regions, MLA are not mentioned or even foreseen by the statute of autonomy, and there is no legislation on the matter: Canarias, Baleares, Cantabria, Navarra.

2.3.2.- In others, MLA are foreseen by the statute of autonomy, and by the regional legislation on local authorities, but no specific local authority has been established: Madrid, Murcia, Asturias, Galicia, Basque Country, Castilla-La Mancha, Andalucía, Aragón.

The case of Madrid

- Art. 76, regional Act 2/2003, of 11 March: “áreas o entidades metropolitanas”
- But no body has been established so far by the regional parliament.
- Precedents: in Franco’s time, a 1964 decree regulated the “area metropolitana de Madrid”, a special body (“COPLACO”) was incepted (spatial planning and housing purposes).
- it was abrogated in the 80’s, when the Region Madrid was established.
- At present, there is no body or entity dealing or governing the metropolitan area of Madrid

2.3.3.- In a few regions, MLA are foreseen by the statute of autonomy and by the regional legislation on local authorities and, in addition, some bodies have been established: Catalonia Region, Valencia Region:

3.- SOME CONSIDERATIONS ABOUT THE MLA IN SPAIN:

3.1.- The establishment of a MLA is strongly pervaded by political considerations at regional level. Balance of political power at municipal-regional level. Different scenarios.

3.2.- There is certainly a tension or clash between local autonomy and the regional power to establish MLA.

3.3.- A metropolitan agglomeration (in the geographical meaning) may be subject to an integral planning by the region (spatial planning, housing, infrastructures, transports), but with no formal local authority for that area: the case of Bilbao (the “gran Bilbao” area).

3.4.- There is no statewide, uniform model of MLA. Two basic options: territorial and institutional bodies

4.- ANALYSIS OF THE EXISTING MLAs IN SPAIN

4.1.- BARCELONA

4.1.1.- Precedents:

- Pre-Constitution: Decree-Law 24 August 1974 (Entidad Municipal Metropolitana de Barcelona)
- Post-Const: 1987, up to three different, sectoral bodies, established by the Regional Act 7/1987, of 4 April 1987 (transports, waste, environment, water)

4.1.2.- The current “Area Metropolitana de Barcelona”:

- Regulation: Regional Act nº 3/2010, 2 August
- It comprises Barcelona and 35 neighbour municipalities, 3,2 M inhabitants.
- it replaces the three existing metropolitan bodies

(a) nature: a “territorial local authority”, enjoying a wide array of public powers (regulation, administration, expropriation, sanctioning power, etc.).

(b) competences: transports (included taxi), waste, environment, natural parks, water services, urban development, housing, spatial planning, infrastructures, social and economic development, running and exploitation of metropolitan services, etc.

(c) Basic organisation:

- the Council: 90 members (mayors and local councilors). Proportional representation of the municipalities involved in the AMB. Example:
 - City of Barcelona: 25;
 - Town of Begues: 1
- the steering committee: 17 members. President and Vice-presidents
- the president: named by the Council (currently, the mayor of Barcelona). The executive vice-president

(d) participation of the municipalities included in the “AMB”

(f) finances: Main Sources of revenues

- a charge (recargo) on the Municipal Real Estate Tax

- charges and fees for the delivery of public services and activities
 - sanctions and fines
 - transfers (from the State, the participating municipalities, and other public bodies)
 - revenues from the exploitation of public properties and concessions
 - Budget for 2015: roughly 637,5 M€
- (g) personnel: roughly 500 employees

4.2.- VALENCIA

4.2.1.- Key regional legislation: Act n° 2/2001, of 11 May, on metropolitan areas. The model of the “functional” metropolitan area

- Two local bodies, sharing the same model, institutional profile, organisation, structure and financing:

4.2.2.- The “Metropolitan body of Water services” (*Entidad metropolitana de servicios hidráulicos*) of Valencia
www.emshi.gob.es

- (a) nature: a specialised body, not a “territorial” local authority
- (b) competences: distribution and depuration of water in the Valencia metropolitan region (comprises more than 40 municipalities)
- c) basic organisation

4.2.3.- The “The “Metropolitan body for waste protection” (Entidad metropolitana para el tratamiento de residuos”) of Valencia

- (a) nature: a specialised body, not a “territorial” local authority
- (b) competences: collection and treatment (in all different forms) of waste in the Valencia metropolitan region (comprises more than 40 municipalities)
- c) basic organisation
- (d) finances: the main source of revenue is a specific charge/fee (named “tramer”) which is paid by citizen in the water bill.

5.- CONCLUSIONS: METROPOLITAN AREAS IN SPAIN, A BALANCE

5.1.- Very few MLA have been established

5.2.- Reasons.

- Municipalities are reluctant
- lack of political willingness on the part of the regions

5.3.- Can we speak of a failure?

5.4.- The “metropolitan reality” is handled through other techniques

- voluntary associations of neighbouring municipalities (Madrid, waste)
- metropolitan aspects handled by the island (Canarias, Baleares) or by the region (Navarra, Cantabria)
- supra-municipal spatial and strategic planning
- inter-administrative agreements and covenants
- consortia (very important. ex: Madrid, transports)

5.5.- Recent developments (the LRSAL) and future prospects.