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**“INTERREGIONAL AND TRANSFRONTIER CO-OPERATION:
PROMOTING DEMOCRATIC STABILITY AND DEVELOPMENT”**

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REPORT

**“INTERREGIONAL CO-OPERATION PROJECT:
AREAS OF CO-OPERATION
AND NECESSARY COMPETENCES”**

by

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Introduction

- Cross-border co-operation is a sensitive aspect of the international relations, especially in Europe where borders are numerous and well touched by history. It is a continuous challenge for Europe, but also for the entire world in the 21st century.

Advantages as proved by its development in the last 30 years:

- Yet, it has multiple advantages, as proved by its consistent development in the last 30 years.
- **Firstly**, transfrontier co-operation is essential for the international democratic stability, for promoting good neighbourliness as it might play an important role in those areas affected by frozen conflicts, but not only.
- It has a positive impact as far as the people-to-people contacts, as it has the potential to bring together communities sharing the same cultural identity from the both sides of a certain state border (from the border that divides, to the border that unites; from the border as “wall”, to the border as “bridge”). In this way, when one can find persons belonging to the same ethnic, cultural, language etc on both sides of the border, it may become a tool for implementing effectively the Framework Convention on Minority Protection. The October 2008 Bolzano recommendations of the HCNM of OSCE are in the same sense.
- When borders divide different cultures, transfrontier co-operation may build bridges by promoting cultural exchanges, thus building trust, understanding, tolerance – which is also beneficial for preventing conflicts.
- The geopolitical changes of the last two decades created the premises for new prospects for working together beyond national borders of various states.
- **Secondly**, it is a strong motivating factor for the European integration.
- From this perspective, there is an increased interest to use such a co-operation as a means of getting rid of the negative “border effect”, facilitating this way the spread of democracy, rule of law and human rights all over the continent.
- Different funding schemes from the European Union (EU), such as the INTERREG Programme, the European Neighbourhood and Partnership Instrument (ENPI) and the Instrument for Pre-Accession Assistance (IPA) make an important contribution to the successful implementation of cross border co-operation programmes.
- **Thirdly**, and not of a less importance or significance, cross-border co-operation can contribute to greater social, economic and territorial cohesion in Europe.
- It can help reduce disparities between regions by promoting regional economic growth, improve the mobility of European citizens and promote exchanges of experts, especially with east European countries.
- One advantage of this type of co-operation is that it can advance economic progress of European regions, and not only strengthen social and territorial cohesion, but also promote active participation of all citizens without creating additional administrative levels.
- It is a subsidiarity tool: it is more efficient to address certain problems at the level of inter-regional contacts and cooperation than at inter-State level.
“Organised and implemented by local and regional authorities, transfrontier co-operation is exercised by those authorities closest to the citizens in full respect of the principles of subsidiarity and partnership. Thanks to this proximity, co-operation is centred around the preoccupations of the authorities, citizens and structures in those areas and can deal with the specific issues encountered by border regions.” (Resolution 286 (2009) of the Congress of Local and Regional Authorities of CoE)

- It is also efficient in another way: it is easier to overcome in this manner certain obstacles encountered by local and regional authorities in managing transborder projects, due, for instance, to various and different domestic laws and regulations. So, this tool allows – through the establishment of a specific legal framework – to better promote the goals of the respective local communities.

The evolution is in the sense of the conclusion of many co-operation agreements

- The recent years have been marked by the emergence of many co-operation agreements between countries and among local and regional authorities.
- Having come to life originally as twinings between municipalities, transfrontier co-operation has spread subsequently to new areas (such as cross-border transport, protection of the environment, energy connections etc) and to new players (such as the regions).
- But what is the typology of the existing border and cross border regions in today's Europe?

The regions can be classified by observing several criteria:

- A recent report of the Congress of Local and Regional Authorities of CoE shows that, from a geopolitical standpoint, the regions could be catalogued by taking into account four criteria.
- The first criterion is size - the geographical scope of the region. A distinction may be drawn between small regions (micro-regions), medium-sized regions (meso-regions) and large regions (meta-regions).
- The complexity of the border region is a second typological criterion. The more countries, regions, languages and different levels of responsibilities coexist within a region, the greater is its complexity.
- A third criterion is the characteristics of the border itself. The type of border greatly influences the co-operation between regions. A distinction must be drawn between natural borders, which present a physical barrier to co-operation and communication between different countries (mountain chain, ocean or continental waters, semi-closed sea such as the Black Sea) and legal frontiers.
- In addition to the above-mentioned typology, border regions may be classified according to their geographical location in relation to the European Union:
 - ✓ regions bordering on the internal frontiers of the former 15-member European Union;
 - ✓ regions bordering on frontiers that have become internal frontiers following the last two EU enlargement processes;
 - ✓ regions bordering on the EU's current external borders with countries that are candidates for membership or have the prospects to become so;
 - ✓ regions bordering on the EU's current external borders with countries that are not EU candidates and have no prospect of becoming so;
 - ✓ regions with no border with an EU country.

For being successful and feasible in practical terms, the cross-border cooperation needs a clear cut legal framework being put in place.

- By adopting the Madrid Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities in 1980, the Council of Europe had a pioneer role in developing transfrontier co-operation at the European level.
- The Madrid convention aimed at facilitating and encouraging the signing of cross-border agreements between local and regional authorities within the scope of their responsibilities, leading to innovative ways for removing obstacles to transfrontier co-operation.
- The Madrid Convention has thus represented the basis for the setting-up of interregional cooperation forms, and I will mention in this regard only some of these forms that Romania is part of: the *Black Sea Euro-Region*, the Euro-Region "*Siret-Prut-Nistru*"; the Euro-Region *Dunarea de Jos/Lower Danube*.

a) The areas of cooperation for the Euro-Region Siret-Prut-Nistru were expressly mentioned in the Protocol concluded in 2003 and they refer to economic field (drafting common programmes, elaborating a common informational system, stimulating cooperation between their Chambers of Commerce; creating commercial companies and banks with joint participation; enhancing relations of cooperation in the field of agriculture); in the field of infrastructure, specific actions are provided, such as developing transport infrastructure workings and border crossing points, modernizing the existing ones; in the field of environment – harmonizing the protection of environment and the measures of protection of soil, air and watercourses; in the field of tourism (establishing a common strategy for the development of the ecotourism and agro-tourism in the area; creating touristic circuits in the whole region); in the field of science, culture, education, civic relations, health or sports.

Actions in these fields involve competences such as drafting short and long-term programmes in different areas, in cooperation with the European Commission and other international and inter-regional organisations and associations; preparing concrete projects of cooperation among the Members; preparing presentation and information materials on the economic and investment potential of the administrative units composing it; assisting in the coordination of the transfrontier cooperation among the Members; organizing and deploying cooperation activities (conferences, round tables, cultural events etc) etc.

b) As for the Euro-Region *Dunarea de Jos/Lower Danube*, the purpose of its creation along with its objectives are specifically provided in its Statute; the areas of action are the following: the sustainable development of all the territorial-administrative units parts of the Association; the integrated trans-frontier economic development; the promotion of the private and public investments, growing access to resources; improving the transport infrastructure; developing human resources; combating social exclusion; efficient administration of the potential of the area; counselling interested persons in the field of trans-frontier cooperation etc.

- Two Protocols were added to the Madrid Convention - which was lacking initially operational provisions – in 1995 and 1998.

- Thus, the Additional Protocol on Transfrontier Co-operation strengthened the convention by explicitly recognizing, subject to certain conditions, the right of local and regional authorities to conclude transfrontier co-operation agreements (a principle also set forth in the Charter of Local Self-Government) as well as the legal force of measures taken under a transfrontier co-operation agreement.

- The legal framework for transfrontier and inter-regional co-operation has been further consolidated by the adoption of the EU Regulation regarding the **European Grouping of**

Territorial Co-operation (EGTC), in July 2006. The regulation recognizes the “Council of Europe *acquis*” in this field.

- According to the *Ad hoc Group on Inter-regional Cooperation*, the EGTC is a new European instrument created to enable regional and local authorities from different member states to set up cooperation grouping with different personality; **its aim is to reinforce economic, social and territorial cohesion of the countries involved**. In this regard, their tasks are to promote, facilitate, organize and manage cross-border, trans-national or interregional cooperation.

- The Regulation 1082/2006 provides that the tasks of an EGTC will be given to it by its members, and defined within the conventions concluded for its governance. The limitations of the areas and competences of an EGTC relate to their purpose of functioning: the facilitation and promotion of territorial cooperation to strengthen economic and social cohesion and also to the express exclusion of the exercise of powers conferred by public law or of duties whose object is to safeguard the general interests of the State or of other public authorities, (police and regulatory powers, justice and foreign policy)

- The *Ad hoc Group* referred to the following examples of activities that could be performed by an EGTC: implementation and management of territorial cooperation programmes and projects co-financed through the European Regional Development Fund, the European Social Fund and the Cohesion Fund; management of projects related to cross-border economic, social

and environmental activities through joint strategies (encouraging entrepreneurship, tourism, culture and cross-border trade, joint protection of natural and cultural resources etc); implementation of the communication and transport improvement projects; programs related to the co-operation in the fields of capacity building and joint use of infrastructure.

- This kind of grouping is open to entities from third countries, including state authorities, but only under certain conditions.
- Furthermore and complementarily to this instrument, the Council of Europe opened for signature Protocol No. 3 to the European outline Convention on Transfrontier Co-operation, on 16 November 2009, on the occasion of the Utrecht Conference of Ministers responsible for Local and Regional Government.
- Protocol No. 3 to the Madrid Convention provides the legal status and establishes the

'Euroregional Co-operation Groupings' (ECGs), which are set to be composed of local authorities and other public bodies.

- The ECGs brought novelties that are supposed to solve some deficiencies of the EGTC, thus making possible a true alternative to the European territorial communities in the toolbox of the territorial co-operation in Europe.
- For instance, due to the fact that an EGTC must comprise at least two European Union member states, bilateral co-operation arrangements involving a member state and a third country are not covered by the EU instrument.
- Instead, the CoE mechanism allows this in a legal manner under Protocol No. 3.
- Under these circumstances, the CoE's ECGs is the most adequate tool for territorial co-operation between the Member States of the European Union and its neighbour members of the Council of Europe.
- Procedural details regarding the tasks of the ECG's are provided in the text of the protocol: the tasks shall be accomplished in accordance with the competences of the members under their respective national law and shall be listed in the agreement and in the statutes; they shall not concern the exercise of regulatory powers; The ECG shall not be empowered to take measures which might affect the rights and freedoms of individuals, or to impose levies of a fiscal nature; The ECG may not exercise competences that territorial communities or authorities exercise as agents of the State to which they belong, except where duly authorised. It may exercise competences that States members of the ECG confer upon it.

Conclusions

- One final aspect I want to touch upon on this topic is the inter-linkage between cross-border cooperation and local and regional democracy.
- Here I would like to stress that the transfrontier co-operation goes hand in hand with the strengthening of the decentralisation process, clearly reflecting the principle of subsidiarity.
- Let me remind you, in this respect, that the *European Charter on Local Self-Government*, which was adopted by the Council of Europe in 1985, has made a major contribution to the democratic process in Europe, especially in the countries seen as part of Central and Eastern Europe, following the fall of the Berlin Wall.
- A few years ago, the United Nations tried to prepare a World Charter on local self-government, to build up on the Council of Europe important knowledge.
- We therefore may say that 30 years from the Madrid Convention and 25 years from the European Charter on Local Self-Government, Europe made incontestable progresses in the field of territorial democracy, while having tremendous opportunities in the area of future inter-territorial cooperation, be it on a transfrontier or inter-regional layer.
- Moreover, the Congress notes the successful results of cross border co-operation programmes and projects which deal with problems specific to border regions, and the long standing co-operation between other cross border structures such as in the Upper Rhine area. It has itself launched its own Euroregional initiatives, namely the Adriatic Euroregion and the

Black Sea Euroregion. The Congress also notes other transfrontier co-operation initiatives such as the European Union Strategy for the development of the Danube Regions, as well as its Baltic Sea Strategy.