

# COMPARATIVE STUDY ON THE CONDITIONS FOR THE MANIFESTATION OF LOCAL AUTONOMY IN THE CASE OF ADMINISTRATIVE SYSTEMS IN THE FRENCH COMMUNE OF MÉRIGNAC, THE CANADIAN PROVINCE OF QUEBEC AND THE ROMANIAN COMMUNE OF TUDORA

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Received 20 March 2022; Accepted 10 June 2022

## **Abstract:**

*The present research aims at the comparative analysis of the conditions that support the manifestation of the principle of autonomy in public administration in the administrative-territorial units, with particularization at the commune of Mérignac in France, Quebec province in Canada and Tudora commune in Romania. Through the approach, we found that, in support of local autonomy, the French territorial communities are communes, departments, regions, communities with special status, overseas communities; the Canadian territory is divided into provinces and territories, the province of Quebec being divided by municipalities, cities, parishes, villages, cantons, united cantons; the Romanian national community is divided into local communities formed into counties, municipalities, cities and communes. At the level of the three administrative-territorial units analyzed, human, material and financial public resources were identified, which together provide support for the applicability of the principle of autonomy. In addition, the consistency of local autonomy is also conferred by the recognition of the full competence of the local public administration authorities to manage the affairs of the administrative-territorial units. The fact that the acts of the local public administration authorities in the three territorial divisions are subject to control does not express a restriction on the principle of autonomy.*

**Key words:** *comparison, local autonomy, administrative system, local communities, administrative-territorial units, public resources, election, local public administration bodies, competences, public affairs, control*

**JEL classification:** H79, H83

## **1. INTRODUCTION**

The comparison provides a basis for making statements about empirical regularities and for assessing and interpreting cases against substantive and theoretical criteria (Dehdashti Shahrokh and Mojtaba Miri, p. 1) In order to be in the presence of a comparative analysis, it is essential to meet two conditions: the data must be collected for two or more cases, the latter being able to be countries, cities, companies or families, the nature of the unit being irrelevant; there must be an attempt to explain and not just describe. (Chris Pickvance, p. 11)

From this perspective, the present research aims at the comparative analysis of the conditions that support the manifestation of the principle of autonomy in the public administration in the administrative-territorial units, with particularization at the level of Mérignac commune in France, Quebec province in Canada and Tudora commune in Romania.

In order to achieve this goal, we propose to achieve the following specific objectives:

O1: explanation of the division of the national territory into administrative-territorial units in which the local communities operate

O2: presentation of the availability of public resources (human, material, financial) at the level of local communities

O3: highlighting how to establish local public administration authorities by election by members of the local community

O4: exposing the powers of local public administration authorities to manage public affairs of interest to local communities

O5: identification of the exercise of control over the local public administration authorities.

## 2. EXISTENCE OF LOCAL COMMUNITIES WITHIN THE STATE ADMINISTRATIVE-TERRITORIAL UNITS

The implementation of the principle of local autonomy is correlated with the coexistence of local communities in the territorial administrative units of the state. (Manda and Manda, p. 23) Local community means the population that exists in a particular division throughout the country. To understand the significance of a local community, it is necessary to analyze its components: population, area and administrative capacity.

In France, according to the constitutional text, "the territorial communities of the French Republic are: communes, departments, regions, special status communities and overseas communities." (Title XII, Art. 72, Constitution of the French Republic)

**Table no. 1. French local collectivities**

Territorial unit	Number
Communes	38,935
Departments	101
Continental departments (including 2 in Corsica)	96
Overseas departments of France	5
Regions	18
Metropolitan regions	13
Overseas regions	5
Communities with special status	6
Overseas communities	11

Source: Régions & Départements français, Listes et informations complètes, 2021, available at <https://www.regions-et-departements.fr/> [accessed on March 7, 2022]

Located in the south-west of France, Mérignac is part of the Gironde department in the Aquitaine region of Bordeaux.

**Table no. 2. Population and territory data for France and Mérignac**

Community	Population (number of inhabitants)	%	Territory (square kilometers)	%	The population density
France	66,732.538	100	632, 733.9	100	105,5 inhabitants per square kilometer
Mérignac	70,813	0,106	48, 2	0,007	1,470.1 inhabitants per square kilometer

Source: Institut National de la Statistique et des études économiques, Statiques et études, Comparateur de territoire, Commune de Mérignac, available at <https://www.insee.fr/fr/statistiques/1405599?geo=COM-33281> [accessed on March 7, 2022]

The interpretation of the data shows that Mérignac holds 0,106% of the entire population of France and 0,007% of French territory.

In *Canada*, the local administrative organization refers to the level of government within the provinces. In all provinces there is a Legislative Assembly with the role of analyzing legislative projects applicable to the province of which it is a part, each province having local municipalities.

**Table no. 3. Organizing the Canadian administrative system**

National administrative organization	Local organization
Canada is made up of 10 provinces and 3 territories. <i>Provinces:</i> Ontario, Québec, New Scotia, New Brunswick, Manitoba, <a href="#">British Columbia</a> , <a href="#">Prince Edward Island</a> , Saskatchewan, Alberta, <a href="#">Newfoundland</a> și Labrador <i>Territories:</i> <a href="#">Northwest Territories</a> , Yukon și Nunavut.	There are nearly 5,000 municipal governments across Canada, divided into different categories (communes, counties, districts, boroughs).

Source: Provinces and territories of Canada, available at [https://www.no-regime.com/ru-ro/wiki/Provinces\\_and\\_territories\\_of\\_Canada](https://www.no-regime.com/ru-ro/wiki/Provinces_and_territories_of_Canada) [accessed on March 8, 2022]

The division of the Quebec province into local collectivities is presented in the following table:

**Table no. 4. Local collectivities in Quebec**

Name of territorial unit	Number
Municipalities	650
Cities	229
Parishes	141
Villages	43
Cantons	42
United corners	2
Total	1107

Source: L'organisation municipale au Québec en 2020, Gouvernement du Québec, Ministère des Affaires municipales et de l'Habitation, 2020, p. 5, available at [https://www.mamh.gouv.qc.ca/fileadmin/publications/organisation\\_municipale/organisation\\_territoriale/BRO\\_OrganisationMunicipale\\_2020.pdf](https://www.mamh.gouv.qc.ca/fileadmin/publications/organisation_municipale/organisation_territoriale/BRO_OrganisationMunicipale_2020.pdf) [accessed on March 8, 2022]

Quebec province has a population of 22,49% of the total population of Canada and 15,44% of the total national population:

**Table no. 5. Population and territory data in Canada and Quebec**

Community	Population (number of inhabitants)	%	Territory (square kilometers)	%	The population density
Canada	38,246.108	100	9,984.670	100	3,83 inhabitants per square kilometer
Québec	8,604.495	22,49	1,542.056	15,44	5,57 inhabitants per square kilometer

Source: Statistics Canada, Population estimates, quarterly, available at <https://www150.statcan.gc.ca/t1/tb11/en/tv.action?pid=1710000901>; Statistics Canada, Geography, available at <https://www150.statcan.gc.ca/n1/pub/11-402-x/2011000/chap/geo/geo-eng.htm>, Quebec province, Canada, available at <https://www.britannica.com/place/Quebec-province> [accessed on March 9, 2022]

In Romania, the national community is divided into local territorial communities made up of counties, municipalities, cities and communes.

**Table no. 6. Romanian local communities**

Number of counties	Number of cities and municipalities/ of which municipalities	Number of communes
42	320/103	2,861

Source: Statistical Yearbook of Romania

Tudora commune has 0,0265% of the Romanian population, respectively 0,2765% of its territory:

**Table no. 7. Population and territory data in Canada and Quebec**

Community	Population (number of inhabitants)	%	Territory (square kilometers)	%	The population density
Romania	19,186.201	100	238,391	100	80,48 inhabitants per square kilometer
Tudora	5,096	0,0265	65,93	0,2765	77,29 inhabitants per square kilometer

Source: Tempo online base, National Institute of Statistics, available at <http://statistici.insse.ro:8077/tempo-online/#/pages/tables/insse-table>; Instituția Președintelui României, Repere geografice, available at <https://www.presidency.ro/ro/presedinte/romania>; <https://www.ecoduri.com/coduri-postale/Botosani/Tudora/1.php> [accessed on March 10, 2022]

### 3. EXISTENCE OF HUMAN, MATERIAL AND FINANCIAL RESOURCES AVAILABLE TO LOCAL COMMUNITIES

The principle of local autonomy can work in practice if sufficient resources are available at the local community level, regardless of category: human, material and financial.

*Mérignac Commune. Human resources.* At the commune level, there is a Municipal Council composed of a number of 49 positions grouped in three categories: assistants - 18, municipal councilors - 22 and opposition municipal councilors - 8. (Mérignac, Les élus<sup>1</sup> Les adjoints, Les conseillers municipaux, Les conseillers municipaux de l'opposition)

According to the organization chart of the public institution of the City Hall of Mérignac, public services are provided to the local community, as follows:

**Table no. 8. Organization chart of Mérignac City Hall**

Field	Structures	Departments corresponding to structures	Number of posts
The mayor's office	Communications Development	Administrative and financial coordination Shopping center and local events Press relations Communication in the digital environment Printed productions	9
General Directorate of Services	Administrative and financial coordination		2
Field of life	Administrative and financial department Educational and family action Solidarity and social action	Finance and public procurement Early childhood Childhood-youth Education Heritage project management Social and medico-social interventions Social development Home help and care service Internal progress	13
Territory and local life	Administrative and financial coordination Sports Culture Social cohesion	Sports development Sports heritage Sports equipment Nautical stadium Public reading Art education Living art	17

		Visual arts Artistic and cultural education Territorial animation Community life	
Living Environment	Administrative and financial coordination Proximity, tranquility and public space Users and citizenship Built heritage Logistics Evaluation of public and prospective policies	Municipal police Social mediation Hygiene and security Local democracy Public environment Citizenship One-stop shop Building maintenance Studies and conduct of operations Wealth management Quality cleaning and restoration General options Archives	20
Human resource development	Social dialogue Internal communication		2
Financial performance			1
Legal affairs	Assembly		3

Source: Organigramme des services Mériçnac, 2021, available at [http://www.merignac.com/sites/default/files/organigramme%202021\\_BD.pdf](http://www.merignac.com/sites/default/files/organigramme%202021_BD.pdf) [accessed on March 15, 2022]

*Material resources.* In Mériçnac, goods in the public domain are either assigned for direct public use or assigned to a public service, provided that in that case they are the subject of an arrangement which is essential for the performance of the tasks of that public service. (Code général de la propriété des personnes publiques, Articolul L2111-1) These categories include: municipal or departmental roads, churches and cemeteries; spaces open to the public or users of public services - town halls, stadiums, colleges, high schools, etc. ([Fiche thématique](#) Quel est le régime juridique applicable aux biens des collectivités territoriales?)

*Financial resources.* The budget of the commune of Mériçnac is composed of the following receipts and revenues: local taxes, receipts received from the state (the state offers each commune a sum of money according to different criteria), receipts from the sale of public services, loans from banks. Expenditure must also be taken into account, which are of three types: operating, investment and repayment of the debts of the commune. (Le Budget de la commune de Mériçnac)

**Table no. 9. Mériçnac commune budget**

Source	%	Amount
Local taxes	61%	52,958.000 €
Allocation / Revenue given for operation	11%	9,738.000 €
Other miscellaneous income	22%	19,422.000 €
Other taxes and fees	6%	4,957.000 €

Source: Le Budget de la commune de Mériçnac, available at <https://www.proxiti.info/budget-commune.php?o=33281&n=M%C3%A9rignac> [accessed on March 16, 2022]

Analyzing the data in the following table, there is an increase in the level of self-financing, a situation that may make it possible to manifest the principle of autonomy:

**Table no. 10. Self-financing level MÉRIGNAC commune**

Self-financing (initial budget 2018)	Self-financing (initial budget 2019)	Self-financing (initial budget 2020)
5,090.814 €	7,133.601 € (increase by 40%)	7,719.880 € (increase by 8,2%)

Source: Présentation du budget primitif 2020, Conseil Municipal, MÉRIGNAC, p. 4, available at [http://www.merignac.com/sites/default/files/synthese\\_BP\\_2020\\_CM.pdf](http://www.merignac.com/sites/default/files/synthese_BP_2020_CM.pdf) [accessed on March 16, 2022]

*Province of Quebec. Human resources.* At the provincial level there is a Municipal Council, consisting of 22 members. One member is the mayor himself and the other 21 are councilors, each representing a constituency. ([Ville de Quebec, Conseil Municipal, Composition](#)) In order to meet the needs of the citizens, public services are organized in which staff specialized in various fields are employed:

**Table no. 11. Quebec Municipal Services**

Security and Protection: Municipal Police
People's Advocate Directorate
Major Events Directorate
Communications Directorate
Quebec Municipal Court of Justice
Culture and Heritage
Economic Development
Register and Archives
Fire protection
HR
Tax

Source: Ville de Quebec, Services Municipaux, available at [https://www.ville.quebec.qc.ca/nous\\_joindre/services\\_municipaux.aspx](https://www.ville.quebec.qc.ca/nous_joindre/services_municipaux.aspx) [accessed on March 16, 2022]

*Material resources.* This category includes goods for public use that make up the public domain of the province, such as: road networks (roads), recreation areas, commercial spaces (markets), schools, high schools, lakes, rivers, land, mines, ports and all spaces that do not fall under the central interest. (Dussault and Normand, p. 6)

*Financial resources.* The province's budget consists of personal taxes, corporate taxes, federal transfers, consumption taxes, miscellaneous receipts and contributions or contributions to health and other areas. The budget is estimated at \$ 122.6 billion:

**Table no. 12. Quebec budget**

Personal taxes (own income)	\$ 35.9 billion
Profit taxes	\$ 8.0 billion
Federal transfers	\$ 26.9 billion
Consumption taxes	\$ 23.3 billion
Contributions for health and other areas	\$ 11.7 billion
Miscellaneous receipts	\$ 16.8 billion

Source: St-Hilaire G., 2021, Québec livre un budget marqué au fer rouge par la COVID-19, available at <https://www.ledevoir.com/politique/quebec/597504/budget-quebec-2021-2022> [accessed on March 20, 2022]

*Tudora Commune. Human resources.* The management of the administration in Tudora commune is ensured by the mayor and by the local council which has 15 members. According to the City Hall's List of positions (Annex no. 1 to the Decision of the Tudora Local Council no. 3 of

January 9, 2019), at the level of the institution there are a number of 31 positions for public and contractual positions:

**Table no. 13. The list of positions of the Tudora Commune City Hall institution**

Positions	Posts
Public management positions	3
Public executive positions	12
Contractual positions	16

Source: Annex no. 1 to the Decision of the Tudora Local Council no. 3 of January 9, 2019 on the approval of the List of positions of the City Hall

*Material resources.* The public domain of the commune is made up of the goods provided in annex no. 4 of the Administrative Code, as well as other goods of local use or public interest, declared as such by decision of the local council, unless they are declared by law as goods of national or county public use or interest, such as roads communal, neighborhood and streets; public markets, trade fairs, fairs and public parks, as well as recreational areas; lakes and beaches that are not declared of national or county public interest, etc. (Administrative Code, Art. 286 pt. 4; Administrative Code Annex no. 4 - List containing some goods belonging to the public domain of the commune) The private domain of the commune consists of goods owned by them and which are not part of the public domain. (Administrative Code, Art. 354)

*Financial resources.* In connection with the local budget of the commune, the local council approved for the year 2021 revenues in the amount of 14,188.690 lei, used to finance the expenses for the functioning and development sections:

**Table no. 14. Tudora commune budget**

Total revenue	14,188. 690 lei
<b>Operating section</b>	5,872.210 lei
Income tax deductions	351,000 lei
Amounts deducted from income tax for balancing local budgets	449,000 lei
Amounts allocated from the Fund at the disposal of the JC	100,000 lei
Amounts deducted from VAT to finance decentralized expenditure at commune level	1,413.000 lei
Amounts deducted from VAT for roads	0 lei
Amounts deducted from VAT for balancing	3,056.000 lei
Heating aid subsidies	50,000 lei
Subsidies for health financing	144,000 lei
Amounts allocated from the ANCPI budget	160,000 lei
Income tax from the transfer of real estate	1,790 lei
Other income taxes	15,690 lei
Personal property tax	47,750 lei
Tax on buildings legal entities	8,080 lei
Land tax for individuals	207,810 lei
Tax on legal entities	4,770 lei
TMT individuals	114,510 lei
TMT legal entities	3,880 lei
Fees and charges for issuing operating permits	7,840 lei
Other taxes for the use of goods, carrying out activities	380 lei

Revenues from concessions	60,860 lei
Out-of-court stamp duty	11,070 lei
Income from fines	122,760 lei
Special fees	189,920 lei
Donations and sponsorships	8,000 lei
Payments from the operation section to the development section	655,900 lei
<b>Development section</b>	8,316.480 lei
Payments from the operating section to the development section	655,900 lei
PNDL program funding	4,949.490 lei
AFIR program funding	2,637.090 lei
Financing of capital expenditures of pre-university education units	74,000 lei

Source: Local Council of Tudora commune, Project no. 2375/ 8.04.2021 regarding the approval of the local budget for the year 2021, available at <https://comunatudora.ro/wp-content/uploads/2021/04/Proiect-buget-2021.pdf> [accessed on March 24, 2022]

#### 4. ESTABLISHMENT OF LOCAL PUBLIC ADMINISTRATION BODIES BY ELECTION BY MEMBERS OF THE COMMUNITY

At the level of the commune of MÉRIGNAC, the establishment of local public administration bodies is explained in the following table:

**Table no. 15. Establishment of local public administration bodies in MÉRIGNAC**

Public bodies at the commune level	Way of constitution	Mandate term
City Council	Universal and direct suffrage	The councilors are elected for a term of 6 years
Mayor	It is elected by the municipal council, from among its members, in its first meeting	The term of mandate is also 6 years

Source: Couturier G., Organisation et fonctionnement des collectivités territoriales, pp. 39-40, available at [https://www.cnfpt.fr/sites/default/files/organisation\\_et\\_fonctionnement\\_des\\_collectivites\\_locales1\\_2013.pdf](https://www.cnfpt.fr/sites/default/files/organisation_et_fonctionnement_des_collectivites_locales1_2013.pdf) [accessed on April 4, 2022]

The procedure for setting up local public administration bodies in *the province of Quebec* can be found in the following table:

**Table no. 16. Establishment of local public administration bodies in Quebec**

Local public bodies at the provincial level	Way of constitution	Mandate term
Municipal Council	Municipal elections are held on a fixed date every 4 years Councilors are elected by the citizens of their district when the municipality is thus divided or, failing that, by universal suffrage.	The councilors are elected for a term of 4 years
Mayor	Elected by universal suffrage by the provincial electorate	The term of mandate is also 4 years

Source: Conseil municipal Canada, available at [https://fr.wikipedia.org/wiki/Conseil\\_municipal\\_\(Canada\)](https://fr.wikipedia.org/wiki/Conseil_municipal_(Canada)) [accessed on April 4, 2022]



At the level of Tudora commune, the local public administration bodies are constituted as follows:

**Table no. 17. Establishment of local public administration bodies in Tudora**

Local public bodies at the commune level	Way of constitution	Mandate term
Local Council	Elected by universal, direct and free vote by members of the local community	The term of mandate is 4 years
Mayor	Elected by universal, direct and free vote by members of the local community	The local council is elected for a term of 4 years

Source: art. 1 pt. 2 of Law no. 115 of 19 May 2015 for the election of local public administration authorities; art. 128, art. 151 from the Administrative Code

The analysis of the constitution of the local public administration bodies shows that, with one exception - the mayor of Mérignac, they are elected by the members of the community, a situation likely to support the manifestation of local autonomy.

## 5. RECOGNITION BY LOCAL PUBLIC ADMINISTRATION BODIES OF POWER TO ADMINISTER AFFAIRS IN ADMINISTRATIVE-TERRITORIAL UNITS

In the case of the commune of Mérignac, the general jurisdiction is recognized at the level of this administrative-territorial unit, which is explained by the limitation of the areas of intervention to a list of competencies, as well as by the extended capacity to justify its decisions. The general code of local authorities states that: "The municipal council regulates communal affairs by deliberations [...] expressing its opinions in all objectives of local interest." (Code général des collectivités territoriale, Articolul 2121- 29) This means the possibility for the Council to intervene in all matters of local interest, provided that it does not affect the powers of the State or other local authorities

In each municipality, there is one mayor and one or more deputies elected from among the members of the municipal council. The mayor is the only person in charge of the administration, who may, under his supervision and responsibility, delegate by decree a part of his functions to one or more of his deputies and members of the municipal council. (Code général des collectivités territoriales, [Article L2122-1](#); [Article L2122-18](#))

Municipalities have the general competence to manage any matter of municipal interest, in the most varied areas: ([Fiche thématique \*Qu'est-ce qu'une commune\*](#))

- urbanism and land management (local urban plan - under the competence of public inter-communal cooperation units, or PICC, and metropolitan areas - issuance of building permits);
- accommodation;
- social assistance (especially through the communal centers for social action - CCSA);
- management of primary schools and kindergartens;
- culture and heritage;
- tourism and sports (camping, sports facilities, tourist offices).

With reference to the province of Quebec, Chapter VI of the Constitutional Law of 1867 regulates the distribution of powers, expressly listing the legislative powers recognized to the provinces: (Constitutional Law of 1867, Art. 92)

- direct taxation within the limits of the province, in order to generate income for provincial purposes;
- lending money to the credit of the province;
- creation and mandate of provincial offices, as well as appointment and payment of provincial officers;
- administration and sale of public lands belonging to the province and its forests;

- the establishment, maintenance and administration of public prisons and reform houses in the province;
- the establishment, maintenance and administration of hospitals, asylums, institutions and charitable charities in the province, other than naval hospitals;
- municipal institutions in the province;
- licenses for shops, cabarets, inns, bidders and other licenses, in order to generate revenue for provincial, local or municipal objects;
- local works and enterprises, other than those listed in the following categories: steamboats or other ships, railways, canals, telegraphs and other works and enterprises linking the province to another province or to other provinces or extending beyond the boundaries of the province; steamboats between the province and any country dependent on the British Empire or any foreign country; works which, although wholly located in the province, before or after their execution will be declared by the Parliament of Canada to be to the general advantage of Canada or to the benefit of two or more provinces;
- the establishment of commercial companies for provincial purposes;
- the celebration of marriage in the province;
- property and civil rights in the province;
- the administration of justice in the province, including the establishment, maintenance and organization of courts for the province, having civil and criminal jurisdiction, including the procedure in civil matters in these courts;
- the application of punishments with a fine, penalty or imprisonment, for the purpose of applying any law of the promulgated province in respect of matters falling within any of the categories of subjects listed in this article;
- In general, all matters of a local or private nature in the province.

With regard to the commune of Tudora, according to the Administrative Code, the local public administration authorities exercise exclusive powers, shared powers and delegated powers. (Administrative Code, Art. 110)

Exclusive competence means the attributions established by law expressly and restrictively in charge of the local public administration authorities, for the realization of which they have the right to decide and have the necessary resources and means. (Administrative Code, Art. 5 letter ș)

Shared competence refers to the attributions exercised according to the law of local public administration authorities, together with other public administration authorities, expressly and limitedly established, with the establishment of financial resources and the limits of the right to decide for each public authority. (Administrative Code, Art. 5 letter t)

The delegated power describes the tasks established by law and transferred, together with the corresponding financial resources, to the local government authorities by the central government authorities to exercise them in the name and within the limits established by the latter. (Administrative Code, Art. 5 letter s)

The local council exercises the following categories of attributions: attributions regarding the administrative-territorial unit, its own organization, as well as the organization and functioning of the specialized apparatus of the mayor, of the public institutions of local interest and of the companies and autonomous utilities of local interest; attributions regarding the economic-social and environmental development of the commune; attributions regarding the administration of the public and private domain of the commune; responsibilities for the management of services of local interest; responsibilities for inter-institutional cooperation at the internal and the external level. (Administrative Code, Art. 129 pt. 2)

The mayor fulfills the following main categories of attributions: attributions exercised as a representative of the state, in accordance with the law; attributions regarding the relationship with the local council; attributions regarding the local budget of the administrative-territorial unit; attributions regarding the public services provided to the citizens, of local interest. (Administrative Code, Art. 155 pt. 1)

## 6. EXERCISE CONTROL BY THE BODIES OF THE EXECUTIVE POWER OVER LOCAL PUBLIC ADMINISTRATION AUTHORITIES

*Commune Mérignac.* In the French administrative system, the Law of 2 March 1982 created a new control which has three characteristics: it is a posteriori control, which is exercised after the entry into force of acts and is not a condition of the latter, as before 1982 when control it was said a priori; it is a judicial review, according to which the courts of administrative litigation are henceforth competent only to annul acts contrary to the law; it is a control of legality, the non-observance of legality being the only reason that can be invoked. (Fiche thématique *Comment s'exerce le contrôle sur les actes des collectivités territoriales?*) In addition, the French Constitution gives the prefects a specific administrative control mission, which examines the documents sent to them and decides to notify the judge in case of suspicion of unlawfulness. (Constitution of the French Republic, Art. 72)

*Quebec Province.* In the Canadian administrative system, administrative control is divided into hierarchical control and administrative guardianship, as exercised by a higher administrative authority over acts or agents within the same administration or if exercised by the higher administrative authority at the governmental or para-governmental level on acts and agents of decentralized administrations. (Garant, pp. 60-608)

In Quebec, various governmental or para-governmental authorities jointly exercise municipal administrative oversight. These are the Executive Council or the Lieutenant Governor in the Council, as well as the Ministries of Municipal Affairs, Health and Social Services, Education, Industry, Trade and Technology, Environment and Wildlife. The following monitoring and control bodies operate within them: Municipal Commission, Telecommunications Authority, Natural Gas Management, Transport Commission. (Garant, p. 615)

*Tudora Commune.* In the national administrative system, the prefect can appeal, before the administrative contentious court, an act of the county council, of the local council or of the mayor, in case he considers the act illegal. The contested act is suspended by law. (Romanian Constitution, Art. 123 para. 5) In addition, the Administrative Code provides that the prefect ensures the verification of the legality of administrative acts of local public administration authorities and may challenge before the administrative court their acts they consider illegal (Administrative Code, Art. 249 para. 4). At the level of the administrative-territorial units we find a representative of the state, of the central executive, with the role of the former on the application of the law by the public administration authorities, a role that the prefect has through the control of administrative guardianship. (Niță)

## 7. CONCLUSIONS

Based on the above, we can conclude that the present research offered the possibility to perform, from a comparative perspective, the analysis of the conditions of operation of the principle of local autonomy in the territorial administrative units of Mérignac in France, Quebec in Canada and Tudora in Romania.

With regard to the existence of local authorities within the territorial administrative units, the conducted approach showed that: the territorial communities of the French Republic are communes, departments, regions, communities with special status, overseas communities; the Canadian territory is divided into provinces and territories, the province of Quebec being divided by municipalities, cities, parishes, villages, cantons, united cantons; the Romanian national community is divided into local territorial communities formed in counties, municipalities, cities and communes.

Regarding the availability of public resources at the level of local communities, the study showed that at the level of the three administrative-territorial units analyzed can be identified human, material and financial resources that together provide support for the applicability of the

principle of autonomy. In Mérignac, there is a Municipal Council composed of 49 posts, the category of material goods includes municipal or departmental roads, churches and cemeteries; spaces open to the public or users of public services; the commune's budget is composed of revenues and revenues: local taxes, receipts received from the state, receipts from the sale of public services, loans from banks. At the Quebec province level, there is a 22-member City Council; material goods are road networks (roads), recreation areas, commercial areas (markets), schools, high schools, lakes, rivers, land, mines, ports and all areas that do not fall under the central interest; the provincial budget consists of personal taxes, corporate taxes, federal transfers, consumption taxes, miscellaneous receipts, and contributions or contributions to health and other areas. In Tudora commune, the administration is managed by the mayor and the local council, which has 15 members; the public domain of the commune is made up of goods of use or local public interest, such as communal roads, neighborhood roads and streets; public markets, trade fairs, fairs and public parks, as well as recreational areas; lakes and beaches that are not declared of national or county public interest, etc., and the private domain of the commune is made up of goods that are in their property and that are not part of the public domain; the local budget of the commune was approved for 2021 by the local council in the amount of 14,188.690 lei, used to finance the expenses for the functioning and development sections. The constitution of the public administration authorities from the administrative-territorial units by election by the members of the local community supports the functioning of the local autonomy. In Mérignac, the City Council is constituted by universal and direct suffrage, for a term of 6 years. At the level of the province of Quebec, both the local council and the mayor are elected by universal suffrage for a term of 4 years. Also, in the case of Tudora commune, both the local council and the mayor are elected by the locals for a term of 4 years.

The local autonomy is supported by the full competence recognized to the local public administration authorities to manage the affairs of the administrative-territorial units. In the case of the commune of Mérignac, the Municipal Council regulates the communal affairs by deliberations, expressing its opinions in all the objectives of local interest. With regard to the province of Quebec, the constitutional law regulates the distribution of powers, expressly listing the legislative powers recognized to the provinces, in general, all matters of a local or private nature in the province. With regard to the commune of Tudora, according to the Administrative Code, the local public administration authorities exercise exclusive powers, shared powers and delegated powers.

*Regarding the form of control to which the local public administration authorities are subject, through the analysis, we found that in the case of the commune of Mérignac the prefects are given a specific administrative control mission, they examine the documents sent to them and decide to notify the judge in case of suspicion of illegality. In Quebec, various governmental or para-governmental authorities jointly exercise municipal administrative oversight, with monitoring and control bodies operating within them, such as the Municipal Commission, the Telecommunications Authority, the Natural Gas Authority, and the Transportation Commission. At the level of the Tudora commune, the prefect ensures the verification of the legality of the administrative acts of the local public administration authorities and can attack before the administrative contentious court their acts which he considers illegal.*

Overall, we can conclude that the comparative study conducted made it possible to highlight the conditions that support and give consistency to the principle of local autonomy at the level of the three administrative-territorial units taken into analysis.

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