

Convention

on the Establishment of the European Grouping of Territorial Cooperation
Via Carpatia with Limited Liability

Preamble:

In the very heart of Europe there is a territory of 14,002 km² with 1,503,899 citizens, which partially belongs to the Košice Self-governing Region (the Slovak Republic) and partially to the Borsod-Abaúj-Zemplén County (Hungary), and which is connected by their common historical and cultural-linguistic traditions.

Taking into account the long-term cooperation of both regions, which started in 2004, when the Framework Cooperation Agreement between the Regional Self-Administrations in the Field of Economic Development, Development of Tourism, Development of Transport and Information Infrastructure and the Environment was concluded, the representatives of the regions show interest in the deepening of this cooperation also by the help of a new tool for enhancing coherence and cooperation in the border regions, in the form of the European Grouping of Territorial Cooperation (hereinafter: "EGTC").

Hereby the authorized representatives and signatories in the interest of establishing the EGTC referring to:

- a) Regulation EC 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC) (Official Journal of the European Union EU.L.06.210.19) (hereinafter: the "Regulation"),
- b) Act No. 90/2008 Coll. on the European Grouping of Territorial Cooperation and Act No. 540/2001 Coll. on State Statistics as amended, adopted on the 15th of February 2008 by the National Council of the Slovak Republic (hereinafter the "Act") as a national legal regulation containing necessary measures to enforce the Regulation,
- c) Act No. XCIX of 2007 on the European Grouping of Territorial Cooperation adopted by the Hungarian Parliament

declare

that in the interest of the unequivocal, transparent and thorough realization of the goals and tasks stated in this Convention they express their will and consent regarding the establishment of the European Grouping of Territorial Cooperation Via Carpatia.

Article I
The name of the grouping

1. The name of the European Grouping of Territorial Cooperation: the European Grouping of Territorial Cooperation Via Carpatia with limited liability. In Slovak: Európske zoskupenie územnej spolupráce Via Carpatia s ručením obmedzeným, in Hungarian: Via Carpatia Korlátolt Felelősségű Európai Területi Együttműködési Csoportosulás and in English: the European Grouping of Territorial Cooperation Via Carpatia Limited.
2. The European Grouping of Territorial Cooperation acquires its legal personality on the day of registration at the Registration Office attached to the Ministry of Transport, Construction and Regional Development of the Slovak Republic.

Article 2
The members and territory of EGTC

1. The founding members of the EGTC:
 - a) The Košice Self-governing Region, Námestie Maratónu mieru 1, 042 66 Košice, Slovak Republic,
 - b) The Borsod-Abaúj-Zemplén County Government, 3525 Miskolc, Városház tér 1., Hungary.
2. The EGTC fulfils its tasks in the territory of the Košice Self-governing Region and in the territory of the Borsod-Abaúj-Zemplén County.

Article 3
Registered office of EGTC

1. Registered office of the EGTC is the Košice Self-governing Region, Námestie Maratónu mieru 1, Košice, Slovak Republic.

Article 4
Goals of EGTC

1. The EGTC was established to strengthen and support the cross-border, transnational and regional cooperation between its members in order to strengthen the economic and social coherence, especially through realization of projects and programs of cross-border cooperation with the following goals:

2. Advisory-consulting activity in the field of regional development:
 - a) the preparation of common development strategies in the following fields
 - employment and social field,
 - the support for agricultural production (establishing distribution centers for agricultural commodities),
 - tourism (the congress tourism, the creation of a comprehensive range of products for individual micro-regions, e.g. wine and gastronomy, common marketing activities, info-roads for tour operators),
 - presentation and preservation of cultural heritage,
 - b) the elaboration and implementation of common projects for the realization of common development strategies,
 - c) initiatives leading to the acquisition of the management of cross-border cooperation program financed from the EU funds for the realization of common projects and common development strategies.
3. Integration in the following fields:
 - a) health care,
 - b) passenger and road transport,
 - c) communal waste,
 - d) flood protection,
 - e) environmental protection,
 - f) cycle routes,
 - g) the Tokaj vineyard area,
 - h) energy supply,
 - i) disaster management,
 - j) investment stimulation,
 - k) creation of cross-border logistical and industrial zones.
4. Common approach in the field of redirection of international flows of goods:
 - a) initiatives leading to the revival of intermodal transport in the east-west direction,
 - b) initiatives leading to the building of the connection road in the north-south direction and the recording of the Baltic Corridor (Via Carpatia) along the Schengen border into the TEN-T European Network.
5. The tasks entrusted to the EGTC by its members do not apply to the execution of powers granted by the public law or duties which aim to provide for the state's general interests or protection of general interests of other public administrative bodies, such as the police and regulation jurisdictions, justice and foreign policy.

Article 5
Relevant law and settlement of disputes

1. This Convention has been elaborated on the basis of the Regulation's provisions. According to clause c) paragraph 1 of Article 2 of the Regulation, the Statutes of EGTC and the Convention, the functioning of EGTC shall be governed by the Slovak law, as the law of the country where EGTC has its registered office.
2. In case of any disputes between the members of EGTC, the EGTC members undertake to settle the disputes by agreement. If no agreement is reached, the dispute shall be settled through a Slovak general court.

Article 6
Accession and the terms and conditions of functioning

1. The accession of a new member to EGTC requires consent from the competent bodies specified under Article 4 of the Regulation.
2. The basic principles related to the functioning principles of EGTC, the EGTC bodies and their powers shall be ruled by the Statutes of EGTC.

Article 7
Duration and dissolution

1. EGTC is established for an indefinite period of time.
2. The EGTC members shall unanimously decide on its dissolution, merger or split.
3. EGTC ceases to exist as of the day of its deletion from the register. The dissolution of EGTC may take place with or without liquidation. The dissolution of EGTC with or without liquidation shall be decided by the General Assembly. The assets remaining after liquidation shall be divided between the EGTC members in proportion to their contributions.

Article 8
The financing of the functioning

1. EGTC shall be financed primarily from the membership contributions and from the projects co-financed by the European Community. The EGTC's revenues may also consist of subventions from other public sources, donations from physical and legal entities, inheritance and revenues from its own activity or business after taxation.
2. Each member of EGTC shall pay annual membership contributions.

3. The amount of the membership contribution, with the exception of the first membership contribution, shall be determined by the general assembly of EGTC according to the principles adopted within the Statutes.
4. Each member of EGTC shall pay membership contributions in equal amounts.
5. The first membership contribution shall be paid within 30 days of the registration of EGTC at the Registration Office of the Slovak Republic. The amount of the first membership contribution is EUR 20,000.00 (in words: twenty thousand euro).
6. Membership contributions are monetary contributions with annual maturity to the account of EGTC until the 28th of February of each calendar year.
7. The general assembly may adopt a resolution in the matter of extraordinary membership contributions and determine their amount and payment deadline.
8. The EGTC members established on the basis of other regulations than the Slovak laws are aware of the fact that the internal relations of EGTC shall be governed by the Slovak law, which is in compliance with the legal system of the European Union, as well as with the Convention and the Statutes.
9. The EGTC members established on the basis of other regulations than the Slovakian laws are aware of the competence of the control authorities stated in the acts of the Slovakian legal system, and they are also aware of their duty to cooperate during the execution of their powers.
10. The EGTC members declare that, in the matters which are not governed by the Slovak laws, the mutual written arrangement of the members shall apply.

Article 9

Amendment and completion of the Convention

1. Any amendment and completion of this Convention shall be unanimously approved by all members of EGTC. Each amendment and completion shall respect the relevant provisions of the Regulation, especially those included in Article 4 of the Regulation in the matter of the amendments' approval by the member states.

Article 10
Final provisions

1. This Convention is recognized by both parties as a binding document. The Convention comes into force on the day of its signing.
2. The persons concluding this Convention confirm by their own signature that they are entitled to sign it on the basis of the relevant powers of the bodies of the region represented by them.

Signed in Košice on the 9th of January 2013.



Košice Self-governing Region

.....
JUDr. Zdenko Trebuľa, President

Borsod-Abaúj-Zemplén
County Government

.....
Dr. Roland Mengyi, President

