

A light gray outline map of Europe and its surrounding regions, including parts of North Africa, the Middle East, and Iceland. The map shows the coastlines and internal regional or administrative boundaries of the countries. The text is centered over the Western European landmass.

# **The European Grouping of Territorial Cooperation (EGTC): state of play and prospects**



**The study was written by**

**METIS GmbH,**

**It does not represent the official views of the Committee of the Regions.**

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# ABBREVIATIONS

AAP	Adria Alpe Pannonia (Working Community)
Art.	article
AT	Austria
BE	Belgium
BG	Bulgaria
CBC	Cross-border Cooperation
CCDR-N	The North Regional Coordination and Development Commission
CF	Cohesion Fund
CoR	Committee of the Regions
CY	Cyprus
CZ	Czech Republic
DE	Germany
DG REGIO	Directorate General for Regional Policy
Dir.	directive
DK	Denmark
EAFRD	European Agricultural Fund for Rural Development
EC	European Commission
EDON	EGTC Eurodistrict Oderland Nadodrze
EE	Estonia
EGTC	European Grouping of Territorial Cooperation
ERDF	European Regional Development Fund
ES	Spain
ESF	European Social Fund
EU	European Union
FI	Finland
FR	France
GNP	EGTC Galicia - Norte de Portugal
GR	Greece
HR	Croatia
HU	Hungary
IE	Ireland
INTERREG	Community initiative for Interregional Co-operation
IT	Italy
LEADER	Liaison entre actions de développement de l'économie rurale
LT	Lithuania
LU	Luxemburg
LV	Latvia



MT	Malta
NL	Netherlands
NUTS	Nomenclature des unités territoriales statistiques
OP	Operational Programme
PEACE	EU Programme for Peace and Reconciliation in Northern Ireland and the Border Region of Ireland (2000-2006)
PL	Poland
PT	Portugal
Reg.	Regulation
RO	Romania
SE	Sweden
SEUPB	Special European Union Programmes Body
SI	Slovenia
SK	Slovakia
UA	Ukraine
UK	United Kingdom
UTTSEGTC	Ung-Tisza-Túr-Sajó



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## Executive summary

The European Grouping of Territorial Cooperation (EGTC) is a new tool, which has been presented by the European Commission on the basis of long-term political actions and proposals coming, among others, from the Committee of the Regions.

The EGTC provides a legal framework for territorial cooperation (interregional, cross-border and transnational), where different instruments have been used up until now. REGULATION (EC) No 1082/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on a European Grouping of Territorial Cooperation is an EU response to problems that have been identified by programme and project partners. It is also a reaction to pressure from existing cross-border Euroregions and similar structures for a legal instrument capable of providing a strong legal basis for cross-border cooperation. The instrument aims to simplify administration, cooperation and financial control of territorial cooperation in Europe.

Regulation (EC) no. 1082/2006 establishes an important legal instrument to strengthen cooperation between regional and local authorities and constitutes an important step towards establishing the right of local and regional authorities to cooperate across national borders. It offers a structure, stability and certainty for territorial cooperation.

This new instrument for territorial cooperation has however been established at a time when Cohesion policy in general and territorial cooperation in particular are undergoing significant changes. In the 2007-2013 programming period a significant increase of territorial cooperation within Cohesion policy (e.g. through mainstreaming of the Interreg initiative; a stronger Lisbon and Gothenburg orientation etc.) can be observed.

## **Overview of the adoption of the EGTC Regulation in national legislation**

The adoption of Regulation 1082/2006 has encountered some delays across Europe. In countries with federal systems (e.g. Germany, Austria, Belgium) the Regulation impacts primarily on regional laws and practices. This makes implementation more complex and raises questions about the principle of uniform application of Community law.

By June 2008 twelve Member States had adopted EGTC legislation (Bulgaria, Denmark, Estonia, France, Greece, Hungary, Portugal, Romania, Slovenia, Slovakia, Spain, and the United Kingdom). In Germany the regions have nominated the competent authorities. In Flanders, the Flemish Parliament has adopted the EGTC Regulation.



The geographical implementation trend reveals that the majority of countries, which have already adopted national provisions, are located in South East Europe (HU, SK, BG, RO, GR, SI), followed by West Europe (ES, FR, PT, UK) and Denmark and Estonia. In a central block of countries (AT, BE, DE, LU, IT) the adoption process is in an advanced stage, whereas in the North East European countries (CZ, LT, LV, PL) and in particular in the Nordic countries (SE, FI) the adoption process is still ongoing.

Setting up an EGTC can sometimes be a rather complex exercise from a technical point of view and might therefore seem initially to be an unappealing solution, but it does address the very nexus of cooperation obstacles between public authorities in a cross-border context. These obstacles arise out of different legal systems, structures and competences in the Member States, administrative structures, different managing principles and mentalities.

### Case studies and their selected features of good practice

Some of the early EGTC are based on broad institutional agreements for a wide range of cooperation actions while others target more focused cooperation projects. The following 8 case study projects reflect these variations<sup>1</sup>:

No	Title (or working-title)	Countries	Short presentation
1	EGTC Eurométropole Lille-Kortrijk-Tournai	FR, BE	First EGTC implemented in Europe with high level of political commitment.
2	EGTC UTTS Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva)	HU, RO, SK,(UA)	EGTC in new Member States with envisaged third country participation (Ukraine).
3	EDON Eurodistrict Oderland Nadodrze	DE, PL	EGTC with large partnership (25 local authorities!)
4	Hospital de Cerdanya	ES, FR	EGTC for service management of a hospital
5	EGTC Greater Region	LU, DE, FR, BE	EGTC to take over programme management of Interreg IV A (in 2009)
6	EGTC Eurorégion Alps Mediterranean	IT, FR	Envisaged EGTC as implementing vehicle for major EU, national and regional policies.
7	EGTC Galicia - Norte de Portugal (GNP)	ES, PT	Close cooperation between two regions with a sensitive historical and cultural background
8	Alpe Adria Pannonia (working title)	AT, IT, SI, HU, (HR)	EGTC with envisaged third country participation.

<sup>1</sup> see map 2 'location of case studies'



Although the analysed case studies are in very different implementation stages they do provide a number of elements of good practice. These examples refer to strategy, approach and process of setting up an EGTC, and the likely impact of its actions in terms of achieving greater economic, social and territorial cohesion.

### **Examples of good practice among emerging EGTC initiatives**

**Setting up an EGTC before national legislation is in place:** The Eurométropole Lille-Kortrijk-Tournai is a good example in terms of the short time required to set up the EGTC and the proactive approach in establishing it before the national legislation was in place. The first legal body was established in January 2008, only 18 months after the EGTC Regulation was issued.

**Achieving results that have a tangible impact on inhabitants' daily lives:** The range of activities envisaged by Eurométropole Lille-Kortrijk-Tournai ensures better coordination of policies in a cross-border context. It provides effective solutions to problems such as commuting, cross-border health services etc.

**Establishing a platform to strengthen political commitment for cooperation:** Eurométropole Lille-Kortrijk-Tournai has succeeded in achieving the highest level of political commitment in the cooperation area, which is reflected by its internal governance structure: An Assembly with 84 representatives, where the mayor of Lille serves as president, assisted by 3 vice-presidents.

**Integrating partners from outside the European Union:** The EGTC UTTS is set up by partners from four countries, one of which is not an EU member (Ukraine). The participation of partners from Ukraine, though challenging, was made possible as a separate agreement between Ukraine and Hungary was signed after a rather long consultation process.

**Promoting horizontal integration between partners at the same administrative level:** The EGTC UTTS is an example of horizontal integration between 40 local governments from four countries. The EGTC intends to adopt a common, more comprehensive and structured territorial approach in the border area. As such the EGTC has the potential to achieve greater economic, social and territorial cohesion. It is also expected to reduce the "border effects" notably on the border between the EU and Ukraine.

**Promoting horizontal integration between several partner regions:** Eurodistrict Oderland Nadodrze is a good example of bilateral cooperation between border regions in the EU. The partner municipalities plan joint projects and initiatives for EU funding and action to mitigate the "border effects" in the area.



**Fostering cooperation in ground-breaking fields:** The partners of Hospital de Cerdanya employ an EGTC to provide a legitimate legal and financial entity capable of institutionalising health sector cooperation between two different national systems, and this in a context where healthcare remains one of the least harmonised of EU policy areas.

**EGTC formation as a means of strengthening internal integration** within existing cooperation structures: The partners in the Greater Region have decided to set up an EGTC to integrate and institutionalise their established territorial development cooperation. The Greater Region itself is a much wider structure consisting of a multitude of single cooperation initiative, treaties and organisations.

**EGTC for focused integration in regions with a sensitive background:** The case study Galicia - Norte de Portugal offers an example of tightly-focused geographical cooperation with only two partner regions. Its catchment areas can be said to have a sensitive background in terms of historical and cultural identity. Both regions have already successfully cooperated and now seek to strengthen this through the new legal instrument. It was something of a challenge for both regions to convince their central governments of the added value of their initiative.

**EGTC as a vehicle for implementing major EU, national and regional policies:** The envisaged EGTC Eurorégion Alps Mediterranean is a good example of a new form of cooperation in that it aims to achieve the highest possible degree of formalised cooperation. The initiative also demonstrates how potential promoters can act although their respective national provisions are not in place (in France since April 2008; in Italy still under adoption at regional level).

**EGTC for overcoming administrative asymmetries, and those of scale:** The Alpe Adria Pannonia demonstrates the advantages which an EGTC provides when it comes to overcoming differences of size and administrative cultures between cooperation partners: e.g. following its independence, Slovenia continued to participate in the Alps-Adriatic Working Community as a state, which proved quite complex in legal and practical terms. In future the EGTC should facilitate the integration of asymmetric partnerships and the creation of parity between the individual partners during decision-making processes.



## **Recommendations for Local and Regional Authorities/project promoters**

**Addressing administrative bottlenecks** which have frequently arisen in past territorial cooperation experiences where the relevant authorities from different Member States have widely differing status, autonomy and competences. If analysis of past experiences and/or current challenges points to administrative differences impeding cooperation initiatives, then the EGTC structure can offer solutions.

**Affirming a commitment to cooperation** through an engagement with a common legal instrument, the EGTC. Ad-hoc, or less formal structures are perfectly adequate for specific programme or technical initiatives, but the creation of an EGTC can offer the cooperative effort a very high public profile. This flows from the demonstration of a real political commitment from the potential partners.

**Linking different levels of governance** is often something Local and Regional Authorities (LRA) work hard to achieve. An EGTC linking several LRAs together across national borders can create a much more readily acceptable partner for national governments and agencies.

**Sorting out the complexities of large, inclusive and sustainable partnerships** can prove to be a serious challenge during a project. It is often easier to identify, address and resolve such questions during the process of establishing a formal structure such as an EGTC. The process is equally valid for smaller and more straightforward partnerships as it is for one involving large number of different types of stakeholder.

**Mainstreaming and lifting the profile of complex cooperation activities** to address criticisms that complex cooperation projects do not adequately communicate with the ‘outside world’ during project implementation. Projects can be unrecognised and their results unacknowledged. This communication deficit can be addressed during the establishment of an EGTC, ensuring the necessary local and regional links, better dissemination and higher profile results.

**Improving strategic reflection beyond project implementation** is a challenge many Monitoring Committees face in that the complexity of programme implementation can leave little time for strategic reflection. EGTCs offer appropriate platforms where provision can be made for such reflection in the statutes and structures of the Grouping.



## **Recommendations for Member State authorities**

**EGTCs as “laboratories of multilevel governance”:** While "multilevel governance" is seen as a desirable goal, realising it often poses operational, legal and administrative problems. Addressing them is a long-term process, and one that requires semi-institutionalised political commitment. The EGTC offers a formal structure capable of integrating stakeholders from different levels, whose very membership is an expression of long-term commitment. The EGTC may lend itself to becoming a “multilevel governance laboratory”.

**EGTCs as intermediary platforms for a territorial approach:** Including and validating a territorial approach within EU Cohesion policies remains a subject of debate. Structural and administrative difficulties tend to limit the scope and impact of territorial cooperation programmes, and individual projects are often too small to fully tackle the question. Some EGTCs will have the scale, the political commitment, the know-how and sufficient resources to develop, agree and implement comprehensive territorial strategies.

**EGTCs as coordinators of “strategic sets of projects”:** The Community Strategic Guidelines 2007-2013 call for the integration of growth strategies at European, regional and local levels by taking account of regional specificities and based on reinforced multilevel governance. The goal is laudable, but until now no formal structure has been available to operate as a coordinating platform. The EGTC could respond to this challenge and fill that gap.

## **Recommendations for EU institutions**

**The EGTC as a platform for policy decentralisation:** Territorial cooperation under Cohesion Policy has been based on a delivery model designed primarily by the European Commission in close consultation with the Member States. Although a more decentralised implementation approach is becoming evident in the current 2007-2013 programme period, this would seem to largely be dependent on Member State structures. The integration of sub-national stakeholders is affected by their legal status, and the integration of sub-regional stakeholders remains rather unsatisfactory. The EGTC is particularly attractive for regional and sub-regional stakeholders and this should be promoted and exploited at EU level.

**Use of EGTC in sensitive regions:** Cooperation activities in particular social-cultural, historical conflict situations are very sensitive to changes and require specific solutions (e.g. the PEACE Programme). The EGTC instrument has many characteristics and can be further tailored to suit such sensitive environments while offering legal stability for continuing and long-term cooperation actions.



**EGTC as an “exchange platform” beyond implementation of EU projects:**

While cooperation structures often suffer from being designed for either “strategic reflections” or “project implementation” the EGTC, by its very nature, can combine both. Stakeholders may start with soft measures, such as “information exchange” and minor cooperation programmes, which can evolve, using the same structure, into much broader, and deeper, political cooperation.

**Incentives for promoting the new cooperation instrument.** The EGTC is an instrument, which faces the challenge of inertia in some EU Member States (e.g. slow adoption procedures, formalities, little promotion of the instrument etc.). These attitudes need to be further monitored in the operational phase of the first groupings and, most of all, additional information and support activities need to be developed in the light of the relatively low priority accorded to it by some Member States. Additional incentives (material or immaterial) could be discussed in this context.







# 1. SCOPE OF THE STUDY

The European Grouping of Territorial Cooperation (EGTC) is a new tool, which has been presented by the European Commission on the basis of a long-term political action and proposals coming, among others, from the Committee of the Regions. The aim is to provide a legal framework for territorial cooperation (interregional, cross-border and transnational), where up to now different cooperation instruments have been used. Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC) is a response by the EU to practical problems that were identified by programme and project partners in their daily work. At the same time it is a direct reaction to the pressure brought to bear by cross-border Euroregions and similar structures, to establish a legal instrument capable of providing a strong legal foundation for cross-border cooperation. The new instrument aims to simplify administration, cooperation and financial control of territorial cooperation in Europe. However, there have been similar experiences (e.g. SEUPB – Special European Union Programmes Body, managing, among others, the Northern Ireland-Ireland PEACE Programme), which although no actual EGTC, do contain several features of the new cooperation tool.

The CoR has set itself the aim of facilitating the establishment of the new legal

**Box:** EGTC developments between 2001 and 2008

Date	interinstitutional	CoR related
2001		A CoR study proposes models of new legal CBC structures
03/2002		CoR adopts own-initiative opinion on strategies for promoting CBC, asking for legal stability
07/2004	Commission proposes a Regulation on EGTC (later EGTC)	
11/2004		CoR adopts opinion on proposed Regulation
2005/06	EP and Council negotiate the Regulation	
02/2006		CoR adopts Political Resolution, asking for prompt adoption of the Regulation
07/2006	Regulation on EGTC is adopted	
05/2007		CoR study on EGTC is published
08/2007	Deadline for national provisions	
01/2008		First meeting of EGTC Expert Group
06/2008		CoR adopts own-initiative opinion on EGTC
06/2008	Interinstitutional Conference on EGTC	
10/2008	EC Green Paper on Territorial Cohesion	
10/2008		Open Days conference 2008



instrument at EU level and reporting, politically and technically, on the implementation of the EGTC Regulation across the different Member States. The Committee of the Regions (CoR) has adopted a political strategy aimed at supporting at European level the wide establishment of the European Grouping of Territorial Cooperation (EGTC). On this subject, the CoR began launching a **series of activities in 2001** (see textbox).

In order to feed into its political work, the CoR set up an EGTC Expert Group<sup>2</sup> in October 2007. This Group shapes visions and defines potentialities and constraints in the implementation of EGTCs, on the basis of local-level expertise and experience. The Group is composed of experts representing the institutions, selected through a call for expressions of interest. The first meeting of the EGTC Expert Group took place under the auspices of the Slovenian presidency in Brdo on 17 January 2008, the second meeting in Brussels on 11 March 2008 and the third on 8 October 2008.

In 2008 the CoR consolidated its political strategy through some specific initiatives<sup>3</sup>: It prepared an own-initiative opinion entitled "The EGTC – European Grouping of Territorial Cooperation: new impetus for territorial cooperation in Europe". The opinion was adopted in June 2008 and reflected the CoR's political vision on the subject, feeding into the inter-institutional Conference organised by the CoR, the European Commission and the Slovenian presidency of the EU. The conference took place in June 2008 and was the first important stocktaking of the implementation of the 1082/2006 Regulation.

For the future there are numerous **challenges** related to EGTC: by 2009 the new territorial cooperation programmes will be fully operational and will consequently provide further evidence on the performance of the new cooperation tool. In 2010 the CoR will present its outlook report on the perspective of territorial cooperation and the implementation of the EGTC. This will form a substantial input to the review of the EGTC Regulation in 2011, to the EU budget review and the set-up of the period beyond 2013. Finally, in 2011 the European Commission will report to the European Parliament and the Council on the application of the EGTC Regulation.

Against this background, the **present work comes at a very particular time**: the newly proposed instrument for territorial cooperation has been established at a time when Cohesion policy in general and territorial cooperation in particular is subject to significant changes. The new Treaty has introduced territorial

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<sup>2</sup> The EGTC Expert Group is a pool of expertise on EGTC and works as a bridge between practitioners and institutions. It is aimed at monitoring the adoption and implementation of provisions at Member State level; facilitating the exchange of experiences on the establishment of EGTCs at territorial level and knowledge of best practices in the field; identifying the potential exploitation of EGTC as a tool for cohesive territorial development; improving communication on EGTC opportunities and challenges at territorial level.

<sup>3</sup> see [www.cor.europa.eu/egtc.htm](http://www.cor.europa.eu/egtc.htm)



cohesion among its objectives together with social and economic cohesion. This has a major impact on European Cohesion policy and provides new challenges for all territorial cooperation instruments. In the 2007-2013 programming period there can be observed a significant increase in territorial cooperation within Cohesion policy (e.g. through mainstreaming of Interreg initiative; a stronger Lisbon and Gothenburg orientation etc.).

The policy shift implies that today more emphasis is placed on balanced territorial development while at the same time diversity and difference remain key features of European territories. Successful cooperation instruments need to have the necessary characteristics to respond to diversity, while promoting balanced development. Single project-based initiatives may not be sufficient in future, where a coherent set of activities and a structured approach to territorial issues will be requested. New forms of cooperation therefore must be capable of providing strongly integrated development measures.

At the time of writing, the adoption of the national provisions of the EGTC Regulation in the countries and regions of the EU was still ongoing, although with different speeds across Europe. This provides initial insights into the challenges and different approaches taken by countries and regions to build this new instrument into their institutional framework. With respect to practical case studies of EGTCs, this report could already illustrate the very first EGTC, while the majority of the initiatives described still had to be formally established.

In this framework, our study follows two tracks:

- Part 1: The monitoring and analysis of the EGTC provisions at national level show the progress made in adopting the provisions at Member State level. The analysis of the approved provisions highlights the most relevant differences in the overall conception, institutional placement and functional orientation of the EGTC as emerging from the national rules, compared to the EU Regulation.
- Part 2: The analysis of EGTC case studies at Member State level takes into account already established and advanced initiatives as well as envisaged EGTCs that are still in the stage of discussion between its prospective members.



The summary of the selected case studies (chapter 4.3) detects different features of good practices. The conclusions (chapter 5) provide evidence-based answers to the research questions and, finally, in the last section of this report (chapter 6), recommendations are developed for local and regional authorities, project promoters, Member State authorities and EU institutions.



## 2. CONCEPTUAL ANALYSIS AND METHODOLOGICAL NOTE

### Conceptual background and research questions

#### EGTCs for implementing multilevel governance and the territorial approach

While in the past the EU used to have a rather narrow and technocratic definition of governance<sup>4</sup>, limited to the effective, transparent management of resources by public institutions, over the years governance has become a much broader concept embracing relations between the EU, the Member States, but also between sub-national entities and civil society.

Already in the year 2000, the European Commission identified the reform of European governance as one of its four strategic objectives. In 2001 the Commission presented the **White Paper on European Governance** defining European governance as referring to the rules, processes and behaviour that affect the way in which powers are exercised at European level.<sup>5</sup> Five principles underpin good governance in the White Paper: openness, participation, accountability, effectiveness and coherence. In the overall policy discussion, however, very different aspects of governance may be accentuated depending on the particular context, such as

- the increasing involvement of different actors in policy planning and implementation (participation);
- the horizontal integration between different policy sectors (and their respective administrative departments);
- the integration between different government hierarchies (vertical integration) and the decentralisation (or outsourcing) of competences.

From an institutional point of view, the White Paper tended to refer to the governance principle most explicitly at EU and Member State level (beside the involvement of the civil society): "The EU institutions and Member States must work together in partnership to set out an overall policy strategy. They should refocus the Union's policies and adapt the way they work. A stronger link between EU policy and national action should also be established."

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<sup>4</sup> The term 'governance' refers to processes, structures, rules, norms and values by means of which collective activities can be steered and coordinated and describes a new model of coordination between different actors from politics, administration, the private sector and civil society.

<sup>5</sup> COM(2001) 428 final



In contrast the **Community Strategic Guidelines 2007-2013**<sup>6</sup> call for the integration of growth strategies at European, regional and local levels by taking account of regional specificities and based on reinforced multilevel governance. Consequently, at regional level, partnerships for Structural Funds have to be entwined with other economic and social networks of partners, which can be seen as a good sign of an integrated approach for the implementation of Cohesion Policy. In this context it is also highlighted, that “A related, and highly important factor determining the effectiveness of Cohesion policy is the quality of the partnership between all stakeholders, including those at regional and local level, in the preparation and implementation of programmes. However, this understanding limits European governance tightly between the European and the national level, while *“we need the emergence of a third dimension. A dimension where, according to the questions to be addressed, we can group authorities from different institutional levels and nationality, responding to variable composition of needs and blend of competencies”*.”<sup>7</sup>

The **Lisbon Treaty** included territorial cohesion as an EU objective<sup>8</sup> and formalises the fact that Cohesion policy is a territorial policy operating through the regional and local levels. In this respect the Community Strategic Guidelines stress that Cohesion policy *contributes to better governance at all levels by improving responsibility and ownership of the Lisbon strategy at sub-national level*.

The **Territorial Agenda**<sup>9</sup> expresses an understanding of territorial governance as an “intensive and continuous dialogue between all stakeholders of territorial development”, which is needed for the achievement of territorial cohesion. Under article 17 it further stresses that regionally-oriented investment decisions require new forms of territorial governance arrangements in European regions to create opportunities for innovative economic potential for development, building upon experiences of successful partnership and political cooperation in a functional regional context, including cross-border areas.

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<sup>6</sup> COM(2005) 0299: Cohesion Policy in Support of Growth and Jobs: Community Strategic Guidelines, 2007-2013. [http://ec.europa.eu/regional\\_policy/sources/docoffic/2007/osc/050706osc\\_en.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/2007/osc/050706osc_en.pdf)

<sup>7</sup> Committee of the Regions (2008): Draft speech by CoR Vice-President Luc Van den Brande. First meeting of the Committee of the Regions' EGTC Expert Group, Brdo, 17 January 2008. [http://cor.ip.lu/COR\\_cms/ui/ViewDocument.aspx?siteid=default&contentID=70c1cacd-89e2-4430-866a-7a8f7ea96ca5](http://cor.ip.lu/COR_cms/ui/ViewDocument.aspx?siteid=default&contentID=70c1cacd-89e2-4430-866a-7a8f7ea96ca5)

<sup>8</sup> Article 3 (3) of the Consolidated Version of the Treaty of the European Union, OJ 09/05/2008 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>

<sup>9</sup> Bundesministerium für Verkehr, Bau und Stadtentwicklung (2007): Territorial Agenda of the European Union. Towards a More Competitive and Sustainable Europe of Diverse Regions. Agreed on the occasion of the Informal Ministerial Meeting on Urban Development and Territorial Cohesion in Leipzig on 24 / 25 May 2007. [http://www.bmvbs.de/Anlage/original\\_1005295/Territorial-Agenda-of-the-European-Union-Agreed-on-25-May-2007-accessible.pdf](http://www.bmvbs.de/Anlage/original_1005295/Territorial-Agenda-of-the-European-Union-Agreed-on-25-May-2007-accessible.pdf)



In October 2008 the Commission adopted a **Green Paper on Territorial Cohesion** and will launch a broad public consultation. This will provide an updated analysis of European disparities and will launch the debate on how to take better account of the territorial dimension within EU policies and programmes.<sup>10</sup>

### **The EGTC and its relation to a changing EU Cohesion policy**

Although Regulation (EC) 1082/2006 is not a Regulation on coordinating or managing Structural Funds, but a separate regulatory instrument, it is closely linked to EU structural policy. Member States do use the common regulatory framework for the implementation of Cohesion Policy. However, operational arrangements for delivery vary between Member States and also between regions within a Member State. In each Member State, national government and sub-national actors have different degrees of participation in decision-making and power.

While cross-border cooperation is not primarily focused on competence but on the execution of cross-border tasks with the actual implementation taking place on both sides of the border with the corresponding different structures and competences, several factors do make such activities rather complex: different political interests and linkages; the amount and scope of co-funding available, the number of programmes to be dealt with at each level, the administrative experience of managing economic development, etc.

So far the implementation of Cohesion Policy is essentially based on a model designed by the European Commission in consultation with the Member States. Beyond Cohesion policies, the EGTC Regulation provides for the first time a Community legislative framework for cross-border, transnational and inter-regional cooperation. It is based on the achievements of the INTERREG Community initiative, and offers significant changes in the cooperation between sub-national public authorities within the European Union. Against this background, our major research interest has produced the following set of research questions:

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<sup>10</sup> COM(2008) 616 final: Green Paper on Territorial Cohesion. Turning territorial diversity into strength. Online. Available: [http://ec.europa.eu/regional\\_policy/consultation/terco/paper\\_terco\\_en.pdf](http://ec.europa.eu/regional_policy/consultation/terco/paper_terco_en.pdf)



**Research questions**

- Q1** What are the main differences in national/regional EGTC legislation and what are the practical problems in setting up EGTCs against this background?
- Q2** What contextual background and experiences can be identified as favourable preconditions for the successful setting-up of the new cooperation tool?
- Q3** What are the main motivations for setting up an EGTC and what is their perceived added value?
- Q4** What types of EGTCs are currently emerging in Europe and what is their main field of activity (technical or strategic)?
- Q5** What are the differences and similarities of EGTC stakeholders with regard to expected changes in the relationship with the EU, national, regional and sub-regional level? Are there any potential strategic synergies or conflicts?
- Q6** Is the EGTC an effective tool for implementing and formalising multilevel governance in the Member States?
- Q7** What are the potential benefits of EGTC for EU policy after 2013 and in which policy areas could EGTC play a major role?



## **Methodological note**

This study aims to offer a practical analysis by liaising with the main stakeholders, who are currently setting up the first EGTCs. The work is therefore based on a combination of desk research and interaction with the Committee of the Regions and the members of its EGTC Expert Group as well as other stakeholders. The interactive elements of this research include:

- two working meetings with the EGTC Expert Group and the CoR (1st meeting in Brdo on 17 January 2008; 2nd meeting in Brussels on 11 March 2008);
- written information requests to the EGTC Expert Group (during the period April 2008);
- a series of telephone interviews among a small group of stakeholders and the EGTC Expert Group members for further case-study illustrations (carried out between April and July 2008).

The analysis in chapters 3 and 4 is summarised in the synthesis and further developed in the conclusions, where we seek to answer the research questions. The fact that the documentation material for desk-research was preliminary in nature and therefore not appropriate for a thorough scientific assessment needs to be borne in mind. Since the objective was to include as much information as possible, draft documents were included, analysed and compared with finalised ones. This analysis therefore represents the very first overview of the early stages of an instrument, which will need to be further explored in future.







### **3. PART 1: MONITORING AND ANALYSIS OF THE PROVISIONS AT NATIONAL LEVEL EU-27**

#### **EGTC State of play: Monitoring the adoption of national provisions**

By 1 August 2007 (art. 18 Regulation 1082/2006), Member States should have implemented their national provisions in order to ensure the effective application of the EGTC Regulation. Table 1 illustrates the adoption process of the national provisions up to June 2008 and indicates the estimated time horizon for those provisions which still have to be adopted. Additionally, “stars” indicate when the first three EGTCs were established and at what stage the adoption of the respective national provision was at that moment.

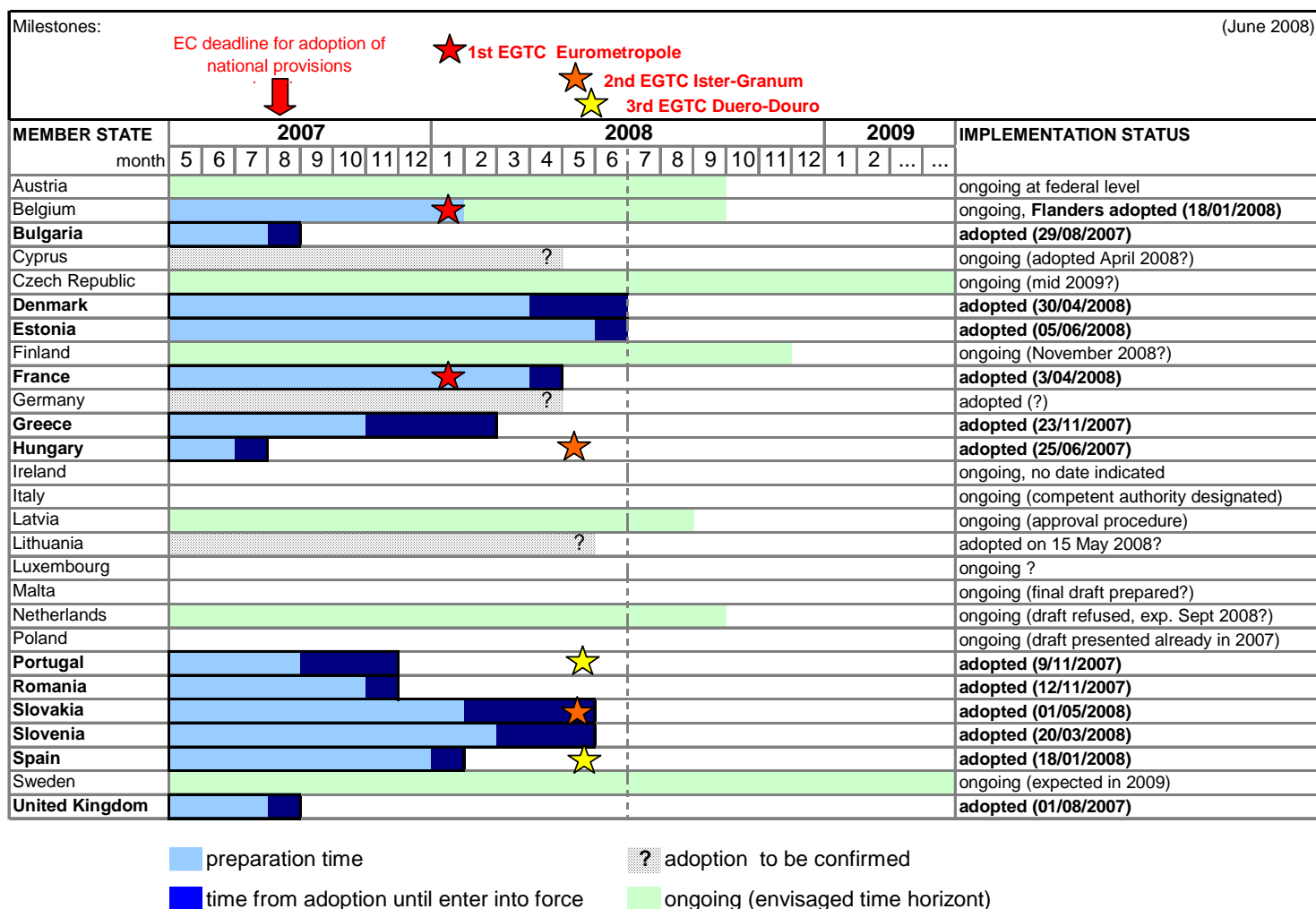
DG Regional Policy has given Member States a deadline of 14 February 2008 to report on the current processes of implementation for the EGTC Regulation. The table on adopted national provisions provides a quick overview of the situation at the time of writing (June 2008): 12 Member States have fully adopted their national provisions, another 5 countries are quite advanced, and on 10 other countries the Commission is informed about the adoption process. From 7 countries at least the time horizon for the approval is known: 5 of them are expected to approve their legislation during 2008, while the remaining 5 countries lack a clear timeframe.

Interestingly the first EGTC established (Eurométropole Lille-Kortrijk-Tournai) was set up without the national provisions in France and Belgium being in place. The timing of the set-up of the second and third EGTC however suggests that the adoption of the national provisions can be considered the actual “kick-off” for the realisation of EGTC initiatives.

For a more detailed list of the state of play (including links to draft documents and adopted documents) see Annex A1.



Table 1. Timeline for the adoption of national/regional provisions (June 2008)



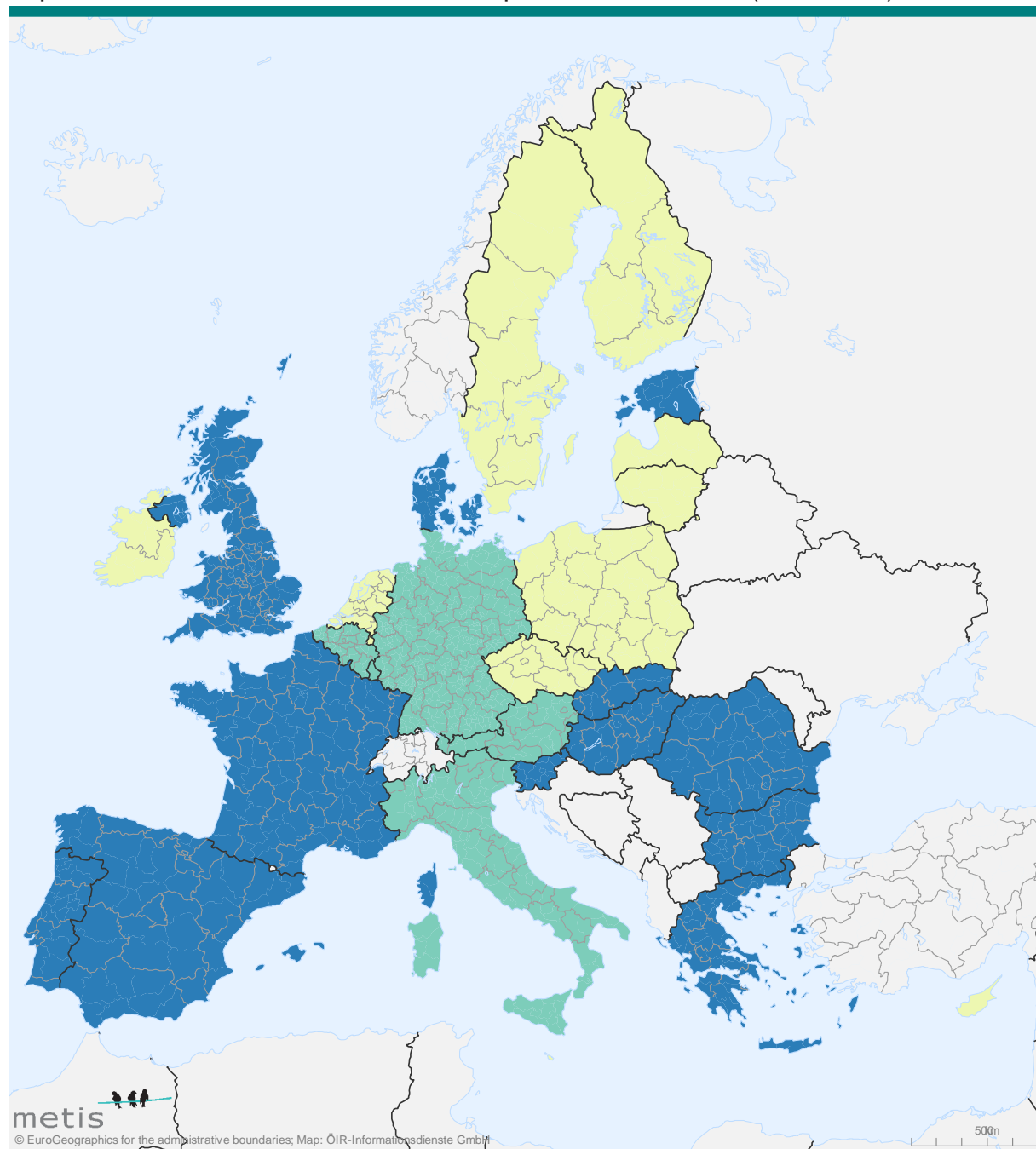
Source: List of responses to EC letter (update June 2008)



**Map 1. Implementation status of national EGTC provisions in EU-27 (June 2008)**

European Grouping of Territorial Cooperation:

Implementation status of national EGTC provisions in EU-27 (June 2008)



**Implementation status of national EGTC provisions:**

- adopted
- advanced
- under preparation

- national border
- NUTS 2 region
- non EU countries





### **The geography of the implementation process**

The map on the implementation status of national provisions across the European Union (see map 1) shows that at the time of writing there is a western European block of countries with adopted EGTC Regulations (except Ireland), as well as a South East European block of countries with adopted national provisions. The block of federal or regionalised countries (Belgium, Germany, Austria, Italy) as well as Luxembourg form a central block with countries in an advanced stage, while in the East European and Nordic block of countries the national provision are still under preparation with partly unclear time horizons (apart from Denmark and Estonia, where the provisions are already adopted).

### **Implementation of EGTC as an inter-institutional exercise**

The implementation of the EGTC framework into national legislation results in a complex inter-institutional exercise, which affects various aspects of multilevel governance and is strongly influenced by the respective state structures.

In this context a typology of countries, according to their administrative structure, is useful for further analysis. The following typology of state structure was defined in 2001 by the EU working group on multilevel governance<sup>11</sup>:

- **(Centralised) Unitary states** have only a local level infra-national hierarchy. Regional levels may exist for administrative reasons but are subordinate to the central state.
- **Decentralised unitary states** have undertaken a process of reform to establish elected regional authorities above the local level.
- **Regionalised unitary states** are characterised by the existence of elected regional governments with constitutional status, legislative powers and a high degree of autonomy.
- **Federal states** have a power-sharing structure guaranteed by the constitution.

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<sup>11</sup> European Commission, 2001b. Multi-level Governance: Linking and Networking the Various Regional and Local Levels, Report of the White Paper on Governance Working Group 4c, Brussels. [http://ec.europa.eu/governance/areas/group10/report\\_en.pdf](http://ec.europa.eu/governance/areas/group10/report_en.pdf)



Following these criteria, the EU-15 countries, and later the EU 10+2 countries can be classified as follows:

**Table 2. Typology of state structures and influence on EGTC provisions**

(in **bold** letters are indicated those countries which adopted their provisions by June 2008)

<b>Unitary States</b>	<b>Decentralised unitary states</b>	<b>Regionalised unitary states</b>	<b>Federal States</b>
<b>Bulgaria</b>	Czech Republic	Italy	Austria
Cyprus	<b>Denmark</b>	Malta	Belgium
<b>Estonia</b>	Finland	Poland	Germany
<b>Greece</b>	<b>France</b>	<b>Spain</b>	
<b>Hungary</b>	Latvia	<b>United Kingdom</b>	
Ireland	<b>Slovakia</b>		
Lithuania	Sweden		
Luxembourg	The Netherlands		
<b>Portugal</b>			
<b>Romania</b>			
<b>Slovenia</b>			

Source: [http://ec.europa.eu/governance/areas/group10/report\\_en.pdf](http://ec.europa.eu/governance/areas/group10/report_en.pdf)  
and ESPON project 2.3.2. Final Report (for New Member States' classification)

The table above shows, that with the exception of Spain and the UK all other countries, which have already adopted the EGTC Regulation are either unitary or decentralised unitary states, which have only a local level infra-national hierarchy as defined above. Interestingly, all the federal states have already reached an advanced status in the implementation of their national EGTC provisions, although in their case the implementation process is a complex inter-institutional exercise, involving different governmental levels, and demands a high level of coordination.



## Key findings

- The adoption of Regulation 1082/2006 has encountered some delays throughout Europe for a variety of reasons, such as the fact that in countries with federal systems (e.g. Germany, Austria, Belgium) mainly elements of regional law are concerned by the Regulation. This makes the implementation even more complex and produces considerable challenges in connection with the principle of uniform application of Community law.
- 12 Member States have so far adopted the EGTC legislation (Bulgaria, Denmark, Estonia, France, Greece, Hungary, Portugal, Romania, Slovenia, Slovakia, Spain, and the United Kingdom). In Germany the regions have nominated the competent authorities. In Flanders, the Flemish Parliament has adopted the EGTC Regulation.
- According to the current picture of adopted national (and regional) provisions there are 9 groups of countries which allow for cross-border cooperation using the new EGTC instrument. This refers to the national borders between:
  - a) Hungary and Romania;
  - b) Romania and Bulgaria
  - c) Spain and Portugal
  - d) Greece and Bulgaria
  - e) France and Spain
  - f) Slovenia and Hungary
  - g) (Germany) and France
  - h) Slovakia and Hungary
  - i) Denmark and (Germany)
- The **trend in the geography** of the implementation process shows that the majority of countries with adopted national provisions are located in South East Europe (HU, SK, BG, RO, GR, SI), followed by West Europe (ES, FR, PT, UK) as well as Denmark and Estonia. In a central group of countries (AT, BE, DE, LU, IT) the adoption process is at an advanced stage, whereas in the North East European countries (CZ, LT, LV, PL) and in particular in the Nordic countries (SE, FI) the adoption process is still ongoing.
- Some examples of **problems encountered** during the adoption of the EGTC provisions: for France the most complex concerns were related to the participation of states in the EGTC (since domestic law limits cooperation to local authorities and their groupings). In Germany the federal state participated in the negotiations on the Regulation, though the legal transposition has been transferred to the Länder level. The Länder limited the transposition to appointing the competent authorities for authorising the establishment of EGTCs.



## EGTC Notification and publication references

As provided by art. 4 of the Regulation 1082/2006, Member States should designate the competent authorities to receive the notifications for the possible establishment of EGTCs.

### Article 4 Establishment of an EGTC

1. The decision to establish an EGTC shall be taken at the initiative of its prospective members.
2. Each prospective member shall:
  - (a) notify the Member State under whose law it has been established of its intention to participate in an EGTC; and
  - (b) send that Member State a copy of the proposed convention and statutes referred to in Articles 8 and 9.
3. Following notification under paragraph 2 by a prospective member, the Member State concerned 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 members' powers and duties, or that such participation is not justified for reasons of public interest or of public policy of that Member State. In such a case, the Member State shall give a statement of its reasons for withholding approval. The Member State shall, as a general rule, reach its decision within a deadline of three months from the date of receipt of an admissible application in accordance with paragraph 2. In deciding on the prospective member's participation in the EGTC, Member States may apply the national rules.
4. Member States shall **designate the competent authorities to receive the notifications** and documents as set out in paragraph 2.
5. The members shall agree on the convention referred to in Article 8 and the statutes referred to in Article 9 ensuring consistency with the approval of the Member States in accordance with paragraph 3 of this Article.
6. Any amendment to the convention and any substantial amendment to the statutes shall be approved by the Member States according to the procedure set out in this Article. Substantial amendments to the statutes shall be those entailing, directly or indirectly, an amendment to the convention.

Furthermore, art. 5 refers to the **regime for registration and/or publication** (of the statutes) of the EGTCs in accordance with the applicable national law in the Member State where the EGTC concerned has its registered office. The following table provides an overview of the responsible bodies for notification, the bodies that are consulted in the process of notification and approval, as well as the references for the publication.



**Table 3. EGTC notification and publication (for a more detailed list see annex A2)**

<b>Member State / Region</b>	<b>Body responsible for preparation</b>	<b>Notification Authority (Art. 4, Reg. 1082/2006)</b>	<b>Consultative bodies in the process of notification</b>	<b>Publication (ref. Art 5(1) of the EC Regulation)</b>
Bulgaria	Council of Ministers	Minister of the Regional Development and Public Works, after receiving the consent of the Minister of Finance	Minister of Finance	n.a.
Greece	Ministry of Economy and Finance; Ministry of the Interior	Minister of the Interior after the consent of the Committee of paragraph 3 of article 219, in which a representative of the Ministry of Economy and Finance also participates.	Ministry of Economy and Finance	n.a.
Hungary		Metropolitan Court of Budapest	none	Official Notice published as a supplement to the Hungarian Journal.
Portugal		Financial Institute of Regional Development (IFDR, I.P.)	Member of the Government who is responsible for regional development; Member of the Government responsible for foreign affairs, Members of the Government with responsibilities for matters of cooperation covered by the EGTC,	second series of the Diário da República (the Portuguese official journal).



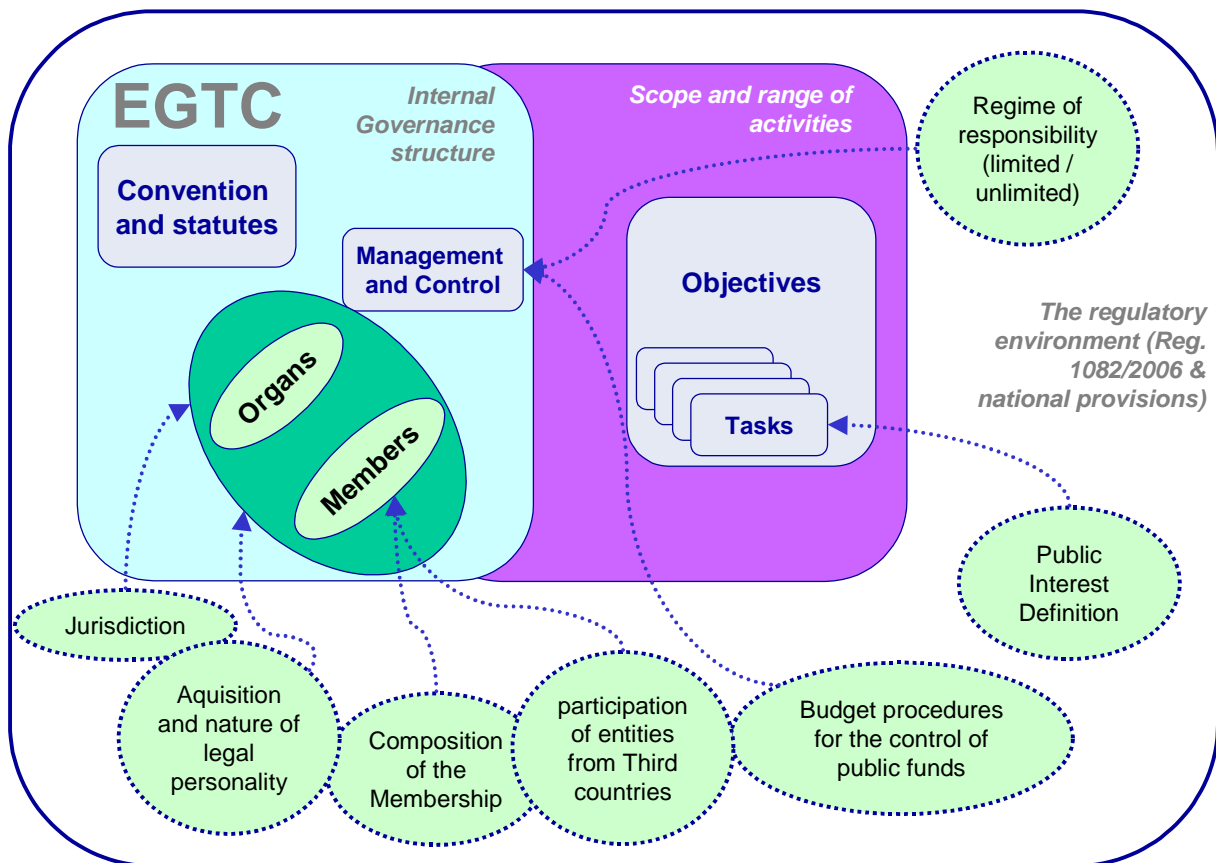
<b>Member State / Region</b>	<b>Body responsible for preparation</b>	<b>Notification Authority (Art. 4, Reg. 1082/2006)</b>	<b>Consultative bodies in the process of notification</b>	<b>Publication</b> (ref. Art 5(1) of the EC Regulation)
Romania	working group	Ministry of Development, Public Works and Housing	all central public authorities having tasks and competences in the EGTC's field of activity. The competent court verifies the legality of the request and of the documents. opinion of the administrative authority at central level	“Official Journal” of Romania and the Official Journal of the European Union for publication
Spain		Ministry of Public Administration	the ministries responsible for the topic of cooperation at least the Ministry of Foreign Affairs, and Cooperation and the Ministry of Economy	«Boletín Oficial del Estado»
United Kingdom	Department for Business, Enterprise and Regulatory Reform (BERR)	The Secretary of State for Business, Enterprise and Regulatory Reform shall be the competent authority for the purpose of receiving the notifications and documents under article 4(2) of the EC Regulation.	n.a.	(a) in the case of a UK EGTC with a registered office in England and Wales, in the London Gazette; (b) in the case of a UK EGTC with a registered office in Scotland, in the Edinburgh Gazette; (c) in the case of a UK EGTC with a registered office in Northern Ireland, in the Belfast Gazette.
Germany	see full list for all regions in Annex A2			

*Source: national/regional provisions*



## Comparative analysis of EGTC national provisions

This part focuses on the analysis of approved provisions in general and their coherence across Europe in particular. This relates specifically to provisions between neighbouring countries. In this respect it is important to highlight that while Regulation (EC) No 1082/2006 respects the diversity of legal situations and traditions in the Member States, a variety of national specifications can be observed across Europe. The structure of this comparative analysis follows the main headings of Regulation (EC) No. 1082/2006. The "regulatory environment" as defined by the EGTC Regulation and its "translation" into the respective national provisions has among others considerable influence on the **internal governance structure** of an EGTC, as well as on the possible **scope and range of activities**.



In the following analysis the most relevant differences in the overall conception, institutional placement and functional orientation are highlighted, as they emerge from the national provisions. In particular, the following aspects are considered:



*Table 4. Content of comparative analysis*

no.	Issue	Critical issues (and potential variants between Member States) for assessment	Main references
1.	Composition of the membership	<ul style="list-style-type: none"> <li>– limits of competences under national law</li> <li>– categories of prospective members</li> <li>– competences under national law</li> <li>– existence of “regional authorities” with competences enabling them to join an EGTC</li> <li>– potential imbalances in the composition of EGTCs (resulting from different ways of allocation of competences in the Member States)</li> <li>– degree of decentralisation</li> <li>– restrictions of national authorities with regard to the right of participation for regional authorities</li> <li>– bodies and categories of bodies governed by public law in the Member States</li> </ul>	<ul style="list-style-type: none"> <li>– Art. 3 and 4 of Reg (EC) no. 1082/2006</li> <li>– Madrid Convention</li> <li>– Karlsruhe Convention</li> <li>– Art. 9 (1) (D) of Dir. 2004/18/EC</li> </ul>
2.	Participation of entities from third countries	<ul style="list-style-type: none"> <li>– only sub-national entities or the Member States itself may participate?</li> <li>– does the legislation of that country or agreements between Member States and third countries allow participation?</li> <li>– special assistance for Member States bordering third countries?</li> </ul>	<ul style="list-style-type: none"> <li>– Article 8(2)(a) and Article 3(2)(a) of Reg. (EC) no. 1082/2006</li> </ul>
3.	Acquisition and nature of legal personality (e.g. public or private)	<ul style="list-style-type: none"> <li>– bodies governed by public law (art. 1(9) 2<sup>nd</sup> sub para. of Dir. 2004/18/EC</li> <li>– conditions for acquisition of legal personality</li> </ul>	<ul style="list-style-type: none"> <li>– Art. 5, Art. 1</li> </ul>
4.	Regime of responsibility (limited/unlimited)	<ul style="list-style-type: none"> <li>– procedure concerning the liability of public bodies</li> <li>– liability in case of third country participation</li> </ul>	<ul style="list-style-type: none"> <li>– Art. s12</li> </ul>
5.	Overall objectives and tasks	<ul style="list-style-type: none"> <li>– laid down by members in the convention, within the limits set forth by the Regulation</li> <li>– task concerning “the exercise of powers conferred by public law or duties whose object is to safeguard the general interest of the State or of other public authorities</li> <li>– integrated territorial governance</li> </ul>	<ul style="list-style-type: none"> <li>– Article 7(1)</li> </ul>
6.	Budget and procedures for the supervision of public funds	<ul style="list-style-type: none"> <li>– rules on the supervision of management of non-Community public funds (governed by law of the country in which the EGTC has its registered office)</li> <li>– financial supervision rules provided for in</li> </ul>	<ul style="list-style-type: none"> <li>– Article 6, article 12 and 14</li> </ul>



no.	Issue	Critical issues (and potential variants between Member States) for assessment	Main references
		Article 6; – the rules governing liquidation and dissolution	
7.	Convention and Statutes	– rules applicable to the interpretation of the convention and statutes – indications that EGTC's convention and statutes take precedence over national law?	
8.	Organs	– number and kind of additionally specified organs in national provisions?	– Art. 10
9.	Public interest definition	– controls to protect the public interest – potential conflicts with activities in contravention of a Member State's provisions on public policy, public security, public health or public morality or public interest	– Art. 13
10.	Jurisdiction	– the legal consequences, or legal scope, of international rules on its territory – imbalances between members due to different national jurisdictions	– Art. 15

For this analysis the adopted national provisions available in English, French and German have been compared. The national provisions of Bulgaria, Hungary, United Kingdom, Portugal, Greece, Romania and France were then analysed. The German EGTC provisions at Länder level are unusual in that they are limited to the nomination of the competent authorities.<sup>12</sup> According to this understanding<sup>13</sup> Reg. 1082/2006 is directly applicable in the Member States without any further need for additional specifications, besides those of the competent authorities. In the following sub-chapters, the relevant sections of national provisions are quoted in detail, providing an overview of the legal basis at EU level (according to Regulation 1082/2006) and the corresponding relevant articles in national provisions. While 'critical issues' of the paragraphs are outlines, the actual findings are further structured along (a) similarities between the provisions and (b) differences in the provisions, which mark a different approach.

<sup>12</sup> see list of German competent bodies (<http://www.bmwi.de/BMWi/Redaktion/PDF/E/evtz-zustaendige-behoerden,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf>)

<sup>13</sup> Telephone interview with German Federal Ministry for Economics and Technology (28/05/2008).



### 3.3.1 Composition of membership

The categories of members described by the Member States are not homogeneous, several new categories are introduced: e.g. inter-municipal authorities; metropolitan areas, communities; prefecture self-governments, existing unions of institutions, city networks and other forms of cooperation. Imbalances in the composition of EGTCs might result from this. There is some evidence that specific control procedures prior to participation of partners have been introduced, which may potentially restrict the participation for regional and local authorities.

**Legal basis at EU level:**

<i>EC Reg. 1082/2006</i>	<p><b>Article 3 Composition of an EGTC</b></p> <p>1. An EGTC shall be made up of members, within the limits of their competences under national law, belonging to one or more of the following categories: (a) Member States; (b) regional authorities; (c) local authorities; (d) bodies governed by public law within the meaning of the second subparagraph of Article 1(9) of Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts (1). Associations consisting of bodies belonging to one or more of these categories may also be members.</p> <p>2. An EGTC shall be made up of members located on the territory of at least two Member States.</p>
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**Further specifications in national provisions:**

Country	Relevant articles in national provisions
Bulgaria	<p>Article 1.</p> <p>(1) A European Grouping of Territorial Cooperation, hereinafter referred to as “EGTC”, with a registered office in the Republic of Bulgaria, may be established to facilitate and promote territorial cooperation – cross-border, transnational and interregional, made up of members which may be:</p> <ol style="list-style-type: none"> <li>1. Member States;</li> <li>2. regional authorities;</li> <li>3. local authorities;</li> <li>4. bodies governed by public law;</li> <li>5. associations of bodies belonging to one or more of the above.</li> </ol> <p>(2) A European Grouping of Territorial Cooperation is established by a minimum of two legal persons – Bulgarian and foreign,</p>



Country	Relevant articles in national provisions
	<p>formed under the law of a Member State of the European Union, and with the exclusive aim of strengthening economic and social cohesion.</p> <p>(3) The Republic of Bulgaria is represented by the Minister of Regional Development and Public Works, having received the consent of the Minister of Finance and having informed the Council of Ministers.</p>
<b>Hungary</b>	<p>Activity Article 2(2) Participation in a grouping by a local government's a) budgetary organisation is subject to a non-transferable consent by the council of representatives, b) decision by its council of representatives may not be transferred upon a partnership with a legal entity. (3) The liability of a local government, a local government's partnership with a legal entity and a local government's budgetary organisation may not exceed the extent of its material contribution (limited liability) Article 4 (2) consent of superior organisation to participation is needed in case of (a) members pursuant to the public procurement act; budgetary organisations of national minority government, of local governments, of local minority governments</p>
<b>United Kingdom</b>	not specified
<b>Portugal</b>	<p>Article 4</p> <p>Members of an EGTC</p> <p>1 – The following can be members of an EGTC: a) The State, through the services and entities it encompasses in direct and indirect administration, respectively; b) Local authorities; c) Inter-municipal authorities; d) Metropolitan areas; e) Public law entities, as described in Article 1, Paragraph 2, Point 9 of Directive No. 2004/18/EC, of the European Parliament and the Council of 31 March, about the coordination of processes of adjudication of public works contracts, public supply contracts, and public service contracts. 2 – It is also possible for associations constituted by the entities belonging to one or more of the categories referred to above to be members of an EGTC.</p>
<b>Greece</b>	<p>“4.a. Municipalities, Communities, Prefecture Self-governments and Organisations of Public Law according to the meaning of the second line of paragraph 9 of article 1 of the Directive 2004/18 of the European Parliament and of the Council of 31 March 2004, regarding the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, can participate in a European Grouping of Territorial</p>



Country	Relevant articles in national provisions
	<p>Cooperation, called from now onwards “EGTC”, according to the provisions of Regulation (EC) No 1082/2006 of the European Parliament and the Council of 5 July 2006. Members of the EGTC can also become Unions of Institutions, which belong to one or more from the abovementioned categories, as well as the Greek Public Authorities, Regions included. e. Existing unions of institutions, city networks and other forms of cooperation regardless of any legal personality they are operating under, that are seeking aims similar to those of EGTC and have their statutory seat in Greece, can be transformed into EGTC, after the decision of their managing body and the approval of the Minister of Interior according to the above-mentioned provisions, if they adjust their statutes to the provisions of the Regulation 1082/2006 of the European Parliament and of the Council of 5 July 2006 and of the present article.</p>
<b>Romania</b>	<p>Art. 2. – (2) –The EGTC shall be made up of members, belonging to one or more of the following categories: central public authorities, territorial-administrative units, bodies governed by public law as well as associations established by these ones in Romania, on the one hand, and similar structures belonging to other EU Member States, on the other hand, acting for the purpose of facilitating and promoting the territorial cooperation, within the limits of their competencies, according to the national legislation.</p> <p>(3) -The administrative-territorial units shall have the right to cooperate and to associate with other EU Member States administrative-territorial units, in compliance with the legal provision in force and within the limits of their deliberative and executive competences.</p>
<b>France</b>	<p>L’article L. 1115-4 « Les collectivités territoriales et leurs groupements peuvent, dans les limites de leurs compétences et dans le respect des engagements internationaux de la France, adhérer à un organisme public de droit étranger ou participer au capital d’une personne morale de droit étranger auquel adhère ou participe au moins une collectivité territoriale ou un groupement de collectivités territoriales d’un Etat membre de l’Union européenne ou d’un Etat membre du Conseil de l’Europe. »</p> <p>« Cette adhésion ou cette participation est autorisée par arrêté du représentant de l’Etat dans la région. Elle fait l’objet d’une convention avec l’ensemble des membres adhérant à l’organisme public en cause ou participant au capital de la personne morale en cause. »</p>



### **Critical issues**

- The conditions of participation for regional and local authorities and the role of Member states.
- The set-up of eventual control procedures prior to participation of partners and restrictions and conditions imposed by national authorities with regard to the right of participation by regional and local authorities
- Do the definitions of bodies governed by public law follow article 1(9) of Directive 2004/18EC (versus private entities)?

### **FINDINGS**

#### **Similarities:**

- Regarding the composition of the membership most national provisions stay in close relation to the EC Regulation.
- Most national provisions (PT, GR) refer to public law entities as described in Article 1(2) of Directive No. 2004/18/EC<sup>14</sup>.

#### **Differences:**

- Some provisions do not further specify the categories of prospective members (UK, HU).
- Some provisions introduce new categories of prospective members: inter-municipal authorities (PT); Metropolitan areas (PT), Communities (GR); Prefecture Self-governments (GR).
- In HU, although not excluded, the participation of local governments is subject to a number of specific conditions and requires the consent of superior authorities. Similar conditions apply to budgetary organisations of national or local minority governments.
- Greece has a rather unusual paragraph 4.e concerning "Existing unions of institutions, city networks and other forms of cooperation regardless of any legal personality they are operating under, that are seeking aims similar to those of EGTC and have their statutory seat in Greece, can be transformed into EGTC, after the decision of their managing body and the approval of the Minister of Interior according to the above-mentioned provisions, if they adjust their statutes to the provisions of the Regulation 1082/2006 of the European Parliament and of the Council of 5 July 2006 and of the present article."

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<sup>14</sup> Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts. Online. Available: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32004L0018:EN:NOT>



### 3.3.2 Participation of entities from Third Countries

Overall, in the national provisions the third country participation is neither explicitly mentioned, nor particularly encouraged. The provisions do not exclude the possibility of entities from third countries participating in an EGTC. However, for this purpose agreements between Member States and third countries are necessary and a bilateral cross-border EGTC at an external border of the EU not possible under the terms of the Regulation. In the French provisions, the participation of Council of Europe countries is explicitly permitted.

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	(16) The third subparagraph of Article 159 of the Treaty does not allow the inclusion of entities from third countries in legislation based on that provision. The adoption of a Community measure allowing the creation of an EGTC should not, however, exclude the possibility of entities from third countries participating in an EGTC formed in accordance with this Regulation where the legislation of a third country or agreements between Member States and third countries so allow,
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#### Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	not specified
<b>Hungary</b>	not specified
<b>United Kingdom</b>	not specified
<b>Portugal</b>	not specified
<b>Greece</b>	not specified
<b>Romania</b>	Art. 2. – (4) Pursuant to the provisions of the Regulation, third countries shall have the right to join the EGTC, providing that their national legislation allows so.
<b>France</b>	'article L. 1115-4 « Les collectivités territoriales et leurs groupements peuvent, dans les limites de leurs compétences et dans le respect des engagements internationaux de la France, adhérer à un organisme public de droit étranger ou participer au capital d'une personne morale de droit étranger auquel adhère ou participe au moins une collectivité territoriale ou un groupement de collectivités territoriales d'un Etat membre de l'Union européenne ou d'un Etat



Country	Relevant articles in national provisions
	<p>membre du Conseil de l'Europe. »</p> <p>article L. 1115-4-2:</p> <p>« Art. L. 1115-4-2. – Dans le cadre de la coopération transfrontalière, transnationale ou interrégionale, les collectivités territoriales, leurs groupements et, après autorisation de leur autorité de tutelle, les organismes de droit public au sens de la directive 2004/18/CE du Parlement européen et du Conseil, du 31 mars 2004, relative à la coordination des procédures de passation des marchés publics de travaux, de fournitures et de services peuvent, dans les limites de leurs compétences et dans le respect des engagements internationaux de la France, créer avec les collectivités territoriales, les groupements de collectivités territoriales et les organismes de droit public des Etats membres de l'Union européenne, ainsi qu'avec les Etats membres de l'Union européenne ou les Etats frontaliers membres du Conseil de l'Europe, un groupement européen de coopération territoriale de droit français, doté de la personnalité morale et de l'autonomie financière. « Cette création est autorisée par arrêté du représentant de l'Etat dans la région où le groupement européen de coopération territoriale a son siège. La personnalité morale de droit public lui est reconnue à partir de la date d'entrée en vigueur de la décision de création. Les dispositions du titre II du livre VII de la cinquième partie qui ne sont pas contraires aux règlements communautaires en vigueur lui sont applicables. « Un groupement européen de coopération territoriale de droit français peut être dissous par décret motivé pris en conseil des ministres et publié au Journal officiel. « Les collectivités territoriales, leurs groupements et, après autorisation de leur autorité de tutelle, les organismes de droit public au sens de la directive 2004/18/CE du Parlement européen et du Conseil, du 31 mars 2004, précitée peuvent, dans les limites de leurs compétences, dans le respect des engagements internationaux de la France et sous réserve de l'autorisation préalable du représentant de l'Etat dans la région, adhérer à un groupement européen de coopération territoriale de droit étranger.» ;</p>



### **Critical issues**

- Are there any agreements between Member States and third countries which would enable cross-border cooperation?
- The need to involve partners from at least two Member States makes bi-lateral cooperation between one Member State and a Third country impossible.

### **FINDINGS**

#### **Similarities:**

- The participation of entities from Third countries (bordering countries outside the EU territory) is neither mentioned nor explicitly excluded in the overall majority of national provisions.

#### **Differences:**

- The Romanian national provisions explicitly mention that third countries shall have the right to join the EGTC, providing that their national legislation so allows. Art. 2(4)
- The French provisions allow the participation of Council of Europe countries.



### 3.3.3 Acquisition and nature of legal personality (e.g. public or private)

Regulation 1082/2006 does not provide a clear choice between an ECTC being a private or a public legal entity. Consequently both options are also to be found in the national provisions. However, evidence suggests that a non-profit legal entity governed under public law becomes the rule, while only in a few Member States is the EGTC permitted under private law.

Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p>Article 5 Acquisition of legal personality and publication in the Official Journal:</p> <p>1. The statutes referred to in Article 9 and any subsequent amendments thereto shall be registered and/or published in accordance with the applicable national law in the Member State where the EGTC concerned has its registered office. The EGTC shall acquire legal personality on the day of registration or publication, whichever occurs first. The members shall inform the Member States concerned and the Committee of the Regions of the convention and the registration and/or publication of the statutes.</p> <p>2. The EGTC shall ensure that, within 10 working days from registration and/or publication of the statutes, a request is sent to the Office for Official Publications of the European Communities for publication of a notice in the Official Journal of the European Union announcing the establishment of the EGTC, with details of its name, objectives, members and registered office.</p>
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Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 6. (1) European Groupings of Territorial Cooperation with registered office on the territory of Republic of Bulgaria shall be registered as associations, pursuing activities for public or private benefit on the basis of the <b>Law on Non-Profit Legal Entities</b>.</p> <p>(2) The European Grouping of Territorial Cooperation acquires legal personality on the day of its registration in the register for non-profit legal entities, on a separate account for EGTC, within the jurisdiction of the competent court by the registered office of the respective non-profit legal entity.</p> <p>(3) After its establishment the EGTC, defined as such <b>pursuing activities for public benefit</b>, is subject to entry, on a separate account for EGTC, in the Central Register of the Ministry of Justice.</p>



Country	Relevant articles in national provisions
	<p>(4) The members of the EGTC shall inform the Member States concerned and the Committee of the regions of the convention (founding agreement) and the registration.</p> <p>(5) The EGTC shall ensure that, within 10 working days from registration in the competent court, a request is sent to the Office for Official Publications of the European Communities for publication of a notice in the Official Journal of the European Union announcing the establishment of the EGTC, with details of its name, objectives, members and registered office.</p>
<b>Hungary</b>	<p>Approval Article 4</p> <p>(1) The Metropolitan Court shall decide the approval pursuant to Paragraphs (3) and (6) of Article 4 of the Regulation within the scope of a non-litigation proceeding.</p> <p>(2) The application must state the data specified under Sections a) through c) of Paragraph (6). In addition to the stipulations of Paragraph (2) of Article 4 of the Regulation, the following shall be attached to the application for approval:</p> <p>a) in case of members pursuant to Sections a) and b) of Paragraph (1) of Article 22 of the Public Procurement Act, save for the state, the consent of their superior organisation to their participation in the grouping under the proposed agreement and bylaws as members;</p> <p>b) in case of members as budgetary organisations of national minority governments, of local governments and of local minority governments, the consent of the council of representatives (general assembly) to their participation in the grouping under the proposed agreement and bylaws as members;</p> <p>c) in case of local governments, the extract of the minutes containing the decision of the council of representatives on participation in the grouping;</p> <p>d) should they be produced in a language other than Hungarian, the translation of the proposed agreement and bylaws into Hungarian.</p> <p>--&gt; Article 18 For the purposes of this Act: local government shall refer to the municipality of a village, a town, a town of county rank, the capital, a metropolitan district or a county.</p> <p>Explanatory note: The setting up of a European grouping is optional, previous community means shall continue to operate. The grouping is featured in the Hungarian legal system as a <b>not-for-profit business organisation</b> within the special scope set up by the EU.</p>



Country	Relevant articles in national provisions
<b>United Kingdom</b>	<p>Acquisition of legal personality (Article 5(1) of the EC Regulation)</p> <p>4.—(1) For the purposes of Article 5(1) of the EC Regulation the statutes referred to in article 9 of the EC Regulation shall be published—</p> <p>(a) in the case of a UK EGTC with a registered office in England and Wales, in the London Gazette;</p> <p>(b) in the case of a UK EGTC with a registered office in Scotland, in the Edinburgh Gazette;</p> <p>(c) in the case of a UK EGTC with a registered office in Northern Ireland, in the Belfast Gazette.</p> <p>(2) This regulation is subject to regulation 8.</p>
<b>Portugal</b>	<p>Nature and Mission</p> <p>1 – An EGTC is a <b>public collective associational body</b> constituted by entities of two or more Member States of the European Union, the mission of which is to facilitate and promote cross-border cooperation, transnational cooperation and inter-regional cooperation among its members, with the exclusive aim of strengthening economic and social cohesion within the territory of the European Union.</p> <p>2 – An EGTC is an <b>entity with a legal personality</b> enjoying the broadest possible juridical capacities available to collective entities in accordance with Portuguese law.</p>
<b>Greece</b>	<p>c. An EGTC that has its statutory seat in Greece is <b>organised as a company of non-profit making character</b>, which operates according to the legislation in force and the provisions of the Regulation.</p> <p>d. Regarding the needs for the fulfilment of the duties of EGTC, personnel can be seconded if they are employed by any working contract to institutions of the greater public sector of article 1 paragraphs 2 and 3 of Law 2000/1991 (FEK 206 A), if, according to the relevant legislation in force, a relevant footnote or reference is made to it, in line with paragraph 3 of article 11 of Law 3049/2002 (FEK 212 A). The secondment is conducted by a decision of the Minister of Interior and of the relevant authorised minister, after request by the EGTC, the consent of the managing body of the relevant body and the written consent of the employee who is to be seconded. The incomes of the employees that are seconded for the needs of the EGTC are borne by the institution from which they are seconded.</p>



Country	Relevant articles in national provisions
<b>Romania</b>	Art. 2. – (1) For the purpose of this emergency ordinance, the EGTC shall have the meaning of a Romanian <b>non-profit legal entity of private law</b> , established within Romanian territory, with own patrimony, carrying out activities for public benefit, in order to promote the territorial cooperation with the exclusive aim of strengthening economic and social cohesion.
<b>France</b>	<p>« Art. L. 1115-4-2. – Dans le cadre de la coopération transfrontalière, transnationale ou interrégionale, les collectivités territoriales, leurs groupements et, après autorisation de leur autorité de tutelle, les organismes de droit public au sens de la directive 2004/18/CE du Parlement européen et du Conseil, du 31 mars 2004, relative à la coordination des procédures de passation des marchés publics de travaux, de fournitures et de services peuvent, dans les limites de leurs compétences et dans le respect des engagements internationaux de la France, créer avec les collectivités territoriales, les groupements de collectivités territoriales et les organismes de droit public des Etats membres de l’Union européenne, ainsi qu’avec les Etats membres de l’Union européenne ou les Etats frontaliers membres du Conseil de l’Europe, <b>un groupement européen de coopération territoriale de droit français, doté de la personnalité morale</b> et de l’autonomie financière.</p> <p>« Cette création est <b>autorisée par arrêté du représentant de l’Etat</b> dans la région où le groupement européen de coopération territoriale <b>a son siège</b>. La personnalité morale de droit public lui est reconnue <b>à partir de la date d’entrée en vigueur de la décision de création</b>. Les dispositions du titre II du livre VII de la cinquième partie qui ne sont pas contraires aux règlements communautaires en vigueur lui sont applicables.</p> <p>« Un groupement européen de coopération territoriale de droit français <b>peut être dissous par décret motivé</b> pris en conseil des ministres et publié au Journal officiel.</p> <p>« Les collectivités territoriales, leurs groupements et, après autorisation de leur autorité de tutelle, les organismes de droit public au sens de la directive 2004/18/CE du Parlement européen et du Conseil, du 31 mars 2004, précitée peuvent, dans les limites de leurs compétences, dans le respect des engagements internationaux de la France et sous réserve de l’autorisation préalable du représentant de l’Etat dans la région, adhérer à un groupement européen de coopération territoriale de droit étranger.»</p>



Country	Relevant articles in national provisions
	<p>« Art. L. 1115-5. – Aucune convention, de quelque nature que ce soit, ne peut être passée entre une collectivité territoriale ou un groupement de collectivités territoriales et un Etat étranger, sauf si elle a vocation à permettre la création d'un groupement européen de coopération territoriale. Dans ce cas, la signature de la convention doit être préalablement autorisée par le représentant de l'Etat dans la région. »</p> <p>II. – Les <b>groupements d'intérêt public créés</b> en application des articles L. 1115-2 et L. 1115-3 du code général des collectivités territoriales restent régis, pour la durée de leur existence, par ces articles dans leur rédaction antérieure à leur abrogation par la présente loi.</p>

### Critical issues

- How is the process of acquisition of the legal personality structured?
- Which law is applicable in the territory in which an EGTC has its registered office?
- How is the legal capacity under the Member State's national law defined?

### FINDINGS

#### Similarities:

- Most national provisions (HU, UK, GR) describe in detail the process for the acquisition of legal personality.
- The provisions in BG, GR, RO mention that the EGTC has the character of a non-profit legal entity. (wording PT: public collective associational body; BG: Non-Profit Legal Entity, HU: not-for-profit business organisation, GR: company of non-profit making character, RO: non-profit legal entity)

#### Differences:

- In the provisions of HU and RO it is mentioned that these non-profit legal entities are governed by private law.



### 3.3.4 Regime of responsibility (limited/unlimited)

Different responsibility regimes arise from the national provisions: the majority of provisions foresee EGTCs with unlimited liability. Some Member States prohibit the registration of an EGTC whose members have limited liability within its territory, even though there is the possibility of limiting the liability of EGTC members (in the statutes) if the liability of at least one member is limited as result of the national law under which it is formed. Potential incompatibilities could arise between Hungary (limited liability) and Romania (unlimited liability), where the national provisions foresee different regimes of responsibility.

#### Legal basis at EU level:

<p><i>EC Reg. 1082/2006</i></p>	<p>2. An EGTC shall be liable for its debts whatever their nature. To the extent that the assets of an EGTC are insufficient to meet its liabilities, its members shall be liable for the EGTC's debts whatever their nature, each member's share being fixed in proportion to its contribution, unless the national law under which a member is formed excludes or limits the liability of that member. The arrangements for contributions shall be fixed in the statutes. If the liability of at least one member of an EGTC is limited as a result of the national law under which it is formed, the other members may also limit their liability in the statutes. The members may provide in the statutes that they will be liable, after they have ceased to be members of an EGTC, for obligations arising out of activities of the EGTC during their membership. The name of an EGTC whose members have limited liability shall include the word 'limited'. Publication of the convention, statutes and accounts of an EGTC whose members have limited liability shall be at least equal to that required for other kinds of legal entity whose members have limited liability, formed under the laws of the Member State where that EGTC has its registered office. A Member State may prohibit the registration on its territory of an EGTC whose members have limited liability.</p> <p>3. Without prejudice to the financial responsibility of Member States in relation to any funding from the Structural and/or Cohesion Funds provided to an EGTC, no financial liability shall arise for Member States on account of this Regulation in relation to an EGTC of which they are not a member. Article 13</p>
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**Further specifications in national provisions:**

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 3. (1) A European Grouping of Territorial Cooperation shall be liable for its debts whatever their nature.</p> <p>(2) To the extent that the assets of an EGTC are insufficient to meet its liabilities, its members shall be jointly and unlimitedly liable for EGTC's debts, each member's share being fixed in proportion to its contribution.</p> <p>Supplemental provisions</p> <p>§ 2. When the law in the Republic of Bulgaria or in the respective Member State, under whose law a potential member of the EGTC has been formed, <b>excludes or limits the liability</b> under Article 3, paragraph 2, that member shall not participate in the EGTC with a registered office in the Republic of Bulgaria.</p>
<b>Hungary</b>	<p>Activity Article 2</p> <p>(1) A grouping may not be established with the primary aim of pursuing business activities and may not perform public authority activities.</p> <p>(2) Participation in a grouping by a local government's</p> <p>a) budgetary organisation is subject to a non-transferable consent by the council of representatives.</p> <p>b) decision by its council of representatives may not be transferred upon a partnership with a legal entity.</p> <p>(3) The liability of a local government, a local government's partnership with a legal entity and a local government's budgetary organisation may not exceed the extent of its material contribution (<b>limited liability</b>)</p>
<b>United Kingdom</b>	<p><b>Prohibition of members with limited liability</b> (Article 12(2) of the EC Regulation)</p> <p>8. A UK EGTC may not be formed with a member which has limited liability.</p>
<b>Portugal</b>	not specified
<b>Greece</b>	not specified
<b>Romania</b>	<p>Organisation and functioning of the European Grouping of Territorial Cooperation</p> <p>Art. 14 – (1) The constituent documents shall specify the organisation and functioning of the EGTC, in compliance with Art. 3 and Art. 8 –10 of the Regulation.</p> <p>(2) The EGTC shall be liable for debts undertaken after its establishment.</p>



Country	Relevant articles in national provisions
	<p>(3) The EGTC members shall be jointly and unlimitedly liable for EGTC's debts, each member's share being fixed in proportion to its contribution.</p> <p>Art. 15 – The Notification Authority shall have the right to request at any time of both EGTC and the institutions involved in its functioning, any data, information and documents regarding the activities carried out by EGTC, including for the purpose of checking compliance with the requirements set out in Art.1 paragraph (2) of the Regulation.</p>
<b>France</b>	not specified

### Critical issues

- The issue of members with limited liability joining EGTCs?
- Established procedures concerning liability in case of third country participation?

### FINDINGS

#### Similarities:

- In the provisions of Bulgaria, Portugal and Romania and the United Kingdom it is mentioned that the liability of an EGTC is unlimited.
- Due to the fact that third country participation is generally not mentioned in the national provision (excepting Romania and France), liability in case of third country participation is not mentioned either.

#### Differences:

- In Hungary, local government partnership and local government budgetary organisations have limited liability.
- Some Member States explicitly prohibit an EGTC registering in their country with a member with limited liability (UK, BG).



### 3.3.5 Overall Objectives and Tasks

Although article 7 is rather restrictive, and a strict application could hinder the implementation of a number of potential EGTC projects, the Member States have the possibility of interpreting this article more broadly: only in two cases (HU, PT) is a further definition of the tasks given by either excluding tasks that a grouping may not undertake (business and public authority activities in Hungary) or by specifying in detail what an EGTC can undertake (Portugal). Generally, the limitation to tasks concerning the facilitation and promotion of territorial cooperation in order to strengthen economic and social cohesion is respected.

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p><b>Article 7 Tasks</b></p> <ol style="list-style-type: none"> <li>1. An EGTC shall carry out the tasks given to it by its members in accordance with this Regulation. Its tasks shall be defined by the convention agreed by its members, in conformity with Articles 4 and 8.</li> <li>2. An EGTC shall act within the confines of the tasks given to it, which shall be limited to the facilitation and promotion of territorial cooperation to strengthen economic and social cohesion and be determined by its members on the basis that they all fall within the competence of every member under its national law.</li> <li>3. Specifically, the tasks of an EGTC shall be limited primarily to the implementation of territorial cooperation programmes or projects co-financed by the Community through the European Regional Development Fund, the European Social Fund and/or the Cohesion Fund. An EGTC may carry out other specific actions of territorial cooperation between its members in pursuit of the objective referred to in Article 1(2), with or without a financial contribution from the Community. Member States may limit the tasks that EGTCs may carry out without a financial contribution from the EU. However, those tasks shall include at least the cooperation actions listed under Article 6 of Regulation (EC) No 1080/2006.</li> <li>4. The tasks given to an EGTC by its members shall not concern the exercise of powers conferred by public law or of duties whose object is to safeguard the general interests of the State or of other public authorities, such as police and regulatory powers, justice and foreign policy.</li> <li>5. The members of an EGTC may decide by unanimity to empower one of the members to execute its tasks.</li> </ol>
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**Further specifications in national provisions:**

<b>Country</b>	<b>Relevant articles in national provisions</b>
<b>Bulgaria</b>	not specified
<b>Hungary</b>	Article 2 (1) A grouping may not be established with the primary aim of pursuing business activities and may not perform public authority activities.
<b>United Kingdom</b>	not specified
<b>Portugal</b>	Article 3 Attributions 1 – The specific mandate of an EGTC is to execute <b>territorial cooperation</b> projects or <b>actions co-financed by the European Union</b> through the European Regional Development Fund, the European Social Fund or the Cohesion Fund. 2 – An EGTC can also promote <b>studies, plans, programmes and projects</b> , or establish <b>other types of relationships</b> between agents, structures and public entities that are in a position to contribute to the development of the territories at stake, with or without public, national or community co-financing, and also manage infrastructure and equipment and provide <b>services that are in the public interest</b> .
<b>Greece</b>	not specified
<b>Romania</b>	General provisions Art. 1 – This Emergency Ordinance establishes the national legal framework to ensure the effective application of Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC), published in the Official Journal of the European Union No L210 of July 31 2006 hereinafter referred to as the Regulation, in order to facilitate the promotion of cross-border, transnational and/or interregional cooperation with the exclusive aim of strengthening economic and social cohesion. (2) The European Grouping of Territorial Cooperation, hereinafter referred to as EGTC, shall act for the purpose of <b>implementing territorial cooperation programmes or projects</b> co-financed by the European Union, notably under the structural instruments, the European Regional Development Fund, the European Social Fund and the Cohesion Fund, as well as to carry out other <b>specific actions of territorial cooperation</b> , with or without a financial contribution from the European Union.
<b>France</b>	not specified



### **Critical issues**

- Are there any specifications of tasks concerning the exercise of powers conferred by public law or duties whose object is to safeguard the general interest of the State or of other public authorities?
- How is the distribution of competences specific to each state?
- Which tasks relate to the "powers conferred by public law"?

### **FINDINGS**

#### **Similarities:**

- Most Member States do not further specify the overall objectives and tasks (BG, UK, GR) or stay very close to the objectives and tasks as listed in the EC Regulation (RO).
- The overall aim “promotion of cross-border, transnational and/or interregional cooperation” is reflected by most national provisions.

#### **Differences:**

- Hungary gives a negative definition of the tasks in so far as it specifies that a grouping may not be established with the primary aim of pursuing business activities and may not perform public authority activities.
- Portugal gives the most detailed definition of specific actions: to promote studies, plans, programmes and projects, to establish other types of relationships between agents, structures and public entities, to manage infrastructure and equipment, to provide services that are in the public interest.



### 3.3.6 Budget and procedures for the supervision of public funds

Supervision procedures differ widely across the Member States and may make it difficult for applicants to compare the advantages and disadvantages of different supervision procedures, when deciding on the registered seat of their EGTC.

#### Legal basis at EU level:

<p><i>EC Reg. 1082/2006</i></p>	<p>Article 6 - Supervision of management of public funds</p> <ol style="list-style-type: none"> <li>1. Supervision of an EGTC's management of public funds shall be exercised by the competent authorities of the Member State where the EGTC has its registered office. The Member State where the EGTC has its registered office shall designate the competent authority for this task before giving its approval to participation in the EGTC under Article 4.</li> <li>2. Where required under the national legislation of the other Member States concerned, the authorities of the Member State where an EGTC has its registered office shall make arrangements for the appropriate authorities in the other Member States concerned to carry out checks within their territory on those acts of the EGTC which are performed in those Member States and to exchange all appropriate information.</li> <li>3. All checks shall be carried out according to internationally accepted audit standards.</li> <li>4. Notwithstanding paragraphs 1, 2 and 3, where the tasks of an EGTC mentioned under the first or second subparagraph of Article 7(3) include actions which are co-financed by the Community, the relevant legislation concerning the supervision of funds provided by the Community shall apply.</li> <li>5. The Member State where an EGTC has its registered office shall inform the other Member States concerned of any difficulties encountered during the checks.</li> </ol>
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**Further specifications in national provisions:**

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 8. (1) Supervision of the management of public funds by the EGTC falls to the Minister of Finance as a competent authority, without affecting the functions of other competent authorities in the Republic of Bulgaria, of other Member States concerned or at European Union level. In the case of Article 7, paragraph 3, the Audit of European Union Funds Directorate in the Ministry of Finance is responsible for supervision, whilst the Management of European Union Funds Directorate in the Ministry of Finance is responsible for coordination with other financial sources and instruments.</p> <p>(2) All controls shall be carried out according to the applicable audit.</p> <p>(3) Cooperation with the authorities of other Member States concerned and exchange of information relating to the potential or actual participation by the EGTC in Objective 3 “European territorial cooperation”, and under Programme Phare for Cross-Border Cooperation, where applicable, is performed by the Minister of Regional Development and Public Works, who in turn informs the Minister of Finance.</p>
<b>Hungary</b>	<p>Article 9</p> <p>A member whose right or just interest is violated by a resolution adopted by the grouping or an organisational unit thereof may contest such a resolution at the Metropolitan Court within a deadline of thirty (30) days reckoned from its adoption subject to a lapse of right. The litigation shall be governed by the general rules of Act III of 1952 on rules of civil proceedings (hereinafter referred to as the Act on the Rules of Civil Proceedings). The submission of a statement of claim has no suspensive force on the implementation of the resolution; the court, however, may suspend the implementation of the resolution.</p> <p>Article 10</p> <p>(1) The attorney shall exercise statutory supervision over the operation of the grouping under the rules applicable to the attorney. In case the lawfulness of the operation of the grouping cannot be provided otherwise, the attorney may turn to the Metropolitan Court.</p> <p>(2) Based on the legal action of the attorney, the Metropolitan Court may</p> <p>a) annul a resolution of the grouping or an organisational unit thereof in violation of the law, and may order the adoption of a</p>



Country	Relevant articles in national provisions
	<p>new resolution, if required;</p> <p>b) convene the general meeting of the grouping in order to restore the lawfulness of the operation.</p> <p>(3) In case the grouping fails to comply with the stipulations of the judgement and fails to restore the lawfulness of the operation within three (3) months reckoned from the judgement becoming final, the attorney may file a case before the Metropolitan Court for the termination of the grouping.</p> <p>Article 11</p> <p>(1) The competent authority for the purposes of Article 6 of the Regulation shall be the State Audit Office, unless otherwise provided for by the act or the government decree.</p> <p>(2) The State Audit Office is authorised to control the lawfulness of the financial management of the grouping.</p> <p>Article 12</p> <p>The State Audit Office may contact the competent authority of the Member State of establishment with a view to conducting controls in case a member under the laws of Hungary takes part in a grouping established abroad.</p> <p>Article 13</p> <p>If the State Audit Office detects any unlawful act by the grouping within the scope of its financial management, then it requests restoration of the statutory condition. In case of a severe violation of the law or if the grouping fails to fulfil such a request, the attorney may bring a case before the Metropolitan Court for the termination of the grouping upon a request from the President of the State Audit Office.</p>
<b>United Kingdom</b>	<p>Budget (Article 11 of the EC Regulation)</p> <p>6.—(1) Subject to paragraph (2) a UK EGTC shall comply with Part 7 of the Companies Act 1985(a) (accounts and audit), as modified by Part 1 of the Schedule to these Regulations, as if it were a company which qualifies as a small company under section 247 of that Act and is not an ineligible company under section 247A.</p> <p>(2) A UK EGTC does not have to comply with the requirements in Part 7 to deliver accounts and reports to the registrar.</p> <p>(3) A UK EGTC shall—</p> <p>(a) make its latest accounts available for inspection at its registered office by any person, without charge and during business hours;</p> <p>(b) supply a copy of those accounts to any person on request at a price not exceeding the administrative cost of making and</p>



Country	Relevant articles in national provisions
	<p>supplying the copy.</p> <p>(4) The members of a UK EGTC shall appoint an auditor in accordance with the decision-making procedures contained in the statutes of that UK EGTC.</p> <p>(5) The auditor of a UK EGTC must be a person who is eligible for appointment as a company auditor under section 25 of the Companies Act 1989(b) and who is not ineligible by virtue of section 27 of that Act.</p>
<b>Portugal</b>	<p>Article 12</p> <p>Supervision</p> <p>1 – The Inspectorate General of Finance is the competent national authority for the supervision of public funds by an EGTC, as provided for in Article 6 of Regulation (EC) No. 1082/2006 of the European Parliament and of the Council of 5 July.</p> <p>2 – Notwithstanding the provisions outlined in 1 – above, when the functions of an EGTC include actions co-financed by the European Union, national and community legislation governing the control of community funds shall apply.</p>
<b>Greece</b>	not specified
<b>Romania</b>	<p>Art. 5 – The control and audit of the management of public funds by an EGTC shall be conducted by the authorised institutions in compliance with the legal provisions in force.</p>
<b>France</b>	not specified

### Critical issues

- Which rules apply for the supervision of management of non-Community public funds (governed by the law of the country in which the EGTC has its registered office)?
- Which financial supervision rules are provided for in Article 6?
- How are the rules governing liquidation and dissolution defined?

### FINDINGS

#### *Similarities:*

- Most national provisions describe their respective supervision procedures in detail.
- Supervision procedures are generally centralised.



**Differences:**

- In the UK, the EGTC members appoint an appropriate eligible auditor in accordance with the decision-making procedures contained in the statutes of that EGTC.
- Hungary has a rather complicated control system: the State Audit Office is authorised to supervise the financial management of a European grouping as a legal entity. The Government Audit Office controls the utilisation of funds provided by the European Community in line with separate legislation. Should a grouping receive central budgetary funds in the course of its operation, the organisations authorised under separate legislation (State Audit Office, Government Audit Office, organisation providing the support) are allowed to supervise the utilisation of such funds. Other audit organisations (Tax and Financial Audit Office, National Headquarters of the Customs Guard, etc.) supervise the operation and activities of the European grouping in line with relevant legislation.
- Greece and Romania do not further specify their supervision procedures.



### 3.3.7 Conventions and Statutes

In general terms, the national provisions do not seek to further standardise how territorial cooperation should be carried out and therefore do not intervene at the level of conventions and statutes. Consequently, the respective provisions enable a diversity of different forms of territorial cooperation. However, partners and activities are specified elsewhere.

While the only difference between conventions and statutes is the need for approval in the first case, one country adopts a more restrictive approach: In Romania amendments to statutes also generally need to be approved (while according to the Regulation, only substantial amendments need to be approved).

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p>Article 8 Convention</p> <p>1. An EGTC shall be governed by a convention concluded unanimously by its members in accordance with Article 4.</p> <p>2. The convention shall specify:</p> <ul style="list-style-type: none"> <li>(a) the name of the EGTC and its registered office, which shall be located in a Member State under whose laws at least one of the members is formed;</li> <li>(b) the extent of the territory in which the EGTC may execute its tasks;</li> <li>(c) the specific objective and tasks of the EGTC, its duration and the conditions governing its dissolution;</li> <li>(d) the list of the EGTC's members;</li> <li>(e) the law applicable to the interpretation and enforcement of the convention, which shall be the law of the Member State where the EGTC has its registered office;</li> <li>(f) the appropriate arrangements for mutual recognition, including for the purposes of financial supervision; and</li> <li>(g) the procedures for amending the convention, which shall comply with the obligations set out in Articles 4 and 5.</li> </ul> <p>Article 9 Statutes</p> <p>1. The statutes of an EGTC shall be adopted on the basis of the convention by its members acting unanimously.</p> <p>2. The statutes of an EGTC shall contain, as a minimum, all the provisions of the convention together with the following:</p> <ul style="list-style-type: none"> <li>(a) the operating provisions of the EGTC's organs and their competencies, as well as the number of representatives of the members in the relevant organs;</li> </ul>
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	<p>(b) the decision-making procedures of the EGTC;</p> <p>(c) the working language or languages;</p> <p>(d) the arrangements for its functioning, notably concerning personnel management, recruitment procedures and the nature of personnel contracts;</p> <p>(e) the arrangements for the members' financial contributions and the applicable accounting and budgetary rules, including on financial issues, of each of the members of the EGTC with respect to it;</p> <p>(f) the arrangements for members' liability in accordance with Article 12(2);</p> <p>(g) the authorities responsible for the designation of independent external auditors; and</p> <p>(h) the procedures for amending the statutes, which shall comply with the obligations set out in Articles 4 and 5.</p>
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### Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 2. (1) The decision to establish a European grouping of territorial cooperation shall be taken at the initiative of its prospective members, who prepare and unanimously agree on a draft convention (founding agreement) and statutes.</p> <p>(2) The convention (founding agreement) shall specify:</p> <ol style="list-style-type: none"> <li>1. the name of the EGTC and its registered office;</li> <li>2. core activity, objective and tasks of the EGTC and means for their attainment;</li> <li>3. the extent of the territory in which the EGTC may execute its tasks;</li> <li>4. its duration and the conditions governing its dissolution;</li> <li>5. the list of the EGTC's members;</li> <li>6. the appropriate arrangements for mutual recognition, including for the purposes of financial supervision and audit;</li> <li>7. the law applicable in cases of disputes among EGTC's members and to the interpretation and enforcement of the convention (founding agreement);</li> <li>8. the law applicable in cases of disputes whereby the EGTC is a party, in accordance with the provisions of Article 15 of Regulation (EC) 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) [OJ L 210, 31.07.2006, p. 19–24];</li> <li>9. the procedures for amending the convention (founding agreement), which shall comply with the obligations with respect</li> </ol>



Country	Relevant articles in national provisions
	<p>to the registration and notification of the EU Member States concerned.</p> <p>(3) The statutes of an EGTC shall be adopted by its members acting unanimously and shall as a minimum contain the provisions of the convention (founding agreement) together with the following:</p> <ol style="list-style-type: none"> <li>1. the branches and organs of the EGTC, their operating provisions and competences, as well as the number of representatives of the members in the relevant organs;</li> <li>2. decision-making procedures of the EGTC and the rules with respect to the manner of representation of the grouping;</li> <li>3. the working language or languages;</li> <li>4. the arrangements for its functioning, notably concerning personnel recruitment and management;</li> <li>5. the budgetary and accounting rules, including the arrangements for determining and collecting the members' financial and initial property contributions;</li> <li>6. arrangements for members' liability as regards liquidation, insolvency, cessation of payments;</li> <li>7. manner of distribution of the remaining property after satisfaction of creditors;</li> <li>8. rules for origination and termination of membership, as well as the ensuing rights and responsibilities;</li> <li>9. the procedure and authorities responsible for the designation of independent external auditors;</li> <li>10. the procedures for amending the statutes, which shall comply with the obligations with respect to the registration and notification of the EU Member States concerned.</li> </ol> <p>(4) For the purposes of registration the statutes shall be accompanied by documents and/or permissions certifying for each potential member of the EGTC that the Member State under whose law it has been formed, approves the prospective member's participation in the EGTC.</p> <p>(5) The statutes, the convention (founding agreement) or amendments thereto shall also determine the activities to be pursued set out in Article 2 of the Law on Non-profit Legal Entities.</p>
<b>Hungary</b>	not specified
<b>United Kingdom</b>	not specified
<b>Portugal</b>	not specified



Country	Relevant articles in national provisions
Greece	not specified
Romania	Amendments to the European Grouping for Territorial Cooperation constitutive documents Art. 16 – (1) Any amendment to the EGTC convention and statutes shall be adopted unanimously by the EGTC members. (2) The amendments of the convention and statutes shall be sent to the Notification Authority for authorisation, accompanied by the convention and statutes reinforced and by the EGTC members' approval, in compliance with the provision of this Emergency Ordinance and in particular Art. 7 and 8 and of the Regulation and in particular Art. 4, paragraph (6) thereof.
France	not specified

### Critical issues

- Which rules (decision-making, notification etc.) are applicable to the amendment of convention and statutes?
- Are there any indications given that EGTC convention and statutes take precedence over national law?

### FINDINGS

#### Similarities:

- Conventions and statutes are either not explicitly mentioned (FR, HU, UK, PT, GR) or remain similar to the specifications of the EC Regulation 1082/2006 (BG).
- The hierarchy of applicable rules (in particular convention and statutes versus national law) is not explicitly addressed in the national provisions.

#### Differences:

- The Romanian provisions provide in greater detail for the necessary steps in case of amendments to the EGTC convention and statutes, which shall both (!) be adopted unanimously and sent to the Notification Authority for authorisation.



### 3.3.8 Organs (Organisation of an EGTC)

The assembly and the director are the “minimal” organs according to the Regulation, while the members of an EGTC are free to stipulate additional organs in the statutes. Consequently, the overall majority of national provisions do not provide further specifications with respect to organs. However, in two national provisions, additional organs are mandatory: a “managing board” in the case of EGTCs with registered office in Bulgaria, and a “fiscal council” in Portugal.

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p>Article 10 Organisation of an EGTC</p> <p>1. An EGTC shall have at least the following organs: (a) an assembly, which is made up of representatives of its members; (b) a director, who represents the EGTC and acts on its behalf.</p> <p>2. The statutes may provide for additional organs with clearly defined powers.</p> <p>3. An EGTC shall be liable for the acts of its organs as regards third parties, even where such acts do not fall within the tasks of the EGTC.</p>
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#### Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 4. An EGTC shall have at least the following organs:</p> <p>1. an assembly, acting as a supreme entity of the EGTC;</p> <p>2. a managing board, which is made up of at least three persons representing the members of the EGTC.</p> <p>3. a director, who is elected by the assembly. The leader represents the EGTC and acts on its behalf and on its account.</p>
<b>Hungary</b>	not specified
<b>United Kingdom</b>	not specified
<b>Portugal</b>	<p>Article 8 Organs</p> <p>1 – Any EGTC constituted in accordance with Portuguese law must have the following organs:</p> <p>a) A general assembly, in which all members of the EGTC are represented;</p> <p>b) A director, who represents the EGTC and acts in its name;</p>



Country	Relevant articles in national provisions
	c) A fiscal council. 2 – The statute may provide for other organs, as long as their competences are defined clearly.
Greece	not specified
Romania	not specified
France	not specified

### Critical issues

- Are there any additional mandatory organs within an EGTC requested by national provisions?

### FINDINGS

#### Similarities:

- Most national provisions (HU, UK, GR, RO) do not further specify the organs defined in the EC Regulation.

#### Differences:

- Bulgaria additionally introduces a “managing board” made up of at least three people.
- Portugal introduces an additional “fiscal council” which is not further defined in the text.



### 3.3.9 Public interest definition

Although Member States have the possibility of carrying out specific control procedures to protect the public interest, the national provisions do not specify any standard procedures for such cases. This suggests that they will only be used in exceptional circumstances. Measures to defend the public interest (public policy, public security, public health or public morality, or in contravention of the public interest) are generally taken by the competent court.

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p>Article 13</p> <p>Public interest</p> <p>Where an EGTC carries out any activity in contravention of a Member State's provisions on public policy, public security, public health or public morality, or in contravention of the public interest of a Member State, a competent body of that Member State may prohibit that activity on its territory or require those members which have been formed under its law to withdraw from the EGTC unless the EGTC ceases the activity in question. Such prohibitions shall not constitute a means of arbitrary or disguised restriction on territorial cooperation between the EGTC's members. Review of the competent body's decision by a judicial authority shall be possible.</p>
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#### Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	<p>Article 7.</p> <p>EGTC with a registered office in the Republic of Bulgaria, defined as such pursuing activities for public benefit:</p> <ol style="list-style-type: none"> <li>1. may be assisted and encouraged by the country through tax, credit-interest, customs and other financial and economic preferences without prejudice to the applicable state aid rules;</li> <li>2. may apply for grant support under the Programme Phare for Cross-Border Cooperation, where applicable;</li> <li>3. may apply for grant support from the European Union, and more specifically under Objective 3 "European territorial cooperation" without prejudice to the applicable state aid rules.</li> </ol>
<b>Hungary</b>	not specified



Country	Relevant articles in national provisions
<b>United Kingdom</b>	<p>Competent authority and court (Articles 4(4), 13(1) and 14(1) of the EC Regulation)</p> <p>5.—(1) The Secretary of State shall be the competent authority for the purpose of receiving the notifications and documents under article 4(2) of the EC Regulation.</p> <p>(2) The Secretary of State shall be the competent body for the purpose of prohibiting under article 13 of the EC Regulation any activity carried out in the United Kingdom by an EGTC where such an activity is in contravention of any enactment or rule of law providing for <b>public policy, public security, public health or public morality, or in contravention of the public interest</b> of the United Kingdom.</p> <p>(3) The High Court (in Scotland, the Court of Session) shall be the competent court for the purpose of ordering the winding up of a UK EGTC under article 14(1).</p>
<b>Portugal</b>	<p>Article 9</p> <p>Prohibition of activity in Portugal</p> <p>1 – If an EGTC undertakes any activity that violates any <b>public order, public safety, public health, public morality or public interest dispositions</b>, the member of the government responsible for regional development can prohibit the activity of that EGTC in Portugal, or demand that participating Portuguese entities withdraw from that EGTC, unless the latter ceases all such activities.</p> <p>2 – The prohibition referred to above must not constitute an arbitrary or covert restriction on territorial cooperation.</p> <p>3 – The decisions proffered in accordance with the provisions in point 1 may be contested in a court of law.</p>
<b>Greece</b>	not specified
<b>Romania</b>	<p>Art. 19 – (1) An EGTC shall be wound up, by court decision, in case of declaration of insolvency of EGTC or at the request of a third party or Notification Authority, when an EGTC carries out any <b>activity in contravention of the purpose it was established for or of a provision on public order, public security, public health, public morality or public interest</b>.</p>
<b>France</b>	not specified



### **Critical issues**

- What provision is made for controls to protect the public interest?
- Are there any potential conflicts with activities in contravention of a Member State's provisions on public policy, public security, public health or public morality or public interest?
- Are there any potential differences in public interest definitions and problems arising from this?

### **FINDINGS**

#### **Similarities:**

- Most national provisions (PT, RO, UK) explicitly mention that the Member State may prohibit the EGTC's activity on its territory if it is against the "public interest".
- Most provisions refer to activities concerning public policy, public security, public health or public morality, or in contravention of the public interest.
- Most provisions (PT, RO, UK) do not further specify control procedures to protect public interest but nominate the competent court.



### 3.3.10 Jurisdiction

**Regulation (EC) 1082/2006 gives national courts jurisdiction for any dispute relating to this provision. Consequently most national provisions do not give further indications under this heading but limit themselves to mentioning the competent court under this article (or elsewhere).**

#### Legal basis at EU level:

<i>EC Reg. 1082/2006</i>	<p>Article 15 Jurisdiction</p> <p>1. Third parties who consider themselves wronged by the acts or omissions of an EGTC shall be entitled to pursue their claims by judicial process.</p> <p>2. Except where otherwise provided for in this Regulation, Community legislation on jurisdiction shall apply to disputes involving an EGTC. In any case which is not provided for in such Community legislation, the competent courts for the resolution of disputes shall be the courts of the Member State where the EGTC has its registered office. The competent courts for the resolution of disputes under Article 4(3) or (6) or under Article 13 shall be the courts of the Member State whose decision is challenged.</p> <p>3. Nothing in this Regulation shall deprive citizens from exercising their national constitutional rights of appeal against public bodies which are members of an EGTC in respect of: (a) administrative decisions in respect of activities which are being carried out by the EGTC; (b) access to services in their own language; and (c) access to information. In these cases the competent courts shall be those of the Member State under whose constitution the rights of appeal arise.</p>
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#### Further specifications in national provisions:

Country	Relevant articles in national provisions
<b>Bulgaria</b>	not specified
<b>Hungary</b>	<p>Article 9</p> <p>A member whose right or just interest is violated by a resolution adopted by the grouping or an organisational unit thereof may contest such resolution at the <b>Metropolitan Court</b> within a deadline of thirty (30) days reckoned from its adoption subject to a lapse of right. The litigation shall be governed by the general rules of Act III of 1952 on rules of civil proceedings (hereinafter referred to as the Act on the Rules of Civil Proceedings). The</p>



Country	Relevant articles in national provisions
	submission of a statement of claim has no suspensive force on the implementation of the resolution; the court, however, may suspend the implementation of the resolution.
<b>United Kingdom</b>	not specified
<b>Portugal</b>	<p>Article 10 - Cessation of functions The functions of any EGTC that is legally based in Portugal may cease as a result of a decision by a member of the government responsible for regional development, if that EGTC has ceased to fulfil the requirements established in Article 1 (2) or Article 7 of Regulation (EC) No. 1082/2006, of the European Parliament and the Council of 5 July, or if it has violated any Portuguese legal disposition that threatens the continuation of the activities of the EGTC on national territory.</p> <p>Article 11 - Winding up The winding up of an EGTC must follow the terms provided for by the applicable agreement or statutes.</p>
<b>Greece</b>	not specified
<b>Romania</b>	not specified
<b>France</b>	not specified

### Critical issues

- the legal consequences, or legal scope, of international rules on its territory
- imbalances between members due to different national jurisdictions

### FINDINGS

#### Similarities:

- Most provisions do not further specify the jurisdictions in their national provisions.

#### Differences:

- Hungary and Portugal explicitly mention the competent court under the heading of jurisdiction.
- Hungary further specifies the general rules which apply in case of litigation (rules of civil proceedings).



## **4. PART 2: ANALYSIS OF EGTC CASE STUDIES**

### **Criteria for the selection and representation of case studies**

The collection of case studies illustrates different approaches and different types of EGTCs across Europe. The criteria for the identification of examples included aspects such as:

- A) General: advancement of implementation, geographical balance across Member States, clear attribution to one type of EGTC, tasks and objectives addressed by the EGTC, availability of and access to information;
- B) Innovation: innovative methods/approaches/tools, innovative processes, particular features (e.g. third country participation);
- C) Impact: expected stimulation of significant cooperation, expected change in set-up for cooperation;
- D) Transferability: into other regions and countries, into other sectors;
- E) Feedback: positive feedback by stakeholders; positive feedback by EGTC Expert Group.

Based on the criteria presented above, a sample of 8 case studies was selected for further analysis. These case studies are compiled on the basis of desk-research, material produced in other studies, conferences and the screening of literature and internet. Furthermore a small number of interviews with stakeholders have been held.

### **Selected cases of emerging EGTCs**

Each EGTC case study description includes a brief presentation of the general information on the EGTC (section A). Section B is dedicated to the character and the specificity of the actual or planned EGTC. In section C, the process which led to the decision to set up an EGTC is described. Section D contains the expert's assessment of the anticipated impact and highlights the strategic specificities of the case studies. Based on the criteria outlined in the previous chapter, the following 8 case studies have been chosen for analysis<sup>15</sup>:

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<sup>15</sup> see map 2 'location of case studies'.



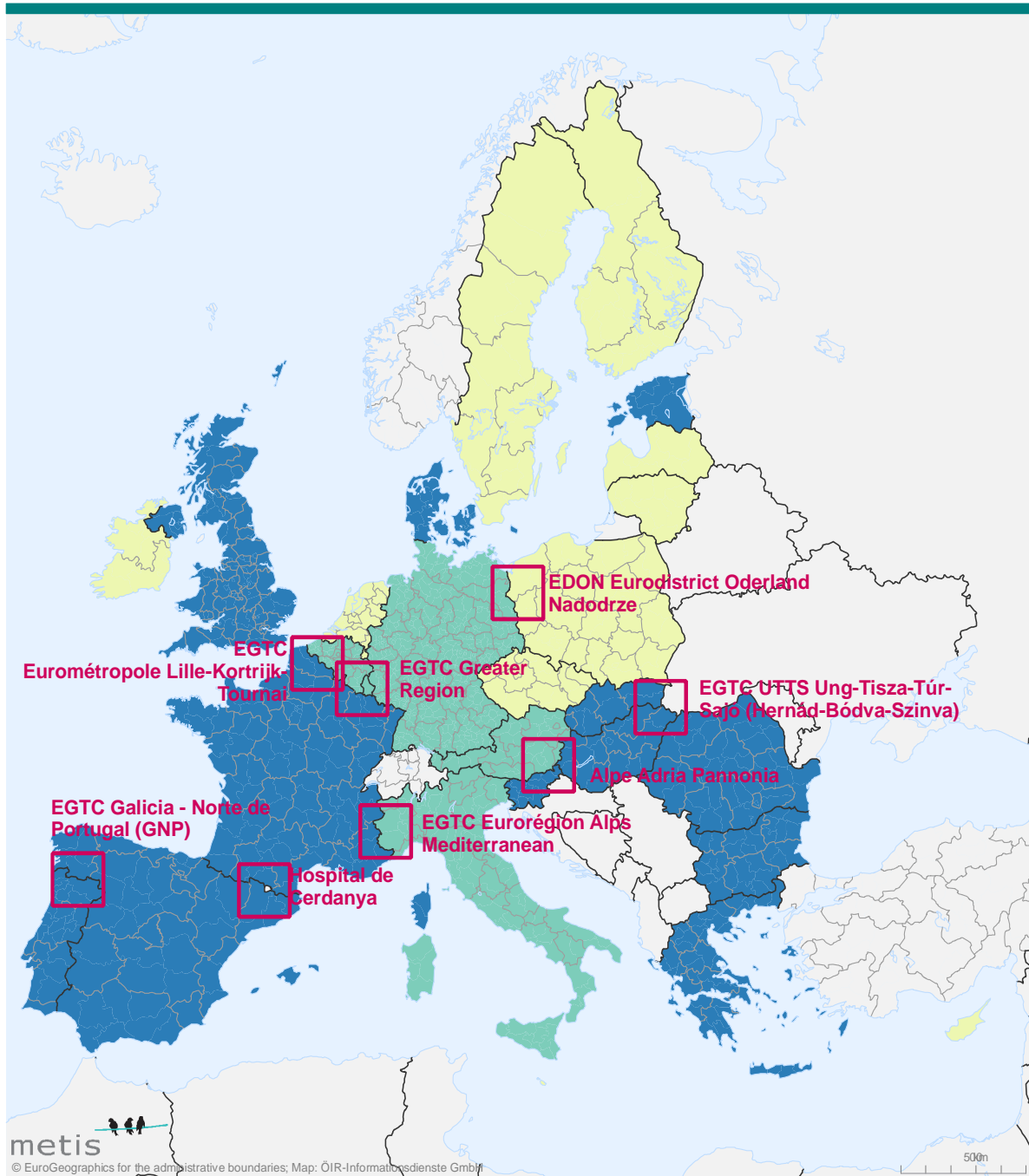
No	Title (or working-title)	Countries	Short characterisation
1	EGTC Eurométropole Lille-Kortrijk-Tournai	FR, BE	First EGTC implemented in Europe with high level of political commitment.
2	EGTC UTTS Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva)	HU, RO, SK, (UA)	EGTC in new Member States with envisaged third country participation (Ukraine).
3	EDON Eurodistrict Oderland Nadodrze	DE, PL	EGTC with large partnership (25 local authorities!)
4	Hospital de Cerdanya	ES, FR	EGTC for service management of a hospital.
5	EGTC Greater Region	LU, DE, FR, BE	EGTC to take over programme management of Interreg IV A (in future)
6	EGTC Eurorégion Alps Mediterranean	IT, FR	Envisaged EGTC as implementing vehicle for major EU, national and regional policies.
7	EGTC Galicia - Norte de Portugal (GNP)	ES, PT	Close cooperation between two regions with a sensitive historical and cultural identity (autonomy)
8	Alpe Adria Pannonia (working title)	AT, IT, SI, HU, (HR)	EGTC with envisaged third country participation.

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**Map 2. Location of case studies**

European Grouping of Territorial Cooperation:  
Location of case studies



**Implementation status of national EGTC provisions (June 2008):**

- adopted
- advanced
- under preparation

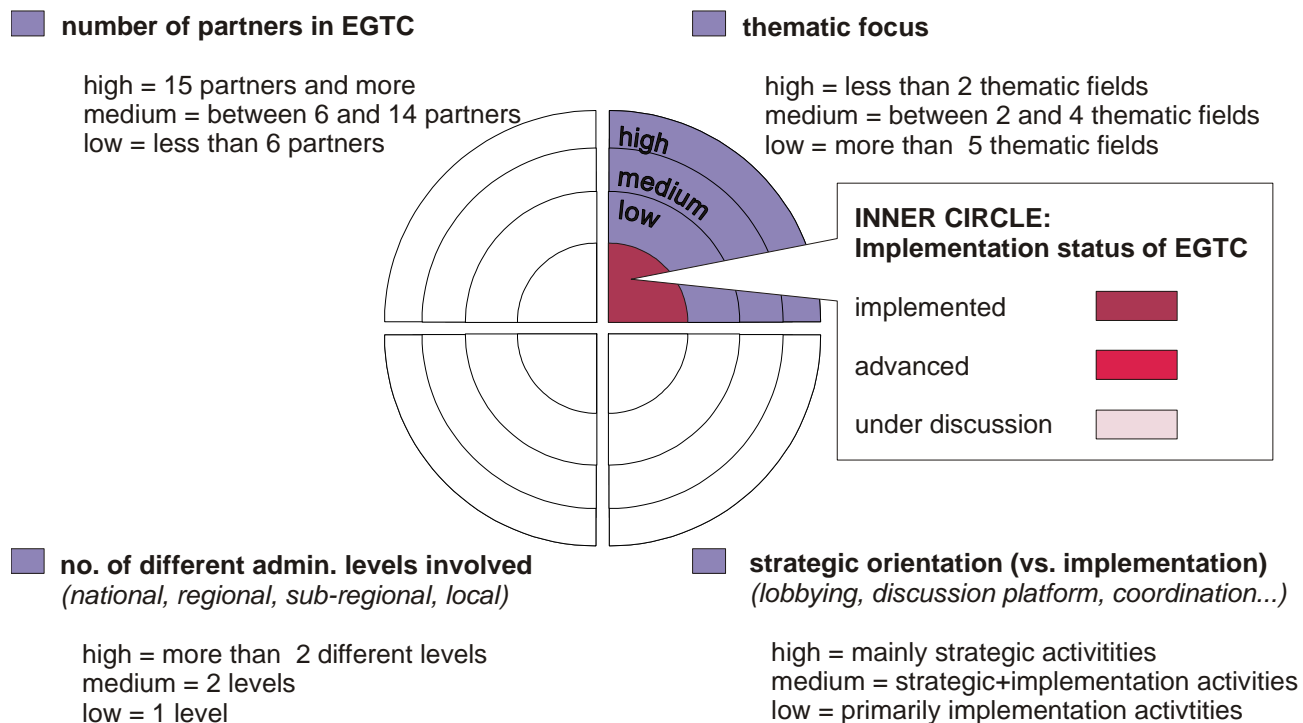
- national border
- NUTS 2 region
- non EU countries
- case study





In order to **illustrate the diversity** among the EGTC initiatives a “**logical map**” has been prepared for each case study. These pie charts include the following characteristics of the analysed EGTC examples:

**OUTER CIRCLE SEGMENTS:** EGTC key characteristics

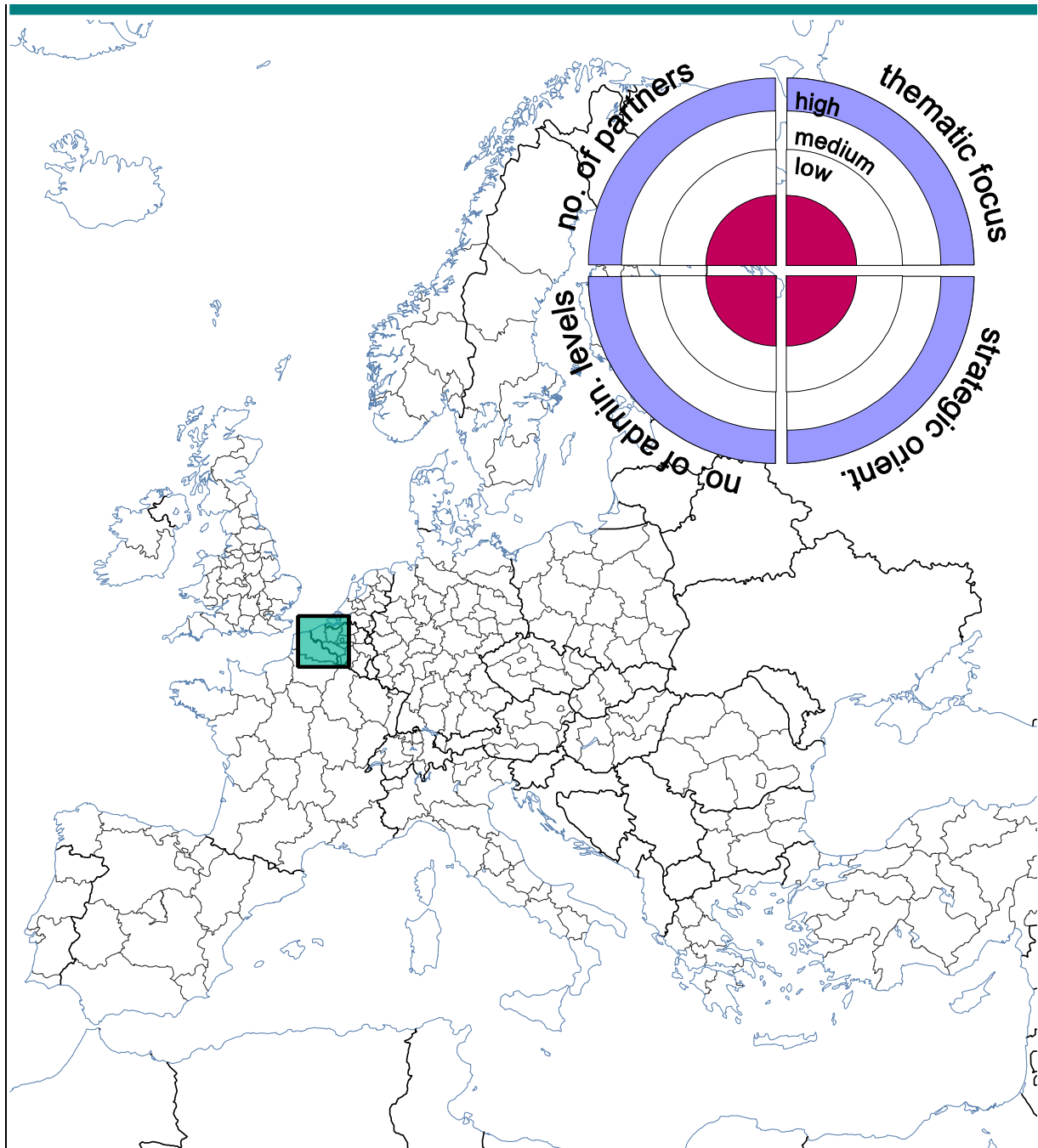


The **status of implementation** of the EGTC in July 2008 is indicated in the *inner circle* in three different colour shades: implemented EGTCs are those which have already registered their offices. Advanced EGTC initiatives have at least prepared the draft convention and statute, although they have not been formally submitted. All other EGTC initiatives are still under discussion. The outer circle segments show:

- (1) The **thematic focus**, expressed in the number of thematic fields that are explicitly mentioned in the draft documents. Initiatives with a high thematic focus concentrate on very few thematic fields, while initiatives with a broad range of themes have a low thematic focus.
- (2) The **strategic orientation** versus implementation orientation indicates whether an EGTC initiative has mainly strategic (= policy oriented) activities such as lobbying, discussion platform, coordination. A stronger implementation orientation is understood as ‘low strategic orientation’.
- (3) The **number of different administrative levels** involved indicates the complexity in terms of multilevel governance.
- (4) The **number of partners involved** in the partnership indicates the complexity of internal coordination.



### 4.2.1 Eurométropole Lille-Kortrijk-Tournai



- First EGTC implemented in Europe, set-up of EGTC before the EGTC provisions were adopted in Belgium and France
- New governance form for polycentric metropolises
- Strong political commitment (also reflected in partnership structure)
- Model of “associate working members” as solution for enlarging partnership to a broader territorial cooperation area rather than an exclusive reference territory



**A) General information**

<b>Name of the EGTC</b>	<b>Groupeement européen de coopération territoriale Eurométropole Lille-Kortrijk-Tournai</b>
<b>Acronym</b>	-
<b>Implementation status</b>	implemented
<b>Countries involved</b>	FR, BE
<b>Territory</b>	In total consisting of 145 municipalities. FR: Lille Métropole Communauté urbaine (87 cities); BE Walloon Region: 3 arrondissements (Mouscron, Tournai, Ath); communes de Lessines, Silly et Enghien. BE-Flanders: 4 arrondissements (Kortrijk, Leper, Roeselare, Tielt) Territories, cities and municipalities which are not situated in the reference area and are either bordering or near may become “associate working members”.
<b>Seat of the EGTC (operational units)</b>	The legal seat of the Eurométropole Lille-Kortrijk-Tournai is located in France, 1, rue du Ballon – BP 745 – F 59034 LILLE Cedex. Operating services will be located in Belgium with the possibility of having additional offices outside its reference area.
<b>Members / administrative levels involved</b>	FR: French State, la Région Nord-Pas-de-Calais, le Département du Nord, Lille Métropole Communauté urbaine, BE : Federal State; Flemish Region and Community, the Province of West-Flanders; intercommunale Leiedal (communes de l’ arrondissement de Kortrijk); intercommunale wvi, (communes des arrondissements de Roeselare, Ieper et Tielt); Wallon Region, the French Community of Belgium, the Province of Hainaut, intercommunale Ideta, (communes de l’arrondissement de Tournai with the exception of the commune d’Estaimpuis, and the l’arrondissement d’Ath as well as the communes of Lessines, Silly and Enghien),- l’intercommunale IEG (communes de l’arrondissement de Mouscron et de la commune d’Estaimpuis)
<b>Duration</b>	unlimited
<b>Further information</b>	Web: <a href="http://www.lillemetropole.fr">http://www.lillemetropole.fr</a>



## B) The character of the EGTC

<b>Objectives</b>	Promoting and supporting cross-border cooperation. Involving competent institutions, ensuring harmonisation, dialogue and favouring political discussion; producing cross-border coherence; facilitating, developing and carrying out projects according to the commonly prepared development strategy; improving the quality of life of the inhabitants of the French-Belgian reference area. <sup>16</sup>
<b>Tasks</b>	Ensuring inter-institutional and broader dialogue and promoting political debate Producing cross-border consistency throughout the entire territory Facilitating, managing and carrying out projects Facilitating the daily life of the inhabitants
<b>Organs and their main competences</b>	The ASSEMBLY of the Eurométropole Lille-Kortrijk-Tournai is composed of 84 representatives and will be the decision-making and control organ of the EGTC. It approves the annual budget and decides on themes of cooperation. The Assembly is chaired by a PRESIDENT (or by one of the three VICE-PRESIDENTS) The BUREAU consists of 32 members and is the executive body of the EGTC. It is responsible for coordination, exchange and decisions. In administrative and technical terms, the Eurométropole is supported by a cross-border agency (Agence transfrontalière). A major conference will ensure effective exchange on Eurométropole projects.
<b>Law applicable and financial supervision</b>	The Eurométropole Lille-Kortrijk-Tournai is subject to French law for "établissements publics de coopération intercommunale". The Eurométropole Lille-Kortrijk-Tournai takes form of a "syndicat mixte ouvert".
<b>Budget</b>	The projected budget for the coming years is as follows: 989 900 € in 2008; 1 493 300 € in 2009 and 1 485 300 € in 2011. The income is distributed as follows: <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;">50 % France LMCU : 25%</div> <div style="text-align: center;">50 % Belgium Belgium FL : 21,43 %</div> </div>

<sup>16</sup> Prefecture de Region Nord-Pas-de-Calais (2008): Recueil des actes administratifs: Publication spéciale relative à la création du Groupement Européen de Coopération Territoriale "Eurométropole Lille-Kortrijk-Tournai". 21 Janvier 2008.



	Région : 10%                      Belgium W : 21,43 % Département : 10% State F : 5 %                      State B : 7,140 %
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	The EGTC has two main operating principles: (1) Parity between France and Belgium, then within Belgium, between French-speaking and Dutch-speaking regions; (2) Application of French/Dutch bilingualism
<b>Languages</b>	The working languages are French and Dutch. Public documents and products have to be available at least in these two languages.

## C) The process of setting up the EGTC

### Cooperation history

On 28 January 2008, the first European Grouping of Territorial Cooperation (EGTC) was created between France and Belgium: the Eurométropole Lille-Kortrijk-Tournai. It brings together fourteen authorities from the Lille Metropolis, western Hainaut and western Flanders (four French authorities and ten Belgian ones).

### Political context and strategy

The experience is based on a long-established tradition of cross-border cooperation between France and Belgium. The initiative also responds to the interests of municipalities within the territory, which is characterised by the contiguity of urban agglomerations. The milestones of cross-border cooperation in that area comprise

- the setting-up the COPIT (Cross-border Standing Conference of Intermunicipal Organisations) in 1991
- carrying out the initial projects under the INTERREG initiative between 1990-1995
- the formulation of a joint strategy for the Metropolitan area between 1998 and 2002

These experiences led to the drafting of a French-Belgian Treaty for cross-border cooperation between local authorities between 1998 and 2002. In 2005, a working group of 12 members of the French and the Belgian parliaments was formed which resulted, in June 2006, in the proposal to develop a cross-border governance structure (Eurodistrict) with 14 members.



In the course of the first assembly meeting of 84 members, Pierre Mauroy (mayor of Lille) was elected president of the EGTC, together with 3 vice-presidents: Stefaan de Clerck, (mayor of Kortrijk); Rudy Demotte (minister-president of the Walloon region); Danièle Defontaine, vice-president of Lille Métropole Communauté urbaine responsible for international relations.

### **Perceived added value**

The EGTC creates a public body with 14 local, regional and national authorities combining all competences. It thus forms a new platform for technical and political dialogue to build up a coherent development strategy. From the technical point of view, the EGTC provides the possibility of managing European projects as a single partner.

### **Expected institutional positioning and shaping of partnership (horizontal versus vertical integration)**

The EGTC was prepared with the explicit aim of developing a new form of governance appropriate for a polycentric metropolis in an area spanning two Member States. It also provides a specific solution to territorial development policies and to the role of local communities.

Eurométropole, with more than 2 million inhabitants on 3.550 km<sup>2</sup> located in the centre of the Brussels – Paris – London triangle, is the biggest trans-border agglomeration in Europe.

### **Obstacles encountered**

The main points of discussion were the name ‘Eurométropole Lille Kortrijk Tournai’, as well as all questions related to bilingualism and parity. Furthermore the question concerning the location of headquarters and offices and the recruitment of staff has been controversial.

### **Perceived opportunities of using EGTC for integrated policies versus specific services**

The application of the EGTC instrument was motivated by the wish to apply new forms of governance in order to overcome traditional obstacles of cross-border cooperation, as well as the explicit ambition to become a “model region” for European integration.

It provides for a concentration of the cross-border links in the fields of employment, transport, territorial planning and cultural development.



**D) Assessment of good practice and impact**

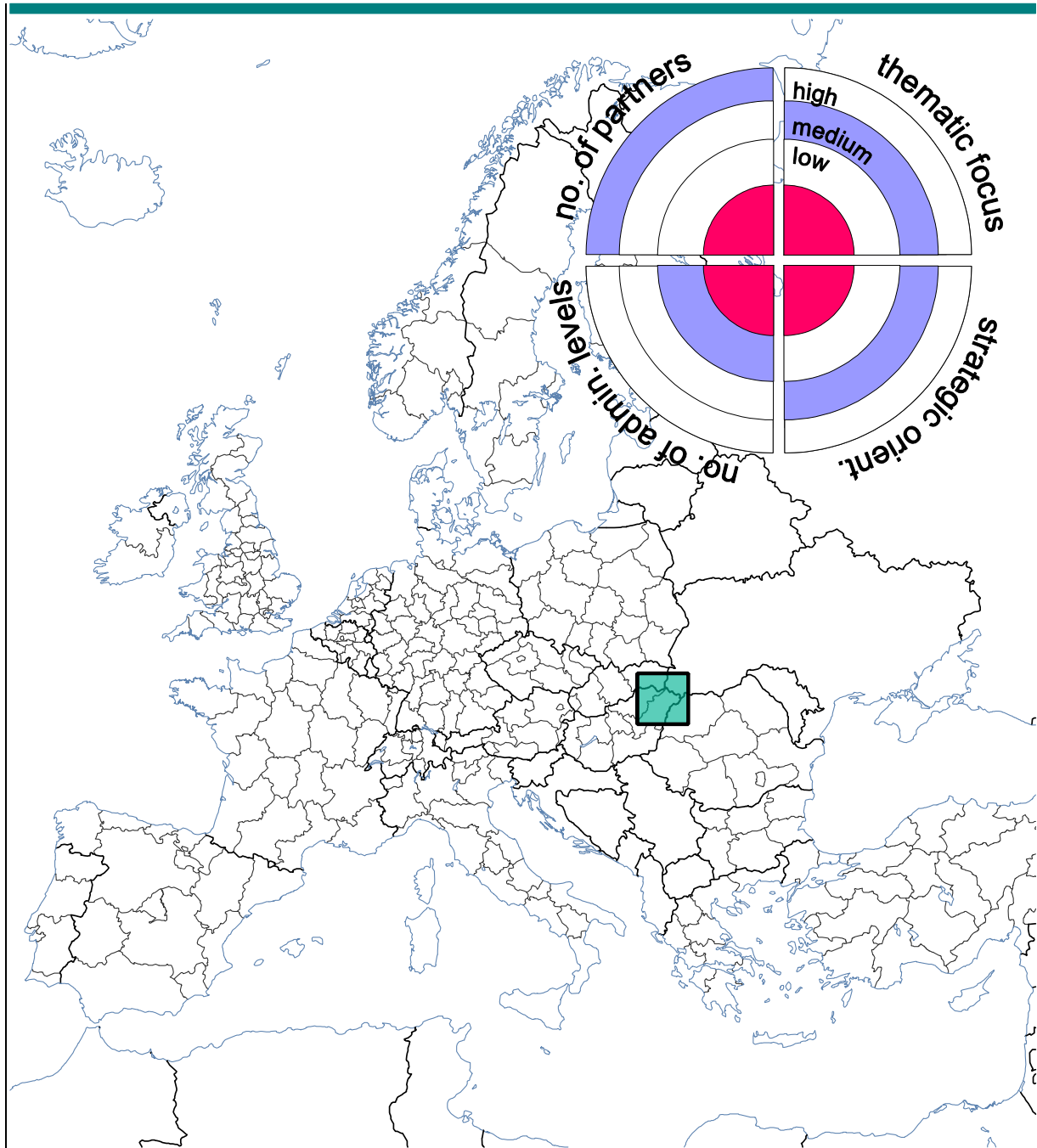
The Eurométropole constitutes good practice both in terms of the short time needed to set up the EGTC and the proactive approach in establishing the EGTC without the actual national rules being in place: in only 18 months from the EGTC Regulation in July 2006 to the creation of the legal body in January 2008, this EGTC has been the fastest example of its kind in Europe. Considering the fact that the first meeting of the Comité Constitutif only took place on 28/11/2006, the actual preparation phase took just over a year.

The range of activities envisaged by Eurométropole promises to give an appropriate answer to the daily challenges of the life of inhabitants in a cross-border area. It ensures better coordination of policies and provides effective solutions to problems such as commuting, cross-border health services etc.

From a political point of view, the EGTC has succeeded in achieving the highest level of political commitment in the cooperation area: The mayor of Lille as president together with the 3 vice-presidents: mayor of Kortrijk; the minister-president of the Walloon region and the vice-president of Lille Métropole Communauté urbaine ensure an extraordinary political commitment and long-term stability for the initiative.



#### 4.2.2 UTTS Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva) European Grouping of Territorial Cooperation with Limited Liability



- EGTC in new Member States with envisaged third country participation (Ukraine)
- Organisation structure prepared
- Set-up of a cooperation structure that is in principle also open to further partners
- Initiative of local governments



## A) General information

<b>Name of the EGTC</b>	<b>Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva) European Grouping of Territorial Cooperation with Limited Liability</b>
<b>Acronym</b>	UTTS
<b>Implementation status</b>	advanced (= draft statutes and conventions existing since 30 November 2007)
<b>Countries involved</b>	HU, SK, RO and UA (third country)
<b>Territory</b>	SK: Košice and Prešov counties HU: Borsod-Abaúj-Zemplén, Szabolcs-Szatmár-Bereg and Hajdú-Bihar counties RO: Satu Mare and Arad counties UA: the Subcarpathian territories
<b>Seat of the EGTC (operational units)</b>	Grouping seat: Community Kántorjánosi in HU, Postal Address: Kossuth utca 14; ZIP Code: HU 43353. Grouping Registered Offices in Janík (SK); Turulung (RO) and Kaszon (UA).
<b>Members / administrative levels involved</b>	The local governments of the Hungarian, Slovakian, Romanian and Ukrainian settlements from the territories of the Republic of Hungary, the Slovak Republic, the Republic of Romania and Ukraine that are signatories to and are listed in the Convention for the creation of the Grouping (current status).
<b>Duration</b>	Indefinite period
<b>Further Information</b>	Web: - E-mail: nagymaci2@yahoo.com (Marosvölgyi Tibor, Director)



## B) The character of the EGTC

<b>Objectives</b>	The priority objectives of the UTTS EGTC are to establish. The activities are intended to promote the reinforcement of economic and social cohesion and to promote convergence objectives in the geographic territory comprising the grouping members. With the achievement of its main goals, the EGTC particularly seeks to promote the development of cooperation between the territorial units and various organisations operating in the border region, to improve the quality of life for residents living within its territory and to reduce regional disparities.
<b>Tasks</b>	Development and carrying out of projects (and later programmes) on territorial cooperation, co-funded by the European Community through ERDF, ESF and CF in various fields (e.g. use of renewable energy, ecological rehabilitation, agriculture, creation of sustainable jobs); provision of planning, engineering and expert services in various fields of activity; encouraging the formation and provision of training, legal and technical assistance to grassroots enterprises; maintaining contacts with authorities and institutions with jurisdiction over the members of the grouping; performance of administrative duties related to subsidies, preparation of monitoring reports, cooperation with the organisations of the Community and the Member States authorised to audit projects; preparation and publication of analyses on experimental projects; ensuring publicity for the grouping and its projects and results; development of common environmental management and environmental protection.
<b>Organs and their main competences</b>	The GENERAL ASSEMBLY comprises representatives delegated by the members and will be the control organ as well as the highest decision-making organ of the grouping. It approves the annual budget and elects the SUPERVISORY COMMITTEE, the PRESIDIUM, the SECRETARIAT and the MANAGEMENT. The MANAGEMENT runs the grouping and comprises the DIRECTOR, who represents the grouping, and three DEPUTY DIRECTORS. A TERRITORIAL DIRECTORATE is located in each Member State. The SUPERVISORY COMMITTEE supervises the MANAGEMENT and reports to the GENERAL



	ASSEMBLY.
<b>Law applicable and financial control</b>	As a general rule, issues not regulated by the Convention of the UTTS Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva) European Grouping of Territorial Cooperation with Limited Liability shall be governed by Regulation 1082/2006/EC of the European Parliament and the Council, if not they shall be governed by the stipulations of Act No. XCIX of 2007 of the Republic of Hungary on a European Grouping of Territorial Cooperation. Should the seat of the grouping be transferred, the operations of the grouping shall be governed by the law of the Member State where the seat is located. With regard to decisions on the participation of prospective future members in the grouping, the law of the Member State where the prospective future member is located shall apply.
<b>Budget</b>	Contribution by founding members: EUR 4 000 (representing a one-time payment obligation). (Founding members from Ukraine are exempted from the payment of membership fees as this is currently not possible under any context pursuant to legal statutes currently in effect in that country.) Contribution by new members: EUR 10 000 (also representing a one-time payment obligation).
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	A quorum at the GENERAL ASSEMBLY shall require the presence of more than half of the members. A qualified quorum at the General Assembly shall be required to amend the Convention and the Statutes, the formation and the dissolution of the grouping as well as changes in the person of the DIRECTOR and changes in the MANAGEMENT.
<b>Languages</b>	The official languages of the grouping are as follows: Magyar, Slovak, Ukrainian, Romanian and English. All documents related to general operations shall be translated into the official languages specified by the grouping. Proceedings vis-à-vis the competent authorities of the seat and the registered offices of the grouping shall be conducted in the official language of the respective territory and therefore authenticated translations shall be made of all documents prepared in non-official languages.



## **C) The process of setting up the EGTC**

### **Cooperation history**

The Carpathian Euroregion<sup>17</sup>, established in 1993, covered the territory of the present UTTS EGTC, but this formation cannot be considered as a direct predecessor of the EGTC. Overall, several cross-border projects implemented within the framework of the Community Initiative INTERREG strengthened cooperation in this region. Based on this enhanced cooperation, at the beginning of 2007 there was an attempt to create an EGTC in the region, although the national regulations governing EGTC had not then been adopted. The initiative eventually failed, but most of the participants later participated in the set-up of UTTS EGTC.

### **Political context and strategy**

The main actors in the promotion of the EGTC are the local governments, who recognised that the regions on the border had similar economic problems and needs and decided to seek common solutions. They assumed that the low level of economic development of the border region can best be raised jointly, by means of common strategic planning and generating and implementing cross-border projects, and that this style of cooperation was more stable and efficient than other frameworks. Therefore, they opted to establish an EGTC. At political level, the EGTC was welcomed in each Member State, although their domestic political situation has also affected the establishment of the grouping.

### **Perceived added value**

The members consider this form of cooperation more stable and more efficient, and they expect that the EGTC will contribute to a more comprehensive and transparent decision-making mechanism and to a more strategic planning approach for the whole border region. They presume that this form will make it possible to generate and implement cross-border projects with a more coordinated and structured approach minimising the risks which could easily emerge in other, looser forms of cooperation.

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<sup>17</sup> for further information see homepage of Carpathian Euroregion  
[http://www.franko.lviv.ua/rasd/mirror\\_pl/index\\_en.htm](http://www.franko.lviv.ua/rasd/mirror_pl/index_en.htm)



**Expected institutional positioning**

The relation between the EGTC and territorial units is balanced and it is expected to remain so. Generally, the members do not expect to have much more power at national level, nor do they see a considerably increased potential for lobbying at EU level. The members from Ukraine expect to tighten ties with the EU, to receive more EU funds, and to have more say in EU policies affecting their country.

**Shaping of partnership (horizontal versus vertical integration)**

The UTTS EGTC is promoted by local governments located along the border, which seek to formalise their existing cooperation practices. The EGTC is open to other territorial authorities in the border region, which qualify for membership under the Regulation and declare full acceptance of the grouping's convention and statutes.

**Obstacles encountered**

The main obstacle consisted of the differing legal structures of the countries involved, which also implied different legal interpretations of the EGTC concept and led to a rather lengthy legal clarification process. In addition the (political) interests of the members make the EGTC formation a resource-intensive coordination task. The participation of partners from Ukraine also proves to be challenging (e.g. payment of membership fee), and was not possible until a separate agreement between Ukraine and Hungary was signed after a rather long consultation process.

**Perceived opportunities of using EGTC for integrated policies versus specific services**

In the long run, the EGTC has the potential to implement territorial policies. With the establishment of the EGTC, the informal cooperation structure became more stable, which makes the development and carrying out of coordinated territorial development projects and programmes more efficient and effective and enables the cooperation to play a more decisive role in the planning and implementation of comprehensive territorial development programmes. The EGTC is primarily used to implement projects on territorial cooperation which are co-funded by the European Community. Some of these are infrastructure projects (roads, bridges, new border crossing points) in the border regions. Furthermore, the EGTC provides services for businesses located in the region by offering training and legal and technical assistance to grassroots companies.



## **D) Assessment of good practice and impact**

The EGTC is set up by partners from four countries, one of which is not an EU member. The consultation process, which made the integration of partners from outside the EU possible, can be considered a good practice. Furthermore, the successful harmonisation and conciliation of the interests of members from four different countries can also be regarded as a remarkable achievement.

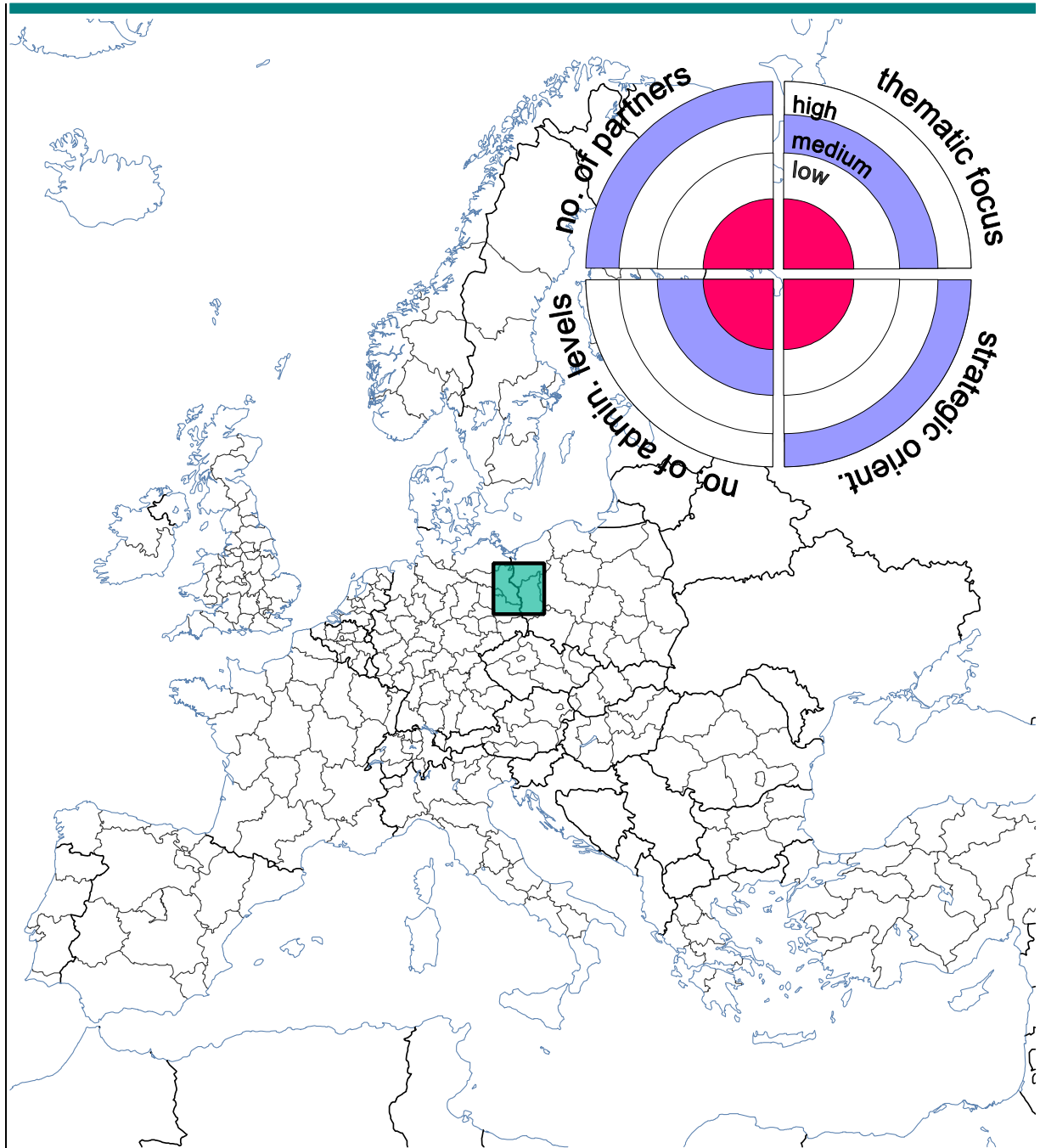
This EGTC is an example of horizontal integration of several local governments from four countries. Providing a common, more comprehensive and structured territorial approach in several border regions, the EGTC has the potential to achieve greater economic, social and territorial cohesion. It is also expected to reduce the 'border effects' notably on the border between the EU and Ukraine.







### 4.2.3 Eurodistrict Oderland Nadodrze



- EGTC as continuation and further development of an already existing CBC (Interreg projects, Eurodistrict etc.)
- EGTC used in order to compensate for the lack of bilateral agreements between PL and DE
- Large partnership (25 local authorities)



**A) General information**

<b>Name of the EGTC</b>	<b>Eurodistrict Oderland Nadodrze</b>
<b>Acronym</b>	EDON
<b>Implementation status</b>	Advanced: draft statute and convention is being circulated among the 25 members
<b>Countries involved</b>	DE, PL
<b>Territory</b>	The border region between Germany and Poland, east of Berlin with the following settlements as its boundary: DE: Oderberg und Eberswalde in the north, Lebus and Frankfurt in the south; PL: Chojna und Mysliborz in the north and Slubice and Kutowice in the south.
<b>Seat of the EGTC (operational units)</b>	Coordination office: Neulewin 56, D-16259 Neulewin, Germany Phone: + 49 33452 49258 Fax: + 49 33452 49259 E-Mail: nadodrze@bezgranic.net Project leader: Wolfgang Skor Two branch offices: Kostrzyn (Lubuskie), Debno (Zachodniopomorskie)
<b>Members / administrative levels involved</b>	25 local authorities (c), 13 in PL: Banie, Barlinek, Boleszkowice, Cedynia, Chojna, Dębno, Dobiegniew, Kostrzyn, Mieszkowice, Moryn, Mysliborz, Pomorski, Trzcińsko-Zdrój 12 in DE: Bad Freienwalde, Barnim-Oderbruch, Golzow, Lebus, Letschin, Märkische Schweiz, Neuhardenberg, Oderberg, Seelow, Seelow-Land, Strausberg, Wriezen
<b>Duration</b>	Indefinite period
<b>Further information</b>	Web: <a href="http://www.bezgranic.net">http://www.bezgranic.net</a> E-mail: <a href="mailto:info@depore.de">info@depore.de</a> , <a href="mailto:wolfgang.skor@depore.de">wolfgang.skor@depore.de</a>



## B) The character of the EGTC

<b>Objectives</b>	The main objective is to develop the German-Polish border region as per the Lisbon strategy. Goals, targets and objectives: cooperation in the fields of the economy, tourism, environmentalism, cross-border infrastructure, arts, culture, youth employment, sports, education, health, disaster control and others; and to give a legal basis to bilateral CBC as a solution to the absence of a bilateral agreement between Germany and Poland.
<b>Tasks</b>	The tasks are in particular organising cooperation, lobbying, seeking out and organising development support and subsidies, organising conferences, meetings and workshops, planning regional development.
<b>Organs and their main competences</b>	Organs: <b>Assembly</b> , a <b>Board</b> with 2 Directors (1 German and 1 Polish) and 6 members (3 German and 3 Polish) a <b>Monitoring Committee</b> , a manager and staff. Together they lead the EDON to prepare an EGTC. The Assembly is the highest decision-making body of the EGTC. It is responsible for all decisions regarding the operation of the EGTC, especially its dissolution. The Board is responsible for the day to day management of the EGTC, based on the decisions taken by the Assembly. The Monitoring Committee is the control organ. Decisions are taken on a 2/3 majority, provided that more than half of the Assembly members are present.
<b>Law applicable and financial supervision</b>	Until now the applicable law has been German law, financial supervision goes with the German lead partner, the person who is in charge of financial supervision is the German Director of the board of the EDON.
<b>Budget</b>	In future the EGTC will have its own budget from membership fees and development subsidies. Currently it works with subsidies for concrete activities and with a great deal of voluntary time and effort.
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	According to the statute, the assembly decides on the main tasks and goals of the EDON. The board prepares the decisions, proposes activities to the assembly and all members and decides on current tasks. The 2 directors together are mandated to represent the EDON.
<b>Languages</b>	German and Polish



## **C) The process of setting up the EGTC**

### **Cooperation history**

The region has a long history of cooperation in cross-border activities, and EDON is one of Europe's Eurodistricts. The municipalities of the border regions have implemented several cross-border projects in different fields (infrastructure, environment, accessibility, etc.).

### **Political context and strategy**

Based on their own experiences as a Eurodistrict, the partners have decided to further institutionalise their cooperation and thereby promote it to a higher level. The main actors in the promotion of this EGTC are the local municipalities of the two border regions, which from their everyday experiences (border effects) feel the need for closer and deeper cooperation. Since there is no bilateral agreement between the two states, the EGTC will serve as a legal "toolbox". Although there is no financial support from central level in the two countries, the EGTC is supported by all political actors.

### **Perceived added value**

The members expect greater efficiency in their cooperation from strategic planning and project generation, from lobbying for EU assistance through to the implementation of projects. The EGTC in their view is the tool whereby the region can become an even more important player on the European regional and cohesion policy scene and an appropriate governance form for cross-border cooperation.

### **Expected institutional positioning**

The EGTC members expect to have more power at national as well as European level due to the increased effectiveness and transparency in the decision-making mechanisms among the partners. The EGTC is seen as a tool for expressing the position of the region so that this territorial unit is increasingly seen as one entity.

### **Shaping of partnership (horizontal versus vertical integration)**

All the partners are the municipalities, which have worked together on CBC projects for years. The integration in this case study is mostly the integration of municipalities from two regions with different legal, economic and social legacies.



### **Obstacles encountered**

There was no real obstacle in the classical sense of the word. The main problem was the lack of earmarked financing for the establishment of the EGTC, which would have been especially useful since the coordination of the 25 members requires resources.

### **Perceived opportunities of using EGTC for integrated policies versus specific services**

The main opportunity arising from the establishment of this EGTC is to develop a political leadership for the cross-border territory, in order to provide a joint response to the expectations and needs of the inhabitants, topic by topic. It can also ensure continuity of the cross-border project within the framework of a permanent organisation.

The establishment of the EGTC will move the cross-border cooperation from coordination to co-production. The EGTC will also serve as a solution for operating the services and facilities on the scale of this cross-border territory by combining the various mechanisms for funding, for action by the partners and for personnel recruitment on either side of the border.

### **D) Assessment of good practice and impact**

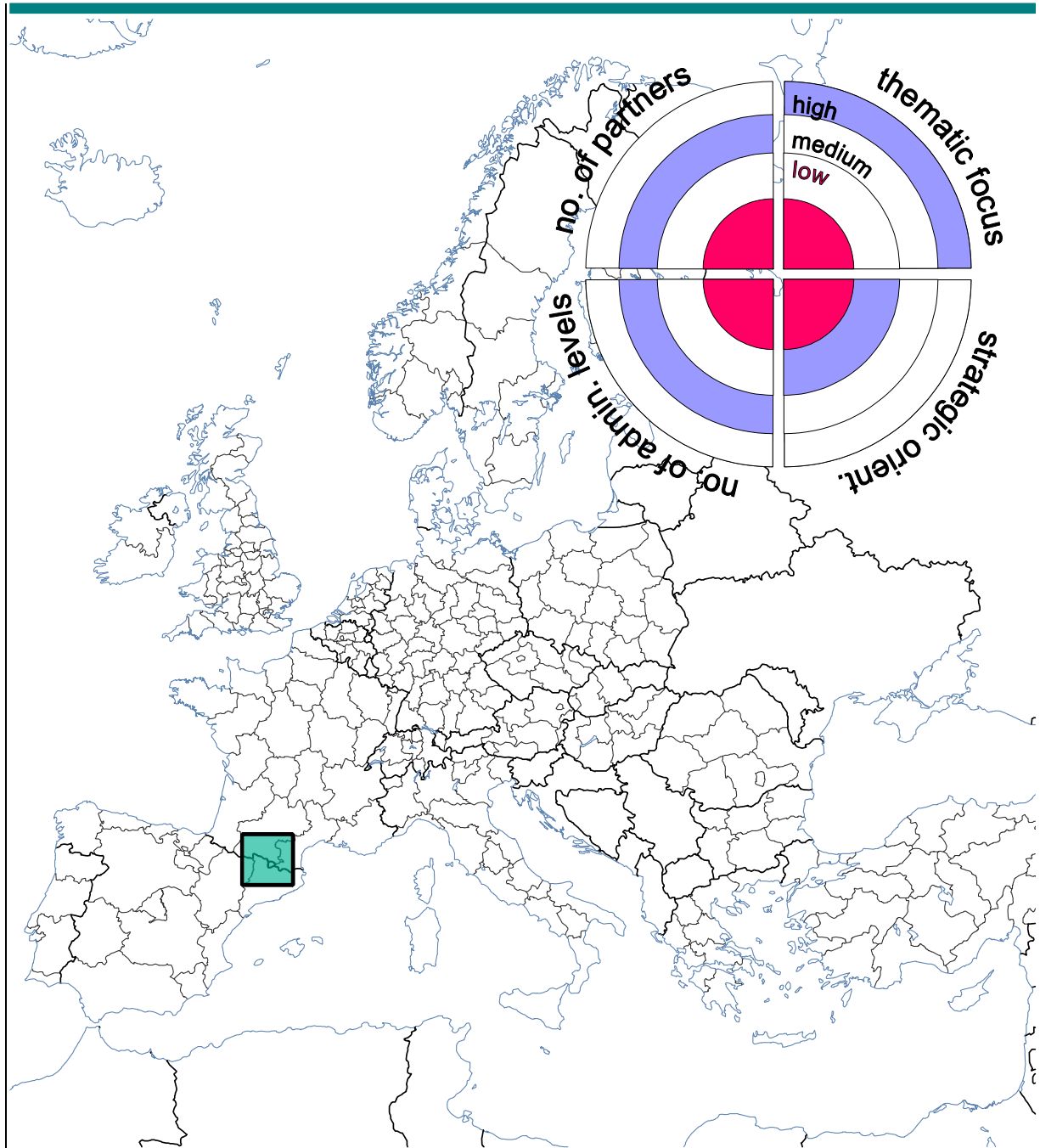
The partners have chosen this form of cooperation as a natural continuation of their existing cooperation. The process of setting up the EGTC was smooth, and the internal institutional set-up for the preparation as well as for the management of the EGTC is adequate for the task. This EGTC is a good example for the horizontal integration between several similar partners (municipalities). The foreseeable advantage for the municipalities consists primarily of joint projects and initiatives for EU funding. It will also help to reduce the "border effects" in the area.







#### 4.2.4 Hospital de Cerdanya



- EGTC for service provision (management of hospital)
- Asymmetric partnership structure
- Jointly financed investment by the French social security system (40%) and by the Catalan Government (60%)
- Innovative cross-border project-cooperation in a very sensitive and relatively unharmonised sector (health)



**A) General information**

<b>Name of the EGTC</b>	<b>Hospital de Cerdanya</b>
<b>Acronym</b>	-
<b>Implementation status</b>	Advanced: letter of intent to create an EGTC signed (17 March 2007), mutually agreed draft final statute and convention exist.
<b>Countries involved</b>	ES, FR
<b>Territory</b>	Regions of Cerdanya (Spain/Catalonia & France) and Capcir (France)
<b>Seat of the EGTC (operational units)</b>	Temporary governing body responsible for monitoring the project: Cerdanya Cross-Border Hospital Private Foundation Pl. Santa Maria, 1 17520 Pugicerdà Spain
<b>Members / administrative levels involved</b>	2 partners: Government of France and Catalan Government, each nominate their representatives: 7 participants: FR: The Ministry of Health and Solidarity, the Languedoc Roussillon Regional Hospitalisation Agency ES: Municipality of Pugicerdà, County Council of Cerdanya, Catalan Department of Health, the Catalan Healthcare Service, the Spanish Ministry of Health and Consumer Affairs
<b>Duration</b>	10 years, automatic prolongation if no explicit objection from members
<b>Further information</b>	Web: <a href="http://www.hcerdanya.eu">http://www.hcerdanya.eu</a> E-mail: <a href="mailto:enric.mayolas@gencat.net">enric.mayolas@gencat.net</a> (Mr Enric Mayola Ferrer, Director)



## B) The character of the EGTC

<b>Objectives</b>	1. To improve the health and access to healthcare services of the people of Cerdanya and Capcir by breaking down borders between countries; 2. To create a cross-border organisation for the construction and subsequent management of an acute-care hospital for all patients in Cerdanya and Capcir; 3. An organisation based on a single culture that includes all the advantages of each health system; 4. To create a joint hospital that becomes the backbone of a healthcare network that respects the rights and responsibilities of the citizens on both sides of the border; 5. To guarantee one administration and management that respects features of identity; 6. To create the project within the framework of the Euroregion and any other European projects created in the future
<b>Tasks</b>	To act as an inter-administrative legal instrument for the establishment and management of the Cerdanya Joint Cross-Border Hospital
<b>Organs and their main competences</b>	<p>The main organs are the following: the <b>Administrative Council</b>, its <b>President</b>, the <b>Vice-president</b>, the <b>Executive Commission</b> and the <b>General Manager</b>.</p> <p>The <b>Administrative Council</b> is composed of the representatives (25 persons in all) of the member institutions and regions, and acts as the main decision-making and control organ of the EGTC. Most of the delegates are from the Catalan Administration (9) and from the French State (7). The Council can, however, transfer some competences to the <b>Executive Commission</b>, the main executive organ of the EGTC, which proposes decisions to the Administrative Council and executes its decisions. The <b>President</b> of the Administrative Council is the Director of the Catalan Department of Health, whose role is to represent the EGTC, to call and chair the meetings of the Administrative Council and to supervise the activities of the EGTC.</p>
<b>Law applicable and financial supervision</b>	Since the Hospital itself is in Puigcerdà, Catalonia, the EGTC falls under Spanish/Catalan jurisdiction. Similarly, the financial supervision falls under the Catalan law on public finances of 13 July 1994 (9/1994).



<b>Budget</b>	<p>The investment is financed by the French social security system (40%) and by the Catalan Government (60%) jointly. The French contribution comes in two ways: 25% of their share as share capital at the time of the investment, 75% in tranches for 10 years to cover running expenses.</p> <p>To support investment the EGTC submitted an application for ERDF funding. Decision is expected in October 2008.</p>
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	<p>The EGTC is a completely independent legal entity. In general, the decisions are made by simple majority of Administrative Council members present at the time of voting, provided that at least half of the members plus one is present. In case of a tie, the president's vote is decisive. In certain cases (for example adoption of rules related to the implementation or modification of the mission of the EGTC), qualified majority is required. In even more substantial matters (for example the dissolution of the EGTC or the modification of the statutes) unanimity is required.</p>
<b>Languages</b>	Spanish, Catalan and French

## C) The process of setting up the EGTC

### Cooperation history

Cooperation in health issues goes back a long way in the region. In order to institutionalise the cooperation, a Foundation was set up under Catalan Law, with representation of each partner.

### Political context and strategy

Cooperation in the health sector has existed for a long time, but a lack of cooperation on a wide range of subjects persists. The hospital has good relations, but doctors have little cooperation. The main actors are the health authorities from both sides: the two Catalan health authorities plus the Ministry of Health of Spain (*Conselleria de Salut*) and the Ministry of Health of France. All political actors support the EGTC. Financing of hospital construction is covered by public money. The EGTC is the legal tool to “receive” the investment and carry out management.



**Perceived added value**

The members chose this form of cooperation because it is the only structure which permits the asymmetry of partners. An existing treaty permits the creation of structures among equal partners at regional level. The main expectation is to have a permanent legal structure, which permits investment into and management of a common service institution.

**Expected institutional positioning**

It is essential for this EGTC to have good relations with all the health sectors and local, regional, national and EU political levels. This project is expected to have significant PR value for all, being the first cross-border hospital. The establishment of the EGTC permits and governs relations between two partners, relations which would probably never have existed otherwise. The EGTC will be the entity applying for EU funds and plans to cooperate with similar institutions.

**Shaping of partnership (horizontal versus vertical integration)**

Partners were selected based on their health competences from each part of the region. The main logic for the vertical integration is to combine health, legal and political competences in an optimal way. The horizontal integration concerns the involvement of municipalities, trade unions, professionals and economic actors with a view to ensuring the long-term sustainability of the project.

**Obstacles encountered**

The main obstacle was the delay in the national adaptation of the EU law. The partners had to be persistent and patient in this respect. There were considerable differences regarding tools, rhythms and different administrations' policies (local, regional, national, European). Various administrations presented different degrees of political decentralisation. Difficulties arose in identifying and coordinating the corresponding counterparts. Obstacles were also encountered when trying to solve certain general outstanding, but unresolved, issues such as: free movement for patients, expenditure reimbursement, quality guarantee and professional certification of staff.

**Perceived opportunities of using EGTC for integrated policies versus specific services**

The EGTC is used to deliver health services in one centre with common structures for patients from two countries. It is an opportunity to have and use a Common Hospital, built, owned and managed by two different countries with different health systems, health insurance coverage, different human resources policies, etc.







**D) Assessment of good practice and impact**

The partners used the EGTC as a tool to legitimise and institutionalise their cross-border-project/initiative. The main attraction is the flexibility of the system: it provides for the participation of partners from different levels (national, regional) and at the same time provides a useful cooperation framework. The EGTC is used as a means to provide legally and financially legitimate institutionalised health sector cooperation between two different structures.

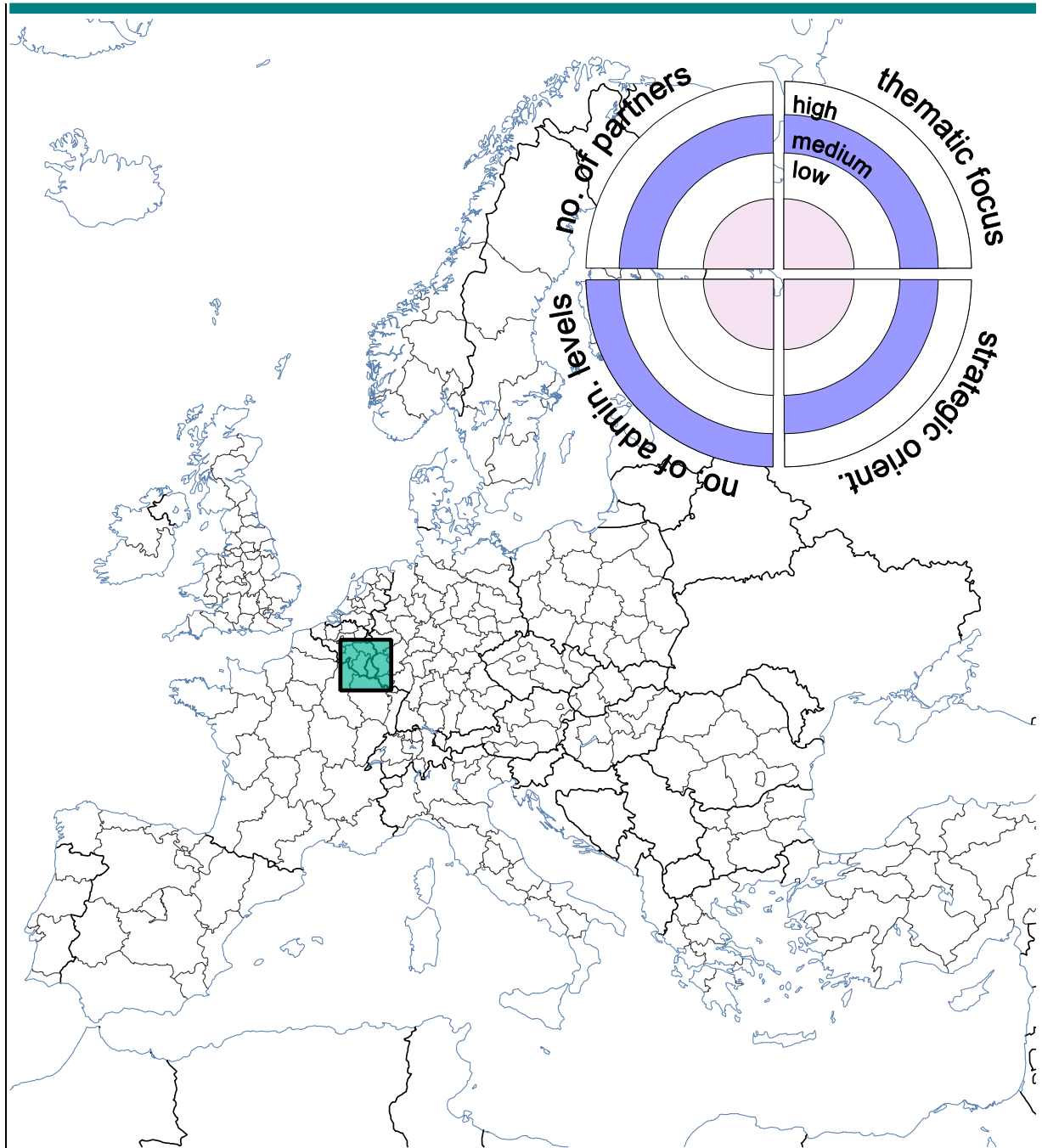
The project has the potential to become a symbol of innovative cross-border project-cooperation in sensitive sectors. Among EU policies, healthcare is still one of the least harmonised. This is explained by its high sensitivity and importance in national politics as well as by the diversity of social security systems in the EU Member States. The fact that the Cerdanya Hospital manages to overcome these obstacles and put the needs of the people in the region ahead of national politics can have far reaching effects.







### 4.2.5 Greater Region



- EGTC to take over programme management of Interreg IV A (in 2009)
- Territory across 4 EU countries
- Diversified partnership structures (national + regional levels involved)
- EGTC as one cooperation tool in a much wider cooperation structure (project cooperation, treaties and organisations)



## A) General information

<b>Name of the EGTC</b>	<b>Greater Region</b>
<b>Acronym</b>	-
<b>Implementation status</b>	The programme partners are working on the convention and the statutes.
<b>Countries involved</b>	LU, DE, FR, BE
<b>Territory</b>	LU: whole country DE: Saarland and Rheinland-Pfalz FR: Lorraine BE: Walloon region and the German speaking community
<b>Seat of the EGTC (operational units)</b>	Expected to be in Metz, France at the seat of the Préfet of the Lorraine Region. Until then (2009) the Walloon region is the MA on a transitional basis.
<b>Members / administrative levels involved</b>	11 partners: LU: Government of Luxemburg DE: Regional governments of Saarland and Rheinland-Pfalz, FR: the French State represented by the Préfet of the Region, the Regional Council of Lorraine, the local authorities of Moselle, Meurthe-et-Moselle and Meuse, BE: the Regional Government of Wallonia, the French Community and the German-speaking Community
<b>Duration</b>	Indefinite period
<b>Further information</b>	Web: <a href="http://www.grossregion.net">http://www.grossregion.net</a> E-mail: <a href="mailto:u.emmerich-schryen@wirtschaft.saarland.de">u.emmerich-schryen@wirtschaft.saarland.de</a>



## B) The character of the EGTC

<b>Objectives</b>	3 former Interreg III A programmes joined to form one single new programme, with the objective of institutionalising the management of the INTERREG IV A-Programme “Greater Region”.
<b>Tasks</b>	Act as Managing Authority for the INTERREG IV A-Programme Greater Region.
<b>Organs and their main competences</b>	The organs of the EGTC are not decided yet. Prefecture of Lorraine chairs a <b>Strategic Steering Committee</b> of high representatives of the members of the Greater Region. A working group meets regularly in order to work on the statutes and the convention of the EGTC.
<b>Law applicable and financial supervision</b>	The applicable law and financial supervision will be the French law, because the EGTC will be incorporated in France.
<b>Budget</b>	Not known yet, but the Interreg IV A Programme itself is financed with a EUR 105.996.517 ERDF contribution and the same amount from national co-financing for the period 2007 - 2013.
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	Not known yet, this is one of the main topics discussed at the meetings of members.
<b>Languages</b>	French and German

## C) The process of setting up the EGTC

### Cooperation history

The history of the Greater Region and its subdivisions is a mirror of European history. SaarLorLux or Saar-Lor-Lux, (French also SarLorLux), a portmanteau of Saarland, Lorraine, Luxembourg, Rhineland-Palatinate, and Wallonia, is a cooperation of institutions in five different areas located in four different European states, founded in 1980. Sometimes instead of SaarLorLux, the term 'Greater Region' is used. It has been a beneficiary of several Interreg projects. Three Interreg III A CBC programmes between the members, and the Interreg III C e-BIRD project serves as an antecedent for the EGTC. The combined Greater Region itself already operates as an Interreg IV A programme, with its own OP approved, and the first call for proposals has already been launched.



**Political context and strategy**

The current political plans for the future of SaarLorLux are displayed in Zukunftsbild 2020, a concept of development, showing the visions and ambitions of the greater region SaarLorLux. It was developed by the Commission, headed by Jacques Santer, the former president of the European Commission and former prime minister of Luxembourg. Today there is neither a well-defined structure of the Greater Region nor an exclusive definition of its size. Instead, there exist multiple forms of cooperation and contractual relations among all or several members. There is a large number of governmental, non-governmental and mixed cooperation models in the Greater Region. Based on a decision of 1994 there are regular summit conferences. In June 2006 in Trier the 9th Summit of the Greater Region decided to establish one programme for the area for the 2007 - 2013 period: the Interreg IV A Greater Region programme. In the OP of the programme the partners agree to establish an EGTC by 2009 with its head quarters in the Prefecture of Lorraine. Until the EGTC is functional, the Walloon region is the transitory managing authority for the programme.

**Perceived added value**

The members show different forms of organisation and structure and ability to decide. The EGTC will serve as the means for collecting and institutionalising the cross-border programmes of the region, thereby harmonising current diversities.

**Expected institutional positioning**

Due to the now long-established history of the Greater Region, the EGTC is above all considered as an instrument for the further institutionalisation of the cross-border cooperation of members. The establishment of the EGTC of the Greater Region is perceived as a step towards the macroregion's integration. The Greater Region has managed to successfully apply for EU funds (Interreg), so the EGTC is expected to exert a stronger influence on the members themselves than on third parties.

**Shaping of partnership (horizontal versus vertical integration)**

The partners of the planned EGTC are the same as in the Interreg cooperation. The establishment of the EGTC is "just" a step in their ongoing integration. The main scope of this integration is horizontal, although the partners are not at the same administrative level (national and regional). Its objective is to cover the administrations of the regions involved and the different levels stem from differences in national structures.



**Obstacles encountered**

The different speed of the national adaptation/transposition of the EU Regulation is (was) the main obstacle. There was lengthy discussion among the members on the exact role of the EGTC which required serious coordination and reconciliation efforts. It is also difficult for some partners to make and constantly keep in mind the distinction between the EGTC and the INTERREG Programme regarding financial, functional and administrative matters.

**Perceived opportunities of using EGTC for integrated policies versus specific services**

The integration of territorial policies is one of the main objectives of this EGTC. With the establishment of the EGTC, the until now loose and not overly defined structure for cooperation becomes more stable and transparent. As a result the decision-making mechanisms and the common territorial policymaking will become more legitimate and effective, and the decisions will become binding. The cooperation will have a better political vision. The main constraint during its establishment was the harmonisation and conciliation of members' interests.

The stable structure for cooperation and decision-making will also make the provision of specific services more effective and user-friendly. The EGTC is seen as especially suitable for managing long-term cooperation projects.

**D) Assessment of good practice and impact**

The partners have decided to set up an EGTC as a means to integrate and institutionalise their existing cross-border INTERREG cooperation. The Greater Region itself is a much wider cooperation, in fact, the cooperation consists of a multitude of single cooperative efforts, treaties and organisations. The EGTC is one of their cooperation projects or tools. (A planned Greater Region University for example is another). This case study is a good example of using the EGTC as a "project organisation".

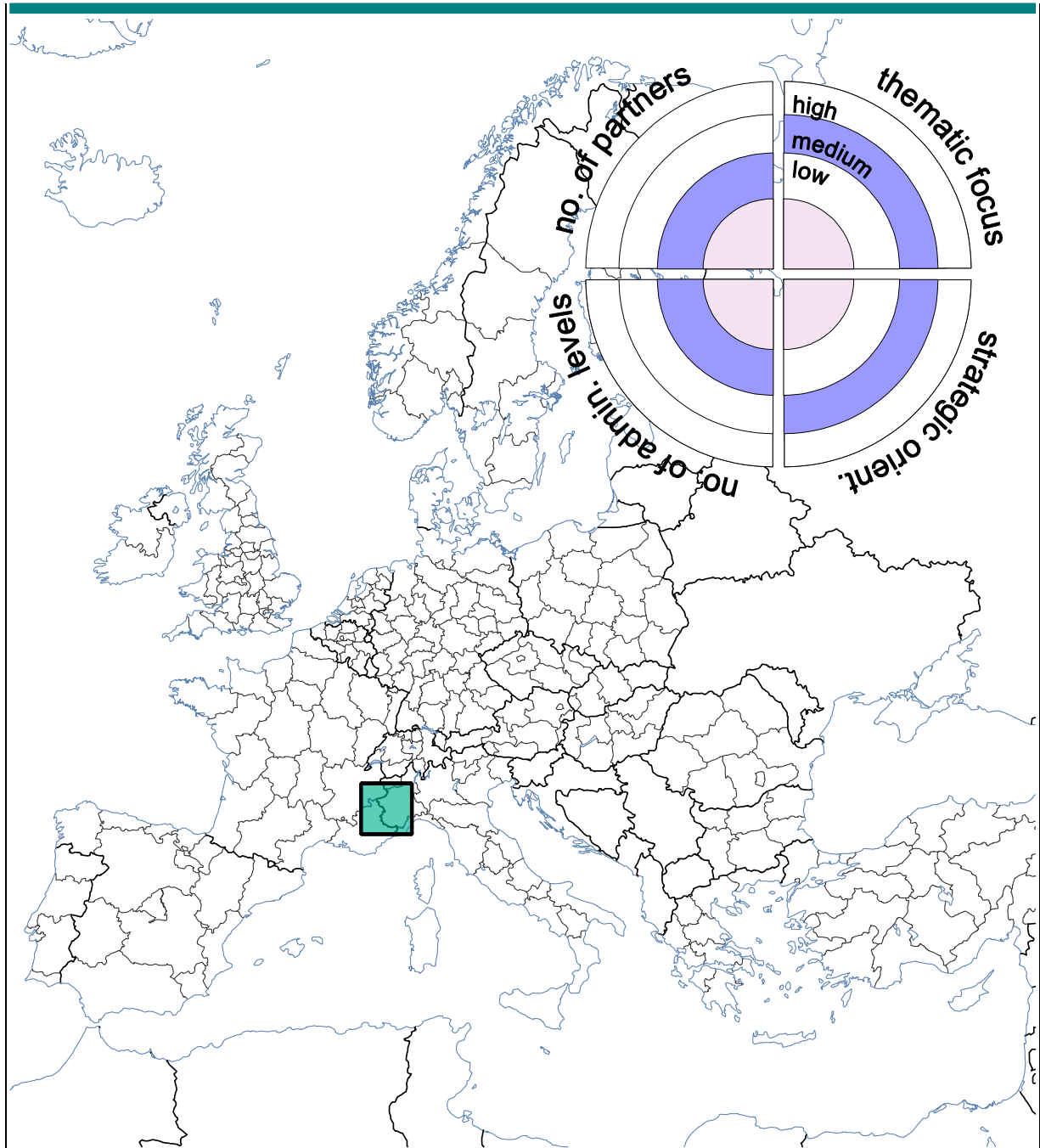
The expected main impact, as described above, will be on the members themselves. The greater economic, territorial and social cohesion will be achieved through regulated and more systematic collaboration in the field of territorial cooperation.







#### 4.2.6 Eurorégion Alps Mediterranean



- Cross-border cooperation in order to coordinate policies
- Based on long-standing history of economic, social, and cultural relations
- EGTC as implementing vehicle for major EU, national and regional policies



**A) General information**

<b>Name of the EGTC</b>	<b>Eurorégion Alps Mediterranean</b>
<b>Acronym</b>	-
<b>Implementation status</b>	Memorandum of Understanding exists; conventions and statutes currently under preparation
<b>Countries involved</b>	IT, FR
<b>Territory</b>	IT: Regione Autonoma Valle d'Aosta, Regione Piemonte, Regione Liguria, FR: Regione Provence-Alpes-Côte d'Azur, Regione Rhône-Alpes,
<b>Seat of the EGTC (operational units)</b>	To be decided; seat of the Euroregion: Brussels
<b>Members / administrative levels involved</b>	IT: Regione Autonoma Valle d'Aosta, Regione Piemonte, Regione Liguria, FR: Regione Provence-Alpes-Côte d'Azur, Regione Rhône-Alpes,
<b>Duration</b>	The Euroregion agreement signed by its members is valid for two years, renewable.
<b>Further information:</b>	Web: - E-mail: Luca.Mattiotti@regione.piemonte.it



## B) The character of the EGTC

<b>Objectives</b>	Cooperate for sustainable territorial development; strengthen political, economic, social and cultural ties; improve coordination in accessing EU territorial cooperation programmes; create working groups on specific issues of territorial concern; staff training and exchanges
<b>Tasks</b>	Fields of cooperation and policy priorities: environment and natural risks (Rhône-Alpes); transport and accessibility (Piemonte); research and innovation, growth and employment; culture and tourism (Liguria); education (Valle d'Aosta)
<b>Organs and their main competences</b>	Currently under discussion
<b>Law applicable and financial supervision</b>	Currently under discussion
<b>Budget</b>	Currently under discussion
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	Currently under discussion
<b>Languages</b>	French, Italian

## C) The process of setting up the EGTC

### Political context and strategy

The Eurorégion Alps Mediterranean is a cross-border cooperation structure established by Piemonte, Liguria, Valle d'Aosta, Rhône-Alpes and Provence-Alpes-Côte d'Azur in order to coordinate policies. The partnership is built on a long-standing history of economic, social and cultural relations. The new cooperative framework was set up in order to face contemporary challenges, deepen territorial integration and boost regional competitiveness. It is based on a Memorandum of understanding on the establishment of the Euroregion Alps-Mediterranean (Turin, 10/07/2006). In November 2006, priority actions were defined. Finally on 18 July 2007 a protocol agreement establishing the Euroregion Alps-Mediterranean was signed.



### **Perceived added value**

The EGTC provides a new model of financial governance and is better suited to the need for a more geographically balanced allocation of funds during the 2007-2013 programming period. It may further serve as a coordination platform and implementing vehicle for major EU, national and regional policies, in different crucial fields.

### **Expected institutional positioning and shaping of partnership (horizontal versus vertical integration)**

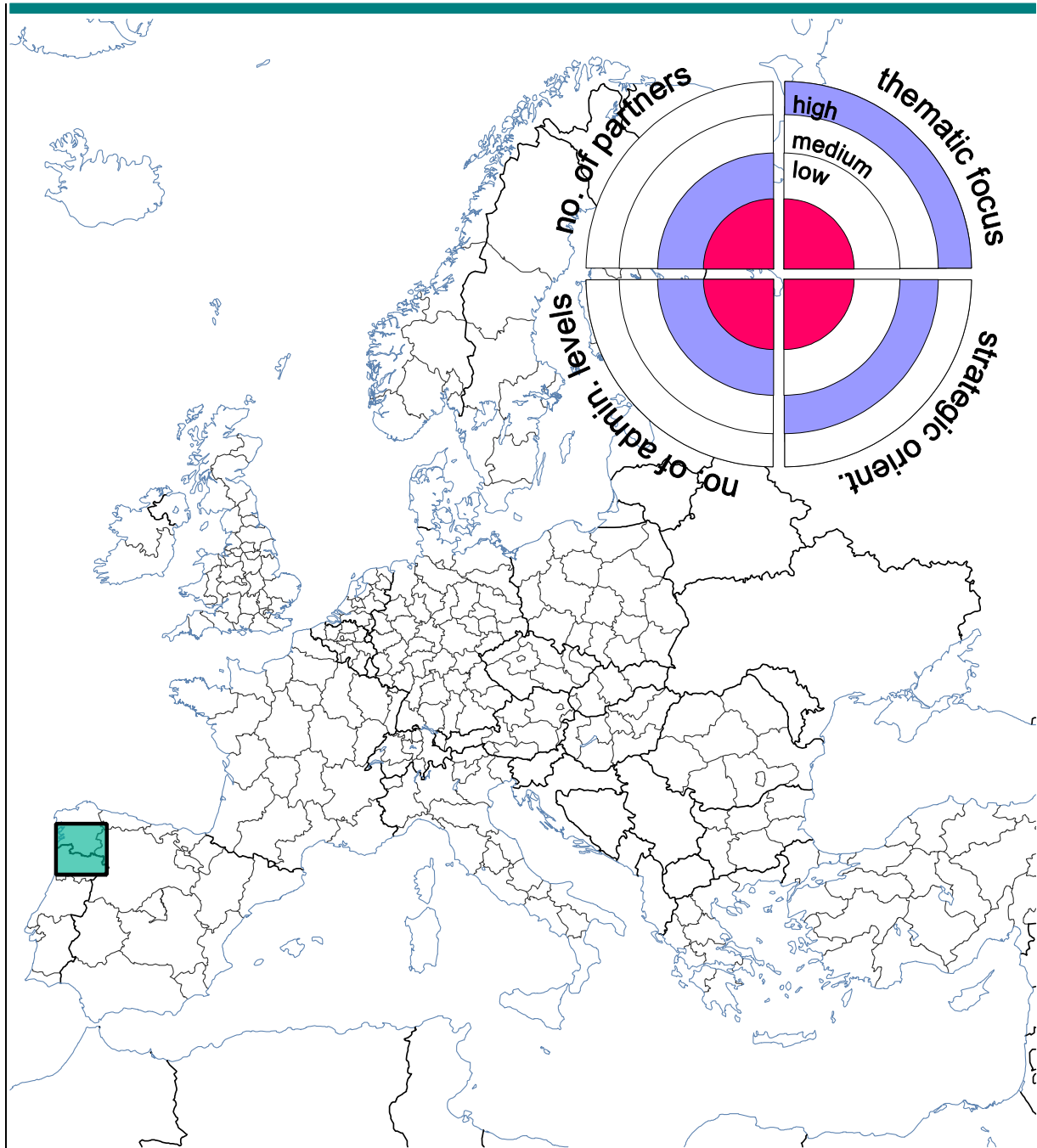
The EGTC will ensure that cooperative groupings work in a more coherent and effective way (better management of available resources, rationalising investments). It provides a new model of institutional governance leading to a “bottom-up” European integration process, in accordance with the principles of proximity and subsidiarity. It offers new forms of multilevel governance in which “each actor contributes in line with his or her capabilities or knowledge to the success of the overall exercise”.

### **D) Assessment of good practice and impact**

The initiative is a good example of a new cooperation form, which endeavours from its inception to formalise the cooperation to the highest possible degree. Furthermore, the initiative shows how potential promoters can act although the respective national provisions are not in place (in France since April 2008; in Italy still under adoption at regional level).



### 4.2.7 EGTC Galicia - Norte de Portugal



- Close cooperation between two regions with a sensitive political and cultural background
- Implementation of the Operational Sub-programme GNP
- Organisational structure prepared



**A) General information**

<b>Name of the EGTC</b>	<b>Agrupamento Europeu de Cooperação Territorial (AECT: EGTC) Galicia - Norte de Portugal</b>
<b>Acronym</b>	GNP
<b>Implementation status</b>	Draft convention and statutes exist
<b>Countries involved</b>	ES, PT
<b>Territory</b>	ES: Galicia PT: North Region
<b>Seat of the EGTC (operational units)</b>	The city of Vigo in Galicia
<b>Members / administrative levels involved</b>	ES: Xunta de Galicia PT: Comissão de Coordenação e Desenvolvimento Regional do Norte (CCDR-N)
<b>Duration</b>	Indefinite period
<b>Further information</b>	Web: - E-mail: <a href="mailto:mjfarinhote@sedr.gov.pt">mjfarinhote@sedr.gov.pt</a> ; <a href="mailto:nuno.almeida@ccdr-n.pt">nuno.almeida@ccdr-n.pt</a> ; <a href="mailto:jose.blanco.gonzalez@xunta.es">jose.blanco.gonzalez@xunta.es</a>



## B) The character of the EGTC

<b>Objectives</b>	To promote economic development for both regions, with the exclusive objective of reinforcing social and economic cohesion according to article 1 of Regulation (EC) 1082/2006.
<b>Tasks</b>	Dealing with topics of common interest, providing an exchange of information, coordinating initiatives and finding opportunities for solving common problems; activities include carrying out works of public interest, common management of equipment and public services. In practical terms, the principal functions will be the management and implementation of the Operational Subprogramme GNP.
<b>Organs and their main competences</b>	The ASSEMBLY approves the programme of activities, the budget, the employees and the organic structure. The DIRECTOR represents GNP and chairs the ASSEMBLY. The SUBDIRECTOR assists the DIRECTOR and the SUPERIOR COUCIL. The latter has the authority to supervise GNP and to dictate strategic directives.
<b>Law applicable and financial supervision</b>	The EGTC will be governed by Regulation 1082/2006 and with regard to auditing and annual information on management in the context of budget, accounting and financing by the <i>ius soli</i> of Galicia where the registered office is located.
<b>Budget</b>	Both partners give an initial contribution of EUR 100000. Annual and extraordinary contributions are also made by members of the EGTC. Contributions are used for joint projects, for instance infrastructure projects or programmes for employment.
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	The ASSEMBLY is made up of representatives of Xunta de Galicia and CCDR-N. It may authorise the subscription of general conventions of cooperation, a change of the juridical scheme and an operational dialogue regarding credits and loans. The DIRECTOR is designated by the president of Xunta de Galicia and the president of CCDR-N as well as the SUBDIRECTOR. The SUPERIOR COUNCIL will be made up of general coordinators of the Working Community GNP representing Xunta de Galicia and CCDR-N.
<b>Languages</b>	Portuguese, Galego, Castilian



## **C) The process of setting up the EGTC**

### **Cooperation history**

The major milestone in the cooperation between the two regions was the 1991 establishment agreement of the working community GNP, which was formed under the aegis of the 1980 Madrid Convention.

### **Political context and strategy**

The main support for the initiative comes from the political ambition of improving territorial cooperation in the regions concerned. Since 1991 the economies of both sides have become well integrated, although there was no corresponding legal instrument for economic development cooperation. The long-term vision for the cooperation is therefore the favourable economic development of both regions, with well integrated economies favouring socio-economic cohesion, projects generating employment and further infrastructure etc. While the strategic unit (working community) already exists, the technical executive unit of this EGTC has yet to be established.

### **Expected institutional positioning and shaping of partnership (horizontal versus vertical integration)**

Since 1991 a tradition of cooperation between both regions has developed. The neighbouring Spanish region of Asturias intended to join the cooperation but there are currently no plans to enlarge this, preferring to limit the partnership to the two original regions. Further stakeholders are indirectly involved but there are no plans to introduce these into the working community.

### **Obstacles encountered**

Each side had to wait one year for the Regulation to be transposed into national legislation, and the period for authorisation took longer than expected. Consequently regional stakeholders perceive the central government and the duration of the process as the major obstacle. They are concerned that the central governments might not provide sufficient support for strong applicants and see bureaucracy regarding ex-ante checks as a potential major burden.

### **Perceived opportunities of using EGTC for integrated policies versus specific services**

The major opportunity is seen to be the possibility of building up and deepening the strategy for territorial cooperation. Territorial management is an issue for GNP, e.g. for infrastructure planning at regional scale. The actors have already applied for EU Interregional Cooperation IV C. Regional development plans of



both countries (co-financed at EU level) already exist, but both sides in the EGTC may use these as instruments.

#### **D) Assessment of good practice and impact**

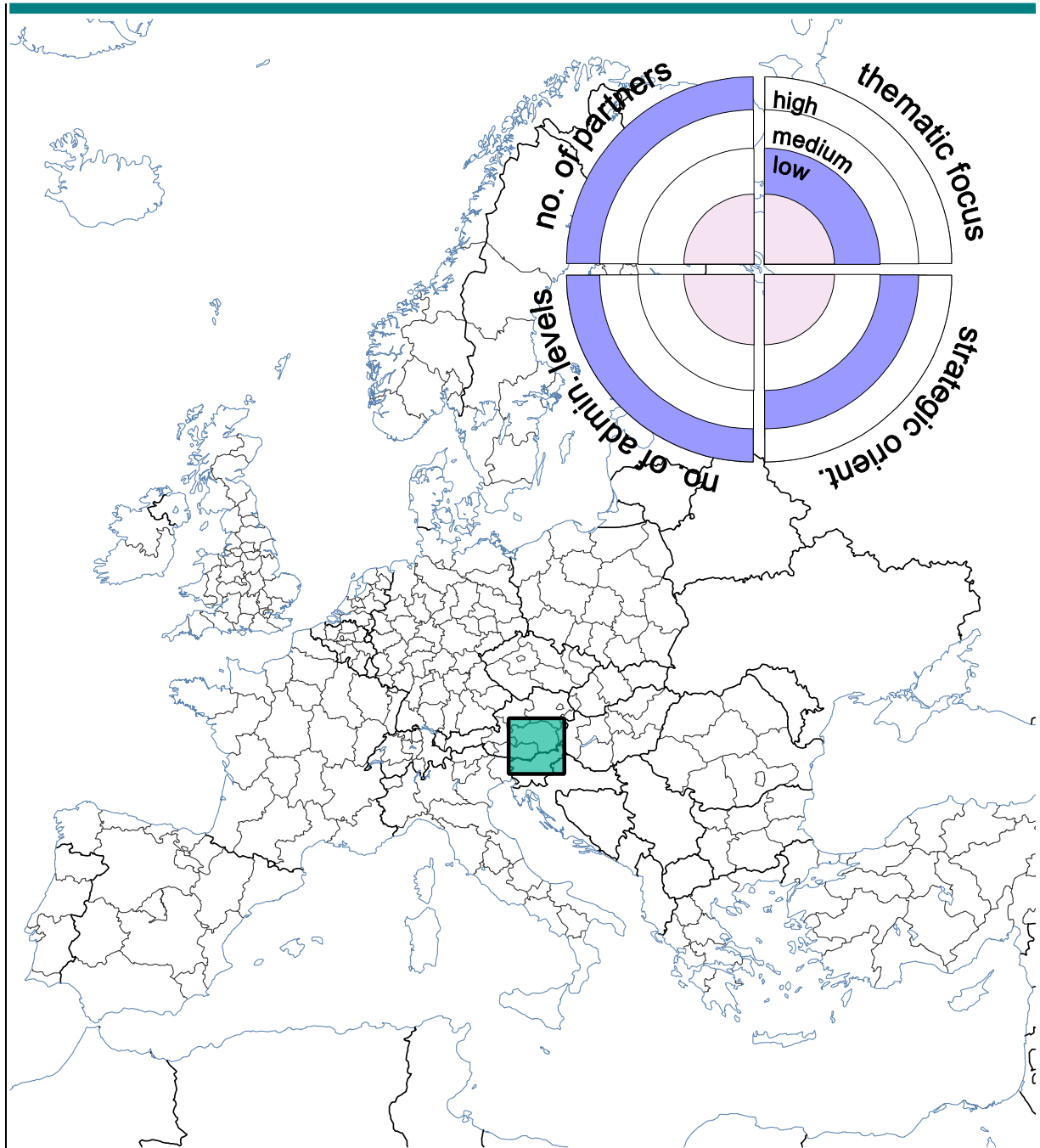
The case study Galicia - Norte de Portugal is a good example of focused cooperation (with a small number of partners). Both regions already have a tradition of cooperation and seek to deepen this by means of the new legal instrument. Obviously for both regions, it has been a challenge to convince their central governments of the added value of their initiative.







#### 4.2.8 Alpe Adria Pannonia (working title)



- EGTC as instrument to facilitate and promote territorial cooperation on a large scale between partners from different administrative levels
- EGTC promoted as a further step in developing an existing cooperation structure
- EGTC with envisaged third country participation
- Well designed preparation process with draft statutes and conventions (organised as INTERREG project)



**A) General information**

<b>Name of the EGTC</b>	<b>Alpe Adria Pannonia (working title)</b>
<b>Acronym</b>	-
<b>Implementation status</b>	The EGTC is still under preparation: the draft convention and statutes are currently being discussed. (Consequently the presented information is preliminary in nature and was included only for the purpose of the analysis).
<b>Countries involved</b>	AT, HU, IT, SI, (HR)
<b>Territory</b>	The (probable) territory consists of the territory of the Alps-Adriatic Working Community (AAP): Baranya, Burgenland, Friuli-Venezia Giulia, Carinthia, Croatia, Lombardy, Upper Austria, Slovenia, Somogy, Styria, Vas, Veneto, Zala. This territory covers a total area of 190 423 km <sup>2</sup> and is home to about 26 million people.
<b>Seat of the EGTC (operational units)</b>	To be decided; secretariats or regional offices might be promoted.
<b>Members / administrative levels involved</b>	The prospective founding members of the EGTC will be the current members of the Alps-Adriatic Working Community: AT, regional level: Burgenland, Carinthia, Styria, Upper Austria HU, county level: Baranya, Somogy, Vas, Zala HR (third country!): national level IT, regional level: Friuli-Venezia Giulia, Lombardy, Veneto SI: national level
<b>Duration</b>	under discussion
<b>Further information</b>	Web: <a href="http://www.alpeadria.org/">http://www.alpeadria.org/</a> (Homepage of Working Community AAP) E-mail: see contact details of regional branch offices on Website



## B) The character of the EGTC

<b>Objectives</b>	The objectives under discussion are based on those of the AAP Working community together with the implementation of EU projects and involve (1) promoting prosperity in the AAP area, characterised by strong regional and cultural diversity, taking advantage of the challenges and opportunities of recent and future EU enlargement; (2) facilitating and promoting the activity of territorial cooperation between its members, in order to strengthen social, economic and territorial cohesion and become more competitive and visible in the enlarged Europe; (3) gaining mutual advantage through collaboration, avoidance of duplication and overlap of territorial cooperation activities, intensifying post-enlargement collaboration, and achieving critical mass in many domains.
<b>Tasks</b>	Currently under discussion. (The draft convention specifies potential activities in the field of support for SMEs, tourism, commerce and culture, sustainable use of natural and cultural resources, risk prevention, cooperation between rural and urban areas, accessibility and ICT, common use of infrastructure, knowledge and excellence networks.)
<b>Organs and their main competences</b>	Overall, the organisational structure of the existing AAP Working Community (consisting of plenary assembly, executive committee, commission of executive officers, general secretariat, branch offices, project groups, expert groups) is seen as a model. This organisational structure should in principle be maintained as far as possible and adapted to the new tasks and functions of the EGTC.
<b>Law applicable and financial supervision</b>	Proposed sources and order of norms for the interpretation and implementation of convention and statutes: a) Reg. 1082/2006; b) where the Reg. 1082/2006 explicitly allows, the convention and statutes c) in all other cases the law of the Member State in which the registered office is located shall apply.
<b>Budget</b>	Under preparation
<b>Nature of legal personality and decision-making mechanisms of the EGTC</b>	Under preparation
<b>Languages</b>	The official languages of the EGTC are the official national languages of its members (German, Croatian, Italian, Hungarian, Slovene). English, as an additional language, is currently under discussion.



## **C) The process of setting up the EGTC**

### **Cooperation history**

The territory of the future EGTC is located in the traditional cooperation area of the Alps-Adriatic Working Community<sup>18</sup>. This area forms a territory which is located at the interface of old and new Member States and involves regions from Austria, Italy, Hungary and Slovenia, as well as from Croatia. Although the cooperation area is a territory marked by a common past, proximity and intense functional and cultural links, it is very fragmented in administrative terms: very dense administrative boundaries and heterogeneous institutional levels hinder effective cooperation. The Interreg IIIB project Matriosca<sup>19</sup> sought to promote integrated and coordinated development in the cooperation area by working on four key areas influencing spatial development. Furthermore the project was looking for a new institutional setting, which is capable of meeting present and future requirements of the cooperation area. The preliminary draft statutes and conventions of the EGTC under discussion were drafted in the context of this project.

### **Political context and strategy**

Based on the intense discussion process of the Matriosca project (Interreg IIIB), where a template for draft statutes and conventions has been developed, agreement on the overall objectives was reached rapidly. At the current stage, technical issues (seat, budget representation towards third parties etc.) are discussed at expert level, while the common political strategy continues to be a rather sensitive issue.

### **Obstacles encountered**

The main challenge is securing political commitment to ensure support for the effective establishment of the EGTC. Given a partnership that consists of 13 partners from 4 different countries, the coordination of this political support is particularly complex. The different national legal and administrative systems are the main challenge. The most heavily discussed technical features during the preparation of the draft conventions and statutes concern the future seat of the EGTC and its budget. Further difficulties concern the approach to finding the appropriate partners and the right administrative level for the involvement of Croatia which has a special status as both a third country and a candidate for EU membership.

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<sup>18</sup> The Alps-Adriatic Working Community was founded in 1978 by the founding members Bavaria, Friuli-Venezia Giulia, Carinthia, Croatia, Upper Austria, Salzburg (active observer), Slovenia, Styria, Veneto.

<sup>19</sup> <http://www.matriosca.net>



**Perceived opportunities of using EGTC for integrated policies versus specific services**

The main opportunity is seen as providing the current Working Community with a legal personality in order to generate more substantial strategic projects, financed by EU funds and without EU funds (the management of territorial programmes is envisaged only at a later stage). From a thematic point of view, the envisaged EGTC aims to group together fragmented activities in the regions concerned, to create synergies and to adopt a more strategic approach to territorial cooperation.

The EGTC gives higher visibility to the activities of the working community. It is more connected to the political sphere and also offers a single body to carry out and manage projects. Instead of setting up a range of different partnerships all members delegate functions to the EGTC, which can then act more effectively in the cooperation area.

**D) Assessment of good practice and impact**

This case study is a good example in that it demonstrates the will to further develop already existing cooperation structures (e.g. a working community) by transforming them into an EGTC. But Alpe-Adria-Pannonia also shows the complexity of achieving political commitment for the establishment of an EGTC, when 13 partners from 4 Member States and 3 different institutional levels are involved.

The case study reveals the potential advantage of the EGTC instrument in overcoming different sizes and heterogeneous administrative levels between cooperation partners: e.g. Slovenia, today a Member State of the EU, had been a member of the AAP Working Community since 1978 as a Socialist Republic in the Federation of Yugoslavia<sup>20</sup>. After its independence, Slovenia continued to participate in this arrangement as a state, which however was quite complex in legal terms. The EGTC is seen as an opportunity to facilitate integration in asymmetric partnerships and to create parity between the single actors.

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<sup>20</sup> Committee of the Regions (2007): The European Grouping of Territorial Cooperation - EGTC. Study carried out by GEPE under the supervision of Professor Nicolas Levrat in the context of the CoR's research programme. CdR 117/2007, p. 147





## European Grouping of Territorial Cooperation

Implementation status and key characteristics of selected EGTC initiatives in EU27

**INNER CIRCLE:**  
EGTC implementation status (July 2008)

EGTC implemented

EGTC in advanced status

EGTC initiative under discussion

**OUTER CIRCLE-SEGMENTS:**  
key characteristics

**thematic focus**

high = less than 2 thematic fields  
medium = between 2 and 4 thematic fields  
low = more than 5 thematic fields

**strategic orientation (vs. implementation)**  
(lobbying, discussion platform, coordination...)

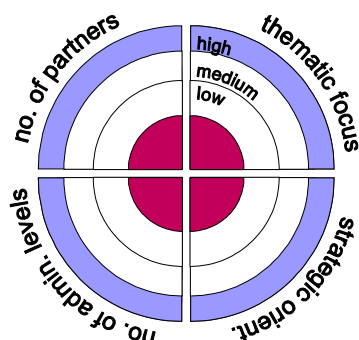
high = mainly strategic activities  
medium = strategic+implementation activities  
low = primarily implementation activities

**no. of different administrative levels involved**

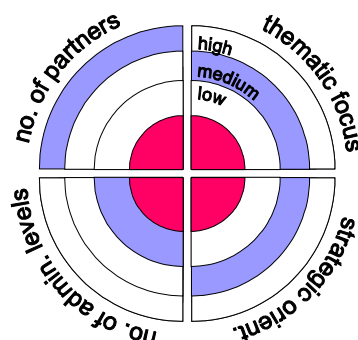
(national, regional, sub-regional, local)  
high = more than 2 different levels  
medium = 2 levels  
low = 1 level

**number of partners in EGTC**

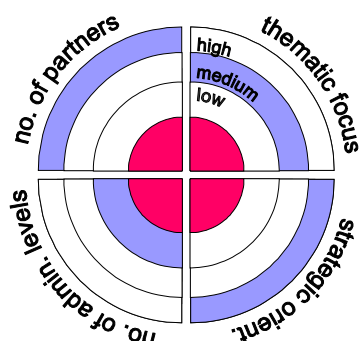
high = 15 partners and more  
medium = between 6 and 14 partners  
low = less than 6 partners



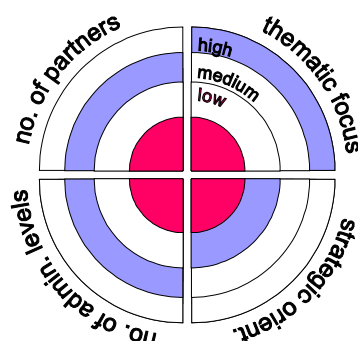
**EGTC**  
Eurométropole Lille-Kortrijk-Tournai



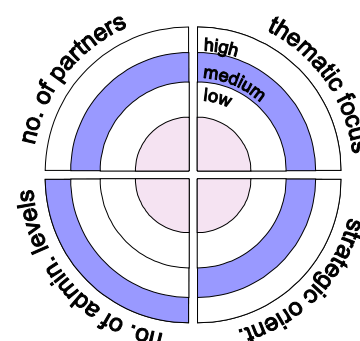
**EGTC UTTS** Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva)



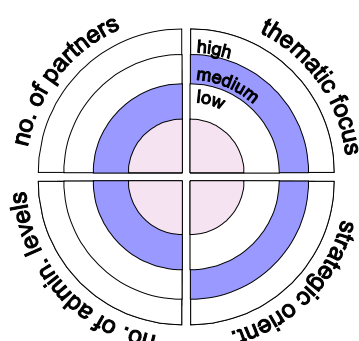
**EDON Eurodistrict** Oderland Nadodrze



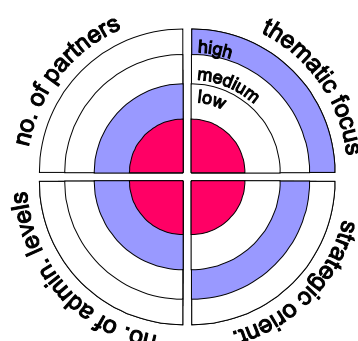
**Hospital de Cerdanya**



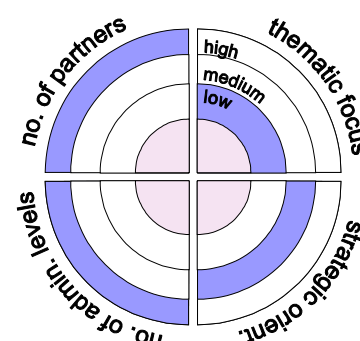
**EGTC Greater Region**



**EGTC**  
Eurorégion Alps Méditerranéenne



**EGTC Galicia - Norte de Portugal (GNP)**



**Alpe Adria Pannonia**



## Synthesis of selected case studies

The following synthesis summarises the main characteristics of the case studies and the reported perceptions of stakeholders. The chapter is structured to answer the research questions in chapter 5 (conclusions). Based on this small set of case studies, this synthesis attempts to identify typical patterns, which may be further assessed once more empirical evidence from effectively implemented EGTC can be found.

### 4.3.1 Political context and strategy

The political context and strategy, which leads to the decision to establish a new EGTC, varies considerably across Europe: both the countries involved and their respective political and administrative structures (see definitions in chapter 3.1) are very different. In none of the cases analysed has cooperation been established between countries with exclusively the same administrative structure. In most cases there are at least two different state structures involved and in two cases three different state structures form the background for the activity of the respective EGTC initiatives.

<i>Case Study</i>	<i>State structures in countries concerned</i>			
	<i>unitary</i>	<i>decentralised unitary</i>	<i>regionalised unitary</i>	<i>federal states</i>
<i>Eurométropole</i>		<i>FR</i>		<i>BE</i>
<i>UTTS</i>	<i>HU (UA)</i>	<i>SK</i>		
<i>EDON</i>			<i>PL</i>	<i>DE</i>
<i>Hospital de C.</i>		<i>FR</i>	<i>ES</i>	
<i>Greater Reg.</i>	<i>LU</i>	<i>FR</i>		<i>DE, BE</i>
<i>Alps Medit.</i>		<i>FR</i>	<i>IT</i>	
<i>GNP</i>	<i>PT</i>		<i>ES</i>	
<i>AAP</i>	<i>HU, SI (HR)</i>		<i>IT</i>	<i>AT</i>

Against this background, the analysed cases of recently established and in particular planned EGTCs show several distinct features with respect to their strategy of formalising cooperation using the EGTC model. Most examples are driven by both long-term vision and the expectations for tangible achievements in the short-to-medium term.



**Project-based cooperation** in different fields has been an important precondition for creating EGTC in almost all cases. A cooperation history in INTERREG has been relevant in several cases (e.g. Greater Region, UTTS, EDON, Eurodistrict). The **Community Initiative INTERREG** strengthened cooperation in various regions (e.g. UTTS) and laid the groundwork for the creation of stronger cooperation instruments. In the case of the envisaged EGTC “Adria-Alpe-Pannonia” an INTERREG III B project even created a template for statutes and conventions and for achieving a general agreement on the future objectives of the EGTC.

However, cooperation can also be favoured by a **long-standing history of economic, social and cultural relations** (e.g. Eurorégion Alps Mediterranean, Alpe Adria Pannonia, Greater Region etc.), which only becomes formalised at a later stage e.g. into a Memorandum of understanding on the establishment of the Euroregion (Eurorégion Alps Mediterranean).

Stronger **formalised cooperation** forms existed in several cases, although sometimes these cannot be described as direct predecessors of current EGTC initiatives: Carpathian Euroregion and UTTS, Eurodistrict and EDON, the ALPEN-ADRIA Working Community since 1978 and Adria-Alpe-Pannonia.

The **longest traditions of cross-border cooperation** with the **highest degree of formalisation** can be found between France and Belgium (from the establishment of the COPIT (Cross-border Standing Conference of Inter-municipal Organisations) in 1991, to the carrying out of the first projects under the INTERREG initiative between 1990-1995 and finally to the formulation of a joint strategy for the Metropolitan area between 1998 and 2002.

In the case of Hospital de Cerdanya, *thematic cooperation* on health issues has existed for quite some time in the region. In order to institutionalise the cooperation a foundation was set up under Catalan law, with representation from each partner.

**Bilateral agreements for cross-border cooperation** is relevant in the case of several initiatives, which enabled them to form stronger cooperation links before they envisaged making use of the EGTC: e.g. the **signing of a French-Belgian Treaty** for cross-border cooperation between local authorities between 1998 and 2002; the cooperation between the two regions of the EGTC Galicia - Norte de Portugal which in 1991 set up an agreement of the working community GNP, formed under the aegis of the Madrid Convention in 1980.



### 4.3.2 Perceived added value

From a legal point of view the EGTC Regulation's inherent added value has been extensively described in several studies<sup>21</sup> (e.g. the legal basis with direct applicability in all Member States, the most extensive legal capacity, the legal personality of private or public law etc.) From the point of view of those actors currently engaged in setting up EGTCs, the following more strategic issues have been mentioned:

Strategic added value is expected in so far as the EGTC creates a **platform for political dialogue** to build up coherent development (Eurométropole Lille-Kortrijk-Tournai) and more strategic planning for the whole border region (UTTS). The EGTC is further seen as a tool for **lobbying for EU assistance** for the implementation of projects. The EGTC in this view is a tool whereby the region can become an even more important player on the European regional and cohesion policy scene and especially whereby it can establish appropriate governance for cross-border cooperation (Eurodistrict Oderland Nadodrze).

From the technical point of view, it is perceived as an opportunity, with the EGTC providing the possibility of **managing European projects** as a single partner (Eurométropole Lille-Kortrijk-Tournai). Moreover it provides **stability and efficiency** in cooperation and the possibility of integrating members with very **different forms of organisational backgrounds** while at the same time maintaining the ability to take operational decisions (e.g. UTTS, Eurodistrict Oderland Nadodrze).

At project level, the generation and implementation of cross-border projects using a **more coordinated and structured approach** seems important, as well as **minimising the risks** which may be more likely to emerge in other less structured forms of cooperation (UTTS). Enabling **more comprehensive and transparent decision-making** mechanisms and more strategic planning for the whole border region has been an important feature for the EGTC UTTS.

The EGTC is seen as a means for **collecting and institutionalising the cross-border programmes** of the region, thereby harmonising current diversities (Greater Region). From an organisational point of view, the EGTC is the only cooperation structure which permits the **asymmetry of partners**, while existing treaties only allowed the creation of structures among equal partners at regional level (Hospital de Cerdanya).

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<sup>21</sup> see Committee of the Regions (2007): The European Grouping of Territorial Cooperation. EGTC. Study carried out by GEPE under the supervision of Professor Nicolas Levrat in the context of the CoR's research programme); INTERACT Handbook on the European Grouping of Territorial Cooperation, chapter 6.1;.



Stability and sustainability are major expectations with regard to the **permanent legal structure**, which permits the time needed to invest into and manage a common service institution (Hospital de Cerdanya).

The EGTC provides a new model of **financial governance** and is better suited to the need for a more **geographically balanced allocation of funds** during the 2007-2013 programming period. It may further serve as a coordination platform and implementing vehicle for major EU, national and regional policies, in different crucial fields (Eurorégion Alps Mediterranean).

### 4.3.3 Institutional positioning

The expected institutional positioning of the EGTC with reference to the European, national, macro-regional and territorial scale is a key question for municipalities, regions and the Member States. The expectations regarding the change of influence in this respect differ substantially.

The EGTC Eurométropole was prepared with the explicit aim of designing a **new governance form, which is appropriate for a polycentric metropolis** in an area comprising two Member States. In this context it provides specific answers for territorial development policies and for the role of local communities.

Similarly in the Greater Region the EGTC is primarily considered as an instrument for the **further institutionalisation of cross-border cooperation** between the members and as a **step towards the macroregion's integration**. It is implemented in a context where several cooperation initiatives already co-exist and it is expected that the **EGTC will exert stronger influence** on the members themselves than on third parties.

In contrast, the Eurodistrict Oderland Nadodrze believes that it has **more power at national as well as European level** due to increased effectiveness and transparency in the decision-making mechanisms among the partners. The EGTC is seen as a tool for expressing the position of the region through this territorial unit being increasingly seen as one entity.

For the EGTC UTTS the relation between the EGTC and other territorial units is balanced and it is **expected to remain** so. Generally, the members do not expect to have much more power at national level, nor do they see a significantly increased potential for lobbying at EU level.

However, **third countries** (e.g. Ukraine in UTTS) perceive the EGTC as a way to **enhance ties with the European Union**, as well as to receive **more EU funds** and to have **more say in EU policies** affecting their territory.

Hospital de Cerdanya places greater emphasis on a sectoral approach, expecting to have **good relations with all health sectors** but also **with political levels at**



**local, regional, national and EU level** (vertical integration). The establishment of the EGTC permits and governs relations between two partners, relations which otherwise would probably never have existed. The EGTC will be the entity applying for EU funds and plans to cooperate with similar institutions.

For Eurorégion Alps Mediterranean the EGTC provides a **new model of institutional governance leading to a “bottom-up” European integration process**, in accordance with the **principles of proximity and subsidiarity**. It offers new forms of multilevel governance in which “each actor contributes in line with his or her capabilities or knowledge to the success of the overall exercise”.

#### 4.3.4 The logic behind the shaping of the partnership

The logic and dynamics behind the shaping of the partnership in terms of geographical scope and the level of government associated are key features for the assessment of the governance structure. The analysis shows that there are variations with respect to the degree of openness versus exclusivity of the partnership in relation to other potential partners, the actual number of partners involved, the homogeneity or heterogeneity of the partners and the competences involved.

With respect to the **number and kind of partners** involved, the following picture emerges:

<i>Case Study</i>	<i>National states</i>	<i>regional authorities</i>	<i>sub-regional authorities</i>	<i>local authorities</i>	<i>associations of bodies</i>
<i>Eurométropole</i>	2	5	3		5
<i>UTTS</i>				40*	
<i>EDON</i>				25	
<i>Hospital de C.</i>			1	1	5
<i>Greater Reg.</i>	2	6		3	
<i>Alps Mediterr.</i>		5			
<i>GNP</i>		2			
<i>AAP</i>	2	7	4		

\* *expected number*

**Homogenous partnerships** between the same kind of partners can be found at local level (EGTC UTTS, EDON) and also at regional level (Alps Mediterranean, GNP). The majority of analysed cases comprised partners from different administrative levels.



The EGTC UTTS is **established by local governments** located along the border intending to formalise existing forms of cooperation. The EGTC is **open for any other territorial authorities** in the border region, which qualify for membership under the Regulation and declare full acceptance of the grouping's convention and statutes.

The partnership of the EGTC Galicia - Norte de Portugal is **based on exclusivity** (only two regions) and has currently **no plans to extend the partnership**, although there have been expressions of interest from the neighbouring Spanish region of Asturias. Additional stakeholders are indirectly involved but there are no plans to introduce these into the working community.

In the Eurodistrict Oderland Nadodrze **all partners are municipalities** which have worked together on CBC projects for years. The integration in this case study is mostly the integration of municipalities from two regions with different legal, economic and social legacies.

The EGTC Hospital de Cerdanya **selected its partners based on their health competences** from each part of the region. Vertical integration has also been sought in order to **combine health, legal and political competences**. The horizontal integration, together with the involvement of municipalities, trade unions, professionals and economic actors, should ensure the long-term sustainability of the project.

In the Greater Region the partners of the planned EGTC are **the same as in the Interreg cooperation**, consequently previous working experience has been the main criterion for selection of partners, while the establishment of the EGTC is "just" a step in their ongoing integration. The main scope of this integration is horizontal, although the partners are not at the same administrative level. Its objective is to **cover the administrations** of the regions involved and the **different levels** stemming from the differences in national structures.

The Eurorégion Alps Mediterranean is a cross-border cooperation structure established by Piemonte, Liguria, Valle d'Aosta, Rhône-Alpes and Provence-Alpes-Côte d'Azur. The **partnership is built on a long-standing history of economic, social and cultural relations**. The new cooperative framework has been set up to tackle current challenges. It provides a new model of institutional governance leading to a "bottom-up" European integration process, in accordance with the principles of proximity and subsidiarity. It offers new forms of multilevel governance in which "each actor contributes in line with his or her capabilities or knowledge to the success of the overall exercise".



### 4.3.5 The envisaged governance systems and operating principles

The nature of the envisaged governance systems and operating principles as they emerge from the (draft) conventions and statutes or from other preliminary agreements show the following picture with respect to the number and type of organs:

<i>Case study</i>	<i>decision making (assembly)</i>	<i>executive organs (boards, directorates)</i>	<i>control organs (supervision, monitoring)</i>	<i>representative organs</i>
<i>Eurométropole</i>	<i>1</i>	<i>1</i>		<i>2</i>
<i>UTTS</i>	<i>1</i>	<i>5</i>	<i>1</i>	<i>1</i>
<i>EDON</i>	<i>1</i>	<i>1</i>	<i>1</i>	
<i>Hospital de C.</i>	<i>1</i>	<i>1</i>		<i>1</i>
<i>Greater Reg.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>
<i>Alps Medit.</i>	<i>1</i>	<i>1</i>	<i>n.a.</i>	<i>n.a.</i>
<i>GNP</i>	<i>1</i>		<i>1</i>	<i>1</i>
<i>AAP</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>	<i>n.a.</i>

In the EGTC UTTS a quorum at the General Assembly requires the **representation of more than half of the members** by those in attendance. A qualified quorum at the General Assembly is required to amend the convention and the statutes, the formation and the dissolution of the grouping as well as changes in director and management.

Eurodistrict Oderland Nadodrze stipulates that the **Assembly will decide on the main tasks** and goals of the EDON. The Board prepares the decisions, proposes activities to the assembly and all members and decides on current tasks. The 2 directors together are charged with representing the EDON.

The EGTC Hospital de Cerdanya is a completely **independent legal entity**. In general, the **decisions are made by a simple majority of Administrative Council** members present at the time of voting, provided that at least half of the members plus one is present. In the case of a tie, the president's vote is decisive. **In certain cases** (for example adoption of rules related to the implementation or modification of the mission of the EGTC) **qualified majority** is required. In even more substantial matters (for example the dissolution of the EGTC or the modification of the statutes) **unanimity** is required.

In the EGTC Galicia - Norte de Portugal the Assembly is made up of representatives of Xunta de Galicia and CCDR-N. It may authorise general conventions of cooperation, a change in the legal framework and a harmonisation of operations regarding credits and loans. The director is designated by the president of Xunta de Galicia and the president of CCDR-N as



well as the subdirector. The Superior Council will be made up of general coordinators of the Working Community GNP representing Xunta de Galicia and CCDDR-N.

In the Greater Region, the Eurorégion Alps Mediterranean and Alpe-Adria-Pannonia, details concerning the nature of the legal personality have yet to be decided.

The operating principles of the EGTCs usually concern equality during the decision-making process, and access to information and resources: The Eurométropole Lille-Kortrijk-Tournai has two main operating principles: (1) **Parity** between France and Belgium, then within Belgium, between French-speaking and Dutch-speaking regions; (2) Application of French/Dutch **bilingualism**.

EGTC provides a legal basis for structuring territorial cooperation and for making it more efficient and regular. Thus the common legal structure serves as a solid basis for joint territorial development with a long-term perspective. It offers the partners recognition of territorial cooperation across the borders. Where cooperation already exists, the EGTC opens the possibility of going even further.

#### 4.3.6 Focus of objectives and tasks

The analysis of the objectives and tasks mentioned in the (draft) statutes, conventions and other documents shows the following preliminary picture. In some cases objectives and tasks are only indirectly mentioned (indicated as “?”) or are envisaged for a later stage (indicated as “(+)”):

##### Main models of EGTC

	Case Study no. <sup>22</sup>							
	1	2	3	4	5	6	7	8
<b>Main model of EGTC<sup>23</sup></b>								
implementation of territorial cooperation programmes		(+)			+		(+)	
implementation of territorial cooperation projects (co-funded by ERDF, ESF, CF)	?	+	?		+			+
implementation of other EU-funded projects								+
implementation of territorial cooperation projects (without EU co-funding)	?			?				+

<sup>22</sup> the numbering of the case studies corresponds to the sequence in chapter 4.2

<sup>23</sup> see definition in INTERACT Handbook on the European Grouping of Territorial Cooperation (EGTC), chapter 2



Only the Greater Region has the practical objective of acting as Managing Authority for the Greater Region Territorial Cooperation Programmes, where 3 former Interreg III A programmes joined to form a single new programme. The EGTC UTTS does not, in principle, exclude such an option at a later stage. The envisaged main functions of the EGTC Galicia-Norte de Portugal will be the **management and implementation** of the Operational Subprogramme GNP.

The objectives of most programmes (e.g. UTTS, Greater Region, Alpe Adria Pannonia) is to carry out **projects co-funded by the Community**. The implementation of other EU-funded projects or territorial cooperation projects without EU co-funding is not explicitly mentioned, although the tasks in some cases suggest that this might also be considered by the respective EGTCs (e.g. Eurométropole, Hospital de Cerdanya, Alpe Adria Pannonia).

### Envisaged types of activities

	Case Study no. <sup>24</sup>							
	1	2	3	4	5	6	7	8
<b>Main activities</b>								
Strategy development and networking								
lobbying			+					
provide dialogue platform for political discussion	+							+
drafting of a commonly prepared development strategy / regional development planning	+		+					+
coordination and harmonisation in territorial cooperation, networking	+	+	+		+	+		+
information exchange, coordination of initiatives							+	+
<b>Project management</b>								
project development and implementation	+	+						+
manage infrastructures / common use of infrastructures				+				+
provide and manage services that are in the public interest				+			+	
<b>Support services</b>								
organise meetings, conferences, trainings, exchanges		+	+			+		?
providing technical assistance / support services		+	+					+

The most prominent objective of the analysed case studies is the **general promotion and support of cross-border cooperation** and the involvement of relevant actors. Interestingly the **organisation and provision of meetings**,

<sup>24</sup> the numbering of the case studies corresponds to the sequence in chapter 4.2



**conferences** but also **trainings and information exchanges** are mentioned very often as potential activities of EGTCs.

The **drafting of a common development strategy** for a contiguous geographical area is, surprisingly, only described in two cases, while **project development and implementation** (without a comprehensive development strategy) is by far more prominent, and constitutes in total (project implementation with or without development strategy) the most commonly cited activity. Project development and implementation can thus be considered the least common denominator of all analysed EGTCs.

The **provision of services that are in the public interest** is specifically only addressed in the case of the EGTC Hospital de Cerdanya: to create a cross-border organisation for the construction and subsequent management of an acute-care hospital for all patients in Cerdanya and Capcir. On a more general basis, public service provision is also an objective of the EGTC Galicia - Norte de Portugal (common management of equipment and public services).

**Lobbying** is far less prominent in the EGTC's convention and statutes than interviews with stakeholders would have suggested.

### Thematic focus of EGTC activities<sup>25</sup>

	Case Study no. <sup>26</sup>							
	1	2	3	4	5	6	7	8
<b>Thematic focus mentioned</b>								
<b>Economic development &amp; research</b>								
economic development			+				+	+
SME support		+						+
research, science, ICT						+		+
<b>Environment</b>								
environment / sustainable use of natural and cultural resources / risk prevention		+	+			+		+
agriculture, rural development		+						+
<b>Quality of life and services</b>								
quality of life of inhabitants	+	+						+
culture and tourism			+			+		+
health sector			+	+				
education			+			+		
<b>Transport</b>						+		
<b>Territorial cooperation in general</b>					+			+

<sup>25</sup> The table shows themes explicitly mentioned in draft documents of the analysed EGTC initiatives. If themes are not selected this does not mean that an EGTC does not intend to cover it. Sometimes, rather general terms "territorial cooperation" were mentioned instead of specifying the themes.

<sup>26</sup> the numbering of the case studies corresponds to the sequence in chapter 4.2



The thematic focus of most EGTCs includes activities in the field of the **environment**, the **sustainable use of natural and cultural resources** or **risk prevention**. General activities to foster **economic development** are also very important, whereas activities **to support SMEs** are not very often explicitly considered (only in Alpe Adria Pannonia and EGTC UTTS).

Other thematic fields (culture, tourism, quality of life education etc.) are evenly tackled by the analysed EGTCs. It is however surprising that the field of **transport** is mentioned only in one case. Similarly, **knowledge development and scientific excellence** are rarely mentioned.

#### 4.3.7 The location of the registered office

EGTC structure offers one seat be it in the case of joint implementation of territorial cooperation programmes (all functions combined in one location e.g. employing common staff and sharing common properties, parities of voting, employment conditions etc.) or in the case of Lead partner projects.

	Seat of registered office		operational unit branch office etc.
Case Study no.	1	Lille (FR)	yes (BE)
	2	Kántorjánosi (HU)	?
	3	Neulewin (DE)	2
	4	(Pugicerdá) temporary	-
	5	Metz (FR)	-
	6	under discussion	under discussion
	7	Vigo (ES)	
	8	under discussion	under discussion

The decision concerning the location of the **registered office** is evidently a delicate political topic in most of the envisaged EGTCs and is currently still under discussion in several cases. The installation of **operational units** is an option to overcome this dilemma but it also has operational advantages: e.g. the Eurodistrict has a **coordination office** in Germany (Neulewin) and two branch offices in Kostrzyn (Lubuskie) and Debno (Zachodniopomorskie). The legal seat of the Eurométropole Lille-Kortrijk-Tournai is located in France (LILLE) while **operating services** will be located in Belgium with the possibility of having further representations outside of its reference area. Evidence suggests that the decision about the seat is driven by political logic rather than by the question of advantages and disadvantages of the respective applicable laws in the Member States.



#### 4.3.8 EGTC for integrated territorial policies versus sectoral public interventions, infrastructure and services of general interest

In principle, EGTCs can be used either for delivering an integrated set of territorial or sectoral policies or for very specific services (e.g. infrastructure provision, services of general interest to a large and composite territory and community). So far, the analysed examples show some preference for the first option, which might however change in future. Evidence suggests that EGTCs are currently more concerned with becoming operational; the delivery of a genuine integrated set of territorial policies may be envisaged in the founding documents, but remains a task to be put into effect in future.

For the Eurométropole Lille-Kortrijk-Tournai, the application of the EGTC instrument was motivated by the wish to apply **new forms of governance** in order to overcome traditional obstacles to cross-border cooperation, as well as the explicit ambition to become a “model region” for European integration. It provides for a concentration of cross-border links in the fields of employment, transport, territorial planning and cultural development.

The EGTC UTTS sees that in the long term the EGTC has the potential to **implement territorial policies**. However, the first task of the newly established EGTC is to make the current, relatively unstructured cooperation more stable. This will be a precondition for the development and carrying out of coordinated territorial development projects.

For the EGTC Eurodistrict Oderland Nadodrze, the main opportunity lies in having a **political leadership** in the cross-border territory, capable of providing a joint response to the expectations and needs of inhabitants in this area.

For the Greater Region, the **integration of territorial policies** is one of the main objectives. With the establishment of the EGTC, the current loose and loosely defined structure for cooperation becomes more stable and transparent. As a result the decision-making mechanisms - once agreed upon - and thereby common territorial policy-making will become more legitimate and effective. The main constraint is perceived during the establishment process, namely harmonising and conciliating members' interests.

For Galicia – Norte de Portugal, the major opportunities are perceived as the possibility of **building up and deepening the strategy for territorial cooperation**. Territorial management is an issue for GNP, e.g. for infrastructure planning at regional scale. The actors have already applied for EU Interregional Cooperation IV C. Regional development plans of both countries (co-financed at EU level) already exist, and both sides in the EGTC may use these as instruments.



In contrast, examples of sectoral public interventions are far less frequent. The EGTC Hospital de Cerdanya is the **most advanced example of delivering services of general interest (health services)** in one centre with common structures for two societies.

#### 4.3.9 Main obstacles encountered

The main obstacles encountered during the constitution of the EGTC, with regard to both Regulation 1082/2006 and the derived legal and administrative frameworks at Member State level are as follows:

The main obstacle was the **delay in the national adaptation** of the EU Regulation on EGTC, or the **different speeds** at which national legislation moved in the Member States. The slow formal approval procedure for the convention and statute of the EGTC in some Member States also hindered EGTC formation (Hospital de Cerdanya, Greater region; Galicia – Norte de Portugal).

The main points of discussion were the **name**, as well as all questions related to **bilingualism** and **parity**. Furthermore the question concerning the **location of headquarters** and offices and the recruitment of staff has been controversial (Eurométropole Lille-Kortrijk-Tournai). In the Greater Region the harmonisation of members' interests and final agreement among members on the **scope of the activities** were perceived as being particularly difficult.

**Financial issues** were a major obstacle in the case of participation of partners from Ukraine (e.g. payment of membership fee) and the lack of earmarked financing for the establishment of the EGTC, which would have been especially useful since the coordination of the 25 members requires resources (Eurodistrict).

Regional actors perceived the central government and the **duration the process** as the major obstacle. Actors fear that the central governments might not like to see strong applicants, and see **bureaucracy** concerning **ex-ante checks** as a major burden (Galicia - Norte de Portugal). One of the biggest challenges involved securing political commitment in order to obtain support for the establishment of the EGTC (Alpe Adria Pannonia).



#### 4.3.10 Elements of good practice and foreseeable impacts

Although the analysed case studies are in the early stages of their implementation, it is possible to deduce good practices from each. These elements of good practice refer to the strategy, to the approach and the process of setting up the EGTC as well as to the foreseeable impact they generate in terms of achieving greater economic, social and territorial cohesion.

■ **Good practice in efficiently setting up an EGTC without national legislation in place**

The Eurométropole Lille-Kortrijk-Tournai constitutes good practice both in terms of the brief period of time needed for the set-up of the EGTC and the proactive approach in **establishing the EGTC without national rules being in place**: in only 18 months from the EGTC Regulation of July 2006 to the establishment of the legal body in January 2008, this EGTC has been the fastest example of its kind in Europe: the actual preparation phase took little more than a year.

■ **Good practice in creating results that have a tangible impact on the daily life of inhabitants in cross-border areas**

The **range of activities** envisaged by Eurométropole promises to give an appropriate answer to the daily challenges in the life of inhabitants in a cross-border area. It ensures better coordination of policies and provides effective solutions to problems such as commuting, cross-border health services etc.

■ **Good practice in establishing an EGTC as a platform to strengthen political commitment for cooperation**

Eurométropole has succeeded in achieving the **highest level of political commitment** in the cooperation area, which is reflected by the internal governance structure: the mayor of Lille as president together with the 3 vice-presidents (the mayor of Kortrijk; the minister-president of the Walloon region and the vice-president of Lille Métropole Communauté urbaine) ensure an extraordinary political commitment and long-term stability for the initiative.

■ **Good practice in using the EGTC as a tool to integrate partners from countries outside the European Union**

The EGTC UTTS is being set up by **partners from four countries**, one of which is not an EU member (Ukraine). The participation of partners from Ukraine, though challenging, was made possible since a separate agreement between Ukraine and Hungary was signed after a lengthy consultation process. Further, the successful harmonisation and conciliation of the interests of members from four different countries can also be regarded as a



remarkable achievement. Similarly, Alpe Adria Pannonia envisages the integration of Croatia.

■ **Good practice in promoting horizontal integration between partners at the same administrative level**

The EGTC UTTS is an example of **horizontal integration between 40 local governments** from four countries. By adopting a common, more comprehensive and structured territorial approach to several border regions, the EGTC has the potential to achieve greater economic, social and territorial cohesion. It is also expected to reduce the "border effects" notably on the border between the EU and Ukraine.

Eurodistrict Oderland Nadodrze is an example of **horizontal integration of several partners**. It could serve as an example of best practice for bilateral cooperation between border regions in the EU. The foreseeable impact is even closer and more effective cooperation among the municipalities especially regarding joint projects and initiatives for EU funding.

■ **Good practice in using EGTCs to foster cooperation in very sensitive fields, which show a low level of harmonisation so far**

The partners of Hospital de Cerdanya use the EGTC as a tool to legitimise and institutionalise their cross-border project-initiative. The main argument is the flexibility of the system: it enables the partners to be on different administrative levels (national, regional) and at the same time it provides a useful framework for the cooperation. The EGTC is used as a means for **institutionalising the health sector cooperation** of two different structures in order to become legally and financially legitimised. The project has the potential to become a model of **innovative cross-border project-cooperation in sensitive sectors**. Among EU policies, healthcare is still one of the least harmonised. This is explained by its high sensitivity and importance in national politics as well as by the diversity of social security systems in the EU Member States. The fact that the Cerdanya Hospital manages to overcome these obstacles and put the needs of the people in the region ahead of national politics could have far reaching effects.

■ **Good practice in promoting the establishment of an EGTC as a means of strengthening internal integration in already existing cooperation structures**

The partners in the **Greater Region** have decided to set up an EGTC as a means of integrating and **institutionalising their existing cooperation on territorial development**. The Greater Region itself is a much wider cooperation, consisting of a multitude of single cooperation units, treaties and organisations. The EGTC is one of their cooperation projects and tools (a planned Greater Region University is another). This case study is a good



example of using the EGTC as a "project organisation". Consequently, the expected main impact will be on the members themselves. Greater economic, territorial and social cohesion will be achieved through regulated and more systemic collaboration in the field of territorial cooperation.

The partners of the Eurodistrict Oderland Nadodrze envisage this form of the cooperation as a logical **continuation of their already existing cooperation**. The process of setting up the EGTC is running smoothly, and the internal institutional set-up for the preparation and management of the EGTC is optimally suited to the task.

Alpe Adria Pannonia provides a good example of a structured and participatory approach to achieving agreements before the actual establishment of the EGTC. It further shows a strong will to establish new cooperation structures in an area with a **tradition of cooperation**. It provides useful lessons for similar initiatives in a sensitive historical and political context, where many different national and regional interests have to be considered. From a thematic point of view, the envisaged EGTC is intended to bundle fragmented activities in the regions concerned, to create synergies and to adapt a more strategic approach to territorial cooperation.

■ **Good practice in using the EGTC as a means of deepening integration between a smaller number of partners in a sensitive regional background**

The case study Galicia - Norte de Portugal provides an example of good practice of a fairly exclusive cooperation (with only two partner regions) against a sensitive background as regards historical and cultural identity. Both regions already have a tradition of cooperation and seek to deepen this cooperation by means of the new legal instrument. Obviously for both regions, it was a challenge to convince their central governments of the added value of their initiative.

For the Eurorégion Alps Mediterranean, the envisaged EGTC is a vehicle for implementing major EU, national and regional policies. The initiative is a good example of a new cooperation form, which attempts from its inception to formalise the cooperation to the highest possible degree. Furthermore, the initiative shows how potential promoters can act before national provisions are in place (in France since April 2008; in Italy still under adoption at regional level).



■ **Good practice in using the EGTC to overcome administrative asymmetries and different sizes of Member States**

The Alpe Adria Pannonia is a good example of the advantages which an EGTC provides for overcoming different sizes of cooperation partners: e.g. Slovenia, today a Member State of the EU, had been a member of the Alps-Adriatic Working Community since 1978 as a Socialist Republic in the Federation of Yugoslavia<sup>27</sup>. After its independence, Slovenia continued to participate in this arrangement as a state, which however is quite complex in legal terms. The EGTC facilitates the integration between asymmetric partnerships and creates parity between the single actors in decision-making processes.

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<sup>27</sup> Committee of the Regions (2007): The European Grouping of Territorial Cooperation - EGTC. Study carried out by GEPE under the supervision of Professor Nicolas Levrat in the context of the CoR's research programme. CdR 117/2007, p. 147







## 5. CONCLUSIONS

The following conclusions relate to the research questions as outlined in chapter 2.1 of this report. The argument stems from either the results of the comparative analysis of EGTC national provisions (chapter 3) or from the synthesis of the analysed case studies (chapter 4) in accordance with the following specific questions:

**Q1 What are the main differences in national/regional EGTC legislation and what are the practical problems in setting up EGTCs in this context?**

In the current situation, EGTCs deal with several issues arising from the disparate status of adoption of the EGTC Regulation in the Member States and regions. However, emerging EGTCs in individual countries are affected differently by the absence of national/regional EGTC provisions and have developed their own coping strategies.

### **National provisions as preconditions for setting up an EGTC**

The Eurométropole Lille-Kortrijk-Tournai adopted a very proactive approach in establishing the EGTC without the national rules being in place: in only 18 months from the introduction of the EGTC Regulation in July 2006 to the establishment of the legal body in January 2008, this EGTC has been the fastest “off the mark” in Europe. Considering that the first meeting of the Comité Constitutif only took place on 28/11/2006, the actual preparation phase took just over a year.

In some countries (e.g. Italy) the lack of national/regional EGTC provisions do cause problems, because there are no other legal instruments for cooperation as no comparable international cooperation treaties have been ratified (it should be noted that Italy has ratified the Madrid Convention but not the two related protocols). This current situation has complicated the task of prospective EGTC developers in Italy in terms of discovering the main reference point as several different government departments are involved in the process.<sup>28</sup>

In Austria - a federal state - the respective legislation has to be adopted at regional level, which makes it a complex interinstitutional exercise, which has yet to be concluded. Nonetheless, one prospective EGTC (Alpe Adria Pannonia) with Austrian participation has already prepared its draft statutes and its discussions are proceeding in a pragmatic way.

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<sup>28</sup> CoR (2008): 2<sup>nd</sup> EGTC expert group meeting. Minutes.



### Third country participation and others

Though the EGTC Regulation was **approved unanimously** by all Member States, the Regulation is adopted and further specified in different ways through national provisions. The EGTC Regulation **is governed by European Community law** and therefore directly applicable, without prior ratification by the Member States (in contrast to interstate agreements governed by international law). However, the Regulation requires each Member State to take the necessary internal steps to enable regional and local authorities to participate in cross-border cooperation, but at the same time it does not provide all the **operational answers** for its implementation. Questions concerning “third country” participation are a good example of uncertainties in this respect: the legal base for the EGTC Regulation is art. 3 (3) of the Treaty<sup>29</sup> establishing the European Community, which implies that it has to be considered as an instrument of EU internal policy. The Regulation therefore has its limits as otherwise a different legal base would have been necessary. It is up to the Member States to adopt the minimum (paragraph 16, Reg. 1082/2006) of the Regulation or to open up national law (such as in Romania or France) for the establishment of an EGTC on their territory.

For the envisaged EGTC between Austria, Hungary, Italy and Slovenia the issue of the prospective participation of Croatia is still pending, as Croatia has the status of an accession country. The Regulation generally applies only to countries within the EU territory, while for other countries the situation will remain as it was before the introduction of this Regulation. Consequently the main legal advantage of the EGTC Regulation is that it facilitates cooperation *within* the EU-27. Croatia has, in principle, the possibility of adopting the EGTC Regulation before its envisaged accession to the EU, but it cannot be obliged to do so.

Another approach for third country participation is to open up the national law for setting up an EGTC with a third country, such as for cooperation between France and Switzerland: territorial cooperation will be possible through a structure that will resemble an EGTC but will, in reality, be a legal instrument under French or international law. Third countries could then participate as associate members being part of the common decision body.

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<sup>29</sup> article 3 (3) of Consolidated Version of the Treaty of the European Union, OJ 09/05/2008 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0013:0045:EN:PDF>



**Q2 What contextual background and experiences can be identified as favourable preconditions for the successful setting-up of the new cooperation tool?**

The analysis has shown that the administrative, historical and cultural background of the territories involved in EGTC initiatives varies across EU countries and regions and that these have a considerable influence on cooperation initiatives. However, while the involved actors cannot directly influence their contextual background, it is their specific cooperation capacity that is crucial to finding the right answers to the contextual challenges:

In some cases (e.g. Eurorégion Alps Mediterranean) a **long-standing history of economic, social and cultural relations** was helpful and was only at a later stage was it formalised by a political Memorandum of Understanding on the establishment of a Euroregion. A track record of **formalised cooperation** forms (Working Community, Memorandum of understanding, bilateral agreements) were relevant in the case of several initiatives, enabling them to form stronger cooperation links before they envisaged establishing an EGTC.

**Project-based cooperation** in different thematic fields has been an important precondition for the setting-up of an EGTC in almost all cases. In particular the **Community Initiative INTERREG** strengthened cooperation in various regions and paved the way for the use of more formalised cooperation instruments.

Very tangible experiences in **thematic cooperation** on specific issues (e.g. health, transport etc) are favourable, where EGTCs envisage providing a focused cooperation, e.g. the supply of public services.

Overall, there is evidence that cooperation initiatives follow a “**cascade of formalisation**” from pure information exchange, to project-based cooperation, more formalised working agreements, to the foundation of a Euroregion and – currently at the apex in terms of commitment – the establishment of an EGTC.



### **Q3 What are the main motivations for setting up an EGTC and what is their perceived added value?**

The reported motivations for stakeholders to set up an EGTC are very different and range from strategic and political motivations (strategy development, lobbying etc.), to very practical reasons (legal personality, employment conditions etc.). Generally, these motivations can be grouped into internal and external issues:

#### **Internal integration**

Internally (inside the partnership for cooperation), the formation of an EGTC has the advantage of establishing a **more comprehensive and transparent decision-making** mechanism and a **permanent legal structure** capable of integrating members with **different institutional and/or sectoral backgrounds**. The cooperation structure allows for an **asymmetry of partners** (from different administrative levels) while keeping the partnership operational.

#### **External integration**

Externally the EGTC is seen as a means of creating a **platform for political dialogue** and **collecting and institutionalising the cross-border programmes** of the region. In this respect, the desire to use the EGTC as a tool for **lobbying for EU assistance** is also a motivation with a clear external dimension (“EGTC as ambassador for a group of regions”).

Towards the national and EU level, the EGTC is seen as the tool for the regions to become more important players in European regional and cohesion policy and to establish a new model of **financial governance** which is better suited to the need for a more **geographically balanced allocation of funds** during the 2007-2013 programming period.

#### **Coordination for implementation**

It is further perceived as a **coordination platform and implementation vehicle** for major EU, national and regional policies, in different crucial fields. The EGTC offers possibilities for overcoming obstacles which existed for territorial cooperation in the past by providing a political message that shows regions really want to cooperate and demonstrating how they can implement policies in a more coordinated fashion, e.g. by screening policies in the respective member regions and identifying common priorities and projects.

#### **Legitimacy and commitment**

The establishment of an EGTC confers legitimacy on cooperation, makes it more independent of the shifting sands of political will and generally guarantees a high profile.



**Q4 What types of EGTCs are currently emerging in Europe and what is their main field of activity (technical or strategic)?**

Among the analysed case studies **all 4 models of EGTC** (for territorial cooperation programmes, project with EU funding, without EU funding, other projects) are represented. However, there is some evidence that EGTCs set up for the purpose of implementing territorial cooperation projects, co-funded by ERDF, ESF or CF are largely prevalent. EGTCs for **programme management** are relatively rare, although some initiatives do consider programme management activities at a later stage. Only one EGTC has been set up for the specific purpose of programme management in the near future (Greater Region). Obviously, establishing the EGTCs came rather late in the game for managing territorial cooperation programmes in the current period.

For the time being, the analysed case studies show a higher involvement and activism of territorial public authorities, while purely functional EGTCs promoted by public bodies are still rather hard to find.

Evidence suggests that both **technical and strategic activities** are addressed by EGTCs, with more examples on the technical side. Project development and project implementation and the general promotion and support of cross-border cooperation are the most prominent type of activities. Furthermore the organisation and provision of meetings, conferences, training actions and information exchanges are considered to be the main activity for EGTCs. The supply of services that are in the public interest is specifically addressed only in one case (EGTC Hospital de Cerdanya), but it is in principle envisaged by other EGTCs as well.

There is **a clear variety of scope** of EGTCs in terms of the thematic focus on which activities are going to take place, ranging from the environment, the sustainable use of natural and cultural resources, risk prevention to economic development. So far relatively little evidence can be found concerning EGTC activities in the field of transport, knowledge and excellence development.



**Q5 What are the differences and similarities of EGTC stakeholders with regard to expected changes in the relationship with the EU, national, regional and sub-regional level? Are there any potential strategic synergies or conflicts?**

The expected institutional positioning of the EGTC with reference to the European, national, macro-regional and territorial scale is a key question for municipalities, regions and the Member States. The expectations regarding the change of influence in this respect differ substantially.

Most EGTC stakeholders do **expect to increase power at national or EU level** but interestingly, this gain in power is not attributed to the legal nature of the EGTC, but rather indirectly to the increased effectiveness and transparency in the decision-making mechanisms among the partners (e.g. Eurodistrict Oderland Nadodrze) or to the internal coherence and the fact that the territorial unit is increasingly seen as one entity. Consequently, the power gain is not a direct effect of the application of the cooperation tool, but rather an indirect result.

When the EGTC is implemented where there are well-established cooperation initiatives in place, it is expected that the **EGTC has more influence** on the members than on third parties. Obviously the instrument has considerable potential to strengthen internal cohesion within a partnership rather than realising an effective gain in power towards external parties.

For **third countries** (e.g. Ukraine) this situation is slightly different: here participation in an EGTC is perceived as a possible way of strengthening ties with the European Union, as well as receiving more EU funds, and having more say in EU policies affecting their territory.

Where the EGTC applies a more specific **sectoral approach** instead of a comprehensive territorial one (e.g. Hospital de Cerdanya), it is essential to have good relations with all the respective sectors at different political and administrative levels (local, regional, national **and** EU level).

**Exclusivity of the partnership** can be an option in order to deepen internal integration: The EGTC Galicia - Norte de Portugal currently has no plans to extend its partnership, although there have been some expressions of interest from Asturias. However, while further actors may be indirectly involved it is not planned to introduce these actors into the working community.



**Q6 Is the EGTC an effective tool for implementing and formalising multilevel governance in the Member States?**

Changes in governance have several aspects, such as the level of horizontal integration (between different sectors) and the degree of vertical integration (between different administrative tiers). Furthermore, governance also has a procedural aspect, concerning the manner (bottom-up or top-down) in which power is exercised. The set-up of an EGTC obviously facilitates direct contact between sub-national administrative levels (regions, municipalities) and Member State-level and EU institutions. There is evidence that this is particularly attractive for regions in more centrally organised countries. It is therefore a tool for the local and regional level to strengthen its partnership with the EU level.

The EGTC must be considered as an **advanced tool for the most complex form of multilevel governance**, as it is required in a cross-border context: integration of various administrative levels and sectors across borders, multiplicity of actors.

Our analysis suggests that rather than a pure power gain, stakeholders expect a **procedural change**, concerning the establishment of a **new model of institutional governance leading to a “bottom-up” European integration process**, in accordance with the **principles of proximity and subsidiarity** (e.g. Eurorégion Alps Mediterranean).

At sub-regional level the EGTC has the potential to serve as a **new governance form**, which is **appropriate for polycentric metropolises** that straddle two Member States (e.g. Eurométropole Lille-Kortrijk-Tournai). They may generate specific answers to territorial development policies and to the role of local communities and can also strengthen the integration within a macro-region (Greater Region).

**Horizontal integration** prevails in the case of the EGTC UTTS between **local governments** located along the border, which intend to formalise the established cooperation among themselves. Here the EGTC is **open to the participation of further local authorities** in the border region, which qualify for membership under the Regulation and declare full acceptance of the Grouping's convention and statutes. Similarly in the Eurodistrict **all the partners are municipalities**, which have worked together on CBC projects for years. The integration refers mainly to municipalities from two regions with different legal, economic and social legacies.

In the Greater Region the partners of the planned EGTC are **the same as in the Interreg cooperation**. The establishment of the EGTC is "just" a further step in their ongoing integration. The main scope of this integration is horizontal, although the partners are not at the same administrative level (national and



regional). Its objective is to **cover the administrations** of the regions involved and the **different levels** stemming from the differences in national structures.

A **combination of horizontal and vertical integration** has been particularly relevant in the case of the EGTC Hospital de Cerdanya. Partners were **selected based on their health competences** from each part of the region (horizontal integration). In addition the vertical integration also had to **combine health, legal and political competences**. The horizontal integration and involvement of municipalities, trade unions, professionals and economic actors was intended to ensure the long-term sustainability of the project.

Eurorégion Alps Mediterranean seeks to provide a **new model of institutional governance** leading to a “bottom-up” European integration process, in accordance with the principles of proximity and subsidiarity. It offers new forms of multilevel governance in which “each actor contributes in line with his or her capabilities or knowledge to the success of the overall exercise”.

**Q7 What are the potential benefits of EGTC for EU policy after 2013 and in which policy areas could EGTC play a major role?**

Evidence suggests that current EGTC initiatives are concentrated on the **provision of territorial project implementation with EU co-funding**. The analysis has shown that the potential to use the new instrument to **develop joint territorial strategies**, which are then implemented through “flagship” projects in the framework of an EGTC, has not yet been fully exploited. The analysed EGTC initiatives focus their attention on the effective implementation and administration of projects while the generation of a **coherent set of projects** is not sufficiently considered.

It is particularly important to stress that EGTCs are not only for project development and implementation. They can promote bottom-up strategies, which effectively address the needs of regions and make better use of their endogenous potential (e.g. Local Action Groups of the LEADER approach). There are however early examples of EGTCs that explicitly intend to **develop integrative strategies** for their territories and consequently a trend towards this approach is still expected to emerge during the current programme period.

The setting-up of EGTCs to foster **cooperation in sensitive fields**, which currently show a very low level of harmonisation (e.g. health services, cross-border transport and infrastructure development, or areas with sensitive historical backgrounds etc.) shows **considerable potential** in the course of the current programming period and, due to the complexity of the task, this will most likely continue after 2013.



Moreover, the use of the new instrument for specific initiatives in the **public-private sphere** (industrial policies, support of SMEs, the development of research and excellence) is rarely addressed and will need major efforts in future.

The analysis has shown that the effects of using EGTCs for the **supply of public services** in a cross-border context (e.g. for hospital services) are particularly high. It is very efficient in terms of a **common use of public infrastructure** in border regions (in particular in less populated areas) but such initiatives may require considerable political and technical support, at least in the early stages.







## 6. RECOMMENDATIONS

The following recommendations are deduced from the analysis of this work and are intended in particular for Local and Regional Authorities (LRA) and project promoters, Member State authorities and finally for the EU institutions.

### **Recommendations for local and regional authorities and for project promoters**

**Make an accurate analysis of issues of territorial cooperation and identify issues where administrative asymmetries constitute bottlenecks, which could be addressed by an EGTC.** The administrative asymmetry between and within Member States and regions has proved to be a persistent problem for territorial cooperation activities in the past (e.g. between Member States with different sub-national tiers, state structures etc.). The EGTC takes account of these problems and creates a legally recognised platform for the coordination and clearance of related issues between relevant players from different administrative tiers. The possibility of overcoming administrative asymmetries is particularly interesting for local and regional authorities, which can proactively engage and identify those issues, where such asymmetries potentially threaten territorial cooperation.

**Use EGTCs to demonstrate and underline the will for cooperation.** There are different, less formal organisational solutions for territorial cooperation (e.g. working communities, Euroregions etc.). The EGTC offers an instrument endowed with considerable decision-making powers and which can, as a result, achieve a very high public profile in the cooperation area. Commitment to engage in this instrument can therefore demonstrate both the political will and commitment to institutionalise and further develop new and existing cooperation experiences.

**Create horizontal partnerships via EGTCs as a strategic precondition for taking up activities with other administrative levels at a later stage.** While interaction with the regional or national administrative levels may not be the foremost goal of local authorities, the creation of a horizontal partnership (with other municipalities) should also be regarded as a precondition for taking up activities with other administrative levels (vertical integration) at a later stage.

**Apply EGTCs with a view to establishing large, inclusive and sustainable partnerships.** Cooperation projects sometimes require large partnerships. The bigger such partnerships become, the more difficult the effective delivery of activities tends to get (e.g. complex coordination and demanding decision processes). Though the EGTC is an instrument appropriate for small partnerships, it is also designed for very large and long-lasting partnerships,



composed of very different members. The nature of the instrument, its convention, statutes and organs are appropriate for forming stable partnerships, with clear decision-making powers. While setting up such structures is a complex process at the beginning, the instrument ensures that stable structures continue beyond the completion of a single project.

**Use EGTCs to improve the mainstreaming, dissemination and visibility of particularly complex cooperation activities:** Promoters of very complex and demanding cooperation projects are often criticised for not establishing sufficient communication interfaces to deal with the "outside world" during project implementation. Project partners are generally concerned with setting up the working structure, clarifying administrative issues and coordinating and monitoring activities. Communication, dissemination and mainstreaming activities are frequently addressed too late in the programme and project lifecycle. This leads to a twofold dilemma: project and programmes do not communicate sufficiently with the outside world and finally do not succeed in making their results sufficiently visible to the target groups concerned. While the creation of such interfaces requires both resources and special expertise, proper establishment of an EGTC should ensure both the necessary back-links to the local and regional context and better dissemination and visibility of results.

**Use EGTC as a tool to improve strategic reflection beyond pure project implementation:** In addition to policy implementation, policy learning and evaluation have gained importance in the current programming period. However, the complexity of programme implementation requires Monitoring Committees to be increasingly concerned with issues which affect the technical implementation of programmes, while opportunities for more "strategic discussion" opportunities are shrinking. EGTCs are appropriate platforms which should professionalise programme and project implementation and reserve resources for reflection and in-depth discussion of strategies and contents.

## **Recommendations for Member State authorities**

**Promote EGTCs to improve the involvement of LRA in policy-making and engage with EGTCs as “laboratories of multilevel governance”.** The term "multilevel governance" is frequently described as a desirable practice in political strategy documents at national level. However, making multilevel governance operational often entails considerable problems in practice: establishing horizontal linkages across different sectors and linking different administrative levels is a task which faces many obstacles (administrative structures and traditions, political legitimacy etc.). Moreover, setting up such cross-cutting platforms requires political commitment and has a long-term dimension. The EGTC constitutes a recognised instrument which is able to formalise multilevel governance and establish a long-term commitment by



members from different administrative levels and sectors for the implementation of joint activities.

**Support the proliferation of EGTCs as intermediary platforms for embracing the territorial approach.** The adequate level for the implementation of the “territorial approach” has been widely discussed in EU cohesion policies. While territorial cooperation programmes are tasked with responding to the needs of territorial areas, this approach tends to be weak, where large programmes do not allow or do not opt to go for a territorial differentiation of their strategy. Projects, on the other hand, are the wrong structures for implementing the territorial approach, as they are too small. Some EGTCs will have an adequate size, will achieve the required political commitment and will have roughly sufficient resources and know-how to develop, agree upon and implement comprehensive territorial strategies.

**Foster the use of EGTC to create “strategic sets of projects” where uncoordinated territorial cooperation initiatives are taking place in parallel:** the integrated approach, as defined by the Community Strategic Guidelines 2007-2013, calls for the integration of growth strategies at European, regional and local levels by taking account of regional specificities, based on reinforced multilevel governance. Such an approach should ensure that each sector is developed in the context of a coherent vision for the socio-economic development of EU territories, rather than in isolation. This calls for a deeper integration of public policies with territorial impact, in particular with regard to the economic, social and environmental spheres.

## **Recommendations for the EU institutions**

**Promote EGTC as an intervention platform for cohesion policy and other policy areas with a view to decentralisation.** Territorial cooperation under cohesion policy has been based on a delivery model designed primarily by the European Commission in close consultation with the Member States. Although for the programme period between 2007 and 2013 a more decentralised approach in the implementation of the Operational Programmes can be generally observed, the level of decentralisation still depends primarily on the state structure and thus on the level of autonomy granted to sub-national authorities. The integration of sub-regional actors remains unsatisfactory in terms of effective multilevel governance. Against this background, the new cooperation instrument is particularly attractive for regional and sub-regional actors as it provides an additional interface that allows them to participate on equal terms and to become actors in the implementation of territorial cooperation measures. This added value needs to be promoted and exploited at EU level.

**Encourage the use of EGTC where territorial cooperation takes place against a difficult historical background between two or more regions.**



Cooperation activities, in particular socio-cultural and historical conflict situations, are very sensitive to change and require specific solutions (e.g. the PEACE Programme). The EGTC instrument has many characteristics and can be further tailored to such sensitive environments and give legal stability for cooperation. This provides the opportunity to consolidate cooperation on the basis of legal structures that go far beyond 2013.

**Strategically develop EGTC as “exchange platform” which has a wider scope than just implementing EU projects:** while cooperation structures often have the problem of being either “for strategic reflections” or “for project implementation”, the EGTC by its very nature is capable of combining both approaches. Consequently, actors may start with soft measures, such as “information exchange” and “strategy development” which can evolve over years into tangible actions on the ground.

**Develop further incentives to promote the new cooperation instrument.** The EGTC is an instrument which faces a challenge of inertia in some EU Member States (e.g. slow adoption procedures, formalities, little promotion of the instrument etc.). These attitudes need to be further monitored in the operational phase of the first groupings and, most of all, additional information and support activities need to be developed in the light of the relatively low priority accorded to it by some Member States. Additional incentives (material or immaterial) should be discussed in this context.



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# ANNEX

## A1 State of Play (June 2008)

Directorate for Consultative Works



*Unit 3 – Networks and Subsidiarity*

EUROPEAN UNION



Committee of the Regions

### Fiche: EGTC state of play (update: 9 June 2008)

*Disclosure: the following table is not meant to be an exhaustive representation on the progress in adopting the provisions at Member States' level for the implementation of the EGTC Regulation (ex. art. 16 and 18 of the Regulation 1082/2006).*

*This document is meant to collect, as best as possible,  
the information publicly available on the subject.*

*Your contribution is welcome.*

*Please help us to keep the table as updated and complete as possible,  
by mailing us at: [egtc@cor.europa.eu](mailto:egtc@cor.europa.eu).*



ANNEX

Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
Rules under adoption <b>NEW</b>	Austria	by June 2008 (Kärnten, Upper Austria, Salzburg, Styria, Vienna)	Vorarlberg: <a href="http://www.vorarlberg.at/pdf/evtz_eb.pdf">http://www.vorarlberg.at/pdf/evtz_eb.pdf</a>	Vienna: <a href="http://www.wien.gv.at/recht/landesrecht-wien/begutachtung/pdf/2008005.pdf">http://www.wien.gv.at/recht/landesrecht-wien/begutachtung/pdf/2008005.pdf</a>			
		by Sept. 2008 (federal level, Lower Austria)		Styria: <a href="http://www.verwaltung.steiermark.at/cms/dokumente/10879190_2890483/7bdcd444/EVTZ">http://www.verwaltung.steiermark.at/cms/dokumente/10879190_2890483/7bdcd444/EVTZ</a> - <a href="#">Anwendungsgesetz Er</a> <a href="#">l%C3%A4uterungen.pdf</a>			
		no date for Burgenland, Tirol, Vorarlberg:		Salzburg: <a href="http://service.salzburg.gv.at/publix/Index?cmd=dokumentansetzen&amp;prodextern=true&amp;veroeffentlichungid=1854&amp;gruppeldap=gesetzentw">http://service.salzburg.gv.at/publix/Index?cmd=dokumentansetzen&amp;prodextern=true&amp;veroeffentlichungid=1854&amp;gruppeldap=gesetzentw</a>			
Rules under adoption	Belgium	Flanders		<a href="http://jsp.vlaamsparlement.be/docs/stukken/2007-2008/g1391-1.pdf">http://jsp.vlaamsparlement.be/docs/stukken/2007-2008/g1391-1.pdf</a>			



ANNEX

Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
expected 2 <sup>nd</sup> half 2008	Belgium	Walloon Region					
under adoption	Belgium	Bruxelles Capital Region					
under adoption (exp. June)	Belgium	German- speaking Community					
under adoption (exp. 2 <sup>nd</sup> half 2008)	Belgium	French Community					
Rules adopted	Bulgaria				<a href="http://www.eufunds.bg/docs/%CF%C%D1%20%B9%20199.pdf">http://www.eufunds.bg/docs/%CF%C%D1%20%B9%20199.pdf</a>	Council of Ministers' decree No. 199 dated 29.08.2007 <a href="http://www.eufunds.bg/docs/Council%20of%20Ministers%20Decree%20EGTC%20(2).pdf">http://www.eufunds.bg/docs/Council%20of%20Ministers%20Decree%20EGTC%20(2).pdf</a>	



ANNEX

Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
<b>Rules adopted NEW</b>	<b>Denmark</b>			<a href="http://www.ebst.dk/file/8191/udkast_til_lov_om_egts.pdf">http://www.ebst.dk/file/8191/udkast_til_lov_om_egts.pdf</a>	Act no 309 of 30 April 2008 (provisions enter into force on 1 June 2008)		
<b>Rules adopted</b>	<b>France</b>		<a href="http://www.assemblee-nationale.fr/13/dossiers/conformite_CGCT_reglement_groupement_europeen_cooperation_territoriale.asp#ETAPE241261">http://www.assemblee-nationale.fr/13/dossiers/conformite_CGCT_reglement_groupement_europeen_cooperation_territoriale.asp#ETAPE241261</a>	<a href="http://www.assemblee-nationale.fr/13/propositions/pion0314.asp">http://www.assemblee-nationale.fr/13/propositions/pion0314.asp</a>			
<b>Rules adopted NEW</b>	<b>Germany</b>	<b>Whole country *)</b>			<a href="http://www.bmwi.de/BMWi/Redaktion/PDF/E/evtz-zustaendige-behoerden,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf">http://www.bmwi.de/BMWi/Redaktion/PDF/E/evtz-zustaendige-behoerden,property=pdf,bereich=bmwi,sprache=de,rwb=true.pdf</a>		*) Germany considers the rules to be implemented, having nominated the competent authorities for all regions



ANNEX

Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
Rules adopted	Germany	Rheinland-Pfalz**)			Landesverordnung vom 18.07.2007 <a href="http://rlp.juris.de/rlp/gesamt/EGV1082_2006AV_RP.htm#EGV1082_2006AV_RP_P2">http://rlp.juris.de/rlp/gesamt/EGV1082_2006AV_RP.htm#EGV1082_2006AV_RP_P2</a>		** ) example for regional provisions at Land level
Rules adopted	Greece				<a href="http://www.hellaskps.gr/documents/3613_2007.pdf">http://www.hellaskps.gr/documents/3613_2007.pdf</a>	Law No. 3613 dated 23.11.2007 – art. 22 <a href="http://www.hellaskps.gr/documents/Law3613_article22_231107.pdf">http://www.hellaskps.gr/documents/Law3613_article22_231107.pdf</a>	
Rules adopted	Hungary				<a href="http://www.complex.hu/kzldat/t0700099.htm/t0700099_0.htm">http://www.complex.hu/kzldat/t0700099.htm/t0700099_0.htm</a>	Act XCIX. of 2007 ( <a href="http://cor.europa.eu/document/activities/egtc/Hungary_EN.pdf">http://cor.europa.eu/document/activities/egtc/Hungary_EN.pdf</a> )	
Rules under adoption	Italy			<a href="http://www.emmabonino.it/news/5496">http://www.emmabonino.it/news/5496</a>			
Rules under adoption	Luxembourg						



ANNEX

Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
Rules adopted	Portugal				<a href="http://www.qren.pt/download.php?id=436">http://www.qren.pt/download.php?id=436</a>	Decree Law No. 376 of 8.11.2007 <a href="http://www.qren.pt/download.php?id=461">http://www.qren.pt/download.php?id=461</a>	<u>Presentation</u>
Rules adopted	Romania		<a href="http://www.mie.ro/documente/state_nemembre/consultare_proiect/index.htm">http://www.mie.ro/documente/state_nemembre/consultare_proiect/index.htm</a>	<a href="http://www.mie.ro/documente/state_nemembre/consultare_proiect/Proiect%20de%20lege%20GECT1.pdf">http://www.mie.ro/documente/state_nemembre/consultare_proiect/Proiect%20de%20lege%20GECT1.pdf</a>	<a href="http://www.mdlpl.ro/documente/coop_teoritoriala/documente_interes/OUG%20GECT.pdf">http://www.mdlpl.ro/documente/coop_teoritoriala/documente_interes/OUG%20GECT.pdf</a>	Emergency Ordinance 12.11.2007 <a href="http://www.mdlpl.ro/documente/coop_teoritoriala/documente_interes/RO_%20EGTC_EN.pdf">http://www.mdlpl.ro/documente/coop_teoritoriala/documente_interes/RO_%20EGTC_EN.pdf</a>	
Rules adopted <b>NEW</b>	Slovenia				adopted on 20 March 2008 (to be verified)		
Rules adopted <b>NEW</b>	Slovak Republic				<a href="http://www.epi.sk/Main/Download.aspx?fn=%5CZzSR%5C2008c034.pdf">http://www.epi.sk/Main/Download.aspx?fn=%5CZzSR%5C2008c034.pdf</a> (adopted on 15.02.08 and entered into force 01.05.08)		



Status	Country	Region	Preparatory work		Adopted rules		Other docs (e.g. Guidelines)
			Consultation docs	Draft rules/laws	Original language version	English version	
Rules adopted	Spain				Real Decreto 37, 18.01.2007 <a href="http://www.boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&amp;id=2008/983">http://www.boe.es/g/es/bases_datos/doc.php?coleccion=iberlex&amp;id=2008/983</a>		
Rules adopted	United Kingdom		<a href="http://www.berr.gov.uk/regional/european-structural-funds/european-grouping-of-territorial-cooperation/page40444.html">http://www.berr.gov.uk/regional/european-structural-funds/european-grouping-of-territorial-cooperation/page40444.html</a>		Statutory Instrument No. 1949 dated 01.08.2007 <a href="http://www.opsi.gov.uk/si/si2007/20071949.htm">http://www.opsi.gov.uk/si/si2007/20071949.htm</a>		<a href="http://www.berr.gov.uk/files/file40650.doc">http://www.berr.gov.uk/files/file40650.doc</a>

### Legal basis: extracts from Regulation 1082/2006

#### Article 16

##### Final provisions

Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation. *(omissis)*

The Member State shall inform the commission and the other Member States accordingly of any provisions adopted under this article. *(omissis)*

#### Article 18

##### Entry into force

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Union*.

It shall apply by 1 August 2007, with the exception of Article 16, which shall apply from 1 August 2006







## A2 EGTC Notification and publication references

This information is based on the analysis of the available national provisions.<sup>30</sup>

Status	Country	Level	Competent authority for Notification / Registration	Publication of the Statutes	Competent court for ordering the winding up of an EGTC	Competent court for financial control
Rules adopted	<b>Bulgaria</b>	<b>national</b>	Ministry of Regional Development and Public Works			Minister of Finance
Rules adopted	<b>Denmark</b>	<b>national</b>	Erhvervs- og Selskabsstyrelsen (Danish Commerce and company Agency) + approval of the request for participation from Erhvervs- og Byggestyrelsen (Danish Enterprise and Construction authority)	Published in Lovtidende (legal gazette)	Erhvervs- og Selskabsstyrelsen gives decision + Erhvervs- og Byggestyrelsen is informed	
Rules adopted	<b>France</b>	<b>national</b>	State representative at regional level (Préfet de région)	Journal officiel (at national level)	Un groupement européen de coopération territoriale de droit français peut être dissous par décret motivé pris en conseil des ministres et publié au Journal officiel. (see	Préfet, then Chambre Régionale des Comptes

<sup>30</sup> No responsibility is taken for the accuracy of this information. For updated information please consult <http://www.cor.europa.eu>



Status	Country	Level	Competent authority for Notification / Registration	Publication of the Statutes	Competent court for ordering the winding up of an EGTC	Competent court for financial control
					« Art. L. 1115-4-2.)	
Rules adopted	<b>Germany</b>	<b>Baden Württemberg</b>	Regierungspräsidium Freiburg	Regierungspräsidium Freiburg	Regierungspräsidium Freiburg	Regierungspräsidium Freiburg
Rules adopted	<b>Germany</b>	<b>Bayern</b>	Regierung der Oberpfalz	Regierung der Oberpfalz	Regierung der Oberpfalz	Regierung der Oberpfalz
Rules adopted	<b>Germany</b>	<b>Berlin</b>	Senatsverwaltung für Wirtschaft, Technologie und Frauen	Senatsverwaltung für Wirtschaft, Technologie und Frauen	Senatsverwaltung für Wirtschaft, Technologie und Frauen	Senatsverwaltung für Wirtschaft, Technologie und Frauen
Rules adopted	<b>Germany</b>	<b>Brandenburg</b>	Ministerium des Inneren		Ministerium des Inneren	Oberste Landesbehörde für die Rechtsaufsicht
Rules adopted	<b>Germany</b>	<b>Bremen</b>	Senator für Umwelt, Bau, Verkehr und Europa, Referat 61		Senator für Umwelt, Bau, Verkehr und Europa, Referat 60	Senator für Umwelt, Bau, Verkehr und Europa, Referat 61
Rules adopted	<b>Germany</b>	<b>Federal</b>	BMWi			
Rules adopted	<b>Germany</b>	<b>Hamburg</b>	Behörde für Stadtentwicklung und Umwelt		Behörde für Stadtentwicklung und Umwelt	Behörde für Stadtentwicklung und Umwelt
Rules adopted	<b>Germany</b>	<b>Hessen</b>	Ministerium für Wirtschaft, Verkehr und Landesentwicklung		Ministerium für Wirtschaft, Verkehr und Landesentwicklung	Ministerium für Wirtschaft, Verkehr und Landesentwicklung
Rules adopted	<b>Germany</b>	<b>Mecklenburg- Vorpommern</b>	Ministerium für Wirtschaft, Arbeit und Tourismus		Ministerium für Wirtschaft, Arbeit und Tourismus	Ministerium für Wirtschaft, Arbeit und Tourismus



Status	Country	Level	Competent authority for Notification / Registration	Publication of the Statutes	Competent court for ordering the winding up of an EGTC	Competent court for financial control
Rules adopted	<b>Germany</b>	<b>Niedersachsen</b>	Niedersächsisches Ministerium für Inneres und Sport		Niedersächsisches Ministerium für Inneres und Sport	Niedersächsisches Ministerium für Inneres und Sport
Rules adopted	<b>Germany</b>	<b>Nordrhein-Westfalen</b>	Ministerium für Wirtschaft, Mittelstand und Energie		Ministerium für Wirtschaft, Mittelstand und Energie	Ministerium für Wirtschaft, Mittelstand und Energie
Rules adopted	<b>Germany</b>	<b>Rheinland-Pfalz</b>	Ministerium des Inneren und für Sport		Ministerium des Inneren und für Sport	Ministerium des Inneren und für Sport
Rules adopted	<b>Germany</b>	<b>Saarland</b>	Ministerium für Wirtschaft und Wissenschaft		Ministerium für Wirtschaft und Wissenschaft	Ministerium für Wirtschaft und Wissenschaft
Rules adopted	<b>Germany</b>	<b>Sachsen</b>	Regierungspräsidium Dresden		Regierungspräsidium Dresden	Regierungspräsidium Dresden
Rules adopted	<b>Germany</b>	<b>Schleswig-Holstein</b>	Ministerium für Wirtschaft und Arbeit		Ministerium für Wirtschaft und Arbeit	Ministerium für Wirtschaft und Arbeit
Rules adopted	<b>Germany</b>	<b>Thüringen</b>	Ministerium für Justiz, Arbeit und Europa Thüringer Landesverwaltungsamt		Ministerium für Justiz, Arbeit und Europa Thüringer Landesverwaltungsamt	Ministerium für Justiz, Arbeit und Europa Thüringer Landesverwaltungsamt
Rules adopted	<b>Greece</b>	<b>national</b>	Committee consisting of Minister of Interior and a representative of the Ministry of Economy and Finance		Minister of Interior	
Rules	<b>Hungary</b>	<b>national</b>	Republic of Hungary,			



Status	Country	Level	Competent authority for Notification / Registration	Publication of the Statutes	Competent court for ordering the winding up of an EGTC	Competent court for financial control
adopted			Metropolitan Court of Budapest Markó utca 27 HU-1055 Budapest			
Rules adopted	<b>Portugal</b>	<b>national</b>		constitution of an EGTC is published in the second series of the Diário da República (the Portuguese official journal).	Financial Institute for Regional Development (IFDR) I.P.	Inspectorate General of Finance
Rules adopted	<b>Romania</b>	<b>national</b>	Ministry of Development, Public Works and Housing			
Rules adopted	<b>Slovak Republic</b>	<b>national</b>	Ministerstvo výstavby a regionálneho rozvoja Slovenskej republiky			
Rules adopted	<b>Slovenia</b>	<b>national</b>	Služba Vlade Republike Slovenije za lokalno samoupravo in regionalno politiko (Government office for local self-government)			refers back to already existing legislation
Rules adopted	<b>Spain</b>	<b>national</b>	An EGTC registry is created within the Ministerio de Asuntos	The statutes of the EGTC are published by the Ministerio de		The text of the convention and statutes of the EGTC indicates



Status	Country	Level	Competent authority for Notification / Registration	Publication of the Statutes	Competent court for ordering the winding up of an EGTC	Competent court for financial control
			Exteriores, which transmits all applications (and modifications) to the Ministerio de Administraciones Públicas	Asuntos Exteriores y Cooperación in the «Boletín Oficial del Estado»		the respective competent authority, which will be designated before the approval of the EGTC
Rules adopted	<b>United Kingdom</b>	<b>national</b>	Secretary of State	(a) in the case of a UK EGTC with a registered office in England and Wales, in the London Gazette; (b) in the case of a UK EGTC with a registered office in Scotland, in the Edinburgh Gazette; (c) in the case of a UK EGTC with a registered office in Northern Ireland, in the Belfast Gazette	High Court (in Scotland, the Court of Session)	



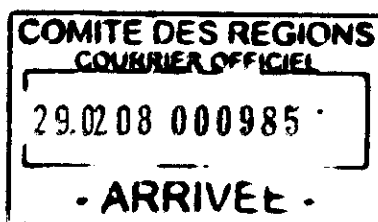




### **A3 Founding documents of EGTC Eurométropole Lille-Kortrijk-Tournai**

1. **Information letter** (dated 25/02/2008) from the President of the Eurométropole Lille-Kortrijk-Tournai, Mr. Pierre Mauroy, to the President of the Committee of the Regions, Mr. Luc Van den Brande concerning the creation of the EGTC Eurométropole Lille-Kortrijk-Tournai
2. **Convention** of the EGTC Eurométropole Lille-Kortrijk-Tournai
3. **Statutes** of the EGTC Eurométropole Lille-Kortrijk-Tournai





Lille, le 25 FEB 2008  
Lille, de 25 FEB 2008

Monsieur le Président, *Mijnheer de Voorzitter,*

Conformément à l'article 5-1 du règlement européen n° 1082/2006 du Parlement européen et du Conseil, j'ai le plaisir de vous informer de la constitution de l'« Eurométropole Lille-Kortrijk-Tournai », premier GECT créé en Europe.

*Overeenkomstig artikel 5-1 van de Europese Verordening nr. 1082/2006 van het Europees Parlement en van de Raad, heb ik het genoegen u op de hoogte te brengen van de oprichting van de "Eurometropool Lille – Kortrijk – Tournai", de eerste EGTS in Europa.*

L'arrêté de création de ce GECT a été pris par M. le Préfet de la région Nord-Pas-de-Calais le 21 janvier 2008 et publié au recueil des actes administratifs de la région Nord-Pas-de-Calais le 22 janvier 2008.

*Het oprichtingsbesluit van deze EGTS werd genomen door de heer Prefect van de regio Nord-Pas-de-Calais op 21 januari 2008 en werd bekend gemaakt in de "recueil des actes administratifs de la région Nord-Pas-de-Calais" op 22 januari 2008.*

La convention de coopération a été officiellement signée par les 14 partenaires le 28 janvier 2008 à Kortrijk où la première Assemblée de l'Eurométropole Lille-Kortrijk-Tournai s'est également tenue.

*De samenwerkingsovereenkomst werd op 28 januari 2008 officieel ondertekend door de 14 partners te Kortrijk waar ook de eerste Vergadering van de Eurometropool Lille – Kortrijk – Tournai werd gehouden.*

Je tiens à cette occasion à remercier le Comité des Régions pour la part qu'il a prise dans la préparation de ce règlement européen qui constitue une étape importante pour le développement de la coopération transfrontalière. Forts de notre expérience innovante, nous sommes prêts, si vous le souhaitez, à vous accompagner pour promouvoir l'usage de cet outil innovant sur d'autres frontières de l'Union européenne.

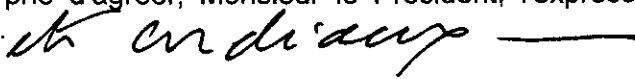
*Ik wens hierbij het Comité van de Regio's te bedanken voor zijn bijdrage aan de voorbereiding van deze Europese Verordening die een belangrijke stap is naar de verdere ontwikkeling van de grensoverschrijdende samenwerking. Op basis van de ervaring die wij tot nu toe verworven hebben, kunnen wij u, indien u dat wenst, bijstaan bij het bevorderen van de toepassing van dit vernieuwende instrument in andere grensgebieden van de Europese Unie.*



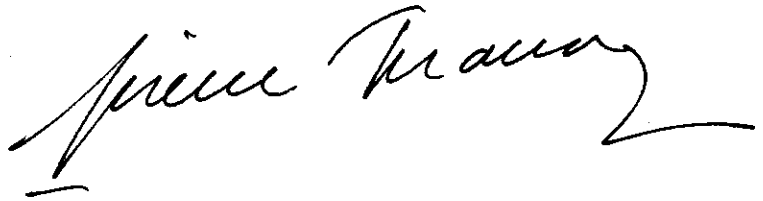
Vous trouverez ci-joint un exemplaire de la convention de coopération et des statuts du GECT « Eurométropole Lille - Kortrijk - Tournai », ainsi que l'arrêté préfectoral de création.

*Hierbij vindt u een exemplaar van de samenwerkingsovereenkomst en van de statuten van de EGTS "Eurometropool Lille – Kortrijk – Tournai", alsook de arrêté préfectoral de création (prefectorale oprichtingsverordening).*

Je vous prie d'agréer, Monsieur le Président, l'expression de mes sentiments les meilleurs.



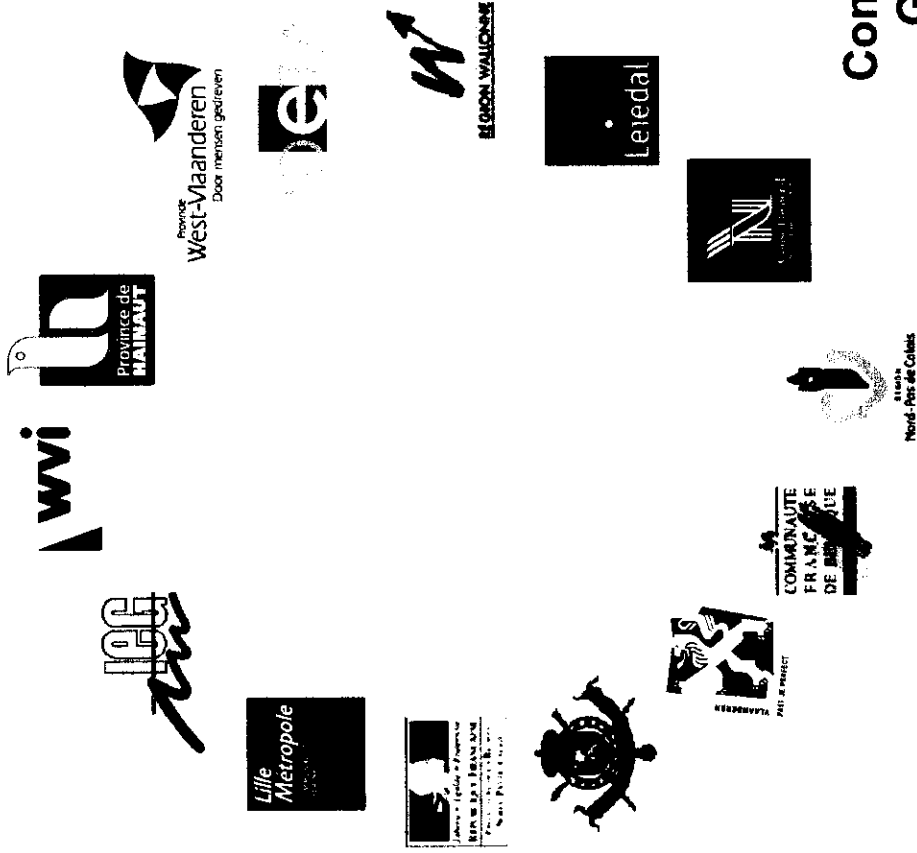
*Met oprechte hoogachting,*



Pierre MAUROY  
Ancien Premier Ministre  
Président de l'Eurométropole Lille-Kortrijk-Tournai

Monsieur Luc VAN DEN BRANDE  
Président du Comité des Régions  
Bâtiment Jacques Delors  
Rue Belliard, 99-101  
B – 1040 BRUXELLES





## Convention de coopération en vue de la création du Groupement européen de coopération territoriale Eurométropole Lille-Kortrijk-Tournai

**Samenwerkingsovereenkomst met het oog op de oprichting van een  
Europese Groepering voor Territoriale Samenwerking  
Eurometropool Lille-Kortrijk-Tournai**

**28 janvier – januari 2008**



<b>Sommaire de la convention de coopération en vue de la création du Groupement européen de coopération territoriale « Eurométropole Lille-Kortrijk-Tournai »</b>	<b>Inhoud van de samenwerkingsovereenkomst tot oprichting van de Europese Groepering voor Territoriale Samenwerking « Eurometropool Lille-Kortrijk-Tournai »</b>
<b>Préambule</b>	<b>Preamble</b>
<b>Article 1<sup>er</sup> Constitution</b>	<b>Artikel 1 Oprichting</b>
<b>Article 2 Missions</b>	<b>Artikel 2 Opdrachten</b>
<b>Article 3 Adhésion et modalités de fonctionnement</b>	<b>Artikel 3 Toetreding en werkingsmodaliteiten</b>
<b>Article 4 Délimitation géographique</b>	<b>Artikel 4 Geografische afbakening</b>
<b>Article 5 Siège</b>	<b>Artikel 5 Zetel</b>
<b>Article 6 Droit applicable et modalités du contrôle financier</b>	<b>Artikel 6 Toepasselijk recht en modaliteiten voor financiële controle</b>
<b>Article 7 Coût et financement</b>	<b>Artikel 7 Kosten en financiering</b>
<b>Article 8 Durée</b>	<b>Artikel 8 Duur</b>



<p style="text-align: center;"><b>Convention de coopération en vue de la création du Groupement européen de coopération territoriale « Eurométropole Lille-Kortrijk-Tournai »</b></p>	<p style="text-align: center;"><b>Samenwerkingsovereenkomst tot oprichting van de Europese Groepering voor Territoriale Samenwerking « Eurometropool Lille-Kortrijk-Tournai »</b></p>
<p>Entre :</p> <p>Côté français :</p> <ul style="list-style-type: none"> <li>- l'Etat,</li> <li>- la Région Nord-Pas-de-Calais,</li> <li>- le Département du Nord,</li> <li>- Lille Métropole Communauté urbaine,</li> </ul> <p>Côté belge :</p> <ul style="list-style-type: none"> <li>- l'Etat fédéral,</li> <li>- la Région et la Communauté flamande,</li> <li>- la Province de Flandre occidentale,</li> <li>- l'intercommunale Leiedal, au nom des communes de l'arrondissement de Kortrijk,</li> <li>- l'intercommunale wvi, au nom des communes des arrondissements de Roeselare, leper et Tielt,</li> <li>- la Région wallonne,</li> <li>- la Communauté française de Belgique,</li> <li>- la Province de Hainaut,</li> <li>- l'intercommunale Ideta, au nom des communes de l'arrondissement de Tournai à l'exception de la commune d'Estaimpuis, et de l'arrondissement d'Ath ainsi que des communes de Lessines, Silly et Enghien,</li> <li>- l'intercommunale IEG au nom des communes de l'arrondissement de Mouscron et de la commune d'Estaimpuis.</li> </ul>	<p>Tussen :</p> <p>Aan Franse zijde :</p> <ul style="list-style-type: none"> <li>- de Staat,</li> <li>- de Région Nord-Pas-de-Calais,</li> <li>- het Département du Nord,</li> <li>- Lille Métropole Communauté urbaine,</li> </ul> <p>Aan Belgische zijde:</p> <ul style="list-style-type: none"> <li>- de federale Staat,</li> <li>- het Vlaams Gewest en de Vlaamse Gemeenschap,</li> <li>- de Provincie West-Vlaanderen,</li> <li>- de intercommunale Leiedal, namens de gemeenten van het arrondissement Kortrijk,</li> <li>- de intercommunale wvi, namens de gemeenten van de arrondissementen Roeselare, leper en Tielt,</li> <li>- het Waals Gewest,</li> <li>- de Franse Gemeenschap van België,</li> <li>- de Provincie Henegouwen,</li> <li>- de intercommunale Ideta, namens de gemeenten van het arrondissement Tournai, behalve de gemeente Estaimpuis, en het arrondissement Ath, evenals de gemeenten Lessines, Silly en Enghien,</li> <li>- de intercommunale IEG, namens de gemeenten van het arrondissement Mouscron en de gemeente Estaimpuis.</li> </ul>



Préambule	Preambule
<p>Au cœur de l'Europe du Nord-Ouest, plus spécifiquement dans le triangle Bruxelles-Paris-Londres, se trouve une agglomération de presque 2 millions d'habitants, répartie sur la région de Lille Métropole (France), du sud de la Flandre occidentale (Flandre) et de Wallonie picarde (Wallonie). Pendant longtemps, les frontières d'Etat et linguistique qui traversent ce territoire ont freiné ses possibilités de développement.</p> <p>Les frontières intérieures européennes s'effacent progressivement, offrant aujourd'hui la possibilité de transformer ce qui était un frein, en une source de nouvelles opportunités. Depuis 1991 déjà, les intercommunales Ideta et IEG en Wallonie, Leiedal et wvi en Flandre et Lille Métropole Communauté urbaine (LMCU) en France se sont réunies au sein de la Conférence permanente intercommunale transfrontalière (Copit) avec pour objectif de créer une véritable métropole transfrontalière. Elles ont adopté en 2002 une stratégie commune, proposant entre autres la mise en place d'une gouvernance adaptée à la réalité de cette métropole polycentrique, triculturelle et binationale. La mise en place en 2005 du Groupe de travail parlementaire franco-belge a en outre permis de dégager une proposition concrète visant à la création d'une structure de coordination pour l'Eurométropole.</p>	<p>Centraal in Noord-West-Europa, in de driehoek Brussel-Parijs-Londen, ligt een agglomeratie van bijna 2 miljoen inwoners, verspreid over Lille Métropole (Frankrijk), het zuiden van West-Vlaanderen (Vlaanderen) en Wallonie picarde (Wallonië). De staats- en taalgrenzen die het gebied doorkruisen, hebben lange tijd zijn ontwikkelingskansen afgeremd.</p> <p>De vervaging van de Europese binnengrenzen biedt de kans om, wat eens een rem was, nu om te vormen tot een bron van nieuwe kansen en mogelijkheden. Al sinds 1991 hebben de intercommunales Leiedal en wvi uit Vlaanderen, leg en Ideta uit Wallonië en Lille Métropole Communauté urbaine (LMCU) uit Frankrijk zich verenigd in de Grensoverschrijdende Permanente Conferentie van Intercommunales (GPCI) om te werken rond het thema van grensoverschrijdende metropoolvorming. Ze hebben in 2002 een gemeenschappelijke strategie aangenomen, die onder meer de oprichting voorstelde van een beheersvorm die is aangepast aan de realiteit van een polycentrische, triculturele en binationale metropool. De totstandkoming in 2005 van de Frans-Belgische Parlementaire Werkgroep heeft geleid tot een concreet voorstel voor de oprichting van een coördinerend orgaan voor de Eurometropool.</p>
<p>L'accord du 16 septembre 2002 entre le Gouvernement de la République française d'une part, et le Gouvernement du Royaume de Belgique, le Gouvernement de la Communauté française, le Gouvernement de la Région wallonne et le Gouvernement flamand d'autre part, a créé un nouveau cadre favorisant la coopération transfrontalière entre collectivités territoriales et organismes publics locaux.</p> <p>La métropole franco-belge est la plus grande agglomération transfrontalière d'un seul tenant d'Europe. Avec le soutien de la politique de cohésion de l'Union européenne, elle veut devenir un laboratoire et un territoire exemplaires de l'intégration européenne.</p>	<p>Het akkoord van 16 september 2002 tussen de regering van de Franse Republiek enerzijds, en de regering van het Koninkrijk België, de Vlaamse regering, de regering van de Franse Gemeenschap en de regering van het Waalse Gewest anderzijds heeft een nieuw kader geschapen om de grensoverschrijdende samenwerking tussen de territoriale gemeenschappen en lokale openbare lichamen te bevorderen.</p> <p>De Frans-Belgische metropool is de belangrijkste aaneengesloten grensoverschrijdende agglomeratie van Europa. Met de steun van het Europees cohesiebeleid wil hij een laboratorium en een voorbeeldregio voor Europese integratie worden.</p>



<p>L'ensemble des autorités compétentes impliquées dans le développement de la métropole franco-belge, à tous les niveaux, national, fédéral, régional, communal, communautaire, provincial, départemental, intercommunal et local, a dès lors décidé de saisir les opportunités qu'offre le Règlement (CE) n°1082/2006 du Parlement européen et du Conseil du 5 juillet 2006 pour constituer un Groupement européen de coopération territoriale (GECT), dénommé <b>Eurométropole Lille-Kortrijk-Tournai</b>. Ce nom sera complété pour la communication par la mention « Ath-leper-Mouscron-Roeselare-Tielt ».</p> <p>En conséquence, les signataires de la présente convention conviennent de ce qui suit :</p>	<p>De overheden betrokken bij de ontwikkeling van de Frans-Belgische metropool, op alle niveaus, nationaal, federaal, gewestelijk en communautair, provinciaal, departementaal, intercommunaal en lokaal, hebben dan ook beslist gebruik te maken van de mogelijkheden die de Europese Verordening (EG) nr. 1082/2006 van het Europees Parlement en van de Raad van 5 juli 2006 biedt om een Europese Groepering voor Territoriale Samenwerking (EGTS), <b>Eurometropool Lille-Kortrijk-Tournai</b> genoemd, op te richten. Voor communicatie zal aan deze naam « Ath-leper-Mouscron-Roeselare-Tielt » toegevoegd worden.</p> <p>Bijgevolg, komen de ondertekenaars van onderhavige samenwerkingsovereenkomst het volgende overeen:</p>
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<p align="center"><b>Article 1<sup>er</sup> Constitution</b></p>	<p align="center"><b>Artikel 1 Oprichting</b></p>
<p>Au vu du Préambule et par application de l'article 8 du Règlement GECT, les signataires de la présente convention décident de créer ensemble, un Groupement européen de coopération territoriale dénommé <b>Eurométropole Lille-Kortrijk-Tournai</b>, doté de la personnalité juridique et de l'autonomie financière.</p>	<p>Gezien de Preambule en bij toepassing van artikel 8 van de EGST-Verordening, beslissen de ondertekenaars van onderhavige overeenkomst samen een Europese Groepering voor Territoriale Samenwerking genaamd <b>Eurometropool Lille-Kortrijk-Tournai</b> op te richten en deze te voorzien van rechtspersoonlijkheid en financiële autonomie.</p>
<p align="center"><b>Article 2 Missions</b></p>	<p align="center"><b>Artikel 2 Opdrachten</b></p>
<p>L'Eurométropole Lille-Kortrijk-Tournai a pour mission principale de promouvoir et de soutenir une coopération transfrontalière efficace et cohérente au sein du territoire concerné.</p> <p>En rassemblant l'ensemble des institutions compétentes, l'Eurométropole Lille-Kortrijk-Tournai est un lieu permettant :</p> <ul style="list-style-type: none"> <li>- d'assurer la concertation, le dialogue et de favoriser le débat politique,</li> <li>- de produire de la cohérence transfrontalière à l'échelle de l'ensemble du territoire,</li> <li>- de faciliter, de porter et de réaliser des projets traduisant la stratégie de développement à élaborer en commun,</li> <li>- de faciliter la vie quotidienne des habitants de la métropole franco-belge.</li> </ul>	<p>De Eurometropool Lille-Kortrijk-Tournai heeft tot hoofdpdocracht een efficiënte en coherente grensoverschrijdende samenwerking te bevorderen en te ondersteunen in het betreffende gebied.</p> <p>Door alle bevoegde autoriteiten samen te brengen zal de Eurometropool Lille-Kortrijk-Tournai een forum worden dat toelaat:</p> <ul style="list-style-type: none"> <li>- overleg te plegen en politiek debat te voeren,</li> <li>- de grensoverschrijdende samenhang van het gebied concreet in te vullen,</li> <li>- in uitvoering van een gezamenlijke ontwikkelingsstrategie projecten uit te werken, op te starten en uit te voeren,</li> <li>- het dagelijks leven van de inwoners van de Frans-Belgische metropool gemakkelijker te maken.</li> </ul>



<p><b>Article 3</b> <b>Adhésion et modalités de fonctionnement</b></p>	<p><b>Artikel 3</b> <b>Toetreding en werkingsmodaliteiten</b></p>
<p>L'adhésion de chaque membre de l'Eurométropole Lille-Kortrijk-Tournai est soumise, en application de l'article 4 du Règlement GECT, à l'obtention d'un accord conformément aux règles de droit interne qui le concernent.</p> <p>Les modalités de fonctionnement de l'Eurométropole Lille-Kortrijk-Tournai seront déterminées dans des statuts dont seule l'approbation par les membres et l'autorisation par les autorités compétentes permettront la création effective.</p> <p>L'Eurométropole Lille-Kortrijk-Tournai fonctionnera, selon des modalités précisées dans les statuts, en observant les deux principes généraux suivants :</p> <ul style="list-style-type: none"> <li>- le respect de la double parité, entre la France et la Belgique et au sein de cette dernière entre les francophones et les néerlandophones,</li> <li>- la garantie de l'application du bilinguisme, français et néerlandais.</li> </ul> <p>Le fonctionnement de l'Eurométropole Lille-Kortrijk-Tournai fera l'objet d'une évaluation tous les trois ans.</p>	<p>In toepassing van artikel 4 van de Verordening met betrekking tot de EGTS is de toetreding van elk lid van de Eurometropool Lille-Kortrijk-Tournai afhankelijk van de goedkeuring voorzien in het interne recht van het betrokken kandidaat-lid.</p> <p>De werkingsmodaliteiten van de Eurometropool Lille-Kortrijk-Tournai zullen worden vastgesteld in de statuten, die slechts in werking kunnen treden na de goedkeuring door de leden en de machtiging van de bevoegde overheden.</p> <p>De Eurometropool Lille-Kortrijk-Tournai zal werken, volgens de modaliteiten voorzien in de statuten, met toepassing van twee algemene principes:</p> <ul style="list-style-type: none"> <li>- respect voor de dubbele pariteit tussen Frankrijk en België, en binnen België, tussen Franstaligen en Nederlandstaligen,</li> <li>- de garantie van de toepassing van de tweetaligheid, Frans en Nederlands.</li> </ul> <p>De werking van de Eurometropool Lille-Kortrijk-Tournai zal om de drie jaar geëvalueerd worden.</p>



<p align="center"><b>Article 4</b> <b>Délimitation géographique</b></p>	<p align="center"><b>Artikel 4</b> <b>Geografische afbakening</b></p>
<p>Le territoire de référence de l'Eurométropole Lille-Kortrijk-Tournai est le suivant :</p> <ul style="list-style-type: none"> <li>- en France, le périmètre de Lille Métropole Communauté urbaine,</li> <li>- en Belgique, au sein de la Wallonie, les arrondissements de Mouscron, Tournai et Ath ainsi que les communes de Lessines, Silly et Enghien, et au sein de la Flandre, les arrondissements de Kortrijk, Ieper, Roeselare et de Tielt.</li> </ul> <p>Les territoires, villes et communes qui ne sont pas situées dans le territoire de référence, mais qui en sont limitrophes ou proches, pourront être associées aux travaux de l'Eurométropole Lille-Kortrijk-Tournai.</p>	<p>Het referentiegebied van de Eurometropool Lille-Kortrijk-Tournai is het volgende:</p> <ul style="list-style-type: none"> <li>- in Frankrijk, de perimeter van Lille Métropole Communauté urbaine,</li> <li>- in België, aan Waalse zijde, de arrondissementen Mouscron, Tournai en Ath, alsook de gemeenten Lessines, Silly en Enghien en aan Vlaamse zijde de arrondissementen Kortrijk, Ieper, Roeselare en Tielt.</li> </ul> <p>Gebieden, steden en gemeenten die niet in het referentiegebied liggen, maar die eraan grenzen, of die in de onmiddellijke nabijheid liggen, kunnen betrokken worden bij de activiteiten van de Eurometropool Lille-Kortrijk-Tournai.</p>
<p align="center"><b>Article 5</b> <b>Siège</b></p>	<p align="center"><b>Artikel 5</b> <b>Zetel</b></p>
<p>Le siège de l'Eurométropole Lille-Kortrijk-Tournai est fixé en France, à Lille.</p> <p>Ses services opérationnels seront localisés en Belgique.</p>	<p>De zetel van de Eurometropool Lille-Kortrijk-Tournai wordt gevestigd in Frankrijk, te Lille.</p> <p>Haar operationele diensten zullen gevestigd worden in België.</p>



<p><b>Article 6</b> <b>Droit applicable</b> <b>et modalités du contrôle financier</b></p>	<p><b>Artikel 6</b> <b>Toepasselijk recht en</b> <b>en modaliteiten voor financiële controle</b></p>
<p>La conclusion de cette convention ainsi que les obligations qui en découleront relèvent du droit français.</p> <p>Le contrôle administratif, budgétaire et financier de l'Eurométropole Lille-Kortrijk-Tournai sera réalisé conformément aux dispositions du droit français. Les autorités chargées du contrôle en France informeront les autorités équivalentes en Belgique de leurs démarches et pourront être saisies par elles.</p>	<p>Het afsluiten van deze overeenkomst, alsook de eruit voortvloeiende verplichtingen zijn onderworpen aan het Franse recht.</p> <p>De administratieve, budgettaire en financiële controle van de Eurometropool Lille-Kortrijk-Tournai zal gebeuren conform de bepalingen van het Franse recht. De Franse overheden bevoegd voor de controle zullen hun collega's in België hierover informeren en kunnen door hen ook aangesproken worden.</p>
<p><b>Article 7</b> <b>Coût et financement</b></p> <p>Le fonctionnement de l'Eurométropole Lille-Kortrijk-Tournai sera financé à parité par l'ensemble des membres français d'une part et l'ensemble des membres belges d'autre part selon des modalités prévues aux statuts.</p> <p>Les projets spécifiques feront l'objet d'un montage financier au cas par cas.</p>	<p><b>Artikel 7</b> <b>Kosten en financiering</b></p> <p>De werking van de Eurometropool Lille-Kortrijk-Tournai zal op paritaire basis gefinancierd worden door het geheel van Franse leden enerzijds en het geheel van Belgische partners anderzijds, volgens de modaliteiten voorzien in de statuten.</p> <p>Voor specifieke projecten zal geval per geval een financiële constructie worden uitgewerkt.</p>
<p><b>Article 8</b> <b>Durée</b></p> <p>La durée de la convention est illimitée. Elle prendra fin avec la dissolution de l'Eurométropole Lille-Kortrijk-Tournai.</p> <p>Toute modification de la convention est soumise aux mêmes règles que son approbation.</p>	<p><b>Artikel 8</b> <b>Duur</b></p> <p>De overeenkomst wordt gesloten voor onbepaalde duur en eindigt op het ogenblik van de ontbinding van de Eurometropool Lille-Kortrijk-Tournai.</p> <p>Elke wijziging van de overeenkomst is aan dezelfde regels onderworpen als aan die van de goedkeuring.</p>



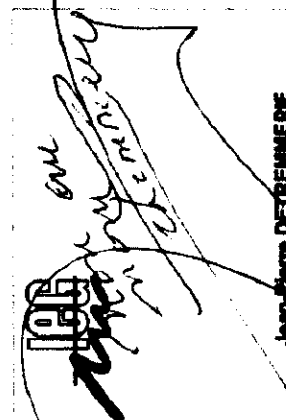
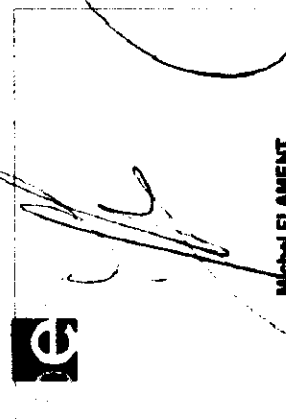
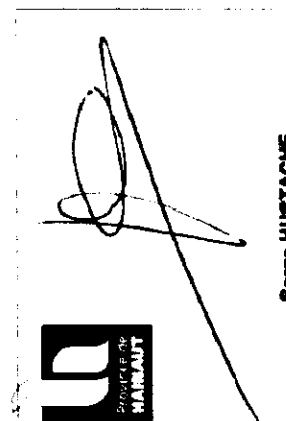
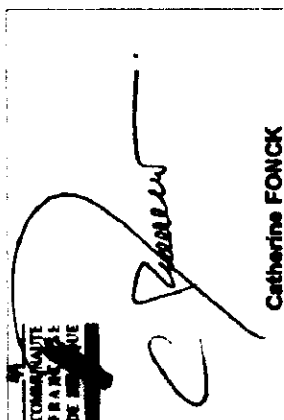
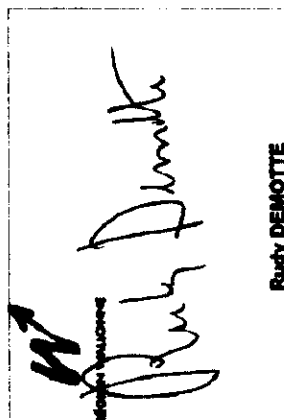
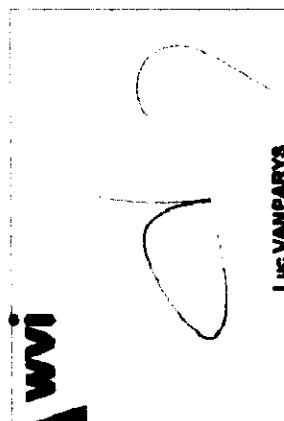
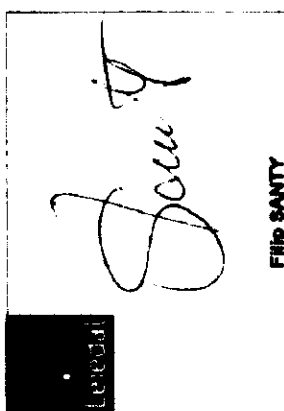
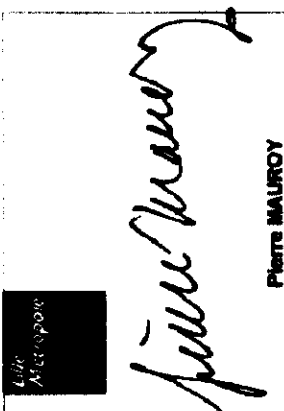
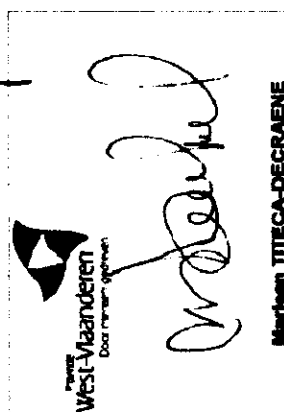
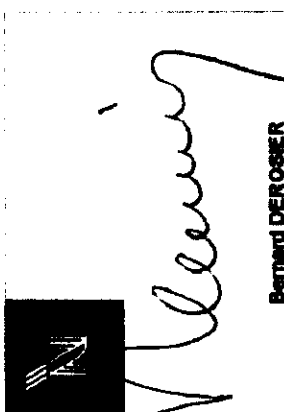
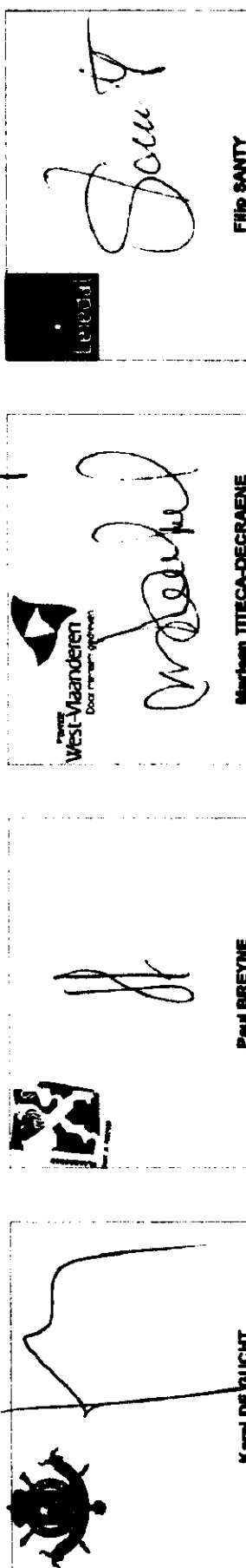
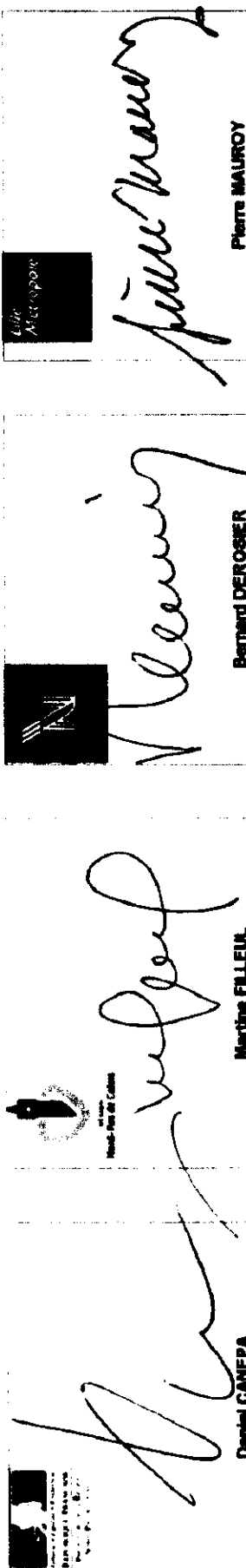
Article 9 Litiges	Artikel 9 Geschillen
Les litiges découlant de l'application de la présente convention relèvent de la compétence de la juridiction française.	Geschillen die voortvloeien uit de toepassing van onderhavige overeenkomst vallen onder de bevoegdheid van de Franse rechtspraak.

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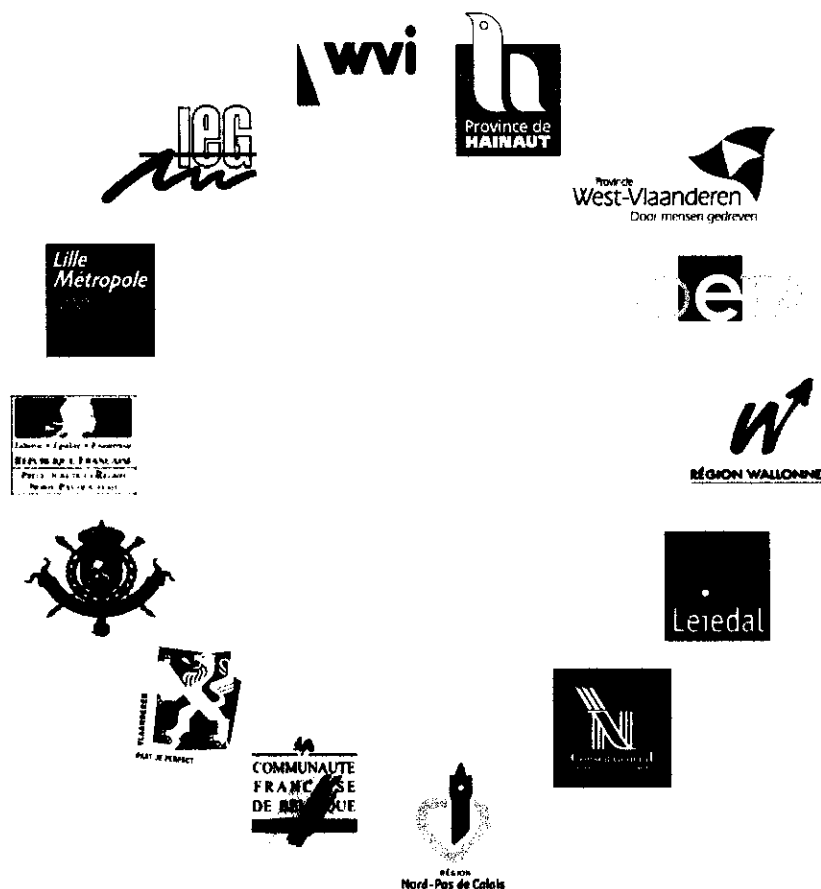
Fait à Kortrijk, le 28 janvier 2008, en 15 exemplaires dans les langues française et néerlandaise, chaque version faisant également foi.

Opgemaakt te Kortrijk, op 28 januari 2008, in 15 exemplaren in de Nederlandse en Franse taal waarbij beide versies gelijkelijk authentiek zijn.









## **Eurométropole Lille-Kortrijk-Tournai Arrêté portant création du GECT**

## **Eurometropool Lille-Kortrijk-Tournai Besluit betreffende de oprichting van de EGTS**

**Janvier/Januari 2008**



R É P U B L I Q U E   F R A N Ç A I S E

# **PRÉFECTURE DE REGION NORD – PAS-DE-CALAIS**

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**SECRETARIAT GENERAL POUR LES AFFAIRES REGIONALES**

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## **ARRETE**

**portant création du Groupement Européen de Coopération Territoriale  
« Eurométropole Lille – Kortrijk – Tournai »**

### **LE PRÉFET DE LA RÉGION NORD - PAS-DE-CALAIS PRÉFET DU NORD**

Officier de la Légion d'Honneur,  
Commandeur de l'Ordre National du Mérite

- VU** le règlement n° 1082/2006 du Parlement Européen et du Conseil en date du 5 juillet 2006, relatif à un groupement européen de coopération territoriale ;
- VU** l'accord entre le Gouvernement de la République française, d'une part, et le Gouvernement du Royaume de Belgique, le Gouvernement de la Communauté française, le Gouvernement de la Région Wallonne et le Gouvernement flamand, d'autre part, sur la coopération transfrontalière entre les collectivités territoriales et organismes publics locaux, fait à Bruxelles le 16 septembre 2002 ;
- VU** le décret n° 2005-745 du 28 juin 2005 portant publication de cet accord ;
- VU** le Code Général des Collectivités Territoriales et notamment les articles L.5721-1 et suivants ;
- VU** l'accord de Monsieur le Préfet de la Région Nord – Pas-de-Calais, Préfet du Nord, sur les déclarations d'intention de Lille Métropole Communauté Urbaine (02 janvier 2008), du Conseil Régional du Nord – Pas-de-Calais (08 janvier 2008) et du Conseil Général du Nord (15 janvier 2008) ;
- VU** l'accord du gouvernement flamand (18 janvier 2008) sur la participation de la Province de Flandre occidentale, et les intercommunales Leiedal et wvi et l'accord du gouvernement wallon sur la participation de la Province de Hainaut et des intercommunales Ideta et Ieg) ;

.../...



- VU** la délibération du conseil communautaire de Lille Métropole Communauté Urbaine (12 octobre 2007), de la commission permanente du Conseil Régional du Nord – Pas-de-Calais (12 novembre 2007), du Conseil Général du Nord (21 janvier 2008) par lesquelles ces collectivités ont décidé de s'associer pour créer ensemble le groupement européen de coopération territoriale « Eurométropole Lille-Kortrijk-Tournai » et ont approuvé la convention de coopération ainsi que les statuts y afférent ;
- VU** la décision du Conseil des ministres du gouvernement fédéral belge (21 décembre 2007), la délibération de la Région et de la Communauté flamande (18 janvier 2008), du Conseil provincial de Flandre occidentale (20 décembre 2007), du Conseil d'administration (7 décembre 2007) et de l'Assemblée générale extraordinaire (11 décembre 2007) de l'Intercommunale Leiedal, du Conseil d'administration (12 décembre 2007) et de l'Assemblée générale extraordinaire (19 décembre 2007) de l'Intercommunale wvi, de la Région wallonne ( 17 janvier 2008 ), de la Communauté française de Belgique (18 janvier 2008), du Conseil provincial du Hainaut (13 décembre 2007), du Conseil d'administration de l'Intercommunale Ideta (07 novembre 2007), du Conseil d'administration de l'Intercommunale Ieg (13 novembre 2007) par lesquelles ces institutions ont décidé de s'associer pour créer ensemble le groupement européen de coopération territoriale « Eurométropole Lille-Kortrijk-Tournai » et ont approuvé la convention de coopération ainsi que les statuts y afférent ;
- VU** la lettre de Monsieur le Ministre des Affaires étrangères et européennes du 03 janvier 2008 ainsi que la lettre de Madame la Ministre de l'Intérieur, de l'Outre-mer et des Collectivités territoriales en date du (21 janvier 2008) nommant les représentants de l'Etat auprès du groupement européen de coopération territoriale ;
- VU** l'avis du Trésorier-Payeur Général du Nord – Pas-de-Calais en date du 09 janvier 2008 ;
- SUR** proposition de Monsieur le Secrétaire Général pour les Affaires Régionales du Nord – Pas-de-Calais.

### **ARRETE :**

**ARTICLE 1er.** – Un Groupement européen de coopération territoriale (GECT) est constitué entre les membres suivants, signataires de la Convention de coopération :

Côté français :

- l'Etat,
- la Région Nord-Pas-de-Calais,
- le Département du Nord,
- Lille Métropole Communauté urbaine,

Côté belge :

- l'Etat fédéral,
- la Région et la Communauté flamande,
- la Province de Flandre occidentale,
- l'intercommunale Leiedal, au nom des communes de l'arrondissement de Kortrijk,
- l'intercommunale wvi, au nom des communes des arrondissements de Roeselare, Ieper et Tielt,
- la Région wallonne,
- la Communauté française de Belgique,
- la Province de Hainaut,
- l'intercommunale Ideta, au nom des communes de l'arrondissement de Tournai à l'exception de la commune d'Estaimpuis, et de l'arrondissement d'Ath ainsi que des communes de Lessines, Silly et Enghien,
- l'intercommunale Ieg au nom des communes de l'arrondissement de Mouscron et de la commune d'Estaimpuis.

.../...



**ARTICLE 2** – Le G.E.C.T est dénommé en langue française « Eurométropole Lille-Kortrijk-Tournai » et en langue néerlandaise « Eurometropool Lille-Kortrijk-Tournai ».

**ARTICLE 3** – L’Eurométropole Lille-Kortrijk-Tournai a pour objet la mise en œuvre de la convention de coopération approuvée par ses membres.

L’Eurométropole Lille-Kortrijk-Tournai a pour mission principale de promouvoir et de soutenir une coopération transfrontalière efficace et cohérente au sein du territoire concerné.

En rassemblant l’ensemble des institutions compétentes, l’Eurométropole Lille-Kortrijk-Tournai est un lieu permettant :

- d’assurer la concertation, le dialogue et de favoriser le débat politique,
- de produire de la cohérence transfrontalière à l’échelle de l’ensemble du territoire,
- de faciliter, de porter et de réaliser des projets traduisant la stratégie de développement à élaborer en commun,
- de faciliter la vie quotidienne des habitants de la métropole franco-belge.

**ARTICLE 4** Le siège juridique du groupement européen est fixé en France, 1 rue du Ballon – BP 745 – F 59034 LILLE Cedex

**ARTICLE 5** L’assemblée du groupement comprend 84 membres à raison de :

• au titre des membres français :

- 32 représentants de Lille Métropole Communauté urbaine désignés par le Conseil communautaire
- 2 représentants de l’Etat désignés par le ministre chargé de l’intérieur et par le ministre chargé des affaires étrangères
- 4 représentants de la Région Nord – Pas-de-Calais désignés par le Conseil régional
- 4 représentants du Département du Nord désignés par le Conseil général

• au titre des membres belges :

- 15 représentants, élus locaux, désignés en commun accord entre les communes des arrondissements de Kortrijk, Ieper, Roeselare et de Tielt, et les intercommunales Leiedal et wvi
- 15 représentants, élus locaux, désignés en commun accord entre les communes des arrondissements Mouscron-Comines, Tournai et Ath ainsi que les communes de Lessines, Silly et Enghien et les intercommunales Ideta et leg
- 1 représentant francophone et 1 représentant néerlandophone de l’Etat fédéral désignés par le gouvernement fédéral
- 4 représentants de la Région et de la Communauté flamande désignés par le gouvernement flamand
- 2 représentants de la Région wallonne désignés par son gouvernement
- 2 représentants de la Communauté française de Belgique désignés par son gouvernement
- 1 représentant de la Province de Flandre occidentale désigné par la Députation
- 1 représentant de la Province de Hainaut désigné par la Députation



**ARTICLE 6** – Les ressources de l’Eurométropole comprennent

- la contribution annuelle des membres ;
- les subventions, dons et participations reçues ;
- les emprunts ;
- les produits afférent aux services assurés.

La contribution annuelle des membres est répartie à parité entre la France et la Belgique à raison de :

- 50 % pour les membres français :
  - l’Etat : 5 %
  - la Région Nord/Pas-de-Calais : 10 %
  - le Département du Nord : 10 %
  - Lille Métropole Communauté Urbaine : 25 %
  
- 50 % pour les membres belges :
  - l’Etat fédéral : 7,140 %
  - la Région et la Communauté flamande : 7,143 %
  - la Province de Flandre occidentale : 7,143 %
  - l’intercommunale Leiedal : 3,572 %
  - l’intercommunale wvi : 3,572 %
  - la Région wallonne : 4,286 %
  - la Communauté française de Belgique : 4,286 %
  - la Province de Hainaut : 4,286 %
  - l’intercommunale Ideta : 4,286 %
  - l’intercommunale IEG : 4,286 %

**ARTICLE 8** – Les fonctions d’agent comptable du groupement européen de coopération territoriale sont assurées par Monsieur le Trésorier de Lille Métropole Communauté urbaine.

**ARTICLE 9** – La convention de coopération et les statuts du groupement européen de coopération territoriale sont annexés au présent arrêté.

**ARTICLE 10** – Conformément à l’article R. 421-1 du code de justice administrative, le présent arrêté peut faire l’objet d’un recours contentieux devant le tribunal administratif de Lille dans un délai de deux mois à compter de sa notification.



**ARTICLE 11** – M. le Secrétaire Général pour les Affaires Régionales du Nord – Pas-de-Calais et chacun des membres constituant le groupement européen de coopération territoriale sont chargés, chacun en ce qui le concerne, de l'exécution du présent arrêté qui sera publié au recueil des actes administratifs de la préfecture de Région et dont copie sera adressée à :

- M. le Trésorier-payeur général du Nord et de la Région Nord – Pas-de-Calais
- Mme la Présidente de la chambre régionale des comptes du Nord - Pas-de-Calais

Fait à LILLE, le 21 janvier 2008

Signé

LE PREFET,  
Daniel CANEPA



REPUBLIQUE FRANÇAISE

# PREFECTURE DE REGION NORD – PAS-DE-CALAIS

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*SECRETARIAT GENERAL POUR LES AFFAIRES REGIONALES*

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## BESLUIT

**betreffende de oprichting van de Europese groepering voor territoriale samenwerking  
"Eurometropool Lille-Kortrijk-Tournai";**

### **DE PREFECT VAN DE REGIO NORD-PAS DE CALAIS PRÉFET DU NORD**

Officier van het *Légion d'Honneur*,  
Commandeur van de *Ordre National du Mérite*

**GELET OP** de verordening nr. 1082/2006 van het Europees Parlement en van de Raad d.d. 5 juli 2006, met betrekking tot een Europese groepering voor territoriale samenwerking ;

**GELET OP** de overeenkomst tussen de Regering van de Republiek Frankrijk enerzijds, en de Regering van het Koninkrijk België, de Regering van de Franse Gemeenschap, de Regering van het Waalse Gewest en de Vlaamse Regering anderzijds, met betrekking tot de grensoverschrijdende samenwerking tussen territoriale overheden en lokale openbare lichamen, afgesloten te Brussel op 16 september 2002 ;

**GELET OP** het decreet nr. 2005-745 van 28 juni 2005 betreffende de bekendmaking van deze overeenkomst ;

**GELET OP** de Franse *Code Général des Collectivités Territoriales* en meer bepaald de artikelen L.5721-1 en volgende ;

**GELET OP** het akkoord van de heer Prefect van de Regio Nord – Pas-de-Calais, Préfet du Nord, met de intentieverklaringen van *Lille Métropole Communauté Urbaine* (02 januari 2008), van de *Conseil Régional du Nord – Pas-de-Calais* (08 januari 2008) en van de *Conseil Général du Nord* (15 januari 2008) ;

**GELET OP** het akkoord van de Vlaamse regering (18 januari 2008) met de deelname van de Provincie West-Vlaanderen en de intercommunales Leiedal en wvi en het akkoord van de Waalse regering met de deelname van de Provincie Henegouwen en de intercommunales Ideta en Ieg ;

.../...



**GELET OP** de beraadslaging van de *conseil communautaire van Lille Métropole Communauté Urbaine* (12 oktober 2007), van de *commission permanente van de Conseil Régional du Nord – Pas-de-Calais* (12 november 2007) en van de *Conseil Général du Nord* (21 januari 2008) waarbij deze overheden hebben besloten zich te verenigen om samen de Europese groepering voor territoriale samenwerking « Eurometropool Lille-Kortrijk-Tournai » op te richten, en de samenwerkingsovereenkomst en de erop betrekking hebbende statuten hebben goedgekeurd ;

**GELET OP** het besluit van de ministerraad van de federale regering (21 december 2007), het besluit van de Vlaamse regering (18 januari 2008), van de Provincieraad van West-Vlaanderen (20 december 2007), van de Raad van Bestuur (7 december 2007) en van de Buitengewone Algemene Vergadering (11 december 2007) van de Intercommunale Leiedal, van de Raad van Bestuur (12 december 2007) en van de Buitengewone Algemene Vergadering (19 december 2007) van de Intercommunale wvi, van het Waalse Gewest (17 januari 2008), van de Franse Gemeenschap van België (18 januari 2008), van de Provincieraad van Henegouwen (13 december 2007), van de Raad van Bestuur van de Intercommunale Ideta (07 november 2007), van de Raad van Bestuur van de Intercommunale Ieg (13 november 2007) waarbij deze overheden hebben besloten zich te verenigen om samen de Europese groepering voor territoriale samenwerking « Eurometropool Lille-Kortrijk-Tournai » op te richten en de samenwerkingsovereenkomst en de erop betrekking hebbende statuten hebben goedgekeurd ;

**GELET OP** de brief van de heer *Ministre des Affaires étrangères et européennes* van 03 januari 2008 evenals de brief van Mevrouw de *Ministre de l'Intérieur, de l'Outre-mer et des Collectivités territoriales* d.d. (21 januari 2008) waarbij de vertegenwoordigers van de Franse Staat bij de Europese groepering voor territoriale samenwerking worden benoemd ;

**GELET OP** het advies van de *Trésorier-Payeur Général du Nord – Pas-de-Calais* d.d. 09 januari 2008 ;

**OP** voorstel van de heer *Secrétaire Général pour les Affaires Régionales du Nord – Pas-de-Calais*.

### **BESLUIT :**

**ARTIKEL 1.** - Er wordt een Europese Groepering voor Territoriale Samenwerking (EGTS) opgericht tussen de volgende leden, die de Samenwerkingsovereenkomst hebben ondertekend :

Aan Franse zijde :

- de Staat,
- de *Région Nord - Pas-de-Calais*,
- het *Département du Nord*,
- *Lille Métropole Communauté urbaine*,

Aan Belgische zijde :

- de Federale Staat,
- het Vlaamse Gewest en de Vlaamse Gemeenschap,
- de Provincie West-Vlaanderen,
- de intercommunale Leiedal, namens de gemeenten van het arrondissement Kortrijk,
- de intercommunale wvi, namens de gemeenten van de arrondissementen Roeselare, Ieper en Tielt,
- het Waalse Gewest,
- de Franse Gemeenschap van België,
- de Provincie Henegouwen,
- de intercommunale Ideta, namens de gemeenten van het arrondissement Tournai, behalve de gemeente Estaimpuis, en het arrondissement Ath, evenals de gemeenten Lessines, Silly en Enghien,
- de intercommunale Ieg, namens de gemeenten van het arrondissement Mouscron en de gemeente Estaimpuis.

.../...



**ARTIKEL 2** – In het Frans wordt de E.G.T.S. « Eurométropole Lille-Kortrijk-Tournai » genoemd en in het Nederlands « Eurometropool Lille-Kortrijk-Tournai ».

**ARTIKEL 3** – De Eurometropool Lille-Kortrijk-Tournai heeft tot doel de samenwerkingsovereenkomst uit te voeren die werd goedgekeurd tussen zijn leden.

De Eurometropool Lille-Kortrijk-Tournai heeft als hoofdplicht een efficiënte en coherente grensoverschrijdende samenwerking te bevorderen en te ondersteunen in het betreffende gebied.

Door alle bevoegde autoriteiten samen te brengen, zal de Eurometropool Lille-Kortrijk-Tournai een forum worden dat toelaat :

- overleg te plegen, in dialoog te treden en het politieke debat te stimuleren,
- te zorgen voor grensoverschrijdende samenhang in het volledige gebied,
- in uitvoering van een gezamenlijk op te stellen ontwikkelingsstrategie projecten mogelijk te maken, op te starten en uit te voeren,
- het dagdagelijkse leven van de inwoners van de Frans-Belgische metropool makkelijker te maken.

**ARTIKEL 4** De juridische zetel van de Europese groepering is gevestigd in Frankrijk , 1 rue du Ballon –  
BP 745 – F 59034 LILLE Cedex

**ARTIKEL 5** De vergadering van de groepering telt 84 vertegenwoordigers, op basis van volgende verhoudingen :

• namens de Franse leden :

- 32 vertegenwoordigers van *Lille Métropole Communauté Urbaine*, aangeduid door de *Conseil communautaire*
- 2 vertegenwoordigers van de Staat, aangeduid door de Minister van Binnenlandse zaken en door de Minister van Buitenlandse zaken
- 4 vertegenwoordigers van de *Région Nord-Pas-de-Calais*, aangeduid door de *Conseil régional*
- 4 vertegenwoordigers van het *Département du Nord*, aangeduid door de *Conseil général*

• namens de Belgische leden :

- 15 vertegenwoordigers, lokale verkozenen, aangeduid in onderling akkoord tussen de gemeenten van de arrondissementen Kortrijk, Ieper, Roeselare en Tielt en de intercommunales Leiedal en wvi
- 15 vertegenwoordigers, lokale verkozenen, aangeduid in onderling akkoord tussen de gemeenten van de arrondissementen Mouscron-Comines, Tournai en Ath en de gemeenten Lessines, Silly en Enghien en de intercommunales Ideta en Ieg
- 1 Nederlandstalige en 1 Franstalige vertegenwoordiger van de Federale Staat, aangeduid door de Federale Regering
- 4 vertegenwoordigers van het Vlaamse Gewest en de Vlaamse Gemeenschap, aangeduid door de Vlaamse Regering
- 2 vertegenwoordigers van het Waalse Gewest, aangeduid door zijn regering
- 2 vertegenwoordigers van de Franse Gemeenschap van België, aangeduid door haar regering
- 1 vertegenwoordiger van de Provincie West-Vlaanderen, aangeduid door de Deputatie
- 1 vertegenwoordiger van de Provincie Henegouwen, aangeduid door de Deputatie



**ARTIKEL 6** – De werkingsmiddelen van de Eurometropool bestaan uit

- de jaarlijkse bijdrage van de leden ;
- de ontvangen subsidies, schenkingen en bijdragen ;
- de leningen ;
- de opbrengsten van verleende diensten.

De jaarlijkse bijdrage van de leden wordt evenredig verdeeld tussen Frankrijk en België als volgt :

- 50 % voor de Franse leden :
  - de Staat : 5 %
  - de *Région Nord/Pas-de-Calais* : 10 %
  - het *Département du Nord* : 10 %
  - *Lille Métropole Communauté urbaine* : 25 %
- 50 % voor de Belgische leden :
  - de Federale Staat : 7,140 %
  - het Vlaamse Gewest en de Vlaamse Gemeenschap : 7,143 %
  - de Provincie West-Vlaanderen : 7,143 %
  - de intercommunale Leiedal : 3,572 %
  - de intercommunale wvi : 3,572 %
  - het Waalse Gewest : 4,286 %
  - de Franse Gemeenschap van België : 4,286 %
  - de Provincie Henegouwen : 4,286 %
  - de intercommunale Ideta : 4,286 %
  - de intercommunale IEG : 4,286 %

**ARTIKEL 8** – De functie van rekenplichtige van de Europese groepering voor territoriale samenwerking wordt verzekerd door de heer *Trésorier* van *Lille Métropole Communauté urbaine*.

**ARTIKEL 9** – De samenwerkingsovereenkomst en de statuten van de Europese groepering voor territoriale samenwerking worden als bijlage toegevoegd aan onderhavig besluit.

**ARTIKEL 10** – Overeenkomstig artikel R. 421-1 van het *code de justice administrative* (Franse wetboek voor bestuursrechtspraak), kan tegen onderhavig besluit een contentieus beroep worden ingesteld vóór de administratieve rechtbank van Lille binnen een termijn van twee maand te rekenen vanaf de kennisgeving ervan.

.../...



**ARTIKEL 11** – Dhr. *Secrétaire Général pour les Affaires Régionales du Nord – Pas-de-Calais* (Secretaris-generaal voor de regionale aangelegenheden van Nord – Pas-de-Calais) en elk lid van de Europese groepering voor territoriale samenwerking worden elk voor hun deel belast met de uitvoering van onderhavig besluit dat zal worden bekendgemaakt in de *recueil des actes administratifs de la préfecture de Région* en waarvan een kopie zal worden toegestuurd aan :

- dhr. *Trésorier-payeur général du Nord et de la Région Nord – Pas-de-Calais*
- Mevrouw de Voorzitster van de *chambre régionale des comptes du Nord - Pas-de-Calais*

Opgesteld te LILLE, op 21 januari 2008

getekend DE PREFECT,

Daniel CANEPA











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<p>Sur la base du Règlement (CE) n°1082/2006 du Parlement européen et du Conseil du 5 juillet 2006 relatif à un Groupement européen de coopération territoriale (GECT), il est convenu ce qui suit :</p>	<p>Op grond van de Europese Verordening (EG) nr.1082/2006 van het Europees Parlement en van de Raad van 5 juli 2006, betreffende een Europese Groepering voor Territoriale Samenwerking (EGTS) wordt overeengekomen wat volgt :</p>
<p><b>Titre A : Compétences, siège et durée</b></p>	<p><b>Titel A : Bevoegdheden, zetel en duur</b></p>
<p><b>Article 1er</b> <b>Constitution</b></p>	<p><b>Artikel 1</b> <b>Oprichting</b></p>
<p>Un Groupement européen de coopération territoriale (GECT) est constitué entre les membres suivants, signataires de la Convention de coopération :</p> <p>Côté français :</p> <ul style="list-style-type: none"> <li>- l'Etat,</li> <li>- la Région Nord-Pas-de-Calais,</li> <li>- le Département du Nord,</li> <li>- Lille Métropole Communauté urbaine,</li> </ul> <p>Côté belge :</p> <ul style="list-style-type: none"> <li>- l'Etat fédéral,</li> <li>- la Région et la Communauté flamande,</li> <li>- la Province de Flandre occidentale,</li> </ul> <p>- l' intercommunale Leiedal, au nom des communes de l'arrondissement de Kortrijk,</p>	<p>Er wordt een Europese Groepering voor Territoriale Samenwerking (EGTS) opgericht tussen de volgende leden, die de Samenwerkingsovereenkomst hebben ondertekend :</p> <p>Aan Franse zijde :</p> <ul style="list-style-type: none"> <li>- de Staat,</li> <li>- de Région Nord-Pas-de-Calais,</li> <li>- het Département du Nord,</li> <li>- Lille Métropole Communauté urbaine,</li> </ul> <p>Aan Belgische zijde:</p> <ul style="list-style-type: none"> <li>- de Federale Staat,</li> <li>- het Vlaamse Gewest en de Vlaamse Gemeenschap,</li> <li>- de Provincie West-Vlaanderen,</li> </ul> <p>- de intercommunale Leiedal, namens de gemeenten van het arrondissement Kortrijk,</p>



<ul style="list-style-type: none"> <li>- l'intercommunale wvi, au nom des communes des arrondissements de Roeselare, Ieper et Tielt,</li> <li>- la Région wallonne,</li> <li>- la Communauté française de Belgique,</li> <li>- la Province de Hainaut,</li> <li>- l'intercommunale Ideta, au nom des communes de l'arrondissement de Tournai à l'exception de la commune d'Estaimpuis, et de l'arrondissement d'Ath ainsi que des communes de Lessines, Silly et Enghien,</li> <li>- l'intercommunale leg au nom des communes de l'arrondissement de Mouscron et de la commune d'Estaimpuis.</li> </ul>	<ul style="list-style-type: none"> <li>- de intercommunale wvi, namens de gemeenten van de arrondissementen Roeselare, Ieper en Tielt,</li> <li>- het Waalse Gewest,</li> <li>- de Franse Gemeenschap van België,</li> <li>- de Provincie Henegouwen,</li> <li>- de intercommunale Ideta, namens de gemeenten van het arrondissement Tournai, behalve de gemeente Estaimpuis, en het arrondissement Ath, evenals de gemeenten Lessines, Silly en Enghien,</li> <li>- de intercommunale IEG, namens de gemeenten van het arrondissement Mouscron en de gemeente Estaimpuis.</li> </ul>
<p><b>Article 2</b> <b>Dénomination</b></p>	<p><b>Artikel 2</b> <b>Naam</b></p>
<p>Le Groupement européen est dénommé «Eurométropole Lille-Kortrijk-Tournai».</p> <p>Ce nom sera complété pour la communication par la mention « Ath-leper-Mouscron-Roeselare-Tielt ».</p>	<p>De Europese Groepering wordt "Eurometropool Lille-Kortrijk-Tournai" genoemd.</p> <p>In de communicatie zal aan deze naam «Ath-leper-Mouscron-Roeselare-Tielt» toegevoegd worden.</p>
<p><b>Article 3</b> <b>Objet et missions</b></p>	<p><b>Artikel 3</b> <b>Opzet en opdrachten</b></p>
<p>L'Eurométropole Lille-Kortrijk-Tournai a pour objet la mise en oeuvre de la convention de coopération approuvée par ses membres.</p> <p>L'Eurométropole Lille-Kortrijk-Tournai a pour mission principale de promouvoir et de soutenir une coopération transfrontalière efficace et cohérente au sein du territoire concerné.</p> <p>En rassemblant l'ensemble des institutions compétentes, l'Eurométropole Lille-Kortrijk-Tournai est un lieu permettant :</p>	<p>De Eurometropool Lille-Kortrijk-Tournai heeft tot opzet de samenwerkingsovereenkomst uit te voeren die werd goedgekeurd tussen zijn leden.</p> <p>De Eurometropool Lille-Kortrijk-Tournai heeft tot hoofdoopdracht een efficiënte en coherente grensoverschrijdende samenwerking te bevorderen en te ondersteunen in het betreffende gebied.</p> <p>Door alle bevoegde autoriteiten samen te brengen, zal de Eurometropool Lille-Kortrijk-Tournai een forum worden dat toelaat:</p>



<ul style="list-style-type: none"> <li>- d'assurer la concertation, le dialogue et de favoriser le débat politique,</li> <li>- de produire de la cohérence transfrontalière à l'échelle de l'ensemble du territoire,</li> <li>- de faciliter, de porter et de réaliser des projets traduisant la stratégie de développement à élaborer en commun,</li> <li>- de faciliter la vie quotidienne des habitants de la métropole franco-belge.</li> </ul>	<ul style="list-style-type: none"> <li>- overleg te plegen, in dialoog te treden en het politieke debat te stimuleren,</li> <li>- de grensoverschrijdende samenhang van het gebied te creëren,</li> <li>- in uitvoering van een gezamenlijk op te stellen ontwikkelingsstrategie projecten mogelijk te maken, op te starten en uit te voeren,</li> <li>- het dagelijkse leven van de inwoners van de Frans-Belgische metropool gemakkelijker te maken.</li> </ul>
<b>Article 4</b> <b>Délimitation géographique</b>	<b>Artikel 4</b> <b>Geografische afbakening</b>
<p>Le territoire de référence de l'Eurométropole Lille-Kortrijk-Tournai est le suivant :</p> <ul style="list-style-type: none"> <li>- en France, le périmètre de Lille Métropole Communauté urbaine,</li> <li>- en Belgique, au sein de la Wallonie, les arrondissements de Mouscron, Tournai et Ath ainsi que les communes de Lessines, Silly et Enghien, et au sein de la Flandre, les arrondissements de Kortrijk, Ieper, Roeselare et de Tielt.</li> </ul> <p>Les territoires, villes et communes qui ne sont pas situées dans le territoire de référence, mais qui en sont limitrophes ou proches, pourront être associés aux travaux de l'Eurométropole Lille-Kortrijk-Tournai.</p>	<p>Het referentiegebied van de Eurometropool Lille-Kortrijk-Tournai is het volgende:</p> <ul style="list-style-type: none"> <li>- in Frankrijk, het gebied Lille Métropole Communauté urbaine,</li> <li>- in België, aan Waalse zijde, de arrondissementen Mouscron, Tournai en Ath, alsook de gemeenten Lessines, Silly en Enghien en aan Vlaamse zijde de arrondissementen Kortrijk, Ieper, Roeselare en Tielt.</li> </ul> <p>Gebieden, steden en gemeenten die niet in het referentiegebied liggen, maar die eraan grenzen of die in de onmiddellijke nabijheid liggen, kunnen betrokken worden bij de activiteiten van de Eurometropool Lille-Kortrijk-Tournai.</p>



<p><b>Article 5</b> <b>Siège</b></p>	<p><b>Artikel 5</b> <b>Zetel</b></p>
<p>Le siège juridique de l'Eurométropole Lille-Kortrijk-Tournai est fixé en France, 1, rue du Ballon – BP 745 – F 59034 LILLE Cedex.</p> <p>Les services opérationnels seront localisés en Belgique.</p> <p>L'Eurométropole Lille-Kortrijk-Tournai peut également établir des représentations en dehors de son territoire de référence.</p>	<p>De zetel van de Eurometropool Lille-Kortrijk-Tournai wordt gevestigd in Frankrijk, 1, rue du Ballon – BP 745 – F 59034 LILLE Cedex.</p> <p>Haar operationele diensten zullen gevestigd worden in België.</p> <p>De Eurometropool Lille-Kortrijk-Tournai kan eveneens vertegenwoordigingen oprichten buiten haar referentiegebied.</p>
<p><b>Article 6</b> <b>Droit applicable</b></p>	<p><b>Artikel 6</b> <b>Toepasselijk recht</b></p>
<p>Conformément à l'article 2 du Règlement GECT et à l'article 5 des présents statuts, l'Eurométropole Lille-Kortrijk-Tournai est régi subsidiairement par le droit français applicable aux établissements publics de coopération intercommunale.</p> <p>L'Eurométropole Lille-Kortrijk-Tournai prend la forme d'un syndicat mixte ouvert, auquel s'appliquent les articles L. 5721-1 et suivants du Code général des collectivités territoriales à moins qu'il n'y ait des dispositions contraires dans le Règlement GECT.</p>	<p>Overeenkomstig artikel 2 van de EGTS-Verordening en artikel 5 van onderhavige statuten, is het Franse recht op openbare instellingen voor intergemeentelijke samenwerking subsidiair van toepassing op de Eurometropool Lille-Kortrijk-Tournai.</p> <p>De Eurometropool Lille-Kortrijk-Tournai krijgt de vorm van een <i>syndicat mixte ouvert</i>, waarop de artikelen L5721-1 en volgende van het Franse Wetboek <i>Code Général des Collectivités Territoriales</i> (CGCT) van toepassing zijn, onverminderd andersluidende bepalingen van de EGTS-Verordening.</p>



Article 7 Durée	Artikel 7 Duur
L'Eurométropole Lille-Kortrijk-Tournai est créé pour une durée illimitée. Il est opérationnel à compter de la date d'achèvement des formalités de publication prévues à l'article 5 du Règlement GECT.	De Eurometropool Lille-Kortrijk-Tournai is opgericht voor onbepaalde duur. Ze is operationeel vanaf de datum van voltooiing van de formaliteiten inzake bekendmaking, die voorzien zijn in artikel 5 van de EGTS-Verordening.



<b><i>Titre B : Organes de l'Eurométropole</i></b>	<b><i>Titel B : Organen van de Eurometropool</i></b>
<p align="center"><b>Article 8</b> <b>L'Assemblée</b></p>	<p align="center"><b>Artikel 8</b> <b>Algemene Vergadering</b></p>
<p>L'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai est composée de 84 représentants à raison de :</p> <ul style="list-style-type: none"> <li>- au titre des membres français : <ul style="list-style-type: none"> <li>• 32 représentants de Lille-Métropole Communauté urbaine désignés par le Conseil communautaire</li> <li>• 2 représentants de l'Etat désignés par le ministre chargé de l'intérieur et par le ministre chargé des affaires étrangères</li> <li>• 4 représentants de la Région Nord-Pas-de-Calais désignés par le Conseil régional</li> <li>• 4 représentants du Département du Nord désignés par le Conseil général</li> </ul> </li> <li>- au titre des membres belges : <ul style="list-style-type: none"> <li>• 15 représentants, élus locaux, désignés en commun accord entre les communes des arrondissements de Kortrijk, Ieper, Roeselare et de Tielt, et les Intercommunales Leiedal et wvi,</li> <li>• 15 représentants, élus locaux, désignés en commun accord entre les communes des arrondissements Mouscron-Comines, Tournai et Ath ainsi que les communes de Lessines, Silly et Enghien et les Intercommunales Ideta et leg</li> <li>• 1 représentant francophone et 1 représentant néerlandophone de l'Etat fédéral désignés par le gouvernement fédéral</li> </ul> </li> </ul>	<p>De Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai is samengesteld uit 84 vertegenwoordigers, op basis van volgende verhoudingen:</p> <ul style="list-style-type: none"> <li>- namens de Franse leden: <ul style="list-style-type: none"> <li>• 32 vertegenwoordigers van Lille Métropole Communauté Urbaine, aangeduid door de Conseil communautaire</li> <li>• 2 vertegenwoordigers van de Staat, aangeduid door de Minister van Binnenlandse zaken en door de Minister van Buitenlandse zaken</li> <li>• 4 vertegenwoordigers van de Région Nord-Pas-de-Calais, aangeduid door de Conseil régional</li> <li>• 4 vertegenwoordigers van het Département du Nord, aangeduid door de Conseil général</li> </ul> </li> <li>- namens de Belgische leden: <ul style="list-style-type: none"> <li>• 15 vertegenwoordigers, lokale verkozenen, aangeduid in onderling akkoord tussen de gemeenten van de arrondissements Kortrijk, Ieper, Roeselare en Tielt en de intercommunales Leiedal en wvi,</li> <li>• 15 vertegenwoordigers, lokale verkozenen, aangeduid in onderling akkoord tussen de gemeenten van de arrondissements Mouscron-Comines, Tournai en Ath en de intercommunales Ideta en leg</li> <li>• 1 Nederlandstalige vertegenwoordiger van de Federale Staat, aangeduid door de Federale Regering</li> </ul> </li> </ul>



<ul style="list-style-type: none"> <li>• 4 représentants de la Région et de la Communauté flamande désignés par le gouvernement flamand</li> <li>• 2 représentants de la Région wallonne désignés par son gouvernement</li> <li>• 2 représentants de la Communauté française de Belgique désignés par son gouvernement</li> <li>• 1 représentant de la Province de Flandre occidentale désigné par la Députation</li> <li>• 1 représentant de la Province de Hainaut désigné par la Députation</li> </ul>	<ul style="list-style-type: none"> <li>• 4 vertegenwoordigers van het Vlaamse Gewest en de Vlaamse Gemeenschap, aangeduid door de Vlaamse Regering</li> <li>• 2 vertegenwoordigers van het Waalse Gewest, aangeduid door zijn regering</li> <li>• 2 vertegenwoordigers van de Franse Gemeenschap, aangeduid door haar regering</li> <li>• 1 vertegenwoordiger van de Provincie West-Vlaanderen, aangeduid door de Deputatie,</li> <li>• 1 vertegenwoordiger van de Provincie Henegouwen, aangeduid door de Deputatie</li> </ul>
<p><b>Article 9</b></p> <p><b>Fonctionnement de l'Assemblée</b></p>	<p><b>Artikel 9</b></p> <p><b>Werking van de Algemene Vergadering</b></p>
<p>L'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai se réunit sur convocation de son Président, avec un ordre du jour précis, au moins deux fois par an.</p> <p>Elle se réunit de droit dans un délai maximum de trente jours à la demande motivée qui lui en est faite par le quart au moins des représentants sur un ordre du jour que ceux-ci déterminent.</p> <p>Les convocations aux réunions de l'Assemblée sont envoyées aux représentants au moins quinze jours francs à l'avance, par écrit, sous quelque forme que ce soit. En cas d'urgence, ce délai est ramené à cinq jours francs à l'avance.</p> <p>Une note explicative de synthèse sur les affaires soumises à délibération y est jointe.</p> <p>L'Assemblée est présidée par le Président ou, à défaut, par l'un des trois Vice-présidents désigné collectivement.</p>	<p>De Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai komt minstens twee maal per jaar samen, na bijeenroeping door de Voorzitter, op basis van een duidelijke agenda.</p> <p>Zij komt van rechtswege bijeen binnen een termijn van maximum dertig dagen, op gemotiveerd verzoek van minstens een vierde van de vertegenwoordigers en op basis van een door deze laatsten vastgestelde agenda.</p> <p>De bijeenroepingen van de Algemene Vergadering gebeuren schriftelijk, onder welke vorm ook, en dit bericht wordt minstens vijftien volle dagen op voorhand aan de vertegenwoordigers verzonden. Bij hoogdringendheid wordt deze termijn herleid tot vijf volle dagen.</p> <p>De aangelegenheden waarover zal gestemd worden, zullen in een bijgevoegde synthesesnota toegelicht worden.</p> <p>De Algemene Vergadering wordt voorgezeten door de Voorzitter of, bij diens afwezigheid, door één van de drie Vicevoorzitters, in onderlinge overeenstemming aangeduid.</p>



<p>L'Assemblée ne délibère valablement que lorsque la majorité absolue des représentants de ses membres en exercice est présente</p> <p>Si, après une première convocation régulièrement faite selon les dispositions ci-dessus, ce quorum n'est pas atteint, l'Assemblée est à nouveau convoquée à sept jours francs au moins d'intervalle. Elle délibère alors valablement sans condition de quorum.</p> <p>Les séances de l'Assemblée de l'Eurométropole sont publiques.</p>	<p>De Algemene Vergadering beraadslaagt slechts rechtsgeldig wanneer de absolute meerderheid van de in functie zijnde vertegenwoordigers van haar leden aanwezig is.</p> <p>Indien na een eerste bijeenroeping overeenkomstig de voormelde bepalingen het quorum niet wordt behaald, wordt de Algemene Vergadering opnieuw bijeengeroepen met een tussentijd van minstens zeven volle dagen. De Algemene Vergadering beraadslaagt dan geldig zonder voorschriften inzake quorum.</p> <p>De zittingen van de Algemene Vergadering van de Eurometropool zijn openbaar.</p>
<p>Néanmoins, sur la demande de un tiers des représentants ou du Président, l'Assemblée peut décider, sans débat, à la majorité absolue des représentants de ses membres présents ou représentés, qu'elle se réunit à huis clos.</p> <p>Un représentant empêché d'assister à une séance peut donner à un autre représentant de son choix pouvoir écrit de voter en son nom. Un même représentant ne peut être porteur que d'un seul pouvoir. Le pouvoir est toujours révocable. Sauf cas de maladie dûment constatée, il ne peut être valable pour plus d'une séance.</p>	<p>Op verzoek van een derde van de vertegenwoordigers of van de Voorzitter kan de Algemene Vergadering echter zonder beraadslaging beslissen, bij absolute meerderheid van de vertegenwoordigers van haar aanwezigte of vertegenwoordigde leden, dat de Algemene Vergadering achter gesloten deuren plaatsvindt.</p> <p>Een vertegenwoordiger die niet aan een bijeenkomst kan deelnemen, kan een vertegenwoordiger van zijn keuze schriftelijk machtigen om in zijn naam te stemmen. Elke vertegenwoordiger kan slechts drager zijn van een enkele volmacht. De volmacht kan te allen tijde worden herroepen. Behalve in geval van behoorlijk vastgestelde ziekte, kan deze volmacht niet gelden voor meer dan één zitting.</p>
<p>Les délibérations sont adoptées à condition d'obtenir à la fois :</p> <ul style="list-style-type: none"> <li>- la majorité absolue des suffrages exprimés des représentants des membres français,</li> <li>- la majorité absolue des suffrages exprimés des représentants francophones des membres belges,</li> <li>- la majorité absolue des suffrages exprimés des représentants néerlandophones des membres belges.</li> </ul> <p>Cette règle ne s'applique pas dans le cas de modification des statuts (article 27).</p>	<p>Besluiten kunnen slechts aangenomen worden indien ze tegelijk worden gesteund door:</p> <ul style="list-style-type: none"> <li>- de absolute meerderheid van de uitgebrachte stemmen van de vertegenwoordigers van de Franse leden</li> <li>- de absolute meerderheid van de uitgebrachte stemmen van de Franstalige vertegenwoordigers van de Belgische leden</li> <li>- de absolute meerderheid van de uitgebrachte stemmen van de Nederlandstalige vertegenwoordigers van de Belgische leden</li> </ul> <p>Deze regel is niet van toepassing bij een wijziging van statuten (artikel 27).</p>



<p>Les documents de séance sont rédigés en langues française et néerlandaise et envoyés simultanément dans un délai acceptable. Une traduction simultanée est assurée pour les débats de l'Assemblée. Un procès verbal de séance est rédigé en langues française et néerlandaise.</p> <p>Toute personne physique ou morale a le droit de demander communication sans déplacement et de prendre copie totale ou partielle des procès-verbaux de l'Assemblée, des budgets et des comptes ainsi que des délibérations du Bureau et les arrêtés du Président. Chacun peut les publier sous sa responsabilité.</p> <p>Sont également invités aux réunions de l'Assemblée, tout représentant d'institution, organisation ou organisme que l'Assemblée juge utile d'inviter. Ils participent aux débats, mais ne participent pas aux votes de l'Assemblée.</p>	<p>De documenten van de zitting worden in het Frans en in het Nederlands opgesteld en gelijktijdig en binnen een aanvaardbare termijn verstuurd. De debatten van de Algemene Vergadering worden simultaan vertaald. Van elke zitting wordt een proces-verbaal opgemaakt in het Nederlands en in het Frans.</p> <p>Elke natuurlijke of rechtspersoon is gerechtigd, zonder zich te moeten verplaatsen, inzage te vragen in de processen-verbaal van de Algemene Vergadering, van de begrotingen en de rekeningen evenals van de beslissingen van het Bureau en de besluiten van de Voorzitter. Hij mag er een volledige of gedeeltelijke kopie van nemen. Eenieder kan ze onder eigen verantwoordelijkheid openbaar maken.</p> <p>Vertegenwoordigers van een instelling, organisatie of instantie wiens aanwezigheid door de Algemene Vergadering nuttig wordt geacht, kunnen eveneens uitgenodigd worden op de bijeenkomsten van de Algemene Vergadering. Zij nemen deel aan de debatten, maar niet aan de stemmingen.</p>
<p><b>Article 10</b> <b>Compétences de l'Assemblée</b></p>	<p><b>Artikel 10</b> <b>Bevoegdheden van de Algemene Vergadering</b></p>
<p>L'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai règle par ses délibérations les affaires qui relèvent de son objet. L'Assemblée statue sur les points suivants :</p> <ul style="list-style-type: none"> <li>- Elle débat de la stratégie de développement commune et délibère sur les orientations générales de l'action de l'Eurométropole Lille-Kortrijk-Tournai .</li> <li>- Elle vote le budget. A compter du deuxième exercice budgétaire, le budget sera adopté sur proposition du Bureau.</li> </ul>	<p>De Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai regelt via haar beraadslagingen alles wat past binnen haar opzet. De Algemene Vergadering doet uitspraak over het volgende:</p> <ul style="list-style-type: none"> <li>- Zij beraadslaagt over de gemeenschappelijke ontwikkelingsstrategie en beslist over de algemene krachtlijnen van de werking van de Eurometropool Lille-Kortrijk-Tournai.</li> <li>- Zij keurt het budget goed. Vanaf het tweede begrotingsjaar zal dat gebeuren op voorstel van het Bureau.</li> </ul>



<ul style="list-style-type: none"> <li>- Elle délibère sur le compte de résultat (compte administratif) et le bilan comptable qui sont présentés annuellement par le Président.</li> <li>- Elle délibère sur la modification des statuts, notamment en cas d'adhésion ou de retrait d'un membre.</li> <li>- Elle procède, en son sein, à l'élection du Bureau sur proposition de chacun des membres de l'Eurométropole Lille-Kortrijk-Tournai, et à l'élection du Président et des Vice-présidents.</li> <li>- Elle crée par délibération les emplois nécessaires au fonctionnement de l'Eurométropole Lille-Kortrijk-Tournai sur proposition du Bureau.</li> <li>- Elle approuve et modifie le règlement intérieur sur proposition du Bureau.</li> <li>- Elle délibère sur la dissolution de l'Eurométropole Lille-Kortrijk-Tournai et des mesures afférentes.</li> </ul> <p>Lors de chaque réunion de l'Assemblée, le Président rend compte des travaux du Bureau.</p>	<ul style="list-style-type: none"> <li>- Zij beslist over de resultatenrekening (administratieve rekening) en de boekhoudkundige balans die jaarlijks door de Voorzitter worden voorgelegd.</li> <li>- Zij beslist over de statutenwijziging, meer bepaald in geval van toetreding of uittreding van een lid.</li> <li>- Zij kiest uit haar midden het Bureau op voorstel van elk van de leden van de Eurometropool Lille-Kortrijk-Tournai, en verkiest de Voorzitter en Vicevoorzitters.</li> <li>- Zij bepaalt bij beraadslaging de arbeidsplaatsen die dienen te worden gecreëerd voor de werking van de Eurometropool Lille-Kortrijk-Tournai, op voorstel van het Bureau.</li> <li>- Zij keurt het huishoudelijk reglement goed en wijzigt het, op voorstel van het Bureau.</li> <li>- Zij beslist over de ontbinding van de Eurometropool Lille-Kortrijk-Tournai en de maatregelen daartoe.</li> </ul> <p>Bij iedere bijeenkomst van de Algemene Vergadering brengt de Voorzitter verslag uit over de werkzaamheden van het Bureau.</p>
<p align="center"><b>Article 11</b> <b>Le Bureau</b></p>	<p align="center"><b>Artikel 11</b> <b>Het Bureau</b></p>
<p>Le Bureau de l'Eurométropole Lille-Kortrijk-Tournai est composé de 32 membres à raison de :</p> <ul style="list-style-type: none"> <li>- au titre des membres français : <ul style="list-style-type: none"> <li>• 11 représentants parmi ceux de Lille-Métropole Communauté urbaine</li> </ul> </li> </ul>	<p>Het Bureau van de Eurometropool Lille-Kortrijk-Tournai is samengesteld uit 32 leden, op basis van volgende verhoudingen :</p> <ul style="list-style-type: none"> <li>- namens de Franse leden: <ul style="list-style-type: none"> <li>• 11 van de vertegenwoordigers van Lille-Métropole Communauté urbaine</li> </ul> </li> </ul>



<ul style="list-style-type: none"> <li>• 1 représentant parmi ceux de l'Etat</li> <li>• 2 représentants parmi ceux de la Région Nord-Pas-de-Calais</li> <li>• 2 représentants parmi ceux du Département du Nord</li> </ul> <p>- au titre des membres belges :</p> <ul style="list-style-type: none"> <li>• 4 représentants, parmi ceux désignés en commun accord entre les communes des arrondissements de Kortrijk, Ieper, Roeselare et de Tielt, et les Intercommunales Leiedal et wvi,</li> <li>• 4 représentants, parmi ceux désignés en commun accord entre les communes des arrondissements Mouscron-Comines, Tournai et Ath ainsi que les communes de Lessines, Silly et Enghien et les Intercommunales Ideta et leg</li> <li>• le représentant francophone et le représentant néerlandophone de l'Etat fédéral</li> <li>• 2 représentants parmi ceux de la Région et de la Communauté flamande</li> <li>• 1 représentant parmi ceux de la Région wallonne</li> <li>• 1 représentant parmi ceux de la Communauté française de Belgique</li> <li>• le représentant de la Province de Flandre occidentale</li> <li>• le représentant de la Province de Hainaut</li> </ul>	<ul style="list-style-type: none"> <li>• 1 van de vertegenwoordigers van de Staat</li> <li>• 2 van de vertegenwoordigers van de Région Nord-Pas-de-Calais</li> <li>• 2 van de vertegenwoordigers van het Département du Nord</li> </ul> <p>- namens de Belgische leden:</p> <ul style="list-style-type: none"> <li>• 4 van de vertegenwoordigers, aangeduid in onderling akkoord tussen de gemeenten van de arrondissements Kortrijk, Ieper, Roeselare en Tielt en de intercommunales Leiedal en wvi,</li> <li>• 4 van de vertegenwoordigers, aangeduid in onderling akkoord tussen de gemeenten van de arrondissements Mouscron-Comines, Tournai en Ath, evenals de gemeenten Lessines, Silly en Enghien en de intercommunales Ideta en leg</li> <li>• de Nederlandstalige en de Franstalige vertegenwoordiger van de Federale Staat</li> <li>• 2 van de vertegenwoordigers van het Vlaamse Gewest en de Vlaamse Gemeenschap</li> <li>• 1 van de vertegenwoordigers van het Waalse Gewest</li> <li>• 1 van de vertegenwoordigers van de Franse Gemeenschap</li> <li>• de vertegenwoordiger van de Provincie West-Vlaanderen</li> <li>• de vertegenwoordiger van de Provincie Henegouwen</li> </ul>
<p align="center"><b>Article 12</b> <b>Compétences du Bureau</b></p> <p>Le Bureau est l'organe de décision de l'Eurométropole Lille-Kortrijk-Tournai. Il règle par ses délibérations les affaires qui relèvent de son objet et qui ne sont pas du ressort de l'Assemblée.</p> <p>Les décisions du Bureau sont prises à l'unanimité.</p>	<p align="center"><b>Artikel 12</b> <b>Bevoegdheden van het Bureau</b></p> <p>Het Bureau is het beslissingsorgaan van de Eurometropool Lille-Kortrijk-Tournai. Het regelt de aangelegenheden die deel uitmaken van zijn opdracht en die niet behoren tot de bevoegdheden van de Algemene Vergadering.</p> <p>De beslissingen van het Bureau worden genomen met eenparigheid van stemmen.</p>



<p>Le Bureau statue notamment sur les points suivants :</p> <ul style="list-style-type: none"> <li>- détermination des actions à conduire au sein de l'Eurométropole Lille-Kortrijk-Tournai et établissement du programme de travail des services opérationnels,</li> <li>- à compter du deuxième exercice budgétaire, consolidation de la proposition de budget, en particulier par la confirmation de l'accord de chacun des membres sur le montant de leur participation,</li> <li>- détermination des postes administratifs et techniques nécessaires au fonctionnement des services opérationnels et de leurs profils,</li> <li>- approbation du choix du directeur des services opérationnels et de ses éventuels adjoints,</li> <li>- mise en place, composition et fonctionnement de groupes de travail et détermination de leurs missions,</li> <li>- création des organes consultatifs éventuels nécessaires à l'accomplissement de l'objet de l'Eurométropole Lille-Kortrijk-Tournai. Il en fixe les modalités de fonctionnement et en désigne les membres.</li> </ul> <p>Le fonctionnement du bureau est détaillé dans le règlement intérieur.</p> <p>Les documents de séance sont rédigés en langues française et néerlandaise et envoyés simultanément dans un délai acceptable. Une traduction simultanée est assurée pour les débats du Bureau. Un procès verbal de séance est rédigé en langues française et néerlandaise.</p>	<p>Het Bureau beslist onder meer over de volgende zaken:</p> <ul style="list-style-type: none"> <li>- vastlegging van de acties die binnen de Eurometropool Lille-Kortrijk-Tournai uitgevoerd moeten worden en opstelling van het werkprogramma van de operationele diensten,</li> <li>- vanaf het tweede begrotingsjaar, consolidatie van het budgetvoorstel, meer bepaald door te bevestigen dat de leden het eens zijn over het bedrag van hun bijdrage,</li> <li>- vastlegging van de administratieve en technische functies, en van hun profielen, die nodig zijn voor de werking van de operationele diensten,</li> <li>- goedkeuring van de keuze van de directeur operationele diensten en zijn eventuele adjuncten,</li> <li>- oprichting, samenstelling en werking van werkgroepen en vastlegging van hun opdrachten,</li> <li>- oprichting van de eventuele adviesorganen, die nodig zijn in het kader van het opzet van de Eurometropool Lille-Kortrijk-Tournai. Het legt de werkingsmodaliteiten ervan vast en stelt de leden aan.</li> </ul> <p>De werking van het Bureau wordt nader uitgewerkt in het huishoudelijk reglement.</p> <p>De documenten van de zitting worden in het Frans en in het Nederlands opgesteld en gelijktijdig en binnen een aanvaardbare termijn verstuurd. De debatten van het Bureau worden simultaan vertaald. Van elke zitting wordt een proces-verbaal opgemaakt in het Nederlands en in het Frans.</p>
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<p align="center"><b>Article 13</b> <b>Election et compétences du Président et des Vice-présidents</b></p>	<p align="center"><b>Artikel 13</b> <b>Verkiezing en bevoegdheden van de Voorzitter en Vicevoorzitters</b></p>
<p>Au sens des présents statuts, le rôle de Directeur tel que déterminé par le Règlement GECT est assuré par le Président de l'Eurométropole Lille-Kortrijk-Tournai.</p> <p>Le Président et les trois Vice-présidents sont élus par l'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai au sein des membres du Bureau :</p> <ul style="list-style-type: none"> <li>- pour deux d'entre eux parmi les représentants des membres français à l'exception de l'Etat,</li> <li>- pour un d'entre eux parmi les représentants néerlandophones des membres belges,</li> <li>- pour un d'entre eux parmi les représentants francophones des membres belges.</li> </ul> <p>Le Président et les Vice-présidents sont élus pour un an. La Présidence est assurée pour ce mandat alternativement par un représentant français et un représentant belge, et pour ce dernier alternativement par l'un des représentants néerlandophones et l'un des représentants francophones des membre belges.</p> <p>Les fonctions du Président et les Vice-présidents cessent lorsqu'ils perdent la qualité de représentant de l'organisme qui les a désignés.</p> <p>Le Président est responsable de la préparation et de l'exécution des décisions de l'Assemblée et du Bureau. Il peut sous sa propre responsabilité et surveillance déléguer une partie de ses fonctions aux Vice-Présidents, ainsi que sa signature au directeur des services opérationnels ou aux responsables désignés.</p>	<p>In de onderhavige statuten wordt de rol van de Directeur, zoals vastgesteld in de EGTS-Verordening, vervuld door de Voorzitter van de Eurometropool Lille-Kortrijk-Tournai.</p> <p>De Voorzitter en drie Ondervoorzitters worden verkozen door de Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai, onder de leden van het Bureau :</p> <ul style="list-style-type: none"> <li>- voor twee van hen onder de vertegenwoordigers van de Franse leden, met uitzondering van de Staat</li> <li>- voor een van hen onder de Nederlandse vertegenwoordigers van de Belgische leden</li> <li>- voor een van hen onder de Franstalige vertegenwoordigers van de Belgische leden</li> </ul> <p>De Voorzitter en de Vicevoorzitters worden verkozen voor een periode van één jaar. Het voorzitterschap wordt voor dit mandaat afwisselend waargenomen door een Franse en een Belgische vertegenwoordiger, en voor deze laatste afwisselend door een Nederlandstalige vertegenwoordiger en door een Franstalige vertegenwoordiger van de Belgische leden.</p> <p>Het mandaat van de Voorzitter en van elk van de Vicevoorzitters eindigt als zij hun hoedanigheid verliezen van vertegenwoordiger van de instantie die hen heeft aangesteld.</p> <p>De Voorzitter bereidt de beslissingen van de Algemene Vergadering en van het Bureau voor en voert ze uit. Hij kan onder eigen verantwoordelijkheid en toezicht een deel van zijn functies delegeren aan de Vicevoorzitters en hij kan zijn handtekening delegeren aan de Directeur of de aangestelde verantwoordelijken.</p>



<p>Le Président, ou, sous réserve des dispositions juridiques françaises, l'un ou l'autre des Vice-Présidents ou responsable désigné :</p> <ul style="list-style-type: none"> <li>- est l'ordonnateur des dépenses et met en recouvrement les recettes de l'Eurométropole Lille-Kortrijk-Tournai,</li> <li>- a la responsabilité d'administrer l'Eurométropole Lille-Kortrijk-Tournai,</li> <li>- pourvoie aux emplois,</li> <li>- représente l'Eurométropole Lille-Kortrijk-Tournai en justice.</li> </ul>	<p>De Voorzitter of, onder voorbehoud van de Franse juridische bepalingen, een van de Vicevoorzitters of een aangestelde verantwoordelijke:</p> <ul style="list-style-type: none"> <li>- regelt de uitgaven en vordert de inkomsten in van de Eurometropool Lille-Kortrijk-Tournai,</li> <li>- is verantwoordelijk voor het beheer van de Eurometropool Lille-Kortrijk-Tournai en voorziet in de arbeidsplaatsen,</li> <li>- vertegenwoordigt de Eurometropool Lille-Kortrijk-Tournai in rechte.</li> </ul>
<p><b>Article 14</b> <b>Services opérationnels</b></p>	<p><b>Artikel 14</b> <b>Operationele diensten</b></p>
<p>L'Eurométropole Lille-Kortrijk-Tournai est dotée de services opérationnels fonctionnant sous la forme d'une Agence transfrontalière et chargés, sur les plans administratif et technique, de la préparation et de la mise en œuvre des décisions de l'Assemblée et du Bureau.</p> <p>Le directeur des services opérationnels assiste aux réunions du Bureau et en assure le secrétariat.</p> <p>Le directeur des services opérationnels, ainsi que le personnel chargé du secrétariat et de l'accueil devront maîtriser de façon active les deux langues de travail de l'Eurométropole Lille-Kortrijk-Tournai. Les autres membres du personnel de ces services opérationnels auront l'obligation de posséder une compétence en langues permettant au minimum de s'exprimer dans l'une de ces deux langues, tout en comprenant l'autre. Pour chacun des membres du personnel, le délai et les modalités d'acquisition ainsi que l'évaluation du niveau, selon les postes tenus, de cette capacité linguistique seront précisés dans le règlement intérieur.</p>	<p>De Eurometropool Lille-Kortrijk-Tournai beschikt over eigen operationele diensten die werken als een grensoverschrijdend Agentschap en die, op administratief en technisch vlak, belast zijn met de voorbereiding en uitvoering van de beslissingen van de Algemene Vergadering en van het Bureau.</p> <p>De directeur van de operationele diensten woont de vergaderingen van het Bureau bij en neemt het secretariaat ervan waar.</p> <p>De directeur van de operationele diensten, evenals het secretariaats- en onthaalpersoneel, moeten over een actieve kennis van de beide werktalen van de Eurometropool Lille-Kortrijk-Tournai beschikken. De andere personeelsleden van de operationele diensten moeten in staat zijn zich in één van de werktalen uit te drukken en de andere minstens te begrijpen. Voor ieder personeelslid zal in het huishoudelijk reglement, in functie van zijn of haar precieze taakomschrijving, worden vastgelegd binnen welke termijn en hoe hij of zij die taalkennis moet verwerven en hoe die zal worden geëvalueerd.</p>



<p><b>Article 15</b> <b>Conférence des Maires et Bourgmestres</b></p>	<p><b>Artikel 15</b> <b>Conferentie van Burgemeesters</b></p>
<p>Une Conférence des Maires et Bourgmestres réunira l'ensemble des Maires et Bourgmestres de l'Eurométropole Lille-Kortrijk-Tournai Lille-Kortrijk-Tournai.</p> <p>Cette Conférence a pour objet d'informer les Maires et Bourgmestres des travaux et projets de l'Eurométropole Lille-Kortrijk-Tournai et d'échanger avec eux.</p> <p>Elle se réunit au moins une fois par an, sur convocation du Président, de préférence en articulation avec une réunion de l'Assemblée.</p>	<p>Een Conferentie van Burgemeesters zal alle burgemeesters van de Eurometropool Lille-Kortrijk-Tournai bijeenbrengen.</p> <p>Deze Conferentie heeft tot doel de burgemeesters te informeren over de werkzaamheden en projecten van de Eurometropool Lille-Kortrijk-Tournai en met hen van gedachten te wisselen.</p> <p>De Voorzitter roept ten minste jaarlijks de Conferentie bijeen, bij voorkeur in combinatie met een vergadering van de Algemene Vergadering.</p>
<p><b>Article 16</b> <b>Langues de travail</b></p>	<p><b>Artikel 16</b> <b>Werk talen</b></p>
<p>Les langues de travail de l'Eurométropole Lille-Kortrijk-Tournai sont le français et le néerlandais.</p> <p>Les outils de communication généraux (plaquettes, site Internet,...) et les documents (rapports d'étude, ...) produits au sein de l'Eurométropole Lille-Kortrijk-Tournai et à destination de l'extérieur devront être édités au moins dans les deux langues de travail.</p>	<p>De werktalen van de Eurometropool Lille-Kortrijk-Tournai zijn het Nederlands en het Frans.</p> <p>Alle publicaties voor het grote publiek (brochures, website, ...) en alle openbare documenten (studieverslagen, ...) van de Eurometropool Lille-Kortrijk-Tournai moeten ten minste worden uitgegeven in de twee werktalen.</p>



<b>Titre C : Moyens financiers, budget et comptabilité</b>	<b>Titel C : Financiële middelen, begroting en boekhouding</b>
<p><b>Article 17</b> <b>Ressources</b></p> <p>Les ressources de l'Eurométropole comprennent :</p> <ul style="list-style-type: none"> <li>- la contribution annuelle des membres ;</li> <li>- les subventions, dons et participations reçues ;</li> <li>- les emprunts ;</li> <li>- les produits afférents aux services assurés.</li> </ul>	<p><b>Artikel 17</b> <b>Werkingsmiddelen</b></p> <p>De werkingsmiddelen van de Eurometropool bestaan uit:</p> <ul style="list-style-type: none"> <li>- een jaarlijkse bijdrage van de leden;</li> <li>- de ontvangen subsidies, schenkingen en bijdragen;</li> <li>- leningen;</li> <li>- opbrengsten van verleende diensten.</li> </ul>
<p><b>Article 18</b> <b>Utilisation des ressources</b></p> <p>Les ressources servent à la réalisation de l'objet. Les excédents comme les déficits seront repris au budget de l'exercice suivant.</p>	<p><b>Artikel 18</b> <b>Aanwending van de werkingsmiddelen</b></p> <p>De werkingsmiddelen worden aangewend voor de verwezenlijking van het opzet. De overschotten en de tekorten worden opgenomen in de begroting van het volgende boekjaar.</p>



<p align="center"><b>Article 19</b> <b>Contribution annuelle des membres</b></p>	<p align="center"><b>Artikel 19</b> <b>Jaarlijkse bijdragen van de leden</b></p>
<p>La contribution annuelle des membres est répartie à parité entre la France et la Belgique à raison de :</p> <p>50% pour les membres français :</p> <ul style="list-style-type: none"> <li>- l'Etat 5 %</li> <li>- la Région Nord/Pas-de-Calais 10 %</li> <li>- le Département du Nord 10 %</li> <li>- Lille Métropole Communauté Urbaine 25 %</li> </ul> <p>50% pour les membres belges :</p> <ul style="list-style-type: none"> <li>- l'Etat fédéral 7.140 %</li> <li>- la Région et la Communauté flamande 7.143 %</li> <li>- la Province de Flandre occidentale 7.143 %</li> <li>- l'intercommunale Leiedal 3.572 %</li> <li>- l'intercommunale wvi 3.572 %</li> <li>- la Région wallonne 4.286 %</li> <li>- la Communauté française de Belgique 4.286 %</li> <li>- la Province de Hainaut 4.286 %</li> <li>- l'intercommunale Ideta 4.286 %</li> <li>- l'intercommunale IEG 4.286 %</li> </ul>	<p>De jaarlijkse financiële bijdrage van de leden wordt gestemd door de Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai op basis van :</p> <p>50% voor de Franse leden:</p> <ul style="list-style-type: none"> <li>- de Staat 5 %</li> <li>- de Région Nord/Pas-de-Calais 10%</li> <li>- het Département du Nord 10 %</li> <li>- Lille Métropole Communauté Urbaine 25 %</li> </ul> <p>50% voor de Belgische leden:</p> <ul style="list-style-type: none"> <li>- de Federale Staat 7.140 %</li> <li>- het Vlaamse Gewest en de Vlaamse Gemeenschap 7.143 %</li> <li>- de Provincie West-Vlaanderen 7.143 %</li> <li>- de intercommunale Leiedal 3.572 %</li> <li>- de intercommunale wvi 3.572 %</li> <li>- het Waalse Gewest 4.286 %</li> <li>- de Franse Gemeenschap van België 4.286 %</li> <li>- de Provincie Henegouwen 4.286 %</li> <li>- de intercommunale Ideta 4.286 %</li> <li>- de intercommunale IEG 4.286 %</li> </ul>



<p><b>Article 20</b> <b>Versement des contributions</b></p>	<p><b>Artikel 20</b> <b>Betaling van de bijdragen</b></p>
<p>Les membres de l'Eurométropole Lille-Kortrijk-Tournai inscrivent à leur budget la somme nécessaire pour couvrir les contributions qui leur sont notifiées après approbation du budget primitif par l'Assemblée.</p> <p>Les contributions des membres constituent pour ceux ci des dépenses obligatoires</p>	<p>De leden van de Eurometropool Lille-Kortrijk-Tournai voorzien in hun begroting het bedrag dat nodig is voor de betaling van de bijdragen die hen worden betekend zoals goedgekeurd door de Algemene Vergadering.</p> <p>De bijdragen van de leden vormen voor hen verplichte uitgaven.</p>
<p><b>Article 21</b> <b>Emprunts</b></p>	<p><b>Artikel 21</b> <b>Leningen</b></p>
<p>Chaque emprunt ainsi que les modalités de remboursement doivent faire l'objet d'un accord préalable des organes de décision des membres.</p>	<p>Elke lening en de terugbetalingsmodaliteiten ervan dienen vooraf te worden goedgekeurd door de beslissingsorganen van de leden.</p>
<p><b>Article 22</b> <b>Budget et compte administratif</b></p>	<p><b>Artikel 22</b> <b>Begroting en administratieve rekening</b></p>
<p>L'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai vote les budgets sur proposition du Bureau. Un compte administratif ainsi que le compte de gestion sont présentés chaque année et soumis à approbation à l'Assemblée. Copie des budgets et des comptes est adressée chaque année aux membres.</p> <p>Lorsque le compte administratif est débattu, l'Assemblée élit un président de séance. Dans ce cas le Président peut, même s'il n'est plus en fonction, assister à la discussion ; mais il doit se retirer au moment du vote.</p>	<p>De Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai keurt de begroting goed op voorstel van het Bureau. Jaarlijks worden de administratieve rekening en de beheersrekening voorgesteld en ter goedkeuring voorgelegd aan de Algemene Vergadering. Een kopie van de begrotingen en de rekeningen wordt elk jaar aan de leden toegestuurd.</p> <p>Bij de bespreking van de administratieve rekening, kiest de Algemene Vergadering een tijdelijke voorzitter. In dat geval kan de Voorzitter, zelfs als hij niet meer in functie is, aan de bespreking deelnemen; hij dient zich echter terug te trekken op het ogenblik van de stemming.</p>



<p><b>Article 23</b> <b>Comptabilité et gestion</b></p>	<p><b>Artikel 23</b> <b>Boekhouding en beheer</b></p>
<p>La comptabilité de l'Eurométropole Lille-Kortrijk-Tournai est tenue et sa gestion est assurée selon les règles de la comptabilité publique. Ce comptable public sera désigné par le Préfet après avis du Trésorier-Payeur Général.</p>	<p>De boekhouding van de Eurometropool Lille-Kortrijk-Tournai wordt gevoerd en het beheer ervan wordt verzekerd overeenkomstig de regels van de Franse overheidsboekhouding. De "<i>comptable public</i>" (conform de Franse wetgeving op de "<i>collectivités territoriales</i>") van de Eurometropool Lille-Kortrijk-Tournai zal worden aangesteld door de Prefect op advies van de <i>Trésorier-Payeur Général</i>.</p>
<p><b>Article 24</b> <b>Passation de marchés publics</b></p>	<p><b>Artikel 24</b> <b>Gunning van overheidsopdrachten</b></p>
<p>L'Eurométropole Lille-Kortrijk-Tournai, établissement public de coopération intercommunale, est soumise au Code des marchés publics français.</p> <p>Conformément à ce Code, une Commission d'appel d'offres sera mise en place. Elle veillera notamment à garantir la plus large publicité des commandes publiques de l'Eurométropole Lille-Kortrijk-Tournai.</p>	<p>De Eurometropool Lille-Kortrijk-Tournai is als openbare instelling van intergemeentelijke samenwerking onderworpen aan de Franse wet op de overheidsopdrachten.</p> <p>Overeenkomstig die wet zal een Commissie voor openbare aanbestedingen worden opgericht. Zij zal er met name toezien op de maximale openbaarheid van de overheidsopdrachten.</p>
<p><b>Article 25</b> <b>Contrôle</b></p>	<p><b>Artikel 25</b> <b>Controle</b></p>
<p>Le contrôle administratif, budgétaire et financier de l'Eurométropole Lille-Kortrijk-Tournai sera réalisé conformément aux dispositions du droit français. Les autorités chargées du contrôle en France communiqueront toute information sollicitée par les autorités équivalentes en Belgique et pourront être saisies par elles. Elles les informeront des dispositions qu'elles comptent prendre et des résultats de leurs contrôles dans la mesure où cette information peut avoir une incidence sur la coopération des organismes participants à l'Eurométropole Lille-Kortrijk-Tournai.</p>	<p>De administratieve, budgettaire en financiële controle van de Eurometropool Lille-Kortrijk-Tournai zal gebeuren conform de bepalingen van het Franse recht. De overheden die bevoegd zijn voor de controle zullen hun ambtsgenoten in België hierover informeren en kunnen door hen ook aangesproken worden. Zij zullen hen informeren over de voorgenomen maatregelen en over de resultaten van de controles voor zover deze informatie een weerslag kan hebben op de samenwerking tussen de leden van de Eurometropool Lille-Kortrijk-Tournai.</p>



<b>Titre D : Personnel</b>	<b>Titel D : Personeel</b>
<b>Article 26 Personnel</b>	<b>Artikel 26 Personeel</b>
<p>Les services de l'Eurométropole Lille-Kortrijk-Tournai fonctionnent avec du personnel propre (titulaire ou contractuel) et du personnel mis à disposition.</p> <p>Les conditions de recrutement, de travail, de rémunération et de protection sociale des agents sont décidées par le Bureau, qui veillera à ce qu'elles soient équivalentes pour l'ensemble du personnel, quel que soit le droit applicable au regard de son statut, sa nationalité ou son lieu de résidence.</p> <p>Dans le cas de personnel mis à disposition, des conventions entre l'Eurométropole Lille-Kortrijk-Tournai et l'organisme concerné en détermineront les modalités.</p>	<p>De diensten van de Eurometropool Lille-Kortrijk-Tournai werken met eigen personeel (vast benoemd of contractueel) en met personeel dat ter beschikking gesteld wordt.</p> <p>De voorwaarden van aanwerving, tewerkstelling, bezoldiging en sociale bescherming van het personeel worden vastgelegd door het Bureau, dat ervoor zorgt dat ze op dezelfde manier worden toegepast op het hele personeel, ongeacht het toepasselijke recht inzake statuut, nationaliteit of woonplaats.</p> <p>In het geval van personeel dat ter beschikking gesteld wordt, worden de modaliteiten daarvan bepaald door overeenkomsten tussen de Eurometropool Lille-Kortrijk-Tournai en de betrokken instantie.</p>



<b>Titre E : Modification des statuts et adhésion</b>	<b>Titel E : Statutenwijziging en toetreding</b>
<p><b>Article 27</b> <b>Modification des statuts</b></p> <p>Toute modification des statuts entraînant directement ou indirectement une modification de la convention de coopération doit être conclue à l'unanimité des membres de l'Eurométropole Lille-Kortrijk-Tournai .</p> <p>Toute autre décision relative à la modification des statuts est adoptée à condition d'obtenir à la fois un nombre de voix supérieur au trois quarts du nombre statutaire de représentants ainsi que la majorité des voix des représentants des membres français présents ou représentés, la majorité des voix des représentants néerlandophones des membres belges présents ou représentés et la majorité des voix des représentants francophones des membres belges présents ou représentés.</p> <p>La délibération est notifiée aux membres.</p>	<p><b>Artikel 27</b> <b>Statutenwijziging</b></p> <p>Elke wijziging van de statuten, die een directe of indirecte wijziging van de samenwerkingsovereenkomst meebrengt, moet bij unanimité beslist worden door de leden van de Eurometropool Lille-Kortrijk-Tournai.</p> <p>Elke andere beslissing m.b.t. de wijziging van de statuten wordt aangenomen met zowel meer dan drie vierden van de stemmen van het statutaire aantal vertegenwoordigers, als de meerderheid van stemmen van de effectieve of plaatsvervangende vertegenwoordigers van de Franse leden, als de meerderheid van stemmen van de effectieve of plaatsvervangende Nederlandse vertegenwoordigers van de Belgische leden, als de meerderheid van stemmen van de effectieve of plaatsvervangende Franstalige vertegenwoordigers van de Belgische leden.</p> <p>De beslissing wordt medegedeeld aan de leden.</p>
<p><b>Article 28</b> <b>Adhésion</b></p> <p>La demande de tout organisme relevant de l'article 3 du Règlement GECT pour adhérer à l'Eurométropole est formulée par écrit et porte acceptation de la Convention de coopération et des statuts de l'Eurométropole.</p> <p>L'adhésion et la modification des statuts afférente sont soumises au consentement de l'Assemblée selon les modalités de l'article 27, alinéa 1 des présents statuts.</p>	<p><b>Artikel 28</b> <b>Toetreding</b></p> <p>Het verzoek van elke instantie, bedoeld in artikel 3 van de EGTS-Verordening, tot toetreding tot de Eurometropool gebeurt schriftelijk, en impliceert de aanvaarding van de Samenwerkingsovereenkomst en van de statuten van de Eurometropool.</p> <p>De toetreding en de daarmee gepaard gaande statutenwijziging worden ter instemming voorgelegd aan de Algemene Vergadering overeenkomstig de bepalingen van artikel 27, alinea 1 van de onderhavige statuten.</p>



La délibération de l'Assemblée de l'Eurométropole est notifiée aux membres. La décision d'admission est constatée par un arrêté du représentant de l'Etat français dans la région après approbation concordante des organes de décision des membres.	De beslissing van de Algemene Vergadering van de Eurometropool wordt aan de leden meegedeeld. De toelatingsbeslissing wordt vastgesteld via besluit van de vertegenwoordiger van de Franse Staat in de regio na eensluidende goedkeuring van beslissingsorganen van de leden.
<b>Article 29 Retrait</b>	<b>Artikel 29 Uittreding</b>
Tout membre de l'Eurométropole peut se retirer à l'expiration d'un exercice budgétaire sous réserve qu'il ait notifié son intention trois mois avant la fin de cet exercice et qu'il ait obtenu accusé de réception.	Elk lid van de Eurometropool kan uittreden bij het einde van het begrotingsjaar op voorwaarde dat hij zijn voornemen drie maanden voor het einde van het betreffende boekjaar kenbaar heeft gemaakt en daarvan de ontvangstbevestiging heeft gekregen.
La décision de retrait est constatée par l'Assemblée et notifiée aux autres membres, qui engagent en conséquence la modification des statuts.	De beslissing tot uittreding wordt door de Algemene Vergadering vastgesteld en ter kennis overgemaakt aan de andere leden, die daarop de statuten moeten wijzigen.
Le membre se retirant participe à l'apurement des dettes proportionnellement à ses engagements financiers antérieurs tel que cela ressort du compte administratif de l'exercice budgétaire annuel.	Het lid dat uittreedt, neemt deel aan de aanzuivering van de schulden in verhouding tot zijn voorafgaande financiële verbintenissen zoals blijkt uit de administratieve rekening van het begrotingsjaar.



<b>Titre F</b> <b>Responsabilité et droit applicable vis-à-vis des tiers</b>	<b>Titel F</b> <b>Aansprakelijkheid en toepasselijk recht ten aanzien van derden</b>
<b>Article 30</b> <b>Responsabilité et droit applicable</b>	<b>Artikel 30</b> <b>Aansprakelijkheid en toepasselijk recht</b>
La responsabilité de l'Eurométropole Lille-Kortrijk-Tournai et de ses membres vis-à-vis des tiers est basée sur le droit français conformément à l'art.11 du Règlement GECT, le siège de l'établissement transfrontalier étant en France.  Les conséquences financières de la mise en oeuvre de cette responsabilité seront supportées par le budget de l'Eurométropole.	De aansprakelijkheid van de Eurometropool Lille-Kortrijk-Tournai en van zijn leden ten aanzien van derden is gebaseerd op het Franse recht overeenkomstig artikel 11 van de EGTS-Verordening, aangezien de zetel van de grensoverschrijdende structuur in Frankrijk gelegen is.  De financiële gevolgen van deze aansprakelijkheid zullen door de begroting van de Eurometropool worden gedragen.

<b>Titre G</b> <b>Dissolution et liquidation</b>	<b>Titel G</b> <b>Ontbinding en vereffening</b>
<b>Article 31</b> <b>Dissolution</b>	<b>Artikel 31</b> <b>Ontbinding</b>
L'Eurométropole Lille-Kortrijk-Tournai peut être dissoute par décision concordante et unanime de ses membres. La dissolution prend effet trois mois après que la décision en a été prise et après liquidation et apurement du droit des tiers. La dissolution est prononcée par arrêté du représentant de l'Etat français dans la région pris au plus tard quinze jours avant la date d'effet fixée pour la dissolution ou dès satisfaction des conditions de liquidation et d'apurement des droits des tiers.	De Eurometropool Lille-Kortrijk-Tournai kan worden ontbonden bij eensluidende en unanieme beslissing van zijn leden. De ontbinding wordt van kracht drie maanden nadat de beslissing hiertoe werd genomen en na vereffening en aanzuivering van de rechten van derden. De ontbinding wordt uitgesproken bij besluit van de vertegenwoordiger van de Franse Staat in de regio, genomen ten laatste vijftien dagen vóór de vastgestelde datum waarop de ontbinding van kracht wordt of vanaf het ogenblik dat aan de voorwaarden met betrekking tot de vereffening en aanzuivering van de rechten van derden is voldaan.



<p><b>Article 32</b> <b>Liquidation</b></p>	<p><b>Artikel 32</b> <b>Vereffening</b></p>
<p>En cas de dissolution de l'Eurométropole Lille-Kortrijk-Tournai , ses comptes sont liquidés et son patrimoine est réparti entre ses membres par rapport à leur contribution prévue à l'article 19 des présents statuts sous réserve de la garantie du droit des tiers. Les équipements et matériels mis à la disposition de l'Eurométropole Lille-Kortrijk-Tournai par ses membres restent leur propriété et leur reviennent à la dissolution de l'Eurométropole Lille-Kortrijk-Tournai .</p> <p>L'Assemblée de l'Eurométropole Lille-Kortrijk-Tournai fixe les conditions précises de la liquidation. L'arrêt de dissolution pris par le représentant de l'Etat français dans la région approuve ces conditions.</p>	<p>In geval van ontbinding van de Eurometropool Lille-Kortrijk-Tournai worden de rekeningen vereffend en het vermogen verdeeld onder de leden in verhouding tot hun bijdrage, voorzien in artikel 19 van onderhavige statuten, op voorwaarde dat de rechten van derden worden gewaarborgd. De uitrusting en het materieel dat door de leden ter beschikking werd gesteld van de Eurometropool Lille-Kortrijk-Tournai, blijft hun eigendom en komt hen toe bij de ontbinding van de Eurometropool Lille-Kortrijk-Tournai.</p> <p>De Algemene Vergadering van de Eurometropool Lille-Kortrijk-Tournai bepaalt de specifieke voorwaarden van de vereffening. Het ontbindingsbesluit dat wordt genomen door de vertegenwoordiger van de Franse Staat in de regio keurt deze voorwaarden goed.</p>