



Links with the Euroregional Cooperation Grouping

Auke VAN DER GOOT

*Vice President of the European Committee on
Local and Regional Democracy (CDLR),
Council of Europe*

Involvement in CB issues


- **Vice-Chair of the European Committee on Local and Regional Democracy (CDLR)**
– 3rd Protocol
- **Senior Policy Adviser in the Dutch Ministry of the Interior and Kingdom Relations – EGTC**
- **Member of the Benelux Steering Committee on Transfrontier (Cross-border) Co-operation – Benelux Convention on CBC/TFC**

Innovative character EGTC

- not only LRAs, but also State level
 - bodies governed by public law within the meaning of Art. 1 (9) EU Directive 2004/18
 - applicable law – laws of Member State where the EGTC has its registered office
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- control of management of public funds (major infrastructural projects, incl. tramways, hospitals)
 - use EGTC Regulation is optional (preambular provision no. 5)

Keep it simple

- **1980 – Treaties CoE (Madrid Outline Convention and Additional Protocols)**
- **1986 – Benelux Convention CBC (BE-NL-LUX)**
- **1991 – Anholt Convention CBC (NRW-LS-NL)**
- **1996 – Karlsruhe Convention CBC (GER-FRA-CH-LUX)**
- **2002 – Brussels Convention CBC (BE-FRA)**
- **2006 – EGTC Regulation**

- **Why not just have an EGTC?** 

Update Benelux Convention CBC

- **Take on board some of the innovations of EGTC Regulation**
- **Be in line with the new Benelux Union Treaty (incl. cooperation with GER & FRA)**
- **Maintain flexibility of Benelux Convention**
 - **public law body (binding on 3rd parties)**
 - **administrative agreements**
 - **joint consultative body**
- **More seats option: headquarters and additional seat(s)**

CDLR

- A short presentation of the CDLR and of its activities on governance and cross-border cooperation
- **European Committee on Local and Regional Democracy**
- **Comité Directeur / européen sur la démocratie locale et régionale (CDLR)**

CDLR – Composition

- **Intergovernmental committee on local and regional governance issues**
- **Intergovernmental means: civil servants from Ministries, such as Ministry of the Interior, Ministry for Regional Development etc.**
- **HUN: Dr István BALÁZS, General Director, Ministry of Local Government**
- **SK: Mrs Silvia SLAVČEVOVÁ, Head of the State Secretary Office, Ministry of Interior**

CDLR's subcommittees

- LR-IC - HUN: Ms Viktória ZÖLD-NAGY, Department of Public Administration Offices, Notaries and State Authority Ministry of Local Self-Governments
 - LR-GG – SK: Ms Zuzana BARBORÍKOVÁ, Head of Unit, Department for co-ordination and modernisation of Public administration, Public administration section, Ministry of the Interior (also LR-DP 2008)
 - LR-FS – HUN: Dr Judit HARASZTI, Senior Councilor, Ministry of Local Government
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- LR-CT – SK: Ms Eva GASPAROVA, Ministry of Interior, Public Administration Section, International and Transfrontier Co-operation Department (2007)
 - LR-DP – HUN: Dr Ildikó FORGÁCS, Ministry of Local Government (2008)

Legal instruments (1)

- **Recommendations (soft law)**

Rec (2000)1 on fostering transfrontier co-operation between territorial communities or authorities in the cultural field

Rec(2005)2 on good practices in and reducing obstacles to transfrontier and interterritorial cooperation between territorial communities or authorities

Rec(2007)5 on the conclusion of transfrontier co-operation agreements in South-Eastern Europe

See for texts at: www.coe.int/local (legal instruments)

Legal instruments (2)

- **Conventions (binding on parties)**

Since 1980, CoE adopted 7 conventions in the field of local and regional authorities, 4 out of them dealing with TFC/CBC

See for texts at: www.coe.int/local (legal instruments)

- In the 1970s, CoE's Standing Conference of LRA's asked the Committee of Ministers to prepare a convention that recognizes the **right** of LRA's to engage in co-operation with neighbouring authorities across a state border

Legal instruments (3)

1980 Madrid Outline Convention (MOC)

- The first and only international treaty whereby States commit themselves to enabling their LRA's to engage in CBC/TFC
- The aim of MOC is: facilitating and fostering
- This not the same thing as recognising the right of LRA's to engage in CBC/TFC
- But the MOC places the duty on the State to take all appropriate action in order precisely to “facilitate and foster” TFC/CBC.

**36 member States of the CoE are a Party to the MOC,
incl. HUN and SK**

Legal instruments (4)

- **1985 European Charter of Local Self-Government – why innovative?**
- Article 10 of this Charter recognises the right of local authorities to co-operate with other authorities and **join international associations** to promote their goals and defend their interests as well as **“to co-operate with their counterpart in other States”**

**44 member States of the CoE are a Party to the ECLSG ;
only 3 are missing (AND, MC and RSM)**

Legal instruments (5)

1995 - Additional Protocol – right of LRAs

21 ratifications: SK yes – HUN not yet

As the general legal framework for co-operation of local/regional authorities across borders in Europe, the MOC together with its Protocol will be useful to the new member States in their governmental reform processes (implementation Art. 10 Eur. Charter of Local Self-Government)

1998 - Protocol No. 2: interregional co-operation / twinning

20 ratifications: SK yes – HUN not yet

This Protocol complements the existing MOC and the Additional Protocol, which are concerned with relations between adjacent communities that share common borders. Twinning agreements have begun to spring up between areas that are further apart. Protocol No. 2 serves as a legal text to cover these new arrangements. It recognises the right of authorities to make such agreements and sets out a legal framework for them to do so.

Legal instruments (6)

2009 - Protocol No 3 on ECGs *(Euroregional Co-operation Groupings)*

Open for signature since 16 Nov 2009 at the Ministerial Conference in Utrecht (NL)

9 signatures:

MC Utrecht: BEL – FRA – GER – LITH – MONT – NL – SLO

since MC Utrecht: ARM (18 Mar) – LUX (21 Apr)

SK not yet – HUN not yet

EGC's added value (1)

(3rd Protocol)

- Demonstrate the added value of the Euroregional Cooperation Grouping tool to cross-border governance

EGTC Regulation is clear in itself

- **use EGTC is optional**
- **designed for State level, LRAs and bodies governed by public law according to EU Regulation 2004/18**
- **in principle designed for management of projects**
such projects are co-financed or not by the EU
- **to receive EU funding, use of EGTC is optional**
- **room for additional legal instruments (preamble no. 5 explicitly mentions CoE *acquis*)**

ECG's added value (2)

3rd Protocol is clear in itself

- **use ECG is optional**
- **primarily designed for LRAs**
other partners (State level or all legal persons established for the specific purpose of meeting needs of the general interest) can be **involved as members – majority of voting rights for LRAs**
- **aimed at TFC/CBC and ITC/IRC in common areas of competence of all partners involved**
CB governance, CB consultation and CB agreement (litter, library)
concrete smaller-scale CB projects can perfectly be run by ECGs
- **in principle not designed for management of large-scale (infrastructural) projects**
funding projects is not explicitly mentioned in 3rd Protocol

ECG's added value (3)

EGTC 2006	ECG 2009
<ol style="list-style-type: none"> 1. State, LRAs and public law bodies 2. prior authorisation obligatory 3. management of large scale (infrastructural) CB projects 4. therefore detailed provisions 5. EU co-financing is possible 6. national implementation legislation 7. 3 years (one country is still missing), disparities between national legislations 	<ol style="list-style-type: none"> 1. LRAs (State and public interest bodies can be included as partners) 2. prior authorisation optional 3. CB governance, consultation and agreement + small scale CB projects 4. less detailed provisions 5. EU co-financing is possible 6. signature and ratification by member states 7. 9 signatures: SK and HUN still missing; 0 ratifications so far

EGTC <-> ECG (1)

- Which articulation between the EGTC and the ECG; in other terms, which collaboration between the Committee of the Regions and the Council of Europe on this topic?
- border regions and opportunities for CBC
- border regions and disparities between national legislations
- flexibility in use of legal instruments for CBC

Priority areas

- Rec(2005)2 on removing obstacles in CBC at local and regional levels
- network of EGTCs, ECGs or other CBC groupings to share experiences (European Recommendation no. 11)
- Reflection on the creation of a European statute of CB staff (European Recommendation no 2) → Urbact project?

EGTC <-> ECG (2)

- **network of CB actors** providing technical assistance and bringing up the needs from the local to the national level (Recommendation 10)
- **Recs addressed to regional/national authorities:** bring them to the attention of the CDLR (Committee of Ministers CoE) and the Congress (CLRAE)
- Political level : Working Group on inter-regional co-operation in the Congress of Local and Regional Authorities (chaired by Karl-Heinz Lambertz)
- Interministerial (civil servant) level: CDLR (LR-IC subcommittee)

Wider “EGTC” URBACT input

- Eventually, which contribution from the “EGTC” URBACT project to the Council of Europe’s activities?
- Reflection on the problems of staffing in EGTCs, ECGs and other CB groupings
- Linkage between networks of EGTCs and other CB groupings, incl. ECGs
- Network of CB actors at State level