The evolution and regulation of the metropolitan areas in Portugal

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Abstract: This communication presents the evolution and the regulation of metropolitan areas in Portugal as a form of inter municipal organisation of greater urban areas.

Special focus is given to the legislative evolution and to the fact that metropolitan areas are in Portugal an alternative to "regionalisation" as a procedure of administrative decentralisation.

Key Words: metropolitan areas; inter-municipal communities; association of municipalities with general purposes; association of municipalities with specific purposes; "regionalisation".

1. Introductory reflexions: the "governance" system of metropolitan areas

The phenomenon of larger cities and "metropolisation" had origin on the concentration and exaggerated growth of population in urban areas, which puts complex challenges concerning territory management, competitiveness and civic participation.

The huge urban cities and metropolitan areas have their own geographical characteristics based on interdependence, dimension and continuity of certain activities/urban services. All of them must be managed together to have economical benefits and to grant a more balanced distribution in the various zones. This is the fundamental reason to give to greater cities agglomerates an administrative feature different from the other cities.

One of the most relevant issues concerning this subject is to define the *institutional model for the metropolitan areas*. To give the best solution, it is necessary to articulate several factors as the *sectors*[1], the *intervention levels*[2], the

[1] The decision about services and interests that might be treated in a supra or inter municipal level have to be analysed case by case, although there are always services that justify this kind of intervention: utilities (drainage services, transportation), town and country planning, environment and other functions that give consistency to a metropolitan organisation.

[2] Strategic, planning, programming or execution.

financing[3] and the *organization* [Santos; Silva; Rosado; Paulino: Lopes (2001), p. 28].

There are two methodical alternatives to define the model of metropolitan areas governance: the *supra-municipal administration* (1.) and the *inter-municipal organization* (2.).

In the supra-municipal level (1.) it is possible to discern four distinct solutions.

The first one is the creation of a *regional municipality*, which may be a *political-administrative region* with legislative capacity or a simple *administrative region*, with limited powers of a deliberative-executive type (that means, without involving the legislative production of its territory).

The second solution is the establishment of *new entities* based in inter-municipal forms of cooperation, which can assume different configurations: the creation of simple mediating bodies of municipal policies with a merely advisory function, or the institution of sophisticated entities with permanent structures and specific financing. Inter-municipal cooperation can also be imposed for the municipalities integrating a metropolitan area.[4]

The third solution corresponds to the creation of an entity depending or associated, either directly or indirectly, on the State and that assumes the role of *metropolitan coordination* and *management* in several domains previously defined.

Finally, a possible fourth model of supra-municipal organisation and management of metropolitan areas is the institutionalisation of an entity associating several entities, namely representatives of municipalities and decentralized State bodies.

In the *inter-municipal* model (2.), it is possible to discriminate several solutions: supra-municipal structures of voluntary adhesion for the pursuit of specific objectives (i); constitution of autonomous administrations for concrete sectors of municipal intervention (ii); or constitution of public enterprises with municipal or mixed capital (municipality and State, or public and private entities) (iii).

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[3] If the intervention is more strategic the necessary financial resources tend to diminish; if the intervention is more operational, the financing will probably will be enlarged.

[4] Independently from the model, cooperation between municipalities assumes a fundamental importance due to various factors: the excessive exiguousness of the municipal space relating to the services that municipalities must develop which demand, many times, an larger implantation than their area; the growing density of population that requires a bigger and better response capacity of municipal services; the scarce financial and technical means that oblige municipalities to adopt cooperation schemes aiming to reduce the economical costs of the services rendered through the distribution of their charges by several municipalities, etc. CORREIA (1986).

Possible management models of metropolitan areas[5]

New level of supra-municipal administration	Inter-municipal management
— *The regional municipality (Region)*	— *Supra-municipality structures of voluntary adhesion for the pursuit of specific objectives in certain domains*
— *Entities of inter-municipal cooperation*	— *Constitution of autonomous administrations for concrete sectors of municipal intervention*
— *Entities of Public or decentralized structure*	— *Public enterprises with municipal or mixed capital*
— *Entities with a mixed structure*	----------

2.2. The Portuguese models

In Portugal the increase of the population next the bigger cities has created a unity and intimacy between the city and its suburbs, originating a common population with common problems that demand common solutions. The problem of metropolitan areas has been placed essentially about Lisbon and Oporto once for a long time all the other Portuguese cities has been considered of small and medium dimension, which wouldn't justify a special organisation model[6].

The prevailed governance model for metropolitan areas in Portugal was the *inter-municipal* one: in the absence of a specific form of government or administrative organisation, the solution was the *association of municipalities*, based in logic of *integrated cooperation*.

However, the difficulty in defining a management structure and the municipalities' fear of losing effective powers revealed the incipient practice/culture on horizontal coordination/cooperation that only appears around very specific questions.

2.2.1. The constitutional model

The Portuguese Constitution (PC) accepts (doesn't impose) the creation of a *supra-municipal local authority* to administrate the metropolitan areas with

[5] Oliveira, 2002

[6] Nevertheless, some studies and investigation works have pointed towards the identification of cities (or groups of cities) that could deserve the qualification of *greater urban areas*. Santos; Silva; Rosado; Paulino e Lopes, p. 52, define greater urban areas as the ones which aggregate more than 150000 inhabitants, include at least three municipalities, have high population density and high urban population and whose degree of polarisation from the centre is strong to medium. The organism named *General Direction of Town and Country Planning and Urban Development)* has defined greater urban areas as "*groups of urban centres, spatially closed and distributed in a non linear form, with concerted logics of complementary spatial organisation*". According to the above mentioned authors, these are areas that already have some of the characteristics which approximate them to metropolitan areas — demographic dimension, intensity of the urban phenomenon, economical dynamism translated into polarisation capacity, etc. This is the case of the areas around the cities of Aveiro, Braga, Faro and Funchal.

administrative autonomy and its own elective bodies. Those entities would include and substitute in the bigger cities for some effects — but not for all — the municipal local authorities already existents ("*freguesias*", "*municípios*" and "*regions administrativas*").

In fact, the article 236, n. 3 of the Constitution determines that

> *"In greater urban areas (…) the law might establish, according to their specific conditions, other forms of local authority/municipal territorial organisation".*

However, the legal solution adopted in Portugal in 1991 — year of publication of Decree-Law n. 44/91, from August 2, which instituted the Metropolitan Areas of Lisbon and Oporto—, was not the creation of a supra-municipal local autonomous authority (which would demand a direct election of their governing bodies by their own voters). And *"without existing, at least, one "assembly elected by universal, direct and secret election by its resident citizens"* (PC, article. 241, n. 2)*, there is no local autonomous authority"*.[7]

At that time, the option for a legal solution different from the one suggested by the Constitution was defended and justified by several authors because they considered that this was the only way that wouldn't hinder the possibility of the metropolitan area becoming part of a broader *Administrative Region* ("região administrativa"), a form of local autonomous authority.[8]

Taking into account that the option for "regionalisation" is actually withdrawn, once the national plebiscite relating to each regional area carried out on 8th November 1998, didn't gather the favourable votes expressed by the majority of voters, it is frequently considered that now is the time to reflect about the effective vocation of the associative model for the resolution of specific problems of biggest metropolitan areas. Arguments such as the *reduction of their democratic legitimacy* and a certain *detachment of their bodies from the populations*, because of the inexistence of a representative body elected by universal election, have been pointed out to justify the need to decide on a solution of municipal organisation.

Furthermore, it is understood that the establishment of a metropolitan municipality elected by the population *"would ease the return to the metropolitan municipality of functions that, without this level, would otherwise be a responsibility of the central administration. This materialisation of the*

[7] Amaral (1996), p. 513.

[8] In fact, the debate about the establishment of *administrative regions* was prolonged for several years in Portugal, and without knowing positively what would become of the metropolitan areas in their scope, a moderate flexible solution was selected so that it could be adequately adapted to the future regional model chosen for Portugal.

administrative subsidiary principle would obviously reinforce the democracy of decisions that affect the metropolitan area" [Martins (1986)].

Therefore, the associative model is not capable to resolving conflicts of interest and the common problems of bigger urban areas, namely territory planning, town planning/urbanism, public transportation, impounding and distribution of water, basic sanitation, solid waste treatment, airports, ports and hospitals, etc., that exceed largely the exclusive competency of the various municipalities.[9]

2.2.2. The legal model of 1991

In 1991, by Law n. 44/91 dated August 2nd, were constituted the *metropolitan areas of Lisbon* and *Oporto* which did not take on the model suggested by the Constitution (of a supra-municipal local authority) but took on the model of a special association of municipalities, that is, a *mandatory association of municipalities aggregating the two major cities* – Lisbon and Oporto – with their conterminous municipalities. According to this law, the *Metropolitan Area of Lisbon* would be based in Lisbon and would include 18 municipalities: Alcochete, Almada, Amadora, Azambuja, Barreiro, Cascais, Lisboa, Loures, Mafra, Moita, Montijo, Oeiras, Palmela, Sesimbra, Setúbal, Seixal, Sintra and Vila Franca de Xira (article 2, n. 1)[10]. The Metropolitan Area of Oporto would be based in Oporto and would include the following 9 municipalities: Espinho, Gondomar, Maia, Matosinhos, Porto, Póvoa do Varzim, Valongo, Vila do Conde and Vila Nova de Gaia (article 2, n. 2). The implementation of those two *Metropolitan Areas* depended on the favourable vote of a two thirds majority of the municipal assemblies that represented the majority of the population of the corresponding area.

According to n. 2 of article 1 of Law n. 44/91, the metropolitan areas were defined as *public collective entities of territorial scope to accomplish interests of the population from the integrating municipalities* and for that reason assumed assignments essentially related with public transportation and road network, basic sanitation, public supplies, environment and natural resources, civil protection and investments of supra-municipal scale (cfr. article 4). However, these aren't specific and individual assignments of the Metropolitan Area; the above mentioned assignments were specific and own of each municipality

[9] Against the position that defend the creation of a municipal entity, it has been presented the argument that its institutionalisation would create an impracticable juxtaposition of institutions and bodies — borough, municipality, metropolitan area, a casual administrative region, and, inevitably a Central Government —, which would lead not to a *cooperation system* (as intended) but to a *conflictional system* (that is to avoid). Also it is defended that the creation of metropolitan areas as municipal entities might compromise municipalities' real autonomy if their assignments are transferred for the metropolitan area.

[10] The articles referred on this point without indication of the basic law must be considered from Law n. 44/91.

having the Metropolitan Area a more limited task: of *articulating* the action of each municipality in these areas.[11]

This was defined by n. 1 of article 4 of Law n. 44/91:

> Article 4
>
> "*1. The metropolitan areas have the following assignments:*
>
> *a) Ensure the articulation of municipal investments that have supra-municipal scope;*
>
> *b) Ensure the appropriate articulation of services of supra-municipal scope, namely on public transportation, urban and suburban, and road network with a metropolitan scope;*
>
> *c) Ensure the articulation between municipal activity and the State in the domain of basic sanitation infrastructure, public supplies, environmental protection and natural resources, natural spaces and civil protection;*
>
> *(....)"*

Although these metropolitan areas have their own assets and finances (article 5, n. 1), they lived on transferences made from the State's General Budget and on the municipal budgets (article 5, n. 3) and they didn't have the capacity to issue taxes. This was one of the weak points of the Portuguese system because the resources of metropolitan areas were scarce, even if compared with the ones from the municipalities. This phenomenon was even considered as the main reason for a feeble level of intervention of these entities: the absence of financial resources of the Metropolitan Areas diminishes their capacity to develop any orientation.

According to this law from 1991, the metropolitan area would have its own bodies: the *metropolitan assembly* (deliberative body) and the *metropolitan board* (executive body), and a *permanent commission* for the management of current affairs. The first one would be constituted by members elected by the municipal assembly of the municipalities involved (50 in Lisbon and 27 in Oporto) — article 9, n. 1 —, and the second one would be constituted by the mayors from the participant municipalities (18 in Lisbon and 9 in Oporto) who, among them, would elect a *president* and 4 or 2 vice-presidents, in Lisbon and Oporto respectively (article 13). The *permanent commission* would be constituted by the president and vice-presidents from the board (article 14).

Besides, the law foresaw the existence of a *metropolitan council*, an advisory board composed by the president of the respective regional coordination commission (actually named regional development and coordination commission)[12], the members of the metropolitan board and the

[11] Articulating interest is the specific function of the metropolitan area as well as the cooperation with the "superior" administrative level (Administrative Region or Central Government)

[12] The regional coordination commission is a State's decentralised body.

representatives of the public services and bodies whose action interferes with the metropolitan area assignments[13]. The representatives of the social, economical and cultural interests could also participate on this council although they didn't vote.

2.2.3. The model from 2003

a) The model

After some time, it became to be defended that *"… metropolitan areas "suffer" from the incapacity to promote the convergence of common interests of the municipalities that incorporate them (…)"* and so it would be important to *"take a "leap" (…) that would, somewhat, qualify this space of dialogue and mediation"* [Saraiva (2000), p. 16 e ss.].

The XV Portuguese Constitutional Government, following intentions expressed on its electoral programme to *"study and create new metropolitan areas on the emerging regions, delivering, rationalising and planning their sustainable development after the municipalities will to create them according to the voluntary genesis of pluri-municipal administrative organisation"*, proposed to the National Assembly the approval of two important laws concerning forms of inter-municipal organisation that appeared on Law n. 10/2003 dated May 13th – that established the assignment and competencies frame of *Metropolitan Areas* – and Law n. 11/2003 from the same date - that established the assignment and competencies frame of public *Inter-Municipal Communities* and the functioning of their bodies.[14]

Once the creation of the *administrative region* foreseen on the Constitution was immediately withdrawn after the above mentioned *referendum*, the option to enlarge the *metropolitan areas* (i) and to promote the *association of local authorities/municipalities* (ii) was made by these laws.

[13] These are freely nominated and exonerated by the Government members who rule them.

[14] This is a solution clearly assumed by the XV Portuguese Constitutional Government that intended to be a generalisation of the solution found in 1991 with the creation, by legislative means (although dependent of the acceptance by the majority of the concerned municipalities), of the metropolitan areas of Lisbon and Oporto. In fact, inter-municipal solutions go back as far as the Administrative Code of 1936 that foresaw the "federations of municipalities", sometimes mandatory as in the case of the municipalities' association of Lisbon and Oporto with the corresponding conterminous municipalities. After 1976 Portuguese Constitution numerous associations of municipalities with varied features were constituted, some with specific objectives and national scope, others of inter-municipal cooperation on defined territorial scopes. At the same time, there was a multiplication of the grouping of municipalities pursuing the most varied objectives – founding supporting bodies for the municipalities; performing specific administrative tasks cooperating with the Central Administration; or to confer a broaden territorial strength to certain infrastructural investments.

(i) *Enlargement of the metropolitan areas*

According to the territorial and demographic criteria, Law n. 10/2003 distinguished two more types of *Metropolitan Areas* to add up to those already existing (Lisbon and Oporto):

a) the *Greater Metropolitan Areas* (GAM) – which included a minimum of nine municipalities and integrated, at least, 350.000 inhabitants

b) the *Urban Communities* (ComUrb), that had to comprise a minimum of three municipalities and integrated, at least, 150.000 inhabitants.

Both were classified as *collective public entities with an associative nature and territorial scope envisaging the implementation of common interests from the integrating municipalities* (article 2).[15] The municipalities from the same metropolitan area should be connected by a nexus of territorial continuity (n. 1, article 3).

The Greater Metropolitan Areas would have as their own bodies:

a) the *Metropolitan Assembly*,

b) the *Metropolitan Board* and

c) the *Metropolitan Council*.

The Urban Communities would have the following bodies:

a) the *Urban Community Assembly*,

b) the *Urban Community Board* and

c) the *Urban Community Council*.[16]

Concerning to the assignments of the metropolitan areas, it is noticeable a clear effort to *reinforce their decision power* comparatively to the regime

[15] The institution of GAM and ComUrb depended on the municipal assemblies' favourable vote, after proposal of the respective town halls, and the municipalities could not belong to more than one metropolitan area. After joining the respective Metropolitan Area, the constituent municipalities had to remain in it for five years or they would loose all financial and administrative benefits and they could not integrate another Metropolitan Area for two years. Once the five year period ended, any municipality could leave its Metropolitan Area provided that the municipal assembly deliberates so by a two third majority.

The abandon of one or more municipalities interrupting the territorial continuity would cause the extinction of the Metropolitan Area only if it reduced the minimum number of municipalities foreseen.

[16] The Assembly (either from GAM or ComURb) would be composed of the members elected by the municipal assemblies from the integrating municipalities, in an odd number superior to three times the integrating municipalities, in a maximum of fifty five. The Board is composed of the mayors from the integrating town halls who, among them, elect a president and two vice-presidents.

instituted until then for the Metropolitan Areas of Lisbon and Oporto. Therefore, according to article 6 of Law n. 10/2003, besides the assignments transferred to the metropolitan areas by the Central Administration and by the municipalities, they would have the following assignments:

a) articulation of municipal investments with a supra-municipal interest;
b) coordination of actions between the municipalities and central administration services – basic sanitation and public supplies´ infrastructures;
c) health;
d) education;
e) environment, nature conservation and natural resources;
f) security and civil protection;
g) accessibilities and transportations;
h) facilities for the common use;
i) promotion of tourism, culture and the valorisation of the cultural heritage;
j) support to sports, youth, and leisure time activities;
k) social, economical and strategic planning;
l) territory planning in the area of the integrating municipalities.

The Metropolitan Areas were submitted to administrative supervision of the State (as well as the local autonomous authorities) and their finances were subject to appreciation and evaluation by the Court of Auditors.

Law n. 10/2003 established a one year period so that the already existing Metropolitan Areas of Lisbon and Oporto could adapt themselves to the regime it foresaw, revoking Law n. 44/91 from August 2nd with effects counting during that transitory period.

(ii) The association of local authorities/municipalities

The Law n. 11/2003 established the creation regime and the assignment frame of *inter-municipal communities* which could take the configuration of *inter-municipal communities with general purposes* — a collective entity of public law, constituted by municipalities interconnected by a territorial nexus — or of *associations of municipalities with specific purposes* — a collective entity of public law, created to implement specific interests common to the integrating municipalities.

According to this legal diploma, the municipalities could belong only to one inter-municipal community with general purposes (but the municipalities integrating a metropolitan area could not integrate a inter-municipal

community). They could, however, belong to several associations of municipalities with specific purposes.[17]

As the metropolitan areas, the inter-municipal communities were also under the same regime of administrative authority/tutelage (supervision) as the local autonomous authorities.

b) Criticism to the model

The option made in Law n. 10/2003 to create new *Metropolitan Areas* and *Urban Communities* of public law had implications that could not be disregarded for it drew a new geometry for local Administration in Portugal. The fundamental idea was to create new "territorial platforms" capable of performing broader assignments – most of them transferred from the State – in order to move towards administrative decentralisation.[18]

It was not proven, however, that according to some points of view – such as social and territorial cohesion, correction of regional asymmetries, integrated promotion and valorisation of the diversity of national territory, coordination and mediation between the various entities intervening on the territory – this would be the best solution.

Firstly, because it created new collective public entities adding up to the ones already exiting, without substituting intermediate levels of Administration, namely the peripheral Administration of the Sate. Besides making the administrative organisation of the State more complex, this caused juxtapositions and duplications of entities intervening on the same territory.

In this context, it was said that this solution would lead to an aggravation of the asymmetry in the division of the territory, adding another pluri-municipal jurisdiction to the many ones already existing. This juxtaposition would generate a "geographical cacophony"[19]: it was certain that Portuguese territorial division would become more confused and disordered than it already was, which would potentiate the entities' difficulties of coordination and articulation, hindering coherent territorial policies.

In times when *simplification of procedures* and *organisation simplification* were words of order, it was difficult to understand the growing complexity of national administrative organisation, accentuated by the creation of these new features that assumed competencies still remaining on the State and on the municipalities (namely concerning territory planning).

Furthermore, the unlimited constitutive freedom of these new structures potentiated an enormous disparity of territorial and demographic dimension

[17] After the integration in the respective community, the constituent municipalities had to remain in it for five years or they would loose all financial and administrative benefits and they could not integrate another Metropolitan Area for two years.

[18] In the absence of administrative regions, the inter-municipal solution seemed to be a solution to be explored.

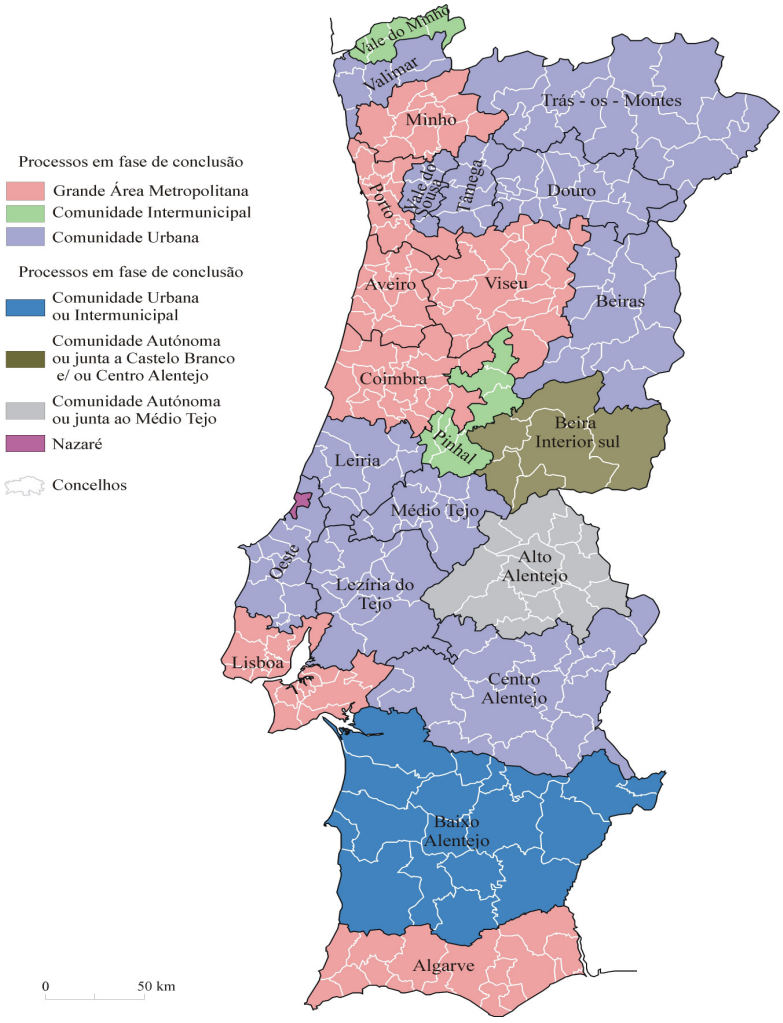
[19] MOREIRA, (2003).

between them and consequently of their capacity with harmful effects in terms of territorial coherence.

Besides, it was an unparalleled solution of "territorial metropolisation"[20] that would apply the same institutional recipe/formula to real metropolis and to aggregations of small towns and villages: GAM and ComUrb assignments, despite territorial and demographic differences, were precisely the same.

Therefore, it was doubtful that these new forms of inter-municipal organisation were the adequate solution for their immediate objectives and mainly for the fulfilment of the exigencies associated with a correct territory planning.

However, based on this legal diploma some GAMs and ComUrbs were instituted.



Source: Ministry of Cities, Territory Planning and Environment; General Direction of Town and Country Planning, Urbanism and Urban Development, 2004)

[20] If we take into consideration the characteristics required by the law for the constitution of these inter-municipal entities, 19 out of the 28 associations of municipalities NUT III could constitute per se as many metropolitan areas.

2.2.3. The regime from 2008

In 2008 Law n. 45/2008 dated August 27th was approved and published, and it revoked Laws n. 10/2003 and 11/2003. This Law approved a new regime concerning municipal association (municipalities' associations) which includes two different situations: *municipalities' associations with multiple purposes* — named *Inter-Municipal Communities* (CIM) — and *municipalities' associations with specific purposes*.

Also according to this law the municipalities of Greater Lisbon and the Setúbal Peninsula integrate Lisbon Metropolitan Area and the municipalities of Greater Oporto and Entre-Douro and Vouga constitute Oporto Metropolitan Area, which are ruled by their own law: the Law n. 46/2008 dated August 27th, which establish a new regulation for those Metropolitan Areas.

The Law n. 45/2008 has a transitory disposition that convey the conversion of Metropolitan Areas and Inter-Municipal Communities with General Purposes created under Laws n. 10/2003 and 11/2003, from May 13th, into *Inter-Municipal Communities* (CIM) corresponding to territorial units defined by NUTS III in which they are integrated, once the following conditions are cumulatively verified:

(i). approval of their statutes by their bodies in the following 90 days after the implementation of the referred law;

(ii). approval of the institution of CIM according to article 4.;

(iii). Subsequently to the referred deliberation, the statutes of CIM will be published in the official journal (2nd series) and the transference of assets, rights and obligations, and personnel belonging to those entities will be automatic. Furthermore, CIM bodies must be elected within 30 days after the publication of the statutes.[21]

[21]According to this regime the following inter-municipal communities will be or should be constituted: *Minho Inter-Municipal Community*: (Arcos de Valdevez, Caminha, Melgaço, Monção, Paredes de Coura, Ponte da Barca, Ponte de Lima, Valença, Vila Nova de Cerveira); *Cávado Inter-Municipal Community* (Amares, Vila Verde, Terras de Bouro, Barcelos, Esposende); *Douro Inter-Municipal Community* (Alijó, Mesão Frio, Murça, Peso da Régua, Sabrosa, Santa Marta de Penaguião, Vila Real); *Tâmega and Sousa Inter-Municipal Community* (Amarante, Baião, Castelo de Paiva, Celorico de Basto, Cinfães, Felgueiras, Lousada, Marco de Canavezes, Paços de Ferreira, Paredes, Penafiel, Resende); *Trás-os-Montes Inter-Municipal Community* (Alfândega da Fé, Boticas, Bragança, Chaves, Macedo de Cavaleiros, Miranda do Douro, Mirandela, Mogadouro, Montalegre, Ribeira de Pena, Valpaços, Vila Flor, Vila Pouca de Aguiar, Vimioso, Vinhais); *Ave Inter-Municipal Community* (Mondim de Basto, Cabeceiras de Basto, Vieira do Minho, Póvoa de Lanhoso, Fafe, Guimarães, Vizela, Vila Nova de Famalicão); *Northern Interior Pinhal Inter-Municipal Community* (Alvaiázere, Ansião, Arganil, Castanheira de Pêra, Figueiró dos Vinhos, Góis, Lousã; Miranda do Corvo, Oliveira do Hospital, Pampilhosa da Serra, Pedrógão Grande, Penela, Tábua, Vila Nova de Poiares); *Aveiro/Baixo Vouga Region Inter-Municipal Community* (Águeda, Albergaria-a-Velha, Anadia, Aveiro, Estarreja, Ílhavo, Murtosa, Oliveira do Bairro, Ovar, Sever do Vouga, Vagos); *Litoral Pinhal Inter-Municipal Community* (Batalha, Leiria, Marinha Grande, Pombal, Porto de Mós); *Dão Lafões Inter-Municipal Community* (Aguiar da Beira, Carregal do Sal, Castro Daire, Mangualde, Nelas,

The Metropolitan Areas and Inter-Municipal Communities with General Purposes created under Laws n. 10/2003 and 11/2003 that aren't converted into CIM, are automatically transformed into *Municipalities' Associations with Specific Purposes*. On the other hand, the municipalities' associations with specific purposes created under Law n. 11/2003 are from now ruled by Law n. 45/2008 for municipalities' associations with specific purposes (private entities), but the ones constituted until the implementation of this law might keep their nature of collective entities of public law.

a) Inter-Municipal Communities (CIM) (municipalities' associations with multiple purposes)

According to the Law n.º 45/2008 the CIM are collective entities of public law constituted by municipalities included in one or more territorial units as defined by Level III Nomenclature of Statistical Territorial Units (NUTS III), adopting their name.[22]

The representative bodies of *Inter-Municipal Communities* (CIM) are the *inter-municipal assembly*[23] and the *executive council*[24]. Next to the last one could exist an advisory body constituted by representatives from the regional

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Oliveira de Frades, Penalva do Castelo, S. Pedro do Sul, Sátão, Santa Comba Dão, Tondela, Vila Nova de Paiva, Viseu, Vouzela); *Comurbeiras Inter-Municipal Community* (Covilhã, Belmonte, Fundão, Almeida, Celorico da Beira, Figueira de Castelo Rodrigo, Guarda, Manteigas, Mêda, Pinhel, Sabugal, Trancoso); *South Interior Beira Inter-Municipal Community* (Castelo Branco, Idanha-a-Nova, Penamacor, Vila Velha de Ródão); *South Interior Pinhal Inter-Municipal Community* (Mação, Oleiros, Proença-a-Nova, Sertã, Vila de Rei); *Medium Tagus Inter-Municipal Community* (Abrantes, Alcanena, Constância, Entroncamento, Ferreira do Zêzere, Ourém, Sardoal, Tomar, Torres Novas, Vila Nova da Barquinha); *West Inter-Municipal Community* (Alcobaça, Alenquer, Arruda dos Vinhos, Bombarral, Cadaval, Caldas da Rainha, Lourinhã, Nazaré, Óbidos, Peniche, Sobral de Monte Agraço, Torres Vedras); *Lower Mondego Inter-Municipal Community* (Cantanhede, Coimbra, Condeixa-a-Nova, Figueira da Foz, Mealhada, Mira, Montemor-o-Velho, Mortágua, Penacova, Soure); *Serra da Estrela Inter-Municipal Community* (Gouveia, Seia, Fornos de Algodres); *Tagus' Marsh Inter-Municipal Community* (Almeirim, Alpiarça, Azambuja, Benavente, Cartaxo, Chamusca, Coruche, Golegã, Rio Maior, Salvaterra de Magos, Santarém); *Lower Alentejo Inter-Municipal Community* (Aljustrel, Almodôvar, Alvito, Barrancos, Beja, Castro Verde, Cuba, Ferreira do Alentejo, Mértola, Moura, Ourique, Serpa, Vidigueira); *Litoral Alentejo Inter-Municipal Community* (Alcácer do Sal, Grândola, Odemira, Santiago do Cacém, Sines); *Central Alentejo Inter-Municipal Community* (Alandroal, Arraiolos, Borba, Estremoz, Évora, Montemor-o-Novo, Mourão, Portel, Redondo, Reguengos de Monsaraz, Vendas Novas, Viana do Alentejo e Vila Viçosa); *Algarve Intermunicipal Community* (Albufeira, Alcoutim, Aljezur, Castro Marim, Faro, Lagoa, Lagos, Loulé, Monchique, Olhão, Portimão, S. Braz de Alportel, Silves, Tavira, Vila do Bispo, Vila Real de Santo António).

[22] CIM are constituted with the approval of the statutes by the municipal assemblies with an absolute majority of the integrating municipalities. Municipalities that became to the CIM after his creation do not depend on the consent of the remaining municipalities.

[23] Constituted by members from each municipal assembly, elected in a proportional form, in the following terms: *a)* Three on municipalities up to 10.000 voters; *b)* Five on municipalities between 10.001 and 50.000 voters; *c)* Seven on municipalities between 50.001 and 100.000 voters; *d)* Nine on municipalities over 100.000 voters.

[24] Constituted by the mayors from the town halls of each integrating municipality who elect, among them, one president and two vice-presidents.

public services of the State and the economical, social and cultural interests of their intervention area.[25]

b) Municipalities' associations with specific purposes

The municipalities' associations with specific purposes are collective entities of private law, but they are submit to administrative supervision of the State (as well as the local autonomous authorities) and their finances are submit to jurisdiction (appreciation and evaluation) by the Court of Auditors. They are also submit to the legislation of public contracts.

The municipalities' associations with specific purposes are created to pursuit and execute collective interests with a sectional, regional or local nature.[26]

c) Lisbon and Oporto Great Metropolitan Areas

The Law n.º 46/2008 determinate that those are now the only Metropolitan Areas in Portugal, which are collective entities of public law.

The representative bodies of Great Metropolitan Areas are the *metropolitan assembly*[27], the *metropolitan "Junta"*[28] and the *metropolitan executive commission*[29] a permanent body that fulfil the decisions of the metropolitan assembly and the orientations defined by metropolitan Junta.

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[25] CIM aim the pursuit of the following public purposes: planning promotion and management of the economical, social, and environmental development strategy in the integrating territory; articulation of municipal investments with inter-municipal interest; participation on the management of programmes supporting regional development, namely in the scope of the National Strategic Reference Frame – QREN; planning the actions from public entities with a supra-municipal feature. Besides, CIM must ensure the articulation of actions between the municipalities and central administration services, in the following areas: public supplies network, basic sanitation infrastructures, treatment of drainage waters and urban wastes; network of medical facilities; education and training network; territory planning, nature conservation and natural resources; security and civil protection; mobility and public transportation; network of public facilities; promotion of economical, social and cultural development; network of cultural, sport and leisure facilities. Furthermore, they must perform the assignments transferred by the central administration and the common fulfilment of competencies delegated by the integrating municipalities.

[26] The constitution of municipalities' associations with specific purposes is a competency of the town hall from the concerned municipalities, and the efficacy of the constitutive agreement depends on the approval by their municipal assemblies. These associations are constituted through forms foreseen in the law, and the grantors are the mayors from the municipalities involved. Their constitution must be communicated to the member of the Government responsible by local authorities.

The elaboration of the statutes of municipalities' associations with specific purposes, as well as the constitutive agreement, ire assignments of the town halls from the associated municipalities, and their efficacy depends on the ratification deliberations by their respective municipal assemblies.

[27] The members of metropolitan assembly (55) are elected by the municipalities assembly of the municipalities that compote the Great Metropolitan area.

[28] Constituted by the mayors from the town halls of each integrating municipality who elect, among them, one president and two vice-presidents.

[29] That have 3 to 5 members indicated by the metropolitan assembly.

The main competence of the "Junta" is to define a strategy to the metropolitan areas to be approved by the metropolitan assembly. The "Junta" also coordinate the actuation of the municipalities.

3. Conclusions

The model existing in Portugal during the last years revealed the incapacity of metropolitan areas to promote the convergence of common orientations for the integrating municipalities. Therefore, it is important to define a model that overcomes that incapacity. The question is to know whether the alterations introduced in 2008 provide the adequate model.

In fact, as in the previous regulation, the new entities have not autonomous administrative powers, they are not elected directly by the inhabitants of the area, that means, they are not a phenomenon of administrative decentralization and don't have democratic legitimacy. Also, their competences must respect the subsidiary principle witch determinates that a competence must be conferred to the municipalities association only if she is not better pursuit by the municipalities themselves.

The model adopted in Portugal is still the *associative model* to *coordinate the actuation of the municipalities involved* (inter-municipal model).

But more. We think that it is not comprehensible the existence of two kinds of solution to the general municipalities association and the Metropolitan areas of Lisboa and Oporto (witch are also municipalities associations). And if Lisboa and Oporto puts special problems that demands special solutions, probably it would be better to choose the solution pointed by the Portuguese Constitution: the creation of autonomous territorial entities with democratic legitimacy to those two metropolitan areas.

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