

the m not

7 The European grouping of territorial cooperation

guides



Mission
Opérationnelle
Transfrontalière

Table of Contents

- 3 EDITORIAL**
- 4 FROM THE MADRID OUTLINE CONVENTION TO THE EGTC**
- 7 IMPLEMENTATION OF THE MADRID OUTLINE CONVENTION BY THE MEMBER STATES OF THE COUNCIL OF EUROPE**
- 8 THE CONTRIBUTIONS OF THE EGTC TO TERRITORIAL COOPERATION**
- 11 LEGAL TOOLBOX FOR CROSS-BORDER COOPERATION IN EUROPE**
- 12 THE EGTC IN PRACTICE**
- 14 FIELD EXPERIENCES**
 - THE LILLE-KORTRIJK-TOURNAI EUROMETROPOLIS**
 - THE PRO EUROPA VIADRINA EUROREGION**
 - THE CERDAGNE AND CAPCIR CROSS-BORDER HOSPITAL**
 - THE Matriosca ADRIA-ALPE-PANNONIA PROJECT**
- 19 BIBLIOGRAPHY**

The MOT, and since November 2007 EUROMOT, are core players in the push towards the EGTC:

- the MOT has contributed its expertise on the European Community regulation from its adoption stage in 2004, as well as on its incorporation into French law in 2007-2008; it participates in Community initiatives in this area (Interact, Committee of the Regions);
- the MOT has disseminated information on this new instrument and organised discussions between European, national, regional and local bodies and EGTC lead partners through its seminars and conferences;
- the MOT is giving its assistance to the member authorities and institutions of its network in the formation of the first EGTCs.

The MOT has written this guide on the basis of this experience and with the aim of spreading knowledge of this new European instrument.

Publishing manager: Jacques Houbart, Director-general, MOT

Authors: Françoise Schneider-Français, Project director, Ludivine Salambo, Project manager, MOT

Coordination: Domitille Ayral, Project manager, MOT

Production: Planet 7

Translation: VITA

May 2008



Editorial



Cross-border cooperation, supported to a great extent by the European cohesion policy, is one of the most successful actions undertaken on the European territory. However, over the last years it has become more and more clear that a legal framework is needed to structure it and to enhance its positive results.

For many years, the Council of Europe was active in this field; it adopted as far back as in the early 80s the Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities (so called Madrid convention) amended by additional protocols in following years.

The European Commission on the other hand has proposed for the 2007-2013 cohesion policy programming period a new, innovative solution. Public authorities and stakeholders in member states have been offered the possibility to create bodies with legal personalities to facilitate such cooperation. The European Parliament's involvement in the adoption of the proposed regulation helped refining this proposal and maximising its added value.

The European Grouping of Territorial Cooperation (EGTC) provides a legal basis to apply to external activities of local and regional authorities. As a new legal instrument, it enables a grouping of bodies from different member states to implement cross-border, transnational and interregional activities either with or without European financial support.

The set-up of such legal body responsible for different tasks leads to a more effective implementation of cross-borders activities such as common transport, sustainable development, regional promotion or environmental protection.

The European Grouping of Territorial Cooperation is a new instrument and needs to find its place in national legal systems of each member state. This process is neither quick nor easy but its potential benefits should outweigh the investment in time and efforts. ■

Jan Olbrycht, MEP
Vice-Chairman of Regional Development Committee
European Parliament's rapporteur on the EGTC regulation

From the Madrid Outline Convention to the EGTC

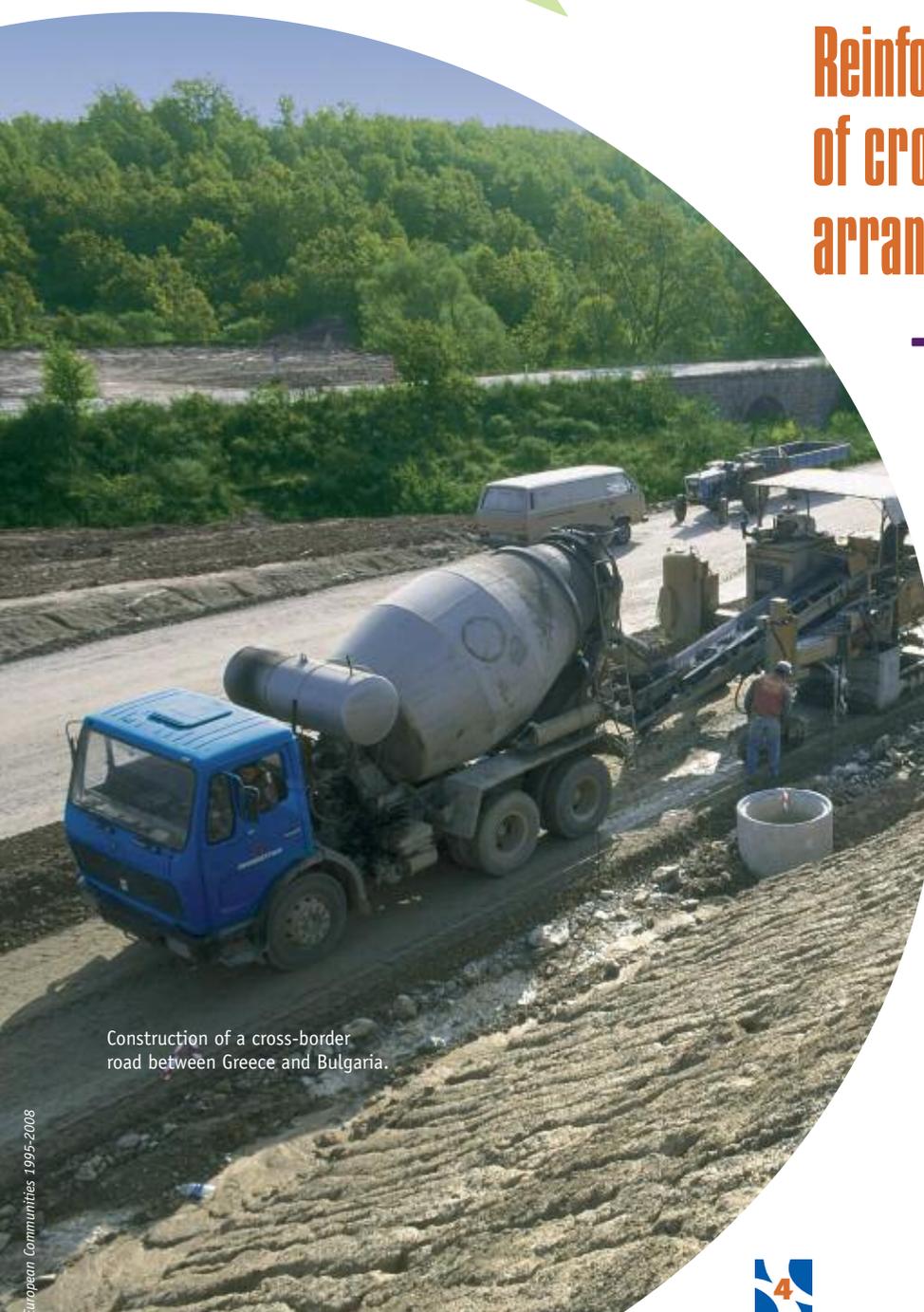
Emerging in the 1960s in the form of twinning arrangements between municipalities, cross-border cooperation has been evolving continuously ever since.

The Council of Europe has played a major part in the promotion of neighbourly relations between local authorities on either side of borders. It recognised the role played by cross-border cooperation in the promotion of democratic stability and mutual understanding between states and populations through dialogue and partnerships going beyond the limits set by borders. The European Commission drew inspiration from this work in preparing the draft Community regulation introducing the EGTC.

Reinforcement and diversification of cross-border cooperation arrangements

The acceleration of the process of European integration in the 1990s, with the fall of the Berlin wall, the opening of internal borders (free movement of persons, goods, services and capital) and the continuing enlargement, has resulted in the European Union incorporating a constantly growing number of border territories and external borders.

Cooperation arrangements have multiplied and diversified in terms of topic (culture, environment, transport, education, etc.), purpose (coordination of actions, definition of coherent spatial planning policies, management projects for the benefit of the citizens, of cross-border public services, governance of the territory, etc.), scale (Eurodistrict, Euroregion, etc.) and partnership (local authority groupings, regions, states, private-sector partners, etc.).



Construction of a cross-border road between Greece and Bulgaria.

Emergence of an operational framework for cross-border cooperation

The multiplication and diversification of such cross-border cooperation arrangements have been accompanied by the definition of an operational and legal framework.

A major instrument of cross-border, transnational and inter-regional cooperation, the European Union's cohesion policy (principally the Interreg programme) has provided substantial support for projects led by local partners, within a framework of strategic priorities.

The adaptation of the legal framework to the specific characteristics of cross-border cooperation nevertheless remains within the competence of each state and dependent on its political determination to promote and facilitate cross-border cooperation, in particular through ratification of the Madrid Outline Convention, opened for signature by the member states of the Council of Europe in 1980, and the signing of inter-state agreements (refer to the map on page 7 and the box "The instruments of the Council of Europe").

On some borders the signature of such agreements has allowed existing legal structures in national law to be used for cross-border organisations and joint structures with legal personality to be established for cross-border cooperation (for example the Benelux agreement (FR-BE-LU, 1986)). Local partners have also made use of the European economic interest grouping (EEIG) as a default cross-border cooperation instrument.

However, cross-border issues are still not taken into account to a sufficient extent, or even to the same extent on different borders, in the legal framework, in the planning procedures (European, national, regional and local) or in territorial engineering mechanisms. This is a real obstacle to the implementation of responses meeting the needs of cross-border territories and their populations.

This is the context in which the European Union has introduced an instrument dedicated to territorial cooperation, the European grouping of territorial cooperation (EGTC)¹, adopted in 2006 on the basis of an initial proposal by the European Commission in 2004.

¹ EC regulation 1082/2006 of July 5, 2006.

The European territorial cooperation

European territorial cooperation is one of the three priority objectives of the cohesion policy for 2007-2013. This objective supports joint development strategies between territories at national, regional and local levels and the establishment of networks.

The "European territorial cooperation" objective has three strands:

- cross-border cooperation, which concerns neighbourhood relations between territories on either side of land borders (or of maritime borders for coastal areas separated by less than 150 kilometres),
- transnational cooperation, contributing to integrated territorial development on the scale of transnational spaces defined by the European Union (for example the Alpine space),
- inter-regional cooperation on the development of networks for experience-sharing and transfer of good practices.

The instruments of the Council of Europe

The European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities, or "Madrid outline convention", was opened for signature by the member states of the Council of Europe on 25 May 1980. The convention has been reinforced by two additional operational protocols on transfrontier cooperation (1995) and interterritorial (i.e. without territorial continuity) cooperation (1998) (refer to the map on page 7). The implementation of convention has resulted in the signature of bilateral and multilateral agreements which, border by border, define the particular cross-border cooperation procedures for certain local authorities and public-sector bodies located either side of the border.

For example, the Valencia Treaty signed between Spain and Portugal in 2003 allows the partners concerned to establish structures without legal personality (working communities or working groups) and bodies with legal personality (such as "consorcio" governed by Spanish law).

The preparation of a third additional protocol on a cooperation instrument with legal personality was initiated in 2007.

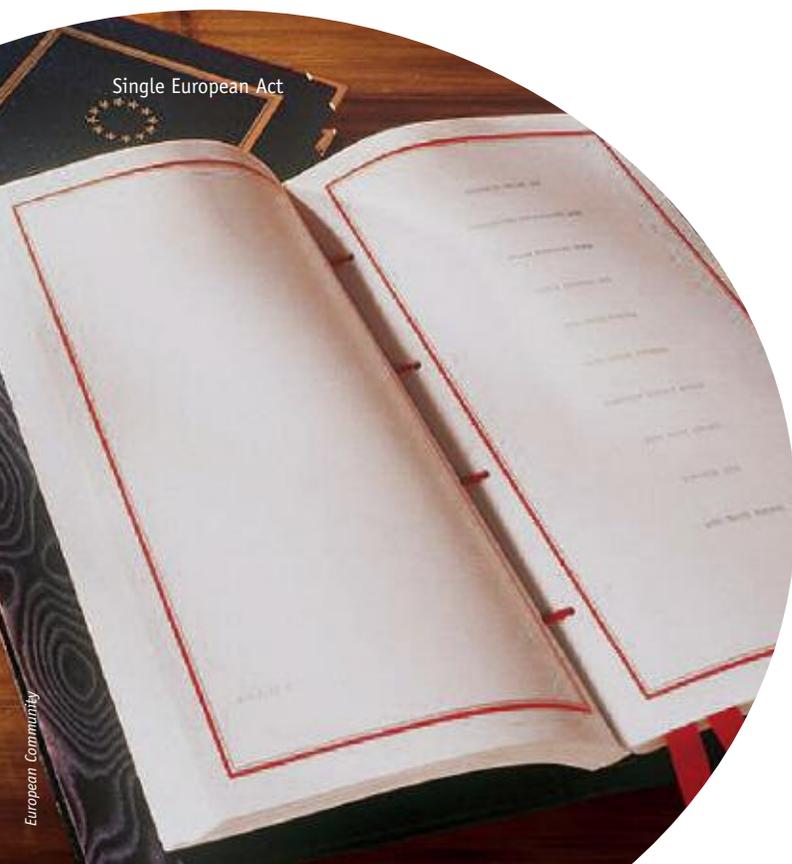
The EGTC, a European response to local issues

For the 2007-2013 programming period the Community cohesion policy has elevated cross-border cooperation to the status of an objective in its own right, recognising its added value in the reduction of disparities between the territories of the European Union.

Aware of the obstacles raised by borders and needing to respond to the issues related to enlargement, in 2004 the Commission proposed the introduction of a “cooperation instrument at Community level” for local partners, aiming primarily “to reduce the obstacles and difficulties encountered in managing actions of cross-border, transnational or interregional cooperation within the framework of differing national laws and procedures”². This initiative was followed up and strengthened by the European Parliament and the Committee of the Regions.

In view of its innovative character, the text introducing the EGTC stimulated many discussions between the two European legislators, the European Parliament and the Council of the European Union, before being adopted as regulation (EC) 1082/2006 of July 5, 2006.

This regulation has been applicable immediately on the territory of the European Union since August 1, 2007, independently of the measures to amend national law that member states have enacted or are going to enact. Its application is monitored at European level. ■



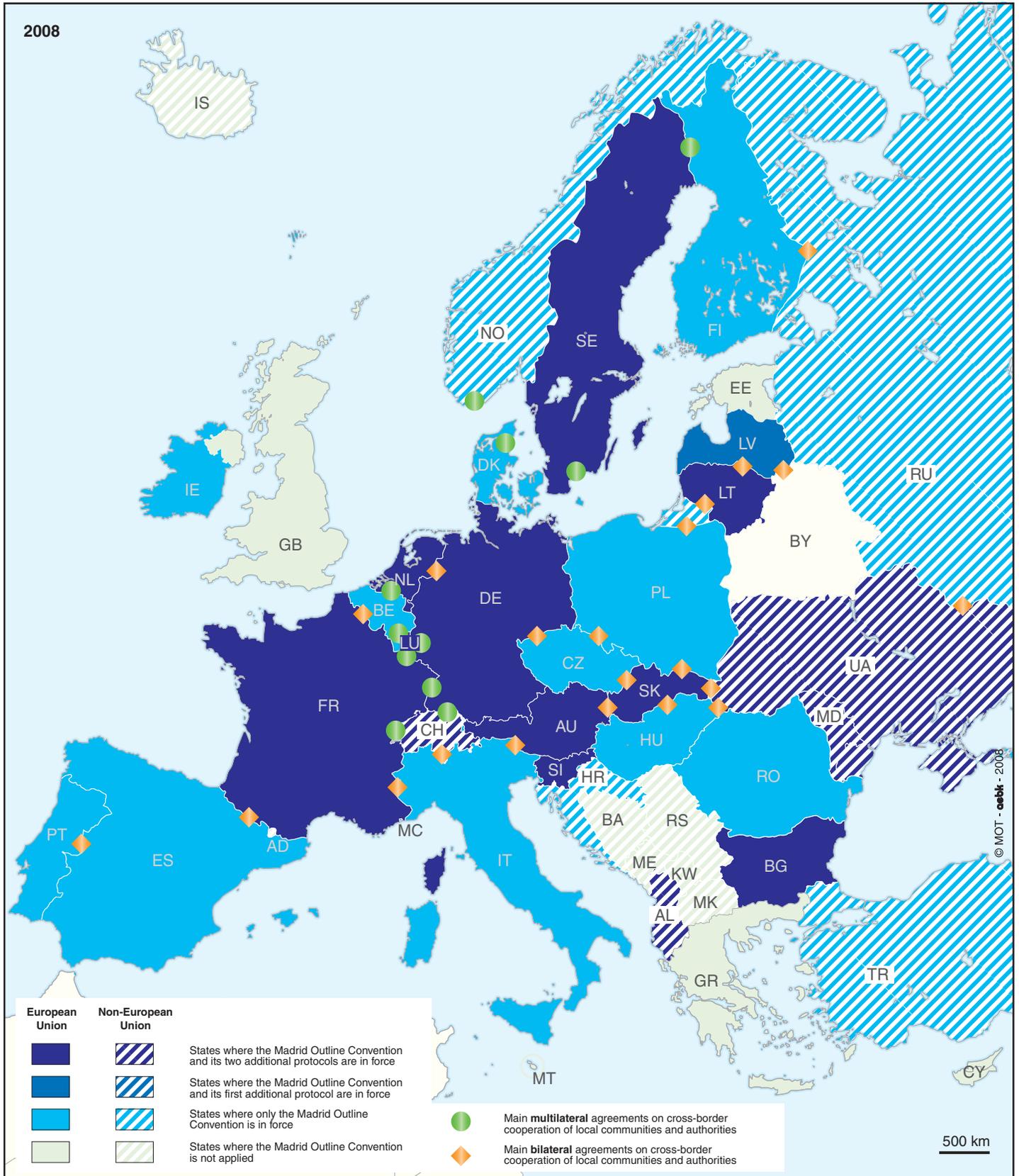
International and Community cross-border cooperation instruments

Council of Europe		European Union	
International conventions		Community legal structure	Cohesion policy
	^		European Territorial Cooperation Objective (2007-2013)
	2008		
Proposed 3 rd protocol to the Madrid outline convention	2007		
	2006	European Grouping of Territorial Cooperation	INTERREG III programme (2000-2006)
	05		
	04		
	03		
	02		
	01		
	00		
	99		
2 nd Protocol to the Madrid outline convention	1998		INTERREG II programme (1994-1999)
	97		
	96		
1 st Protocol to the Madrid outline convention	1995		
	94		
	93		
	1992	European association proposal	INTERREG I programme (1991-1993)
	91		
	90		
	89		
	88		
	87		
	1986		
	1985	European Economic Interest Grouping	Introduction of the cohesion policy (Single European Act)
	84		
	83		
	82		
	81		
Madrid outline convention	1980		

² Report of the European Parliament, 2005; rapporteur: Jan Olbrycht.

Implementation of the Madrid Outline Convention by the member states of the Council of Europe

2008



The contributions of the EGTC to territorial cooperation

The EGTC, a cooperation structure for managing cooperation programmes or projects, is in line with the *acquis* of the Madrid Outline Convention on cross-border cooperation and reproduces its fundamental principles, by adapting them to the needs of European territorial cooperation.

The EGTC, the European territorial cooperation instrument, differs from the other instruments derived from the Madrid Outline Convention: its scope of application goes beyond the framework of cross-border cooperation, it is available to all twenty-seven member states of the European Union and it is open to a very broad partnership.

The EGTC works in accordance with the principle of subsidiarity: the regulation defines a common base and leaves many points to be covered by the domestic law of the EGTC members.

The EGTC supplements rather than replaces the existing instruments. It forms part of a “legal toolbox” containing all the legal instruments that can be used in national law (conventions, associations, etc.), international agreements (local grouping for cross-border cooperation (LGCC)) and Community law (European Economic Interest Grouping (EEIG)). It is particularly developed regarding cross-border cooperation (refer to the table on page 11).

The EGTC is in line with the *acquis* of the Madrid Outline Convention

A number of principles of functioning of the EGTC are directly inspired by the Madrid outline convention, its protocols or the inter-state agreements derived from it:

- recourse to the EGTC is optional,
- the EGTC has legal personality: it has the capacity to act for and on behalf of its members; it can place contracts, employ personnel and acquire movable and immovable property,



- the regulation refers by default to the application of the law of the member state where the EGTC has its registered office,
- the EGTC acts in the common areas of competence of its members, excluding their police and regulatory powers.

In practice, like the other instruments used already for cross-border cooperation (table page 11), the EGTC works in compliance with the national law of the members, with the international undertakings of the states concerned and with Community law. The members of an EGTC cannot go beyond the competences and prerogatives that they hold on the basis of the national law by which they are governed.

The EGTC is the instrument of European territorial cooperation

How does the EGTC differ from existing instruments?

The EGTC has been introduced notably to manage European territorial cooperation projects. The use of the EGTC aims to promote cross-border, but also transnational and interregional, cooperation actions on the internal and external borders of the territory of the European Union, in order to reinforce economic and social cohesion.

It provides a novel framework for interregional and transnational cooperation actions which could not be based on the legal framework of cross-border cooperation (example of the Matriosca AAP project, page 18) because, although the second additional protocol to the Madrid Outline Convention concerns interterritorial cooperation, it has only been ratified at present by a minority of the member states of the Council of Europe (refer to the map on page 7).

The regulation provides for three possible types of use of the EGTC:

- management of an operational programme covered by the “European territorial cooperation” objective, as planned by the Belgian, Luxembourg, French and German partners in the “Grande Région” operational programme (Wallonia, German-speaking community of Belgium, Luxembourg, Lorraine, Saarland, Rhineland-Palatinate),
- management of a cooperation project co-financed by the ERDF, the ESF and/or the Cohesion Fund or receiving other Community co-financing (for example the 7th framework programme for research and development),

- management of a cooperation project contributing to the strengthening of economic and social cohesion without a financial contribution from the Community. In this case, member states may choose to limit the scope of work of such EGTCs to the priorities defined by the ERDF regulation for European territorial cooperation³.

The EGTC provides both a practical answer for the management of operational programmes and a novel legal solution for managing cooperation projects, for example on the territory of the Pro Europa Viadrina Euroregion (refer to page 16).

An EGTC can have an unlimited lifetime extending beyond the period of project co-financing by Community funds. It provides continuity for cooperation actions benefiting from other funding sources.

Given its very broad purpose, the EGTC is open to any “contracting authority” within the Community meaning (see box).

What is a contracting authority?

According to article 1 (paragraph 9, second sub-paragraph) of directive 2004/18/EC of 31 March 2004 (coordination of procedures for the award of public contracts), “contracting authorities” means the states, regional or local authorities, bodies governed by public law, or associations of such authorities or bodies governed by public law. A “body governed by public law” means any body established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character and meeting one of the following criteria:

- financed for the most part by the state, regional or local authorities or other bodies governed by public law;
- subject to management supervision by those bodies;
- having an administrative, managerial or supervisory board more than half of whose members are appointed by the state, regional or local authorities or other bodies governed by public law.

A non-exhaustive list of such bodies governed by public law is annexed to the above-mentioned directive.

The EGTC allows unprecedented cooperation between state and regional or local authorities on common competences, such as health (example of the Cerdagne and Capcir cross-border hospital project, refer to page 17). An EGTC can also include, among its members, partners from non-EU member states, subject to certain conditions (see box page 10). ▶

³ Article 6 of the EC regulation 1080/2006 on the ERDF.



Conditions for participation of a member from a third country in an EGTC

The Community regulation on the EGTC lays down three conditions:

- at least two members from two EU member states must participate in the EGTC;
- the registered office of the EGTC, which determines the applicable legal system to the EGTC, must be located in one of the EU member states by whose law at least one of the members of the EGTC is governed;
- the possibility of participating in an EGTC must be allowed by the legislation of the third country concerned or by agreements between the EU member state(s) and the third country or countries concerned.

European Union and EGTC

Article 265.1 of the Treaty of the European Communities confers upon the **Committee of the Regions** specific consultative competences for questions related to cross-border cooperation. The committee monitors EGTCs in both practical terms (European register of EGTCs, information and experience-sharing actions such as the expert group on the EGTC) and political terms (territorial cooperation, and more particularly the EGTC, are part of the priorities of its present political mandate and of the protocol of cooperation with the Commission).

By August 1, 2011, the **European Commission** must forward to the European Parliament and the Council a report on the application of the regulation introducing the EGTC and proposals for amendments, where appropriate.

DG REGIO encourages the member states to adopt the appropriate national measures to incorporate regulation (EC) 1082/2006 into their national law and supports local and regional authorities in communicating their experiences with the EGTC at European level (*refer to INTERACT programme, events and publications*).

The EGTC functions according to the principle of subsidiarity

The regulation defines the principles of functioning and intervention common to all EGTCs, whatever their purpose and their partnership.

For all provisions not stipulated by the regulation, the text refers to the convention and the statutes drafted by the EGTC members and to the law of the member state where the EGTC has its registered office, applicable by default. The members must ensure that the provisions of the convention and the statutes do not conflict with their own national law.

The establishment of an EGTC is subject to authorisation by each member state concerned, which checks that the convention and the statutes do not contain provisions not in conformity with the regulation, national law or the public interest.

The regulation stipulates that each state must enact the necessary adaptation measures allowing the establishment of EGTCs, for example by designating the competent authority to examine the convention and the statutes, by identifying the relevant legal system (public law or private law) and by abrogating the provisions of their national law contrary to the regulation.

Given the extent of the topics and the scales of territory covered, the regulation leaves a wide margin of initiative to EGTC members for defining the operating procedures most suitable for the tasks that the EGTC must accomplish. The convention and the statutes enable operation to be “tailored” while complying with the existing legal framework.

Each EGTC is unique: it reflects the choices and ambitions of the future members. ■

Content of the convention and the statutes

The **convention** must include the following items: name, list of members, location of the registered office, territory, objectives and tasks, duration, applicable law, arrangements for mutual recognition, procedures for amending the convention and for dissolution.

The **statutes** contain the content of the convention and the following details:

- for the management organs: their operation, competencies and respective compositions, and the decision-making procedures
- for the financing: the arrangements for the members’ financial contributions, the financial rules of each of the members with respect to the EGTC, their liability for the debts of the EGTC
- for the personnel: recruitment and management procedures and the nature of personnel contracts
- for its day-to-day management: the working language or languages, the applicable accounting and budgetary rules
- the authorities responsible for the designation of independent external auditors and the procedures for amending the statutes.

Legal toolbox for cross-border cooperation in Europe

Legal bases Instrument type	Examples of instruments derived from national law	Inter-state cross-border cooperation agreements	European Community law	Advantages	Drawbacks	Example
Cooperation agreement	Agreement governed by private law (IT) Agreement governed by public law (FR)	Cross-border cooperation agreement (BE, DE, LU, FR, CH, IT, ES, etc.)		Simplest cooperation instrument Enables establishment of a structure without legal personality	The provisions of the agreement are implemented under the responsibility of each signatory	Pro europa Viadrina Euroregion (DE/PL)
Non-profit structure governed by private law	Association (BE, LU, DE, FR, IT, etc.) Foundation (NL, CH, etc.)		<i>European association*</i> European Economic Interest Grouping	Members can be legal entities or individuals depending on the chosen legal basis Legal autonomy with respect to its members Easy to establish	Tasks limited to promotion, lobbying and studies Cannot substitute for member institutions in the exercise of their competences	Meuse-Rhine Euregio Foundation (BE/NL/DE)
Institutionalised public-private partnership	SEML** (local PPP) (FR)			Enables cross-border implementation of existing PPP mechanisms	Purpose limited to industrial or commercial activities Initial financial contribution necessary	SEML Initialité (FR/BE)
Structure governed by public law	Consortio (ES) European District (FR)	Local Grouping for Cross-border Cooperation (BE, DE, LU, FR, CH)		Legal entity governed by public law Able to carry out all tasks of interest to its members: governance, public services, public facilities, etc.	Governed by law of country where registered office is located Scope of application limited to certain borders	REGIO PAMINA LGCC (FR/DE)
European Grouping of Territorial Cooperation			EGTC governed by public or private law	Open to any "contracting authority" in the EC meaning On all EC borders Able to carry out all tasks within the competences of its members	Governed by law of country where registered office is located Prior authorisation by the states for convention drafting and amendment	Lille-Kortrijk-Tournai Eurometropolis EGTC (FR/BE)

*EC regulation under discussion since 1992

** Société d'économie mixte locale

The EGTC in practice

The establishment of an EGTC necessitates, first of all, a consensus between the future members on the content of the cooperation (what do the partners want to do together?) and then on the organisation and the functioning of the structure (what partnership, what internal organisation, what financial and human resources...?)

Why establish an EGTC?

The EGTC is an optional instrument included in a set of instruments derived from different legal sources, each having advantages and drawbacks (refer to the table on page 11).

The establishment of an EGTC must be motivated by the determination to set up a joint structure enabling the members to speak with one voice and act together.

Recourse to an EGTC, in political terms:

- ensures equal and democratic representation of the members through the EGTC organs,
- establishes a structure which is the sole interface with national and European levels (European visibility).

On the practical level of moving forward with a cooperation project, an EGTC:

- provides continuity of functioning and of the decision-making process;
- coordinates members and activities, in particular through the tasks of the director;
- promotes the common objectives and encourages the emergence and implementation of projects;
- ensures the continuity of the cooperation.

In legal terms, recourse to an EGTC:

- formalises the commitment of the partners through the functioning of the organs and the voting of the budget,
- facilitating the articulation between the legal framework of each member,
- provides legal guarantees for the joint actions: the EGTC, legally autonomous, can be the lead partner of projects co-financed (or not) by Community funds, enter into contracts with third parties, issue calls for tenders on behalf of its members and conduct cooperation projects or implement operational programmes.

What applications for the EGTC? From governance to operations

Cooperation partners have a choice of legal instruments to formalise their arrangements to various extents. From the simple agreement to set up a cooperation body with legal personality such as the EGTC: to each project corresponds its own legal instrument.

These instruments should be matched to the maturity, content and partnership of the project and to the ambition of the stakeholders, factors which change over time.

The EGTC, as a governance or operational structure, can carry out very diverse actions, including:

- coordination of all actions on the territory;
- development and implementation of a strategy on the basis of a shared diagnosis;
- implementation of projects with different levels of ambition (from management of services and facilities to projects for the benefit of the citizens);
- guidance for territorial cooperation project stakeholders;
- implementation of lobbying actions at international and European levels.

Several cross-border territories wanting a permanent instrument for coordination of an integrated cooperation project have had recourse to the establishment of an EGTC, for example the Lille-Kortrijk-Tournai Eurometropolis (refer to page 15), the first EGTC in Europe.

In November 2006, the partners of the West-Vlaanderen/Flandre-Dunkerque-Côte d'Opale cross-border platform (France-Belgium) also undertook the establishment of an EGTC (see map: project area and localisation of partners). Since 2004, several decisive steps aimed at bringing the partners of the latter project together and intensifying cooperation have been taken: adoption of a joint development strategy, establishment of a cross-border platform with support from

How is an EGTC established?

the Interreg 3A programme and establishment of a managing body (the “Standing Conference”).

The issue of the governance of a cross-border territory is a key factor in the added value of the EGTC: by enabling a state, in its areas of competence, to be a member of a cooperation structure alongside local authorities, this new instrument is likely to provide local, regional and state entities with a “forum” of exchanges for the preparation of innovative and ambitious measures suitable for cooperation actions.

The possibility for an EGTC to enter into agreements with private-sector entities, also enables the initiation of a horizontal dialogue and the implementation of actions which can be based on additional expert assessments.

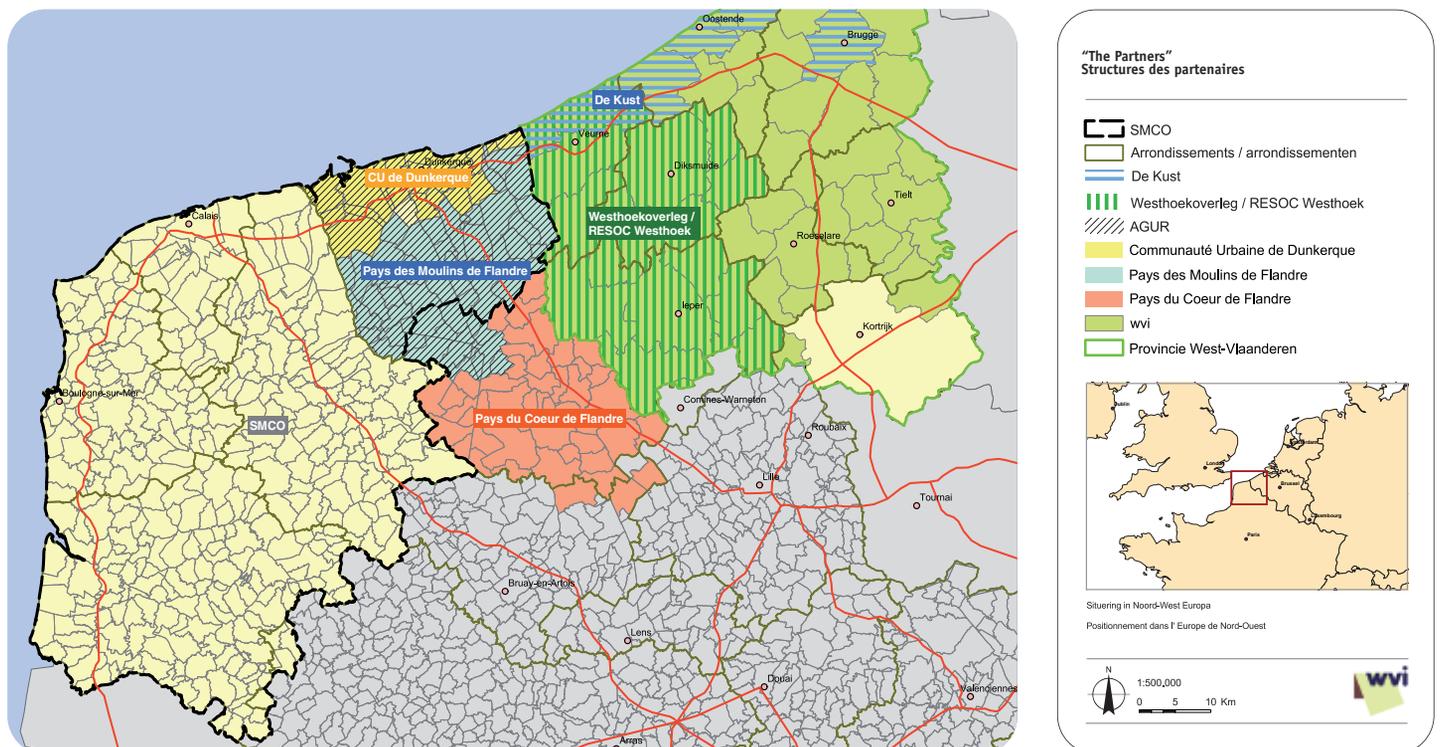
Moreover, the question of the coordination of an EGTC with the other cooperation entities, including other cooperation structures at other levels and carrying out other tasks, on a given territory, is essential. ■

There are three consecutive stages in the establishment of an EGTC, which should be completed in the given order:

- a preparatory phase to obtain a political consensus of the future members on the essential points: partnership, tasks, name, duration, territory, location of the registered office, balance of powers, organs, technical team and financing of the EGTC;
- a technical phase, drafting the convention and the statutes in compliance with the domestic law of each member;
- an administrative phase, in three steps:
 - adoption of the draft convention and statutes by each of the deliberative assemblies of the future members;
 - sending of a copy of the convention and statutes to the competent authorities for a decision on approval of participation in the EGTC;
 - establishment and then publication of the statutes, allowing acquisition of legal personality.

The first stage, reaching a political consensus on the objectives, the partnership and the organisation, is essential in the process of forming an EGTC, and its importance and the time it requires should not be underestimated. The drafting of the convention and the statutes formalises these elements.

Map of the West-Vlaanderen/Flandre – Dunkerque - Côte d’Opale cross-border platform (France-Belgium)



The EGTC, being formed to manage the West-Vlaanderen/Flandre-Dunkerque-Côte d’Opale platform cooperation between France and Belgium, will be tasked with organising multilevel governance on the territory. The MOT has provided operational assistance to the platform partners for the definition of the EGTC partnership, tasks, territory, etc.

Field experiences

The Lille-Kortrijk-Tournai Eurometropolis



Pascaline Chombart, LMCU

The partners of this territory of two million inhabitants established the first EGTC in Europe on 28 January 2008.

The objective is to structure and develop a “polycentric, tricultural and binational” French-Belgian Eurometropolis with the ambition of making it “an exemplary laboratory and territory of European integration”. It is the first time that all the authorities concerned by cross-border cooperation in this territory have come together in the same structure. ■

The Cerdagne and Capcir cross-border hospital



The first cross-border hospital in Europe is scheduled to open its doors in 2010 in Puigcerda, a Catalan municipality with 9000 inhabitants located in

Cerdagne, two kilometres from the French-Spanish border. The partners have decided to set up an EGTC to manage this new establishment, truly cross-border in both its construction and its management. ■

The Pro europa Viadrina Euroregion



The Pro europa Viadrina Euroregion is located on the German-Polish border around the cities of Frankfurt on Oder (DE) and Slubice (PL). Active in many areas of cooperation since its establishment

in 1993, it has an original organisation based on two different associations, one on the German side and the other on the Polish side. The establishment of an EGTC will provide a single governance structure to develop and manage the whole of this cross-border territory of 11,000 sq. km and 850,000 inhabitants. ■

The MATRIOSCA Adria-Alpe-Pannonia

This transnational cooperation project between Austria, Italy, Hungary, Slovenia, Croatia and Serbia has developed a unique forum for cooperation between institutions, technicians and experts of the partner regions of this vast territory. The establishment of an EGTC will institutionalise, intensify and sustain this multi-level cooperation. ■



The Lille-Kortrijk-Tournai Eurometropolis

Located at the heart of north-western Europe in the Brussels-Paris-London triangle, the Lille-Kortrijk-Tournai Eurometropolis has a population of more than two million in the Lille metropolitan area, the south of Western Flanders and the Picardy part of Wallonia. This 3550 sq. km cross-border space forms the largest continuous cross-border conurbation in Europe.

Confronted with the fragmentation of local authorities and the specific nature of national development and planning policies, the Eurometropolis partners have worked on the definition and the introduction of a form of governance suitable for a polycentric, tri-cultural and bi-national metropolis through the establishment of an EGTC. The objective is to generate impetus for a joint territorial dynamic and implement a cross-border strategy.

The emergence of this governance structure is the result of a long-term cooperation: in 1991, five Flemish, French and Walloon intermunicipal structures joined together in the COPIT (cross-border intermunicipal standing conference) in order to encourage the emergence of a French-Belgian Eurometropolis. The results of this cooperation included the publication of a "Stratégie pour une métropole transfrontalière" (strategy for a cross-border metropolis).

In 2005, the French, Belgian federal, Flemish and Walloon governments and the Communauté française de Belgique (French-speaking community of Belgium) set up a working group of French

The main square in Kortrijk, Belgium.



Vincent Leaigne, LMU

and Belgian members of parliament. Its role was to draft proposals for the constitution of a true territorial cooperation instrument with a political governance organ. Technical and policy meetings took place over a period of more than 18 months to draft a convention and statutes, leading to the establishment of the first EGTC in Europe in January 2008. ■

Identity card

Name: Lille-Kortrijk-Tournai Eurometropolis.

Date of establishment: The EGTC was established in January 2008.

Territory: France (FR)/Belgium (BE) - 145 municipalities, 4 Flemish districts, 3 Walloon districts.

Partners: French state (FR), Nord-Pas de Calais region (FR), Nord department (FR), Lille metropolitan urban community (FR), Federal Belgian state (BE), Flanders region (BE), Flemish-speaking community (BE), Western Flanders province (BE), Leiedal intermunicipality (BE), wvi intermunicipality (BE), Walloon region (BE), French-speaking community of Belgium (BE), Hainaut province (BE), Ideta intermunicipality (BE), IEG intermunicipality (BE).

Web site: <http://www.cudl-lille.fr>

Three questions to Marie Vannouque-Digne, INTERNATIONAL RELATIONS DIRECTOR, LILLE METROPOLITAN URBAN COMMUNITY

Why did you choose an EGTC?

The EGTC has the advantage of being a legal structure introduced by the European Union, so it is neither French nor Belgian. The EGTC also enables all the public authorities in a given cross-border territory to work together, including the states and the Belgian federated entities. This means that issues and projects can be dealt with in a cross-border living area of 2 million inhabitants within a metropolitan area with a population of 3.5 million.

What will its principal tasks be?

- Ensure consultation and dialogue and encourage political debate.
- Produce cross-border coherence at the scale of the territory as a whole.
- Facilitate, lead and carry out projects implementing the jointly-prepared development strategy.
- Facilitate the daily life of the inhabitants of the French-Belgian metropolis.

What are its priority actions for the current programming period?

The Assembly of the Eurometropolis in June 2008 will decide on the work programme for 2008-2009-2010 which will be incorporated into the European programmes of the European territorial cooperation objective. In addition to the ramping up of the EGTC, with the setting-up of the political organs and the formation of the cross-border agency, the Eurometropolis will have to build its identity (web site, logo, labelling of Eurometropolitan events) and provide initial answers in terms of projects and removal of legal and regulatory obstacles relating to the major sectoral cross-border issues (transport, employment, spatial planning, training, health, etc.).



Frankfurt on Oder/Slubice,
German-Polish border.

development contributing to improvement of the living conditions of the German and Polish populations.

The actions of the Euroregion (more than 160 to date) have received Phare and then Interreg co-funding. The Euroregion initiates and supports cross-border cooperation in the following areas: economic relations, infrastructure development, protection of the environment, development of the rural space, qualification and employment, science and culture. The Euroregion supports in particular “people to people” projects with budgets not exceeding 15,000 euros.

This Euroregion has an original structure. It is based on an agreement between two associations, one German and the other Polish, which participate in equal-representation organs responsible for preparing and implementing joint development policies: a council and a presidency alternating every two years between the German and Polish members. These organs are supported by three working groups (project management, tourism and economic development) and two offices, one in Germany and the other in Poland. ■

The Pro europa Viadrina Euroregion

The Pro europa Viadrina Euroregion located on the German-Polish border was established in December 1993 for the purpose of improving cross-border cooperation and the international competitiveness of this cross-border territory on both banks of the Oder. The Euroregion includes the Märkisch-Oderland and Oder-Spree Landkreise and the city of Frankfurt on Oder on the German side and twenty-eight Polish municipalities of Lubusz voivodeship (province). Situated on a Berlin-Warsaw route, a road and rail crossing point between Germany and Poland, this 11,000 sq. km territory has a population of 850,000.

The Euroregion has set itself the objective of preparing the cross-border territory for a joint future. It is encouraging harmonious

Identity card

Name: Pro europa Viadrina Euroregion.

Date of establishment: The Euroregion was created in December 1993.

Territory: Germany (DE)/Poland (PL) - Märkisch-Oderland and Oder-Spree Landkreise (DE), Lubusz voivodeship (PL).

Partners: “Mittlere Oder” association (DE) of Landkreise (districts), cities (Frankfurt/Oder, Seelow and Eisenhüttenstadt) and other public (university, chambers of commerce and industry, etc.) and private institutions; Association of Polish municipalities of the Pro europa Viadrina Euroregion (PL).

Web sites: <http://www.euroregion-viadrina.de>; <http://www.viadrina.org.pl>

Three questions to Martin Patzelt, MAYOR OF FRANKFURT (ODER) AND PRESIDENT OF THE PRO EUROPA VIADRINA EUROREGION

Why have you chosen an EGTC?

The EGTC is going to enable us to achieve the ambition declared as long ago as 1992 to have a cross-border structure providing a joint office at the border and employing personnel financed jointly by the members. It will also terminate a provisional situation which has lasted until now: the co-existence of an office in Germany and an office in Poland.

What are the next steps towards the establishment of the EGTC?

Moving beyond this ambition, it seems necessary to us to conduct expert assessments prior to the setting up of the EGTC and more generally on the definition of a model for our region, in order to inform and mobilize all the members of the two stakeholder associations of the Euroregion. This work will be done under the aegis of the Euroregion presidency, in collaboration

with the “project management” working group and external experts.

After approval by the council, the establishment of the EGTC will need to be authorised by the German and Polish authorities.

Once established, what will its priority actions be?

The EGTC will enable the single office to be set up and financed, with a clear function as development agency for the German-Polish cross-border space.

The EGTC will be a structure both for lobbying, relaying the concerns of the cross-border territory, and for management of cross-border territorial development through the promotion of concrete projects.

It will take over the administrative management of territorial cooperation programmes and will be a service provider on German-Polish issues.

The Cerdagne and Capcir cross-border hospital



The Cerdagne is a cross-border plateau located on the border between the Pyrénées-Orientales department (FR) and the Generalitat of Catalonia (ES). Its population can increase from 30,000 permanent residents to 150,000 at peak tourist season.

This territory has only one hospital, located in Puigcerdà on the Spanish side and housed in a 12th century building. The inhabitants on the French side are served by hospitals located one or two hours away by road (Prades, Perpignan or Foix).

Starting in 2000, the authorities responsible for health services planning and management (ARH⁴ in France, Catalan ministry of health), in liaison with the local authorities, have undertaken an examination of means to improve access to health care and the organisation of emergency services in this cross-border territory.

Agreements were signed in 2001 and 2003 to allow treatment of French patients by the Puigcerdà hospital and the reimbursement of their emergency and obstetric care.

The French and Spanish partners wanted to take these arrangements further by defining the conditions for the establishment of a cross-border health network incorporating the advantages of the two health systems.

In order to make this network a reality, it appeared necessary to them to build a cross-border hospital in Spain accessible to French patients on the same terms as an establishment located in France,

Identity card

Name: Cerdagne and Capcir cross-border hospital.

Date of establishment: Scheduled opening in 2010.

Territory: France (FR)/Spain (ES) – Cerdagne plateau, Pyrénées-Orientales/Catalonia.

Partners: Ministry of Health and Solidarities - DHOS⁵ (FR), Languedoc-Roussillon ARH (FR), Languedoc-Roussillon region (FR), Pyrénées-Orientales department (FR), Bourg-Madame municipal council (FR), Health department of the Generalitat of Catalonia - Servei català de la Salut (ES), Ajuntament of Puigcerdà (ES), Consell Comarcal (ES).

Web site: <http://hcerdanya.eu>

with bi-national personnel. This hospital will operate in a network with French and Spanish hospitals.

The future EGTC will be responsible for the cross-border management of this hospital, scheduled to open in 2010. Located on a site close to the border belonging to Puigcerdà municipality, the 68-bed establishment will be dedicated to “short-stay” patients and specialised in emergency and obstetric care.

At present the cross-border project is managed by a foundation governed by Spanish private law, a precursor for the future EGTC. ■

⁴ Regional hospital care agency of Languedoc-Roussillon.

⁵ Hospital care and healthcare organisation directorate.

Three questions to Xavier Conill, SECRETARY OF THE CERDAGNE CROSS-BORDER HOSPITAL FOUNDATION

Why have you chosen an EGTC?

The project to build a cross-border hospital in Cerdagne and provide genuinely cross-border management for the establishment precedes the adoption of the EGTC regulation.

Until 2006 the project was blocked by a legal difficulty which the EGTC has resolved: a legal form allowing long-term participation by the main health sector authorities (the French state and the Generalitat of Catalonia). Although there is a French-Spanish agreement on cross-border cooperation, the Treaty of Bayonne signed in 1995, it does not permit the states to be members of cross-border structures such as the consorcio.

What are the next steps towards the establishment of the EGTC?

In 2006 the partners set up a private foundation, “Cerdagne cross-border hospital”,

for overall management of the project: design and construction of the new building, operation of the health network and the future hospital. This structure, governed by Catalan law, is also responsible for completing the establishment of the EGTC.

It has made progress in the drafting of the convention and the statutes, and will initiate the administrative procedure for establishment when the provisions adapting the regulation have been permanently incorporated into French law.

Once established, what will its priority actions be?

The EGTC will take over all the functions of the foundation. It will facilitate the involvement of the government departments concerned in the financial and general management of the cross-border project. It is planned that all the project partners will be represented in the future executive organ of the EGTC.

The MATRIOSCA Adria-Alpe-Pannonia project



The MATRIOSCA AAP project aims to promote the integrated and coordinated development of the Adria-Alpe-Pannonia territory (Austria/Italy/Hungary/Slovenia/Croatia/Serbia).

This territory of about seventeen million inhabitants includes both new and old member states of the European Union.

Financed initially by the Interreg 3B CADSES transnational cooperation programme, the project has developed a unique forum for cooperation with institutions, technicians and experts from the partner regions. At a larger scale the partners also participated in a transnational cooperation entity, the Alps Adriatic Working Community (AAWC), and at a smaller scale several euregios have been established for bilateral cooperation actions.

Working groups have carried out studies and in-depth analyses in key areas for territorial development (transport and infrastructure, spatial planning, socio-economic development, cooperation between towns and municipalities, etc.) and have produced practical answers such as the preparation of a joint strategy, the proposal of a series of cooperation projects and the drafting of model statutes for an EGTC.

Aware of the lack of information on either side of borders, of the overlapping and duplication of certain projects dealing with similar topics and of the problems relating to “collaboration without coordination”, the political representatives of the MATRIOSCA project signed a declaration on the occasion of the final political conference

in November 2007 committing them to the establishment of an EGTC. They also expressed the wish to intensify the collaboration between the MATRIOSCA project partners and the AAWC members, and to support multi-level governance and the development of new legal entities for cooperation in the territory. ■

Identity card

Name: MATRIOSCA AAP (Management Tools and Relations for Interregional Organisation to Strengthening Co-operation in Adria-Alpe-Pannonia space).

Date of establishment: Interreg 3B project started in June 2005; end of the project: December 2007; EGTC to be established when all the partners have adopted the legal framework.

Territory: Austria (AU)/Italy (IT)/Hungary (HU)/Slovenia (SI)/Croatia (HR)/Serbia (SR).

Partners: 14 partner regions: Styria (AU), Carinthia (AU), Burgenland (AU), Friuli Venezia Giulia (IT), Veneto (IT), Republic of Slovenia (SI), Zala (HU), Baranya (HU), Győr-Moson-Sopron (HU), Somogy (HU), Vas (HU), Tolna (HU), Koprivnica-Krizevci (HR), Istria (HR), Varazdin (HR) (additional partner), Vojvodina (SR) (additional partner).

Web site: <http://www.matriosca.net>

Three questions to Stefan Börger, EUROPEAN AFFAIRS OFFICER, DEPARTMENT OF EUROPEAN AFFAIRS AND INTERNATIONAL RELATIONS, STATE GOVERNMENT OF THE LAND OF STEIERMARK (AUSTRIA)

Why have you chosen an EGTC?

The institutional partners of the Interreg 3B CADSES MATRIOSCA AAP project, which range from the level of the state to that of the counties (NUTS III), have very diverse competencies and resources. In this context the EGTC has several advantages over other legal forms: it allows participation by all the levels concerned, including the state, it clarifies the procedure for establishing the structure and it permits the involvement of EU third countries such as Croatia and Serbia (and their local authorities) subject to conditions.

What are the next steps towards the establishment of the EGTC?

As proposed at the MATRIOSCA final political conference in November 2007, the Alps Adriatic Working Community, which covers practically the whole of the territory of the project, has decided to use the project results as

a basis to examine the legal options enabling the AAWC to become the project's governance structure.

A technical secretariat, responsible for project development, should be added to the present structure and then, when the legal framework of all the partners is known, the organisational provisions of the AAWC should be incorporated into the draft statutes of the EGTC. These steps have yet to be validated by the political level at the AAWC plenary assembly.

What will the main tasks of the EGTC be?

The EGTC should be responsible both for the strategic decisions taken at transnational level and for the preparation and implementation of projects of transnational interest. The other forms and levels of cooperation covering the Adria-Alpe-Pannonia territory are invited to cooperate and participate in the strategy discussions.

MOT and EUROMOT publications

Cross-border territories: Day-to-day Europe,
Proceedings of the European conference in Lille on November 8 and 9, 2007,
MOT, April 2008 (French, English, German)

Manifest for cross-border cooperation in Europe,
EUROMOT, April 2008 (French, English, German)

Atlas de la coopération transfrontalière,
Second edition, December 2007, MOT (French)

The European grouping of territorial cooperation (EGTC),
Proceedings of the seminar in Metz on November 16, 2006,
MOT, May 2007 (French, English, German)

Practical guide to transfrontier cooperation,
Council of Europe, Mission Opérationnelle Transfrontalière, July 2006
(French, English, Albanese, Greek, Macedonian, Russian, Serbian)

L'intercommunalité transfrontalière,
Les cahiers de la MOT n° 5, MOT, May 2005 (French)

The law and practice of cross-border co-operation,
The MOT Guides n° 2, MOT, June 2002 (French, English)

All of these publications can be downloaded from
www.espaces-transfrontaliers.eu

Other publications

The European grouping of territorial cooperation,
Committee of the Regions, 2007

Legal study on structures of cross-border cooperation in Interreg programmes,
Interact, 2006

Interact Handbook on the EGTC, Interact, March 2008

Web sites

The MOT site, a resource site on cross-border cooperation:
<http://www.espaces-transfrontaliers.eu>

The site of the Committee of the Regions, section on the EGTC:
<http://cor.europa.eu/fr/activities/egtc.htm>

The site of the European Commission DG Regio, Inforegio:
http://ec.europa.eu/regional_policy/index_fr.htm

The site of the Council of Europe, section on transfrontier cooperation:
http://www.coe.int/T/F/Affaires_juridiques/Démocratie_locale_et_régionale

MOT periodicals

The letter
"Espaces transfrontaliers"
(Cross-border areas)
Quarterly publication



The newsletter
"Cross-border News"
Monthly publication

Subscriptions: mot@mot.asso.fr (please give your full contact details)

Cross-border cooperation atlas



All of these maps can be downloaded online from
www.espaces-transfrontaliers.eu
(French version, section
"Ressources" > "Fonds cartographique").

To receive a paper version of the Atlas, please contact:
mot@mot.asso.fr



Mission Opérationnelle Transfrontalière

38, rue des Bourdonnais

75001 Paris – France

Tel: +33 (0)1 55 80 56 80

Fax: +33 (0)1 42 33 57 00

mot@mot.asso.fr

www.espaces-transfrontaliers.eu

Contacts:

francoise.schneider@mot.asso.fr

ludivine.salambo@mot.asso.fr

