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Comparative Research on the Metropolitan Administration and Service in Porto[1]

Badania porównawcze administracji i usług metropolitalnych w Porto

SUMMARY

The Porto Metropolitan Area (Área Metropolitana do Porto, AMP) is a framework of cooperation between 17 municipalities and several districts. This metropolitan area has a specific, inter-municipal model of urban governance. In our research, we found that cooperation is significant mainly in sectors where the central legislature has essentially made this mandatory, by designing the AMP and defining its powers. In addition to AMP, only partial cooperation has been established in the field of waste management, and in the field of human public services and in the performance of public authority, there is essentially a set of autonomous organisational solutions. However, despite all this fragmentation, the above system ensures the satisfactory functioning of the metropolitan agglomeration. This also underlines the importance of transport management in urban areas, since this functioning system is based on an integrated and intermodal transport system.

Keywords: comparative analysis; inter-municipal cooperation; urban governance; municipal law; public services; Portugal

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INTRODUCTION

Starting from the double revolutions of the 19th century, urbanisation has had a significant impact not only on our continent, on Europe, but now on the whole world. As part of this process, the population of cities has increased significantly, the role of cities has been transformed, the "catchment" areas of major cities have been established, namely the agglomerations.

Although the individual scientific views in terms of agglomeration differ from one to one, it can be pointed out that the definition made by J. Nagy Nemes, saying:

> […] due to the concentration and centralisation processes of production forces a group of municipal areas arises, which, by default, will connect the city with the settlements around the city by an intensive connection as of economic and social life, and where there is a population consolidating around the central city[2].

These agglomerations play an increasingly important role in modern societies, with a significant proportion of the population and productive forces concentrated here, and therefore their administrative examination is now an important area of research for the legal and administration sciences[3].

Regarding metropolitan agglomerations, very diverse organisational solutions have developed throughout time, which did depend on several factors. The framework of this article would be significantly exceeded by their review, we would only highlight that some of these have created a uniform administrative framework in a way, that the large city and its surroundings are considered as one territory – in cases of the federal state as one Member State – or in some cases, it has been classified in an upper medium-level (regional) local governmental unit. Sometimes, partly or wholly the agglomerations are subsumed to large cities, as the city being a special status of local government, or to the large city and its region, on the same time preserving the autonomy of the former local governments, and bringing them "under the umbrella" of a compulsory municipal association or an atypical administrative body.

These solutions have different advantages and disadvantages, they present different challenges. The researchers set out to analyse the challenges of major cities and their challenges, which was ultimately supported by the Hungarian National Talent Programme.

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[2] For example, see *Regional Methods of Analysis*, ed. J. Nemes Nagy, Budapest 2005, p. 262.

[3] See J. Pierre, *The Politics of Urban Governance*, Basingstoke 2011, pp. 2–4.

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METHODS: THE COMPARATIVE RESEARCH IN METROPOLITAN AREAS, ITS METHODOLOGY AND OBJECTIVES

The research is multidisciplinary. It is fundamentally based on law and administrative sciences, but in addition to the instruments of economics, political science and administrative sciences, it is based on qualitative, empirical, comparative, semi-structured interviews and investigations. Because of the empirical part of the research, the article is based on a larger research group. The members of the research group have been the professors, PhD Students and Student Assistants (MA Students) of the Department of Administrative Law of the Eötvös Loránd University (Budapest), Faculty of Law. Therefore, the number of authors of this article is relatively large.

For comparative analysis of metropolitan agglomerations, the researchers have selected two territories with similar economic and social backgrounds, although being aware of their many differences. In order to examine the main characteristics of each model, they also sought to differentiate the administrative environment and structure and the relevant legislation, despite the similar background. One of the subjects of the research is Budapest and its region, which represents a partially unified model since the municipal authority of Budapest does not cover the entire circuit. In contrast to this partially unified model, a system intended to be examined which, left the main structural developments of the 19th century intact and did not form a consolidated metropolitan municipality, instead the structure is built on the cooperation of the local governments that form the agglomeration. Within the above framework, the choice was made to examine the metropolitan district of Porto in Portugal, thanks to the comparable size, economy and society to Budapest.

During the research, the researchers analyse the two metropolitan agglomerations with the same aspects. The first phase of the research took place from 4 to 8 February 2020.

The researchers undertook their empirical work, in the four most significant local governments in Porto. Namely, in Porto as the principal settlement, in Vila Nova de Gaia as the biggest local government and one of the most important economic centres, in Maia as the outstanding industrial and transport centre, and in the smaller, residential character Valongo. Between August and October 2020 with the same method the research in Budapest have been conducted.

This article summarises the main results of our studies in the Porto Metropolitan Area, thus presenting a system different – on the same time familiar in many aspects – to the Hungarian, expound its challenges and the answers given to them. In this context, we will first review the administrative structure and its legislation, certain general frameworks for public service organisation and planning, and then move on to public services and other functions of public authority in the

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Data: 31/10/2026 05:58:18

agglomerations. Following the above methodology, we would like to present the results of the Budapest study and the comparative analysis after having done the empirical study.

ADMINISTRATIVE FRAMEWORK IN THE METROPOLITAN ADMINISTRATION OF PORTO

The constitutional basis of Portuguese municipal law is the third part of the Portuguese Constitution, containing the rules applicable to the state body, which regulates local and regional authorities in a separate title. The Constitution states that local governments are part of a democratic state organisation, and they are obliged to act in the interests of citizens living on their territory[4]. The Constitution also states, in accordance with the French model, the principle of devolution, according to which local governments are free to exercise their powers under the law. It should be pointed out, however, that, in practice, Portugal is still one of the most strongly centralised states in Europe for historical reasons. And the devolution processes envisaged by the central government in recent years are resisted by local governments, fearing that the resources needed to carry out the public tasks installed on them will not be provided.

The Portuguese Constitution names three types of local and regional authorities: the regions (*regiões administrativas*), the local governments (*municípios*) and the part-local governments (*districts*, *freguesias*)[5]. In essence, Portugal operates a three-level municipal system, in line with the French model[6]. In addition, the Constitution names two regions with autonomous status (*regiões autónomas*) they adhere to the regional level, but are subject to special rules (Azores and Madeira Islands)[7].

1. There is a specific situation for the regions in Portugal: although the Constitution provides for the establishment of this level of self-government, in practice the regions have not been established. This is due to a 1998 referendum in which voters rejected the government's plans to divide continental Portugal into eight regions[8]. Therefore, the highest level of the municipal system is, in fact, in a kind of 'permanently transform', since the adoption

[4] Article 235 of the Portuguese Constitution of 1976.

[5] Article 236 of the Portuguese Constitution of 1976.

[6] I. Hoffman, *Local and regional governments*, [in:] *Administrative Law – General Part I*, ed. M. Fazekas, Budapest 2017, pp. 252–253.

[7] Articles 225–234 of the Portuguese Constitution of 1976.

[8] For example, see T. Gallagher, *Unconvinced by Europe of the Regions: The 1998 Regionalization Referendum in Portugal*, "South European Society and Politics" 1999, vol. 4(1), DOI: https://doi.org/10.1080/13608740408539562, pp. 132–148, in particular pp. 138–145.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

of the existing Constitution in 1976, and its Article 291 provides as interim measure the districts (*distritos*) to constitute the highest level of local government. It follows that the Portuguese municipal system is very fragmented at regional level, "mozaik like", i.e. there are several partially overlapping territorial units. For example, at this highest level, there are regional development and coordination councils (Comissão de Coordenação e Desenvolvimento Regional, CCDR), voluntary local government associations and compulsory local governmental associations (*comunidade intermunicipal*) and metropolitan areas (*áreas metropolitanas*, AM)[9].

a. Metropolitan areas are established by Act no. 75 of 2015 and at the moment two of such areas exist in Portugal to wit the Lisbon and Porto area; the latter being the subject of our empirical research. With regard to metropolitan areas, the legislative intention was to put the two highly urbanised cities – Lisbon and Porto – into a structure capable of managing them together and their ever-expanding agglomeration. In our view, metropolitan areas can be considered as compulsory associations between metropolitan and agglomeration local governments.
b. The number of compulsory municipal associations is currently 21, also established by the same act in 2015, and can therefore be considered as a compulsory form of association. It is clear that the level of 'regions' actually covers largely different associations, which highlights that, for decades, there has been a serious problem in Portuguese administrative law in the establishment of a – stable, and long-traditioned – upper-to-mid-level municipal unit, between the local government level and the central (administrative) level[10].

2. Local governments are the most stable, longest-standing units of the Portuguese municipal system. There are currently 308 such local governments in Portugal with extensive competences for the provision of public services[11].
3. The districts were originally territorial units of church administration, as were the English parishes, but now, they ought to be considered as a quite autonomous, compulsory established sub-municipal units. Today, Portugal has 3,091 such districts and their importance lies in the fact that these municipal units are the closest to citizens and thus play an important role in providing certain public services[12].

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[9] J.M. Magone, *Portugal: Local Democracy in a Small Centralized Republic*, [in:] *The Oxford Handbook of Local and Regional Democracy in Europe*, eds. F. Hendriks, A. Lidström, J. Loughlin, Oxford 2011, pp. 389–390, 404–405.

[10] F. Teles, *Local Governance and Inter-municipal Cooperation*, New York 2016, pp. 67–69.

[11] J.M. Magone, *op. cit.*, pp. 390–391, 395.

[12] *Ibidem*, pp. 390–391.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

In this particular research, we focused on the "metropolitan" territories of Porto, thus in the following, we shall present our findings on this particular set of fields:

1. As mentioned above, on the regional level one of the metropolitan territories is the Área Metropolitana do Porto (AMP). The territory[13] consists of 17 local governments, with 1.7 million citizens, and with a ground area of almost 2,040 km^2.
2. The metropolitan area was constituted by Act no. 75 of 2013, Article 66 of which confines that the Annex of the Act determines the local governments included in the metropolitan area. The act at the same time lays down the institutional borders, to which the dual council model is applying the most. This is due to the fact that the metropolitan has a Council called the *conselho metropolitan* meaning 'metropolitan council', that serves as a decision-making body, whereas the *commisao executiva metropolitana* is responsible for the execution of the decisions. Furthermore, the metropolitan area does have a consultative body in charge of strategic development counselling (*conselho estratégico para o desenvolvimento metropolitano*).
   a. The council responsible for decision making is constituted of the majors of the local governments, the president and vice-presidents are elected by the counsel itself. This body shall have full functionality on, i.a., the defining process of political and strategic objectives of the metropolitan area, adopting the budget and adopting sectoral programmes and plans[14]. According to the normative rules, the Council of the Porto Metropolitan Area takes its decisions by a majority of votes, but in major issues for political reasons, unanimity is usually required.
   b. The Executive Committee is composed of one Secretary-General and four secretaries elected by the decision-making bodies of the local governments (municipal assembling). The powers of the Committee are also laid down by law, such as preparing council meetings, implementing the council's decisions and being responsible for the implementation of the budget[15].
3. The 17 local governments in the metropolitan area draw a very colourful picture, but they have the same organisational structure. At this level, too, the dual council model prevails: the municipal assembly (*assembleia municipal*) is the decision-making body of the local government, while the municipal council (*camara municipal*) is the executive body[16].

[13] http://portal.amp.pt/pt [access: 9.03.2020].
[14] Articles 69 and 71 of the Act no. 75 of 2013.
[15] Articles 73–74 and 76 of the Act no. 75 of 2013.
[16] Articles 249–254 of the Portugese Constitution.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

a. While the mayors of the districts located in the territory are *ex officio* members of the decision-making municipal assembly, in addition, we can find directly elected members as well, with the latter needed to exceed the number of mayors[17].
b. All members of the municipal council, which acts as executive body, are directly elected, and the leader of the voting list collecting the most votes becomes the mayor of the locality[18].

4. It is also common for all local governments in the Porto metropolitan area to be divided into compulsory sub-municipal units, i.e. districts, which form the lowest level of the municipal system. It is not surprising that the two council model applies to the districts: their decision-making body is the district assembly (*assembleia de freguesia*), while their executive body is the district's council (*junta de freguesia*)[19].
   a. The members of the district assembly are elected directly, and the number of members depends on the population of the district. Interestingly, in districts with fewer than 150 inhabitants, a body of all residents of the district is entitled to exercise the powers of the district assembly[20].
   b. The president of the district council is the leader of the voting list collecting the most votes in the district assembly elections, while its members are co-opted by the district assembly. However, if the district has less than 150 citizens and therefore does not have a district assembly, the members of the district council are also directly elected[21].
   c. Finally, due to the comparative nature of our empirical research, we briefly compare the administrative framework of the Porto metropolitan area with the organisational structure and administration of Budapest and its agglomeration.
5. The main difference is that while the two-level municipal model prevails in Hungary (local and territorial authorities), whereas in Portugal a three-level system (regions – municipalities – districts) is in function. In practice, however, this can only be described as a quasi-three-level system, since the supreme, regional level exists only in the columns of the Constitution, and the lacking space of the regional level is filled by various other municipal units.
6. Of the three levels, in Portugal the second-tier local governments are the strongest, and therefore the system builds strongly on the cooperation of local governments and authorities, the legal form of which is association. In the

[17] Article 251 of the Portugese Constitution; Article 42 of the Act no. 169 of 1999.
[18] Articles 56–57 of the Act no. 169 of 1999.
[19] Articles 244–248 f the Portuguese Constitution.
[20] Articles 5 and 21 of the Act no. 169 of 1999.
[21] Article 24 of the Act no. 169 of 1999.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

Portuguese municipal system, the various mandatory and voluntary forms of association, therefore, play a much more important role than in the Hungarian[22].

7. Differences can also be observed with regard to metropolitan administration. Although the municipal systems of both countries have a specific status for large cities, the two models treat the problems arising from the specificities of the metropolitan (urban) administration differently. While the Hungarian model as of, who is Budapest both the municipal and regional government, i.e. a two-level system was created by the capital and district authorities, the Portuguese system names metropolitan areas as separate municipal units, which can be regarded as associations of local governments.
8. The obvious advantage of the Portuguese association model is that it allows the large city, i.e. Porto, and the agglomeration to be treated as a single unit, so, contrary to the Hungarian model, it does not draw a strict line between the big city (capital) and the agglomerations. It preserves and even emphasises the autonomy of local governments, but also recognises that the metropolitan administration has specific characteristics that make the metropolis and its agglomeration interdependent, and thus it requires a specified administrative structure. At the same time, cooperation can obviously create difficulties, only by thinking of friction spawned by political differences between local governments in the metropolitan area.

GENERAL FRAMEWORK FOR PUBLIC SERVICE ORGANISATION

1. Framework for public-private cooperation

Public services can be organised in several different forms, within the field of public administration. One of these types is to provide the public service through public authority, normally by the state, acting within its own competence, throughout its administrative bodies and another is to set up a separate state organisation for the purpose of carrying out the tasks. Whereas an alternative is for the State to entrust the public service to entities independent of public administration. The latter can be considered as genuine cooperation between the private and public sectors[23].

This cooperation can also be achieved in several ways, including traditional outsourcing, vouchering or Public-Private Partnership (PPP) solutions. In the literature, PPP is defined as a long-term contract between the State and private un-

[22] Furthermore, see C.N. Silva, *Political and Administrative Decentralization in Portugal: Four Decades of Democratic Local Government*, [in:] *Local Government and Urban Governance in Europe*, eds. C.N. Silva, J. Buček, Cham 2017ishing, pp. 26–27.

[23] *Administrative Law – General Part II*, ed. M. Fazekas, Budapest 2019, pp. 78–79.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

dertaking, where liability is shared between the parties according to special rules[24]. These PPP solutions do not have the requirements set in stone, so there are some that focus much more on the public sector elements of cooperation, while on the other side there are versions that have much stronger private elements. Because of these facts, it can be argued that in the area of the organisation of public services, there are many different solutions for all public bodies.

As regards the infrastructure in the question of our research: water management is a purely function for the local governments. The municipality of Porto solves water management through a public company[25]. Other territorial governments use private companies to fulfil this task. However, a distinction can be made between these companies in their ownership structure. While some companies are wholly owned by the municipality, mixed-ownership private companies may also be found. Furthermore, it can be observed that in some cities the municipally owned system is operated by a private company in the context of a concession.

In the field of waste management, "LIPOR" should be mentioned[26], which is a waste management association, but it is important to point out that only eight local government is involved in the joint operation of the system[27]. Other municipalities in the area perform their duties through contracts with private organisations or use purely public-law solutions.

In the area of public transport, the so-called Andante, i.e. the single ticketing system, is presented in a common corporate form.

Larger municipalities, such as the Municipality of Porto, prefer public law solutions. It typically creates a 100% state-owned companies and provides public services through it. Smaller municipalities such as Vila Nova de Gaia or Valongo prefer the concession contracts. In addition to the dimensions mentioned above, the ideological aspects can be mentioned. Supporters of left-wing ideologies are more supportive of public law solutions, such as the independent, green-party, left-wing mayor of Porto.

2. Regional development in Portugal and the Porto Region

Portugal's regional development is rather specific from a historical perspective: following the accession of Portugal to the European Union in 1986, a high-

[24] European Court of Auditors, *Special Report: Public Private Partnerships in the EU: Widespread shortcomings and limited benefits*, 2018, www.eca.europa.eu/Lists/ECADocuments/SR18_09/SR_PPP_EN.pdf [access: 10.08.2020].

[25] *Águas do Porto: Douro River Basin*, contributed by P. Malheiro, R. Cunha, https://iwa-network.org/aguas-do-porto [access: 10.08.2020].

[26] Serviço Intermunicipalizado de Gestão de Resíduos do Grande Porto, https://lipor.pt/pt [access: 15.08.2020].

[27] Espinho, Gondomar, Maia, Matosinhos, Porto, Póvoa de Varzim, Valongo és Vila do Conde.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

ly centralised regional development regime has been established, creating five NUTS II regions (Northern, Central, Lisbon, Alentejo and Algarve regions). These were so-called "planning regions" controlled by the Central Administration. The tasks involved were carried out by the so-called Regional Development Agencies (RDAs). The RDAs were considered atypical public administration bodies as they had a unique legal status. At the beginning of the 21st century, the Portuguese system underwent a decentralisation process, in which the RDAs were reorganised in a way that the regional development tasks are performed by unique public administration bodies which are, in nature and status, between atypical public administration bodies and associations of municipalities. It was also during the period of decentralisation that the two metropolitan areas, the "Área Metropolitana", were created in Porto and Lisbon.

The main pillar of our study is the partnership agreement named "Europe 2020 – Portugal 2020", as the purpose of the agreement is to focus on the economic, social, environmental and territorial development policies for the period 2014–2020. The programming and implementation of "Portugal 2020" were organised in four thematic areas: competitiveness and internationalization; social inclusion and employment; human capital; sustainability and efficiency in the use of resources. In order to achieve the expected results, Portugal has received €25 billion by 2020. The regions benefiting from the development are as follows:

1. Less developed regions where the GDP per capita of the region is less than 75% of the average GDP per capita of the Union. These include the North and Central region, Alentejo and the Azores.
2. Transitional regions where the GDP per capita of the region is more than 75%, but less than 90% of the average GDP per capita of the Union. Portugal's sole transitional region is Algarve.
3. The third category consists of the more developed regions where the GDP per capita of the region is more than 90% of the average GDP per capita of the Union. More developed regions are Lisbon and Madeira.

Portugal 2020 is implemented through 16 Operational Programs and Territorial Cooperation Programs. Of the 16 operational programs, we would like to focus exclusively on the ones running in the Northern Region (in particular, North 2020), as we conducted our empirical research in Porto, the centre of the region. The budget allocated to North 2020 (Norte 2020) for the 2014–2020 period is €3.4 billion. Portugal 2020 has set up four Thematic Operational Programs in addition to the Territorial Opportunity Programs, which are in line with the objectives set out in the Partnership Agreement. These thematic operational programs can be found in varying proportions, but in each of the five regions.

The Northern Region is one of the less developed ones, so North 2020 is primarily aimed at eliminating inequalities through creating jobs and increasing competitiveness. In the period 2000–2014, the population of the region has mi-

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

grated to or near the AMP area, thus aging, job shortages and a sharp decline in the proportion of students enrolled in public and higher education are characteristics of the inner areas close to the border in this particular region.

Cooperation between municipalities is of particular importance in this region, as one of the central metropolitan agglomerations of the country, Porto, is located here. With this in mind, the Union financially encourages AMP member municipalities, such as Vila Nova de Gaia, Maia, Porto and Valongo – in the areas in which our research was conducted – to cooperate, especially in the performance of tasks that are in the common interest of the municipalities.

In addition to thematic operational programs in the region, 'integrated territorial approaches' have also been introduced. Integrated territorial approaches are models used in the design and implementation of North 2020 that take into account the unique characteristics of the region's territories and involve actors in the management of public policies. The most dominant model of the different integrated territorial approaches is the so-called "PROVERE" approach, which is an economic appraisal program for endogenous resources and aims to advance less developed areas of the northern territories. In the northern region, four PROVERE collective efficiency strategies are officially recognised:

1. "Minho Innovation" – targeting Alto Minho, Ave and Cávado with a thematic focus on tourism.
2. "Aquanatur" – targeting Alto Tâmega and focusing on the water.
3. "Douro" – which aims to provide a multi-sectoral economic assessment of the Douro Valley based on identity, cultural heritage and creativity.
4. "Terras de Trás-os-Montes" – aimed at promoting tourism in Terras de Trás-os-Montes.

These approaches are aimed at eliminating territorial inequalities and developing the eight sub-regions by focusing on only one area, such as tourism or even water quality.

ECONOMIC AND HUMAN PUBLIC SERVICES IN THE METROPOLITAN AREA OF PORTO

The public transport organised in Porto for the first time was not present until the 1870s. At the beginning, the privatized model was preferred, in which private providers organised public transport in the form of concessions. After the Salazar-regime due to the democratic changes, public transport has been reorganised. In the new concept, public services were transferred from the private to the public sector, being a trait usual for left-wing governments. Therefore, the private sector lost his previous space in the area of

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

public services, yet staying relevant in some public services, e.g. in terms of bus services[28].

The Porto Metropolitan Area (AMP) is a NUTS3 sub-region with high population and large geographic area. It is one of the industrially most developed areas in the whole Portugal, therefore it attracts both capital and workforce. As the population is growing dynamically and as people are moving to cheaper, more affordable outer municipalities in the Porto area, the economic and social needs for a more effective public transport system have grown largely. The main actors in the area of public transport are the metro (Metro do Porto), the Sociedade de Transportes Colectivos do Porto (STCP) – bus and tram company – and the Portugal Railways (Comboios de Portugal, CP) complemented with the private bus operators.

Metro do Porto (MP) has begun its service in 2002, and now it is constituted of six lines, which cover the area of seven municipalities. Porto was the European Capital of Culture in 2001, which accelerated the construction of the metro system. MP is a public limited company, in which the main shareholders are the Portuguese state and the AMP, besides the STCP, the CP and the municipalities hold shares in the company. The company runs the metro in the framework of a concession, as the state owns the infrastructure.

The STCP is a state-owned public limited company (S.A.), which operates three tram lines in Porto and buses in the area of Porto and five more municipalities. As of 2018 the Portuguese state temporarily delegated the operative management of the STCP, by transferring it to the AMP for 7 years. In the light of the delegation of the management, the AMP also received the right to choose four out of the five members in the Board of Directors (including the chair), the member whose duties include the management and supervision[29]. The Trains of Portugal (CP) is a state-owned company, which also provides important transportation services in the Porto area. The CP Urban Services connects four nearby cities (Braga, Guimarães, Aveiro and Penafiel) with the AMP and its ticket system co-operates with the Andante ticket system[30].

According to the experiences of the past couple of years, one of the most successful fields of the inter-municipal association of the 17 municipalities forming the AMP is the public transport. During the consultations between the municipalities on the subject of public transport, it was decided that a collective, integrated ticket system shall be formed, promoting intermodal transportation, in order to make it

[28] http://autoridade.amp.pt/pt-pt/home/transporte-na-amp/transportes/?fbclid=IwAR10Nvwj-PAqZgSSPCaktfyccoTyj1tBkPZWE81mDUjJEIJnRYwFdSh0MjiY [access: 15.02.2020].

[29] STCP, *Annual Report 2018*, www.stcp.pt/fotos/editor2/Relat%C3%B3rios%20e%20Contas/relatoriocontasstcp_19_en_v5s.pdf [access: 15.09.2020], p. 26.

[30] CP, *Relatório e Contas 2018*, www.cp.pt/StaticFiles/Institucional/1_a_empresa/3_Relatorio_Contas/2018/relatorio-contas-2018.pdf [access: 15.09.2020].

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Data: 31/10/2026 05:58:18

possible for the AMP to give adequate reaction to the recent issues and challenges connected to the economic and social development.

The system in question had to be one that ensures mobility to both residents of the municipalities and people living outside the territory of the AMP, meanwhile offering reasonable prices and aligned methods. As a result of the collective efforts, on 20 December 2002 three actors providing public services – MP, STCP and CP – created a new entity, Intermodal Transport of Porto (ITP)[31].

The integrated ticket and fare system was given the name 'Andante'. Andante is present in all municipalities of AMP in various forms, the municipalities with no access to the network of MP, STCP and CP, connect to the ticket system through concession contracts signed between private companies providing services in the field of public transport and ITP[32].

It shall be noted, that dealing with subjects and issues related to the system of Andante or the public transport of the subregion in general fall under different competences of different actors in aspects of financing the system and in making decisions. The reform of 2013 that had constituted the NUTS III (sub-regional) level by creating the AMP, had also created the Metropolitan Council – the deliberative organ of the metropolitan area – in order to give decisive competences to the 17 municipalities through this forum.

These competences allow the municipalities of AMP to make decisions related to the subjects focusing on sub-regional operative and political questions, while keeping the decision-making process close to residents of the area[33]. On the other hand, municipalities do not have resources big enough to operate such a complex public transport system – that also makes losses – from their own resources. Therefore, beside the supports granted by the European Union, it is up to the central government to finance the public transport systems of the AMP, despite the fact that representatives of the state administration are only able to take part in the decision-making process through exercising their consulting rights[34].

Even though members of the Metropolitan Council – that is turning into a form of an inter-municipal association from an atypical state governmental body – are under no obligation to make consentaneous decisions, practice of the past years shows that the mayors of the municipalities as the members of the Council tend to aim for consensus when dealing with issues focused on public transport, or related to the AMP in general[35]. The reason behind this trend is that parties aspire to pre-

[31] www.linhandante.com/quemsomos.asp [access: 15.02.2020].

[32] www.linhandante.com/noticias-det.asp?noticiaid=150 [access: 15.02.2020].

[33] Article 69 of the Act no. 75 of 2013.

[34] www.compete2020.gov.pt/admin/fileman/Uploads/20200109_Lista%20de%20Aprovados%20C2020_31DEZ2019_site_1.pdf [access: 15.02.2020].

[35] Act no. 75 of 2013.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

vent the distraction of resources given to the AMP. Distraction could be done by supporting ITP too much (a complementary grouping of companies managing the system of Andante that has no connection with some of the municipalities of the metropolitan area). Municipalities also make an effort to involve the civil sphere into the decision-making process by organising consulting forums to the citizens.

INSTEAD OF INTER-MUNICIPAL COOPERATION: SOCIAL SERVICES AND HOUSING – ÁREA METROPOLITANA DO PORTO (AMP)

In general, Portugal places great emphasis on the issue of social security. In 2017, the State spent 23.56% of GDP on social allowance[36]. Although public spending for social purposes has decreased in Portugal in recent years, it remains substantially above the OECD average. The foundations of the state social system can be dated back to the 1930s, during the right-wing Salazar dictatorship[37], yet during the democratic transition social solidarity, economic, social and cultural rights were declared widely only in the 1976 Convention. The social function of the state is still based on strong constitutional foundations, even in international perspective – for example, the right to housing is enshrined in the Constitution as a fundamental right rather than as a constitutional objective[38].

High constitutional expectations are linked to a highly centralized welfare system, with only 0.75% of GDP remaining for the local governmental subsystem for social spending, in the year 2017[39]. Public services as of the French model and Mediterranean model, such as social services, are also characterized by the centralised service which largely takes into account, and relies on self-care of family units and small communities, as well as on non-state entities (typically church organisations).

Accordingly, central cash benefits constitute the most significant part of social benefits, while personal services are provided by municipalities (*freguesias*[40]), thanks to the closest level to the population, involving church or civil entities and traditional small communities. (Another feature is that the legislation only sets out the principles

[36] OECD, *Social spending (indicator)*, 2020, DOI: https://doi.org/10.1787/7497563b-en.

[37] M.I.L.B. de Carvalho, *Social work and the welfare system in some European countries: commonalities and differences between Germany, Portugal and Spain*, 2006, www.academia.edu/3852120/Social_work_and_welfare_system_in_Portugal_Germany_and_Spain [access: 21.06.2020], p. 4.

[38] Article 65 of the Constitution of the Portuguese Republic (Constituição da República Portuguesa).

[39] INE (Statistics Portugal): Expenditures of social protection benefits (% of GDPmp – Base 2016) by Functions of social protection; Annual – Social protection expenditure (% of GDP % – 2016) by type of social protection.

[40] G. Hammerschmid, C. Madureira, N. Thijs, *Public administration characteristics and performance in EU28: Portugal*, European Commission 2018.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

and frameworks, which may lead to significant territorial divergences with regard to specific services.) Since higher-volume (cash) benefits are provided centrally by the State, the way in which personal services are organised is very heterogeneous, it is the issue of housing that is provided by all the municipalities. Public/local government involvement in housing is typically carried out by maintaining social housing.

Housing poverty is still an issue in Portugal, with 5.8% of the population having difficulty paying out a home loan, renting or paying overheads, and 18.9% having problems with heating[41]. According to the most recent data from 2011, the share of social rented dwellings was particularly low, with being only 2% of the whole the housing stock, luckily according to what has been said in the interviews, it is a priority both nationally and territorially to increase this rate[42]. There have been several examples of the creation of social housing since the 1920s and 1930s[43], but investments are typically made at municipal level; in 2015, 79.56% of social housing was wholly owned by the municipal level[44].

There is no cooperation on social housing under AMP, the municipalities provide it independently. In Porto, well above the national rate, 13% of the housing stock is municipal rental housing, which serves a total of 30,000 inhabitants, of which the city administration gave a positive assessment in the interview. The 2020 city budget foresees €33,875,000 for the maintenance of municipal housing – approximately two-thirds of which is for repairs and renovations – and €59.1 million for the coming years for the city of Porto's social rental housing system[45]. Applications for rental dwellings are assessed and the housing stock is operated by the public company Domus Social. Entitlement to rental housing is governed by local legislation, the primary criterion is residence. In Maia, it is also carried out by a public company, Espação Municipal, with tasks similar to that of Porto. Maia plans to spend €1,988,000 on housing-related expenditure in 2020 and €3,350,000 on social housing in the coming years[46]. In an interview with the Maia City Council, it was stated that at present, most of their social expenditure is spent on loan repayments of the rental housing investments already in place.

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[41] INE (Statistics Portugal), *As Pessoas 2018 INE*, Lisszabon 2020, p. 32.

[42] OECD Affordable Housing Database.

[43] F.L. Matos, *Social Housing Porto presentation*, 2016, www.researchgate.net/publication/303814662 [access: 17.02.2020].

[44] INE (Statistics Portugal): Council housing buildings (No.) by Geographic localization (NUTS – 2013) and Ownership regime; Annual (Number of municipal dwellings by local area [NUTS – 2013] and property situation, broken down by year).

[45] Câmara Municipal do Porto, Orçamento para o ano 2020 – Porto Annual Budget for Year 2020.

[46] Câmara Municipal da Maia, Grandes Opções do Plano e Orçamento para o ano de 2020. Maia City's planning options and Budget for Year 2020.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

A SPECIFIC FUNCTION OF PUBLIC AUTHORITY: THE ADMINISTRATION OF POLICE IN THE METROPOLITAN AREA OF PORTO

Our research has found that the Portuguese policing model follows the French pattern, so the State Police, the Gendarmerie and the Municipal Police are separate entities.

The Guarda Nacional Republicana (GNR) is both a police force and therefore under the control of the Minister for Internal Affairs and is simultaneously an internal armed protection body, thus the powers of control of the Minister for National Defence applies and members of the Guarda have military ranks.

In Portugal, the State Police, the Polícia de Segurança Pública (PSP), is responsible for only the prevention of crime and may also carry out investigations of minor crimes. The investigation of more serious crimes falls within the competence of the Polícia Judiciaria, a separate body.

The Police of the Local Government is responsible for the local policing tasks defined by the Portuguese (national) regulation. In Portugal, there is a Municipal Police (Polícia Municipal). Staff members are only authorized to carry out administrative policing tasks, and criminal law enforcement duties shall be carried out by the other three bodies mentioned above. As regards the legal status of Polícia Municipal, the civil public service, similar to the Hungarian public land inspectorate, can be mentioned, they wear uniforms and inspect parking, but the differentiation can be drawn upon that they have a firearm, which can only be used for self-defense purposes. Their legal powers are narrower than the Hungarian public land surveillance; in the event of a criminal offence being detected, they are obliged to notify the competent authority and only the right of citizenship retention shall be granted to them. Polícia Municipal has its own service cars in each municipality[47].

The State Police exercises professional supervision over Polícia Municipal and conducts their training and further training. In Porto and Lisbon, the status of the Municipal Police is specific. Its members belong to the PSP and thus have the same powers as PSP Members, but the direct control rights are exercised by the Municipality of Porto or the Municipality of Lisbon.

We found that there is no cooperation between the Polícia Municipals in the Porto Metropolitan Area, each municipality has its own staff. The financing and maintenance of the staff are covered by each municipality's own municipal revenues.

[47] The separate sustainability aspects and sustainability policy also affect the operation of Polícia Municipal in the municipality of Porto, which is also reflected in the increasing use of electric cars in their vehicle fleets.

Pobrane z czasopisma Studia Iuridica Lublinensia **http://studiaiuridica.umcs.pl**
Data: 31/10/2026 05:58:18

CLOSING REMARKS

The Porto Metropolitan Area is a framework of cooperation between 17 municipalities and several districts that are part of the area. In our research, we found that cooperation is significant mainly in sectors where the central legislature has essentially made this mandatory, by designing the Área Metropolitana do Porto and defining its powers. In addition to AMP, only partial cooperation has been established in the field of waste management, and in the field of human public services and in the performance of public authority, there is essentially a set of autonomous organisational solutions. However, despite all this fragmentation, the above system ensures the satisfactory functioning of the metropolitan agglomeration. This also underlines the importance of transport management in metropolitan agglomerations, since this functioning system is based on an integrated and intermodal transport system.

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STRESZCZENIE

Obszar metropolitalny Porto (Área Metropolitana do Porto, AMP) składa się z 17 gmin i kilku okręgów. Przyjęto tu specyficzny, międzygminny model zarządzania. Na podstawie przeprowadzonych badań stwierdzono, że współpraca jest znacząca głównie w sektorach, którym centralny prawodawca zasadniczo nadał taki obowiązek, projektując AMP i określając jego uprawnienia. Oprócz AMP nawiązano jedynie częściową współpracę w zakresie gospodarki odpadami, a w zakresie usług publicznych i wykonywania władzy publicznej istnieje w zasadzie zestaw autonomicznych rozwiązań organizacyjnych. Pomimo całego tego rozdrobnienia system ten zapewnia odpowiednie funkcjonowanie aglomeracji metropolitalnej. Istotne jest również zarządzanie transportem na obszarach miejskich, ponieważ jest ono oparte na zintegrowanym i intermodalnym systemie transportowym.

Słowa kluczowe: analiza porównawcza; współpraca międzygminna; zarządzanie miejskie; prawo miejskie; usługi publiczne; Portugalia