

RECOMMENDATIONS/CONCLUSIONS
of the BEN seminar "Legal Status of Cross-Border Cooperation Structure"
Vilnius, 5-6 December 2006

Participants in the seminar¹:

1. Stress that cross-border co-operation contributes significantly to stability in Europe and values Euroregions as positive tools for dialogue and joint action;
2. Welcome the adoption of the EU regulation on a European Grouping of Territorial Cooperation (EGTC) as a new legal instrument for territorial cooperation, even if it still could be improved in the future;
3. Recommend that a European Convention containing a Uniform law on Groupings of Territorial co-operation (thereinafter: draft Convention) or a third Protocol to the Madrid Outline Convention on transfrontier co-operation be drafted in the Council of Europe with a view to bridging the gap between EU and non-EU countries in the field of cross-border co-operation and across the EU external frontier and also to facilitating the implementation at national level of the EC Regulation on EGTCs;
4. Urge all member states of the Council of Europe to commit themselves to the rapid conclusion of the work on the draft Convention/Third Protocol now that the EU Regulation on EGTCs is in force, so that the two instruments are operational before the end of 2007;
5. Urge all EU member states to discuss and adopt concrete measures and provisions so that EGTCs can be quickly operational. To this end, Member States:
 - should make such provisions as are appropriate to ensure the effective application of this Regulation;
 - should identify competent authorities and procedures for notification;
 - should identify competent authorities and procedures for control of EGTC's management of public funds;
 - should take arrangement for CBC financial control;
6. Express the view that in order to help with the establishment of EGTCs, EU Member States:
 - 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, between new EGTC-related national provisions;
 - 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).
7. Urge all EU member states and neighbouring countries to consider the possibility of concluding agreements as appropriate, which would make it possible for interested parties to join or at least use the EGTC.
8. Urge the authorities responsible for European territorial co-operation programmes to foresee measures for the establishment of EGTCs on the territory of the programmes.
9. Urge the Committee of the Regions to facilitate the formation of a coherent EGTC legal framework and to support the establishment of EGTCs through specific action aimed :
 - To increase awareness and improving knowledge on the new legal instrument EGTC;
 - To provide political impulse for the improvement of the legislation for cross-border cooperation
 - To share experience among practitioners and institutions;
 - To implement political monitoring (fair, timely, constructive), e.g. by means of Impact Reports;

¹ Mr. A. Gordevicius, participant of the seminar /the Ministry of Environment of the Republic of Lithuania/, proposed another version of the Recommendations/Conclusions, which was rejected, and he abstains from the text of the recommendations presented here.

10. Invite, with a view to facilitating the establishment of EGTCs, Euroregions and other existing cross-border cooperation structures to discuss the new possibilities offered by the EU regulation on EGTC and the draft Convention / Third Protocol with their members and relevant national authorities;

11. Urge cross-border cooperation structures together with national authorities to strive for the implementation of joint programmes and projects with real cross-border impact on all sides of the borders. Cross-border cooperation structures should assess how much their existing management structures contribute to this goal, and how the new legal instruments may help to improve the situation;

12. Welcome the recent initiatives of the Russian Federation to develop legislation on cross-border cooperation and to establish a Federal Fund for financial support of CBC projects, and hope that these steps will create better legislative and financial conditions for the development of cross-border cooperation in the Russian Federation.