



Raising Open and User-friendly Transparency- Enabling Technologies for Public Administrations



Project number 645860
H2020-INSO-2014

D7.1 Market analysis

(Final, version 1.0, 30/01/2016)



WISE&MUNRO



Document produced by

Organization: Ancitel SpA, Rome Italy

Authors/emails: John Forrester, forrester@ancitel.it , Giuseppe Clementino, clementino@ancitel.it

Subject: Market analysis

Due date: 31 January 2016

Dissemination level: Public (PU)

Reviewed by

Date	Name	Organization
12/01/2016	I. Trochidis,	Oretelio
15/01/2016	Sander van der Waal	Open Knowledge International

Revision History

Version	Date	Authors	Status	Description of Changes
0.1	16/11/2015	J. Forrester -Ancitel	Draft	First draft version of the deliverable
0.2	26/11/2015	G. Clementino Ancitel	Draft	Second Draft of the deliverable
0.3	05/01/2016	J. Forrester Ancitel	Draft	Reworked conclusion
0.4	12/01/2016	I. Trochidis, Oretelio	Draft	Minor changes and revisions to text.
1.0	29/01/2016	J.Forrester & G. Clementino, Ancitel	Final	Final changes.

TABLE OF CONTENTS

1	Introduction.....	6
2	Part 1: Powers and functions at the local level.....	8
3	Part 2: Situation of Open Data in the EU	13
4	Part 3: Country analysis	19
4.1	France	19
4.1.1	Competences and distribution of Power	20
4.1.2	Fiscal decentralisation	24
4.1.3	Local Government Organism and Associations	27
4.1.4	Open Data.....	28
4.1.5	Statistical Summary	33
4.2	Ireland.....	35
4.2.1	Competences and Distribution of Powers	35
4.2.2	Fiscal decentralisation	36
4.2.3	Local Government Associations.....	39
4.2.4	Open Data.....	41
4.2.5	Statistical Summary	43
4.3	Italy	44
4.3.1	Competences and Distribution of Powers	45
4.3.2	Fiscal decentralisation	48
4.3.3	Local Government Associations.....	48
4.3.4	Open Data.....	49
4.3.5	Statistical Summary	52
4.4	The Netherlands	54
4.4.1	Competences and general distribution of powers.....	54
4.4.2	Fiscal Decentralization	56
4.4.3	Local Government Associations.....	58
4.4.4	Open Data.....	59
4.4.5	Statistical Summary	61
4.5	Poland.....	62
4.5.1	Competences and general division of powers	62
4.5.2	Fiscal Decentralization	64
4.5.3	Local Government Associations.....	66
4.5.4	Open Data.....	67
4.5.5	Statistical Summary	71
4.6	United Kingdom.....	71
4.6.1	Competences and general distribution of powers.....	72

4.6.2	Fiscal decentralisation	73
4.6.3	Local Government Associations.....	75
4.6.4	Open Data.....	77
4.6.5	Statistical Summary	79
5	Conclusion	81
	Webography	89
6	Appendices	95
6.1	Appendix 1 - Levels of Local Government by Country	95
6.2	Appendix 2 – List of indicators used in the PSI Scoreboard	97

1 INTRODUCTION

The aim of this document is the development of an overview for the analysis of the current situation in the Public sector market concerning open data activities. The analysis has focused on each European country of the consortium's partners of ROUTE-TO-PA.

The survey will explore the potential key players in the Public sector at a local level to identify also other parties who may be interested in the final products of the Project.

This context analysis seeks to identify the institutional frame in which ROUTE-TO-PA will need to work in, the segmentation of the public actors and the positioning of service providers, focusing on the Open Data emerging trends in the public sector at the local level.

In this document we will investigate how the local institutions act in this field, their organizational pattern and commitment, analysing how the actual situation on Open Data in each country has evolved in the latest years. We hope that this document will provide a knowledge base to avoid future implementation of programmes guided by principles divorced from the reality of local government. Many studies are focused on “standard-setting” and fail to consider the differences existing in each country in the distribution of powers and functions or the degree of independence and freedom with which they may be exercised.

This analysis is focused on the context of a selected number of EU member states, considering, as first step, only the countries represented by the various Partners of the project consortium: France, Ireland, Italy, the Netherlands, Poland, and the UK.

We intend to show how the laws and regulations in each country, following the evolution of European legislative harmonisation, are connected with the real implementation of services at the local level, in the countries surveyed, in the field of Open Data.

The multi-level governance and the transparency both typically involve a strong political commitment to promoting the participation of citizens and communities, with differences existing between the countries and between regions of the same country.

In each country of the EU, clearly municipalities are important actors.

The Council of European Municipalities and Regions (CEMR) report on “Local and Regional Government in Europe: Structures and Competences” underlines in the introduction that over 60% of decisions taken at the European level have a direct impact on municipalities, provinces, and regions. Furthermore, the report estimates that from 70% to 80% of public investments in Europe are managed by local and regional authorities. The future of Europe increasingly lies, as matter of fact, in the hands of local authorities¹.

¹ CEMR, “Local and Regional Government in Europe: Structures and Competences”, 3 September 2012

Focusing the attention in the countries of each partner of the project "ROUTE-TO-PA" will allow us to benefit from the knowledge and experiences of each of our partners.

This report is divided into three parts:

- The first part engages in a brief comparison of the government systems – powers and functions - focusing on the differences in mission of the local governments. This section explores, in particular, the legal frame governing the organization of municipalities.
- The second section is dedicated to the situation of open data in the EU as reflected in the six partner countries surveyed;
- The third part investigates in each country the national legal framework governing local authorities, an analysis of the financial resources of local authorities, and finally, the situation of open data.

2 PART 1: POWERS AND FUNCTIONS AT THE LOCAL LEVEL

The European Institute for Public Administration (EIPA), in a study made for the Committee of Regions (CoR)², outlined five levels of government, the first three being the most important. Not all countries have all five levels or even the first three. The Constitutions often include indications of different levels of government, but not always, and if they do, not always in a comprehensive manner.

According to the EIPA study, in the member states of interest to the ROUTE-TO-PA project, those with legislative organs present at the sub-national level are: **Italy and the United Kingdom**. Those member states without legislative organs at the sub-national level are: **France, Ireland, Poland, and The Netherlands**.

As we will see below, the functions and the degree of autonomy of local governments, not only in metropolitan areas, ultimately determine with whom we can work to ensure the sustainability of the project and the dissemination and exploitation strategy of the project results in the coming years.

After the State, the regional level is critical in federal states, while in more centralized states is absent or lacking in real powers. The provincial level, can be placed below the regions, or, directly under the state. The Province, in some countries, it is mainly an "administrative definition" of the central government. For other countries, it represents an important articulation of the administrative structure of the State, with its powers and functions.

In countries inspired by the Napoleonic system this level is both an administrative boundary for the decentralization of the central government and that of a significant expression of the capacity of local self-government.

The local government, city or municipality, is the third level. This level exists in all the countries concerned and is always considered as the most important level of government of a democratic organization. CEMR in a report on local government in Europe pointed out that 60% of the decisions taken at the European level have a direct impact on local government. Furthermore, 70% to 80% of public investments in Europe are made by local authorities.³

Some countries have a fourth level of government in community or neighbourhood. Large urban areas can also be arranged around the metropolitan governments.

At each level, regarding the accountability of the institutions, there is a variety of elected councils and an executive level. For example, in Napoleonic systems, a provincial prefect is in charge of the territorial administration of the State. If this level of government is in possession of a degree of administrative discretion,

² European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), "Division of Powers between the European Union, the Member States and Regional and Local Authorities" (2012).

³ Council of European Municipalities and Regions (CCRE CEMR). "Local and Regional Government in Europe: Structures and Competences", p.1.

the administration is decentralized to an extent. In recent times some of these decentralised systems have evolved towards an elected self-government.

The information concerning the institutional context gives an idea of the factors affecting local authorities' freedom of action: thus, in countries featured by large local authorities, the latter tend to have broader administrative capacities for exercising their powers and functions. The supervision of the administration of local authorities may be more or less effective, depending on the arrangements in which it is practised. Only the legal and institutional differences are considered here. The scope of supervision is not simply determined by the frequency of the acts demonstrating supervision from above, but more by the fact that local authorities know the supervisory authority will intervene if they do not comply with the rules⁴.

Local and regional government in all of these countries include some sort of network of state or regional authority departments in addition to local authorities. In Italy, precisely, the progressive decentralisation of the state's field departments, goes hand in hand with the growth of the Regional and Municipal authorities' field departments, which are to a certain extent replacing them. Even in **United Kingdom** and **Ireland**, where there were not traditionally such departments, they have developed since 1994 in the form of the Government Offices of the Regions in the eight administrative regions and London, combining the regional departments of ten ministries. In addition, many national institutions placed under ministerial authority perform important functions to local community life; they include many establishments classified as "quango"⁵, such as the Regional Development Agency, the National Health Service and the local police authorities.

The decentralisation of central government departments should not cause us to underestimate their importance in both administrative and local government policy terms.

In France, the reforms associated with devolution have simultaneously resulted in decentralisations, being established as the local mode of operation of the State, performing the functions for which it is responsible under its own steam, and in a reduction of the volume of these departments, many of whose staff have been or are going to be transferred to local and regional authorities, whose functions have been broadened.

In all the countries reviewed, local authorities exercise regulatory power for the purpose of performing their functions and this regulatory power is subject to compliance with the law and with the regulations of higher authorities.

In spite of the 2001 Constitutional revision, followed by the Law 131/2003 and Law 56/2014, Italy is no exception. Firstly, the Parliament still controls the degree of detail incorporated into legislation and it remains to clarify the meaning of "administrative function" in terms of the application of the law. "Administrative functions" must no doubt be distinguished from the "basic functions" referred to in Article 117 of the Constitution, which fall within the exclusive competence of the national parliament. On the contrary, when defining the scope of national or regional regulatory power in relation to these local authorities', it disregards the distinction drawn by Article 118.2 of the Constitution between local authorities' "own administrative functions" and the administrative functions conferred on them by national or regional legislation according to their respective spheres of

⁴ The hierarchical supervision of functions performed on behalf of the state or for the regional authority have been ignored in this document, since it is acknowledged that there is little room for local policies in the case of these functions.

⁵ QuANGO, in both the United Kingdom and Ireland, are defined as: a *quasi-autonomous non-governmental organisation* to which a government has devolved powers.

competence, which suggests that Italian Municipalities might have greater freedom in exercising the former functions⁶.

Lastly, it should be pointed out that other than in Italy the holder of regulatory power often varies. It may be the deliberative assembly or the executive (the mayor in many cases in **France**). Local authorities are usually free to organise their administration and decide how they want to manage public services within their jurisdiction. There are sometimes exceptions to this with certain services (**France** for instance) while in other countries (**Italy, United Kingdom**) the conditions governing the organisation of departments and the choice of operating method for certain services are, on the contrary, regulated by law.

In the **United Kingdom**, however, since the Local Government Act 1999, the regulations have been eased: each local authority is a Best Value Authority and must seek to improve its performance under central government supervision (via an Audit Commission) and with the support of the government and associations of local authorities.

Notably, in all the countries review, the situation diverges mostly with regard to fiscal powers, but against the background of a common trend: the erosion of local authorities' fiscal power. The only exception is Italy, where the law has restored municipalities' and provinces' fiscal power since 1993. The distinguishing criterion adopted is the exercise of fiscal power over a volume of at least 40% of total resources. This is not an arbitrary threshold, Committee of Regions (CoR) study notes, but one determined as a result of previous work showing that the composition of resources changes from this level upwards.

Above this level, there is an approximate balance between the different categories of resources, whereas below it, local budgets depend increasingly on transfers from the national government. Last but not least, below this level, any tax increase calls for substantial rates of increase in order to generate a significant surplus in resources, and increases of this kind are always difficult to manage in political terms, which neutralises fiscal power. Among the countries reviewed, only France and Italy, according to CoR have conferred real fiscal power on local authorities. However, it must be remembered that reforms of local finance are designed to reduce local authorities' fiscal power even where the country's constitution includes provisions that may suggest otherwise.

This trend is masked by the current presentation of local authority tax resources, which is based on the origin of the resources and disregards the attribution of fiscal power.

In the United Kingdom the business rate is counted among local authority tax resources, whereas this tax is levied at national level and redistributed among local authorities according to population. In France too, besides the fact that the assessment basis of the trade tax has been reduced and several local taxes have been abolished (e.g. the annual tax on motor vehicles and the regions' housing tax), the presentation of local authorities' total tax resources incorporates the departments' share in the domestic tax on petroleum products (a tax included in fuel prices), over which the departments have no influence⁷.

⁶ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities” (2012)

⁷ Committee of the Regions, Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism, written by Cinzia Alcidi, Alessandro Giovannini, Federico Infelise and Jorge Núñez Ferrer for CEPS. (Nov. 2014)

Contractual relations between public authorities with a view to organising co-operation or co-ordinating their activities are becoming rather more widespread in European countries. This is essentially a vertical relationship, but Italian legislation also allows agreements between authorities in the same tier of government.

Four countries among those studied feature contractual relations: **France, Italy, the Netherlands**, and, since 2004, the **United Kingdom**. In most cases these contracts cover programmes or projects and joint financing. The regulations governing them are most detailed in Italy, and the contracts are most widespread in France. In UK, through the Government Offices of the Regions, the government has supported the development of local “partnerships” between local authorities and central government in order to implement particular policies (*Local Strategic Partnerships*). Since 2004 it has developed Local Area Agreements (LAAs) “to strike a balance between the priorities of central government and local governments and their partners in the way that area funding is used”).

Under each country principal competences of each level of government (central, regional, provincial, and municipal) are indicated. The distribution of competences varies greatly from country to country. One can distinguish between exclusive competences, where one level of government has complete authority and shared competences. Typically it is rare that sub-national levels have exclusive competence in any area. At times the term “exclusive competence” used in some documents to signify that the lower level government can act across the whole field, but without excluding a role for the national government where it chooses to intervene.

Competences are usually divided into legislative and administrative types. Only regional-level governments possess legislative competence and not in all states. In some countries regional legislation is subject to national “framework” laws that set out the broad principles that regional laws must adhere to. They may be permissive or restrictive, giving the regional level more or less autonomy.

Distinguishing between legislative and administrative competence is not a simple task as administrative competences may include the power to adopt general regulations that complement formal laws. Fiscal powers generate a degree of discussion; in some unitary countries the powers of taxation assigned to local government are so broad that politicians and experts incorporate them in legislative powers.

In more centralised states legislative competences usually belong to the national level, whereas the administrative competences may well be distributed throughout different levels. In more federal or regional systems, the legislative competence in specific fields may be allocated to regional levels, whereas the administrative competence in the same field may be allocated to another level, or even shared between different levels⁸.

Usually provincial and municipal levels of government possess only administrative powers. This is also true of some regional governments. Here too there tends to be a great variety; at times with competences shared among different levels. While in other cases there is a clearer separation. In those areas with Napoleonic systems there is a significant degree of sharing of competences and tasks among the levels. In recent year there have been increased to clarify the division of powers.

⁸ European Institute for Public Administration (2012), p. 31

Decentralization has been the focus of reforms in the last few years. As a result, local authorities in the United Kingdom and the Netherlands are enjoying more powers in the sectors of health and social issues. However, this continuing decentralization has been a state withdrawal from necessarily transferring the financial resources to achieve these new tasks.

CEMR report⁹ notes that in the Netherlands the funds allocated for new competences have been scaled back as much as 30% often under the pretext of greater efficiency and closer proximity for citizens. In some countries the centralising policies of the state have countered this movement towards decentralization. As a result, the goal of achieving greater economies has become more prominent in this climate of austerity and the continuing reductions of public expenditure. In some areas they have permitted states to regain control of power originally delegated to local and regional authorities. In Ireland, a governmental agency manages the distribution of water.

⁹ CEMR, "Local and Regional Government in Europe: Structures and Competences", 2012

3 PART 2: SITUATION OF OPEN DATA IN THE EU

European governments are attempting, to various degrees to success, to align their systems in order to incorporate the different versions of the European harmonization of metadata catalogue DCAT¹⁰. In this context, it is relevant the key role that public data stores are taking on in the knowledge economy.

The guidelines for the proper use of Public information, created and promoted by all the national bodies of the Digital Agenda, are trying to disseminate the consolidation of all processes of implementation¹¹.

As the “Open Data Barometer Global Report” in its second edition points out in its “Key findings” section, the movement to transform government into “*open by default*” picked up steam in 2013 with the signing of the Open Data Charter by G8 leaders.

In 2014 at the G20 conference pledges were made to advance open data as a weapon against corruption plus the United Nations recognized the need for a “Data Revolution” to attain the global development goals. The report underlines that there remains a long way to go to put the “power of data in the hands of citizens”. Essential data on government spending and the performance of public services remain largely inaccessible in most countries. Critical information to combat corruption and promote fair competition, the report notes, is even harder to come by. Unfortunately, in most countries, “proactive disclosure” of government data is not required by law or policy; right to information and privacy protection remains weak or uncertain.

The “Open Data Barometer” report outlines five key areas important to ensuring that open data will help transform and to promote transparency and improve the performance of governments¹²:

- High-level political will and commitment is needed to promote “proactive disclosure of public sector data”, particularly data regarding accountability;
- Sustained investment in supporting and training of a broad section of civil society and business will be vital to understanding and using data effectively;
- “Contextualising” open data tools and methods to local needs, in particular, making data more accessible in areas with lower literacy rates;
- Increased support for urban-level open data activities as a complement to national level programs;
- Promotion of legal reform to ensure the rights to information and privacy underpin open data initiatives.

¹⁰ <http://www.w3.org/TR/vocab-dcat/> . As we will see further on, effective application remains a problem.

¹¹ See: Italian Agency for Digital Agenda website: www.agid.gov.it/

¹² Open Data Barometer (January 2015) - <http://barometer.opendataresearch.org/>

The findings of the report, as echoed in the countries surveyed for the ROUTE-TO-PA project and, indeed, in many of the surveys and reports issued by the Committee of the Regions, confirm:

- Open data initiatives that receive both high level government support and resources are more likely to achieve an impact (France and UK are excellent examples);
- Much more needs to be done to support data-enabled activities. The Open Data Barometer report, noted in its second edition that there had been a limited expansion of transparency and accountability from the issuing of the first edition in 2013. Of those countries included in the report only 8% publish open data on government spending, 6% on government contracts, and only 3% on the ownership of businesses. Citizens in general have difficulty accessing data on the performance of key public services; only 7% of the countries surveyed release data on the performance of health services and only 12% on education;
- Global progress towards “embedding” open data policies basically stalled in 2014. Many of those countries with moderate to strong open data initiatives saw steady progress towards the availability and impact of open data, but a number of others have slipped, the report notes, backwards and have been unable to sustain the initial progress. Government “open by default” remains for many countries a long way off;
- A few countries are managing to move towards requiring proactive disclosure of government open data as part of their “right to information” laws – thus, effectively establishing the right to data. However, open data policies in many countries lack effective legislative backing. The continued weakness of data protection laws remains a cause for concern;
- Data to be considered truly open should be published in bulk, machine-readable formats, and under an open license.¹³ In its second edition the Barometer report found only 10% of the 1,290 dataset surveyed met these criteria; an increase from 2013 when 7% of the datasets were published in full open data format. 31 countries reported at least on open dataset and just over 50% of the datasets among the 11 top-ranked counties qualified as fully open.

The division by the Barometer report of the countries surveyed provides us with a useful starting point for our analysis of the current situation regarding open data activities in Europe using the situation in each of the countries represented in the consortium (**Ireland, Italy, France, UK, Netherlands, and Poland**).

The Open Data Barometer report divided the countries surveyed into four groups:

High capacity: All of these countries have been generally able to establish open data policies with strong political backing. They have successfully extended a culture of open data beyond the confines of single governmental departments, promoted the adoption of open data policies in different departments, and increasingly at a local government level. Most of these counties have adopted similar open data policies (incorporating the basic principles of “open definition” and open data licenses).

¹³ At the Open Definition site (<http://opendefinition.org>) there is a definition which explains what is meant by an open license.

They possess, as we will show later on, in governmental, civil, and private sectors the capacity to benefit from open data. The countries of interest to us included in this grouping are: **UK, France, and the Netherlands**.

Emerging and advancing: Typically, these countries have emerging or well established open data programs with often dedicated initiatives that are at times even embedded into existing policy agendas. Many of these countries have been successfully innovating with the delivery of open data policies and adapting open data for their populations by concentrating on the need of governments to make data accessible in environments of characterised by issues of “digital divide” or by exploring the linkages between “right to information” laws and open data.

The countries of interest in this grouping are: **Italy, Poland, and Ireland**. They all have demonstrated a variety of strengths and continue to show potential to develop further innovative approaches to open data. However, as the Barometer notes, these countries continue to face challenges to mainstreaming open data practices in government and institutionalizing open data as a sustainable policy.

Capacity restrained: The countries in this grouping are all faced with a series of challenges to establishing sustainable open data practices as a result of limited capacity on the part of government, civil society, and private sector. Typically, the limits on affordable internet access and weakness in the digital data infrastructure have inhibited the diffusion of open data practices. None of the countries of interest fall within this cluster.

One-sided initiatives: The countries that fall into this grouping possess some form of open data initiatives, that vary from departmental web pages to full open data portals. However, as the Barometer report underscores the government action to publish certain selected datasets is not matched by civil society capacity and the freedom to engage with the data nor even by private sector involvement in the process. As a consequence, these initiatives appear to be very much supply-driven with the corresponding commitment of a community of users. Here too none of the countries of interest fall within this cluster.

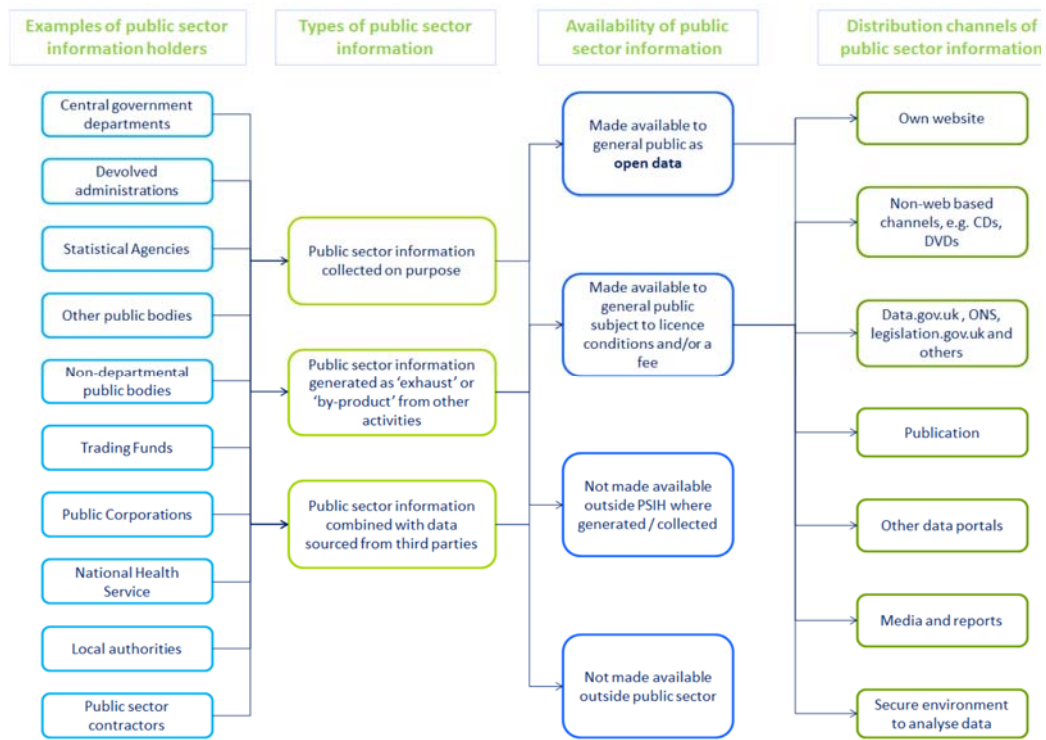
The situation of open data and the various communities associated with it differs from country to country within our sample. Continual innovation will clearly be needed to find the best-fit approaches to develop in the context of each country, the communities involved and the various datasets and goals for open data policy.

This document will be dedicated to analysing a landscape of open data in each country present in our sample before looking at the readiness, implementation, and impact of open data policies in general in these countries.

As the figure below illustrates, data may be generated by many different bodies. It can be produced specifically (for example, the Met Office collecting weather data), as a by-product of other activities (that is, salary data – known also as “exhaust data” that is generated through the performance of regular activities that are not data collection specific) or combined with third party data (among others, financial data analysed and combined with other statistics by the Bank of England that is then used to produce economic forecasts)¹⁴.

Public sector information holders and routes to market

¹⁴ Deloitte. “Market Assessment for Public Sector Information”. Written for UK, Department for Business, Innovation and Skills. (2013).

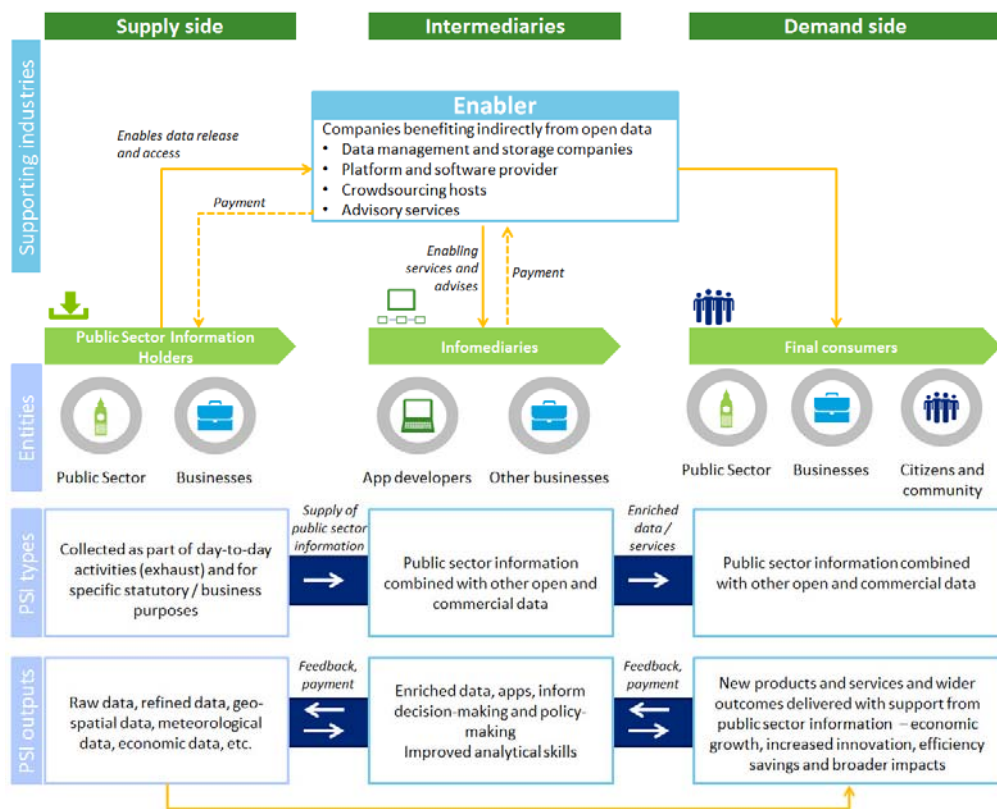


From Deloitte analysis

On the supply side of the equation the information holders include both the public sector and private businesses. Intermediate parties take this information and repackage it for a wider distribution – in some cases this means augmenting public information with other data elements. On the demand side, end users/consumers can use and re-use the public sector information to develop new products, influence decision-making, improve research and effect efficiency savings. As public sector information is increasingly used and re-used, actors across the supply, intermediary and demand sides will improve their data analysis skills, which can raise competitiveness and drive economic growth¹⁵.

¹⁵ Deloitte, Market analysis.

Public sector information market



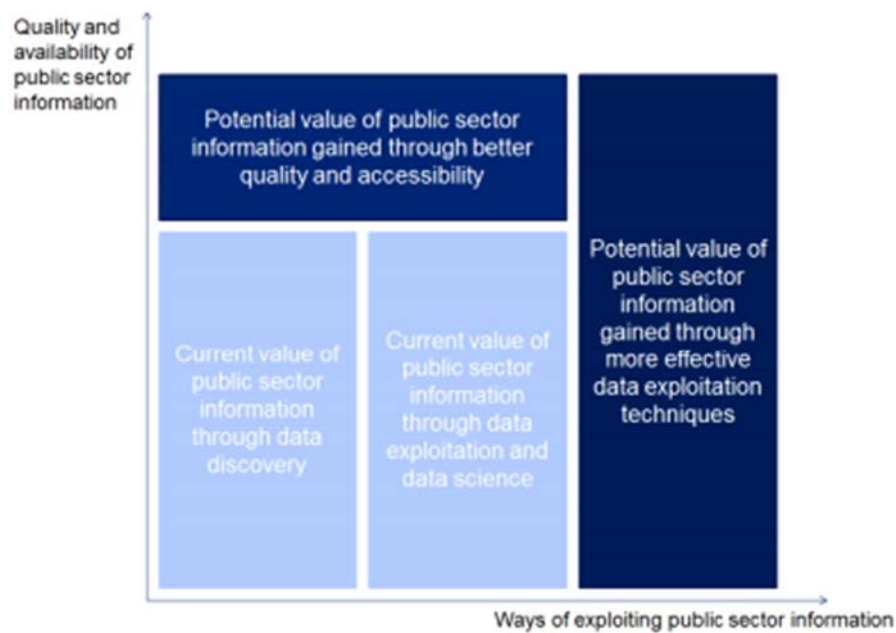
From Deloitte analysis

In all of the countries surveyed the economic importance of public data has increased with the diffusion of new communication technologies, in particular the Internet, and the development of the “knowledge economy” in which value is said to be generated through innovation in information and services. While many claim that greater availability and accessibility of public sector information will increase innovation and facilitate economic growth local governments remain still less than convinced of the usefulness.

Two means exist, according to a study done by Deloitte, to generate value: one through data discovery and the other through data exploitation. The first refers to creating better and more accessible public sector data (supply-side considerations). The later concerns the use and re-use of public sector data in more efficient ways (demand-side aspects). This may involve encouraging users to use public sector data, improving data exploitation techniques, transforming cultures and data analysis skills. Value may be generated, the Deloitte study suggests, through exploiting existing datasets to identify new insights through statistical analysis and new visualizations. Studies emphasize that the value of public sector information can be increased but there “is not a linear relationship between quantity of public sector and its value”. The critical aspect in all of these countries is the quality of the data released and its “amenability” to data analytics. Unfortunately many local authorities seemed to assume that releasing more documents irrespective of their quality will generate value¹⁶.

¹⁶ Deloitte, Market analysis.

Traditional view of generating value from public sector information



Source: Deloitte analysis. Boxes not to scale.

In particular, this deliverable will focus on the following aspects which have been surveyed in the countries:

- Level of readiness to develop open data activities, including the necessary legal, political, economic, social, and organizational policies, that will help promote the use of open data;
- Implementation of open data activities and practices, as measured through the availability of data and the extent to which those datasets of common practices established in the Open Definition and Open Government Principles;
- Impact of open data on various groups in civil society, private sector, and government in each of the countries surveyed.

4 PART 3: COUNTRY ANALYSIS

This document lists the principal competences at each level of government in each state of our survey, in an effort to understand better where the project might best concentrate its activities.

While every effort has been made to establish consistency there are important differences in the way competences and functions are defined and grouped in each country.

As a consequence, it is not always easy to make direct comparisons between countries.

Where there exists a constitutional division of powers, it is necessary to identify the competences of the national government. In other countries the national government is competent in all fields but may be restricted in their action by constitutional principles regarding local and regional self-government.

In those European countries with strong regional devolution (as Italy), the regional level constitutes a general level of “multifunctional government”.

Typically, in its most pronounced form only the national level competences are specified and everything else is delegated to the regional level. In other countries there tends to be only a “functional devolution”, with the regional level confined to specific tasks, usually focused on economic development and planning.

4.1 FRANCE

France is a “relatively centralized” unitary State, characterised by three tiers of government: regions, departments, and municipalities (including overseas departments, regions and territories). The Constitution adopted on 4 October 1958 recognizes the principle of local government autonomy. Decentralization (decentralisation) has been part of French political vocabulary concerning local government since the 19th century. As in all of the countries surveyed the French model has been more a product of a long history than the result of some particular doctrine. At any given period, certain political doctrines have exerted some influence but there has not been any constant relation between political parties and the structure of local government. Depending on the context and environment parties both on the right and the left have been centralists or decentralists. Generally speaking, laws that have emerged have been the product of tough political bargaining and the final agreement is usually far from any model that anybody might have had in mind.

Since 1982 France has been undergoing a decentralization process as further autonomy was devolved to local authorities.

Local and regional self-government is guaranteed by the Constitution (Art. 72 and 34). Communes have had elected councils since 1834 and have been fully fledged territorial communities (collectivités territoriales), endowed with a general competence on their territory and with a mayor, elected by the conseil municipal, as executive since 1884. Departments, created in 1791, have always had an elected body, the General Council, which

had mere consultative functions, assisting the préfet, as a state representative since 1806. In 1881, the departments became fully-fledged territorial communities.

In 1982 their executive functions, which until then were being exercised by the préfet, were transferred to directly elected presidents of the General Council. The principle of experimentation was recognized, whereby sub-national units of administration are allowed to exceed the limits imposed on their competences by law on the basis of a special authorisation by means of Act of Parliament¹⁷

Generally limited discretion is accorded to local authorities in the areas of taxation and expenditures. While the Constitution guarantees self-government it gives no indication concerning competences.

4.1.1 COMPETENCES AND DISTRIBUTION OF POWER

The municipal council is composed of councillors elected by direct universal suffrage for a six-year term¹⁸. This deliberative assembly is headed by the mayor. The mayor and his/her deputies represent the municipality's executive branch. The mayor is elected by and from within the municipal council for a six-year mandate. He/she is in charge of the municipal administration and is assisted by his/her deputies. The mayor and his/her deputies are the executive power of the municipality. (S)he chairs the municipal council. (S)he exercises authority over the commune's civil servants and the power to take all decisions necessary for the implementation of the commune's budget, and (s)he represents the commune for the signature of contracts or for court litigations. The mayor furthermore exercises a number of state functions on the territory of the commune: (s)he has police powers, is in charge of the organisation of elections, and has a number of functions as "officier d'Etat civil", for example, marriage and the registry of births and deaths.

In a similar fashion the regions and departments in France, communes have no legislative competences. Their main functions involve the execution of their budget. Within the parameters set down by national legislation they have a broad autonomy.

The responsibilities of the mayor for security are important in terms of the regulation of road traffic and public markets. Possible conflicts concerning the range of competences delegated to communes or the conformity of their decisions with the national laws and Constitution fall to independent administrative courts to resolve. The budget and its implementation are subject to the control of independent regional financial courts¹⁹.

Competences delegated to municipalities

- Registry office functions
- Electoral functions

¹⁷ Committee of the Regions (CoR), Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism (Nov. 2014)

¹⁸ European Institute for Public Administration found 36,569 communes, three communes (Paris, Marseille, and Lyon) divided into municipal *arrondissements* with their own representative structures, but no separate powers. They also found 730 associated communes (as of January 2006) – formally independent communes now merged into larger ones but have retained some degree of autonomy.

¹⁹ European Institute for Public Administration (2012), p. 126-127.

- Social work
- Education
- Maintenance of municipal roads
- Land development and planning
- Local public order

Decentralised competences for municipalities

- Urban planning
- Education
- Economic development
- Housing
- Health
- Social work
- Culture

Municipalities benefit from a general competences clause: they can intervene beyond their official competencies in all fields of local interest.

A distinctive feature of the French political system is presence of a high number and great variety of inter-municipal cooperation (IMC) bodies²⁰. Thousands of these so-called “technical union” were created in the 1960’s and 1970’s to help meet the growing demands for the modernisation and transformation of public services. In a successive phase to encourage the growth of better regional development policies the government began establishing “urban communities” with decentralised competences and taxation. In recent years the government has sought to reduce their number and define more rational boundaries and clearer competences. In addition, provision was made for the creation of a metropolitan (*métropole*) transferring certain competences from the department and the region in certain domains²¹.

Provincial level

At the intermediate level there are 96 departments internally and 4 overseas. The general council is the department's deliberative body. It is composed of members elected by direct universal suffrage for a six-year term and half of it is renewed every three years. The council elects its president among its members and is composed of specialised committees. The president of the general council is the department's executive authority. He/she is elected by and from within the council for three years and is assisted by a permanent committee composed of vice-presidents. The prefect represents the country's prime minister and the ministers within the department. He/she is in charge of maintaining public order and holds police powers, providing him/her with the status of administrative police authority. The prefect is also in charge of monitoring the legality of the local authorities' actions (CoR fiscal).

²⁰ Hertzog, Robert, “Local Government in France” In Local Government in the Member States of the European Union, A Comparative Legal Perspective, p. 16. In 1890 with the Act of 22/3/1890 a model of municipal union called *syndicat* was set up. It functions as a legal entity and can take on public functions in place of municipalities.

²¹ Robert Hertzog, “Local Government in France”, pp. 218-219.

As in other levels of government (regions and communes), departments have no legislative competences. The execution of their budget remains their main function. Within the parameters set down by national law they exercise a broad autonomy. Possible conflicts related to the extent of the competences delegated to the departments or, indeed, the conformity of their decisions with national laws fall to independent administrative courts to resolve. The budget and its implementation are subject to the control of independent regional financial courts.

Competences delegated to departments²²

- social welfare:
 - aid for children;
 - social aid for families;
 - accommodation for disabled and elderly;
 - supervision of the constituency's social establishments;
- education:
 - o creation, construction, maintenance, and operation of ordinary
 - secondary schools;
 - o creation, construction, maintenance, and operation of colleges;
- regional planning:
 - rural equipment aid programme;
 - associated state-region planning contracts;
- transport:
 - school transport (financing and organisation of transport outside of
 - towns);
 - passenger transport between towns (including departmental transport
 - plan);
- economic development:
 - direct economic aid complimentary to that of the region;
 - indirect aid for companies, including loan and other guarantees;
- town planning:
- environment (departmental waste disposal plan);
- culture:
 - departmental archives;
 - departmental museums;
 - central lending library.

Regional level

France recently reduced the number of regions to 13²³ The regional council, known as the “territorial assembly” in Corsica, is the deliberative body of the region. It is composed of regional councillors elected by direct universal suffrage for a six-year term. The regional council elects its president from among its members. The permanent

²² European Institute for Public Administration (2012), p. 127.

²³ https://en.wikipedia.org/wiki/Regions_of_France (Updated January 26, 2016).

committee is the region's deliberative body, which assists the council in the execution of some of its competences. The vice-presidents are members of the permanent commission. The president is elected by the regional council for six years. He/she is the region's chief executive and is the head of the regional administration. The president's functions are similar to those of the department's president of the general council. The prefect of the region is the prefect of the department in which the main city of the region is located. He/she is responsible for the services devolved to the regions by the state. Other competences include relaying the government's policy on major projects, monitoring the legality and compliance of the region's budgetary acts, and preparing policies for the region's economic, social and territorial development ²⁴.

The regions in France possess no legislative competences. Their principal functions are exercised through the execution of their budget. Within the parameters established by national law and by existing regulations and norms the regions have a broad autonomy. No hierarchy exists between the regions and local government.

Conflicts over the extent of the competences delegated to the regions or the conformity of their decisions with laws are brought to independent administrative courts. Generally the budget and its implementation are subject to the control of independent regional financial courts²⁵.

Competences delegated to the regions

- education:
 - creation, construction, maintenance, and operation of high schools
 - (lycées) and establishments for specialised education;
 - vocational training and apprenticeships (regional vocational training
 - development plan; implementation of initial and further training
 - schemes for young people and adults, apprenticeships);
- planning;
 - regional development and land use plan;
 - state-region planning contracts;
- transport:
 - school transport;
 - road transport;
 - rail transport;
- economic development:
 - economic aid: direct aid in accordance with EU rules; indirect aid for
 - companies;
 - stake-holding in regional development and regional financing
 - companies;
 - management of EU Structural Funds (shared with prefects);
- environment:
 - environmental protection;
 - heritage and sites board;

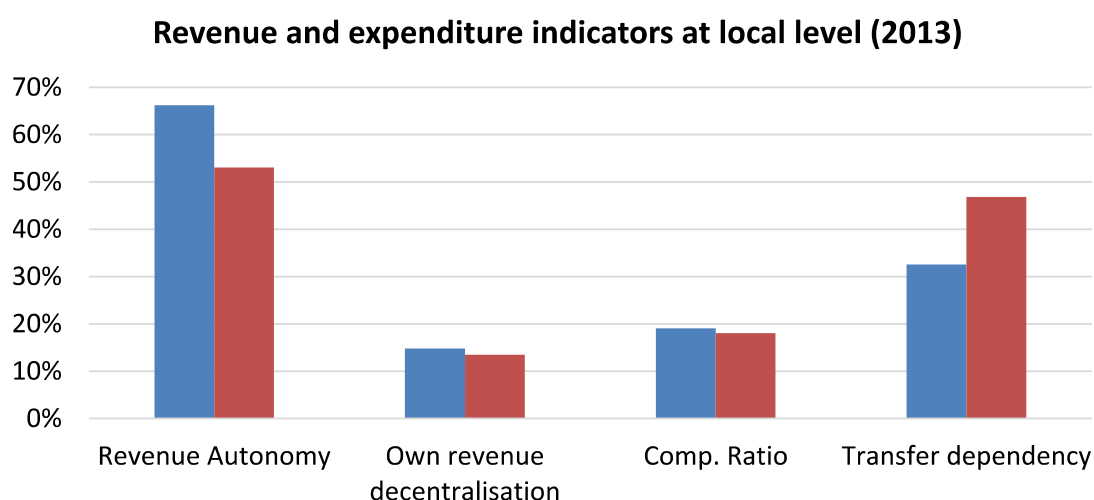
²⁴ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism".

²⁵ European Institute for Public Administration (2012), p. 126.

- regional air quality plan;
- classification of regional nature reserves;
- cultural affairs:
 - regional archives;
 - regional museums;
 - protection of heritage and listing of monuments and artistic heritage.

4.1.2 FISCAL DECENTRALISATION

France remains essentially centralised in financial terms. The municipal, departmental, and regional authorities are jointly responsible for around 20 per cent of total public expenditure and about 11 per cent of total tax revenue. COR studies note that revenue autonomy of local authorities, that is, their revenue relative to total revenues available at a local level, is higher than the EU average (66%). This has meant that local government in France has a lower dependency on central government transfers than others in the EU. Overall local revenues represent 15% of the total government revenues, slightly higher than the EU average (13%).²⁶



Blue: Local Government

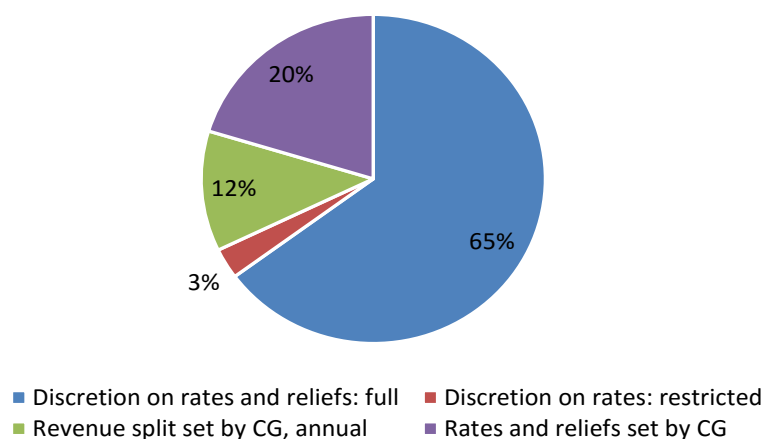
Red: EU

As for the degree of local tax autonomy, there seems to be a fairly high level of tax discretion regarding 65% of the revenues available.²⁷

²⁶ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", pp. 74-75. Elaboration of Eurostat data.

²⁷ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 75-76.

Local government tax autonomy

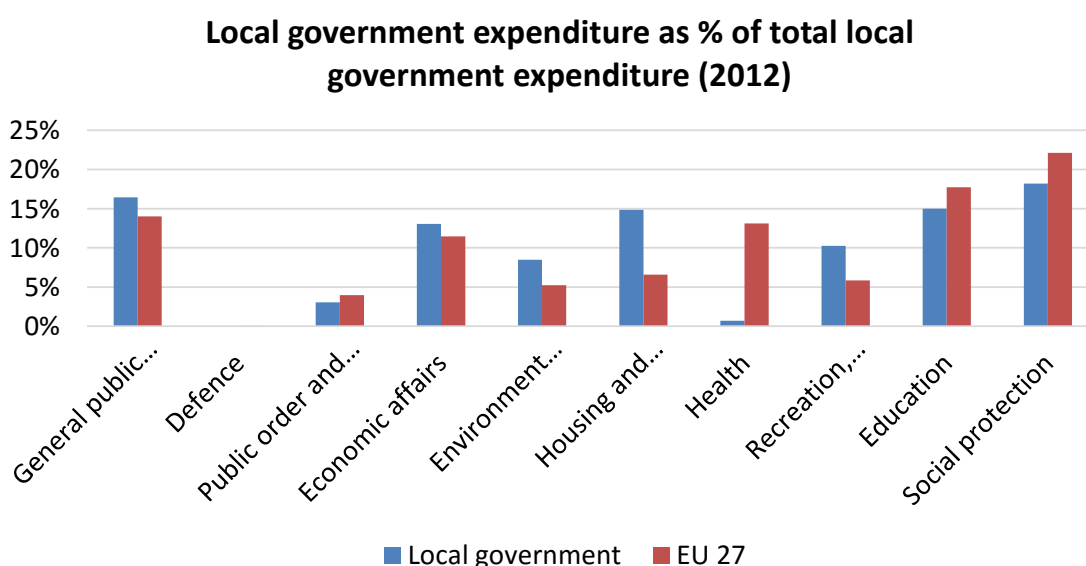


From CoR study on fiscal decentralization, 2012

Local authorities are not allowed, according to the COR study, to finance current expenditure through debt. Borrowing can be only used to finance capital expenditures. The deficit cannot exceed 5% of the current year's revenue (up to 10% is permitted for smaller municipalities). While local government can within the maximum levels imposed, borrow freely, any budget decision is subject to review by the central government.

When one looks at the distribution of the sub-national budget, the highest expenditure tends to go to general public services (16%), social protection (18%), housing (15%), and education (15%). The share of expenditures regarding health tends to be low since local authorities have fewer competences in this area.²⁸

²⁸ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism"., Fiscal Decentralisation, p. 78.



Local governments do enjoy a level of autonomy regarding the collection of taxes and establishing rates so there may well be interest in using the results of the project to help engage citizens and businesses in local government activity – particularly, in areas of economic and environmental planning.

Although principles and various structures have not changed, a clear distinction still exists between the spheres of competence of the different tiers of government, the decentralisation legislation brought in some innovation, particularly regarding supervision.

A degree of ex-post facto monitoring of local government action continues in recognition as in other countries of the fact that the authorities are self-governing must be balanced against the need for coordinated action by the state and ensure that the principle of equality of all citizens does not supersede the general interests of the nation as a whole.

The process of decentralisation has profoundly altered local government in France.

The new system is indisputably more costly than the old for the state and has led to some fragmentation of tasks and objectives, as local authorities act primarily in their own rather than the national interest. However, in line with the principle of subsidiarity (as reflected too in the European Charter of Local Self-Government) the trend to further decentralisation is intended to ensure that tasks are carried out in all sectors of public life at the closest possible level with the average citizen²⁹

²⁹ General descriptions available in Wikipedia at en.wikipedia.org/wiki/Subsidiarity and en.wikipedia.org/wiki/European_Charter_of_Local_Self-Government

4.1.3 LOCAL GOVERNMENT ORGANISM AND ASSOCIATIONS

French Senate

The European Institute for Public Administration (2012) study on the division of powers notes the French Senate represents the interests of territorial authorities. The Senate is indirectly elected by an electoral body consisting of representatives of the communes (95%) and from the departments and regions. The Senate's electoral system traditionally results, according to the authors, in an over-representation of rural zones. Further investigation might be of interest to understand better what committees exist and the level of activity in the Senate.

In France the interests of local and regional governments are handled principally by the following three organizations:

- **The Association of French regions (Association des Régions de France – ARF)** lobbies the government about the issues of interest to the regions³⁰. The Association also lobbies members of Parliament concerning the opinions of the regions to take into account during the legislative process. ARF also seeks to transmit the regions' viewpoints in a number of state bodies such as the National Council for Local Development (*Conseil national de l'aménagement et du développement du territoire*), the Local Financial Committee (*Comité des finances locales*), and the French Agency for International Investments (*Agence française pour les investissements internationaux*). In addition, the ARF also promotes regional activities, collaboration, and exchange of information in several economic and social spheres, like commerce, industry, and agriculture, as well as legislation on decentralisation and regional administration.

The Association created in 2008 a 27th region calling it a virtual collective ("collectivité virtuelle") – in other words, a laboratory of ideas for the future. Clearly the Association could be quite receptive concerning the possibility of workshop or pilot projects based on the activity of ROUTE-TO-PA project ³¹.

- **The Assembly of French Departments (Assemblée des départements de France)** represents the views of the departments to government and parliament. It also promotes partnerships between departments and social and economic associations as well as among departments.
- **The Association of French Mayors (Association des Maires de France: AMF)** provides opinions and comments on draft legislation coming from both the government and the Parliament. The Association represents principally the interests of mayors in rural areas; in particular, they concentrate on the smaller communes of less than 2000 inhabitants.

There are also the Association of Mayors of Major French Cities (Association des maires de grandes villes de France), the Federation of Mayors of Medium Cities (Fédération de maires de villes moyennes), and the Association of Small French Towns (Association des petites villes de France).

³⁰ L'ARF a été mise sur pied par les présidents des conseils régionaux qui ont voulu « mettre en commun les expériences vécues dans les régions avec le transfert des compétences décidé par les lois de décentralisation ».

³¹The Wikipedia article continues in greater detail "Cette région virtuelle est présentée par l'ARF comme un lieu pour penser - dans une dynamique d'intelligence collective et de « haute qualité informationnelle » - l'avenir des régions et des politiques publiques pour relever le défi de la fracture numérique et du développement numérique du territoire, de l'éducation, etc.

Relations with the EU

Most French regions have offices in Brussels. The ARF is mandated to represent the interests of French regions and to promote their interests in a number of EU institutions. The Association has a European Committee specializing in EU issues. It provides information to the regional associations.

Maison européenne des pouvoirs locaux français (MEPLF) performs a liaison and lobbying function between local authorities as a group, and the EU. This institution was established by the AMF, the ADF, and the three organisations that represent large, medium, and small French cities.

The Maison provides information to its members by processing news, participating in meetings, completing minutes and notes, and issuing a bi-weekly electronic newsletter. It also supports the activities of the French delegates to the Committee of the Regions by participating in the meetings of the commissions inside the Committee and eventually helping to prepare the plenary sessions.

In its role of representing the interests of local authorities in the EU, the Maison enters into relations with several EU institutions and expresses its opinions on several matters. In 2006, these matters were regional and urban policies, public services, public markets and public-private partnerships, environment, communication, and decentralized cooperation.

4.1.4 OPEN DATA

Interest in France in open data and open government go back to 1978 under President Mitterrand. Since 2011 the national coordinator for the publication of open data has been Etalab in the Prime Minister's office. It manages the national portal data.gouv.fr. Among municipalities the early pioneers were in Rennes and Paris in 2010 – 2011. Etalab also follows communities of re-users and actively seeks to foster new, innovative uses through “hackathons” and other competitions. Among their other responsibilities is to follow the commercialization of public sector data.

One of the “high-capacity” countries in the Barometer Report France has been able to establish its open data policies with strong political support. Overall France has been fairly successful in extending a culture of open data beyond the confines of single government agencies and promoting an increasing use of open data at local levels.

<http://data.gouv.fr>

The starting point for surveying activities relating to open data in France.

www.etalab.gouv.fr/

Organization tasked by the French government to oversee the publication and distribution of open data by public authorities³².

³² <https://www.etalab.gouv.fr/en/qui-sommes-nous>

Initiatives of French municipalities relating to open data

While the number of actual datasets being published are often quite low for now, the reuse of data that appears in official statistics (<http://data.gouv.fr>) indicates that interest in public data is evident and growing. The question remains what could be done to increase adoption. While many municipalities have done little beyond the production of some datasets, increasingly municipalities have begun to go beyond the mere adherence to national regulations and are engaged in trying to stimulate the production of open data and to show a “business case” for open data.

City	Site	Data Sets
Rennes	http://www.data.rennes-metropole.fr	data sets 162 8539 calls to API Competition 2011
Paris	http://opendata.paris.fr/	166 data sets Also connected to group "Paris Open Innovation"
Montpellier	http://opendata.montpelliernumerique.fr http://data.montpellier-aggio.com	Well organized. Second site from Montpellier Agglomération to date 57 data sets
Nantes	http://data.nantes.fr http://data.nantes.fr/donnees/statistiques-des-donnees/ (analysis and overview of data sets available)	637 data sets reported. Data sets at various levels. API also available.
Bordeaux	http://opendata.bordeaux.fr http://data.bordeaux-metropole.fr http://dataportals.org/portal/ville-bordeaux	Well organized with mix of videos, applications, data set descriptions. On Metropole site Apiclub.
Grenoble	http://metropolegrenoble.fr	45 data sets Refer to law NOTRe of the 7th of August 2015 requiring all public institutions to publish data From Metropole Grenoble Alpes, Town of Grenoble, and SMTC.
Côtes-d'Armor	http://datarmor.cotesdarmor.fr	85 data sets (données)

		libérées") Contributions from 7 private and public institutions near Côtes-d'Armor. Portal online since June 27, 2015.
Nogent-sur-Marne	Town https://www.data.gouv.fr/fr/organizations/ville-de-nogent-sur-marne/ Citizen group https://www.data.gouv.fr/fr/organizations/action-nogent-sur-marne/ Department https://www.data.gouv.fr/fr/organizations/direction-departementale-des-territoires-de-seine-et-marne/	- Town itself published only 2 datasets. - Citizen group 34. - Department 102.
Saint-Malo ³³	http://www.ville-saint-malo.fr/mairie/open-data/	44 data sets
Nice Côte d'Azur	http://opendata.regionpaca.fr/donnees/detail/filaire-de-voie-de-nice-cote-dazur.html	Few data sets – 9. Actually from the regional site Provence-Alpes- Côte d'Azur
Mulhouse ³⁴	http://www.mulhouse.fr/fr/open-data/	
Issy-les-Moulineaux ³⁵	http://data.issy.com Twitter @data_issy	77 datasets.

<http://opendata.paris.fr> - Site for Paris relating to open data activities.

<http://opendata.corse.fr> - Datasets - 159 as of October, 2015

“Apps” - Examples of applications and projects that have used the data are listed at: http://opendata.corse.fr/Les-Applications_r8.html

“API” - The page dedicated to “API” what API datasets are and how to construct the necessary call to use a dataset.

In May of 2014 Corsica was recognized by the main organization in France as a “certified producer of public data”. Corsica was also part of the Homer project (see <http://homerproject.eu/>) working with other states in the

³³ Started in 2014. From their site it is noted that the town: “À compter du 29 septembre, tous les marchés publics de la Ville de Saint-Malo comporteront une clause open data, obligeant les prestataires à fournir gratuitement les données produites dans le cadre de l'exécution des marchés auxquels ils répondent. La Ville se réserve ensuite le droit, en fonction de leur intérêt, de publier tout ou partie de ces données sur la plateforme”. Basically everything published by the town will be available as open data.

³⁴ The mayor of Mulhouse (Jean Rottner) is active at a national level in a number of associations. He could make an excellent contact in the national associations. He has been vice-president of the “Association des maires de grandes villes de France” since 2014.

³⁵ At <http://www.issy.com/opendata> the goals of the open data program in Issy-les-Moulineaux (begun in 2012) were listed as:

- To stimulate the creation of innovative mobile or internet based applications;
- To generate new economic opportunities for businesses;
- To render government decisions clearer to inhabitants and to facilitate the publication of data.

Mediterranean on issues relating to open data.

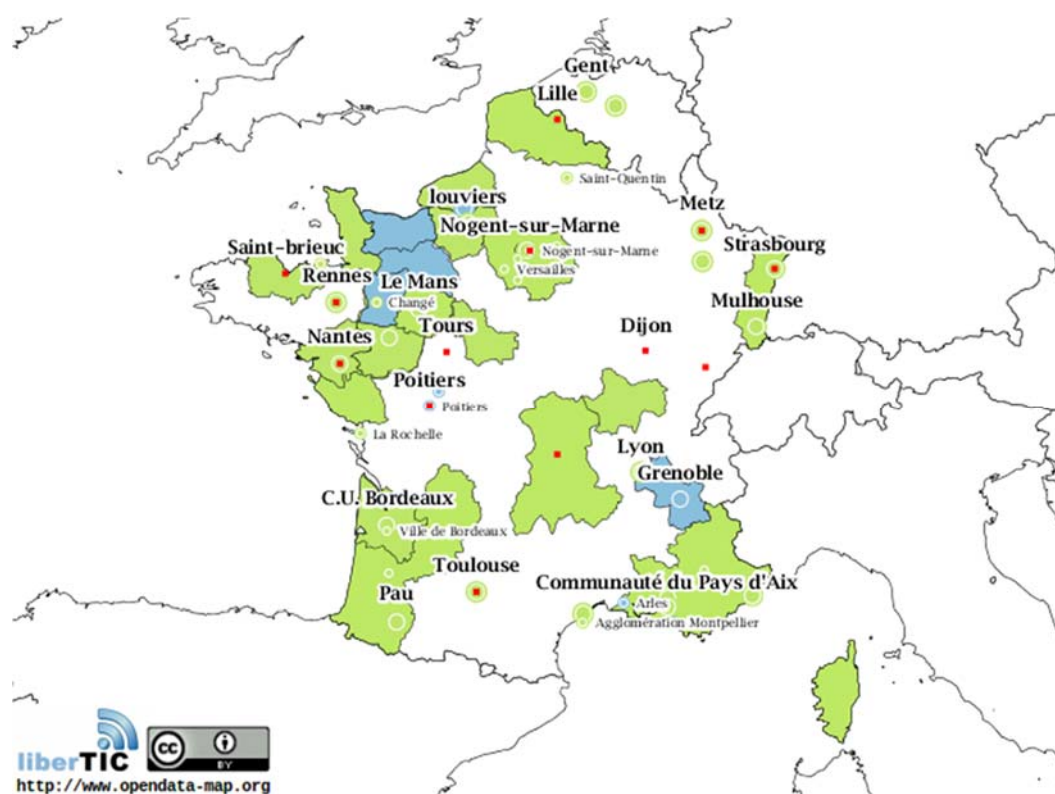
Possible Contacts, Interested Parties

http://opendata.corse.fr/links/Les-acteurs_ai52605.html

<http://www.opendata-map.org/map> (

This shows areas that might well be interested in using other tools to expand their open data activities. In surveying at the web sites of the cities in these areas various activities are listed but lacking still is a clear sense of where to take the “open data”).

Public Sector Open Data Activities³⁶



Green: Already “open” Blue : “Underway” Red: “Citizen movements”

ePSI Scoreboard Official Source³⁷

For France the following was reported

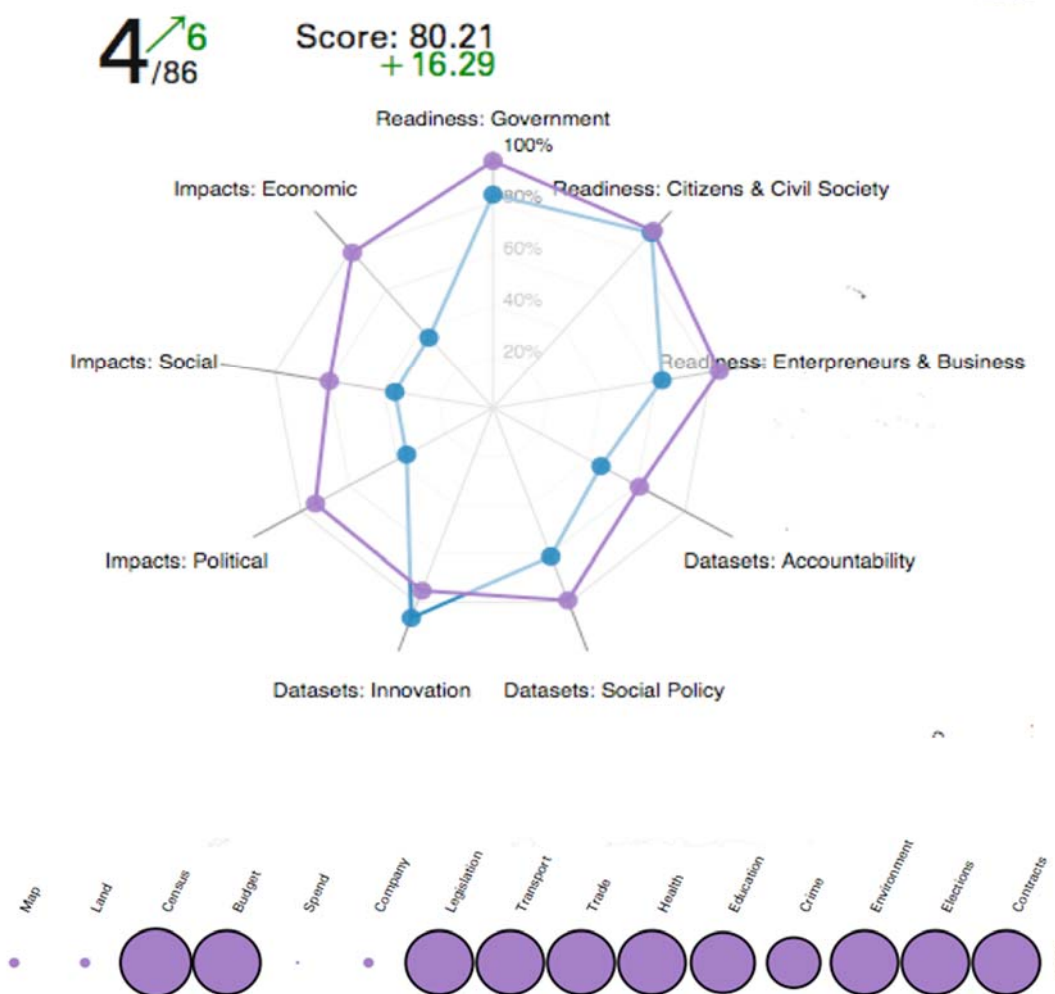
Overall Score	435
Implementation of the PSI Directive	0

³⁶ Three categories were mapped: 1) PA in process of implementing open data 2) PA already producing open data 3) Citizen based movements. Site: <http://www.opendata-map.org/>

³⁷ Full listing available at: <https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>

The Practice of re-use	85
Formats	50
Pricing	50
Exclusive Arrangements	50
Local PSI	100
Events and activities	100

Open Data Barometer Report for France³⁸



Clearly from above France ranks quite high in terms of the production of data sets but lacks a coherent national strategy to help local governments pursue “open data policies”.

³⁸ World Wide Web Foundation, *Open Data Barometer Global Report (Second Edition)*, 2015 at <http://www.opendatabarometer.org>

4.1.5 STATISTICAL SUMMARY

France

Inhabitants 67,107,000

Barometer Rank (2015 Report)	4
ODB Scaled	80.21
Readiness (Scaled)	91
Implementation (Scaled)	75
Impact (Scaled)	84
2013 ODB	63,92
ODB Change	16,29
2013 Rank	10
Rank Change	6
State System	Unitary semi-presidential ³⁹ state with centralized state structure
Regional level	24 region four of which are overseas
Provincial level	100 departments of which four are overseas Paris city council and the department of Paris share the same boundaries, while the city is divided into 20 sub-districts Directly elected general council President elected by the general council. The 101 departments are subdivided into 335 arrondissements, which are, in turn, subdivided into 2,054 cantons.
Municipal level	These cantons are then divided into 36,658 communes, which are municipalities with an elected municipal council. Directly elected municipal councils Mayors' term of office: six years Election: indirect, mayor runs as head of party list in council election (if the mayor is appointed to another post in government, a deputy performs their duties) Variety of inter-communal institutions ⁴⁰ exist. As noted elsewhere the associations of cities would be the best starting point for possible further activity in France by the Project.
System of competences	Regions, departments, and communes have only administrative competences

³⁹ Semi-presidentialism is a system of government in which a president rules alongside the prime minister and a cabinet.

⁴⁰ "Circonscriptions administratives au 1er janvier 2015 : comparaisons régionales" [Administrative constituencies of 1 January 2015: regional comparisons] (in French). INSEE. Retrieved 5 July 2015. Wikipedia entry for France - <https://en.wikipedia.org/wiki/France>).

Intergovernmental relations	<p>The regional prefects act as focal point for networks between the state, regions, departments, and communes.</p> <p>Most French regions, according to a CoR study, have offices in Brussels and the General Secretariat for European Affairs has a close relationship with the associations of regions, departments, and communes.</p> <p>The regional offices could be a possible contact for the project.</p>
-----------------------------	--

4.2 IRELAND

Ireland is a highly centralised state; it has a three tier government organization – central government, a second level of counties and city councils, and a third level of town councils.

The Local Government Act of 2001 set out the legal framework for the organisation and the functioning of local governments. Specific fiscal rules for the local government sector were established in 2004 and laid out in administrative circulars. The Department of Environment, Community and Local Government oversees the application of these rules. The 2001 Act simplified the local government structure, in which the principal tier of local government (county and city councils) was extended to cover the entire territory of the state and have general responsibility for all functions of local government except in 80 towns within the territory of county councils, where the lower (town councils) exists with more limited functions.

4.2.1 COMPETENCES AND DISTRIBUTION OF POWERS

Irish local government bodies have very limited administrative competences, conferred on them by national laws. Their degree of autonomy is fairly low.

Competences attributed to boroughs and towns.

- Road construction and maintenance
- Housing
- Leisure facilities
- Urban planning

At the intermediary level there are five cities and 29 counties. The city council or county council is elected every five years via proportional representation. The city or county council is assisted by local policy committees, made up of both local elected council members and representatives from various local interest groups, such as business and environmental groups, as well as from the community and voluntary sector. The council exercises a series of “reserved functions”. These include the production of major policy documents, council plans and strategies, as well as local laws and the annual budget. The city or county council also oversees the administration of these policies. The city manager or county manager heads the administration and has a number of responsibilities concerning the internal management of the local authority and the implementation of policy. In particular, he/she exercises and oversees executive functions such as staff management, public agreements, revenue collection, planning permissions and housing allocations. The **mayor** or chairperson of the council is the ceremonial head of the local authority. He/she is elected each year by and among council members. The mayor or chairperson presides over council meetings and represents the city or county⁴¹.

Competences assigned to cities and counties - Provincial

- land use planning;
- transport:

⁴¹ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities”, p. 455.

- county roads;
- environment:
 - water supply and treatment;
 - waste management;
 - environment conservation;
- housing;
- fire services and civil defence;
- culture, sports and recreation:
 - libraries;
 - local arts;
 - culture and leisure facilities;
- coordination of public services across different agencies operating locally.

The city and county councils are considered the primary units of local government in Ireland; they cover the entire area and population of the country.

Regional level

There are eight regional authorities and two regional assemblies. The eight regional authorities are composed of nominated members from the county and city councils composing the region. Each regional authority is headed by a chairperson. The regional authority is assisted by an operational committee composed of senior management from the constituent local authorities and other relevant public sectors agencies operating in the region.

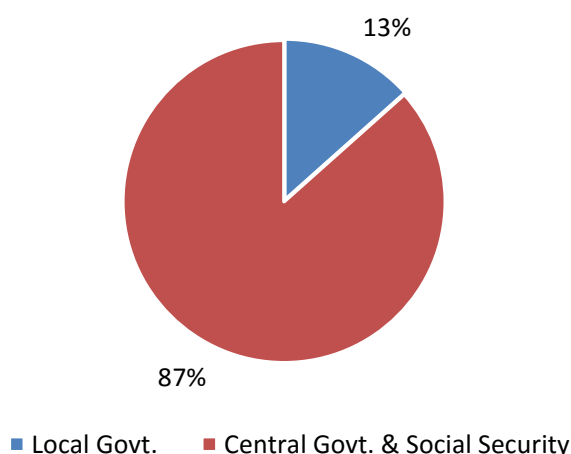
The regional assembly consists of nominated members from the local authorities who must also be members of their regional authority. Each regional assembly is headed by a chairperson. The regional assembly is also assisted by an operational committee composed of the chief executive officers of public authorities in the region and the Directors and Chairpersons of the Regional Authorities in the region. The Regional Assemblies also have a Monitoring Committee for the implementation of the Regional Operational Programme in the region. The chairperson is elected from among the regional assembly and presides over meetings of the regional assembly.⁴²

4.2.2 FISCAL DECENTRALISATION

Ireland remains a “fairly centralised” country. In 2013, expenditures of local government amounted to 10 billion euros (13% of total government expenditures, or 6% of GDP), making of it one of the smallest in the EU. The major source of revenue for local government is transfers from the central government (representing 60% of total local revenues). Local spending is financed through a mix of grants from the central government (specific and general), local taxes and levies for goods and services. Rates of local taxes – mainly property taxes on commercial properties – are set every year by local authorities and account for 13% of local revenues.

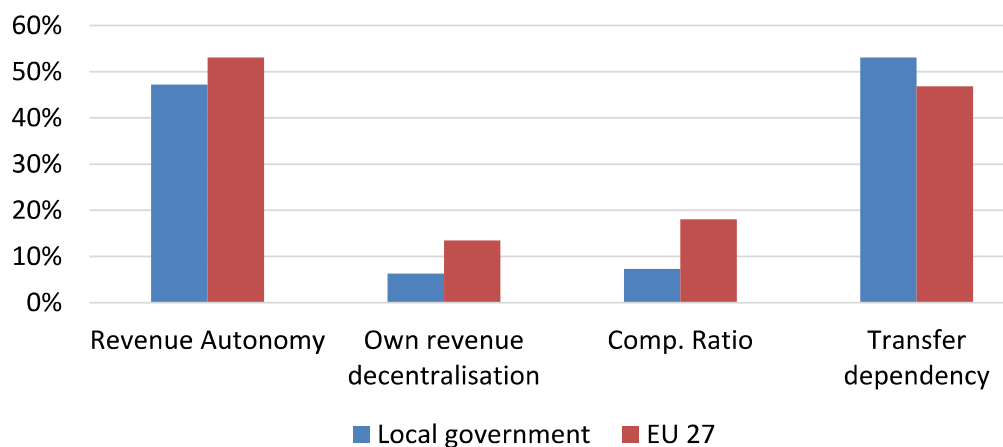
⁴² European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities”, p. 167.

Sub-national government expenditures as % of General Government expenditure (2013)



Revenue autonomy (own revenues relative to total resources available) for local government at the sub-national level remains below the EU average (47% versus 53%), which has resulted in a rate of dependency on central government transfers that is slightly higher than the EU average (53% versus 47%). Local own revenues represent 6% of total government revenues, which is lower than the EU average (13%). Since 2004 revenue autonomy has increased and the transfer dependency ratio has fallen from 80% to 53%⁴³.

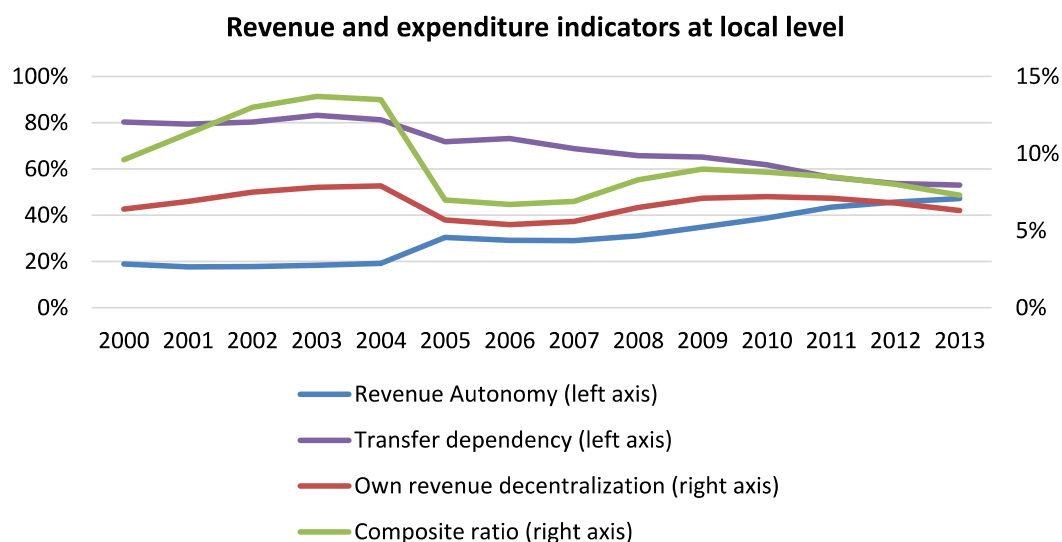
Revenue and expenditure indicators at local level (2013)



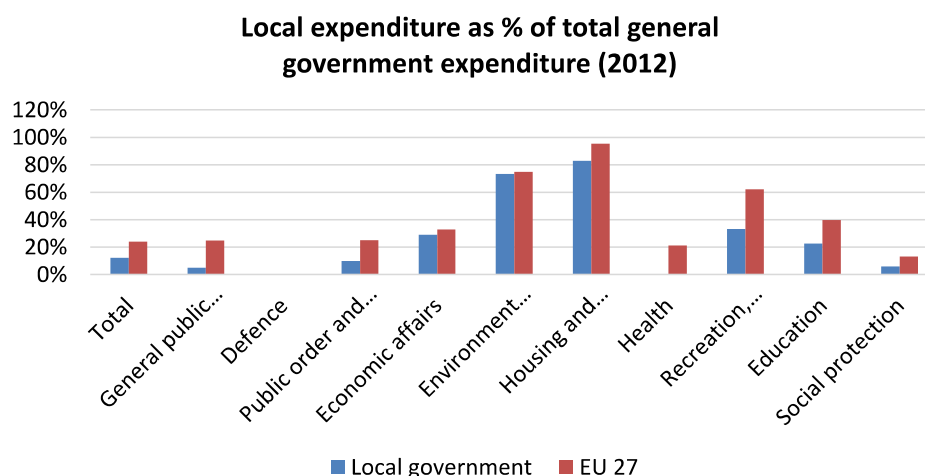
Presented below the composite ratio, which captures aspects of fiscal decentralization of both revenue and expenditure, suggests that the local government has a degree of fiscal decentralization (7%) that is lower than the EU average (18%)⁴⁴.

⁴³ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 109. Elaboration of Eurostat data.

⁴⁴ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 109. Elaboration of Eurostat data.

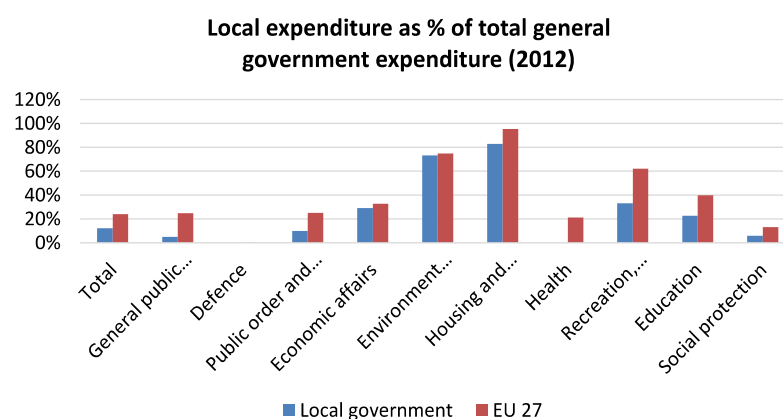


Despite being below the EU averages, local government expenditures represent a significant part of total general government expenditures in the fields of housing and community amenities (83%) and environmental protection (73%).



Spending by local authorities is concentrated more than the EU averages in the fields of education (23 % of total local spending), economic affairs (20%), housing and communities' amenities (13%) and environmental protection (11%). Another significant area of spending was social protection, which represented 19% of total local spending, a value which is still lower than the EU average (22%).⁴⁵

⁴⁵ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 111. Elaboration of Eurostat data.



Central government transfers to local bodies tend to be of two kinds: either specific grants, for the financing of specific public programs; and general grants, which are generally not tied to any specific objective.

It is the special grants that may be a means for a local authority to apply for fund to use the results of the project to promote citizen engagement. Initial start-up funding may be all that a local authority needs to launch a series of “disruptive” innovative activities using the results of the ROUTE-TO-PA project.

4.2.3 LOCAL GOVERNMENT ASSOCIATIONS

LGMA – Local Government Management Agency (state agency of the Department of Environment, Community, and Local Government). Web site: <http://www.lgcsb.ie> .

LGMA was established 2012 to provide a range of services to the Local Government Sector. The LGMA is a central resource for the local government sector, providing, procuring and coordinating a range of support services which are most appropriately and efficiently delivered at national level. It is a shared repository of best practice providing research and specialist expertise for the Local Government sector. The LGMA provides a range of services within the context of its statutory remit, in support of co-ordinated and cost effective delivery of Local Government services and policy. These services according to their web site (<http://www.lgcsb.ie/en/what-we-do>) include:

- Staff negotiations and staff development;
- Coordinating, and securing compatibility in, the use of ICT business services for local authorities;
- Provision of a secure and robust ICT infrastructural platform for local authorities to deliver their business needs;
- Policy analysis, research and administrative support services to support the administrative needs of the Chief Executives of the City and County Councils and support services required by the County & City Management Association (CCMA);
- Management services required by local authorities;
- Services as required by the Minister for the Environment, Community and Local Government;
- Libraries Development.

AILG (Association of Irish Local Government). Web site: (<http://www.ailg.ie/links/>

In June 2014 the association of County and City Councils (ACCC) merged with the Association of Municipal Authorities of Ireland (AMAI) to form the AILG.

The AILG is a networking, policy development and training resource for the elected members of Ireland's thirty-one County and City Councils. The Association works through delegates in each of the councils to help develop a sense of collegiality among the elected members who serve the public in a variety of local government settings

ranging from urban to suburban and rural. Through regular interaction with other stakeholders in the local government environment the AILG aims to ensure that the contribution of Ireland's local government councillors is valued in Government Departments and throughout the full range of public agencies

On their site is a list of City Councils and Counties; some of whom show signs of interesting activity for ROUTE-TO-PA and should be followed up whether through local government associations, directly, or through the Governmental department charged with overseeing local authorities. Some like Kildare are based on community networks run with members of the local community, council members, and business representatives. Areas like Kildare could possibly be quite interested in the results of the ROUTE-TO-PA project. The County of Kilkenny has opened an “online consultation portal” to engage citizens in the activities of the County.

County and City Councils	Website Addresses
Carlow	http://www.carlow.ie
Cavan	http://www.cavancoco.ie
Clare	http://www.clarecoco.ie
Cork City	http://www.corkcity.ie
Cork County	http://www.corkcoco.ie
Donegal	http://www.donegalcoco.ie
Dublin City	http://www.dublincity.ie
Dun Laoghaire Rathdown	http://www.dlrcoco.ie
Fingal	http://www.fingalcoco.ie
Galway City	http://www.galwaycity.ie
Galway Co	http://www.galway.ie
Kerry	http://www.kerrycoco.ie
Kildare ⁴⁶	http://www.kildare.ie
Kilkenny ⁴⁷	http://www.kilkennycoco.ie
Laois	http://www.laois.ie
Leitrim	http://www.leitrimcoco.ie
Limerick City & Co.	http://www.limerick.ie
Longford	http://www.longfordcoco.ie
Louth	http://www.louthcoco.ie
Mayo	http://www.mayococo.ie
Meath	http://www.meath.ie
Monaghan	http://www.monaghan.ie
Offaly	http://www.offaly.ie
Roscommon	http://www.roscommoncoco.ie
Sligo	http://www.sligococo.ie

⁴⁶ The Kildare Community Network runs the web site; it is a non-profit company set up to manage and develop the www.kildare.ie website for the benefit of communities in County Kildare. The network is based on a vision of community development: “We believe that the development of the community is assisted by a dynamic interaction between community, voluntary and statutory sectors, working together to promote economic, social, cultural and educational aspects of the county's development.”

⁴⁷ The purpose of the site is cited as “You can register on the site and log in to give your opinion on the latest Public consultations. You can comment on chapters and sections of the consultation documents. Your submissions will be published on the site enabling others to read your submissions. You can also read and comment on other people's submissions”.

South Dublin	http://www.sdcc.ieservices
Tipperary	http://www.tipperarycoco.ie
Waterford City & Co.	http://www.waterfordcouncil.ie
Westmeath	http://www.westmeathcoco.ie
Wexford	http://www.wexford.ie
Wicklow	http://www.wicklow.ie

Intergovernmental Relations and Participation in EU

The National Government's Department for the Environment Heritage and Local Government is the primary authority for local and regional authorities. This Department has significant "ex-ante responsibility (approval) and ex-post responsibility (monitoring legality) over local, intermediate, and regional authorities"⁴⁸.

Local Government Management Agency - Web site : www.lgma.ie

The Agency seems to be the key, at least in part, to promoting change and innovation on a governmental level. The County Manager, as well as being manager for the county councils, is also manager for all boroughs and town councils within a county. Town clerks (at the local level) work under the guidance of the county manager (intermediate level). Each Regional Authority also has a designated County/City Manager, to assist in guiding the work of the authority and ensure coordination between the local authorities in the region

Relations with the EU

In 2000, the Irish Regions Office (IRO) was established in Brussels to represent Irish regional interests. The IRO's activities are directed by a sub-committee of the Association of Irish Regions.

4.2.4 OPEN DATA

The Best Practice Handbook for Open Data published by Insight Galway in 2014 Ireland noted early on the Minister for Public Expenditure and Reform, Brendan Howlin announced in December 2012 Ireland's intention to explore and implement Open Government in his Budget Day speech. In May 2013 the Minister committed the Government to joining the Open Government Partnership by issuing a Letter of Intent for Ireland to participate in the Open Government Partnership⁴⁹. The Government Reform Unit and the Office of the CIO, both within the Department of Public Expenditure and Reform, have led on the government's Open Data initiative.

At a local level, there have also been government agencies that have supported Open Data, notably from the Dublin Councils and the Local Government Management Agency (LGMA). There has also been evidence of leadership on data sharing and publication initiatives, for example in the geospatial- and statistical-data domains. As in other countries there was a great deal of interest in street maps and the work needed to expand their coverage. However, the Best Practice Handbook, acknowledge that from their interviews it is evident that the idea of Open Data is not well-known through the Irish public-sector, and where public bodies are aware of it, it is usually confined to a couple of people from the IT, GIS or statistical departments who already manage data. Open Data featured in the Irish eGovernment Strategy 2012-2015¹⁷⁵, the Public Service Reform Plan 2014-2016¹⁷⁶, and the Action Plan for Jobs 2014¹⁷⁷. Open Data is also a key element of the Open Government Partnership

⁴⁸ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), "Division of Powers between the European Union, the Member States and Regional and Local Authorities" (2012) p. 172

⁴⁹ See the following site for further information: <http://www.ogpireland.ie/>.

National Action Plan. However there does not exist a dedicated Open Data Policy. A post on the Open Knowledge site⁵⁰ poses the question of whether Ireland is falling behind in the implementation of its open data policy. As the Barometer Report notes countries like Ireland have been successful in implementing open data programs but they continue to face persistent challenges to mainstreaming open data practices in government and institutionalizing open data as a viable policy.

Resources and Sites of interest

<http://data.gov.ie> Ireland's open data portal. As of October 23, 2015 1238 datasets and 87 publishers.

Foundation Document for the development of the Public Service Open Data Strategy

<http://opendata.ie> Site run by Open Knowledge Ireland.

<http://openknowledge.ie> Open Knowledge International (OKI) is a global non-profit organisation founded in 2004 and dedicated to promoting open data and open content in all their forms – including government data, publicly funded research and public domain cultural content. Open Knowledge International has a global network of local groups and chapters, organising their own activities independently. Open Knowledge Ireland is the chapter of Open Knowledge International in Ireland and was established in 2013.

Lee, Deirdre. Richard Cyganiak, Stefan Decker. Open Data Ireland: Best Practice Handbook. Insight Centre for Data Analytics, NUI Galway. May, 2014.

Important among others is section 13.4 on Recommendations (p. 102+)

ePSI Scoreboard Official Source (Full listing available at:

<https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>)

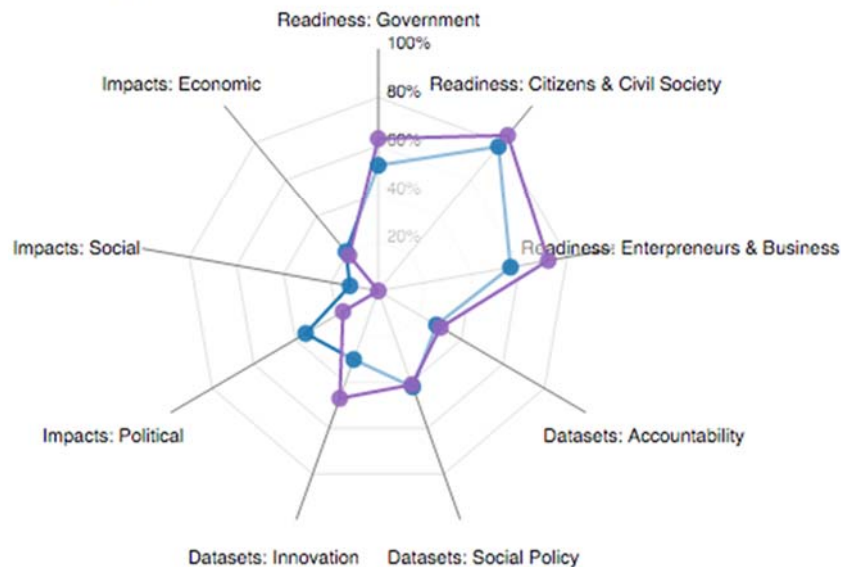
For Ireland the following was reported:

Overall Score	405
Implementation of the PSI Directive	0
The Practice of re-use	85
Formats	50
Pricing	80
Exclusive Arrangements	50
Local PSI	40
Events and activities	100

⁵⁰<https://openknowledge.ie/irish-open-data-wishlist-ireland-falling-behind-its-open-data-promises-and-international-best-practice/>

Ireland^{SSSS}

31^{↓2} /86 Score: 40.74
+4.98



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from Ireland



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from Ireland

The above shows that Ireland has made progress in terms of producing more data sets but still lacks a coherent national strategy to helping local governments.

4.2.5 STATISTICAL SUMMARY

Ireland
Inhabitants 4.1 million

Barometer Rank (2015 Report)	31
ODB Scaled	40,74
Readiness (Scaled)	74
Implementation (Scaled)	39
Impact (Scaled)	14
2013 ODB	35,76
ODB Change	4,98
2013 Rank	29
Rank Change	-2

State System	Unitary parliamentary constitutional republic
Regional level	8 regional authorities composed of nominated members from county and city councils 2 regional assemblies to implement EU-funded programmes, composed of nominated members from county and city councils
Provincial level	29 county councils and 5 city councils directly elected. County or city manager appointed by the Public Appointments Service and answerable to the national government and the local council
Municipal level	80 municipalities of which 5 are borough councils and 75 town councils. Not all areas are covered by councils. Directly elected borough or town council Town clerk appointed by council
System of competences	Local governments have primarily administrative competences.
Intergovernmental relations	A national government department has responsibility over local, intermediate, and regional authorities. The Irish Regions Office (IRO) in Brussels represents Irish regional interests. Its activities are directed by a sub-committee of the Association of Irish Regions.

4.3 ITALY

Italy is usually defined as a “unitary state” composed of municipalities, provinces, and regions⁵¹.

The national Law 56/2014, following the 2001 Constitutional revision and the Reform Law 131/2003, has reformed the local and regional governments in Italy.

The Law 56/2014 concerning “*Disposizioni sulle città metropolitane, sulle province, sulle unioni e fusioni di comuni*” (*Delrio Law*) identifies three level of government below the central Administration: Municipalities (Comuni); Metropolitan Areas and Provinces (Province); Regions (Regioni). Meanwhile Italy has completed the first step in its plan to reduce the provincial layer of local government, and is now engaged to re-organize the financial resources needed to continue the reform work.

In order to make the state more efficient, the government approved a law that has “abolished” some of Italian provincial governments, shifting their powers to 14 newly created “metropolitan areas”.

⁵¹ CEMR, “Local and Regional Government in Europe: Structures and Competences”, 3 September 2012

The Law 56/2014 has listed only the basic functions that remain under the responsibility of the reformed provinces and of the new “metropolitan areas”. These include strategic planning, school building maintenance, local transport, and provincial roads. The issue of the so-called “non-fundamental” functions still needs to be resolved. These include culture, tourism, school transport and social welfare.

The regions have a distinct constitutional status, which has gained an even clearer profile since the 2001 revision of the Constitution. Legislative power is exercised by the state and the regions under the Constitution, on the basis of their respective powers, while remaining powers are conferred on the regions (Art.117). Differences in nature between the regions and local authorities continue. Only the regions have legislative powers.

The standard-setting instruments – constitutions and regulations – adopted by local authorities in the exercise of their powers are subject to regional and state legislation and to its implementing regulations, whereas regional legislation and state legislation have the same legal force within their own spheres of competence. As regards the exercise of local authorities’ standard-setting powers, the *Delrio Law* distinguishes between the power to establish the authority’s own constitution and the power to make regulations.⁵²

4.3.1 COMPETENCES AND DISTRIBUTION OF POWERS

Regions have legislative and administrative competences, defined by the status which they adopt. The Constitution guarantees regional and local autonomy and the principle of subsidiarity; it gives indications on the allocation of competences between the State and the regions. Conformity of regional status and laws to the Constitution is reviewed by the constitutional court.

Provinces, Metropolitan Areas and Municipalities have only administrative competences, which they exercise on the basis of the relevant national and/or regional laws.

According to the principle of subsidiarity, administrative competences have to be exercised at the level closest to citizens. The application of this principle is reviewed by administrative courts.

Municipalities

The Local council (*consiglio comunale*) elected for a period of five years and functions as municipality’s main legislative and decision-making body. The council votes on the municipal budget⁵³.

Competences attributed to municipalities:

Social services

Urban planning

Economic development

⁵² The former means granting local authorities the right to freely determine their mode of organisation and operating rules, in compliance with the rules established by national legislation. The rules governing the performance of the administrative functions assigned to local authorities come under the local authorities’ power to make regulations, in accordance with national and regional legislation.

⁵³ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities” (2012) pp. 178-179. The local executive committee, the study notes, functions as the municipality’s executive branch. It implements decisions made by the local council and its members are chosen by the mayor. The Mayor may delegate some of his/her competences to the executive committee, whose members he/she designates. The Mayor is also at the head of the local civil service.

Public
Land
Environment
Culture

services
development

Each Municipality is linked to a Province or to a Metropolitan Area but can deal directly with its corresponding Region and/or the national government.

Increasingly in recent years the delivery of services and the execution of functions by associations of local authorities has become a much-debated topic in Italian politics. The basic issue is that the majority of Italian municipalities have little population and territory. As a consequence most local authorities are severely limited in carrying out their basic tasks. Legislation does lay out a number of different alternatives for local authorities ranging from conventions, consortiums, to unions of municipalities. The objective in these forms of associations is to ensure less expensive and more efficient performance of tasks, which normally fall within the competence of a single local authority. Recent changes in legislation have been aimed at promoting more integration.

In 2011 as part of a general austerity package the municipalities with populations of less than 1,000 were forced to merge with neighbouring communities and form “**union of municipalities**”. These new unions were charged with managing public services and administrative functions that were previously in the hands of the single municipalities⁵⁴.

Provinces and Metropolitan Areas

At the intermediary level Italy has now 96 Provinces plus 14 Metropolitan Areas (10 in Ordinary Region + 3 in Sicily + 1 in Sardinia) who may adopt their own statutes.

The Law 56/2014 has finally approved the creation of metropolitan areas, redefining the system of provinces. The measure has identified ten metropolitan cities: Turin, Milan, Venice, Genoa, Bologna, Florence, Bari, Naples and Reggio Calabria, in addition to the metropolitan city of Rome Capital, territorial authority with special autonomy. The territory of metropolitan areas coincides with that of the former province. Four other metropolitan cities have been identified by the Administrations of the Autonomous Regions in Sardinia and Sicily (Palermo, Catania, Messina and Cagliari).

On 30 September 2014, elections were held the Metropolitan Council, and took office the Metropolitan Council. On 1 January 2015 the metropolitan cities have taken over the provinces of the same name.

Metropolitan Areas and Provinces are mainly responsible for decentralised implementation of state responsibilities, but also see to local government needs for municipalities regarding questions beyond their powers.

⁵⁴ On September 14, 2011, the decree that the Italian government issued in August as part of an “anti-crisis” package was converted into law by the Parliament. (Legge 14 settembre 2011, n. 148 (It.), 216 Gazzetta Ufficiale della Repubblica Italiana (Sept. 16, 2011 <http://www.gazzettaufficiale.it>). Currently there are 8,003 municipalities and 451 municipal unions involving some 2,406 municipalities (see <http://www.comuniverso.it>).

Principal Competences assigned to metropolitan areas and provinces:

- Planning and spatial planning;
- social and land-use planning;
- environmental protection (protection of flora and fauna);
- natural reserves and parks;
- water;
- waste collection;
- civil protection;
- culture:
- protection of cultural heritage;
- transport:
- provincial highways and public transport;
- agriculture and fishing:
- inland-waters, hunting and fishing;
- labour market;
- public data:
- technical and administrative assistance for municipalities;
- economic development:
 - o local economic development;
 - o energy resources.

Regions

On a regional level in Italy there are 20 regions (regione): 15 Ordinary Regions and 5 Autonomous Regions (Sicilia, Sardegna, Friuli Venezia Giulia, Trentino Alto Adige, Valle d'Aosta). The regions have a distinct constitutional status. From the revision of the Constitution (2001) the legislative power is now exercised by the State and the Regions on the basis of their respective powers. Residual powers are delegated to the regions in Article 17. The regional council (consiglio regionale) is the region's legislative body.

The council can present bills to the national parliament and can dismiss the president of the regional executive committee. The regional executive committee (*giunta regionale*) is the region's executive body. It is composed of a president and regional councillors. The councillors are designated by the regional council or by the president for a period of five years. The executive committee has general administrative competences and can put forward regional bills. It also prepares and implements the regional budget and implements regional council decisions.

The president (*presidente*) is elected by and from within the council for a total of five years. He/she presides over the regional council and also either designates or dismisses members of the regional executive committee. The president represents the region, directs its policies and executes regional laws and regulations. He/she undertakes the administrative functions delegated by the state to the regions, but must follow the government's directions in this regard. The president has the same legislative powers as the president of the national parliament (*camera dei deputati*) and as the president of the senate (*senato*).

Competences

- International relations with other regions and with the EU
- External trade
- Health
- Land development
- Transport
- Production and delivery of energy
- Urban planning
- Agriculture

4.3.2 FISCAL DECENTRALISATION

In terms of financial resources, local authority expenditure in 2013 (excluding that of the regions, with which it is often confused in international statistics) accounted for about 6.3% of Italy's GDP (municipalities: 74 billion euros; provinces: 11.3 billion euros).

Local authorities' fiscal power has been gradually restored since the early 1990s. Municipalities and provinces now receive two kinds of tax revenue: the whole or part of the yield of certain taxes, including income tax, depending on the area's tax capacity, and revenue from their own taxation, which is now based primarily on land tax and the supplement to income tax, as well as the household waste disposal tax. More than 50% of municipalities' and provinces' ordinary revenue derives from taxation (52.6% where municipalities are concerned) and about 50% of this revenue derives from own taxation.

However, the proportion of transfers has diminished in favour of the allocation of tax revenue. Regional, provincial and local authorities cover 79% of public sector investment expenditure (in 2013), with local and provincial authorities in fact accounting for 45% of that amount (ISTAT).

In terms of the functions exercised, the changes to the Constitution are not yet apparent in practice. As the Audit Court noted in its report of 8 August 2005, the legislative decrees that the government is empowered to issue under Law 131/2003 (Section 2) to determine the "basic functions" assigned to municipalities, provinces and metropolitan cities, as provided for by Article 117p. of the Constitution, have not yet been fully adopted. The national commission established by the 2003 Budget Law has not yet issued the financing model to define this transfer of powers.

4.3.3 LOCAL GOVERNMENT ASSOCIATIONS

CEMR Italian Section (AICCRE)

Web site: www.aiccre.it

Conference of Regions and Autonomous Provinces

Web site: www.regioni.it/

National Association of Italian Communes (ANCI)

Web site: www.anci.it/

Web site: www.comuniverso.it

4.3.4 OPEN DATA

Open data initiatives began appearing in Italy between 2007 and 2010 in several municipalities (Ferrara, Merano, Vicenza, Montecchio Maggiore e Schio) as a result of interest in the project OpenStreetMap. The national portal modelled after the UK portal was launched online on the 18th of October 2011 (<http://dati.gov.it>). The most successful to date of the open data portals was launched in May of 2010 by the region of Piemonte. Shortly afterwards the region of Emilia-Romagna started up its open data portal in 2011. Despite the appearance of a number of excellent projects the overall impression is that at all levels of government the rate of change is slow. As noted previously Italy was rated at the 22th place in the ranking of the Barometer survey (down 2 places from the first edition). Progress has been made, it was noted, but much remains to be done to prevent further slipping. Readiness in Italy was given an average of 55 with 54 for Implementation but only 36 as regards the impact of open data.

Resources and sites of Interest

<http://www.dati.gov.it>

The site claims to have 10,348⁵⁵ dataset produced by 76 public administrations of which 411 are geographical and 695 are statistical.

http://www.agid.gov.it/sites/default/files/linee_guida/patrimoniopubblico1g2014_v0.7finale.pdf

Agenzia per l'Italia Digitale, Presidenza del Consiglio dei Ministri (AGID). Linee Guida Nazionali per la valorizzazione del patrimonio informativo pubblico (2014). Issued annually with updates, latest best practices, and indications of how to release public data.

<http://www.linkedopendata.it>

Linked Open Data Italia (LKDI) is a non-profit organization with the mission of helping a data ecosystem and economy to emerge in Italy. In this portal, LKDI publishes open dataset that are easily accessible by people and applications. They quality linked data in diverse domains: public administration, instruction, infrastructures and research are some of the potential areas where free access to data can open opportunities.

Interesting page for the public <http://www.linkedopendata.it/il-progetto/openbilancio> (open budget)

Regions

Generally speaking the regions in the North have been more active in promoting open data programs but much remains to be done even in the more “advanced” regions where data sets are being regularly produced. The lack of co-ordinated national strategy has meant that few municipalities have gone beyond the mere production of data sets.

⁵⁵ The site breaks down the contributions in 629 from Comunes (Municipalities), 203 from the Provinces, 512 from the Regions, and 353 from National Entities.

Piedmont - <http://www.dati.piemonte.it>

Trentino Alto Adige

Province of Trento - <http://dati.trentino.it> (data sets found 1,502)

Lombardia - <http://www.dati.lombardia.it> (Run on Socrata from 2014 with over 1,000 datasets)

Liguria

<http://www.regione.liguria.it/opendata.html/>

Worthy of mention is the activity concerning geographic data (this type of activity may well indicate “fertile” ground for a project like ROUTE-TO-PA).

<http://www.daquialiguria.regione.liguria.it/>

Emilia-Romagna - <http://dati.emilia-romagna.it>

Veneto - <http://dati.veneto.it> (Reports 154 dataset found). Also notes that the Region was part of the Homer Project (an EU project concerning open data in countries around the Mediterranean)⁵⁶.

Friuli-Venezia-Giulia - <https://www.dati.friuliveneziagiulia.it/>

The Environmental Protection Agency for the region also produced a page dedicated to open data:

<http://www.arpa.fvg.it/cms/tema/radiazioni/campi-elettromagnetici/Open-Data/opendata.html>

4.3.4.1.1.1 Further work might be done to help agencies like the ARPA in the Region of Friuli-Venezia-Giulia to develop community groups using the results of the ROUTE-TO-PA.

Umbria - <http://dati.umbria.it> (236 datasets found). The Region of Umbria is promoting an awareness of open data in the schools. The Region may be quite interested in using the results of ROUTE-TO-PA to develop further their activities in the schools.

Toscana

<http://dati.toscana.it> (Part of a series of sites under <http://open.toscana.it>)

Lazio - <http://dati.lazio.it> (The site is available in English at <http://dati.lazio.it/en>).

Training workshops (all with the possibility of various forms of social media) offered by the Region of Lazio at:

<http://accademiaodl.regione.lazio.it>

Abruzzo - <http://opendata.regione.abruzzo.it>

Basilicata - <http://dati.regione.basilicata.it/> (299 datasets found)

⁵⁶⁵⁶ HOMER is the strategic MED project that focuses on the theme of Open Data, a world-wide policy aiming at making available and exploitable Public Sector Information (PSI). In line with the EU Digital Agenda, HOMER will facilitate the wider deployment of PSI in Spain, Italy, France, Malta, Greece, Slovenia, Cyprus and Montenegro, enabling their public governments to better address the legal, cultural and technological challenges linked to PSI policy.” taken from project description on the web site of the project at: <http://homerproject.eu/project/project-description>

Molise - Nothing seems to be dedicated to open data.

Campania - The Region passed a law governing open data in 2013. Unfortunately in the meantime nothing seems to have happened – no section on the web site of the Region.

Calabria - <http://www.dati.calabria.it> Small, but growing. 52 datasets found. Even 1 API from a municipality regarding the budget. Indications are that there would be interest in going further.

Puglia – <http://www.dati.puglia.it/home> In Puglia they have developed a model of open government, regional strategy document for 2007- 2013, Digital Agenda for Puglia, and regular public consultations on open data in Puglia. Given the work done in past years, at the very least, it would be worthwhile to make contact with associations in Puglia to verify future interests.

Sardinia - <http://opendata.regione.sardegna.it> 561 datasets found. Sardinia was also a member of the Homer project. They also seem to trying more than others to develop a viable regional strategy.

Sicily

http://pti.regione.sicilia.it/portal/page/portal/PIR_PORTALE/PIR_Iniziativa/PIR_OpenDataSicilia/PIR_Datidisponibili

Val d'Aosta - http://www.regione.vda.it/statistica/opendata/default_i.aspx - (less than 10 dataset).

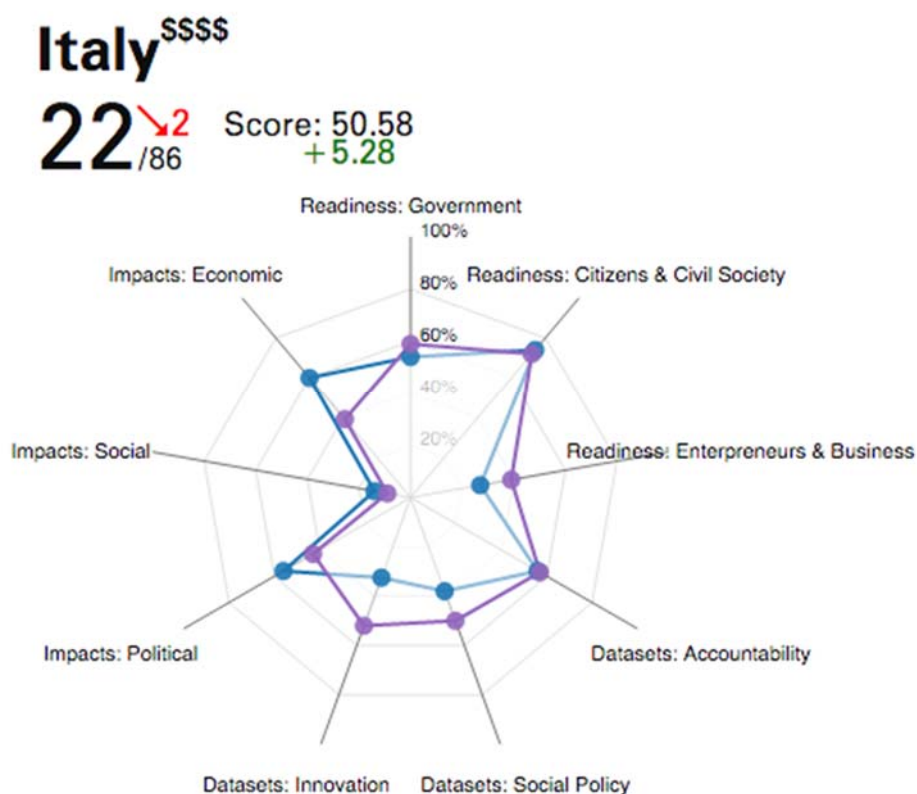
ePSI Scoreboard Official Source⁵⁷

For Italy the following was reported

Overall Score	485
Implementation of the PSI Directive	100
The Practice of re-use	55
Formats	50
Pricing	30
Exclusive Arrangements	50
Local PSI	100
Events and activities	100

⁵⁷ Full listing available at:

<https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from Italy



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from Italy

In the case of Italy progress has been inconsistent and in some areas ground has been lost. As in other countries the lack of political support for a national strategy to promote open data and transparency has made progress problematic.

4.3.5 STATISTICAL SUMMARY

Italy⁵⁸
Inhabitants 60 million

Barometer Rank (2015 Report)	22
ODB Scaled	50,58
Readiness (Scaled)	55
Implementation (Scaled)	54

⁵⁸ Data from Eurostat (<http://ec.europa.eu/eurostat>) and ISTAT (Italian Bureau of Statistics) - see web site in English <http://www.istat.it/en/> for a general statistical picture of Italy.

Impact (Scaled)	36
2013 ODB	45,3
ODB Change	5,28
2013 Rank	20
Rank Change	-2
State System	Unitary parliamentary constitutional Republic
Regional level	20 regions, 5 have a special status or autonomy Regional council directly elected. President directly elected and chairs the executive committee.
Metropolitan Area and Provincial level	14 Metropolitan Areas and 96 provinces Status and responsibilities differ among regions Provincial council directly elected President directly elected and chairs the executive committee
Municipal level	8003 municipalities (from 1° Jan. 2016) Directly elected municipal council Directly elected mayor who chairs the executive committee
Systems of Competences	Regions have legislative and administrative competence Metropolitan Area, Provinces and municipalities have only administrative competences According to the principle of subsidiarity, administrative competence must be exercised at closest possible level to citizens⁵⁹.
Union of municipalities	In 2011 as part of the cuts imposed by the Italian Government municipalities with populations less than 1,000 were forced to merge with neighbouring municipalities to form “unions of municipalities”. These Unions were charged with managing all public services and administrative functions that were originally attributed to the single municipalities.
Multi-level governance	State-Regions, state-province and state-local government conferences in charge of vertical coordination. Representatives of the regions participate in EU Council meetings if relevant.

⁵⁹ The idea of subsidiarity” also implies that local authorities must be able to implement the tasks and achieve the objectives that it receives. Subsidiary is to be interpreted in the context of adequacy; that, the local authority must be capable of performing the tasks it receives. Since local authorities are quite different from each other (some have a population of a few hundred or even less and others may have a few million.), implementation of this principle is difficult and requires the differentiation of the allocation of administrative functions between local governments belonging to the same level of government to ensure the administrative functions are exercised in the best possible way.

	The permanent conference for relations between the state, the regions, and the autonomous provinces enables regions to participate in the preparation of EU decision-making.
--	---

4.4 THE NETHERLANDS

The Netherlands is usually defined as “a unitary decentralised state” composed of municipalities and provinces. The Netherlands has 408 municipalities. As in most countries examined the deliberative body of the municipality is the local council which oversees the executive committee composed of the mayor and aldermen, makes all main municipal decisions, and has the power to pass by-laws. The mayor, who does not take part in any of the council votes, chairs the council. The executive committee implements local council decisions and is responsible for executing national policies at the local level. The mayor chairs the local council and the executive committee. He/she is formally appointed for a six-year mandate by the national government at the proposal of the local council. Local authorities enjoy a higher level of local autonomy and fiscal decentralization compared to other countries but the central government continues to maintain the capacity to intervene when it deems it necessary.

60

4.4.1 COMPETENCES AND GENERAL DISTRIBUTION OF POWERS

The administrative organisation of the Netherlands is based on provinces and municipalities. The number of provinces has remained stable (12), but for several decades governments have pursued a gradual policy of grouping municipalities through mergers: there were 574 municipalities in 1994 and 458 at 1 January 2006. A form of functional devolution has occurred with the number of water control boards, which are also provided for by the Constitution (Art.133). Efforts have likewise been made to group them together. The forms of urban concentration in the Netherlands have also led to plans to set up metropolitan regions that have brought together the largest cities with their peripheral areas and have absorbed provincial powers⁶¹.

⁶⁰ European Committee on Local and Regional Democracy (CDLR), “Local authority competences in Europe”. Prepared with the collaboration of Gérard Marcou, Professor at Paris I Pantheon-Sorbonne University. <https://wcd.coe.int/ViewDoc.jsp?id=1377639>. The principles underpinning the administrative organisation of the Netherlands, the Study suggests, have remained basically stable since they were established in 19th century. The municipalities and provinces were seen as the basic components of the Kingdom and were free to deal with their own internal affairs, but were supposed to co-operate with the state in administering the kingdom (*medebewind* = co-governance - incorporated into the Constitution in 1887). The growth of the welfare state, especially after the Second World War, led to the expansion of “co-governance”. Since the late 1990s there has been a tendency to revert to greater differentiation between the functions of the state and those of local authorities.

⁶¹ European Committee on Local and Regional Democracy (CDLR), “Local authority competences in Europe”. Prepared with the collaboration of Gérard Marcou, Professor at Paris I Pantheon-Sorbonne University. <https://wcd.coe.int/ViewDoc.jsp?id=1377639> The authors noted that a 1994 law providing for the formation of seven urban regions produced no results, but led to the formation of seven co-operation and planning areas which constitute a “regional public body” formed by the member municipalities and exercising powers delegated by the municipalities and the province. Another law (known as the “Regio Plus” Law), which came into force on 1 January 2006, provides for new districts, determined by the provinces, for co-operation between the member municipalities of large conurbations (“plusregio”). It attempted to facilitate the setting up of these co-operation districts and eased the rules concerning the identification of the powers to be delegated by the municipalities. It also aims to facilitate co-operation between provinces and water control boards.

In the Netherlands more than anywhere else the powers and functions of institutions are closely linked. Municipalities and provinces are run by an elected council, an executive and the mayor (in municipalities) or the royal commissioner (in provinces). The mayor is always appointed by royal decree, as is the royal commissioner at provincial level. This power of appointment is not a mere formality, although it is exercised on the basis of a recommendation by the municipal council, drawn up in consultation with the royal commissioner, who proposes candidates to a municipal council committee meeting in private. The Minister of the Interior is bound by the recommendation made to him or her, which may be supported by a consultative referendum. However, the mayor is not the same as the executive, which is formed of aldermen/women (senior councillors) elected by the municipal council. The mayor is a member of the executive and chairs it (with voting rights), but also chairs the municipal council (without voting rights). The same applies at provincial level; it is composed of aldermen/women elected by the provincial assembly and is chaired by the royal commissioner.

Local regulatory power is vested solely in the municipal council or the provincial assembly. Municipal and provincial regulations are ranked lowest in the hierarchy of standards. They must comply not only with the law but also with the regulations adopted by ministers. Municipal bylaws, which must comply with provincial regulations, are on the same footing as water control board regulations. Where a norm has been established by a law or a regulation issued by a higher authority, the municipal bylaw is deemed valid only if it adds something to the rule⁶².

Supervision of local government measures is exercised by the Minister of the Interior. Either on his or her own initiative or following referral by the mayor or a councillor, the minister proposes that the government suspend or set aside by royal decree any municipal measure conflicting with a higher rule. The decree is subject to appeal in the courts. Functions are shared on the basis of Article 124 of the Netherlands Constitution. Municipal and provincial authorities are empowered to administer the internal affairs of the municipality or province. At times there is one area in which the provinces and municipalities act freely in the local interest, within their territorial remit, and other areas, that of co-governance, in which they act in compliance with the law and with the obligations imposed on them. Over time, this second area has taken precedence. While various attempts have been made in recent years to delineate a clearer division between the respective functions of the state, provinces and municipalities, but the idea of co-governance has never been called into question.

The mayor's policing powers and the municipal council's power to determine penalties for petty offences, within certain limits, are one of the most distinctive features of the Netherlands' municipal system. The municipal council is empowered to rule that violation of municipal bylaws is subject to criminal penalties and to determine the amount of the penalty within the limits set by the Criminal Code (2 250 euros for a fine), including a prison sentence of up to three months (Municipalities Law, section 154).⁶³

Competences (mostly shared with the national government)

- Urban planning
- Housing
- Tourism
- Civil engineering

⁶² As noted in other countries municipalities and provinces in the Netherlands do enjoy a certain autonomy and fiscal discretion but central government retains a supervisory power over local authorities.

⁶³ European Committee on Local and Regional Democracy (CDLR). "Local authority competences in Europe". Prepared with the collaboration of Gérard Marcou, Professor at Paris I Pantheon-Sorbonne University. <https://wcd.coe.int/ViewDoc.jsp?id=1377639>

- Transport
- Health
- Primary education
- Employment
- Childcare
- Social services
- Law and order
- Culture and sports

On a regional level there are 12 provinces ; the provincial states are the provinces' legislative bodies. The provincial states have the power to pass by-laws and are chaired by the King's commissioner, who does not take part in any provincial state votes. The provincial executive board is the province's executive body. It implements decisions taken by the provincial states and is responsible for executing national policies at the provincial level. The queen's commissioner chairs the provincial executive board and is appointed for a six-year term by the national government on the recommendation of the provincial council⁶⁴.

Competences delegated to the provinces

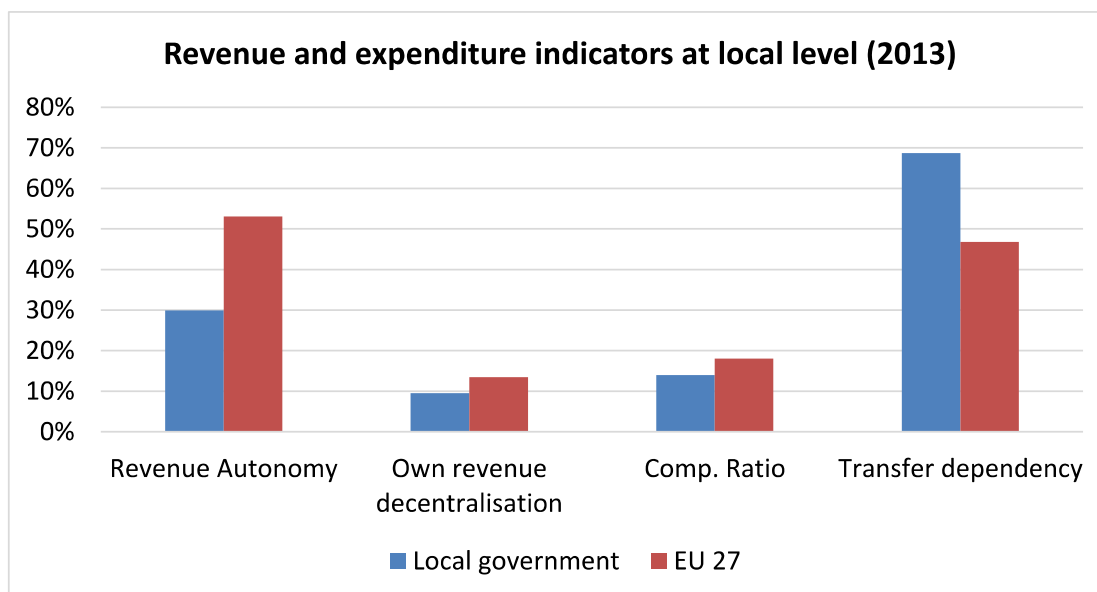
- Regional planning
- Social housing
- Environment
- Culture
- Leisure and sports
- Public transport, road maintenance and traffic
- Energy
- Tourism
- Regional broadcasting

4.4.2 FISCAL DECENTRALIZATION

Revenue autonomy at the local level (provinces and municipalities) is lower than the EU average (30% versus 53%), which signifies a dependency on central government transfers that is more than the EU average (70% versus 47%). Local revenues represent 10% of total government revenues, a value that is lower than the EU average (13%)⁶⁵.

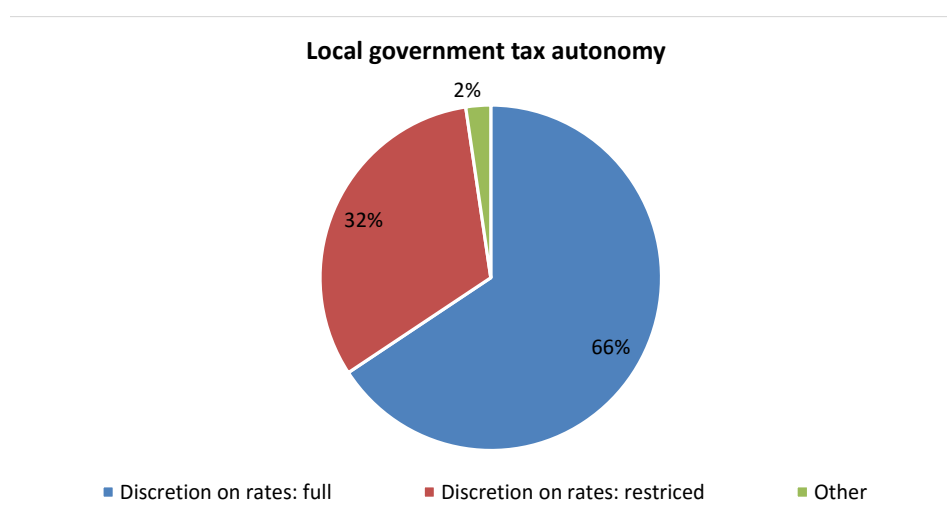
⁶⁴ European Committee on Local and Regional Democracy (CDLR). "Local authority competences in Europe". Prepared with the collaboration of Gérard Marcou, Professor at Paris I Pantheon-Sorbonne University. <https://wcd.coe.int/ViewDoc.jsp?id=1377639>.

⁶⁵ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism"., p. 149.



Source: authors' elaboration on EUROSTAT data. For further details, see methodology

The Netherlands has a level of fiscal decentralisation (14%) that is lower than the EU average (18%). As mentioned previously, local authorities receive a limited amount from taxation. Despite this, they have quite a large degree of autonomy over local taxation, fully controlling 66% of total local tax revenues⁶⁶.

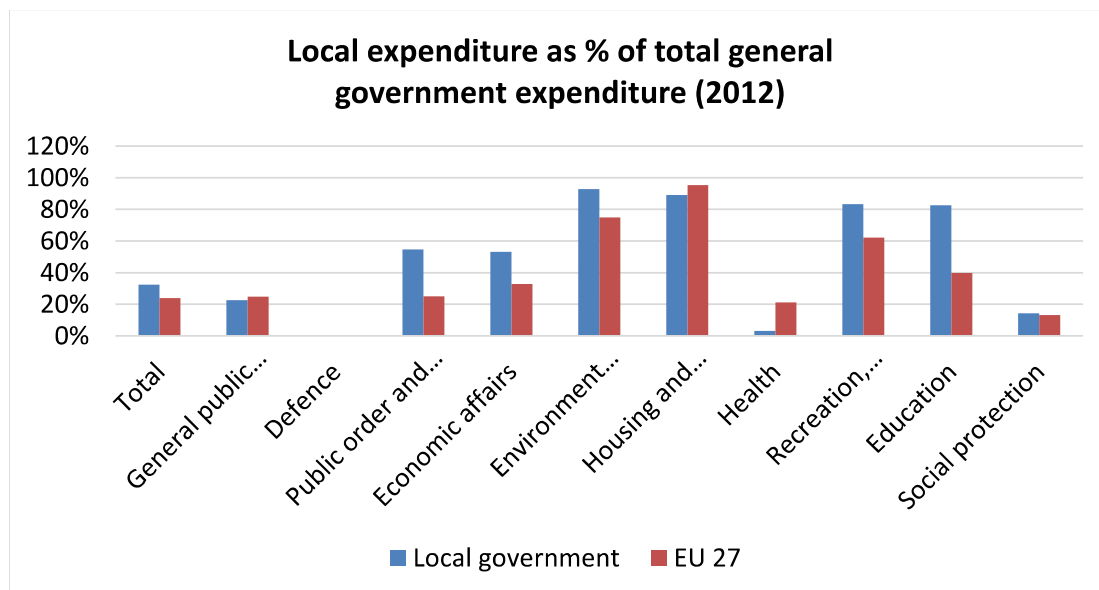


Source: authors' elaboration on OECD data. For further details, see methodology

General expenditures in municipalities and provinces represent a significant part of the total general government expenditures in the fields of environmental protection (93%), housing and community amenities (89%), education (83%) and recreation, culture and religion (83%). Province and municipal spending is concentrated (more than the EU average) in the fields of education (29% of the total budget of municipalities and provinces), economic affairs (17%) and environmental protection (10%)⁶⁷.

⁶⁶ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 150.

⁶⁷ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 151.



Source: authors' elaboration on EUROSTAT data. For further details, see methodology

4.4.3 LOCAL GOVERNMENT ASSOCIATIONS

The **Association of Provinces of the Netherlands** (*Interprovinciaal Overleg*; IPO) <http://www.iponl.nl/> is the association of the twelve provinces of the Netherlands. The association looks after provincial interests and developed a platform for exchanging knowledge and experience among the twelve Dutch provinces. The IPO also stimulates and takes the initiative in a number of reform programmes. From their web site two points of interest concerning what they are interested in doing are noted below:

Aims

The Association of Provinces represents the combined interests of the provinces in 'The Hague' and 'Brussels'. The association has two principal aims one of informing and guiding the preparation of policies of interest for the provinces. The other is that of sharing knowledge and information with its provincial partners and stakeholders. The Association seeks to maintain a network and liaise with, among others, the government, parliament, ministries, the European Union, and civil society organizations in the areas where the provinces are active.

Innovation & knowledge

The Association also seeks to provide a platform for the provinces to stimulate innovation and the sharing of knowledge. In this way, it hopes to encourage best practices and the sharing of innovations in the implementation of provincial policies. The idea is to contribute to the quality, effectiveness and efficiency of public administration.

Association of Dutch Municipalities (*Vereniging van Nederlandse Gemeenten* or **VNG**) <http://www.vng.nl/>

The Association of Dutch Municipalities is located in The Hague and it represents the interests of all 403 Dutch municipalities vis-a-vis central government. In addition it delivers services to all Dutch municipalities. Its main tasks are:

Representing the interests of municipalities to other government authorities, civil society, and the media;

- Providing services to its members , such as legal advice, or advice of the principal sectors of municipal policies;
- Offering a platform for cooperation and exchange of knowledge between municipalities

House of Dutch Provinces www.nl-prov.eu/ An association established in 2000 by twelve Dutch provinces and the Association of Provincial Authorities (IPO). It serves to represent the joint interests of the provinces in Brussels. Their working group on “Regional economy and Innovation” may be of interest to contact.

4.4.4 OPEN DATA

Principal site: <https://data.overheid.nl/> (Some 7016 datasets recorded as of November 17, 2015⁶⁸)

In the country clusters of Open Data Barometer The Netherlands is placed in the “High Capacity” cluster in recognition of its well-established open data policies with generally strong political backing. It ranks 6th in the Open Data Barometer 2014. Compared to 2013, the Netherlands moved four places up in the Barometer rankings. While activities regarding open data have increased (not just the publication of datasets, also hackathons (see Open State’s site <http://openstat.eu>), open budget initiatives, and open government activities among others, there remains much to be done to institutionalize the idea of “open” to fully realize the benefits.

While not entirely successful in persuading government agencies to go beyond a mere posting of datasets the Netherlands have extended a culture of open data beyond a single government department with open data practices adopted in a range of government agencies, and increasingly at a local government level. They have adopted similar approaches as in other countries in the cluster to open data, incorporating key principles of the open definition, and emphasizing issues of open data licensing.⁶⁹

In a posting (June 25, 2014) on the site of the Open State Foundation the government in the Netherlands was criticized for lagging behind in opening data to the public. They cite a joint research they compiled with Weyeser that shows that the Dutch government portal (data.overheid.nl) had 5,714 datasets that contained 8,159 files and only 3.3% give a valid response when accessed. The majority of public sector information on the portal refers, they note, to links with the national geo-register (93%). While the portal has been reorganized, it seems, the issue of the distribution of data remains a problem.⁷⁰ The site claims that 98.95% of the external links are valid.⁷¹

Financial Data

<http://openspending.nl/> - Interactive site where user can choose a city on the left to consult budget data which appears on the right.

Open Data and Transparency

<http://www.openstate.eu/>

⁶⁸ <https://data.overheid.nl/> site managed by the Interior Ministry.

⁶⁹ Open barometer, p. 8, 16. Researchers of the Open Barometer Report identified a high rate of open data publication in the Netherlands, where almost 50% of datasets surveyed qualified as open under the open definition. Also of interest is the decision in 2012 to open geographic data to the public. See the following site: <http://www.epsiplatform.eu/content/success-sharing-dutch-key-register-topography-open-data> and following presentation “SDI and Open Data Developments in the Netherlands” at: https://ec.europa.eu/jrc/sites/default/files/Geonovum_GRothe_SDIOpenDataNetherlands.pdf

⁷⁰ On the site at <https://data.overheid.nl/statistieken> it gives the following breakdown for the month of November: Total (7,315) 352 (datasets overheid.nl) 3,017 (datasets from NGR – National Georegister) and 3,946 (datasets CBS).

⁷¹ <http://openstate.pr.co/79761-many-broken-links-and-hardly-any-new-data-on-dutch-government-open-data-portal> Posted June 25, 2014.

The statistics for the external link check can be found at :

<https://data.overheid.nl/statistiek/linkcheckextern> (the checks have been instituted since April of 2015).

Open State Foundation is a Dutch non-profit organisation that promotes digital transparency by unlocking open data and stimulating the development of innovative and creative applications. It works with four themes: politics and governance, education, culture and health care.

Sample of City Sites

Utrecht

<https://opendata.utrecht.nl/> Report of 70 datasets available.

Maastrichtportal

<http://www.maastrichtportal.nl/home.html?lang=2> No pages seem available for open data

Haarlem

<https://www.haarlemmarketing.nl/> No pages seem available for open data.

Groningen

<http://dati.groningen.nl/> 60 datasets are listed.

ePSI Scoreboard Official Source (Full listing available at:

<https://docs.google.com/spreadsheets/d/1P3jXcDgFQmI4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>)

In The Netherlands the following was reported

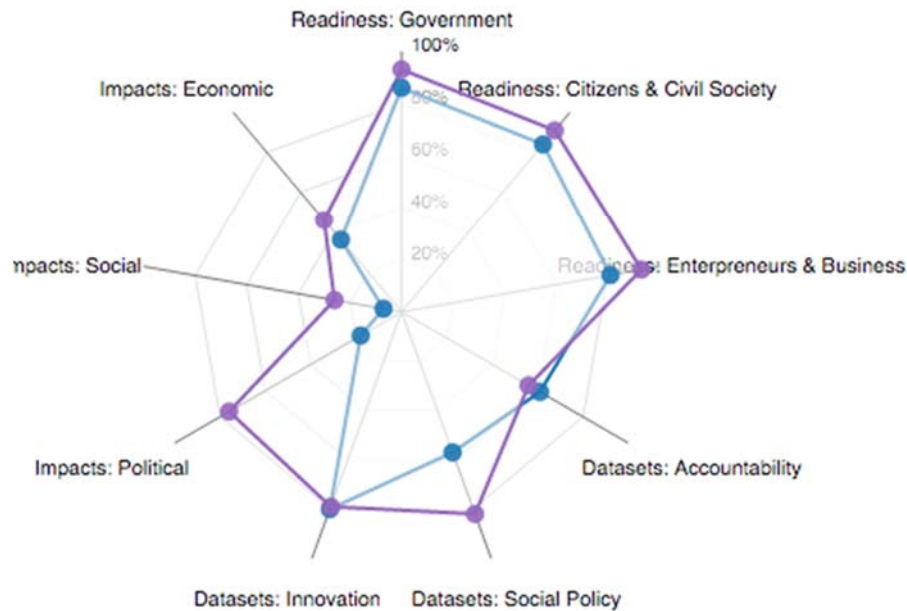
Overall Score	505
Implementation of the PSI Directive	100
The Practice of re-use	55
Formats	50
Pricing	50
Exclusive Arrangements	70
Local PSI	80
Events and activities	100

Comparison from the latest global barometer report between 2013 and 2015

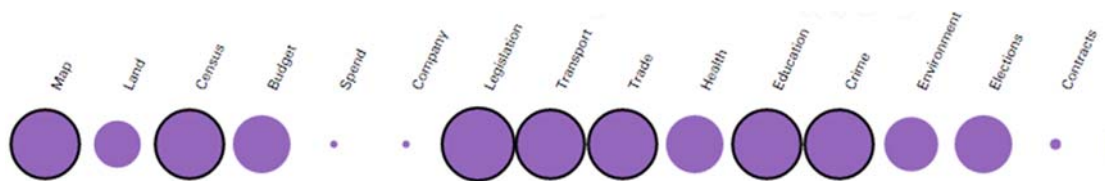
Netherlands

6⁴
/86

Score: 75.79
+12.13



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from The Netherlands



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from The Netherlands

4.4.5 STATISTICAL SUMMARY

Netherlands

Inhabitants 16.3 million

Barometer Rank (2015 Report)	6
ODB Scaled	75.79
Readiness (Scaled)	95
Implementation (Scaled)	76
Impact (Scaled)	57
2013 ODB	63.66
ODB Change	12.13
2013 Rank	10
Rank Change	4
State System	Unitary parliamentary constitutional monarchy Members of the First Chamber of Parliament elected by members of the provincial assemblies.

Regional level	No regional level
Provincial level	12 provinces Provincial assemblies directly elected Executive council elected by assemblies Queen's Commissioner appointed by the government on the "binding" advice of the provincial assembly
Municipal level	443 municipalities Municipal council directly elected Aldermen chosen by the council form the executive committee with the Mayor Mayor appointed by government on advice from the provincial assemblies and/or direct election
System of competences	Provinces and municipalities have only administrative competences
Intergovernmental relations	interprovincial Overleg, IPO Association of the Provincial Authorities Vereniging van Nederlandse Gemeenten, VNG Association of Netherlands Municipalities ⁷²
Metropolitan areas: These areas could be the object of at least a pilot study to evaluate how best to involve citizens, businesses, and associations in government.	One example is the following <i>Eindhoven Metropolitan Region</i> a regional governmental agency for the city region of Eindhoven, Netherlands ⁷³ .

Given the fact that the provinces and municipalities possess only administrative competences it remains to be seen to what extent they might use the results of the project.

4.5 POLAND

4.5.1 COMPETENCES AND GENERAL DIVISION OF POWERS

Poland is a unitary state composed of municipalities, counties, and regions. The CCRE study of local and regional government in Europe reports that Poland has 2479 municipalities. The municipal councils are composed of councillors elected for four-year terms. In addition to its legislative powers, the councils vote on the municipal

⁷² Taken from Wikipedia entry for the metropolitan area at: https://en.wikipedia.org/wiki/Metropoolregio_Eindhoven

⁷³ The MRE comprises 21 municipalities in the Eindhoven agglomeration, with a total area of 1,457.81 square kilometres. The region has nearly three quarters of a million inhabitants and some 35.000 companies (employing over 330.000 people). The MRE is a city region, which means that it is primarily a cooperation of municipalities (it also means that the MRE mandatorily carries out certain tasks for the municipalities, in the form of a joint administration). Final control over the MRE lies with the Regional Council (Dutch: Regioraad), which consists of representatives of the participating municipalities (either mayors or aldermen). The Council sets the general parameters and long-term guidelines within which the MRE operates. .New means of engaging people will be needed to manage these areas.

budget and determine local taxes. The council is usually divided into commissions responsible for the preparation and execution of decisions taken by the municipal council. The mayor is head of the local authority's executive body. He/she is elected by for a four-year term. The mayor appoints the head of the municipal administration. He/she can act on the mayor's behalf, particularly as regards to the organisation of the city hall's work and to human resources management ⁷⁴.

Competences assigned to municipalities

- Public transport
- Social services
- Housing
- Environment
- Culture
- Pre-school and primary education

In Poland, 65 urban municipalities have a special status whereby they are responsible for competences usually exercised by counties. The capital city of Warsaw, which is divided into 18 districts, also has this special status and thus exercises the competences of both a municipality and a county.

At an intermediate level Poland has 380 counties (*powiaty*); these include 65 municipalities with a special status. A county council (*rada powiatu*) is composed of members elected for a four-year terms. This deliberative assembly appoints members of the executive committee as well as the head of the county. The executive board (*zarząd powiatu*) is composed of the head of the county and his/her deputies elected by and from within the county council for a period of four years. This body is in charge of implementing council decisions. The head of the county (*starosta*) is elected for a four-year term by the county council. He/she officially represents the county and is assisted by his/her deputies.

Competences assigned to counties

- Road building and maintenance
- Secondary education
- Civil protection
- Environment
- Employment
- Health

At a regional level Poland has 16 regions. The regional council is composed of members elected for four-year terms. This deliberative assembly elects a marshal for a four-year term. He/she officially represents the region on nationally and internationally. The regional executive board is composed of members and the marshal, is elected by the regional council for a period of four years. The board implements decisions made by the regional council. The governor represents the prime minister as well as the national Polish government at the regional level.

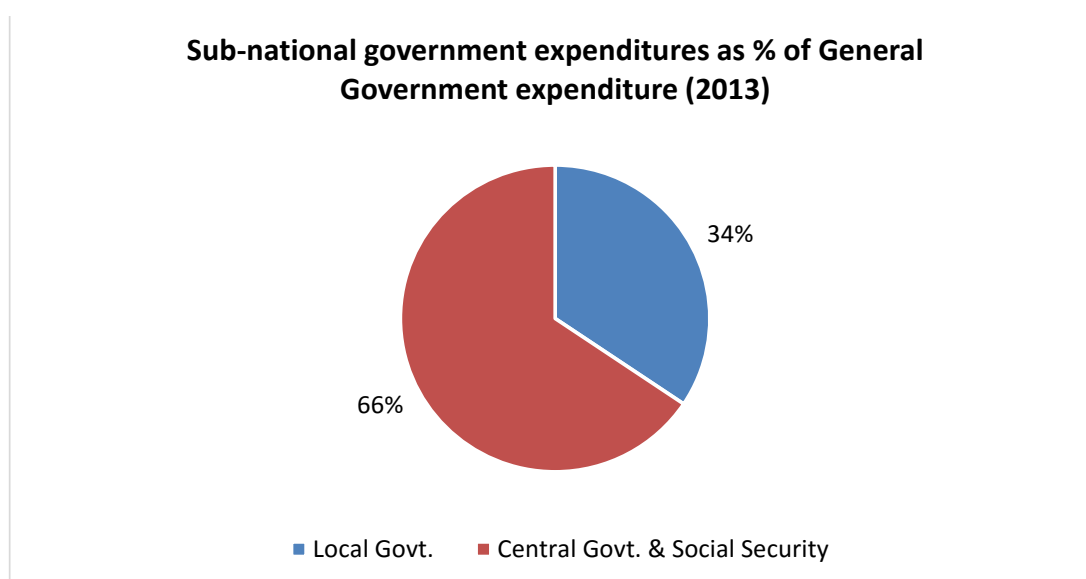
⁷⁴ Council of European Municipalities and Regions (CCRE CEMR), "Local and Regional Government in Europe: Structures and Competences", p. 36-37.

He/she is appointed by the country's prime minister upon proposal by the minister responsible for public administration. The governor is responsible for the implementation of national government policy in the region.

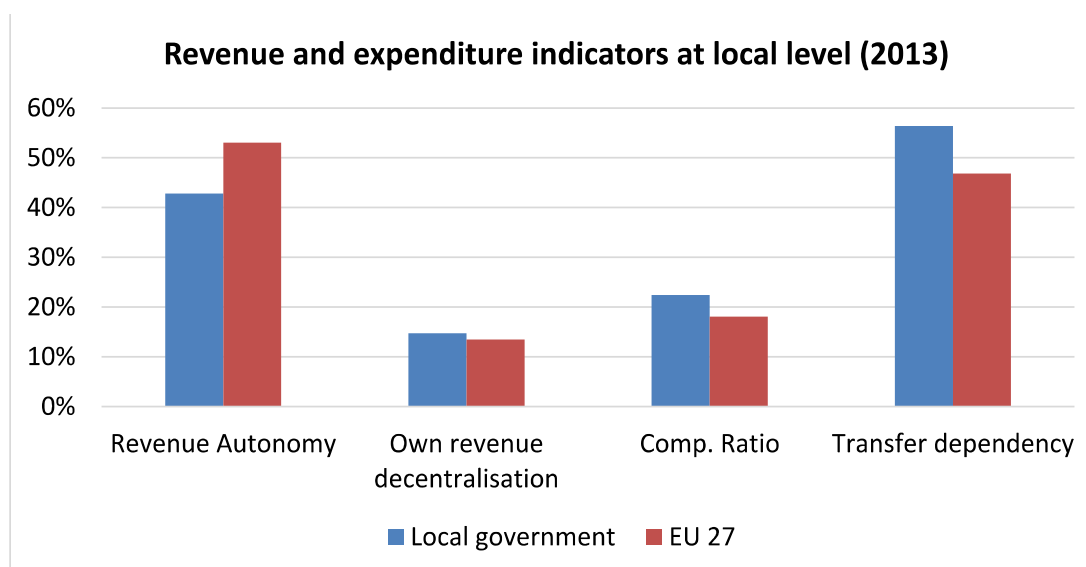
Competences assigned to the regions

- Economic development
- Higher education
- Environment
- Employment
- Social policy
- Regional road management

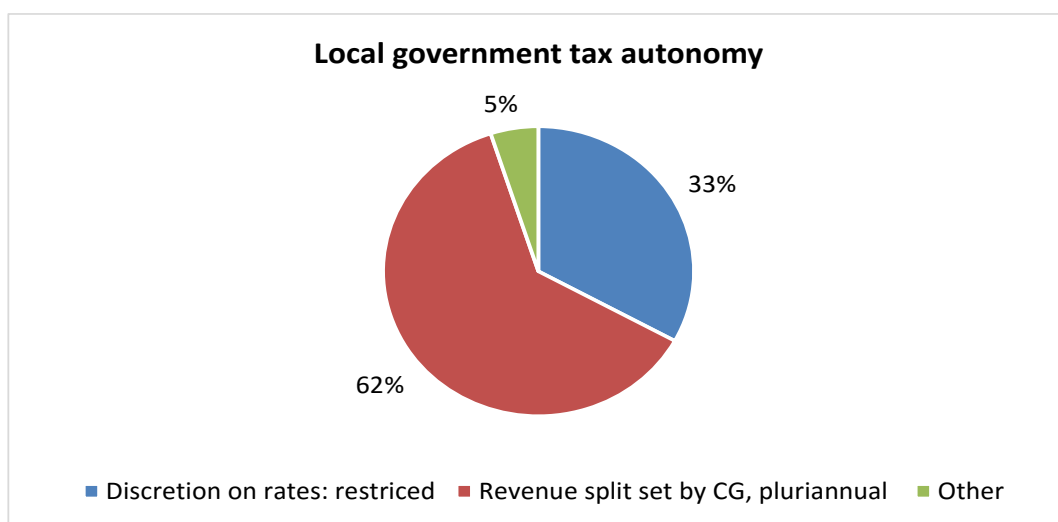
4.5.2 FISCAL DECENTRALIZATION



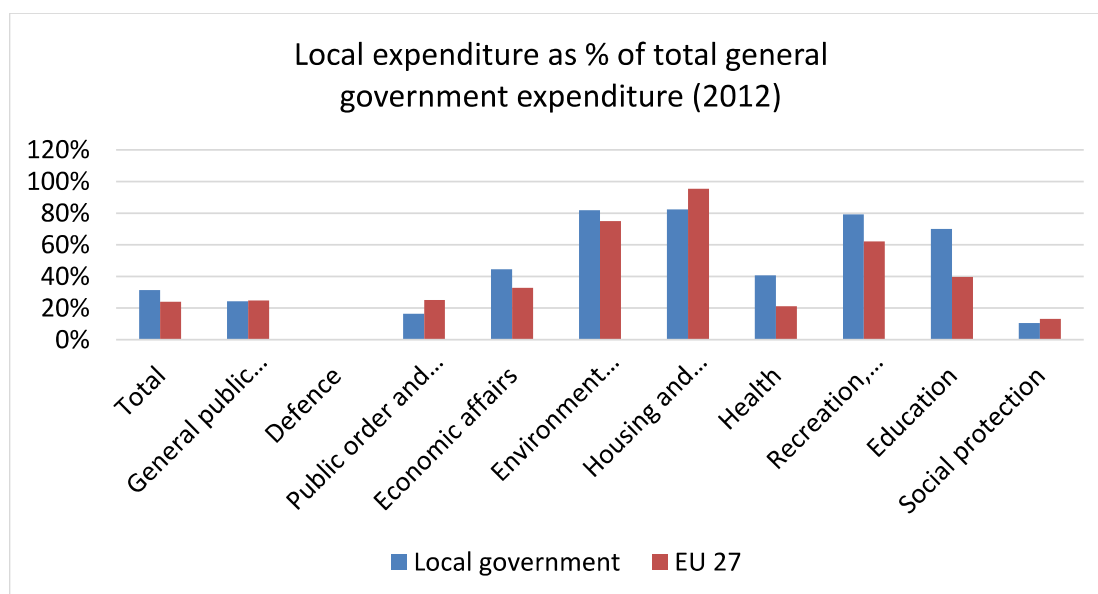
Source: authors' elaboration on EUROSTAT data. For further details, see methodology



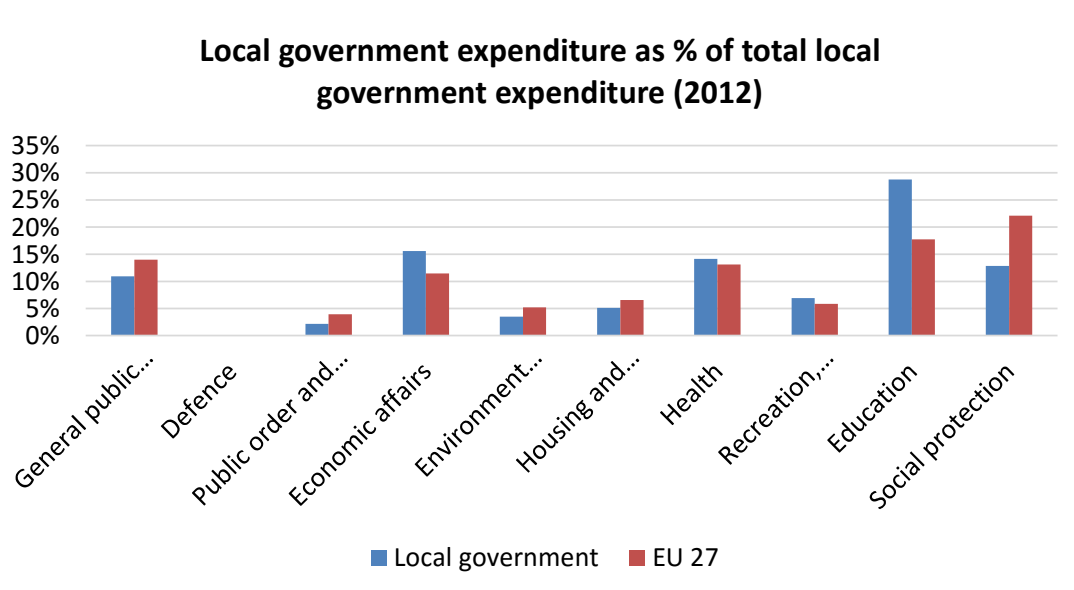
Source: authors' elaboration on EUROSTAT data. For further details, see methodology



Source: authors' elaboration on OECD data. For further details, see methodology



Source: authors' elaboration on EUROSTAT data. For further details, see methodology



Source: authors' elaboration on EUROSTAT data. For further details, see methodology

All of the above⁷⁵ five charts from the CoR Study on Fiscal Deregulation show a country that is still fairly centralized. Some competences have been delegated to local authorities but the local authorities still have a limited budgetary autonomy.

4.5.3 LOCAL GOVERNMENT ASSOCIATIONS

While there exist a number of local government associations support for open data and related activities does not seem very strong in local government

Currently the following associations are active:

Union of the Voivodeships of the Republic of Poland

<http://www.zwrp.pl>

Association of Polish Counties

<http://www.zpp.pl/>

Association of Polish Cities

<http://www.zmp.poznan.pl/>

Union of Polish Metropolises

www.selfgov.gov.pl

Union of Polish Towns

www.ump.metronet.pl

Union of Rural Communes of the Republic of Poland

⁷⁵ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 153 – 157.

As noted below the movement towards open data and transparency in government has attracted the most interest from local advocacy civil groups and a few local governments. Unlike in other countries surveyed the Project would probably have some success in contacting some of these local advocacy groups and those local governments that have initiated open data related activities

4.5.4 OPEN DATA

The recent OECD review of open government data in Poland identified as a priority the establishment of an open data structure to “support coherent and sustainable efforts” across government to support the necessary impacts: development of an “ecosystem of related and co-operating stakeholders, creation of a “supportive governance framework”, and the development of the necessary skills and culture among government workers.

The OECD study identified three “concurrent dynamics” behind the open data related activities of recent Polish governments:

- Political vision and leadership from top government circles;

Political vision can be perceived in the national “Efficient State Strategy” of 2012, which was part of the National Development Strategy 2020. Open government and open government data is now on the government’s agenda with the goal of facilitating citizen participation, improving the impact of policy outcomes and creating new economic opportunities. Leadership shown by the first Minister for Administration and Digitization helped drive a wider government agenda through digitisation

- Opportunities and pressure resulting from EU-related policy developments

Implementation of the first Public Sector Information (PSI) directive (issued in 2003) was delayed in Poland.⁷⁶ In 2011 the Government amended the 2001 Law on Access to Public Information to comply with the PSI directive and issued further degrees to comply with the directive. Delayed implementation, according to the OECD study, allowed the Government to adjust the implementation to respond to new demands relating to open data⁷⁷ In 2015 with the implementation of the revised PSI directive the Government will be facing major challenges and opportunities. As part of the EU’s Digital Agenda 2020 the Government is supposed to allocate increased funding to open government data projects and the national implementation of the EU agenda – “Digital Poland Operational Programme” for the period 2014-20.

- Advocacy by civil society, encouraged by the activities of a few local governments opening up their data dataset for public re-use.

A range of Polish non-government organizations and advocacy groups, according to the OECD study, have been quite vocal on demands for greater public transparency. The open data activities promoted in a several cities – Poznan, Katowice, Warsaw, Gdansk, and Szczecin have encouraged non-government actors. Gradually an

⁷⁶ Poland, Italy, and Sweden were all subject to infringement proceedings launched by the European Commission for delays in the implementation of the PSI directive.

⁷⁷ The Government launched a dedicated portal for open government data (the Central Repository for Public Information, CRIP).

ecosystem of actors working on promoting open government data has emerged, though the movement is still limited in comparison to other countries in our sample.

Unfortunately the political will and commitment to the open data agenda seems, the OECD study concludes, to have diminished recently. The Ministry of Administration and Digitisation (MAC) early on had taken the political leadership to encourage open government and open data policies but recently seems more concerned with the implementation of policies, leaving a political vacuum in regards to advancing an agenda whose objectives and not necessarily shared or understood across government.

Indeed, as in other countries, the open data agenda in Poland seems primarily driven by “legal compliance” rather than by any attempt to meet the actual needs of government, society, or the economy. As a consequence there remains a large gap between the goals and strategies expressed in the various strategic, national, and EU policy documents and the reality of Polish public administration. Portals like the CRIP, for instance, fulfil all of the legal requirements that are required by national law⁷⁸

Generally speaking much of the government lacks a proactive and confident attitude towards open data. Naturally individual institutions can be identified that recognize the added value of opening up data for public re-use and are well experienced in using “empirical evidence” to craft policy proposals.

The OECD cites a number of individual ministries, e.g. Ministry of Economy and the Ministry of Health, in addition to more specialized agencies, such as the Central Statistical Office. Unfortunately these organizations represent a minority within a public administration that is still reluctant to open up government data, encourage its re-use by non-governmental communities, and employ open data as a tool to improve the quality of public services.

The authors of the OECD study note that interviews with various actors confirm that the communities of government data re-users in Poland remain small and their visibility as potential partners for value creation from government data is not perceived of as high. Little open government data is available so the incentives for the business community and other organizations are low. Even where relevant data might be available the Central Government has done little to raise awareness.⁷⁹

OECD concludes that there is clearly a need to encourage more actively the building of an ecosystem around government open data. While Hackathons and similar activities do take place in Poland, they are often in the private sector. The challenge and, at the same time, an opportunity for the Polish Government, the OECD authors point out, “lies in actively leveraging such existing business communities.” Overall the environment around open government and open government data in Poland is still at the early stages of development. Compared to other countries in our sample Poland ranks low in government support for open data. The reasons cited by the OECD study are:

- The low and scattered availability of “useful content” (that is, those basic datasets as determined by the G8 Charter on Open Data);

⁷⁸ This is a common situation in a number of countries in our sample where legal compliance has been achieved but the contents and their use fall short of the goals and expectation of open data policies.

⁷⁹ OECD, “OECD Open Government Data Reviews: Poland Unlocking the Value of Government Data Assessment and Proposals for Action”, 2015, pg. 2

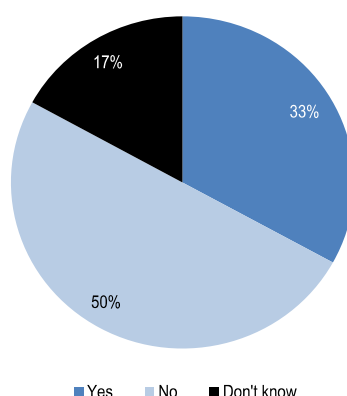
- The fairly low level of accessibility of data on the national CRIP portal due to inconvenient formats, lack of useful tools and functionalities;
- The limited proactive government support to encourage re-use and stakeholder engagement in this sector.⁸⁰

The issue of engaging communities and encouraging the development of a dynamic open government data ecosystem was recognized early on in open data leaders like the UK and France that have actively sought to work across government boundaries and with a variety of stakeholders to reap the benefits of government investment. The trend towards cultural cross boundary co-operation and collaboration that can be increasingly seen in the other two countries in our survey that are in the same group as Poland (Italy and Ireland) clearly needs to be accelerated. Unfortunately far too few public sector institutions consult with specific user groups on what data they need and opportunities for data re-use.

As in many other countries the lack of sustained engagement represents a strategic mistake considering that intermediate actors are usually the ones that understand better the realities “on the streets” and are better equipped to evaluate data needs that would permit more effective policy formulation and implementation. Furthermore, intermediate actors are also those that can add “substantial economic value to open government data”. Improving conditions and incentives will be an important step to stimulating the re-use of public sector data by small and medium-sized enterprises (SME) and promoting their transformation into innovative products and services.⁸¹

The lack of an effective and coordinated implementation of open data policies in Poland and proactive release of data is perhaps best illustrated by the following graph from the OECD study.⁸²

Figure 0.4. **Share of Polish national government institutions that have an official strategy or policy to make better use of data**



Source: OECD (2014), “OECD Survey of Government Institutions in Poland”, OECD, Paris.

ePSI Scoreboard Official Source⁸³

⁸⁰ OECD, “OECD Open Government Data Reviews: Poland Unlocking the Value of Government Data Assessment and Proposals for Action”, 2015, p. 4.

⁸¹ OECD, “OECD Open Government Data Reviews: Poland Unlocking the Value of Government Data Assessment and Proposals for Action”, 2015, p. 4.

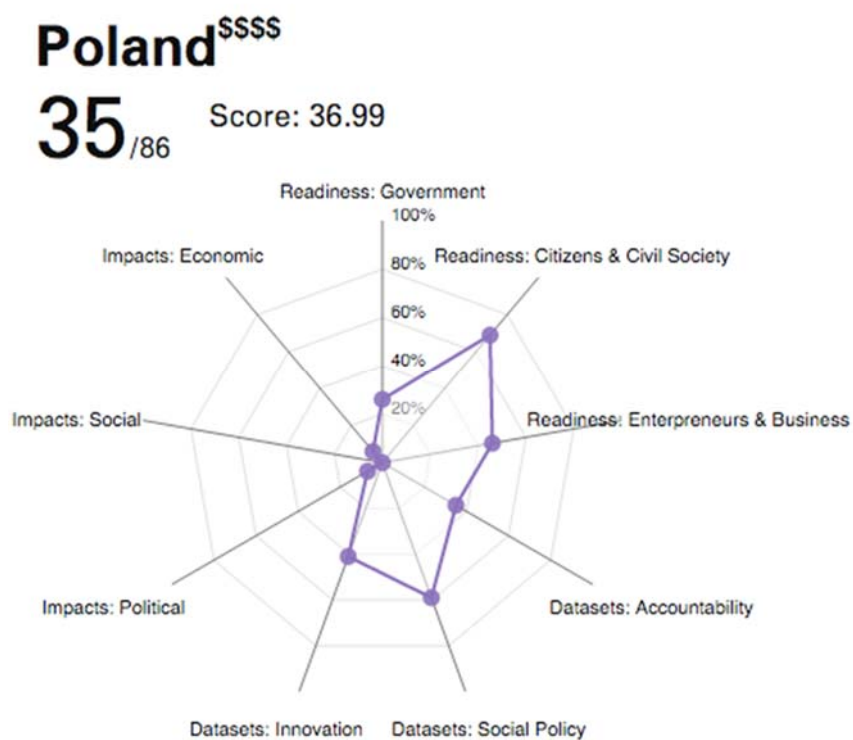
⁸² OECD, “OECD Open Government Data Reviews: Poland Unlocking the Value of Government Data Assessment and Proposals for Action”, 2015, p. 8.

⁸³ Full listing available at: <https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>

For Poland the following was reported

Overall Score	370
Implementation of the PSI Directive	0
The Practice of re-use	70
Formats	50
Pricing	80
Exclusive Arrangements	50
Local PSI	40
Events and activities	80

Comparison from the latest global barometer report 2015 (N.A. for 2013)



<http://www.opendatabarometer.org/report/analysis/explorer.html> data reported for Poland



While the above shows that some work has been successfully initiated much remains to be done .

4.5.5 STATISTICAL SUMMARY

Poland
Inhabitants 38.2 million

Barometer Rank (2015 Report)	35
ODB Scaled	36.99
Readiness (Scaled)	46
Implementation (Scaled)	46
Impact (Scaled)	5
2013 ODB	-
ODB Change	-
2013 Rank	-
Rank Change	-
State System	Unitary parliamentary republic
Regional Level	16 voivodeships Parliament directly elected Executive committee of five members led by Marshal who acts as Head of Region
Provincial Level	373 counties County councils directly elected Executive Board led by starosta
Municipal Level	2,500 municipalities Municipal council directly elected Executive board composed of mayor and deputies). Deputies chosen by Council. Mayor directly elected
System of Competences	Regions, counties, and municipalities have only administrative competences
Intergovernmental Relations	The voivode is an important link between the central and regional levels of government. He/she may overturn decisions made by local authorities should they be considered "inconsistent" with the law. Six local government associations and the Convention of Marshals The Joint Commission of Central and Local Government is an important forum of opinion exchange and decision-making. The 16 regions have offices in Brussels.

4.6 UNITED KINGDOM

4.6.1 COMPETENCES AND GENERAL DISTRIBUTION OF POWERS

The United Kingdom functions as a parliamentary democracy. The United Kingdom is an asymmetrically decentralised unitary state that consists of England and three countries with devolved governments: Scotland, Northern Ireland and Wales. Although the UK Parliament retains absolute sovereignty, the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales have gained varying degrees of legislative powers since devolution in 1999. The arrangements established by the respective devolution Acts are not symmetrical – the powers of the three bodies vary in nature and scope. No formal lists of devolved powers exist, according to the Committee of the Regions (CoR) study on division of powers, in the case of Scotland and Northern Ireland. These are taken to be those powers that were not identified as “reserved powers” of the UK Parliament (nor “excepted powers” as in the case of Northern Ireland)⁸⁴.

The Scottish Parliament possesses primary and secondary legislative powers, as well as the power to modify internal tax rates (by up to three pence in the pound). The Scotland Act 2012 made changes in the finances of the Scottish Parliament, including a new rate of income tax, and made a number of adjustments to the boundary of devolved responsibilities. The Northern Ireland Assembly exercises primary and secondary powers. The National Assembly for Wales received new powers in 2006. Following the referendum of March 2011, it gained primary legislative powers in 20 specified areas and adopts “Acts of the Assembly”, as well as secondary powers generally vested in Welsh Ministers.

The CoR in its study on the division of powers noted that these are not complete transfers of power: a) There are specified exceptions within both reserved and devolved powers. b) The UK Parliament retains the right to legislate on all matters in all parts of the UK, but would not normally do so without the consent of the devolved Assembly or Parliament⁸⁵.

Successive reforms have produced a intricate set of bodies which are responsible for delivering public services at the local level. As of 2011, England has 27 “County Councils” (traditional two-tier areas in which there also 201 District Councils).

There are 55 unitary authorities (“Councils”) in England that are responsible for all local services; Wales is divided into 22 unitary Councils; Scotland has 32 directly-elected unitary Councils; N. Ireland has 26 local Councils to be reduced to 11 following the 2011 Local Government Reform Programme. The “regional” level is being reduced in England. The Government Offices for the Regions were abolished in 2011; the nine Regional Development Agencies cease operations in 2012 and are being replaced inter alia by Local Enterprise Partnerships. Town and Parish Councils exist in some parts of England, and others, known as Community Councils, in Scotland and Wales. There are no such bodies in N. Ireland.

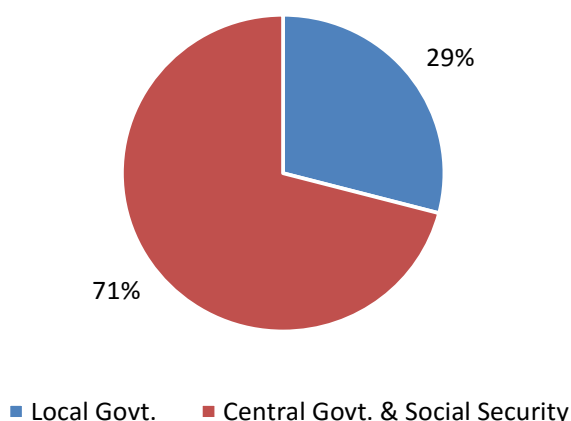
⁸⁴ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities”

⁸⁵ Committee of the Regions. “Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralization or federalism”.

4.6.2 FISCAL DECENTRALISATION

The level of fiscal decentralisation in the UK is rather limited, as fiscal policy is almost exclusively controlled by the UK government. Devolved administrations have very little control over their own budgets, which are mostly sustained by block grants from the UK government. Local authorities (councils) are entitled to raise and set the rate of a domestic property tax (Council Tax), which provides some 25% of local government revenues. The remaining revenues are transfers from the central government and charges for services provisions. Local authorities also retain 50% of national non-domestic rates (business rates) collected in their jurisdiction. The large majority of tax revenues (85%) are collected by the central UK government and are then redistributed. Scotland is granted the possibility to vary the basic rate of income tax by up to 3%, but this option has so far been unused. The size of the block grants that the UK government allocates to the local authorities is based on the long-standing Barnett Formula, whereby the local governments are given a proportionate share of spending on comparable functions in England, given their populations compared to that of England. Overall in 2013, sub-national expenditures accounted for 29% of total public expenditures (see the chart below). ⁸⁶

Sub-national government expenditures as % of General Government expenditure (2013)

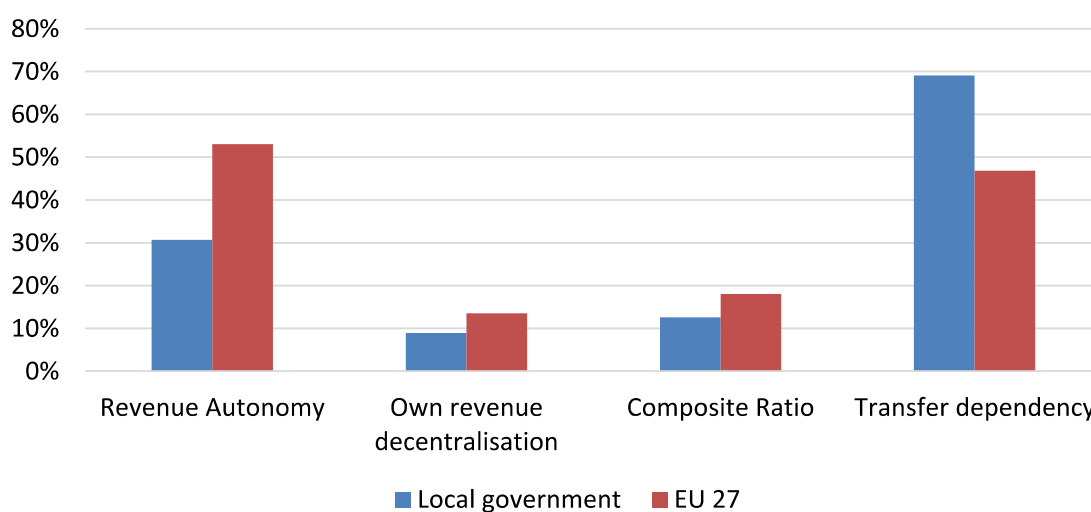


Revenue independence (own revenues relative to total resources available) at the local level falls below the EU average (31% versus 53%), which creates a dependency on central government transfers that is higher than the EU average (69% versus 47%). Local own revenues represent 9% of total government revenues, a value that is lower than the EU average (13%)⁸⁷.

⁸⁶ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 206. Elaboration of Eurostat data.

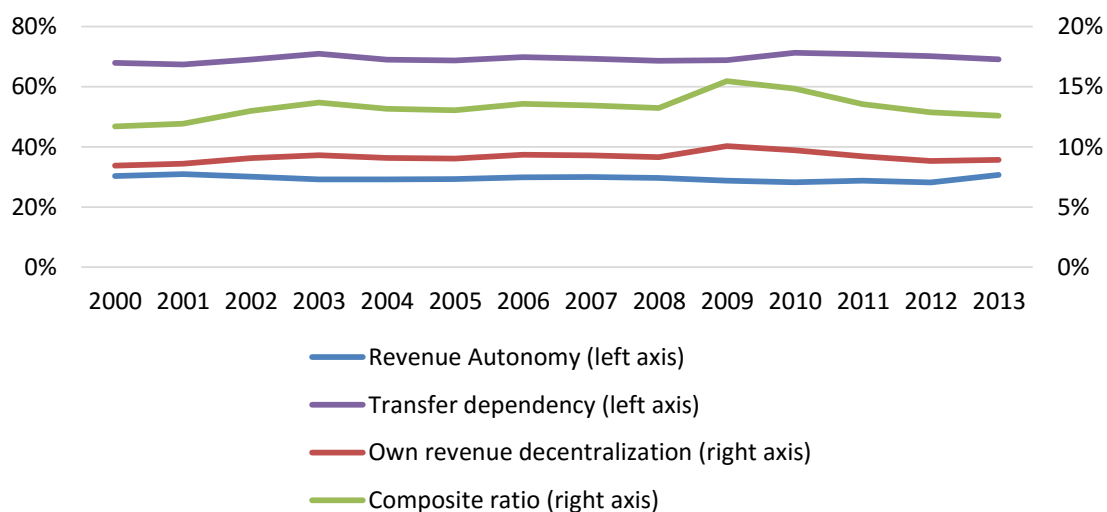
⁸⁷ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 207. Elaboration of Eurostat data.

Revenue and expenditure indicators at local level (2013)



The composite ratio (13%), which includes aspects of fiscal decentralisation of revenue and expenditure, implies that local governments in the UK have a degree of fiscal decentralisation that is lower than the EU average (18%). The OECD indicator on the level of tax-autonomy shows that discretion of sub-national governments over tax rates is fully restricted⁸⁸.

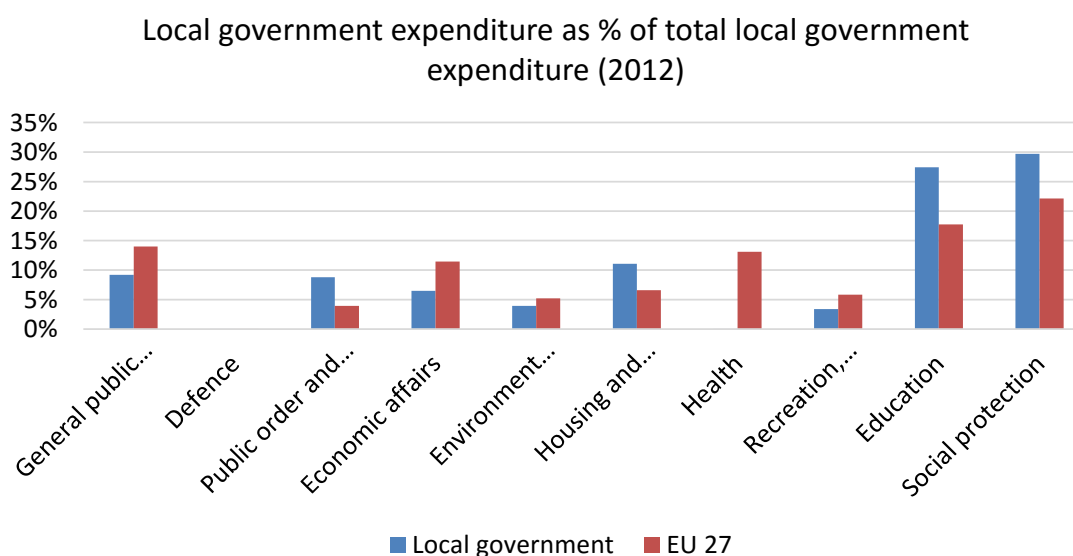
Revenue and expenditure indicators at local level



Expenditures by local authorities are concentrated, more than the EU averages, in the fields of social protection (30% of total local spending), education (27%), housing and communities amenities (11%) and public order and safety (9%). In all other areas of spending, expenditures are rather limited and below the EU average values.⁸⁹

⁸⁸ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 208. Elaboration of Eurostat data.

⁸⁹ Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism", p. 210. Elaboration of Eurostat data.



4.6.3 LOCAL GOVERNMENT ASSOCIATIONS

Local Government Association (LGA)

E-mail:

info@local.gov.uk

Web: www.local.gov.uk

All English councils are members of the LGA* (414 authorities in total). They include 350 English councils, the 22 Welsh councils via the Welsh LGA, 31 fire authorities, 10 national parks and one town council. *With the exception of London Borough of Bromley, Sheffield City Council and London Borough of Wandsworth.

Welsh Local Government Association (WLGA)

E-mail:

enquiry@wlga.gov.uk

Web: www.wlga.gov.uk

Convention of Scottish Local Authorities (COSLA)

E-mail:

enquiries@cosla.gov.uk

Web: www.cosla.gov.uk

Northern Ireland Local Government Association (NILGA)

E-mail:

office@nilga.org

Web: www.nilga.org

In addition there are bodies such as [London Councils](#) (formerly the Association of London Government) and other regional bodies to bring together local authorities at the regional level.

Some of the more active regional groupings are listed in the following:

[East Midlands Councils](#) : (<http://www.eelga.gov.uk/>)

[London Councils](http://www.londoncouncils.gov.uk/) ⁹⁰ (<http://www.londoncouncils.gov.uk/>)

[Association of North East Councils](http://www.northeastcouncils.gov.uk/) (<http://www.northeastcouncils.gov.uk/>).

[South East England Councils](http://www.seccouncils.gov.uk/) (<http://www.seccouncils.gov.uk/>)

[South West Councils](http://www.swcouncils.gov.uk/nqcontent.cfm?a_id=1) (http://www.swcouncils.gov.uk/nqcontent.cfm?a_id=1).

It seems clear reviewing the activities of the above associations there is considerable interest in innovative solutions that would help local administrators develop more effective services that respond to community needs. Workshops on the results of the ROUTE-TO-PA project could be developed for their members. In these cases it would be probably critical to develop, also, a toolkit that would allow others to replicate the ideas from ROUTE-TO-PA and shape them to local interests.

The following excerpt from the website of the East Midlands Councils is indicative of an organization that is in innovative solutions to help them deliver services to their communities.

East Midlands Councils is a consultative forum for local government in the East Midlands region of England. Web Site: <http://www.eelga.gov.uk/>

Considering the following that this group establishes as their objectives they would be worthwhile to contact about ROUTE-TO-PA.

- A provider of innovative solutions to partners; delivering projects and services around key issues such as integration, commercialization and organizational review.
- A highly respected and influential advocate for our members; promoting their leadership of their locality, as well as fighting for them to get the resources, powers and freedoms necessary to perform that role successfully.
- A catalyst for collaborative working; bringing together groups of councils to harness their collective strength and knowledge.
- An invaluable resource of specialist expertise and capacity; providing advice and support to
- councils on key issues.

Electronic service delivery (esd) toolkit (Now known as LG Inform Plus)⁹¹

The esd-toolkit was designed to help local governments meet the challenges of performance monitoring, evidence collection, knowledge exchange and central reporting. The toolkit includes information on customer insight - an on-going programme that evolves with changes to citizen and customer needs, a council's political priorities, and the local, regional and national policy landscape. According LGA it should be built into everyday mechanisms of local authorities for performance management, decision making and engagement.

Ultimately SPOD and TET could be of great interest to the LGA as an eventual development in their programme of "customer insight" to stimulate greater community awareness and participation. As in other countries like Italy the idea has been to help administrators perform more effectively and involve their local communities.

National Association of Local Councils (Web Site: <http://www.nalc.gov.uk/>)

⁹⁰ The membership of London Councils comprises the 32 London borough councils, the City of London Corporation, the London Fire and Emergency Planning Authority and the Mayor's Office for Policing and Crime. From Wikipedia entry: https://en.wikipedia.org/wiki/London_Councils

⁹¹ More information available at: http://www.local.gov.uk/about-lginform/-/journal_content/56/10180/5469329/ARTICLE The current version of esd-toolkit explained at: <http://www.local.gov.uk/about-lginformplus>

This association is the national membership body for local (parish and town) councils. They work with County Associations of Local Councils to support, promote and improve these councils⁹². It is this type of Association that would be important to contact about ROUTE-TO-PA. The results of ROUTE-TO-PA could be incorporated into a publication and, perhaps more importantly, into a toolkit for members

4.6.4 OPEN DATA

The principal site in the UK for open data is the site <http://data.gov.uk> online from 2010. The site dedicated to policing and crime statistics in England, Wales, and Northern Ireland - <http://data.police.uk> has proven quite popular. Under the Coalition government and later the Conservatives despite considerable debate about the use of public data by private parties, progress towards expanding the publication of data has been made. Looking at regional and local levels of government progress has been less sustained; partially from budgetary issues and partially due to a lack of awareness and training.

With regards to local authorities the Local Government Association has begun running the esdtoolkit operation as LG Inform. It is likely that would be receptive to investigating ways of using the results of the ROUTE-TO-PA project as means of showing their members different ways of engaging and promoting participation.

Indications of activity and interest in open data can be seen in the following:

- <http://opendata.esd.org.uk/> These pages can help identify open data published by UK local authorities and encourage standardization of local open data. Check for datasets at:
- <http://datasets.opendata.esd.org.uk/> Also, check API data at:
- <http://api.esd.org.uk/> The API allows anyone to view and download open data about local areas, such as demographic details and performance data. It's been built to support both amateur and professional developers, and can help you deliver information services that matter.
- http://esd.org.uk/esdtoolkit/_default.aspx (transformed into LG Inform Plus (see <http://esd.org.uk>). Described by them as "Simple and consistent ways through the mass of information that describes your locality. The next generation of tools and context data for Local Government is here!"

ePSI Scoreboard Official Source⁹³

For the UK the following was reported

Overall Score	585
Implementation of the PSI Directive	100

⁹² From their web site they note the following:

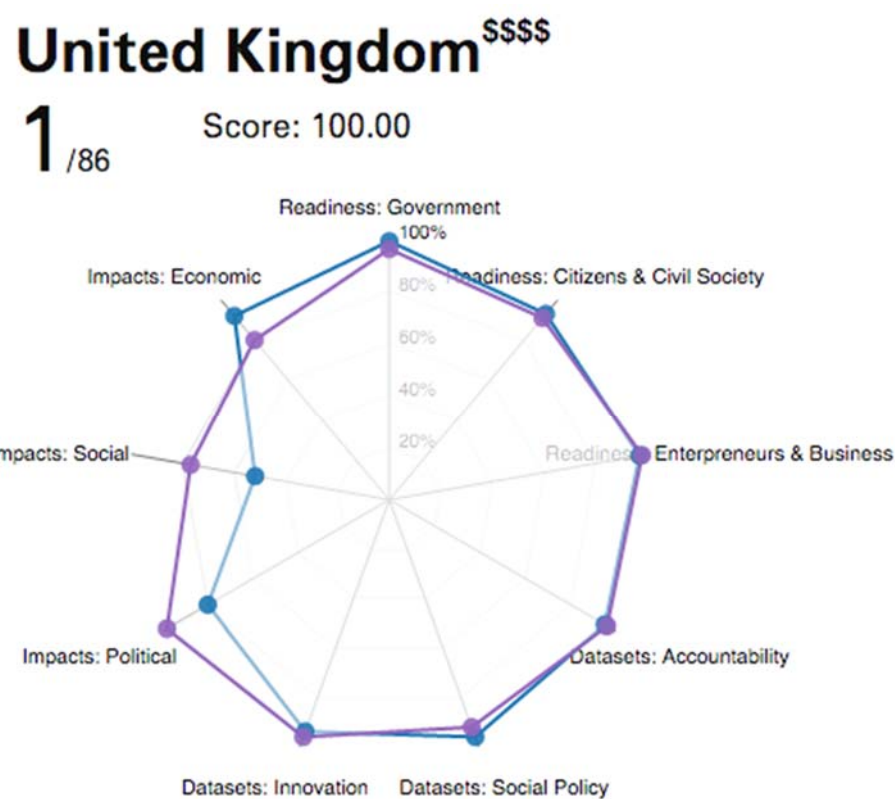
- 95% of all town and parish councils in England are NALC members
- We represent the interests of 9,000 parish and town councils and 80,000 councilors
- These councils provide employment for over 25,000 staff and their annual expenditure is in the region of £1 billion with over 16 million people (25% of the population) living in the communities they serve
- Over 200 new councils created in past decade

⁹³ Full listing available at:

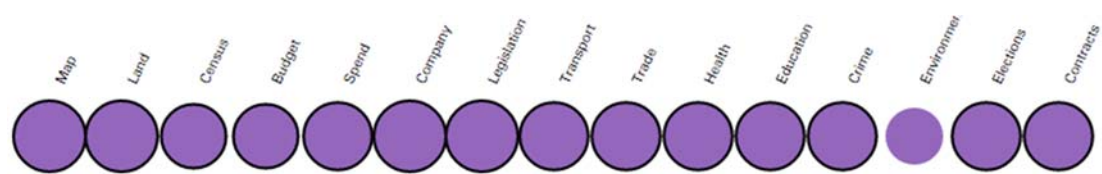
(<https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvcq9Gzii-BmKf5fo0XCpr4Wmf8/edit#gid=0>)

The Practice of re-use	85
Formats	100
Pricing	30
Exclusive Arrangements	70
Local PSI	100
Events and activities	100

Comparison from opendataglobalbarometer report between 2013 and 2014



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using data from the UK



From <http://www.opendatabarometer.org/report/analysis/explorer.html> using the data from the UK

4.6.5 STATISTICAL SUMMARY

United Kingdom⁹⁴
Inhabitants 60 million

Barometer Rank (2015 Report)	1
ODB Scaled	100
Readiness (Scaled)	98
Implementation (Scaled)	100
Impact (Scaled)	100
2013 ODB	100
ODB Change	0
2013 Rank	1
Rank Change	0
State system	Unitary system in England and regional based for Wales, Scotland, and Northern Ireland
Regional level	3 nations with their own institutions plus legislative and administrative competences: Scotland, Wales, and Northern Ireland. Regions possess only administrative competences.
Provincial level and Municipal level	England: 34 shires, divided into districts. Councils are directly elected. Wales: 22 directly elected unitary authorities every four years. Scotland: 32 unitary authorities Northern Ireland: 26 district authorities
System of Competences	Scotland and Northern Ireland have primary legislative powers. Wales has only administrative and secondary legislative powers Local governments have only administrative competences.
Intergovernmental Relations	The Local Government Association for England and Wales negotiates with the Government in London and the Welsh Assembly on local matters. The Convention of Scottish Local Authorities deals in a similar fashion with the Scottish executive

⁹⁴ European Institute for Public Administration (EIPA) – European Center for the Regions (ECR), “Division of Powers between the European Union, the Member States and Regional and Local Authorities”, pp. 320-321.

	Northern Ireland Local Government Association works with the Northern Ireland Executive and Secretary of State for Northern Ireland.
--	--

5 CONCLUSION

All of the countries in our survey have engaged in the development of open data initiatives but few have developed long-term strategies. Three of the countries surveyed (France, The Netherlands, and the UK) have successfully established open data policies with generally strong governmental backing. The other three countries (Ireland, Italy, and Poland) have been reasonably successful in launching a variety of open data activities but they continue to face a series of challenges to mainstreaming the open data movement in government and institutionalizing open data in daily practice.

To ensure sustained growth of open data activities all of the governments surveyed need to stimulate the development of strategies that take into account the context within which society and public authorities exist and seek to address more effectively the technical, economic, social, legal, institutional issues that they face. Such initiatives are vital to guarantee that the focus does not shift to technology and the various platforms to use but remains on promoting and facilitating citizen engagement with government. Some countries have tended to adopt strategies that seek quick results in a short time concentrating on the quick release of data sets. As time goes on the availability of relevant data sets seems to lessen regarding the content and usefulness of the format. As a result, a loss of public interest has occurred and the use of open data sets has diminished. Ultimately what would be far more important are initiatives that help foster a “data culture” in government. Open data potentially could transform the way government bureaucrats perceive and use data. It is vital that people both inside and outside government see that open data is more than just releasing data to external consumers. Well fashioned open data policies can go a long way to offsetting structural issues inside government and create incentives that help foster data sharing inside and outside government.⁹⁵

Persisting technological difficulties

Even though a single open data portal should ideally never be the sole goal of an open data policy, and is far from being the best solution for implementing open data, a single portal could certainly help ensure integration of data from various sectors of government, and can greatly improve accessibility to data. Undoubtedly this is the reason why so many focus on an open data portal even though such a choice tends to leave a variety of issues unresolved. To meet government needs in terms of data management, after the decision has been taken to create a single portal, it would be important that development proceeds over the long run in a collaborative manner to create a sense of ownership and sustainability. Poor data management practices tend to increase the cost and efforts for the government to open data and make it available in machine-readable formats. The trade-off between standardization and experimentation, and the concerns about incomplete or inaccurate data in centralized government repositories are difficult issues that most governments are still seeking more adequate responses. On a local level government authorities in all of the countries surveyed face a variety of technological challenges not always due to budgetary restraints but very often due to the lack of a diffusion of a culture that perceives open data as a priority.

⁹⁵ Ubaldi, B. (2013), “Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives”, OECD Working Papers on Public Governance, No. 22, OECD Publishing. <http://dx.doi.org/10.1787/5k46bj4f03s7-en>, p. 30.

Last but certainly not least, interoperability and integration remain unresolved issues, and will in time have an impact on the diffusion of open data as well. Persuading government to deal with open data more effectively, and open data file formats in particular, could facilitate IT interoperability in government. In all of the countries in our survey interoperability is a major concern for policy makers working on the implementation of open data. For example, ensuring the interoperability of data catalogues, or the creation of a pan-European data catalogue, is a big challenge faced by policy makers at the moment⁹⁶ as no standard service list exists for countries in the EU.

Existing Economic and financial issues

A variety of economic and financial challenges are still hampering the development of open data in the countries surveyed. Most these involve how the difficulty of developing a business case and finance models for collecting, transforming, and diffusing data given the accessibility principle that open government data should be free or provided at cost. Among the costs that need to be analysed better and financed more efficiently there are among others the following factors⁹⁷:

1. Collection and delivery of data

Governments in general have concerns about the costs of opening up government data, although such costs – in addition to the costs of producing data – have never been adequately estimated. Part of the problem is that many assume that open data can be produced without additional activities. The common assumption among policy makers is that data that needs just to be made open is a persistent myth in all of the countries surveyed. Open is rarely free, especially in times of government austerity and limited budgets, as there are always potential costs associated with the production and presentation of open data that need to be considered and taken into account.

Issues of cost tend to underscore the need to implement open data programs in practical and affordable ways so they do not add unnecessary financial burdens that could result in a loss of revenue. An effective program dedicated to producing open data signifies a commitment and investment on the part of government agencies since they need to acquire new skills, train staff, and usually purchase additional technology. Local authorities rarely have the resources to implement programs by themselves and are dependent on either central or regional level agencies for support.

Human resource costs associated with organizing and preparing information to be put online also have to be assessed. Planning and realizing a team is critical. If the decision is made to produce a specialized portal, an IT and design team may be required to implement the portal and to ensure timely publishing and update of data. Data sets are normally held by each agency, which often relies on existing charging frameworks to recover the costs incurred. The situation is certainly changing and several governments such as the Dutch and others are looking into the development of business cases with alternative funding and financial models.⁹⁸

⁹⁶ The English have been very active in the UK with activities like esd toolkit (see <http://www.esd.org.uk/>) not run by LGA.

⁹⁷ Ubaldi, B. (2013), "Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives", OECD Working Papers on Public Governance, No. 22, OECD Publishing, <http://dx.doi.org/10.1787/5k46bj4f03s7-en>, p. 34.

⁹⁸ Ubaldi, B. (2013), "Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives", OECD Working Papers on Public Governance, No. 22, OECD Publishing. <http://dx.doi.org/10.1787/5k46bj4f03s7-en>. The author also noted that some countries have chosen an intermediate path to recover costs allowing non-commercial reuse at zero cost and charging for commercial re-use on the basis of license cost per sentence. An example of recent national efforts to revise existing charging models, she cited, comes from the United

2. Transforming large volumes of data into more accessible and potentially re-usable formats

Converting data can have significant cost repercussions, particularly if there is a significant use of proprietary software. Initiatives such as converting government data into linked data formats, for instance, can be time consuming and very costly. Similar issues regard enabling even partial access to large volumes of data. These additional costs have led some policy makers in many countries to be reluctant to convert public data. Indeed, this reluctance leads in turn, at times, to refusing to allow even partial access to requested material. Another reason is that a huge database may contain many types of data, which takes time to identify and remove. However, while laws in some countries (like the UK) force public authorities to comply, to a degree, with the right of access to information and give governments little option but to take the time to remove the sensitive data and to grant access. Unfortunately, the policy of “open by default” is not always accepted so judicial disputes are not uncommon.

3. Posting full datasets in accessible open formats on government websites

Users can more easily find the specific information that they are looking for when open data is properly tagged with metadata and published in an open format. This is one of many solutions to releasing information that generally comes at a very low cost. Clearly in the countries surveyed more work needs to be done to convince local authorities to consider such activities as part of their day-to-day activities. Countries like the UK have shown that taking the time to facilitate access can have excellent return on the investments to produce open data.

4. Designing a new data framework to assess costs and benefits of open data

It is difficult to develop a business case for open data when little has been done to ascertain possible costs and to identify clearly the gains possible from opening data. When government agencies provide reusable data, the costs of re-use, adaptation, and innovation by third parties are generally reduced. Many have claimed that the lowering of entry costs will lead to a flourishing of third-party sites that should help to extend and enhance government data. This approach has been adopted by governments, particularly in Italy and the UK, where policy makers have decided to move the online emphasis from developing finished open data websites to that of infrastructure that allows new sites to be developed. If the creation of new infrastructure results in better third party alternatives then, the reasoning goes, government will be able to cut costs by reducing the number of its own websites.

This approach tends to focus on the need for better data frameworks to assess adequately the costs and benefits of open data, as well as a clear strategy regarding open data that provides incentives to government authorities to invest in open data activities. This would foster more efficient decisions regarding IT architecture.

Kingdom. The Government launched a formal consultation on 4 August 2011 to look in detail at key questions on the data policy and charging framework for a Public Data Corporation known as the Public Data Group (PDG). The consultation questions focused on: charging, licensing and regulatory oversight.

If third party alternatives to the government sites do not emerge then the public sites financed by the government, it is argued, can be maintained. The overall picture is that government IT costs will decline in those areas where private actors have the greatest interest in helping to leverage the underlying data (often involves geographical data), while government IT costs will increase in those areas where there is no private actor willing to step forward and create a compelling website based on the data⁹⁹.

Organizational and administrative challenges

Governments in all of the countries surveyed are still struggling with a range of important organizational challenges. These are strategic issues that need to be better understood and addressed by national strategies and plans.

Among them are:

1. How to ensure accountability, data quality and collaboration among the various stakeholders

Given the complexity and transversal nature of open data, governments need to establish the appropriate institutional structures. Tasking a government body, very often an office in the centre of government (very often, the Prime Minister's Office), with promoting, coordinating, and taking the leadership on open source initiatives, has been perceived in all of the countries surveyed as a way of bringing the various stakeholders together. Having a ministry or some other body in charge of collecting datasets from government agencies that will then be published is considered by many as a means to sustain activities that promote data integration across government and help develop better capabilities across government to deal with concerns regarding privacy and transparency. While every country surveyed has established an agency with duties more or less as outlined above, much still remains to be done to ensure compliance and accountability throughout government particularly in local authorities.

2. Balancing autonomy and control between the actors involved

Investing independent oversight bodies with the power to demand and to publish information on budgets, procurement and expenditures is certainly vital to ensuring data transparency. Several governments are considering the establishment of independent ethics and governance groups to oversee policies and procedures for improving the use of administrative data. As Bates has pointed out even in the UK where open data policies have been pursued for some time questions have been raised about the autonomy of government agencies vis-à-vis the private sector.

3. Ensuring change through “ecosystems” of key actors

The creation of broad ecosystems – that is, communities of key actors - is essential not only to produce economic benefits, but also to generate value from open data initiatives in social and political terms. As indicated earlier in this document, open data use by third parties, as well as the promotion of apps based

⁹⁹ Professor Bates in her article “The Domestication of Open Government Data Advocacy in the United Kingdom” suggests that decision making concerning public data policy in the UK has been in recent years increasingly shaped by those state institutions with close links to the “global economic elite”.

on open data, are essential factors to making open data initiatives viable and to create value over the long term.

4. Engaging with the broader community in two-way conversations to develop more capacities and to find flexible, agile solutions

Pushing data out is not sufficient in the long term to creating value. In all of the countries surveyed stronger engagement models and broader strategies need to be put in place to allow two-way dialogues to develop between the public sector and users of government data (whether individual developers, small businesses, citizens, civil society organizations, academia, or large companies). It is critical for governments to focus on user needs and for users to provide feedback on the datasets they would like to see released as a priority which they consider of greater value or more likely to be used by the community.

Social media can play an important role in inspiring or enabling open data usage, and in involving communities of practice, formed by people who actively participate in a process of collective learning related to open data to sustain applicable initiatives and help create a network of actors. The use of social media to capture user feedback could help create a need for use, that is, get the data where people really need or want. However, engaging users requires resources. In order to capture the views of Open Data users, the United Kingdom established a group in the Cabinet Office that includes volunteers from the civil society and the private sector; their principal role is to advise on the data the government should release.

5. Revisiting internal processes to support data release workflows

The actual implementation of open data portals implies the establishment of suitable workflows for data gathering, integration, validation, release, approval, update and re-use promotion. In some countries the process of releasing online open data is already supported by an organizational culture oriented towards data sharing and re-use, which facilitates the process of reengineering as needed¹⁰⁰. In other cases the internal culture of public sector institutions is not immediately conducive to data sharing and clearly will additional efforts¹⁰¹.

Cultural challenges facing open data initiatives

Governmental activity whether legislation, new norms, or new IT solutions needs to find a correspondence with a culture in the public sector that supports the need to publish/release data.

Following are listed some of the more pressing issues from this perspective:

1. Increasing interest among stakeholders

¹⁰⁰ Among the countries surveyed compliance ranged from the very high in the UK to others like in Italy where publication may take place but not enough is being done to change the culture.

¹⁰¹ Even in countries like France where the national government has been quite active in promoting open data policies many local authorities have been reluctant to engage with their communities on issues like open data. Some cite a lack of money, others comply but at a minimal level.

Raising the capacity and awareness of all stakeholders about their right to access and re-use of public data is important for society as a whole. In all of the countries surveyed those governments, who have worked with community groups, have been successful in creating more awareness about legislation and policies that empower citizens to access information. Indeed in countries like the UK and France a number of successful open data initiatives have been launched but the problem of the diffusion of an open data culture throughout government remains an issue even in those countries. Additional research could be important to establish citizens' information needs and existing barriers to information use and re-use. Although certainly a delicate issue public-private partnerships to foster open government data use to stimulate the growth of innovative public services would encourage a greater diffusion. All of this could lead, in time, to more projects that promote re-use, re-distribution and broader participation in open data initiatives.

2. Acknowledging the value of crowdsourcing

Not all governments recognize the value of crowdsourcing to find talent outside the public sector to use, to exploit and to create value from data. This is not necessarily easy, as successful crowdsourcing also depends on a sufficient scale and ample participation to arrive at useful results. To date, only a limited number of governments are definitely embarked down this path and even fewer local and regional governments where the benefits are likely to be the greatest. The UK and France have certainly been leading the way. Businesses in these countries are exploiting data to expand their activities and create more jobs; indeed, a few governments are using data to encourage co-creation events to help create apps, services and enable various stakeholders to contribute to policy making, public value creation and social innovation.¹⁰² "Co-creation" events are still in many areas an "ad-hoc" activity and is not necessarily incorporated "by default" into regular activities of government agencies.

3. Shifting the culture of the public sector to focus on incentives and the development of new competencies

The lack of participatory and collaborative components in many of the governments surveyed, along with continuing issues of incomplete data and shortage of raw data represent much more than just technological challenges. These are by no means simply technical issues to solve at some point¹⁰³.

These issues imply a need for major cultural change in the approach of public authorities: moving from disclosure to proactive and smart disclosure; from provision of information to provision of data, ultimately abandoning the idea of government's "interpretational sovereignty"¹⁰⁴.

The belief that making data public diminishes the power of public officials has created an environment among civil servants (particularly at local levels) which does not fully support implementation of open data projects. Some governments are working on programs to help change the attitudes of public officials about making information available to the public and to improve sharing within government. Many are realizing that cultural and administrative barriers to data sharing can be best addressed through engagement with both civil servants and end users to co-produce public services. Application, however, remains uneven in most areas.

¹⁰² Löffler, Elke. "Why co-production is an important topic for local government", Governance International (<http://www.govint.org>) Other papers on co-production available in library section within the IDEa Community of Practice on Co-Production at www.idea.gov.uk.

¹⁰³ In particular at a local level where a culture of local data has not necessarily developed to any significant degree.

¹⁰⁴ Ubaldi, B. (2013), "Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives", OECD Working Papers on Public Governance, No. 22, OECD Publishing, p. 36

Clearly in most countries many civil servants are still unaware of the value for them of developing the capability to conduct, interpret and use data analysis tools to help them come to better decisions.

This whole process is only partially about developing IT and data analytic skills, it is even more about helping that public sector managers become more confident about how to combine data with reliable decisions, and are aware of the need to foster the pursuit of the open data agenda. Moreover, even though awareness of what data is available represents an essential step for any government's open data strategy, most governments in the countries surveyed do not currently have a comprehensive overview of the data in their possession¹⁰⁵.

Ultimately, it is the cultural context matters, and the energetic approach that may have worked to make open data initiatives successful in one country may not be always successful in another. Efforts have been undertaken by governments engaged in the establishment of open data portals to encourage the use of linked data notably the UK with data.gov.uk and related projects like those sponsored by the Local Government Association (LGA)¹⁰⁶. The skills and experience of working on linked data are certainly still at an early stage of implementation, but advocates of linked data approaches believe it has the potential to enable a revolution in how data are accessed and utilized.

There is, however, much that remains to be done. Data.gov.uk¹⁰⁷ appears to be one of the few open data initiatives where clearly efforts were made to go beyond the mere presentation of data sets and explore links between the different datasets.

Since user participation and engagement is critical, the successful delivery of public services like open data are the result of co-production by both users and government officials. All of the countries surveyed show that co-production is already under way in many areas and will likely increase in future years, but there is evidence that this trend is not always appreciated or even well understood by local government authorities. One of the challenges for the Project will be to discover mechanisms and a language to help local governments to be more aware of this concept and why it is gradually spreading in different sectors.

A further challenge will be to understand the sources of resistance in Government to this concept even in places like France and the UK where the Government has been active in supporting open data. As fiscal restraints and budgetary issues become more severe, Governments are increasingly seeking to make the best use of all possible assets available for public services, including those resources where users and communities can contribute to service outputs and outcomes. Certainly co-production approaches like e-Government solutions are already widely used to a degree in the countries surveyed to realize savings, other co-production approaches such as collaborative planning and participatory budgetary are still not commonly used as a strategy for achieving "more for less".

¹⁰⁵ Even in areas like the UK and France local authorities are often not aligned at all with national policy for a variety of reasons ranging from a lack of money due a lack of awareness of the need for open data.

¹⁰⁶ The LGA now runs the esd toolkit program under the name LG Inform. Its aim is to help local authorities gather up-to-date published data about their local area and the performance of the council or other public services. The esd toolkit program has over the years dedicated resources to help standardize public services and develop lists of corresponding services in other European countries.

¹⁰⁷ A related site is the open data site about crime and policing in England, Wales, and Northern Ireland (<http://data.police.uk>).

The key issue of achieving a “greater outcome orientation of public agencies” in most of the countries surveyed has made more public officials aware of how results are difficult to achieve without some involvement from service users. One key argument for the Project is that the results from it could help reinforce processes of co-production in Government that will ultimately achieve a much higher level of outcomes than by traditional methods of service delivery. Unfortunately in many European countries Government has not always been successful in shifting the focus of public service provision to outcomes. While IT technology has influenced greatly the collaboration between governments and citizens and will continue to affect the relationship in future years, by helping to combine inputs from users and their communities with input from public officials the Project results could be an important contribution to achieving more efficient and effective public services.

W E B O G R A P H Y ¹⁰⁸

Bates, Jo. "This is what modern deregulation look like" [1]: Co-optation and contestation in the shaping of the UK's Open Government Data Initiative. The Journal of Community Informatics, Vol 8, No 2 (2012).

<http://ci-journal.net/index.php/ciej/article/view/845/916>Retrieved

Committee of the Regions. "Division of powers between the European Union, member states, candidate and some potential candidate countries, and local and regional authorities: Fiscal decentralisation or federalism". November, 2014.

<http://www.cor.europa.eu/en/documentation/studies/Documents/Division-of-powers-fiscal-decentralisation.pdf>

Copsey, Nathaniel and Carolyn Rowe. "Study on the Competencies, Financing and Actions Undertaken by Local and Regional Authorities in International Development". February 2012.

<http://cor.europa.eu/en/documentation/studies/Documents/Local-and-Regional-Authorities-in-International-Development/EN.pdf>

Council of European Municipalities and Regions (CEMR)¹⁰⁹. "Cohesion policy. Planning of EU structural funds: Is Local Government treated as a real partner?"

http://www.ccre.org/img/uploads/piecesjointe/filename/CEMR_report_structural_funds_EN.pdf

Council of European Municipalities and Regions (CCRE-CEMR). "Decentralisation at a crossroads: Territorial reforms in Europe in times of crisis". October 2013.

http://www.ccre.org/img/uploads/piecesjointe/filename/CCRE_broch_EN_complete_low.pdf

Council of European Municipalities and Regions (CCRE-CEMR). "EU Impact Assessment: Better legislation and policy through early involvement of local and regional government. (CEMR response to the public consultation on the revision of the Commission's Impact Assessment guidelines. September 2014".

http://www.ccre.org/img/uploads/piecesjointe/filename/CEMR_response_consultation_impact_assessment_EN.pdf

Council of European Municipalities and Regions (CCRE CEMR). "Local and Regional Government in Europe: Structures and Competences".

http://www.ccre.org/docs/Local_and_Regional_Government_in_Europe.EN.pdf

De Mello, Luiz. "Open Government Data Review of Poland (Unlocking the value of government data). 26 May 2015". <http://www.slideshare.net/arturelis/2015-05-26-oecd-open-government-data-review-of-poland>

¹⁰⁸ Local government associations are listed in the country section where they are located. General references for each country surveyed are listed in this section under the name of the country.

¹⁰⁹ Council of European Municipalities and Regions (CEMR). <http://www.cemr.org> is the European section of IULA – International Union of local authorities.

Deloitte. "Driving economic and social growth. Designing an open data strategy for Public Sector organizations".
<http://www2.deloitte.com/content/dam/Deloitte/ca/Documents/public-sector/ca-en-ps-driving-economic-social-growth.PDF>

Deloitte. "Market Assessment for Public Sector Information". Written for UK, Department for Business, Innovation and Skills. (2013).
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/198905/bis-13-743-market-assessment-of-public-sector-information.pdf

Eaves, David. "The Value of Open Data - Don't Measure Growth, Measure Destruction", April 25, 2013. Blog entry at : <http://eaves.ca/2013/04/25/the-value-of-open-data-dont-measure-growth-measure-destruction/>

Eaves, David. "The Importance of Open Data Critiques - thoughts and context" November 18, 2013. Blog entry at: <http://eaves.ca/2013/11/18/the-importance-of-open-data-critiques-thoughts-and-context/>

Eaves, David. "Misunderstanding and understanding the Open Data Hype", September 25, 2009. Blog entry at: <http://eaves.ca/2009/09/25/misunderstanding-and-understanding-the-open-data-hype/>

ePSIplatform (Europe's One-Stop Shop on Public Sector Information (PSI) Re-use. "Annex 1 –list of indicators used in the SB". ePSI_Platform_PSI_Scoreboard_indicatordescription.pdf
https://docs.google.com/viewer?url=http%3A%2F%2Fwww.epsiplatform.eu%2Fsites%2Fdefault%2Ffiles%2FePSI_Platform_PSI_Scoreboard_indicatordescription.pdf

Ermert, Monika. "Open government data emerging, trust in government declining". 28 November 2013.
<http://policyreview.info/articles/news/open-governmentdata-emerging-trust-government-declining/222>

European Committee on Local and Regional Democracy (CDLR). "Local authority competences in Europe". Prepared with the collaboration of Gérard Marcou, Professor at Paris I Pantheon-Sorbonne University.
<https://wcd.coe.int/ViewDoc.jsp?id=1377639>

The European House Ambrosetti. Poste italiane. "Stato, Cittadini e Imprese Nell'Era Digitale (Piattaforme integrate e servizi di e-Government per la competitività del Paese). (Anche l'Italia ha competenze e infrastrutture per attivare servizi digitali in breve tempo)".
<http://www.ambrosetti.eu/wp-content/uploads/Ricerca-completa-ITA.pdf>

European Institute for Public Administration (EIPA). Under the supervision of Gracia Vara Arribas. European Union, 2012. Division of Powers between the European Union, the Member States and Regional and Local Authorities. 1316 pp. Written for the Committee of the Regions (ECR).
http://cor.europa.eu/en/documentation/studies/Documents/division_of_powers/division_of_powers.pdf

<http://ec.europa.eu/eurostat>. For further information on Eurostat databases and information regarding specific topics.

Ferro, Enrico. Michele Osella. "Eight Business Model Archetypes for PSI Re-Use". "Open Data on the Web" Workshop, 23rd - 24th April 2013, Google Campus, Shoreditch, London.
http://www.w3.org/2013/04/odw/odw13_submission_27.pdf

Cerrillo-i-Martínez, Agustí, “Fundamental Interest and Open Data for Re-Use (2013”. International Journal of Law and Information Technology, núm.20 (3). <http://ssrn.com/abstract=2275225>

Gondol, Jan, “Societal Benefits and Economic value of Open Data”, posted on October 22, 2014 by Veronika Belianska in “Bigger Picture of Open Data”.

<http://www.comsode.eu/index.php/2014/10/societal-benefits-and-economic-value-of-open-data/>.

Hertzog, Robert, “Local Government in France” In Local Government in the Member States of the European Union, A Comparative Legal Perspective. Editor Ángel Manuel Moreno.

<https://play.google.com/store/books/author?id=%C3%81ngel%20Manuel%20Moreno>

Jacob, Nigel. “City Accelerator: Guide for Embedding Breakthrough Innovation in Local Government”. January 12, 2015. <https://www.livingcities.org/resources/286-city-accelerator-guide-for-embedding-innovation-in-local-government>

Jacobs, Jörg. Valeria Diefenbach. “The Use of Social Media in Public Affairs – A German Perspective. Nato-Otan”. RTO-MP-HFM-201.

<https://www.cso.nato.int/pubs/rdp.asp?RDP=RTO-MP-HFM-201>

Kitchin, Rob. “Four critiques of open data initiatives”. Blog with the London School of Economics and Political Science. <http://blogs.lse.ac.uk/impactofsocialsciences/2013/11/27/four-critiques-of-open-data-initiatives/>
Originally published on the Programmable City blog (<http://www.nuim.ie/progcity/2013/11/four-critiques-of-open-data-initiatives/>)

Lee, Deirdre. Richard Cyganiak. Stefan Decker. “Open Data Ireland: Best Practice Handbook. Insight Centre for Data Analytics, NUI Galway”. May, 2014.

<http://per.gov.ie/wp-content/uploads/Best-Practice-Handbook.pdf>

Löffler, Elke. “Why co-production is an important topic for local government”, Governance International (http://www.govint.org/fileadmin/user_upload/publications/coproduction_why_it_is_important.pdf)

Other papers on co-production available in library section within the IDEa Community of Practice on Co-Production at www.idea.gov.uk.

Marcou, Gérard and Hellmut Wollman. “Europe – United Cities and Local Governments”.

http://www.cities-localgovernments.org/gold/Upload/gold_report/05_europe_en.pdf

Moreno, Angel-Manuel, editor. Local Government in the Member States of the European Union: A Comparative Legal Perspective. Madrid, Instituto Nacional de Administración Publica, 2012.

<https://play.google.com/books/reader?printsec=frontcover&output=reader&id=-OPWwGNOqv0C&pg=GBS.PA6>

Nograšek, Janja. “Change Management as a Critical Success Factor in e-Government Implementation”, Business Systems Research, 2011, Vol. 2, 1-56. 13-24pp.

http://econpapers.repec.org/article/bitbsrysr/v_3a2_3ay_3a2011_3ai_3a2_3ap_3a13-24.htm

O'Hara, K. "Transparent Government, Not Transparent Citizens: A Report on Privacy and Transparency for the Cabinet Office". 2011.

<http://www.cabinetoffice.gov.uk/resource-library/independent-transparency-and-privacy-review>

OECD (2011), "The Call for Innovative and Open Government: An Overview of Country Initiatives".

<http://dx.doi.org/10.1787/9789264107052-en>

OECD (2013), "OECD Integrity Review of Italy: Reinforcing Public Sector Integrity, Restoring Trust for Sustainable Growth". OECD Public Governance Reviews.

DOI: <http://dx.doi.org/10.1787/9789264193819-en>

<https://openknowledge.ie/irish-open-data-wishlist-ireland-falling-behind-its-open-data-promises-and-international-best-practice/> Posted by Flora Fleischer on July 22, 2015.

<http://openstate.pr.co/79761-many-broken-links-and-hardly-any-new-data-on-dutch-government-open-data-portal> Posted June 25, 2014.

Parrado, Salvador. "Assigning Competences and Functions to Local Self-Government in Four EU Member States: A Comparative Review (Paper prepared for Sigma (Support for Improvement in Governance and Management)". 2005.

<http://www.sigmaweb.org/publicationsdocuments/40987105.pdf>

Sześciło, Dawid. Michał Kulesza. "Chapter 20: Local Government in Poland".

https://www.academia.edu/8195817/Local_Government_in_Poland

Ubaldi, B. (2013), "Open Government Data: Towards Empirical Analysis of Open Government Data Initiatives", OECD Working Papers on Public Governance, No. 22, OECD Publishing.

<http://dx.doi.org/10.1787/5k46bj4f03s7-en>

Van de Walle, Steven. Keith Baker, Chris Skelcher. "Citizen Support for Increasing the Responsibilities of Local Government in European Countries: A Comparative Analysis". <http://ssrn.com/abstract=1562502>

Wikipedia. https://en.wikipedia.org/wiki/Regions_of_France (updated January 26, 2016).

Wikipedia. https://en.wikipedia.org/wiki/European_Charter_of_Local_Self-Government .

Wikipedia. <https://en.wikipedia.org/wiki/Subsidiarity> .

World Wide Web Foundation, Open Data Barometer Global Report (Second Edition), 2015 <http://www.opendatabarometer.org>

Country sites of Interest

France

Official site of the government <http://www.gouvernement.fr/>

Prime Minister's Office www.premier-ministre.gouv.fr

Public administration and government portal <http://www.service-public.fr/>

(Statistics) Insee (Institut national de la statistique et des études économiques) <http://www.insee.fr/fr/insee-statistique-publique/default.asp?page=statistique-publique/services-statistiques-ministeriels.htm>

Ireland

Central Statistics Office

<http://www.cso.ie/>

Department of the Environment, Heritage and Local Government

<http://www.environ.ie/>

Institute of Public Administration

<http://www.ipa.ie/>

The Irish Regions Office

<http://www.iro.ie/>

The Portal to Ireland's Official Statistics

<http://www.statcentral.ie>

Official Government Website

<http://www.irlgov.ie/>

Italy

Agenzia per l'Italia Digitale <http://www.agid.gov.it>

Bureau of Statistics <http://www.istat.it>

Ministry of the "Funzione pubblica" <http://www.funzionepubblica.gov.it/> Important site for its collection of best practices and in general activities relating to modernization and innovation in Italy.

Ministry of the Interior <http://www.interno.it/>

Principal Government Website <http://www.governo.it/>

Netherlands

Principal Government Website

<http://www.government.nl/> (English) or

<http://www.regering.nl/> (Dutch)

Central Bureau of Statistics (CBS) <http://www.cbs.nl/>

Ministry of the Interior and Kingdom Relations <http://www.minbzk.nl/bzk2006uk/> Manages open data portal for the Netherlands.

Overheid <http://www.overheid.nl/english/>

Overheid.nl serves as a guide when searching for the websites of all the Dutch governmental institutions on the Internet, and for the documentation available from the authorities in the Netherlands. The web site also incorporates sites of organisations affiliated with the Dutch government, such as libraries, schools, and (health) care institutions.

Poland

Principal government website <http://www.polska.pl/> (Polish)

<http://www.polska.pl/en/> (English)

Polish Agency for Enterprise Development (PARP) <http://en.parp.gov.pl/>

United Kingdom

Chief Government Website <http://www.direct.gov.uk/en/index.htm>

National Assembly for Wales <http://www.assemblywales.org/>

Northern Ireland Assembly <http://www.niassembly.gov.uk/>

Scottish Parliament <http://www.scottish.parliament.uk>

UK Local Government Information Unit <http://www.lgiu.gov.uk/index.jsp>

6 APPENDICES

6.1 APPENDIX 1 - LEVELS OF LOCAL GOVERNMENT BY COUNTRY ¹¹⁰

Levels	Unitary States	Composite States
Three levels		
Local council, department or province or county or district, region or federal body	France, Poland	Italy
Two levels		
1) local council, province or department or count or district	1)Ireland, Netherlands, Poland (cities with district status),	1)None
2)local council, region or federal body	2) France (Paris), United Kingdom (England, Wales)	2)United Kingdom (Scotland)
One level		
local councils and consortia of local councils	England: unitary councils and metropolitan districts	

A unitary state is generally defined as a state governed primarily as one single power in which the central government is generally the dominant force and any administrative divisions (subnational units) will only exercise those powers that their central government chooses to delegate. The majority of states in the world have a unitary system of government. Of the 193 UN member states, 165 of them are governed as unitary state.

In a unitary state, subnational units are created and abolished, and their powers may be broadened and narrowed, by the central government. Although political power in unitary states may be delegated through devolution to local government by statute, the central government may abrogate the acts of devolved governments or curtail their powers.

The United Kingdom is an example of a unitary state. Scotland, Wales, and Northern Ireland have a degree of autonomous devolved power, but such devolved power is delegated by the Parliament of the United Kingdom which may enact laws unilaterally altering or abolishing devolution. Many unitary states have no areas with any degree of autonomy. Subnational areas have ultimately limited autonomy. At times they may decide on legislation within their areas of competence but Central Government retains an ultimate veto over any legislation enacted and maintains to varying degrees close control over budgetary concessions to local authorities.¹¹¹.

¹¹⁰ Marcou, Gérard and Hellmut Wollman. "Europe – United Cities and Local Governments".
http://www.cities-localgovernments.org/gold/Upload/gold_report/05_europe_en.pdf, p. 133.

¹¹¹ Taken from definition given in https://en.wikipedia.org/wiki/Unitary_state

In the “unitary states” described above the possibilities of local authorities participating directly in future activities of the Project are limited. As noted elsewhere given how change is effected¹¹² we would recommend that attention be paid to fostering indirect contacts with local, regional, and national associations.

¹¹² Change on a local level depends on contacts, networking, and indirect contacts. In our experience it will be through a network of indirect contacts that the results of the Project could be disseminated. Associations like the LGA(Local Government Association) could be invaluable in promoting use of the Project’s results.

6.2 APPENDIX 2 – LIST OF INDICATORS USED IN THE PSI SCOREBOARD

Seven indicator groups		Number of indicators
1.	Implementation of the PSI Directive	2
2.	National re-use policy	5
3.	Formats	4
4.	Pricing	3
5.	Exclusive arrangements	3
6.	Local PSI	3
7.	Events and activities	3

A country can score up to a 100 points on each of these 7 aspects, for a total of up to 700 points. A country will score 700 if they have an excellent record. Since the PSI scoreboard is directed at the state of play in Member States, a lot of the current indicators are based on national policies, laws etc. One can check the full list of indicators, and the data that feed the visualizations.¹¹³.

¹¹³ Full list at: <http://epsiplatform.eu/content/psi-scoreboard-indicator-list> with the data at: <https://docs.google.com/spreadsheets/d/1P3jXcDgFQml4e8MKdvCq9Gzii-8mKf5fo0XCpr4Wmf8/edit#gid=0>