

ROUTLEDGE ADVANCES IN EUROPEAN POLITICS

Uncovering the Territorial Dimension of European Union Cohesion Policy

Cohesion, Development, Impact
Assessment and Cooperation

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8 Encapsulating the significance of the EGTG for territorial cooperation

A literature review and tentative research agenda

Estelle Eyraud

Introduction

Within less than a decade, the European Grouping for Territorial Cooperation (EGTC) has become a landmark in the EU regional policy. By the end of 2015, 60 EGTCs were established while 16 were in the pipelines (Pucher and Hauder, 2016: 1). The EGTC is ‘the legal instrument proposed by the EU legal order to accompany the policy of cohesion, particularly territorial cooperation in the three variants of cross-border, transnational and interregional cooperation’ (Perrier and Levrat, 2015: 39). Although non-obligatory, it is conceived as a crucial tool in the implementation of the EU regional policy, in particular to manage European territorial cooperation programmes (regulation 1082/2006). Dating back to 2006, this regulation reflects a recent change. It was established after years of lobbying from cross-border organisations towards EU institutions (Nadalutti, 2013). Since 1980 and the signature of the Madrid convention, the Council of Europe was the main European arena attempting – with legal tools – to address the cross-border obstacles faced by local and regional authorities (Levrat, 2005). The ‘increasing involvement of sub-national government in EU policy-making’, the ‘consolidation of territorial cooperation as an element of EU integration’ and finally the inclusion of ‘territorial cohesion’ as one of the objectives of the EU in the Lisbon Treaty are some of the reasons explaining this shift (Spinaci and Vara-Arribas, 2009: 6).

The EGTC is a genuinely multifaceted instrument. It is first and foremost a legal instrument resulting from the EU legal order. It is, however, also enshrined in national law that must transpose the regulation to make the EGTC fully operational (art. 16, EU regulation 1082/2006 as modified by EU regulation 1302/2013). Apart from raising new legal challenges, it also develops new standards for cross-border cooperation. In making it possible to involve local, regional and national authorities to manage territorial cooperation initiatives, it scrambles policy networks and gives a new operationalisation to the concept of multilevel governance. It also confers visibility (e.g. European-wide recognition) and a strategic dimension (e.g. capacity to run infrastructure projects and to implement strategies on behalf of its members). In defining the ‘extent of the territory in

which the EGTC may execute its tasks', EGTC members shape and institutionalise cross-border spaces that call for further conceptualisations.

Aside from this emerging interdisciplinary body of literature, the EGTC is also highly discussed within policy networks at EU and (sub-)national level. Studies commissioned by the EGTC platform monitor yearly the emergence and evolution of EGTCs (METIS, 2013, 2014 and 2015). Handbooks guiding practitioners in setting-up and managing EGTCs have been published by EU institutions (e.g. INTERACT, 2008) and national authorities (e.g. BBSR/Spatial Foresight, 2014 commissioned by the Federal Institute for Spatial Planning in Germany). One can also observe the emergence of new policy arenas gathering practitioners for exchange of practices and experience at the EU level (EGTC platform hosted at the Committee of the Regions) and at national level (e.g. CESCO in Hungary).

Crossing perspectives, disciplines, methods of analyses and research questions is crucial to grasp the multifaceted dimensions of this tool and its significance for European territorial cooperation. This chapter undertakes a literature review of the existing body of literature with the intention of outlining the main characteristics of the existing EGTCs. This will help to identify under which analytical lenses the EGTC tool has been scrutinised in the emerging interdisciplinary body of literature. Sketching this broad picture will then help outlining possible avenues for a research agenda.

In a nutshell: characteristics of the EGTC

The EGTC is first and foremost conceived by its architects – the European Commission, Parliament and Council – as a legal tool completing the European Cohesion Policy and, in particular, its territorial cooperation axis. As recalled by Gänzle (2016: 385), 'the status of INTERREG was enhanced from a Community initiative (established first as a firm basis for cross-border cooperation) to a European Territorial Cooperation objective'. In this continuity, the EGTC regulation exemplifies the broader attempt inscribed in the 2014–20 programming period to ease territorial cooperation as a whole by 'increasing its visibility, providing it "higher visibility", a "firmer legal base" and a more strategic approach' (Gänzle, 2016: 385–6, quoting McMaster and van der Zwet, 2016: 53). This ambition is inscribed in the EGTC regulation which provides the EGTC with legal capacity (art. 1), financial autonomy through its own budget (art. 11), the possibility of hiring staff and to have a direct external representation since each EGTC appoints its own director (art. 10). These elements confer the EGTC with a unique degree of autonomy in the interregional, cross-border context of the EU (Evrard, 2016). Conceived to facilitate territorial cooperation and to run European programmes or projects, the EGTC can receive specific competences from its members (art. 7) and run an infrastructure (art. 7.4), conferring it visibility and a strategic dimension (Box 8.1).

Box 8.1 Main characteristics of an EGTC

Legal basis

Regulation (EC) 1082/2006 of the European Parliament and the Council (based on the third subparagraph of article 159 TEC, later art. 175 TFEU), modified by regulation (EU) 1302/2013 of 17 December 2013.¹

Objective of an EGTC

'Facilitate and promote, in particular, territorial cooperation, including one or more of the cross-border, transnational and interregional strands of cooperation between its members (...) with the aim of strengthening economic and social cohesion' (art. 1.3).

Legal personality

'An EGTC shall have legal personality' (art. 1.3).

Applicable law

The EGTC is governed by the regulation, the laws of the Member State where it has its registered office, its convention and statute (art. 2.1).

Territory

The 'convention shall specify the extent of the territory in which the EGTC may execute its tasks' (art. 8.2.b as amended).

Location

The EGTC's headquarters must be located in an EU member state.

Composition

National, regional and local authorities from all EU member states can be members. Also, entities included in Annex III of the directive 2004/18/EC on public procurement, and associations of these entities. Participation of members from third countries is possible, and regulated in detail (i.e. they share the border with a member state, are eligible for the same cross-border, sea-crossing or sea-basin cooperation programme). Also applicable to overseas countries and territories.

Tasks

An EGTC can be in charge of implementing territorial cooperation programme and/or projects co-financed through the ERDF, the ESF and/or Cohesion fund with or without EU financial contribution. Other tasks may be transferred to an EGTC such as the management of infrastructure and provision of services of general interest as long as this does not contradict the principal objective stated in the amended EGTC regulation (art. 1 par. 2, regulation (EC) No. 1082/2006 as amended).

Main fields of activities

Tourism (27 EGTCs), culture/sports (26), transport/infrastructure (23), spatial development (17), rural development (17), education and training (17) and environment (17) (Pucher and Hauder, 2016: 159).

Areas excluded from the scope of EGTC tasks

'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' (art. 7.4, regulation (EC) No. 1082/2006 as amended).

Organisation

An assembly gathering the EGTC members and a director are the basic institutions in charge of the decision-making process.

Currently, one can identify four different types of EGTCs (CESCI-net.eu):

- EGTCs managing authority implement European programmes of territorial cooperation on behalf of their members. Giving EGTCs the opportunity to manage structural funds programmes was a main argument for justifying the establishment of a European legal instrument. Currently, the EGTC INTER-REG V A Greater Region (Saar-Lor-Lux cross-border area) and the EGTC ESPON, acting as the single beneficiary of the ESPON programme, are the two examples for this category.
- EGTCs governance represent currently the majority of existing EGTCs. They act as 'cross-border platforms of cooperation aiming to develop joint strategies of development of a functional area' (Alcolea, 2014: 90).
- EGTCs network 'associate authorities (normally at the same level) in order to achieve a common defence and promotion of their interests' (Alcolea, 2014: 91). The EGTC EUKN gathers European cities in the endeavour to share experience and knowledge. The EGTC EFXINI POLI (a network of Greek local authorities) assembles cities mainly from Greece, but also from Cyprus and Bulgaria.
- EGTCs projects are created 'to manage jointly one or several items of infrastructure, a public service or a public asset' (Alcolea, 2014: 91). The Cerdanya cross-border hospital in Puigcerdà (French-Spanish border) and the natural park 'Parc européen Alpi Maritime – Mercantour' (French-Italian border) are key examples.

Most of the EGTCs are cross-border organisations established either to ease strategy development, increase their visibility or to run an infrastructure. They cooperate on a clearly defined comprehensive cooperation area, most of them involving members from similar administrative level and implementing a

genuine cooperation strategy separate from EU-funded programmes (Lejeune, 2010: 7). They institutionalise an existing territorial cooperation, with a rather small budget and broadly formulated policy objectives. As an instrument promoted by the EU to manage programmes, the EGTC is clearly understood by practitioners as a mechanism to increase their visibility and to apply for European funding schemes (Alcolea, 2014: 91). It is therefore not surprising that most of them are in a phase of starting-up or expanding and specialising their portfolio. Consolidation through long-term political and financial commitment and specialisation (Committee of the Regions, 2010) might be future institutionalising steps for some of them. Aside from EGTCs working across borders, some are organised in networks materialising transnational or interregional cooperation programmes. In the particular cases of the European knowledge network (EUKN) and of the ESPON programme, the EGTC legal structure facilitates the administrative and formal aspects of already well-established programmes that at that stage of their creation were already strategic and benefiting from a European-wide visibility. All in all, the diversity of existing EGTCs expresses the flexibility of this legal instrument and its ability to accommodate a wide range of practitioners needs.² The rapid establishment of dozens of EGTCs with a cross-border focus demonstrates the need that local and regional practitioners had for a legal structure in capacity to act across borders. Therefore, this contribution concentrates on this specific type of EGTCs.

In its nature (cross-border legal capacity), the EGTC is understood in the literature as a manifestation of European integration (de Sousa, 2012; Durand and Nelles, 2016; Engl, 2016). As a 'fertile ground for territorial co-operation and institutional innovation' (de Sousa, 2012: 669), one can postulate that the EGTC contributes horizontally to influence cross-border cooperation patterns, thus opening new research questions as to the significance of borders. Vertically, as the EGTC tool emerges from the EU but relies for its implementation on the national level and often on the sub-national level for its operationalisation, one can postulate that it contributes to influence power relationships in the multilevel governance architecture of the EU regional policy. Understanding cross-border cooperation under the lens of a process of region-building can help us approaching these two aspects of EU integration. This conceptualisation follows Paasi's (1986) understanding of the region institutionalisation process. Applied in the cross-border context (e.g. Greater Region Saar-Lor-Lux: Eward, 2013), this conceptualisation enlightens the reciprocal processual interdependencies between territorial, symbolic, institutional and functional shapes (Paasi, 1986), that are 'in a permanent exchange' (Ulrich, 2016: 21). This relatively comprehensive conceptual framework aims at encompassing the broad set of questions raised by the EGTC such as territoriality, institutionalisation of a cross-border entity, identity and European integration. Following this conceptualisation, we will first interrogate the spatial dimension of the EGTC tool, then its institutional implications among its partners and in respect to the EU regional policy. Finally, we will interrogate the meaning of the EGTC tool for the citizens and the broad concept of cross-border identity.

EGTC and territory

The EGTC convention 'shall specify ... the extent of the territory in which the EGTC may execute its tasks' (art. 8.2 regulation 1302/2013). This provision circumscribes spatially the extent to which an EGTC can exercise its own tasks, thus framing the usage of national law onto the EGTC members' national territory. It thus paves the way for providing a spatial ground to a region-building process. This provision institutionalises the practice inscribed in cross-border cooperation that spatial delimitation usually coincides with the sum of its members' territory ('Vertragsraum', Chilla *et al.*, 2012). It turns out that most of the EGTCs follow this practice. The territory of an EGTC is 'usually consistent with the territory covered by its members' (Zillmer *et al.*, 2015: 74).

Cartographic representations (especially MOT, 2016: see Figure 8.1) of existing EGTCs give the impression of a highly dynamic European space. The EGTCs vary considerably in terms of cooperation form, number of members and covered territory (Zillmer *et al.*, 2015: 11); some are networks (which can be represented with continuous lines), while most of them are comprehensive cross-border spaces. Focusing more precisely on the latter category, one notices immediately heterogeneous territorial configurations, from very local cooperation taking the form of an infrastructure, and therefore even difficult to cartograph in a broad European context (e.g. Hospital de la Cerdanya), to vast cooperation spaces (e.g. Galicia, Norte Portugal, Euroregion Pyrénées-Méditerranée). Cross-border areas make visible a rather new manifestation of EU spatiality. In defining the 'extent of the territory in which the EGTC may execute its tasks' (art. 8.2 regulation 1302/2013), EGTCs are conferred a fix territorial mandate. This contrasts with the fluidity of regional configurations established in the course of the 1990s. Often deriving 'from top-down promptings associated with the effort to begin to create EU-wide spatial planning provisions', these were competing, overlapping and sometimes ephemeral 'new' regional groupings' (Deas and Lord, 2006: 1864). 'Strategies being pursued by many of these new regional entities (were) largely symbolic and confined to date mainly the realm of rhetoric' (*ibid.*). Focusing precisely on the strategies pursued by EGTCs shall reveal whether and how the legal and institutional characteristics conferred on the EGTC contribute to pave the ground for strategic cooperation and how the latter is inscribed in cross-border space. Territorial visions implemented within the context of an EGTC can then reveal the significance of their fix spatiality. In the attempt to better grasp the significance of the EGTC spatiality, it seems also crucial to investigate how these perimeters are practically understood and implemented; whether they consist in bordering processes or simply reflect pragmatic delimitations. Analysing also their coherence and interaction in regions where they overlap (e.g. northern Portugal/Spain border, Hungary/Slovakia) is also of relevance. An important innovation of the EGTC regulation 1302/2013 is to allow involving members located in EU neighbouring countries. The instrument for pre-accession (IPA) did already support a 'number of cross-border cooperation programmes between EU member states and candidate and potential candidate countries' (Zillmer *et al.*, 2015: 65–6). This regulation

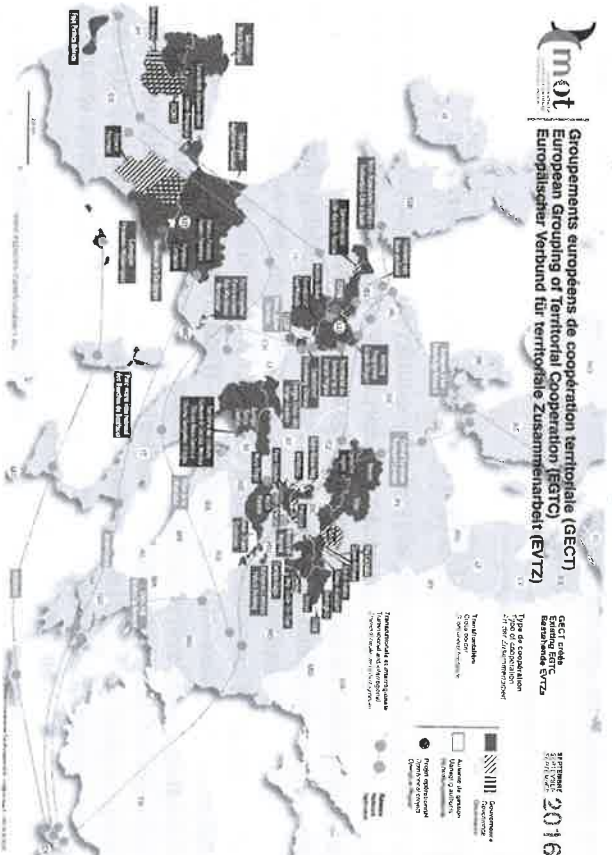


Figure 8.1 European grouping of territorial cooperation (2016).

Source: www.espaces-transfrontaliers.org/ressources/cartes/maps/show/les-gect-citres-en-europe.

goes a step beyond in opening the possibility of creating an EGTC – thus applying EU and one of its member state's national law – partly outside EU territory. This provision aims at 'strengthening the cooperation between third countries, overseas countries and territories ("OCTs") and Union border regions' (EGTC regulation 1302/2013: 303).

In accordance with the history of law, this situation reveals that borders 'have never been impassable limits' (Perrier and Levrat, 2015: 41). 'Legal borders, according to their function of differentiating national orders, norms and rules, continue to evolve and to be toned down, both on the international and Community levels' (*ibid.*). Following this line, Perrier and Levrat investigate how the EGTC facilitates a process of 'melting law' (*ibid.*). The issue at stake for geographers and political scientists is to provide conceptual and methodological tools to investigate how and for which purposes the EGTC tool is used, thus allowing them to better grasp the nature of spatial constructions at stake. It is precisely in studying how the EGTC as a 'strategic agreement aimed at establishing and enhancing cooperation bonds between its members' (Coen, 2010: 183) is understood and mobilised on the ground that one will be able to grasp:

- whether and how this spatial delimitation contributes to the region building process;

- how 'hard' is this institutionalised perimeter, and what meaning it entails for cross-border actors or, in other words, how they empower this space; and
- how this cross-border space constructs and positions itself in a broader scalar construction.

EGTC and institutionalisation of cross-border cooperation

In the cross-border context, institutions are understood as playing a crucial role in the region-building process. As summarised by Engl (2016: 147), 'institutions define the frame for political action and govern cooperation as well as the actors' involvement in decision-making processes'. In concretising the cross-border cooperation, institutional organisation contributes to the establishment and appropriation of cross-border space (Evrard, 2013) while it also supports the construction process of a regional identity (Paasi, 1986). Therefore, 'scholars argue that a high level of institutional organisation, and the formal and substantial tasks of these cross-border institutions characterise an integrated cross-border region' (Engl, 2016: 147). We will review the new institutional capacities opened to territorial cooperation through the EGTC regulation prior to examining under which analytical lenses they have been scrutinised so far.

First, despite several unclarified aspects (Perrier and Levrat, 2015: 39), lawyers have emphasised the uniqueness of this instrument (Levrat, 2007; Gautier-Audebert, 2013; Bußjäger *et al.*, 2011; Pechstein and Deja, 2011) and its capacity to address many of the legal obstacles usually experienced by cross-border cooperation (Engl, 2016: 161). These can be summarised in three dimensions (Evrard, 2016):

- First, the EGTC is the only EU instrument with legal capacity aiming especially at facilitating territorial cooperation (art. 1.3 regulation 1082/2006).³ In comparison, the Euroregion is a 'fuzzy type of cooperation since it does not benefit from a unified status established by the EU or other international organisations' (Elissalde and Santamaria, 2008: 105⁴). When a Euroregion is institutionalised with legal capacity (usually through an association), this legal status remains regulated under national law, thus hindering its cross-border action (Pechstein and Deja, 2011: 360).
- Second, in contrast to the legal frameworks developed under the auspices of the Council of Europe, sub-state authorities as well as nation states can be members of an EGTC (art. 3 regulation 1082/2006). This possibility is crucial for cross-border cooperation areas involving small states without a regional level of governance (e.g. Luxembourg) and therefore was a decisive argument in the negotiation of the regulation (EC Regional policy, 2007: 11).
- Third, the EGTC's ultimate goal is intended to support territorial cooperation, either with or without implementing EU projects and programmes. Following those novelties and the EGTC characteristics pointed out in Box 8.1, scholars emphasise a number of aspects that are analysed as contributing to strengthening cross-border cooperation.

An organisation holding the legal capacity in the cross-border context entails a number of consequences. While cross-border cooperation can be portrayed as a 'kleine Außenpolitik' ('mini foreign policy') (Evrard, 2016: 5, quoting Beck, 2010), the EGTC provides a 'stable framework for cross-border cooperation' (Gambino and Peano, 2015, quoting Angelini, 2015: 125). 'Cross-border cooperation is a form of non-codified foreign policy where sub-state authorities progressively negotiate and define common 'rules of the game' outlining the extent, the purpose and the routine of their cooperation' (Evrard, 2016: 5). The EGTC regulation provides a framework for solving 'issues related with the cooperation activity as the attribution of functions, competences, and accountability' (Angelini, 2015: 125). In addition, the legal capacity enables (sub-)state authorities from various states, 'which differ considerably in terms of legal status and level of government, to collectively create a new institution and act together as a distinct legal person' (Engl, 2016: 144). Cross-border cooperation can therefore – if the members wish to do so – be conferred a wide degree of autonomy in conducting its activities. Following this line, Svensson (2014) sees the EGTC as a possible advocate towards its members to defend the interest of the cross-border cooperation as a whole. It can act as a 'tool of interest representation' in influencing its own 'members' usual decision-making procedures' (Svensson, 2014: 89). 'In order to broadly advance and serve the interests of the cross-border region, the EGTC depends on its capacity to convince and persuade decision-makers at local, regional, national and EU level' (Svensson, 2014: 89). Lastly, the EGTC is understood as an institution facilitating the 'materialization of the strategic objectives and contributing to improve administrative effectiveness and economic efficiency' (Medeiros, 2014: 1263).

In addition to the legal capacity, the EGTC is assigned tasks to fulfil on behalf of its members. Even though EGTC members have to follow specific rules in allocating competences to the EGTC (Evrard, 2016: 10–11), the EGTC can mainly be used in two ways, to 'implement a common cross-border strategy or to run infrastructure projects (e.g. the Cerdagne cross-border hospital at the French and Spanish border)' (Evrard, 2016: 10–11). Following this logic, the EGTC is believed to be an institution that can be used as well for 'the establishment of a knowledge base' (Duindam, 2012: 317), therefore constituting a solid institutional basis for pursuing cooperation among its members. It can also be used to 'share development risks, possibilities, and problems. Such an authority will come to quicker decisions and act from a common cross-border solidarity perspective' (Duindam, 2012: 317). All these elements are arguments converging towards identifying the EGTC as a tool 'capable of pursuing integration logics that are essential to territorial cohesion and the ensuing development' (Coen, 2010: 104). This diagnostic can be summarised with Ulrich:

the legal construct of EGTCs features a high potential for both the subnational (cross-border) mobilization – by its legal personality and relatively high autonomy vis-à-vis the national state – and the social nature and regional anchoring – by its feasible delegation of tasks in the social and economic welfare area.

A close literature review demonstrates that the EGTC regulation represents a unique institutional framework facilitating not only the institutionalisation of cross-border cooperation but also its construction as the unique reference point in the cross-border area, distinct to its members. This autonomy can foster visibility, continuity and facilitate the implementation of a cross-border agenda (e.g. realisation of a strategy, running an infrastructure). Empirical work conducted by several scholars point out, however, the rather cautious implementation of this strategic potential (Durand and Nelles, 2014; Svensson, 2014; Engl, 2016; Evrard, 2016). Suggesting analysing the EGTC following a relational approach, Durand and Nelles (2014) demonstrate in the case of the Eurometropole Lille–Kortrijk–Tournai that (sub-)national institutions seem to keep their gatekeeper and representative role. The EGTC holds a role of coordination, liaising between actors involved in the cross-border area. ‘The brokerage, liaison and consultant role of the EGTC agency is particularly important’. It acts ‘as a key facilitator of cross-border exchanges and as an organisation that brings together all the relevant actors in this policy field’ (Durand and Nelles, 2014: 587). In this particular case, the EGTC does not necessarily coincide with the strategic functions of the cross-border area (ibid.: 588). This analysis seems to converge with the analysis conducted by Engl (2016) and Evrard (2016). Even though they follow somewhat different approaches, Engl (2016) and Evrard (2016) both suggest differentiating inter- and supra-regional ‘administrative leadership’ (Engl) or ‘institution’ (Evrard). An inter-regional organisation is mainly structured and organised between the members of the EGTC that plays the role of a node into a broad setting. In the ‘supra-regional’ setting, the EGTC is conferred autonomy in conducting the tasks it is assigned. ‘In doing so, it institutionalises, represents and perpetuates the cross-border region’ (Evrard, 2016: 5). The empirical analysis conducted in four different cross-border areas shows that the EGTC does not foster an integration process (Engl, 2016). The institutional frame of cooperation remains narrowly designed with a low variety of actor involvement and seldom involvement of all levels of governance (Engl, 2016: 165). Applied in the context of the Greater Region Saar–Lor–Lux where two EGTCs are compared, Evrard concludes that

(sub-)state authorities grasp (the EGTC tool) for many reasons not directly linked to (its) supraregional potential.... The EGTC contributes to institutionalising a cross-border scale of governance, used as a platform for negotiation and power bargaining both within the region in construction and towards national and European levels.

(Evrard, 2016: 18)

This literature review demonstrates the need for future research, especially to investigate the rationales underlying the creation of EGTCs. As observed also by Svensson (2014: 95), research would be necessary to investigate, in particular, the impact of asymmetric institutions, the role of financial and organisation and human resources, stable long-term continuity in staff (vs. turnover), dense vs. loose communication network between the members, ability to communicate

political issues in a transparent manner. After having investigated how the EGTC can contribute constructing a cross-border autonomous entity in capacity to implement the strategy of the cross-border region in construction, we shall review how the academic literature investigates the relation between this legal tool and cross-border identity.

EGTC and society: how does the EGTC relate to the citizen?

This aspect is largely addressed in the emerging academic literature on the EGTC, mainly by raising two sets of questions. On the one hand, scholars question whether the EGTC tool – in capacity to embody the cross-border regional in construction – increases the visibility of cross-border activities towards the citizens. If some 30 per cent of citizens in border regions are aware of cross-border cooperation activities (EC, 2015), can the EGTC tool contribute to changing this picture? This question relates to the ability of the EGTC to shape the institutional context (e.g. links between institutions, actors, identities) that through its practices contributes to shape the citizens’ perception of cross-border cooperation. Boman and Berg (2007: 196) differentiate this institutional dimension with the ‘historical-cultural identity across the border’ (ethnic, cultural, historical affinity between border communities). As recalled by De Sousa (2012: 669), ‘borders were physically dismantled across most of the EU’s internal territory, but in some cases, symbolic borders.... remained in the imaginary of peoples’. The EGTC is investigated in this context as an institution that not only embodies the institutional cooperation but also contributes to establish and sustain elements of identification to the cross-border region in construction. The literature addresses mainly the institutional dimension. This can be largely explained by the still very recent emergence of the EGTC. Before analysing the possible interrelationships between the EGTC and the local historical construction of borders, it seems first necessary to grasp the multi-faceted institutional significance of this tool within the broader cross-border governance settings.

Focusing on the latter aspect, the EGTC is conceived as an institution that can shape, embody and perpetuate the cross-border cooperation. As an institution in capacity to construct a centrality in cross-border areas, it can serve as ‘tool for regional mobilization’ (Ulrich, 2016: 19). And:

Any political project must take into account the perception that citizens have about the Euroregion and their participation in the project. A Euroregion created only by States and regions and not by its citizens would certainly be very weak.

(Cressati *et al.*, 2010: 47)

Following this understanding, ensuring citizens’ support and the sustainability of the EGTC as an established cross-border institutions are the two faces of the same coin. At this stage, further investigation on the precise relationship between transparency, information and agreement, support, involvement looks crucial.

Engl (2016: 148) reminds us, however, that

institutional cross-border arrangements are often limited to political elites and do not include other actors and networks and, therefore, neither promote a high level of institutional integration nor succeed in mobilizing broad attention and support among the population (Boman and Berg, 2007; De Sousa, 2013; García-Alvarez and Trillo-Santamaría, 2013; Traweger and Pallaver, 2014).

In other words, the issue at stake is to materialise the subsidiarity principle, anchoring the EGTC on the ground. 'The sustainability of some (new European territorial units) is questionable, especially if they do not establish strong links with the local civil society when implementing their regional development plan' (Medeiros, 2014: 1252). Authors seem, however, to diverge as to the distance the EGTC should take from the EU institutions and objectives. Medeiros calls for the creation of an 'aggregated and sustainable decentralization', detached from a permanent European Union-subsidised paradigm' to avoid 'the opposite model of "fictitious or misleading decentralization" (Ferrão, 1995)' (Medeiros, 2014: 1252). For him, 'the sustainability of such experiences depends largely on the collective awareness of the local population/stakeholders, and its capacity to increase the quality of life of its citizens'. It requires that 'such "territorial units" are indeed able to intervene in areas that have direct consequences on people's lives, in order to mobilize them to the regional cause' (ibid.).

Ulrich (2016: 14–15) understands the cross-border institution acting as a sort of mediator between the EU and the local cross-border level. For him, 'a policy that directly affects (the citizens) – has the potential to approach the local community to EU policy-making, resulting in a higher justification for EU politics'. He argues that the 'participation on the subnational level within regional policy fosters both the justification of EU politics at the subnational level and citizenship's mobilisation towards self-governance in cross-border territories' (ibid.). Spinaci, in charge of following up the EGTC at the Committee of the Regions, seems to share this viewpoint. The EGTC 'could bring a sense of European neighbourhood to citizens as well as provide local political classes with a substantial European perspective' (Spinaci and Vara-Arribas, 2009: 11). Not only concrete implementations of the EGTC tool but also the future reform of the regional policy will make these lines evolve, thus contributing also to change patterns of the European multilevel governance system.

Implicitly, cross-border identity is understood as a construct:

Cross-border identity, like national identity, needs to be constructed and reproduced by political actors and media to be a basis for social action, especially since regional identity is continuously 'pulled away' to the centre, as it essentially competes with the national identities of the two neighbouring countries.

(Boman and Berg, 2007: 212)

Therefore, several paths to engage with the citizens are considered. On the one hand, local citizenship can unfold from consultation with citizens when shaping the EGTC policy (e.g. agenda-setting, strategy development, decision-making processes, implementation of regional policies) (Ulrich, 2016). Cressati *et al.* (2010: 47) emphasise the importance of 'bottom-up participatory processes' that consist in 'measures to accompany awareness and sharing in order to foster a sense of belonging to a wide and complex community with different languages and traditions that do not share a common path towards development'. All in all, the concept of legitimacy underlines the latter considerations. This issue needs, however, to be relativised and to be investigated essentially when an EGTC holds strategic functions. 'If the grouping is operating on a political level, legitimacy becomes an important issue, but if the purpose is to draw border regional tourist maps the issue of legitimacy more or less loses its relevance' (Engström *et al.*, 2011: 20). In the case of an EGTC acting as a supra-regional institution, a regular control of its activities by its members represents a reasonable measure that can be implemented within the framework of the EGTC activities (Evrard, 2016). Such issues are, however, still in their infancy in the literature; further research in law and political science appear particularly relevant to address the legitimacy and the accountability of a cross-border entity, given the fact that each EGTC is deeply anchored in a specific cultural and institutional context.

Conclusion

After a decade of implementation, the EGTC proves to be a widely used legal tool in the European Union. As EGTCs are very diverse, facilitating cross-border, interregional or transregional cooperation, their geographies are also heterogeneous ranging from networks to comprehensive cooperation spaces of various spatial extent. Among this diversity, a wide majority of EGTCs work across borders in an attempt to implement strategic activities. This situation draws back to the long-lasting need that cross-border areas had expressed for a European tool facilitating cooperation between sub-national authorities. While most of the legal tools existing before the EGTC had been designed within the framework of the Council of Europe between the 1980s and the 1990s, the EGTC tool provides a legal answer to a significant 'demand from the ground'. Currently, most of the EGTCs operate at local or regional level across borders, working on topics such as tourism, culture/sports, transport/infrastructure, spatial/rural development (see Box 8.1). Even though most of them are not directly managing EU funds, it is part of their 'raison d'être' to attract EU funding. European visibility, institutional capacity and recognition are key rationales for creating EGTCs.

Analysing cross-border areas under the lens of the construction of a region and questioning the role of the EGTC in this institutionalisation process helps to point out a wide range of crucial questions – to some extent rarely addressed and investigated in the literature. The diverse geographies of the EGTCs – while this legal tool is explicitly given a mandate from its members – call for further

empirical analysis and conceptualisations. The literature review demonstrates that the main bodies of literature currently emerge from law and political science. Given the nature of this tool and its unique character in law, this situation can easily be understood. Beyond their disciplinary anchorage, scholars agree to understand the EGTC as a strategic tool. As it stands, the legal framework allows local, regional and national levels to delegate specific tasks (e.g. strategy design, implementation, infrastructure development) to the EGTC. This institution can therefore become the main representative of a cross-border space, acting on its behalf. Thus empowered, the cross-border cooperation is certainly made of several entities; however, it appears inside and outside as one entity, pursuing a unique strategy (supra-regional entity). Empirical work conducted in several cross-border regions shows, however, that this supra-regional potential is not yet mobilised. EGTCs seem to work mainly at the interface between their members, facilitating the communication, implementing decisions, managing infrastructure (inter-regional structure). This situation can easily be explained by the novelty of this tool and the need to first test its capacities, to familiarise the institutions and adapt the 'rules of the game' that existed previously. Most of the EGTCs have been in the phase of establishing themselves in a cross-border context – made of formal and informal rules and different administrative cultures. As usual in the cross-border context, this analysis confirms that the political willingness of all actors at stake is a key driving force. This requires trust, awareness and commitment from the political and the administration. This explains also why most of the established EGTCs institutionalise an existing cooperation. Cross-border cooperation is a long-standing process of region building. Further empirical work seems necessary to understand how EGTCs' institutional autonomy is implemented in the cross-border area, within the administration of their members and at the EU level. Precisely, even though many studies emphasise the crucial role played by the EU level in framing the EGTC regulation, possibly providing financial support and shaping the EU regional policy in which the EGTC is anchored, the academic literature does not seem to have more precisely investigated these interrelationships (e.g. lobbying at EU level in an attempt to influence the regional policy, reinforcing cross-border visibility in EU institutions, managing EU funds).

Following these mainly institutional-oriented analyses, a large share of the academic literature emphasises the role of citizen participation. This issue is closely related to broader and highly complex concepts such as cross-border identity, transparency, accountability and participation. Again, the recent emergence of EGTCs makes it particularly challenging to conduct analysis in this respect. However, such empirical work is of high relevance given the fact that the EGTC is also perceived as one tool to 'bring Europe closer to the citizens'. Given the rise of Euroscepticism, also in border regions, empirical investigation and refined conceptual tools adapted to cross-border areas are of high relevance.

Notes

- 1 For a specific analysis of the changes introduced by this regulation, see Alcolea (2014: 100).
- 2 For an exhaustive review of existing EGTCs, see METIS (2015); see Zillmer *et al.* (2015) for a study on the characteristics of EGTCs.
- 3 Instituted in 1985, the European Economic Interest Grouping (EEIG) also has the status of a legal person. It aims at facilitating and developing the economic activities of its members and ultimately to facilitate transnational cooperation between economic entities. As a consequence, this tool is mainly economic, and thus poorly adapted to cross-border cooperation between mostly public entities (see European Council and European Parliament, 'Regulation No. 1082/2006' §4 and Leyrat, 2007: 41).
- 4 For an overview of Euroregions' organisational settings and fields of activities, see EC and AEBR (2000: 9).

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Part III

Territorial Impact Assessment (TIA) of European policies