



# European Grouping of Territorial Co-operation

## The contribution from the Committee of the Regions

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MINISTRY OF THE INTERIOR  
OF THE REPUBLIC OF LITHUANIA



**norden**

Nordic Council of Ministers  
Office in Lithuania



Baltic  
Euroregional  
Network



# Territorial cooperation at EU level

## Which experiences so far?



Cooperation is boosted by increased number of borders and networking **opportunities** in enlarged EU

But **difficulties** arise from differing legislative and regulatory frameworks

Regional and local actors have felt the lack of **proper and stable legal structures**



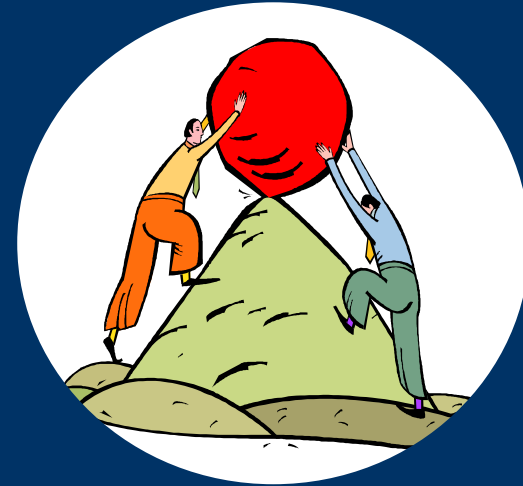
# EGTC, a new Regulation. Which perspectives?

**Regulation  
1082/2006**



**Implementation**

**Implementation**



**Regulation  
1082/2006**





# Territorial cooperation at EU level

## Which progress so far?

1989: launch of the **INTERREG** Community Initiative

1992: the Maastricht Treaty establishes the **Committee of the Regions** and assign to it a specific consultative competence on transfrontier cooperation (Treaty art. 276)

2004: cross-border regions are recognised as a territorial priority within the text of **Constitutional Treaty (pending)**

2006: Regulation 1082/06 establishing **European Groupings for Territorial Cooperation**

2007: new programming period for Structural Funds  
The Community Initiative INTERREG is consolidated as the Third main Objective of EU cohesion policy  
**European Territorial Cooperation**





# Territorial Cooperation and EGTC

## The CoR contribution

**Year 2001** – CoR publishes the study «Transeuropean cooperation between territorial authorities», realised by AEER

**March 2002** – CoR adopts initiative Opinion on strategies for promoting cross-border cooperation at local level, arguing for more legal stability

**July 2004** – Commission proposes a Regulation on EGCC – European Grouping for Cross-border Cooperation (later EGTC)

**November 2005** – CoR adopts opinion on proposed Regulation

**Year 2005** – European Parliament and Council negotiate the text of the Regulation – some Member States are not completely in favour

**February 2006** – CoR adopts Political Resolution, backed by Council Presidency (Austria), claiming adoption of the Regulation

**31 July 2006** – Regulation on EGTC is published on OJEU

**February-November 2006** – CoR realises a perspective study on establishment of EGTCs, involving a working group of regional practitioners



# Agenda

The EGTC in short

The Regulation 1082/06 in details

Questions for reflection

The CoR recommends



# The EGTC in short



# The EGTC in short

## Who, what, why

### Who

State, regional authorities, local authorities, public/private bodies, their associations

### What

Cooperation structure with legal personality

### Why

Territorial Cooperation

Cross-border  
Transnational  
Interregional



# The EGTC in short

## Where, how, when

### Where

EU 27, at least two Member States  
(?) Third Countries, if legislated or agreed

### How

EU Regulation + national frameworks  
Conventions, statutes

### When

National frameworks by 31 July 2007  
EGTC set up as from 1 August 2007



# The Regulation 1082/06 in details



# The EGTC Regulation

## The main legal aspects

**Legal basis:** art. 159(3) of the Treaty: cohesion action  
**OUTSIDE** the scope of Structural Funds

EGTC is an **optional** instrument

If EGTC is chosen, the **WHOLE Regulation applies**

Other **existing instruments** remain possible



# The EGTC

## Nature and applicable law, artt 1,2

EGTC have **legal personality**

It may **acquire or dispose** of movable and immovable property, **employ staff**, **be a party** to legal proceedings

It is governed by:

**the Regulation**

the provisions of Convention and Statute

the laws of the Member State where the

EGTC has its registered office



# How to set up an EGTC Membership, art. 3

Member States

Regional Authorities

Local authorities

Bodies governed by public law  
(art. 1(9) 2<sup>nd</sup> sub§ of Dir 2004/18/EC)

Associations consisting of such bodies



# How to set up an EGTC Member States and not

EGTC members should be located in  
at least two Member States

Entities from Third Countries can participate in an  
EGTC where so allowed by

- 1) the **legislation** of the Third Country
- 2) or the **agreement** between Member States and the Third Country



# How to set up an EGTC

## The establishment process, art. 4

Draft Convention and Statutes notified to Member States

Agreement of Member States

- Scope of ex-ante control
- Max 3 months, refusal motivated
- Procedure according to national rules

EGTC Members agree unanimously final Convention and Statutes according to MS approval



# How to set up an EGTC

## Scope of ex ante control, art 4 §3

« Member State shall, taking into account its constitutional structure, approve the prospective member's participation in the EGTC,

unless it considers that such participation is not in conformity with this Regulation or national law, including the prospective member's powers and duties

or that such participation is not justified for reasons of public interest or of public policy »



# How to set up an EGTC

## Publicity, art 5

Statutes shall be registered and/or published

This gives legal personality to the EGTC

Members shall inform the Member States concerned  
and the Committee of the Regions

A notice must be published on the OJEU



# The EGTC tasks

## What is possible, art 7

EGTC shall act **within the assigned tasks**, e.g.

cooperation programmes/ projects **funded by cohesion policy** (ERDF, ESF, Cohesion Funds)

**other cooperation EU co-funded projects** (e.g. Framework Programme RTD)

cooperation actions **without EU co-funding**



# The EGTC tasks

## What is possible, art 7

« Member States may limit the tasks that EGTCs may carry out without a Community financial contribution.

However, those tasks should include at least the cooperation actions listed under Article 6 of the Regulation 1080/2006 »





# The EGTC tasks

What is NOT possible, art 7

Powers conferred by public law  
to safeguard general interest of State

Police  
Regulatory powers  
Justice  
Foreign police





# The organisation of an EGTC

## art. 10

### Assembly

Representatives of its members

### Director

Represents the EGTC and act on its behalf

### Other bodies (e.g. President)

If foreseen in the EGTC Statute



# Financial management and control

## art 6, 11, 12

The EGTC shall establish an **annual budget**

The EGTC may have a **limited responsibility regime**, under certain condition

**Control of EGTC's management of public funds** is arranged by the Member State of registered office

Arrangements for cross-border financial control



# The EGTC Convention

## art. 8

Name and registered office

Territory

Objectives and tasks

Duration and conditions for dissolution

List of members

Applicable law

Arrangements for mutual recognition (fin. control)

Procedures for amending the Convention



# The EGTC Statute

## art. 9

- ALL provisions of Convention +
- Provisions on organs and their competencies
- Decision-making procedures
- Working language(s)
- Functioning arrangements (e.g. personnel mgnt)
- Financial arrangements (contributions, accounting)
- Members' liability
- Procedures for amending the Statutes



# To-do list for the Member States

## art. 16, §1

Member States shall make  
such provisions as are appropriate  
to ensure the effective application  
of this Regulation



# To-do list for the Member States

## artt. 5, 6, 16

Identify competent authorities and procedures for notification

art. 5, §4

Identify competent authorities and procedures for control of EGTC's management of public funds

art. 6, §1

Take arrangement for CBC financial control

Art. 6, §2

**May** establish a list of tasks «available» for potential members of EGTC in its territory

Art. 16, §1

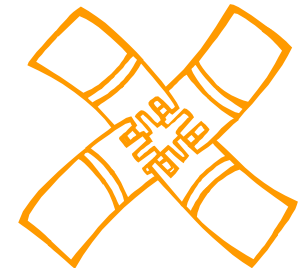


# Questions for reflection



# Establishing an EGCT, why?

Multilevel Governance tool  
and/or operational structure



Territorial co-operation  
also beyond EU funding



(Public) Legal entity  
based on EU law  
and endowed with  
EU jurisdictional guarantee



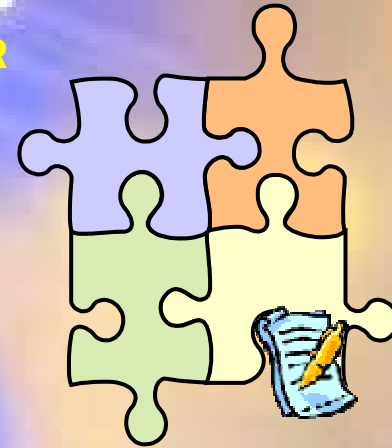
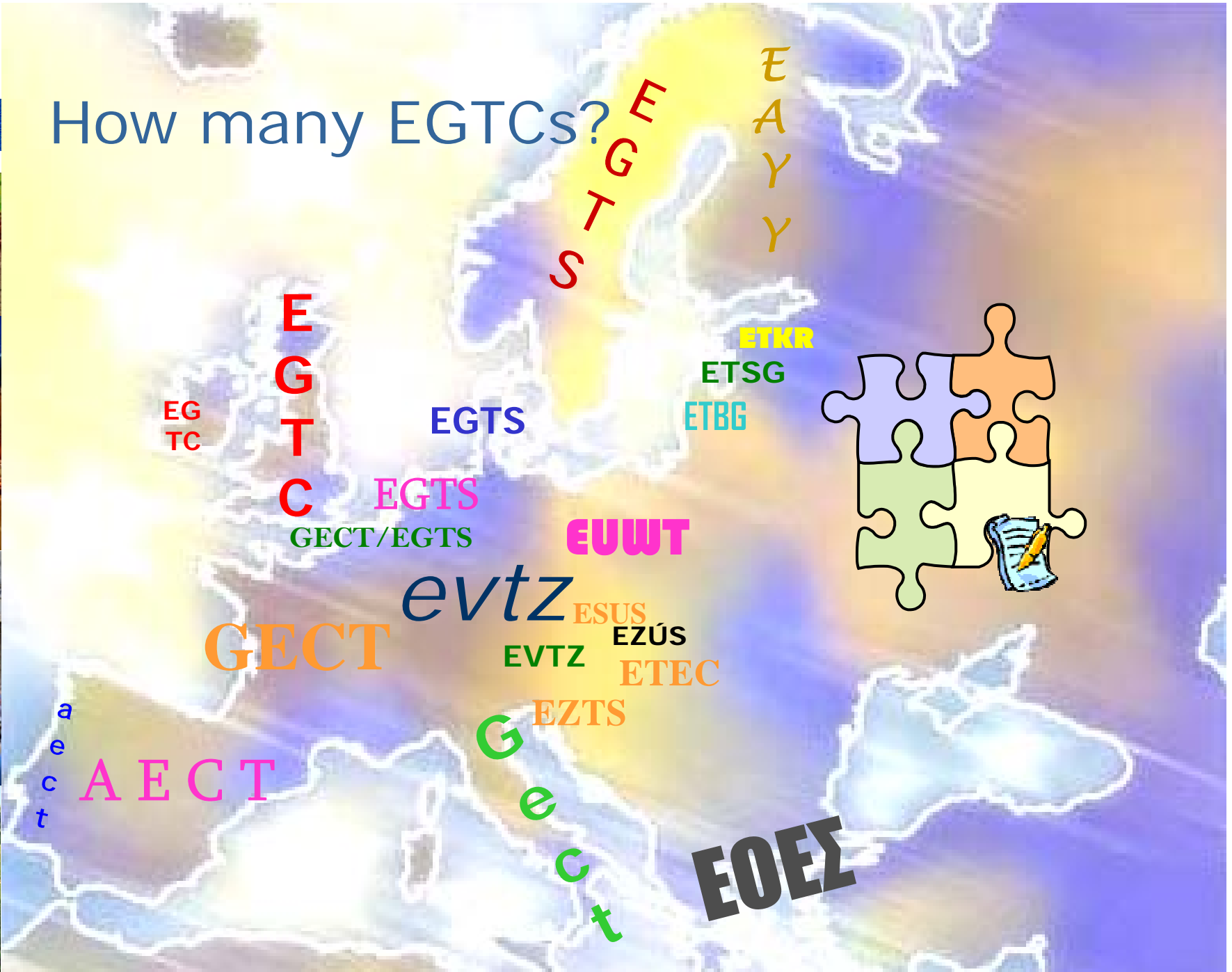


# How many models of EGTCs? Hundreds of combinations!!!

acting on behalf	main function	coordinating members
homogeneous	composition	heterogeneous (symmetric / asymmetric)
with State	participation	without State
public	law	private
limited	responsibility	illimited
EU funds	managing	no EU funds



# How many EGTCs?



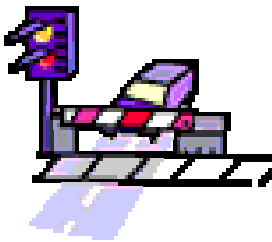
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# EGTC, which role for the State?



The State, regulator



The State, controller

The State, partner

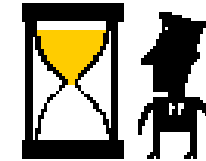




# Timing vs. quality?

## Report and review clause

1 August 2006 – 30 July 2007



Transitional Period

Setting provisions at national level

▶ should also be a Preparatory Period

Working between Institutions

Preparing the field initiatives



By 1 August 2011 COM reports to EP and Council  
with possible proposals for amendments of Regulation

2007...



+



2013 ...



# Any EGTC in practice?

## Early experiences

Some 10 new Territorial Cooperation Programmes 2007-2013 are considering its adoption (COM)

**Example 1:** the «Grande Région» (FR-BE-LU-DE) plans to launch a new INTERREG IV programme and has inserted provision for setting up an EGTC around 2008/09 to take over programme mgnt.

**Example 2:** the «MATRIOSCA Project (INTERREG IIIB CADSES) is developing a feasibility study for applying EGTC on the multi-border areas between IT, AT, SL, HU, HR



# The CoR recommends



# Helping establishment of EGTCs

## Member States' contribution

(Try to) Respect the Regulation timetable when adopting the national (legal/administrative) provisions

Involve regional / local authorities and existing cooperation structures when defining the framework of national provisions

Coordinate/communicate with other Member States to limit asymmetries and incompatibilities, when possible

Inform the potential initiators of the EGTC scheme (also within national administrations)

Support strategic initiatives for setting up EGTCs (including possible agreements with Third Countries) 35



# Helping establishment of EGTCs Programme authorities' contribution



Allow European Territorial Cooperation programmes and projects becoming elected places where pilot EGTCs can be experimented in 2007-2013



# Helping establishment of EGTCs

## CoR role: political impulse, but also

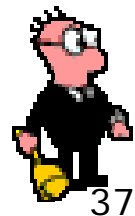
Collect and analyse EGTC Conventions and Statutes  
(EU-wide register to be held by the CoR)



Share experience  
among practitioners and  
Institutions



Political monitoring (fair, timely, constructive)  
e.g. by means of Impact Reports





The CoR study  
The European Grouping of Territorial Cooperation  
will be published early in 2007



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Thank you