The future of cohesion policy
A simplified and integrated territorial approach

CEMR position paper
June 2017
FOREWORD

“European cooperation is being tested on many fronts. Migration, low growth, Brexit and the continuous rise of populist parties all over Europe casts new doubts on the future direction of the European Union and what added value it brings to the citizens of Europe. In a time of uncertainty, the commitment to a territorially balanced and locally relevant cohesion policy for all regions in Europe is more important than ever.

Cohesion policy plays an important role for the regional and local level all over Europe. It enables public authorities, enterprises, universities, civil society and other organisations in our municipalities and regions to develop and grow together.

This position paper is the product of an extensive technical and political dialogue between associations of local and regional governments from all across Europe. It highlights key recommendations from local and regional governments for a reformed cohesion policy post-2020.

CEMR is committed to fully collaborate in the process with EU institutions, moving forward on a new cohesion policy beyond 2020.”

Carola Gunnarsson
CEMR spokesperson for cohesion policy
Mayor of Sala (SALAR, Sweden)
CEMR’s 14 key recommendations

The Council of European Municipalities and Regions (CEMR) and its 60 national associations of local and regional governments across the EU, strongly supports the central role of a territorial approach in the achievement of the EU’s economic, social and territorial cohesion objectives. To this purpose, CEMR proposes some crucial changes for the future cohesion policy, on behalf of those who are at the forefront of managing and delivering the EU’s Cohesion Policy on the ground on a daily basis: local and regional governments.

Accordingly, we ask the European institutions to take on board CEMR’s recommendations when drafting the regulations for post-2020:

1. We demand a secured budget for cohesion policy, based on shared EU development objectives post-2020, grounded on the targets already set out for 2030 for some EU policies and in international agreements which the EU has signed, such as the Agenda 2030 and the Sustainable Development Goals, Paris Climate Agreement and Habitat III Agenda.

2. The elements currently contained in the Code of Conduct on the Partnership Principle should form a legally binding part of the future regulations, and be included within the regulations rather than as a separate ‘code of conduct’ which leads questions over its legal status.

3. Given their competences and legitimacy towards the citizens, we demand a tripartite or quadripartite partnership agreement signed between the European Commission, the Member State, and the regional and local authorities (or their official representative organisations), as appropriate, thus enhancing transparency, ownership and proximity, and allowing a closer link between cohesion policy and local needs. In this perspective, the full application of the partnership principle must become an ex-ante conditionality.

4. EU policy and interventions should focus on the problems on the ground, in line with European societal challenges, regardless of whether an area is urban, rural or has any other geographical feature. Conversely, existing administrative boundaries or delivery arrangements of Cohesion Policy should not stand in the way of targeting territorial, socio-economic and demographic inequalities. It will help recognise the diversity of territories and their potential through this place-based approach.

5. In line with the integrated approach, we advocate for the five current Funds to be grounded on a single and unique regulation that avoids the current gaps and overlaps between them. The funds must act as if they were ‘one’ by way of a unified ‘one-stop-shop’ interface for delivery and beneficiary bodies.

6. Common Thematic objectives or investment priorities should be determined according to local and regional needs, not uniformly earmarked at EU level. We support a degree of thematic concentration but the choice of thematic objectives and investment priorities should be left to the competent managing or delivery authority according to their circumstances.

7. Smart specialisation is not solely innovation. Priorities must be grounded on the existing experience, knowledge and opportunities of the area, through Regional or Local Development Strategies for Smart Specialisation for instance.

8. Sub-delegation of powers to competent and willing local and regional authorities for project selection or management of EU funds should be reinforced in the next programming period.

9. We call for a new consolidated capacity-building instrument, which goes beyond the existing technical assistance measures, for all European Structural and Investment (ESI) Funds that is available to any individual authority that will be entrusted with the management or delivery of ESI Funds. It will ensure that there is adequate staffing, sound financial management, that public procurement and state aid rules are properly applied and will facilitate knowledge transfer between Managing and delivery bodies. We ask that a percentage of any investment priority could be dedicated to reinforcing administrative and technical capacities.
10. As regards conditionalities, the **system of result indicators should be simplified** in order to make it easier for Managing Authorities, delivery bodies and their partners to decide on the results to be achieved that are relevant for them. In particular, obligations related to the conditionalities should be **proportional to the financial allocation relative to the area**. And in order to tackle the risk related to the non-achievement of the results, it is necessary to better support project leaders and to strengthen administrative and institutional capacities of authorities and beneficiaries.

11. **Multiple audit and overlapping controls should be avoided** and differentiation in the audit and control requirements should be based on risk-based criteria and previous error rates set by the European Court of Auditors.

12. The **prerequisites for state aid or public procurement for cohesion policy must be simplified**, aligned and be no more onerous than that of other EU programmes directly managed by the European Commission.

13. **Financial instruments (loans/guarantees) must not replace ESI Funds’ grants.** Financial instruments can only succeed if there is a viable market for them in a given territory. We also need lower thresholds and more opportunities for smaller project leaders to benefit from these financial instruments. This can still all take place without a loss of strategic focus.

14. Finally, any measure taken within the framework of the **European Semester** and having a potential impact on the local and regional level must mean the **application of the partnership principle throughout all the process**.
**Cohesion policy is decisive for the future of the European Union**

**Added value of cohesion policy**

Enshrined in the Treaties, cohesion policy is the principal funding policy at the European Union level that is capable of demonstrating clear results on the ground in addressing and implementing the major European and international goals, in the interest of its territories and its citizens: the fight against poverty and exclusion, professional integration, in particular for the youth, the fight against climate change, support to territorial innovation, cross-border cooperation, etc. It has also delivered economic growth, new and better jobs and stimulated sustainable development, while reducing the gap between Europe’s richer and poorer regions. Renouncing cohesion policy would mean for the European Union to deprive the European project of much of its substance; it is the main European instrument for solidarity. "Every region and country in the European Union benefits from Cohesion Policy, including the net contributors. The positive effect takes account of the financing of Cohesion Policy via the EU budget and is the sum of direct effects (via investments) and indirect effects (via increased trade) minus the contribution. The impact averages 4.2% of GDP in cohesion countries and is smaller but always positive in non-cohesion countries, averaging 0.4% of GDP by 2023".  

**Local and regional governments’ perspective on the current programming period**

Despite the fact that cohesion policy is one of the main pillars of the European project, there are several shortfalls in the current cohesion policy which hamper the full achievement of results for all local and regional authorities, and in particular:

- **Local and regional authorities do not have a systematic say** upstream in the negotiations for the selection of funding objectives and priorities.
- They need to fulfil **complex procedures** for requesting, managing or using the funds.
- **Thematic objectives** as set out in the current regulations do not always correspond to the competences of local authorities, or areas of local need, which makes it difficult for them to use the funds.
- There is also a **dependency of local authorities** on other levels of government that provide co-financing (lack of own financial contribution of the local level).
- The **myriad of EU schemes** in cohesion policy and in other EU programmes and initiatives dedicated to local and regional authorities, makes it difficult for smaller bodies to find the relevant information and funding opportunities.
- It is also **difficult to combine different funds** for multidimensional territorial strategies, as multiple rules of application, management, monitoring and control, apply to the different funds.
- Finally, the **funding priorities are mainly oriented towards innovation, which does not always respond to the needs** of rural areas, less competitive areas with structural problems (e.g. certain urban areas), those with less infrastructures, less innovation-oriented, those losing population, or those less attractive for the private sector.

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2 European Regional Development Fund (ERDF), INTERREG, Innovative Urban Actions, ESPON, Urban Agenda Partnerships, URBACT, Integrated Territorial Investments, European Social Fund, and Youth Employment Initiative, the European Agricultural and Rural Development Fund (EAFRD) / Pillar II CAP, CLLD/LEADER, European Maritime and Fisheries Fund (EMFF), Cohesion Fund, Employment & Social Innovation Programme (EaSI), Competitiveness of Enterprises and Small and Medium Sized Enterprise (COSME), Smart Cities and Communities, ManaqEnergy, Reference Framework for Sustainable Cities, Financial Engineering under Structural Funds, LIFE 2014-2020 Programme, Connecting Europe Facility (CEF), including Trans-European Networks (TENs), Horizon 2020 including CIVITAS, EIB mainstream loans for urban development and transport, EIB Financial Engineering, European Fund for Strategic Investments (EFSI).
What we call for in the future:

1. **We need a well-defined common framework of European objectives after 2020 with an ambitious budget**

**Recommendation 1:** We demand a *secured budget* for cohesion policy, *based on shared EU development objectives post-2020*, grounded on the targets already set out for 2030 for some EU policies and in international agreements which the EU has signed, such as the Agenda 2030 and the Sustainable Development Goals, Paris Climate Agreement and Habitat III Agenda.

We, local and regional governments, call for an ambitious cohesion policy that is underpinned by adequate means to address the territorial challenges of the future. For the 2014-2020 period, €352 billion was allocated to cohesion policy, that is, one third of the entire EU budget. Given the potential loss of the UK’s contribution to the next Multiannual Financial Framework, the *budget for cohesion policy must however in the future match the ambitious programme* put forward for the development and competitiveness of all regions in the EU.

Moreover, the post-2020 cohesion policy should be based on *common EU objectives steering all European territories and countries towards shared goals*, for the overall development of the EU. Its headline targets should be determined together with local and regional authorities. It could be based on those already set out for 2030 in a range of EU policies, but also on the United Nations Sustainable Development Goals, the Paris Climate Agreement and the UN-HABITAT III Agenda. This will give a strategic orientation to Cohesion Policy and help to set EU progress in the international context. It will also safeguard the EU spirit of unity and solidarity when achieving shared goals.

2. **A cohesion policy for all regional and local authorities in the EU, thanks to enhanced partnership**

**Recommendation 2:** The elements contained in the Code of Conduct on the Partnership Principle should form a *legally binding part of the future regulations*, and be included within those regulations rather than as a separate ‘code of conduct’ which leads questions over its legal status.

We are convinced of the *necessity of involving all EU regional and local authorities in cohesion policy* and in particular, those lagging behind in development. Maintaining funding for all public authorities, even the most developed ones, is also a non-negotiable element.

Furthermore, an *enhanced and fully enforced partnership between different levels of government* must be applied. We call therefore for stronger implementing rules of the Partnership Principle that clearly set out the *obligation and incentives by the EU and for the European, national, regional and local authorities to work together* in a multi-level governance approach when defining, implementing, managing and monitoring cohesion policy. In the current round, the partnership principle is reduced, in many Member States, to only informing local authorities on the process of negotiations, without giving them a say in the drafting of the programmes, or any involvement in negotiations.

**Recommendation 3:** Given their competences and legitimacy towards the citizens, we demand a *tripartite or quadripartite partnership agreement* signed between the European Commission, the Member State, and the regional and local authorities (or their official representative organisations), as appropriate, thus enhancing transparency, ownership and proximity, and allowing a closer link between cohesion policy and local needs. In this perspective, the full application of the partnership principle must become an ex-ante conditionality.

Local and regional authorities are democratically accountable tiers of government that should continue to be clearly distinguished from sectoral stakeholders as they are a level of democratic governance and not an interest group. As such they should also form part of the national negotiating teams who meet with the European Commission to develop the Partnership Agreement and associated Operational Programmes.
3. A more sustained integrated territorial approach

**Recommendation 4**: EU policy and interventions should focus on the problems on the ground, in line with European societal challenges, regardless of whether an area is urban, rural or has any other geographical feature. Conversely, existing administrative boundaries or delivery arrangements of Cohesion policy should not stand in the way of **targeting territorial, socio-economic and demographic inequalities**. It will help recognise the diversity of territories and their potential through this **place-based approach**.

Cohesion policy **should not focus only on the most competitive and innovative areas**, but also **help tackle challenges in high-risk and disadvantaged areas**, regardless their kind (rural, urban, semi-urban, transnational, cross-border etc.). We insist on the “place-based” approach as the basis of cohesion policy. In this perspective, it is necessary to develop indicators beyond GDP which could give an assessment of the social, economic, environmental situation of a specific territory. It will help identify the areas in need of targeted investment at NUTS3 and NUTS4 levels.

**Recommendation 5**: In line with the integrated approach, we advocate for the **five current Funds to be grounded on a single and unique regulation** that avoids the current gaps and overlaps between them. The funds must act as if they were ‘one’ by way of a unified ‘one-stop-shop’ interface for delivery and beneficiary bodies.

The relevant rules must be **radically simplified and clarified so that, new, more ambitious integrated territorial development instruments in the future**, allow genuine empowerment of local authorities to decide and develop integrated territorial interventions, without fear related to liability of the regional and/or national administration in case of minor failures. The sectoral approach and administrative separations of European funds must be overcome in order to seek a true strategic coordination and ensure an integrated territorial development. This will avoid duplication and lack of coordination of these interventions at both EU and national level.

It is at least essential that the different funds and rules are articulated as to provide a **one-stop-shop** for beneficiaries. It would mean applying the same rulebook for application, implementation, monitoring and reporting for all the structural funds as well as a common interface for the beneficiaries, thus allowing them to interact with one operator for one project, even though the project might technically be funded out of different funds. United rules will lead to increased transparency, will speed up the implementation process and lower administration burden while implementing cohesion policy.

Applicability of this “common rulebook” should stretch beyond structural funds, to **all EU policies and funds having a territorial dimension under a Common Strategic Framework** and interface (successors of Connecting Europe Facility, LIFE and Horizon 2020, EFSI and other EIB lending programmes, Asylum, Migration and Integration Fund, Employment and Social Innovation programme, etc.).

4. Common thematic priorities and a stable programming period

**Recommendation 6**: Common Thematic objectives or investment priorities should be determined according to local and regional needs, not uniformly earmarked at EU level. We support a degree of thematic concentration but the choice of thematic objectives and investment priorities should be left to the competent managing or delivery authority according to their circumstances.

To ensure additionality and concentration of funds, but also a common understanding of the opportunities provided by them, it is important to ground all funding and co-financing on a set of EU objectives common to all territories. However the present uniform compulsory earmarks on issues such as R&D or social inclusion is excessively rigid for it to be relevant or even provide additionality to all regions. This is why the actual **selection of priorities in the set of EU objectives must be directly determined by the competent regional authorities together with the local level**. This way, priorities can be better tailored to local needs and local and regional competences, contexts and strategies.
Moreover, **Cohesion Policy cannot be expected to respond to all the EU’s unexpected crises**, which can be dealt with by greater budgetary flexibility within the MFF. However it must allow sufficient margin for manoeuvre within Operational Programmes, whilst at the same time remaining strategic, within a medium to long term perspective. The main objective of the policy should remain: developing policies adapted to the local and regional contexts, and enforcing structural reforms at local and regional level. It must remain a policy that is stable and reliable during the course of seven years, i.e. based on multiannual programmes.

**Recommendation 7: Smart specialisation is not solely innovation.** Priorities must be grounded on the existing experience, knowledge and opportunities of the area, through Regional or Local Development Strategies for Smart Specialisation for instance.

Support for regional systems **smart specialisation** which targets investments for research and innovation towards local priority sectors and strengths, with the involvement of local and regional authorities, universities and research centres and enterprises could be strengthened. Nevertheless, the focus on solely innovation, hinders smart linkages with other substantial investments of the economy like education, infrastructure and SMEs. In areas with a shrinking number of inhabitants in particular, other factors of attractiveness need to be identified in order to keep the population or attract new businesses and spur investments in public services.

5. **Greater project management and/or project selection responsibilities for competent local authorities**

**Recommendation 8: Sub-delegation of powers** to competent and willing local and regional authorities for project selection or management of EU funds should be reinforced in the next programming period.

Local and regional authorities are the best suited level of administration to determine thematic priorities of EU supported investments and the localisation of possible projects. Therefore, the inclusion of local authorities guarantees good governance and an efficient use of funds. Beyond programming, **greater devolved responsibilities** should be given to those local authorities who have the competence to deliver large scale domestic development programmes in their locality. The delivery or sub-delegation of powers that already exist in the regulations have not been used to the full extent, mostly due to liability concerns of the Managing Authorities that were responsible for the drafting of the Operational Programmes. Also, future territorial development instruments that go beyond the current CLLD or ITI instruments should not be artificially predetermined on the basis of geographical area it covers or size: their use must be defined bottom up; the principle of devolving and integrating different funding streams is relevant in both urban and rural contexts.

6. **Boosting capacities remains key**

**Recommendation 9:** We call for a new **consolidated capacity-building instrument**, which goes beyond the existing technical assistance measures, for all ESI funds that is available to any individual authority that will be entrusted with the management or delivery of ESI Funds. It will ensure that there is adequate staffing, sound financial management, that public procurement and state aid rules are properly applied and will facilitate knowledge transfer between Managing and delivery bodies. We ask that a percentage of any investment priority could be dedicated to reinforcing administrative and technical capacities.

The smaller the local authority, the less likely it is that it will have the capacity to obtain EU grants and deliver EU funds autonomously. However at present, Technical Assistance remains in national bodies, and is not always available to the beneficiaries and bodies that need it on the ground. The challenge is that Managing Authorities in some more developed Member States did not choose the institutional capacity building thematic objective, and thus left delivery bodies and local authorities in a difficult position.

Moreover co-financing is a central element of Cohesion Policy. However it is also a major barrier for many regional, and particularly local authorities, precisely the ones that need it the most or are the smallest, to make use of the allocated ESI Funds. In some countries this has been addressed by
automatic co-financing provided by the regional or national government. This has however implications to the ability for these local or regional bodies to define bottom-up the priorities that suit them best. In addition, local governments often meet legal obstacles, such as EU accounting rules, which prevent them from making crucial investments. For instance, many Member States refuse to co-finance investments with local governments because it would count as state debt, even if they could provide the necessary resources.

Therefore to ensure a better accessibility of smaller authorities to the funds, **staff and other management costs should be clearly recognised as co-financing.** Similarly co-financing should be better aligned with the real ability to pay by the local or regional authorities actually delivering the ESI-funded projects.

**7. Conditionalities must be proportional to the amount received from European funds**

| Recommendation 10: | As regards conditionalities, the system of result indicators should be simplified in order to make it easier for Managing Authorities, delivery bodies and their partners to decide on the results to be achieved that are relevant for them. In particular, obligations related to the conditionalities should be proportional to the financial allocation relative to the area concerned. And in order to tackle the risk related to the non-achievement of the results, it is necessary to better support project leaders and to strengthen administrative and institutional capacities. |

We recognise the need for the impact orientation of cohesion policy in order to improve the quality and the impact of funding. However, the required effort to collect data and set up indicators needs to be in reasonable proportion with the benefit obtained. Today's policy continues to be complex, including performance indicators, and leads to a reluctance to have projects funded by European funds.

Measurement of performance should also be limited when Operational Programmes are small: results may be influenced by other factors external to the Structural Funds; it is in this case more difficult to measure the direct results.

**8. Simplified management and control rules**

| Recommendation 11: | Multiple audit and overlapping controls should be avoided and differentiation in the audit and control requirements should be based on risk-based criteria and previous error rates set by the European Court of Auditors. |

Cohesion Policy must be made a simple, readable and mobilising policy for all the actors present in the territories. It should not be too complicated in terms of administration and control. This ‘simplification’ factor is all the more important when the financial envelope for a Member State is low.

We therefore call for a simplification of the content and a reduction of the number of rules and delegated acts of control and audit, which would encourage project holders to submit more applications. This would increase legal certainty even more so when several supervisory authorities are involved: regional, federal / national, European. In this sense, it is essential that the Managing and Auditing Authorities meet at an early stage in the design of the plans, with the aim of avoiding any contradictions in the future. Similarly, any changes in rules or reinterpretations appearing in the course of the programming should not be applied retrospectively if it penalises the Member States, Managing Authorities or local beneficiaries by suddenly placing them in a situation of non-conformity, necessitating the return of Funds to the European Union.

Moreover, we call on European institutions to further explore the possibility of differentiating audits and reporting based on risk-based criteria and previous error rates set by the European Court of Auditors. A single audit approach could be introduced based on trust, which is all the more interesting in countries with extensive experience and reliable control institutions. The Netherlands, Sweden and Denmark published national declarations in 2014 for instance, in order to account publicly for their management and use of EU funds in 2013, revealing where there are problems and errors in their use. It adds transparency to the process and the government assumes political responsibility for the funds’ management and use. However, signing these national declarations should not mean more
requests and gold-plating from the national level, making the rules and conditions stricter than at EU level, transferring the burden onto subnational levels. This way, the European Commission will have a greater accompanying role in the shared management, not limiting itself only to the surveillance of Managing Authorities. Controls should play a supportive role to improve the implementation of the Funds, by lowering the administrative burden, speeding up the implementation and making EU funds more effective. In general, as regards controls and rules simplification, we support the CoR opinion on simplification of ESI Funds.

### Recommendation 12: The prerequisites for state aid or public procurement for cohesion policy must be simplified, aligned and be no more onerous than that of other EU programmes directly managed by the Commission.

Cohesion policy has bigger procurement and state aid requirements than similar investments delivered via Horizon 2020 or clearly via European Fund for Strategic Investments (EFSI). In particular, ESI Funds provided to enterprises may be subject to EU State aid rules; while on the contrary, the EFSI does not constitute state aid and is not subject to EU State aid rules.

**9. New easily accessible financial instruments within cohesion policy**

### Recommendation 13: Financial instruments (loans/guarantees) must not replace ESI Funds’ grants. Financial instruments can only succeed if there is a viable market for them in a given territory. We also need lower thresholds and more opportunities for smaller project leaders to benefit from these financial instruments. This can still all take place without a loss of strategic focus.

The grant system is essential to stimulate public investment in all sectors, including social (training, education, integration, etc.), and infrastructure, where performance is more difficult to assess in the short term for the private sector (no immediate economic returns). Also, grants are also needed to stimulate innovation and more experimental projects. However, financial instruments can be complementary and useful in certain targeted sectors, such as support for SMEs and investments related to energy efficiency.

Besides, the Juncker plan and the cohesion policy do not pursue the same objectives, do not apply on the same scale and do not have the same allocation criteria; therefore it is often difficult to mix them. Moreover, the minimum size of the projects financed under the Juncker plan (at least 50 million €) is often too high for local projects.

**10. Link between cohesion policy and the European Semester**

### Recommendation 14: Any measure taken within the framework of the European Semester and having a potential impact on the local and regional level must mean the application of the partnership principle throughout all the European Semester process.

Cohesion policy objectives should be taken as a starting point for linking the policy to the European Semester and assessing how cohesion policy can influence structural reforms. However the macroeconomic perspective, under the present conditions in which it is developed, cannot serve as a basis for making choices about local development. National Reform Programmes in their current form are not sufficient to guide the implementation of a place-based implementation of ESI Funds in each Member State.

The rationale of this synergy is to ensure that national policy over economic governance is better informed about regional and local governments’ priorities and choices, rather than being used as an instrument to pursue centralisation. Clearly local and regional authorities should not be made responsible for a lack of action from those levels of governance ‘above’ them. They should be involved in all the discussions about economic governance which have an impact on their own policies and related to their competences.

The European Semester and the priorities of the Partnership Agreement are often related, but are negotiated separately. For that reason it seems appropriate, as to mirror what is the case under ESIF.

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3 Simplification of ESIF from the perspective of Local and Regional Authorities (COTER VI/012)
the Partnership Principle is also applied in the European Semester, with the involvement of the competent local and regional authorities in the discussions on the priorities and reform choices proposed under the annual growth review for the year (through their associations as it exists in some countries like in Germany, Scotland, Denmark, Netherlands or Finland), the National Reform Programme, Report by country and Country-Specific Recommendations.

**Conclusion:**

The future cohesion policy must go further to support local and regional authorities in order to enhance the development and potential of all EU territories. It must be based more strongly than ever on the principle of subsidiarity and true central-local partnership, to further pursue the sustainable development goals and the objective of economic, social and territorial cohesion.

According to the Eurobarometer (Flash Eurobarometer 423, European Commission, September 2015), only 9% of UK citizens, 26% of French and 29% of Portuguese know about the existence of projects financed by European funds in their municipality, city or region. Therefore cohesion policy can be the means to reconnect the citizens with Europe, demonstrating that the EU listens and takes into account the needs of the territories and citizens, and subsequently, how it responds to those needs.
## CEMR MEMBER ASSOCIATIONS

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About CEMR

The Council of European Municipalities and Regions (CEMR) is the broadest organisation of local and regional authorities in Europe. Its members are 60 national associations of municipalities and regions from 41 European countries. Together these associations represent some 130,000 local and regional authorities.

CEMR’s objectives are twofold: to influence European legislation on behalf of local and regional authorities and to provide a platform for exchange between its member associations and their elected officials and experts.

Moreover, CEMR is the European section of United Cities and Local Governments (UCLG), the worldwide organisation of local government.

www.ccre.org