

# The European Grouping of Territorial Cooperation (EGTC): New Spaces and Contracts for European Integration?



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The European Union is becoming one undivided continent, where territories are faced with borderless economic, social and environmental challenges while still being governed through traditional institutional boundaries. Integration raises the question of cohesion among different territories, and territorial cohesion is a new objective for the Union according to the Lisbon Treaty. Cooperation between territories, beyond frontiers and across different institutional layers, is becoming crucial to provide multi-level governance to new functional regions. The European Grouping of Territorial Cooperation (EGTC), a new legal and governance tool established by Regulation 1082/2006, was conceived as a substantial upgrade for this multi-level governance and “beyond-the-border” cooperation. Three years after its adoption, a number of EGTCs have been set up, and new ones are in the pipeline. Despite their early stage, these new ventures are generating interesting dynamics, revamping inter-institutional cross-border partnerships and establishing a new cooperation geography. However, promoting best practice partnerships would require a broader European policy. This article considers possible institutional incentives such as the “contractualisation” of the cooperation between the European Commission and the EGTCs. These Groupings truly are new governance “contracts” of multilevel cross-border cooperation, which can become creative engines for local development and deeper European integration. This provides food for thought for the EU policy and budgetary package after 2013.

## Introduction

EU integration is progressing thanks to several mechanisms, including cross-border actions. The latter are increasingly relevant since land and maritime borders multiply with every enlargement. Economic, social and environmental problems in Europe require joint policies. In order to be effective, cooperative responses must focus on certain territories (e.g. the Mediterranean basin) and engage selected groups of municipalities, regions or countries facing the same challenges, which may pool their resources to achieve shared, even cross-border solutions. Since the late 1980s, the European Union has funded this cooperation through the INTERREG programmes, whose management has been partially hampered by different national laws

and procedures. To solve this, the European Grouping of Territorial Cooperation (EGTC) was introduced to bring both uniformity and legal stability to cooperation.

This article presents the EGTC as a new legal tool and analyses its constitutive elements, the state of play, the political context and the policy agenda behind it. By reviewing established EGTCs, in particular their Conventions and Statutes, three major issues are considered. Firstly, how do new EGTCs enhance territorial cohesion across Europe? Secondly, do established EGTCs tend to stretch the Regulation beyond its original scope of purely operational cooperation (e.g. project management) by

fostering political cooperation (e.g. policy making, external relations and lobbying)? Thirdly, which action on the ground and institutional incentives can make the EGTC a better lever for EU integration?

### The EGTC, constitutive elements and the state of play

The concept of the European Grouping of Territorial Cooperation (EGTC) was set out in 2006 (Regulation 1082/2006), under the pressure of border regions in particular, who were calling for a stronger legal foundation for their cooperation, often based on certain civil law agreements, differing widely across Europe. The EGTC Regulation offers them a European law-based tool for the first time, endowed with both EU-wide scope and of a potentially indefinite duration.

Unlike its predecessors (such as Euroregions and working communities), EGTCs allow, within the same cooperative structure, the interaction of different institutional levels in a new form of multilevel governance, where more stakeholders can participate than before: regional and local authorities, Member States, and all those public or private entities (universities, chambers of commerce, foundations, etc.) that are subject to public procurement rules.<sup>1</sup> It allows them to interact on a regional (not only cross-border) basis. It establishes a legal personality, with binding decisions in potentially remarkably large territories over a wide range of cooperation areas. The legal personality enables it to have a budget and its own managing organs, the capacity of employing staff, holding property, to actively participate in legal proceedings, as well as the “EU legitimisation” to promote cross-border, transnational and interregional cooperation. This legal stability reinforces decision-making among the partners, their position in interaction with the EU institutions, their possibilities for launching or improving their international position and the effective management of cooperation programs and projects.

In fact, the EGTC was designed to facilitate the implementation of programmes and projects co-financed by the structural funds. But it can also develop other forms of territorial cooperation without Community funding or carry out actions relating to Community policies other than structural policy.<sup>2</sup> Member States may decide on regime applicable to these groupings (either public or private), the notification procedures for setting up or joining an EGTC, as well as, to a certain extent, the cooperation tasks potentially accessible to EGTC members.

The Regulation triggered a lively debate, since the EU was for the first time “legislating” on the governance and legal structures of regional policy, rather than on usual (and important) business such as the provision of a multi-annual plan and financial framework.<sup>3</sup>

Implementation is slowly taking off. Most Member States adopted the implementing legislative and/or administrative provisions after the given deadline, whereas a few others are still not complying.<sup>4</sup> However, the commitment of regions and local authorities is ensuring progress in the field. Two years after the full application of the Regulation (1/8/2007), a number of EGTCs have been set-up.

The first EGTC, Eurometropole Lille-Kortrijk-Tournai (FR/BE), was set up on 21 January 2008, half a year after the Regulation entered into force. This early establishment, prior also to the adoption of national provisions, was possible thanks to strong political commitment. Apart from this case, the setting up of EGTCs suffered from the delayed adoption of national rules. The second establishment was in October 2008 and five others took place before March 2009. Those to be established during 2009 include two large Euroregions, Pyrenees-Mediterranean and Alps-Mediterranean, and the Eurodistrict Strasbourg-Ortenau.

So far, EGTCs tend to emerge on the same borders (France-Belgium, Spain-Portugal, Hungary-Slovak Republic) and often in adjacent or overlapping areas, probably because of the adoption of EGTC national provisions on both of the bordering countries, the pre-existence of bilateral cooperation agreement(s), as well as the stimulating local competitive effect of neighbour EGTCs.

The Annex provides a list of formally established EGTCs, those expected to be established, and those under consideration (non-exhaustive list), at the time of writing of this article (June 2009).

### The political context and the policy agenda behind the EGTC Regulation

During the last decade, territorial cooperation has been gaining political prominence and an operational upgrade. The need for an appropriate organizational “legal” structure emerged and the Committee of the Regions<sup>5</sup> prompted the Commission to present a proposal in 2004, which became Regulation 1082/2006 establishing the EGTC. In order to understand its emergence and aims, it is essential to consider the policy agenda and political context behind it, which essentially are the following:

1. the emergence of territorially-based EU policies under the new Treaty objective: territorial cohesion;
2. the increasing involvement of sub-national government in EU policy-making and the evolving Commission agenda around it;
3. the consolidation of territorial cooperation as an element of EU integration.

The latest enlargements of the Union have given it a certain spatial unity, in line with our continent’s geography. Europe has consequently started to think about its territory (spatial development) and the Lisbon Treaty sets the new objective of ensuring territorial, in addition to economic and social cohesion within the EU.<sup>6</sup>

So far economic and social cohesion has been ensured through EU actions aimed at filling development gaps in terms of income per capita and employment rate or unemployment rate. Territorial cohesion would additionally mean addressing the diversity of our territories (e.g. natural specificities, population distribution, degree of connectivity, etc.) in order to ensure EU sustainable development. For example, one could channel resources into high-potential territories to ensure better interconnection

between the strongest and the weakest territorial spots. This would require a closer inter-institutional coordination of thematic policies in a given territory as well as a possible upgrade of spatial planning for Community policies, with an enhanced role for the EU and the regions compared to the current inter-governmental practice.<sup>7</sup> Appropriate set-ups for shared territorial governance are thus clearly in demand. On this the EGTC Regulation, as the first-ever EU piece of legislation explicitly addressing territor,<sup>8</sup> is a forerunner in supporting territorial cohesion through an innovative multi-level governance format. We will therefore consider how EGTCs will enhance territorial cohesion across Europe.

Furthermore, the EGTC Regulation must be read in conjunction with the increased involvement of sub-national government in EU policy-making. This development, albeit slow, is progressive and is based on regionalisation and decentralisation trends at national level, the increased allocation of competences and resources to the sub-state level,<sup>9</sup> as well as on major EU policies which, like cohesion policy, require implementation at sub-state level.

Efforts have been made to enhance the role of the regions in Europe. The European Commission, through the White Paper on European Governance (2001) and the subsequent Mandelkern report on Better Regulation, highlighted the importance of coordination between the local, regional and EU levels in order to ensure Europe-wide regulation of the highest possible quality. Governance stands for the diffusion of control and cooperation across levels and sectors. The "regionalist" agenda was also driven by the large and often legislatively powerful regions, which did not want to sit on the bench in EU decision-making, while a number of new small-sized Member States were gaining access to enlarged EU Institutions. The adoption of the EGTC Regulation is itself a case of local and regional powers achieving, through EU policy-making, their claim for a greater legitimacy to be ascribed to their cooperation. Therefore this article investigates whether the established EGTCs are stretching the Regulation beyond its original scope of purely project-

based cooperation, aiming at gaining higher legitimacy for political cooperation.

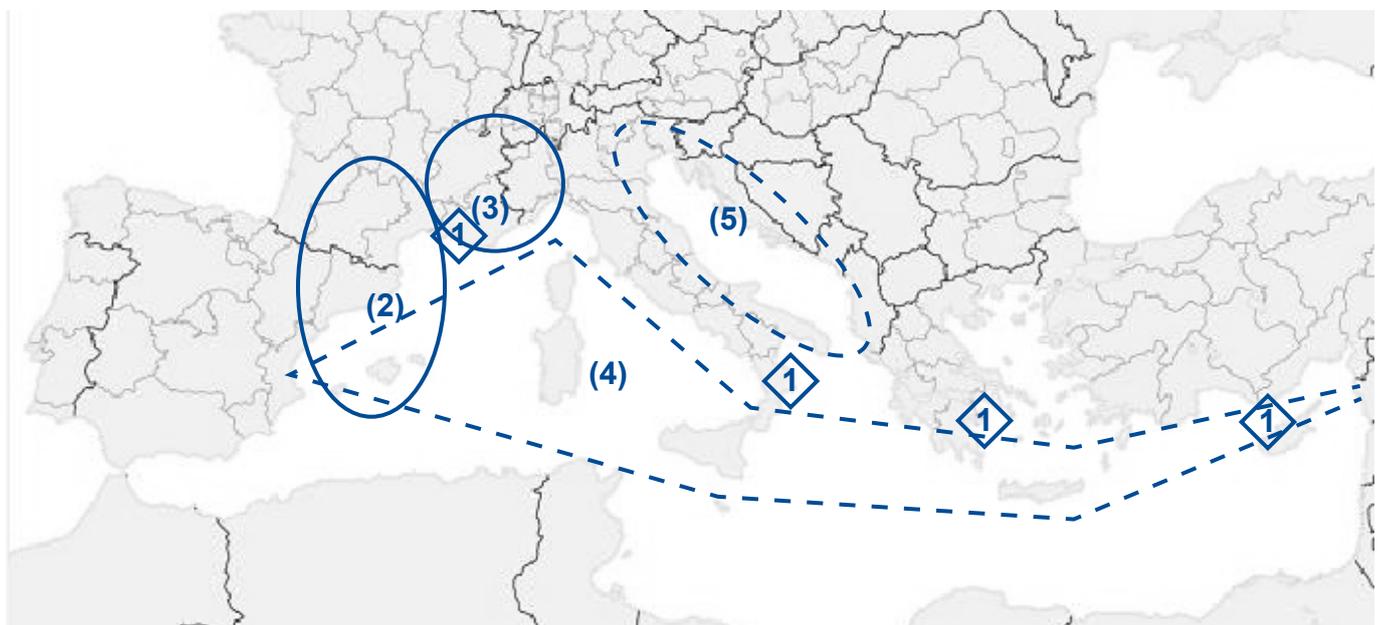
The two forces of territorial cohesion and the rise of sub-national governments, build on the consolidation of territorial cooperation as more effective vehicle to develop real cross-border regional initiatives, compared to intergovernmental cooperation. "International recognition" of this phenomenon came already in the 1980s through the Council of Europe's Madrid Convention, opening the path for cross-border cooperation and for innovative structures.<sup>10</sup> But this process has partially been hampered by dependence on intergovernmental deliberations and the emergence of a strong EU policy for territorial cooperation, via the INTERREG Community Initiative. Negotiation on the 2007-13 financial package confirmed cohesion policy as a main pillar of EU action, and consolidated the INTERREG Initiative (20 years old in 2009) into one of its three main Objectives.

We are now at a turning point. New institutional mandates and a new agenda for Europe 2020 are currently being shaped. The Lisbon Treaty and the EU budget revision will open the way to reform the whole EU policy framework. Key to it are the question of how place-based policies<sup>11</sup> can be combined with sectoral policies and how different levels of governments should interact to reinforce the European integration process at both local and European level. As the third issue, the article identifies some actions on the ground and EU incentives to make EGTC better fit for this purpose.

#### How do EGTCs enhance territorial cohesion across Europe?

Although the definition of "territorial cohesion" is being debated,<sup>12</sup> some objectives are not controversial: boosting territorial cooperation through new functional macro-regions; ensuring territorial cohesion both within the strongest territories of Europe as well as between these territories and the continent's weakest areas; and focusing policies according to different territorial formats. Early established EGTCs seem to meet these three objectives.

Figure1: EGTCs under establishment in the Mediterranean basin



Note: Established: 1) Amphictyony; Expected to be established: 2) Euroregion Pyrenees-Mediterranean, 3) Euroregion Alps-Mediterranean; Envisaged: 4) EURIMED – Mediterranean Islands, 5) Adriatic Euroregion; 6) network of small islands.

Firstly, through the EGTC, a new territorial cooperation scale is emerging: the functional macro-region. This goes beyond the traditional cross-border neighbourhood (150 km from border as ruled within structural funds) and is more focused than large transnational cooperation basins (e.g. the whole North-West Europe), as negotiated between national governments. These functional macro-regions are rather defined bottom-up on the basis of common needs, assets and a dense agglomeration of shared policy making. For example, the Mediterranean basin is experiencing such an emergence of EGTCs as new functional cooperation hubs, aimed at better structuring the specific territories and, contemporaneously, the larger basin. The current EU experimentation of integrated basin strategies (e.g. Baltic Sea Region, Danube River Basin, and to a certain extent the Union for the Mediterranean) and their concrete action plans could serve indeed to map out those areas where EGTCs can contribute substantially.

Secondly, the emerging “EGTC geography” looks conducive to a more balanced development of the EU territory. Taking the well-known “Blue Banana”<sup>13</sup> as reference for the territorial backbone of Europe, we find (projects of) EGTCs which potentially can:<sup>14</sup>

1. bring coordination to its core territories, e.g. Grande Region, Strasbourg-Ortenau;
2. enhance the European position and the urban-rural interconnection of its internal weakest spots, e.g. West Vlandereen/Flandres-Dunquerque-Côte d’Opale and Eurometropole Lille-Kortrijk-Tournai versus the London-Paris-Brussels triangle;
3. extend its reach, e.g. towards the Mediterranean Arc, see Euroregion Alps-Mediterranean, Euroregion Pyrenees-Mediterranean;
4. pool the distinctive and dispersed territorial resources available at the periphery, e.g. Galicia-Norte Portugal, Duero-Douro, Amphictyony, Ister-Granum, Karst-Bodva.

Thirdly, EGTCs are applicable to a variety of territorial formats, e.g.:

1. large-scale Euroregions (Galicia-Norte Portugal, Pyrenees-Mediterranean, Alps-Mediterranean), of between 50,000 and 100,000 km<sup>2</sup>, with 5 to over 15 million inhabitants;
2. medium-scale inter-provincial regions (Eurometropole Lille-Kortrijk-Tournai, Eurodistrict Strasbourg-Ortenau, Ister-Granum, West Vlandereen/Flandres-Dunquerque-Côte d’Opale, Duero-Douro), of between 2,000 and 10,000 km<sup>2</sup> with up to 2 million people;
3. small-scale cross-border or inter-municipal cooperation (Karst-Bodva, 53 km<sup>2</sup> with around 2,000 people, or Amphictyony).

**Are established EGTCs stretching the Regulation beyond its original scope of purely operational cooperation, fostering political cooperation?**

Although the evidence is not conclusive, some early signals indicate a positive answer.

The Regulation itself makes a wide range of tasks potentially available to EGTCs, despite its wording may appear somehow “timid” on this point. The legislator’s main concern was to keep functional cooperation, in particular structural funds management, as the main *raison d’être* of the new tool.<sup>15</sup>

However, because of existing cooperation arrangements, amongst others, local and regional authorities are moving to a different agenda. The first EGTCs are marked by a higher level of political engagement and ambition, which are perceived as constituting a substantial shift in terms of EU recognition and international positioning of “local” cooperation, providing an opportunity to enhance territorial governance (organisation of relationships among policy-makers and stakeholders) at large.

## Through the EGTC, a new territorial cooperation scale is emerging: the functional macro-region.

Table 1 illustrates the horizontal objectives and cooperation themes as emerging from EGTC Conventions.

At first sight, Conventions appear to confirm that EGTCs are vehicles for operational cooperation in key themes for territorial development and for structural funds’ management. However, as broad partnership “contracts”, they also reveal a willingness to enhance political cooperation and multilevel governance across borders and beyond, promoting the external representation of shared interests, rather than purely adopting a project-oriented logic.

This is clear from some of the Conventions: they state as objectives the reinforcement of internal political cohesion and the promotion of interests within EU and national institutions. This is not called for by the Regulation; they foresee the figure of a President, and of a Bureau which is not expressly indicated in the Regulation;<sup>16</sup> some of them profile the role of their representative (office) in Brussels;<sup>17</sup> some decide to sign their EGTC Convention in Brussels within a high-level institutional and political context.<sup>18</sup>

This level of ambition is more evident in the multi-purpose EGTCs set-up so far. However one should also consider monothematic EGTCs, where operational cooperation is likely to prevail and which could become valid interfaces to deliver major EU policies. There are EGTCs under preparation which would deal with cross-border health (Hôpital de Cerdagne) or with cross-border protected natural areas (joint alpine park Italy-France: Parc National Mercantour and Parco Regionale Alpi Marittime). In this regards, EGTCs can effectively implement EU thematic programmes (transport, energy, research, innovation, climate, environment, learning, etc.).<sup>19</sup>

**Which actions on the ground and institutional incentives can make EGTC a better lever for EU integration?**

If the EGTC is to bring added value to EU integration, it should succeed in creating the right conditions for sustainable territorial cooperation which delivers results beyond short-term planning. Long-term EGTC cooperation implies setting up an ongoing cost-benefit analysis on establishment

Table 1: EGCT Conventions

EGTC	Horizontal objectives	Cooperation themes
Eurometropole Lille-Kortrijk-Tournai	<ul style="list-style-type: none"> <li>• Dialogue and political debate</li> <li>• Cross-border cohesion</li> <li>• Project development</li> <li>• Ease daily life of inhabitants</li> </ul>	<ul style="list-style-type: none"> <li>• Transport</li> <li>• Urban ecology</li> <li>• Highways</li> </ul>
Ister-Granum	<ul style="list-style-type: none"> <li>• Regional development</li> <li>• Economic and social cohesion</li> </ul>	<ul style="list-style-type: none"> <li>• Territorial cooperation programmes/ projects</li> </ul>
Galicia-Norte Portugal	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Economic and social cohesion</li> <li>• Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Transport and cross-worder accessibility</li> <li>• Maritime sector</li> <li>• Competitiveness (SMEs)</li> <li>• Environmental protection, urban sustainable development</li> </ul>
Amphictyony	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Freedom, democracy, justice, security and protection of the environment</li> <li>• Economic and social cohesion</li> <li>• Exchange of information and knowledge</li> </ul>	<ul style="list-style-type: none"> <li>• Programmes funded by EU or not</li> <li>• Scientific cooperation</li> <li>• Data banks, ICT</li> <li>• Cultural heritage</li> <li>• Participation of social and local entities</li> </ul>
Karst-Bodva	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Economic and social cohesion</li> <li>• Infrastructure development</li> </ul>	<ul style="list-style-type: none"> <li>• Programmes funded by EU</li> <li>• Competitiveness (SMEs)</li> <li>• Tourism and cultural heritage</li> <li>• Environmental protection, communal and rural areas</li> <li>• Transports, ICT, water supply, energy systems, communal and industrial waste management</li> </ul>
Duero-Douro	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Economic and social cohesion</li> </ul>	<ul style="list-style-type: none"> <li>• Programmes co-financed by EU</li> <li>• Public works</li> <li>• Rural employment, environmental protection</li> <li>• Social infrastructure</li> <li>• Communication and IT, competitiveness</li> <li>• Research, innovation and development</li> <li>• Tourism, common cultural heritage</li> </ul>
West-Flanders - Dunquerque-Côte d'Opale	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Political representation</li> <li>• Representation in other fora</li> </ul>	Not specified
Euroregion Pyrenees – Mediterranean*	<ul style="list-style-type: none"> <li>• Territorial cooperation</li> <li>• Common projects and others beyond territorial boundaries</li> <li>• Economic and social cohesion</li> <li>• Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Technological innovation, research, training, culture, tourism</li> <li>• Admin, judicial, economic cooperation</li> </ul>
Euroregion Alps-Mediterranean*	<ul style="list-style-type: none"> <li>• Horizontal politics</li> <li>• Institutional coordination</li> <li>• Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Transport, research, innovation</li> <li>• Environmental protection</li> <li>• Culture, tourism, education, training</li> </ul>
Eurodistrict Strasbourg-Ortenau*	<ul style="list-style-type: none"> <li>• Policy impulsion and lobbying</li> <li>• Project management</li> <li>• Political representation</li> <li>• Sustainability</li> </ul>	<ul style="list-style-type: none"> <li>• Spatial planning</li> <li>• Bilingualism, cross-border cultural space</li> <li>• Common infrastructures, public services</li> <li>• Support to socio-economic networking</li> <li>• Promotion of Strasbourg as EU capital</li> </ul>
* EGTCs close to being established Source: Authors' analysis of EGTCs' (draft) Conventions		

and future development options, a clear definition of the governance system within the articulated set of EGTC bodies and between constituting members, a successful operational launch,<sup>20</sup> an effective planning and programme/project implementation.

In our view, EGTC members should aim to increase the level of cohesion, effectiveness and efficiency of their cooperation, through some fundamental actions:

1. integrated territorial planning and the targeting of relevant basins of intervention, including interconnection with those territories neighbouring the cooperation area;<sup>21</sup>
2. focusing on policies with a clear impact on citizens and for which the constituting members have substantial competences, e.g. infrastructure and provision of services of general interest;
3. rationalisation and the pooling of initiatives, human and financial resources;

4. a sustainable financial framework, through adequate modelling of a mix of members' fees, service revenues, loans, fund-raising, and public-private partnerships;
5. proper "association" of economic and social partners;
6. interaction with other (EGTC) cooperation initiatives within the same territory or in the neighbourhood.<sup>22</sup>

Assuming that the EGTC (partnership) works properly at local level, institutional incentives at higher level can only reinforce it. EU and national Institutions, which decided to adopt the EGTC Regulation, are now expected to fully leverage it. How? Firstly, by acknowledging the political commitment of local and regional actors to legally bind their cooperation within an EU context. Secondly, by setting a proper policy offer, including innovative proposals for EGTC applications and financial incentives to fully promote the EGTC potential, under cohesion policy<sup>23</sup> as well as in fields like the environment, energy, rural development, transport, innovation, health, civil protection, etc.

In line with the above, and in order to promote a clear territorial impact of the EU law provisions, the idea of target-based contracts could be revamped. This idea takes us back to the White Paper on European Governance (2001) and the Commission's proposal on target-based tripartite contracts between the Commission, the States and the regional or local authorities as a flexible means of considering specific contexts when drawing up and implementing Community policies.<sup>24</sup>

#### Why a "contract" between the European Commission and an EGTC?

One could envisage the "contractualisation" of the cooperation between the European Commission and the EGTCs for achieving certain objectives, with higher targets agreed, a tighter timetable set or experimental actions foreseen.<sup>25</sup> An example could be the "enhanced" compliance of EU law (e.g. a Directive) or experimentation of EU policy (e.g. local strategy for growth and jobs, "low-carbon" cities and regions, integrated labour markets, etc.) at the level of the macro-region, cross-border conurbation or cross-border natural area, aiming at a more coherent and timely implementation on both sides of the border, also through experimental actions.<sup>26</sup>

Contractualising this cooperation would take the idea of tri-partite contracts back to the initial bilateral approach, without challenging the principle of Member State responsibility for implementing Community policies. This could address some of the difficulties experienced and shape a more feasible contract with a very specific purpose and well-defined agenda.<sup>28</sup> Such a contractualisation would legitimise and boost the role of the sub-state level in "beyond-the-border" policymaking and finally help to overcome those difficulties still existing in a given cross-border cooperation.

Cohesion policy could provide another incentive, fostering the macro-regional EGTC cooperation within the

existing regulatory framework. This could be done through several means. Existing management authorities (under the convergence, competitiveness or cooperation objectives), could delegate (sub)-programmes to EGTCs; or territorial authorities could co-finance EGTC cooperation through funds allocated to their national or regional programmes (Art. 37(6) of the general Structural Funds Regulation No. 1083/2006).<sup>29</sup>

Assuming that this vision is agreed upon, what lies ahead? The European Commission is expected to report on the EGTC Regulation (ex. Art. 17) to the European Parliament and Council by 2011 at the latest. At that time,

### We could envisage the "contractualisation" of the cooperation between the European Commission and the EGTCs.

it will first report on the state of play of established EGTCs and eventually formulate proposals for revising the Regulation in those areas where shortcomings have been detected. Possible improvements include

streamlining EGTC establishment procedures, which are still too heavily affected by a scattered panorama among Member States; thereby facilitating the participation of partners from Third countries and of private actors.

The EGTC cannot solve all the issues related to the administrative asymmetry between and within Member States, however it can be a valuable common playing field to start tackling these issues from the ground, especially when a critical mass of EGTCs will be reached. To achieve that, the EU and national institutions should provide better information on the range of applications available. In particular, the European Commission could submit a comprehensive roadmap for the further exploitation of territorial cooperation through the EGTC, bridging the existing experience with a forward-looking EU policy offer.<sup>30</sup>

#### Conclusions

At this early stage of its implementation, the EGTC has shown more potential than achievements, creating a new dynamism which could be beneficial both for territorial cooperation and European integration.

EGTCs are slowly drawing up a new legally stable cooperation geography, which could help achieve greater territorial cohesion across Europe. Thanks to their differentiated geographical scope, EGTCs can better interconnect the strongest and weakest spots within core areas of Europe, as well as link up the core backbones of European territory and better agglomerate the most peripheral areas. Moreover some EGTCs are about to shape new functional macro-regions, going beyond traditional cross-border cooperation.

It is too early for conclusive evidence, however the first EGTCs indicate that stable cooperation requires putting strong political commitment and institutional recognition, at all levels, before a project or programme-driven agenda. In this sense a number of EGTCs are likely to profile themselves as new inter-institutional governance platforms, besides acting as project-delivery vehicles.

Some actions seem opportune to make the EGTC fit the purpose of improving EU multilevel integration. At local level, the cooperation should be orientated to inclusive and operational partnerships rather than purely institutional gatherings. The participation of economic and social partners, as well as of national authorities, when relevant, should be actively promoted. At EU level, a clear set of policy offer, including institutional and financial incentives, should be put in place: result-oriented contractualisation between the European Commission and EGTCs could be an avenue to explore.

Last but not least, the first generation of EGTCs are likely not only to present challenges, but also to provide a set of "local solutions", tackling legal and administrative

uncertainties and disparities. This knowledge/expertise could be managed at EU level to improve the "usability" of the tool and spread its leverage effects across applications: EU project or program management, large infrastructures, cross-border services, cooperation with third countries, etc.<sup>31</sup>

The EGTC can represent a significant development in the political landscape at local and regional level. It could bring a sense of European neighbourhood to citizens as well as provide local political classes with a substantial European perspective. A new vision for a generation of politicians, no longer divided by post-war borders, who would rather have the shared challenge of jointly projecting their borderless territory within, and beyond, our continent - Europe.

## Annex: State of play in the establishment of EGTCs – at editorial closure, June 2009

### a. EGTCs formally established<sup>32</sup>

EGTC name	Law nature	Countries of members*	No. of members	Nature of members	Reference Territory (km <sup>2</sup> )	Reference Population 1000 inhab.	Date of establishment
Eurometropole Lille-Kortrijk-Tournai www.lillemetropole.fr	Public	BE, <u>FR</u>	14	Mix level of government	3.544	2.000	21/01/08
Galicia-Norte Portugal (GNP)	Public	ES, PT	2	Regional	50.852	6.817	23/10/08
Ister-Granum EGTC Limited www.istergranum.hu	Private	<u>HU</u> , SK	85	Municipal	2.000	2.000	12/11/08
Amphictyony www.amphictyony.gr	Private	CY, FR, <u>EL</u> , IT	50	Municipal	n.a.	n.a.	01/12/08
Karst-Bodva EGTC Limited	Private	HU, <u>SK</u>	3	Municipal	53	2	11/02/09
Duero-Douro www.duero-douro.com	Public	<u>ES</u> , PT	175	Municipal	8.785	103	11/02/09
West-Flanders / Flandre-Dunquerque-Côte d'Opale www.cud.fr	Public	BE, <u>FR</u>	13	Mix level of government	7.808	2.079	25/03/09

\* Underlined countries host the registered seat of the EGTC.

### b. EGTCs expected to be established<sup>33</sup>

EGTC name	Law nature	Countries of members*	No. of members	Nature of members	Reference Territory (km <sup>2</sup> )	Reference Population 1000 inhab.
Euroregion Pyrenees-Mediterranean www.euregio.eu	Public	ES, <u>FR</u>	4	Regional	109.666	13.550
Euroregion Alps-Mediterranean www.euroregion-alpes-mediterranee.eu	Public	<u>FR</u> , IT	5	Regional	109.179	16.880
Eurodistrict Strasbourg-Ortenau www.eurodistrict.eu	Public	<u>FR</u> , DE	7	Municipal and inter-municipal	2.176	868

\* Underlined countries host the registered seat of the EGTC.

## c. EGTCs whose establishment is under consideration (not exhaustive list)

Cooperation name	Countries of partners	Focus of cooperation
Cerdany Joint Cross-border Hospital www.hcerdanya.eu	ES, FR	Cross-border health
La Grande Région www.granderegion.net	BE, DE, FR, LU	Integrated territorial development of large area
Parc Mercantour – Parc Alpes Maritimes www.mercantour.eu www.parcoalpimarittime.it	FR, IT	Natural areas preservation and valorisation
Espace Catalan Transfrontalier	ES, FR	Interprovincial cooperation
Alzette-Belval 2015	FR, LU	Urban and territorial requalification of a carbon basin
EURIMED	CY, EL, ES, FR, IT, MT	Network of Mediterranean main Islands
UTTS Ung-Tisza-Túr -Sajó (or UTT Ung-Tisza-Túr)	HU, RO, SK, UA	n.a.
Eurocidade Chaves-Verin	ES, PT	Cross-border urban development
Alpe Adria Working Community www.alpeadria.org	AT, HR, HU, IT, SI	Integrated territorial development of large area
Adriatic Euroregion www.adriaticeuroregion.org	AL, EL HR, IT, ME, SI,	Sustainable development of sea basin

## NOTES

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- <sup>1</sup> Contracting authorities as defined by Art. 1 of Directive 18/2004/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, OJ L 134, 30 March 2004.
- <sup>2</sup> There is a general preclusion to the exercise of powers conferred by public law to safeguard the general interest of the state or other public authorities. See Art. 7 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) OJ L 210, 31 July 2006.
- <sup>3</sup> Gianluca, S. (2008).
- <sup>4</sup> EGTC Regulation, Art. 16/18, "Member States shall make such provisions as are appropriate to ensure the effective application of this regulation", which "should apply by 1 August 2007, with exception of Art. 16, which shall apply from 1 August 2007". 18 Member States have adopted EGTC legislation: Belgium (federal level, Flanders), Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, France, Greece, Hungary, Italy, Lithuania, Luxembourg, Portugal, Romania, Slovakia, Slovenia, Spain and the United Kingdom. Process close to finalization in: Austria, Germany, Ireland, Malta, The Netherlands. Process underway in: Finland, Latvia, Poland, Sweden.
- <sup>5</sup> Opinion CoR 181/2000 fin of 13 March 2002 on Strategies for promoting cross-border and inter-regional cooperation in an enlarged EU - a basic document setting out guidelines for the future.
- <sup>6</sup> The Union "shall promote economic, social and territorial cohesion..." (Art. 3 of the modified Treaty on EU).
- <sup>7</sup> Faludi, A. (2004).
- <sup>8</sup> Exception: Regulations defining common classification of territorial units for statistics (NUTS).
- <sup>9</sup> These represent: 16% of EU27 GDP; 1/3 of public spending; 2/3 of all public investment expenditure; 56% of public employment. DEXIA, 2009.
- <sup>10</sup> European Framework Convention on Transfrontier Cooperation, (Madrid 21 May 1980), Additional Protocol, 9 November 1995
- and Protocol No. 2, 5 May 1998 concerning inter-territorial cooperation, paved the way to cross-border institutional settings, like Euroregions and working communities.
- <sup>11</sup> Barca, F. (2009).
- <sup>12</sup> The consultation on the European Commission's Green Paper on Territorial cohesion (COM(2008) 616 final of 6 October 2008) produced a wide range of replies with different understandings on the definition of territorial cohesion and the role of the Communities.
- <sup>13</sup> It is a discontinuous corridor of urbanisation in Western Europe, which stretches approximately from London down to Milan, through Brussels, Amsterdam, Cologne, Frankfurt am Main. It covers one of the world's highest concentrations of people, money, and industry.
- <sup>14</sup> EGTCs under preparation are written in italics.
- <sup>15</sup> "... The tasks of an EGTC shall be limited primarily to the implementation of territorial cooperation programmes or projects co-financed by the Community". Art. 7(3)
- <sup>16</sup> Art. 10 EGTC Regulation: "An EGTC shall have at least the following organs: (a) an Assembly, (...) (b) a director (...)".
- <sup>17</sup> Euroregion Alps-Mediterranean, Art. 4 draft Convention; Euroregion Pyrenees-Mediterranean, Art. 8/13 draft Statute; Ister-Granum EGTC, Art. 2 Statutes.
- <sup>18</sup> Euroregion Pyrenees-Mediterranean at the European Parliament, 3 December 2008.
- <sup>19</sup> Ref. : TEN-T, TEN-E, FP RTD, CIP, Climate Action, Intelligent Energy, etc.
- <sup>20</sup> Illustrative check-list: constitution of running bodies, establishment of (pluri-)annual work-plan and budget, nomination of director(s), staff hiring and establishment, launch of operational projects; communication on the field and at EU level.
- <sup>21</sup> EGTC Eurometropole Lille-Kortrijk-Tournai, Art. 4, Convention: "Territories, towns and municipalities, placed outside the reference territory, however bordering or close to it, could be associated to the works of the Eurometropole".
- <sup>22</sup> e.g.: Euroregion Alps-Mediterranean/Parc Mercantour-Parco Alpi Marittime; Euroregion Pyrenees-Mediterranean/Espace Transfrontalier Catalan/Hôpital Cerdagne/Grande Région/Euroregion Maas-Rhine/Alzette-Belval.

## NOTES

- <sup>23</sup> European Territorial Cooperation currently counts 7.75 billion euros (2.5% of cohesion policy' allocation), hence less than 1% of EU budget, less than 0.01% of EU Gross National Income.
- <sup>24</sup> The tripartite contracts were left aside in 2006 when the pilot projects were evaluated as lacking political commitment and financial support.
- <sup>25</sup> Ref.: Gianluca, S. (2009).
- <sup>26</sup> The authors will soon publish a follow-up article, presenting the operational solutions available for contracts between the European Commission and EGTCs.
- <sup>27</sup> Working Group 2c, Preparatory works for the WBEG, European Commission.
- <sup>28</sup> Vara-Arribas, G., Bourdin, D. (2006).
- <sup>29</sup> Gianluca, S. (2006).
- <sup>30</sup> In the RTD field, the new legal tool European Research Infrastructures Consortium (ERIC) is backed by a European Roadmap on Research Infrastructures.
- <sup>31</sup> This is among the objectives of the EGTC Expert Group, established by the CoR, [www.cor.europa.eu/egtc.htm](http://www.cor.europa.eu/egtc.htm).
- <sup>32</sup> "The EGTC shall acquire legal personality on the day of registration or publication, whichever occurs first", Art. 5(1) Reg. 1082/2006. OJEU notices of establishment are at [www.ted.europa.eu](http://www.ted.europa.eu). EGTC Conventions and Statutes are at [www.cor.europa.eu/egtc.htm](http://www.cor.europa.eu/egtc.htm).
- <sup>33</sup> Convention and Statutes are already agreed (or signed). Procedures of approval by national authorities are underway.

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