



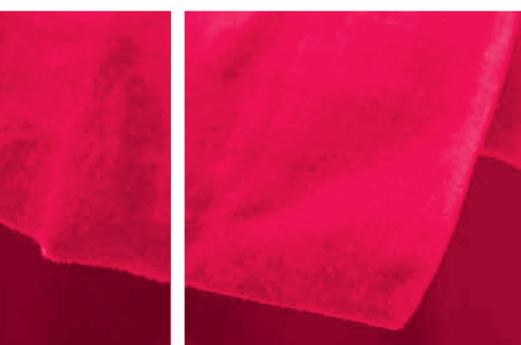
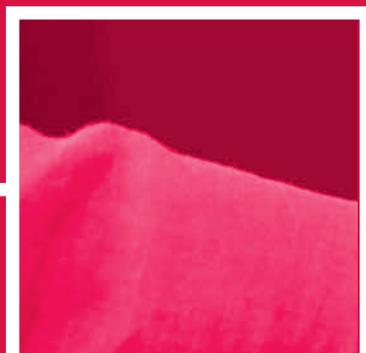
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MORO Praxis

Experience of European Groupings of Territorial Cooperation (EGTC)



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Experience of European Groupings of Territorial Cooperation (EGTC)

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Summary

In Europe, spatial development across borders takes place in various forms. The European Groupings of Territorial Cooperation (EGTC) are one instrument for this. They aim at facilitating cross-border, transnational and interregional cooperation between their members. They consist of Member States, regional and local authorities, as well as other institutions governed by public law. Due to their own legal status, they are the basis for legal and planning security. Thereby, the instrument directly contributes to implementing the EU cohesion policy in the field of territorial cooperation.

Regulation (EC) No. 1082/2006 and amended Regulation (EU) No. 1302/2013 are the legal basis for the establishment of EGTCs. After the instrument was introduced in 2006, the number of established EGTCs had increased to 62 Groupings by April 2016. More EGTCs are in the foundation process. The involvement of German players in EGTCs has increased over the past years and the first EGTCs were registered with their seat in Germany. This results in questions about the advantages of EGTCs, their framework conditions, and possibilities for other EGTCs to learn from prior experience. The results presented in this edition of MORO Praxis particularly focus on three selected model regions: the “Interregional Alliance for the Rhine-Alpine Corridor” EGTC, the “Eurodistrict SaarMoselle” EGTC, and the planned “Lower Oder Valley” EGTC.

From the perspective of players in the model regions, **specific advantages** of the EGTC instrument depend on the individual context and the respective tasks and objectives. For the “Interregional Alliance for the Rhine-Alpine Corridor”, the advantages mainly refer to bringing together spatially relevant local and regional interests and their representation on the European level. For the “Eurodistrict SaarMoselle” a main advantage is its contractual capability which implies a stronger position towards the national and regional levels in Germany and France. This is closely related to the financial endowment that could be improved, which has led to a better external perception of the EGTC and its activities. From the perspective of the planned “Lower Oder Valley” EGTC, the envisaged EGTC will lead to an increase in effectiveness and efficiency as

well as stronger continuity of collaboration. Furthermore, the EGTC shall contribute to identity-building and to promoting the political will to cooperate.

Political support by single politicians and local and regional parliaments of the different EGTC members is a key **success factor** for EGTC foundation processes. In this context, it is important to develop a long-term perspective for cooperation and to communicate it to decision-makers in politics and administrations. Ultimately, the success of a foundation process depends on the people acting, their persuasiveness, their willingness to learn, and mutual trust. A clear focus on practical problems and the development and implementation of practically oriented projects is the best way to maintain political support in the long term.

To **stabilise and consolidate cooperation**, it is essential that a joint understanding exists about the vision to be realised and the tasks to be conducted. To increase acceptance, the development process for a vision and specific tasks deriving from this vision should be participatory. Across EGTCs it has become clear that gradual stabilisation is a reasonable and promising approach because advancing integration leads to new challenges and, consequently, to higher requirements concerning the basis of trust.

EGTCs are confronted with challenges that, inter alia, are derived from legal framework conditions for the founding process and during **ongoing work**, respectively. It can be noted that many approval authorities are still uncertain about the foundation process and do not have extensive experience and in-depth knowledge. Differences and uncertainties in national provisions implementing the EGTC Regulation hamper the process across the Member States.

During the ongoing work, challenges, inter alia, result from the fact that different Member States deal differently with the EGTC's separate legal form and that different national provisions have to be considered. Players in cross-border cooperation often have the impression that their interests are not sufficiently taken into consideration in national legislation procedures. Other challenges refer to the accession of new members and sometimes to when new activities are to be carried out.



In total, challenges lead to specific **needs for information and coordination** in order to promote a pragmatic and solution-oriented approach. This comprises financial support and legal advice but also close coordination between the authorities involved. In order to learn from each other and benefit from the experience of other approval authorities, a Europe-wide exchange of national authorities should be promoted.

Although EGTCs generally can learn from each other, the individual regional framework conditions and experience restrict the **transferability of experience**. It is therefore important to reinterpret and adjust existing experiences to one's specific context, for which the EGTC instrument provides a sufficient level of flexibility. The objectives and tasks as common ground of all EGTC members comply with the joint need for action, which is, i.a., influenced by the spatial structure and socio-economic disparities. For the development process of the organisational structures, the internal structures of the different EGTC members need to be considered.

The EGTC instrument focuses on cooperation between public authorities. Public undertakings as well entrusted with operations for services of general economic interest and other public undertakings can become members of an EGTC. Furthermore, **private players** can take part in the EGTC work, for example in an advisory board or specific project activities.

Experience gained by an increasing number of EGTCs helps to clarify many open questions with regard to both the implementation of the EGTC Regulation in different EU Member States and possibilities to design an EGTC. Based on this experience, precise answers can be increasingly found for various frequently asked questions. These answers, however, are not conclusive because new experience is continuously gained and new solutions to implementation issues are developed.



1 Introduction

In Europe, spatial development takes place in various forms and projects. The European Grouping of Territorial Cooperation is a well-established legal instrument to support this cooperation across borders.

Since the Regulation came into force in 2006, the number of established European Groupings of Territorial Cooperation (EGTC) has continuously increased, reaching 62 groupings by April 2016. Figure 1 provides a cartographic overview of all existing EGTCs. More EGTCs are in the foundation process. The initial Regulation (EC) No. 1082/2006 was amended in 2013 by Regulation (EU) No. 1302/2013, which led to various changes and improvements.¹

In the context of the MORO (Demonstration Projects of Spatial Planning) study “Potentials for transnational and cross-border partnerships by means of EGTC”, guidelines for establishing EGTCs were developed.



Guidelines for establishing EGTCs

- “Guideline for the establishment of an EGTC for stakeholders of transnational cooperation”, BMVI Publication.
- „Guidelines for the establishment of an EGTC for the use of actors of transboundary co-operation“, BMVI-Veröffentlichung (in German language).

The guidelines reflect different questions and framework conditions for different kinds of EGTCs in detail. They illustrate what the main advantage of an EGTC (possibly) is and which obstacles need to be overcome during the foundation process. Nevertheless, it needs to be taken into account that each EGTC foundation is an individual process. Figure 2 illustrates the preparatory process that precedes the establishment of an EGTC.

The high demand for the developed decision guidance underlines the high need for information on the part of interested players in Germany as well as in neighbouring countries. The study “European Groupings of Territorial Cooperation – disseminating and increasing experience” meets this need. In the context of the study, existing findings together with three model regions were analysed in detail. They were disseminated and discussed with a wider audience during various events. The different results of the study are the focus of this publication.

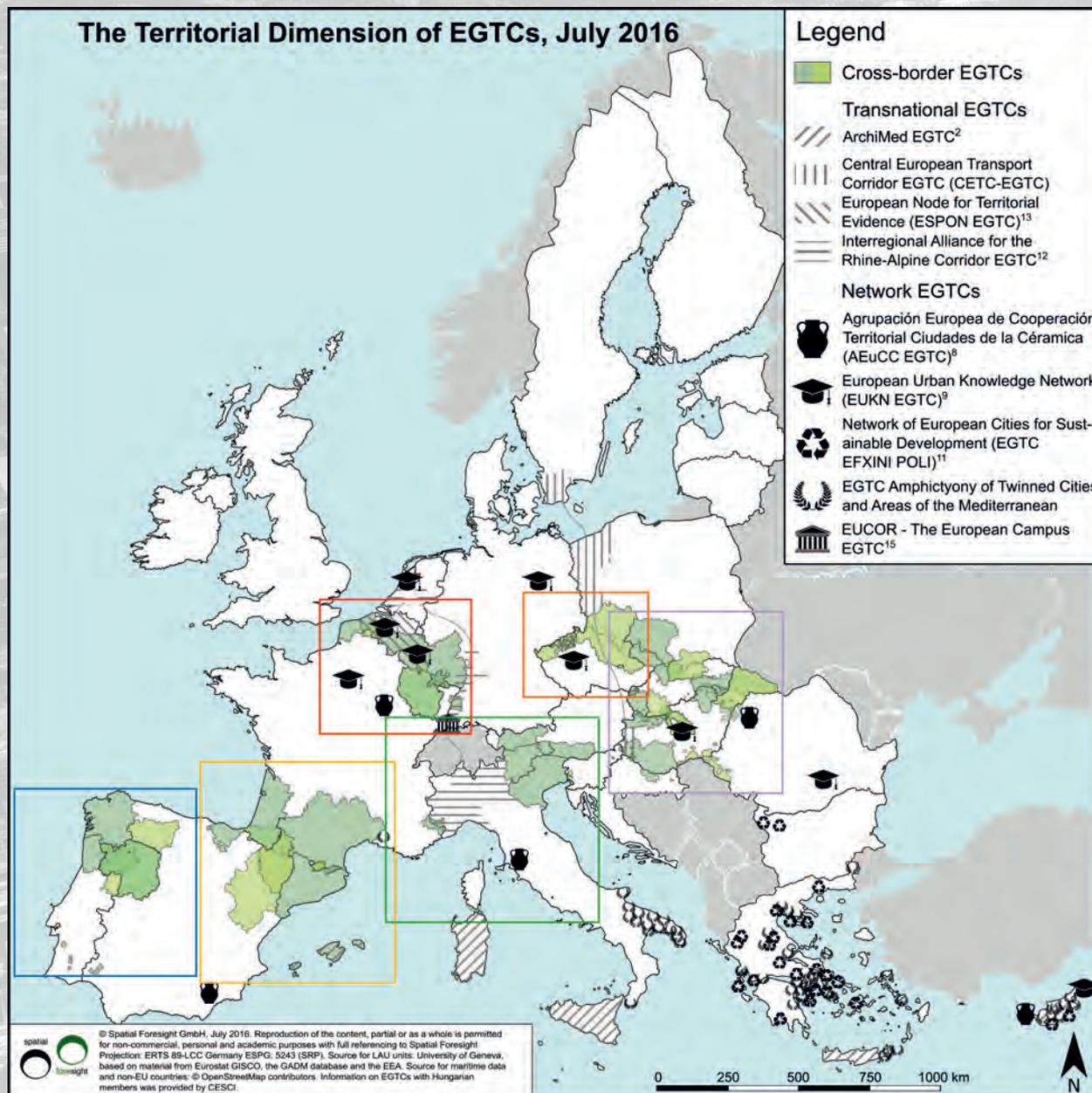
Research questions

The aim was to acquire knowledge to answer the following research questions:

- What are the main advantages of the EGTC instrument? Is it possible to quantify them?
- What are the main difficulties faced during the foundation process? What recommendations can be derived?
- What positive experiences and obstacles can be identified for the ongoing work of EGTCs? What recommendations can be derived and what alternatives exist?
- Which framework conditions should be improved for the foundation and ongoing work of EGTCs?
- How do different regional conditions and experiences affect the foundation and ongoing work of EGTCs? How far can different experiences be transferred?
- What experiences exist regarding the involvement of non-public players?
- What experiences could be gained with regard to the relationship between EGTC and responsible authorities and local and regional parliaments? What recommendations can be derived?

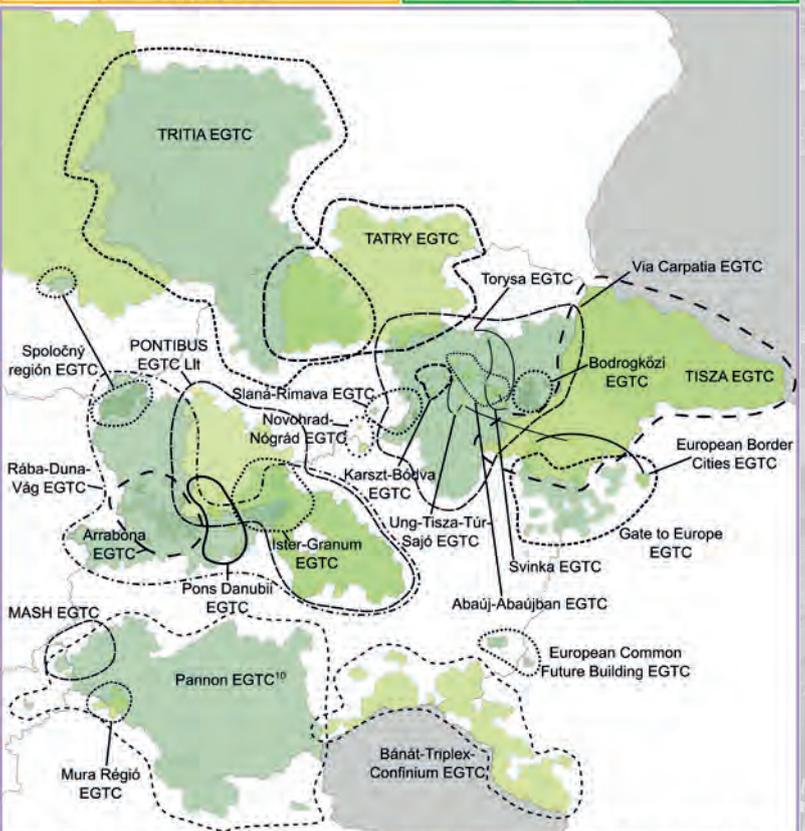
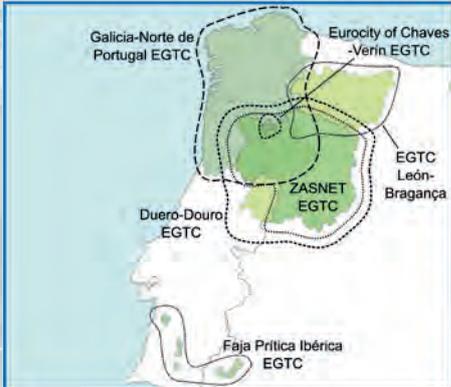
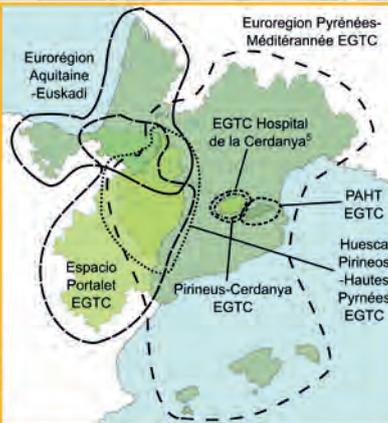
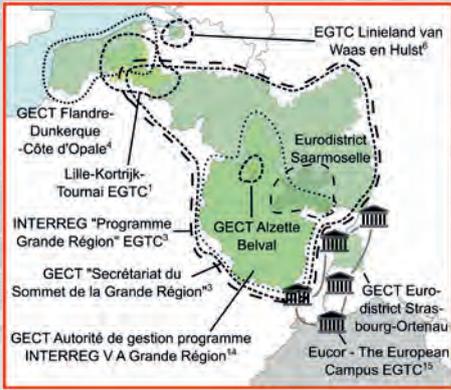
¹ For simplification reasons, the current version of the EGTC Regulation will be denoted as “amended Regulation (EC) No. 1082/2006”, and “amended EGTC Regulation” respectively, instead of “Regulation (EC) 1082/2006, amended by Regulation (EU) No. 1302/2013”.

Figure 1: The territorial dimension of EGTCs, July 2016



Source: own representation by Spatial Foresight 2016, based on the EGTC register of the Committee of the Regions (as of 12 April 2016)

Source: gerckens.photo © Fotolia



Specific members not displayed in the EGTC territory:

- 1: French National State, Region of Nord-Pas-de-Calais, Department Nord (both FR), Belgian Federal State, Region and Community of Flanders, Province of West Flanders, Region of Wallonia, the French Community of Belgium and the Hainaut Province (all BE)
- 2: Italian Association of Small Islands (ANCIM), ARCES University College (both IT), Local Development Agency of Larnaca (CY)
- 3: French Government
- 4: French National State, Region of Nord-Pas-de-Calais, Department Nord, Department of Pas-de-Calais, Urban Planning Agency Flanders-Dunkirk (AGUR) (all FR), Belgian Federal State, Flemish Parliament and the Flemish Government (all BE)
- 5: Government of Catalonia (ES), French Government, French National Health Insurance and Languedoc-Roussillon Regional Health Agency (FR)
- 6: Province of Oost-Vlaanderen, Intermunicipal partnership for the Waasland region in Flanders (Interwaas) (both BE) and the Province of Zeeland (NL)
- 7: Agency for the Environment of Corsica (FR)
- 8: Museum of the Argenton Cantir, Museum d'Espugues de Llobregat, Association "Lo Cadub" de La Galera, Association of Ceramic Cities in Spain (all ES), Association of Ceramic Cities in France (FR), Association of Ceramic Cities in Italy (IT), Association of Ceramic Cities in Cyprus (CY) and Association of Ceramic Cities in Romania (RO)
- 9: All EUKN members are the respectively relevant national authorities.
- 10: University of Pécs and Dabune-Drava National Park (HU)
- 11: RABC Vidin (BG) and Institute of Urban Environment and Human Capital of Panteion University (GR)
- 12: Port of Rotterdam Authority (NL), Port of Antwerp (BE), Duisburger Hafen AG (DE), Port autonome de Strasbourg (FR), Kanton Basel-Stadt (CH) and Uniontrasporti (IT). The approval procedures of the Port of Antwerp (BE), Kanton Basel-Stadt (CH), Provincie Zuid-Holland (NL), Port autonome de Strasbourg (FR) and the Regions of Lombardia and Liguria (both IT) are not yet finalised.
- 13: Members of the ESPON EGTC are the Brussels Capital Region, the Flemish Region, the Walloon Region (all BE), and the Grand Duchy of Luxembourg, but the ESPON Programme refers to the territory of the EU28 plus Switzerland, Liechtenstein, Iceland, and Norway.
- 14: Members of the EGTC are the Region of Lorraine (FR) and the Grand Duchy of Luxembourg, but the cooperation programme also refers to the territory of the Region of Wallonia (BE), Rhineland-Palatinate and Saarland (both DE).
- 15: Members of the Eucor - The European Campus EGTC are the universities of Basel (CH), Haute-Alsace, Strasbourg (both FR), Freiburg and Karlsruhe (both DE).

Three model regions

This publication addresses and discusses the mentioned questions by means of exemplary analyses in order to provide additional guidance for interested players. These findings are mainly based on interviews and discussions with players from the three selected model regions:

- the Eurodistrict SaarMoselle EGTC
- the Interregional Alliance for the Rhine-Alpine Corridor EGTC
- the planned Lower Oder Valley EGTC

Purpose and structure of this publication

The publication at hand provides an overview of issues that may become relevant during the foundation process or when the work begins, and that have not been discussed in the Guidelines published in 2014. This MORO Praxis publication will raise awareness of interested players of possible obstacles, and will help them to decide in due time about possible approaches. By no means does the publication claim to be exhaustive nor does it provide guidelines that interested players have to follow. The specific procedure needs to be decided from case to case.

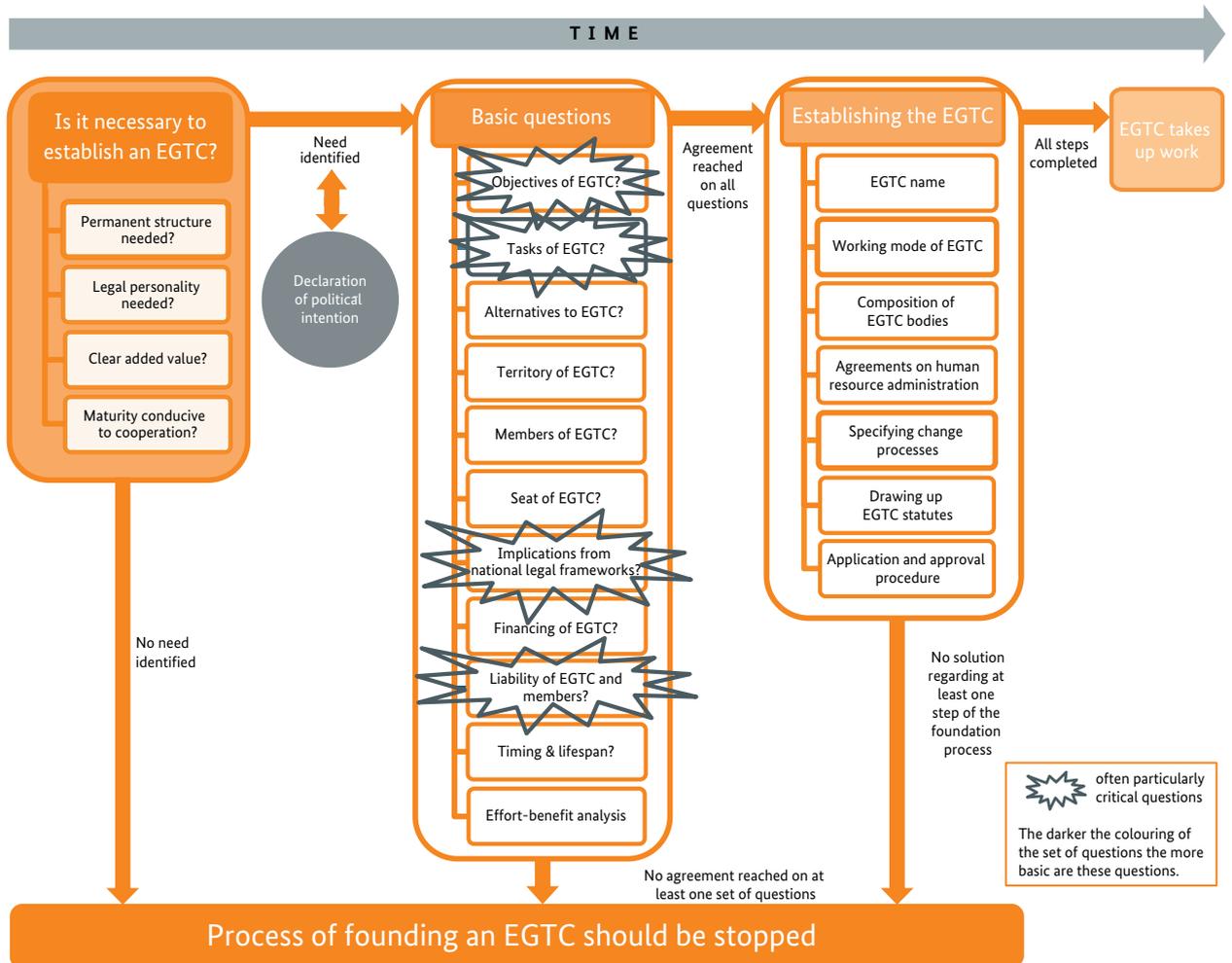
The second chapter addresses the question of how to specify and measure the advantages of the EGTC instrument. Thereby, it especially illustrates the differences between various EGTCs.

Chapter 3 examines different issues with regard to the relationship between the players involved. The chapter illustrates what role political representatives and authorities can play for an EGTC, how their role may change over time, and how this role is affected.

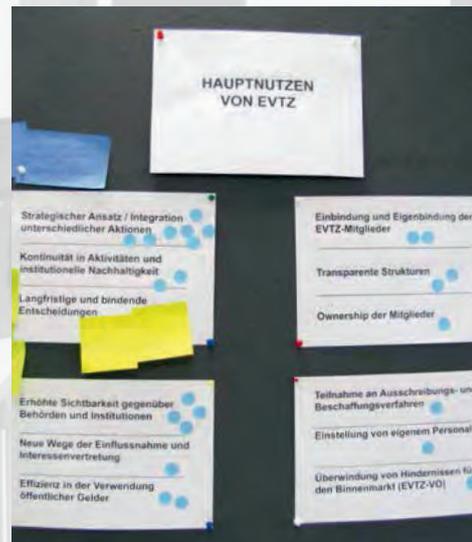
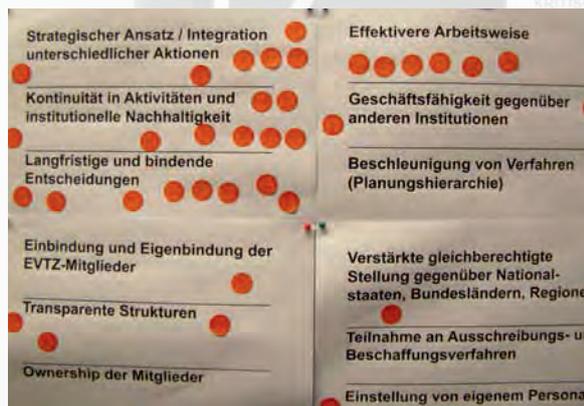
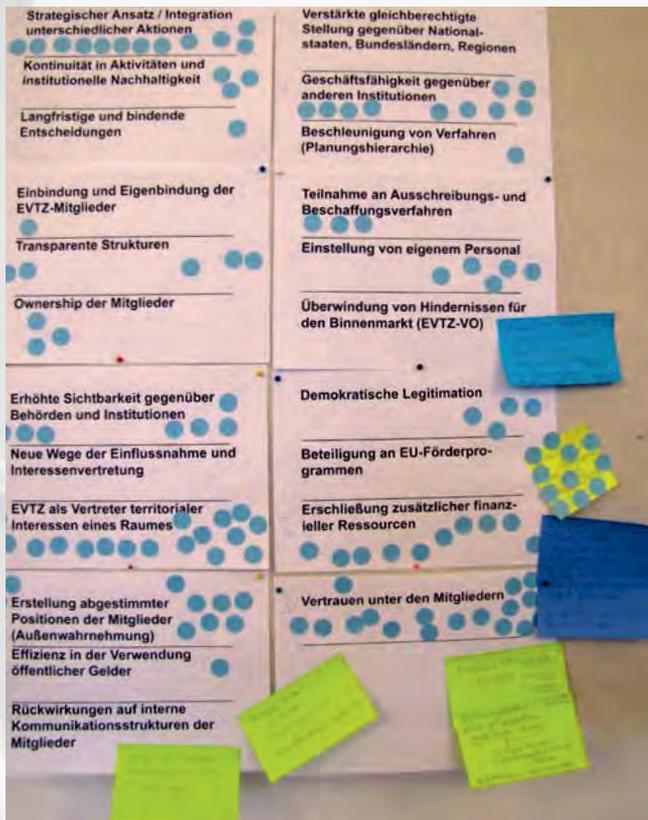
In the past, different studies pointed at various challenges for EGTCs. These challenges and other starting points for improving the respective framework conditions are addressed in Chapter 4. The chapter distinguishes between challenges and possibilities for improvement during the foundation process and after the work has begun.

The two subsequent chapters, 5 and 6, finally address the transferability of experiences gained by existing EGTCs to other EGTCs and the involvement of private players. The final concluding remarks summarise some essential findings in frequently asked questions (FAQ).

Figure 2: Recommended process to prepare the establishment of an EGTC



Source: Federal Ministry of Transport and Digital Infrastructure (2014: 6)



Sources: Spatial Foresight

2 Various advantages of EGTCs and limitations of their quantification

Different authors have already described the main advantages of the EGTC instrument in different ways (cf. Committee of the Region 2010; Fink 2014; Janssen 2012; Mission Opérationnelle Transfrontalière 2008). Although mentioning single positive aspects of the EGTC instrument in comparison to cooperation without an own legal personality differs, the following points are listed several times:

- creating a strategic approach to integrate different activities in the framework of a joint policy approach;
- sustainability of structures and continuity of activities;
- legally binding decisions and long-term commitment of partners;
- participation of partners in the decision-making process and ownership;
- transparency and visibility of the structure;
- more efficient use of public money;
- easier tendering and procurement procedures;
- possibility to employ own staff directly;
- better democratic legitimacy through general assemblies;
- improving the capability to participate in EU programmes as single beneficiary.

Further advantages can be identified (cf. Committee of the Regions 2014; Engl 2014a; Fink 2014) that result from the above-mentioned points and mainly occur indirectly:

- institutional sustainability, that is to say establishing permanent cross-border structures;

- identity-building impact, that is to say combatting renationalisation tendencies;
- overcoming internal market barriers (task according to Article 7 II of the amended EGTC Regulation);
- overcoming regional development obstacles (for example through the provision of cross-border services of general economic interest).

Frequently, there are different alternatives to establishing an EGTC, which need to be balanced (for example association ('Verein') or Local Grouping for Cross-border Cooperation LGCC). Depending on the chosen form of organisation, different problems occur during the founding process. Thus, the advantages achievable by means of the EGTC instrument (for example legal personality) cannot be realised to the same extent. In this context, Engl (2014b: 19) underlines the room for manoeuvre that the stakeholders have in the founding process due to the amended EGTC Regulation, as they can decide on the structure and functioning of the EGTC. In this way, they may adjust the EGTC to their own needs and framework conditions.

While working with the model regions, it became clear that the EGTC stakeholders confirmed the assessment of the relevant literature. However, the advantages generally mentioned can be further specified. They depend on the context of the respective EGTC and its specific tasks and objectives. In the following, this will be illustrated by means of the three model regions.

2.1 Specific advantages from the perspective of the Interregional Alliance for the Rhine-Alpine Corridor EGTC

Bringing together spatially relevant interests

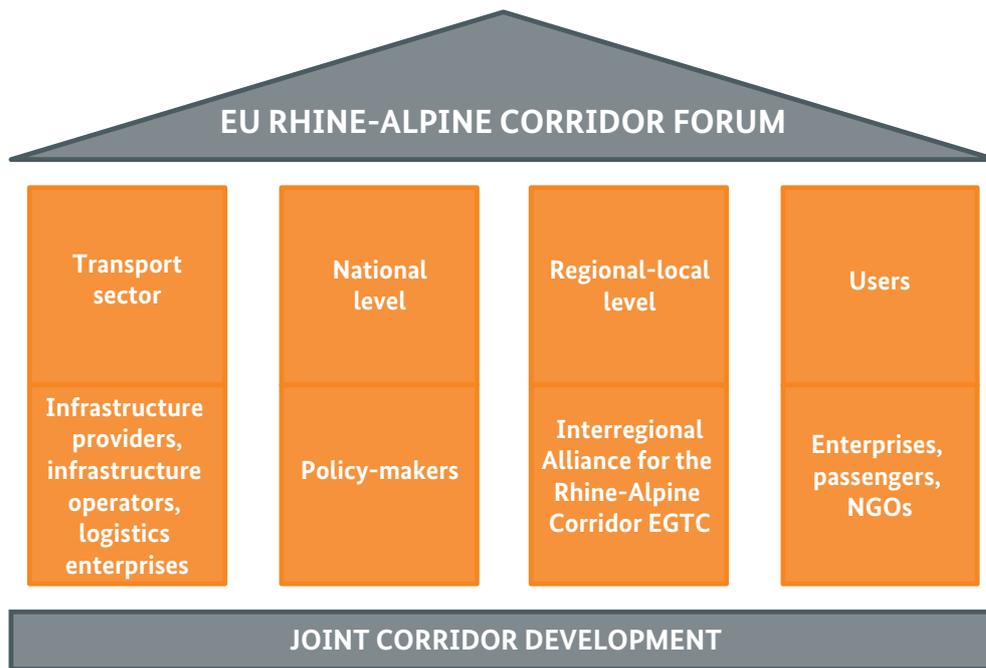
The Interregional Alliance for the Rhine-Alpine Corridor aims at improving the development of joint positions and their visibility. For this purpose, the regions and municipalities along the corridor coordinate their positions and integrate different activities of all partners in one consistent and strategic approach. This especially applies to a better representation of their interests on the European level – according to the stakeholders’ assessment, single municipalities and regions would not have gained access

to the Corridor Forum² and the responsible European Coordinator³, for example. As an EGTC that bundles up and represents spatially relevant interests from four EU Member States, getting access is now significantly easier. Already in December 2015, that is to say in the year of its establishment, the EGTC became an official member of the Corridor Forum. Since then, the EGTC has represented the regional and local interests of its members on a European level (see Figure 3).

Improving internal and external communication

The interests of EGTC members are not only better represented on the European level but also on the national and federal state levels as well as on other administrative

Figure 3: Governance structure of the Corridor Forum



Source: adjusted representation by Spatial Foresight 2016 based on CODE24 2014

² A Corridor Forum was established for each core network corridor of the Trans-European Transport Network (TEN-T) to coordinate the different measures. The Corridor Forum was established and is chaired by the European Coordinator by agreement with the Member States concerned. The Member States decides on the membership in the Corridor Forum for their part of the core network corridor. According to Article 46 of the TEN-T guidelines (Regulation (EU) No. 1315/2013), the relevant European Coordinator is assisted by the Corridor Forum as a consultative forum in the performance of his/her tasks.

³ According to Article 45 of the TEN-T guidelines (Regulation (EU) No. 1315/2013) the European Commission, by agreement with the Member States concerned, and after having consulted the European Parliament and the Council, designates one or more European Coordinators. This shall facilitate the coordinated implementation of, inter alia, core network corridors.

levels. It is expected that **administrative procedures** in general and **spatial planning procedures** in particular can be **accelerated** and that administrative **obstacles**, which often occur in the traditional planning hierarchy, **can be overcome faster**.

Besides external communication and representation of interests to stakeholders from other territorial levels, **repercussions** are also expected for the internal communication structures of the EGTC members and for **better communication** with citizens, which will not least be driven by the members' public appearance with a joint position.

Repercussions for communication structures between the EGTC members are closely related to the frequently mentioned advantage of **greater involvement** and greater participation of EGTC members. Establishing the EGTC entails permanent and (self-)imposed communication structures that focus on short-, medium- and long-term objectives of the cooperation. Thus, the question concerning the availability of funding sources becomes secondary for the time being. In order to further improve the internal and external communication, a communication strategy is currently (February 2016) under development.

Combining different sources of funding

Another main point refers to **tapping additional sources of funding** and easier participation in EU funding

programmes. Since the establishment of the EGTC, the Interregional Alliance as the lead partner, together with four other partners, has submitted a project application for a measure to be financed through the EU funding instrument "Connecting Europe Facility" (CEF).

Besides this, as of February 2016, two other project applications are being prepared, which are to be implemented in the framework of the transnational Interreg North-West Europe Programme. Here, the EGTC would again be the lead partner. In contrast to projects that are financed by external funds and depend on the funding institution, activities financed by membership fees lead to **greater independency**.

Long-term orientation

The EGTC instrument furthermore allows for a long-term orientation on those issues that the EGTC members consider to be relevant, whereas projects always run only for a definite period. Given the **interests in joint activities beyond the project duration**, new project applications need to be prepared and submitted in due time. Notwithstanding the above-mentioned, the EGTC can provide valuable support for developing project ideas, preparing projects, or identifying potential partners. In this way, the Dutch Province of Gelderland has found partners for a project through the Interregional Alliance network. This project is also implemented in the framework of the CEF.



Source: Eurodistrict SaarMoselle

The Güdingen lock on the German-French border

2.2 Specific advantages from the perspective of the Eurodistrict SaarMoselle EGTC

In the Eurodistrict SaarMoselle EGTC, i.a., the **contractual capability** towards German and French institutions on the national level as well as on the regional level ('Länder' and 'Départements') was highlighted as one main advantage. It allows the EGTC to apply for public grants autonomously and leads to a position with equal rights for the EGTC.

This is closely related to the **financial endowment** that could be improved by means of both the application for additional financial resources and membership fees. The better financial endowment led to a qualitative and quantitative increase in cross-border activities and positively affected the **external perception** of the EGTC. Although numerous associations for German-French cooperation exist in the area of the EGTC, the EGTC has a special status due to its European legal foundation. This **unique selling point** led to better visibility of the Eurodistrict SaarMoselle EGTC and its activities. As a consequence, the EGTC could place itself as representative of cross-border interests in the region and is perceived as a competence centre for cross-border cooperation. This becomes obvious when considering the following **specific results** achieved by the EGTC.

Maintaining cross-border infrastructures

Due to low demand, the **cross-border bus line** Moselle Saar was to be abandoned in 2012. By adjusting the route and schedule, the line could be preserved and passenger numbers increased from 70,000 to 100,000. From the perspective of the EGTC stakeholders, the maintenance of the line results mainly from the EGTC's commitment and is now the basis for involving the EGTC in planning new cross-border public transport.

Another example in the context of cross-border infrastructures is the preservation of the **lock in Güdingen**. Due to high maintenance costs, the last lock on the German side of the Saar river was to be shut down. This would have made cross-border traffic of excursion boats impossible. The EGTC launched a joint initiative of the local representatives and the Eurodistrict SaarMoselle EGTC to protest against closing the lock and was able ultimately to prevent it.

New forms of cross-border cooperation

Besides this common commitment to maintaining cross-border infrastructure, the cooperation of local and regional German and French institutions in charge of business promotion was intensified. With support from the EGTC, these institutions present themselves as **one economic**

region at fairs in Germany (Hanover, Munich) and France (Cannes).

A current practical advantage, which can also be ascribed to the EGTC's engagement, refers to the start of **cross-border healthcare**. Heart attack patients from France can now come to the Saarland cardiology centre in Völklingen (Germany). This has reduced their travelling time considerably, which is an important contribution to healthcare for the population. In the future, the collaboration shall be intensified in up to five other medical fields.

2.3 Specific advantages from the perspective of the planned Lower Oder Valley EGTC

In the Lower Oder Valley, stakeholders are working on the establishment of an EGTC with the participation of German and Polish municipalities. The necessary documents should be submitted to the approval authorities by summer 2016. The expected advantages are derived from the experience of previous cooperation and the expectations with regard to changes that result from the EGTC instrument. Collaboration started on an informal and project-related basis. Since 2012, it has been based on an agreement between the municipalities involved.

Strengthening collaboration

The future members expect various advantages from transforming the organisational form of their cooperation into an EGTC. Firstly, the **effectiveness and – with regard to the use of funds – efficiency of the cooperation** shall increase. A cooperation oriented towards permanent and sustainable structures with its own legal personality will strengthen the commitment of collaboration between the stakeholders and facilitate participation in funding programmes as well as access to financial sources. In total, the members strive for greater continuity in different activities that have been conducted and executed in the context of action plans so far.

Besides these internal advantages, the political objective is to increase the external perception of the local cooperation. Thereby, awareness will be raised that many challenges can be better tackled mutually on a cross-border level. In order to reach a wider public, results need to be communicated

in an easy-to-understand and strategic way. In the medium term, the Lower Oder Valley shall be perceived as one region with a common history and culture. Thus, the EGTC shall contribute to **identity-building** and promote and consolidate the political will to cooperate. The EGTC is a 'key to integration' and shall give a stronger voice to the rural area of the Lower Oder Valley. In this context, stakeholders, i.a., aim to establish the first joint LEADER region in the German-Polish border area, which would imply synergies with cohesion policy.

The stakeholders of the EGTC see potentials for **substantive cooperation** in providing services of general interest, especially in developing joint technical and social infrastructure (for example education) but also in other fields such as the environment and tourism. On both sides of the German-Polish border, municipalities face similar challenges that mainly result from demographic change and their geographic location between the metropolitan areas of Berlin and Szczecin. Not least due to these common challenges, the stakeholders see another advantage in the cross-border coordination of their respective urban land use planning. The task to develop land use plans could be transferred to the EGTC in the long term and could hence lead to gradual but continuous integration in this border area.



Source: LAG Uckermark e.V., Verein „Zukunft Unteres Odertal“

The German-Polish border area at the Lower Oder Valley

2.4 Quantifying advantages

The model regions examples show that the advantages of EGTCs can be illustrated most impressively by means of specific results. For an EU-wide assessment of the legal instrument, the question of comparability of results arises. For this purpose, the European Commission, together with the Committee of the Regions, was commissioned to prepare a legal act for 2018. It is to specify indicators to assess EGTCs with regard to their effectiveness, efficiency, relevance and European added value (Gsodam and Alcolea Martinez 2014: 69). Consequently, this raises the question of how the different advantages may be quantified and presented in a comparable way across all EGTCs.

Quantitative indicators

Svensson (2014: 94f.) mentions some substantial starting points that can be used to analyse and assess EGTCs but cannot necessarily be measured directly:

- (new) ways and methods of influence through the EGTC and its representatives, respectively;
- the availability of resources;
- the frequency of change of political representatives in the EGTC;
- communication structures and trust;
- the functioning of an EGTC as a 'seismograph', 'loudspeaker' and 'showcase'.

The EGTC stakeholders involved mainly agree with the approaches identified by Svensson. However, they further specify them and provide interesting starting points for quantification.

Firstly, indicators illustrating **relations and developments** may be surveyed. The internal development of an EGTC could be illustrated by the development of the number of members and the amount of financial resources raised (third party funding). By comparing financial resources raised and membership fees paid by the EGTC members, the leverage effect of the membership fees becomes apparent. With regard to a potentially stronger external perception and visibility, it can be illustrated whether joint positions could be developed, drafted and submitted, or to how many events the EGTC was invited. In this way, it can be shown how far the EGTC as a dialogue partner

attracts the interest of other players and is accepted as representative of its members' interests.

With regard to successful lobbying, it is possible to monitor how many requests from the EGTC, that were sent to different institutions, have been answered and which content-based positions have been appropriately considered by the respective bodies.

Qualitative indicators

As many advantages especially related to the content-based work cannot be measured through quantitative indicators, qualitative indicators are suitable as complementary indicators for performance measurement. A specific example of this is a document presented to the city council of Mannheim. This paper suggests **defining** two **objectives** to measure the performance: firstly, within the interest group of the major European cities 'Eurocities' a working group for corridor development shall be established that is chaired by an EGTC member and the city of Mannheim, respectively. Furthermore, another objective formulated in this paper referred to obtaining a permanent seat in the Corridor Forum of the Rhine-Alpine Corridor. The official membership in the Corridor Forum was realised in December 2015 through the Member States' approval.

Limits of quantification

It needs to be taken into consideration that the relevance of different **advantages differs between single EGTCs**. This applies to various types of EGTC depending on the spatial reference, thematic focus, or their relevance in European Territorial Cooperation (ETC) programmes and projects, respectively, and, based on this, their specific tasks. By means of general overviews, the advantages can only be identified in a qualitative way.

Further difficulties regarding the quantification are related to complex governance structures for which EGTCs only constitute one element. Decisions to which an EGTC contributed, cannot necessarily be traced back solely to the EGTC and thus are difficult to quantify (cf. Svensson 2014: 94). Therefore, the question "What would not have been achieved (in this way) without the EGTC?" is hypothetical since the answer depends on subjective assessments.

It can be summarised that it is not useful to define an exclusive standard set of quantitative indicators to measure the efficiency, effectiveness, relevance and the added value of an EGTC for the purpose of a comparative assessment

of all EGTCs. Instead, the **individual added value** can often be illustrated by means of various combinations of quantitative and qualitative assessments and indicators.



Source: FrankyDeMeyer © iStock



Verhältnis der ETE-Mitglieder

Wie hat sich die politische Vertretung der ETE-Mitglieder verändert?

- Vertretung der ETE-Mitglieder hat sich verändert in den letzten Jahren
- Vertretung der ETE-Mitglieder hat sich verändert in den letzten Jahren
- Vertretung der ETE-Mitglieder hat sich verändert in den letzten Jahren

VERHÄLTNIS ZU VOLKSVERTRETUNGEN UND VERWALTUNGEN



Einfluss
Förderung
Reaktion

Kollektiven
Schulbildung

Unterstützung

Kulturelle

Kulturelle

3 The relationship with public administrations and parliaments

The relationship between EGTCs, on the one side, and public authorities and local and regional parliaments, on the other side, strongly depends on the respective tasks transferred to the EGTC. During the interviews and focus group meetings, not only were the decision-making structures of each EGTC questioned and discussed but also the respective internal organisation and decision-making structures of the (German) EGTC members.

Political support is particularly relevant with regard to both a successful foundation process and for ongoing work. This does not only concern single politicians, whose support may take forward an idea, but also support by the local and regional parliaments of the EGTC members. Furthermore, the **support of the public authorities involved** is important for the foundation process and ongoing work. This includes the administrative units of the members, the responsible approval authorities, as well as other superordinate authorities.

3.1 Support, trust and results as key success factors

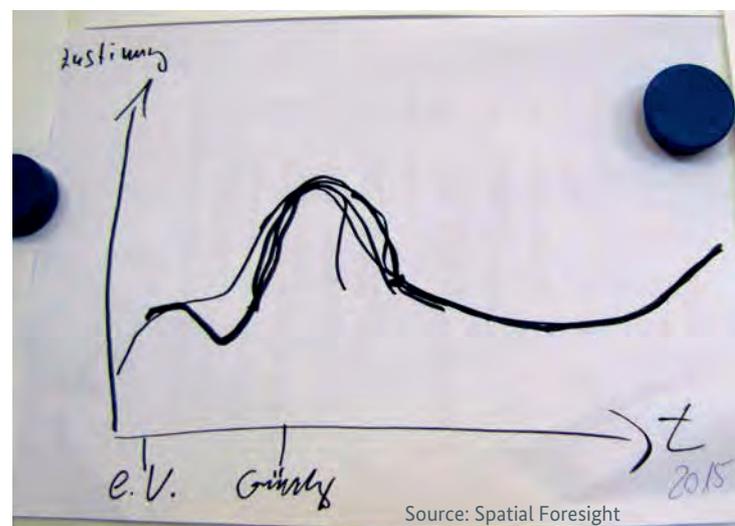
The support for an EGTC and the relationship between the players directly involved and other relevant stakeholders can change both during the foundation process and the ongoing work. In the case of the Interregional Alliance, the responsible political representatives were hesitant in the beginning about the EGTC foundation with regard to its viability and sustainability and the mobilisation of partners. No high political priority was given to the idea in this phase. As an EGTC foundation is not a simple administrative process but requires time and staff, it was essential to point out the **long-term perspective of the EGTC**. As the long-term orientation developed over time, support from superordinate authorities such as the federal state ministries increased significantly.

Establishing trust at an early stage

Similar to early support by political representatives and administrative staff, **preceding convergence and development of trust** between the players are considered to be important preconditions for a successful and efficient foundation process. Especially with regard to the development of a long-term perspective, the foundation

process should not be a 'cold start' from scratch. If all involved players already know each other from previous joint activities, and their reliability is taken for granted, many obstacles can be pragmatically overcome. Cooperation between members is already functioning, and communication and decision-making processes between the decision-makers from the administrative and political sectors among the single EGTC members are already well-established. This ensures that the **purpose and added value** of a more institutionalised cooperation becomes visible and that existing reservations are reduced.

The form of cooperation that led to the development of trust is of minor importance in this context. In the Interregional Alliance, content-related as well as personal convergence between the players was achieved through joint activities in the context of the Interreg IVB project CODE24. In the Eurodistrict SaarMoselle EGTC, cooperation can be traced back to a cross-border association already founded in 1997. In the Lower Oder Valley, more intense exchange between German and Polish municipalities emerged after the Polish EU accession in 2004, joint projects have been implemented since 2007 and the first written agreement was signed in 2012. In all cases, **common activities** prior to the EGTC foundation allowed the development of a mutual understanding of the thematic tasks and priorities of the EGTC.



Source: Spatial Foresight

Development of acceptance of the cooperation

Specific results

Although it became evident in all model regions that **intensification and stabilisation of cooperation** has been a continuous process, this process is subject to certain fluctuations both before and after the foundation. In the Eurodistrict SaarMoselle EGTC the cooperation was widely accepted after the foundation but also led to high expectations. In the beginning, not all expectations could immediately be realised. This led to a temporary phase of disillusionment, which was overcome when specific results were achieved.

Patience and persuasiveness during the foundation process

In the other model regions, it became clear that the foundation process requires **patience and perseverance** because intermediate steps for the partners to form an opinion were necessary, and knowledge about the other partners' framework conditions had to be gained despite long-standing cooperation. Thus, EGTC foundation processes are often lengthy learning processes. Such a process requires a firm core of players who can actively promote the idea, do not get discouraged and are able to convince reluctant partners. The success of an EGTC foundation therefore mainly depends on the acting people, their **persuasiveness, willingness to learn and mutual trust**. Besides the EGTC players and the representatives of future members, this also includes the authorities involved and politicians.

Regional and local ties

In addition, it has to be taken into consideration that the basic understanding for cooperation in the framework of an EGTC might differ between territorial levels. The **pressure of justification** seems to be higher on the local level than on the regional level, for example among regional associations. Regional associations show higher acceptance of cooperation as promoted with the EGTC instrument. This seems to be caused by the experience of regional representatives, who often already promote and demand vertical cooperation between hierarchical levels in their daily work. Local representatives, on the other hand, are often bound to specific local practical constraints.

Furthermore, participation in an EGTC depends on the size of single members. Collaboration is usually easier for the administrative structure of bigger members as these have better staffing and, thus, more flexibility with

regard to their capacity. Strong **local ties** of the EGTC are nevertheless paramount because various challenges and interdependencies are most visible at local level.

Political support for the ongoing work

Principally, all players face the challenge of maintaining **political support after the foundation**. By reporting implemented activities and realised results, the EGTC partners regularly have to justify their actions to their local and regional parliaments and assemblies. The political representatives of EGTC members often expect that the EGTC will cover a specific topic, collect information about this topic and communicate related activities to its members. It will successfully represent the common interests of its members on various administrative levels and, in this way, contribute to positioning both the EGTC and its members. A **focus on practical problems** is essential to ensure the visibility and communicability of the added value for political representatives, and to maintain acceptance.

Trust in the EGTC mainly develops when motivated employees implement good and professional projects. Especially for activities that do not equally benefit all members, it is crucial that the common regional interest is not only developed on the factual but also on the political level. This is a particular challenge because the sum of interests of individual members does not necessarily correspond to the cross-border interest. Consequently, disagreement and opposition may occur. Here again, **persuasiveness, willingness to learn, and mutual trust** between the acting people are important preconditions.

3.2 Means of stabilisation and consolidation

With regard to cooperation and the relation between an EGTC, its members, authorities and local and regional parliaments, it is essential that a **joint understanding** exists about the vision to be realised and the tasks to be conducted. In each model region, the EGTC players pursue a joint vision that was formulated before the EGTC foundation. In the Eurodistrict SaarMoselle EGTC a strategy development process was conducted prior to the foundation. It included broad participation in defining the focus of the content-related work. For the Rhine-Alpine Corridor, a joint development strategy was agreed within the CODE24 transnational cooperation project.

This strategy is to be further developed by the EGTC. In the Lower Oder Valley, a strategy was developed as a joint vision from 2012 to 2015 and shall now be implemented by means of the EGTC.

Measures to realise a long-term vision

Discussions with stakeholders from the model regions have shown that a common understanding of each individual EGTC's objectives is fundamental for further working and realising the expected advantages. The more comprehensive and the more **participatory** the development **process**, the higher is the acceptance of the outcome. The more specific the vision, the more easily specific tasks and thematic fields can be derived later on. Thereby, vision and tasks and thematic fields are complementary. If the vision describes a desirable **picture of the future** but the involved players cannot imagine how to achieve this vision, it is meaningless. If, however, only short-term and individual measures are compiled for defining the tasks of the EGTC without embedding them in a larger context, an important benchmark for the long-term orientation of the EGTC will be missing. Nevertheless, the hitherto established EGTCs show that mainly 'soft' tasks are transferred. They challenge the relationship of the EGTC with the administrations and parliaments of its members only slightly, because they do not restrict the core tasks and competences of the EGTC members' administrations and parliaments. The hospital in Cerdanya, which is run by an EGTC in the Spanish-French border area, might be one of the few exceptions that does not focus on 'soft' measures but on operating an infrastructure providing services of general interest (Zillmer et al. 2015).

Long-term safeguarding of political support

It is important for the ongoing work of the EGTC to maintain support from the political level and the different administrations and authorities in the long term and, preferably, even to further develop it. **Progress with regard to content-related work** depends on internal support from the EGTC members as well as on membership fees and raised funding and external sources. The more specific and comprehensive the success of the EGTC in its main themes and fields of work, the higher is the willingness of the EGTC members to provide additional money and, in the context of the EGTC, to apply for funding. Moreover, the success also affects the development of the willingness to transfer additional tasks that might go beyond 'soft' tasks

(for example in the field of services of general economic interest), to the EGTC in the medium term.

For the Interregional Alliance it will be especially important, for example, to **further develop activities** that have been defined as a basis for the EGTC in the preceding CODE24 project: On the one hand, these activities are about demand-oriented development of transport infrastructures that are relevant for the corridor. On the other hand, it is about the reduction of noise pollution, especially in transit regions. For each thematic focus, a working group was put in place that is responsible for the development of an action plan, and at a later stage will be evaluated according to the achievement of specific results.

However, the tasks of the Interregional Alliance EGTC have so far been restricted to 'soft' topics that do not refer to immanent tasks and core competences of the members of the EGTC. The tasks so far especially comprise the **coordination of interests** and their communication to the EU, the national level or infrastructure providers, the moderation between divergent positions, the exchange of information, the implementation of projects and an **increase in visibility** of the corridor and the EGTC. The Interregional Alliance EGTC does not carry out tasks that refer to planning law. A change of tasks – from rather 'soft' tasks towards 'hard' legal (planning) competences – would currently meet with resistance from the EGTC members and would not be accepted by the majority. However, in the medium term, it is conceivable to position the EGTC as a 'body responsible for public affairs' ('Träger öffentlicher Belange'), which would allow the EGTC to submit written statements on plans and operations in the field of urban land use planning ('Bauleitplanung'). Although some EGTC members would reserve the right to submit divergent statements, this shows that the previous stabilisation and deepening of the cooperation will probably develop slowly but steadily in the future. This would entail new impacts on the relationship between the EGTC and relevant authorities and local and regional parliaments, respectively.

Cross-border execution of tasks

In the Eurodistrict SaarMoselle EGTC four cross-border expert conferences on the political and administrative level were introduced in order to continuously coordinate activities in the four thematic fields economic development, tourism, urban / spatial planning and

transport, and social cohesion. These expert conferences are starting points to **organise the gradual execution of specific tasks on the cross-border level** and to possibly transfer them to the EGTC in the long-term. During the first conferences on 'urban / spatial planning and transport', objectives and topics for cooperation in the coming years were defined. It was decided to compare existing local and regional planning documents with each other to identify possible issues of cross-border relevance, to exchange views on these issues and, in this way, to achieve better coordination.

The fields of action of the future Lower Oder Valley EGTC comprise different areas of local spatial development. As the pressure to act is enormous due to demographic change and the geographical location between two metropolitan areas, players intend to **develop joint solutions** and agree on their binding implementation in the long term, for example by means of related specifications in the context of the urban land use planning

(‘Kommunale Bauleitplanung’) of local governments. In the medium term, this also includes preparatory measures to jointly operate and finance local infrastructure such as kindergartens, schools or swimming baths. It would be necessary to create respective organisational structures for the operation, for example by means of founding another EGTC with the infrastructure providers as members. In the long term, it is furthermore conceivable for the local EGTC members to transfer the implementation of urban land use planning to the EGTC and, in this way, to shift from a project-based and non-binding cooperation to a more integrated and binding cooperation. In this regard, trust and a joint identity need to be further developed in order to utilise the enormous pressure to act as an opportunity for cross-border integration.

Small steps towards integration

In all model regions it has become clear that **gradual stabilisation**, along with increasing trust, is a reasonable and promising approach. Although the model regions are



Source: Robert Kneschke © Fotolia

at different stages of the process towards stabilisation, it can be specified that the EGTC **foundation is just one intermediate step** within a longer integration process. The more developed the integration process of an EGTC, the higher are the **requirements concerning the basis of trust**. This especially applies to EGTC members. Along with this, it becomes more and more necessary to involve citizens and other players of the civil society and to convince them of the added value of an EGTC or to maintain their conviction, respectively.

Clear distinction between competences and execution of tasks

Often, there is the perception that administrations transfer competences to an EGTC. This is a misunderstanding as only the **execution of tasks** is transferred. This can include both voluntary and mandatory tasks for which the EGTC members are responsible. However, normal decision-making processes of administrations and local and regional parliaments are not suspended by this. Even if single EGTC members (for example a regional authority) are responsible for a certain field, the normal decision-making processes of the single member must nevertheless be obeyed. The support only of the respective representative to the EGTC is not sufficient to achieve a satisfactory result. In order to ensure progress which is as comprehensive as possible and to take up the interests of the cross-border region, the EGTC needs to exert great persuasive power on local, regional, national and European levels (cf. Svensson 2014: 89).

No model region explicitly excludes the possibility to **transfer additional topics** that go beyond the current tasks. For the Interregional Alliance as a transnationally oriented EGTC with a focus on “soft” instruments, this is not particularly relevant so far but is considered as a possible long-term perspective. In the Eurodistrict SaarMoselle EGTC, the expert conferences can be considered as a basis for transferring further tasks in the future. The representatives of the future members of the Lower Oder Valley EGTC, that is to say the municipal mayors, can also imagine a transfer of other topics. In the long run, the task of developing and executing processes to coordinate urban land use planning with regional and federal state planning could be transferred to the EGTC, whereas the decision on the plans’ formal adoption would remain with the municipalities. The question of how far related initiatives

would face resistance from superordinate authorities or may result in content-related conflicts can only be answered when concrete considerations exist.

Independence of national states

Another challenge is raised in the literature. It refers to the question of how EGTCs affect national states (cf. Nicolini 2014: 103f.). EGTCs aim to create functional areas that focus on the needs of the EGTC members instead of national borders. However, EGTCs are still dependent on national rules as the amended EGTC Regulation only provides the most fundamental legal basis. In fact, domestic rules structure the relationship between regional authorities and the national level and form the centre of the legal framework relevant for an EGTC (cf. Nicolini 2014: 104).

The bottom-up approach of the EGTC instrument nevertheless allows for greater **political influence** by regional and local players. It is assumed that EGTCs play a greater role in defining the political agenda of a region (cf. de Sousa 2012: 685). For instance, in the current funding period 2014-2020, the “Parc Européen Alpi Marittime – Mercantour EGTC” with French and Italian partners, the “Via Carpatia EGTC” in the Slovakian-Hungarian border area and the “Europaregion Tyrol-South Tyrol-Trentino EGTC” were involved in the development of cross-border cooperation programmes (cf. Zillmer et al. 2015: 61). For the Interregional Alliance, new potential influence, as mentioned before, results from the seat and the representation of regional and local interests in the Corridor Forum with regard to policy-making at European level.

New challenges due to advancing integration

Furthermore, it becomes evident in the model regions that the cooperation of an EGTC, subject to good progress and experience, can be extended to other thematic areas, which leads to more intensive **forms of cooperation**. This again implies new challenges for cooperation between EGTC members, their administrations and political representatives. In the Eurodistrict SaarMoselle, cooperation related to healthcare was gradually broadened by agreements on cross-border emergency services (2008) and the treatment of French heart attack patients at “HerzZentrum Saar” (cardiology centre) in Völklingen in Germany (2013).



Source: Spatial Foresight

Continued integration of the regions through intensive collaboration between their players

Based on a positive experience with such pilot-type measures, there are now plans to establish a zone for cross-border access to healthcare services (Zone organisée d'accès aux soins transfrontaliers ZOAST). **New challenges result from this gradual intensification** because additional

agreements have to be concluded. Although this is not the immediate responsibility of the EGTC, all players are required to look into these new rules, to coordinate, and possibly contribute to their development, and to assess possible impacts on the border area.

4 Starting points to improve the framework conditions for EGTCs

The 2010 consultation process of the Committee of the Regions on the first EGTC Regulation (Committee of the Regions 2010) emphasised that the EGTC is an important instrument for territorial cooperation. At the same time, the instrument was criticised for being too bureaucratic and costly in the founding phase, respectively. The amended EGTC Regulation not only contributed to overcoming these obstacles but also gave expression to the expectation that the EGTC instrument and its opportunities should be better disseminated in the regions and among local players (cf. Gsodam and Alcolea Martinez 2014: 47).

Furthermore, EGTCs face challenges both in the founding process (see Chapter 4.1) and during ongoing work (see Chapter 4.2). Although it is not always apparent how these challenges may be overcome, successful EGTCs exemplify how they can be tackled (see Chapter 4.3).

4.1 Challenges during the founding phase

Many challenges during the founding phase prolong the process or imply greater foundation efforts. However, there are also cases in which the challenges have ultimately prevented an EGTC foundation.

Involvement and responsibilities of authorities and decision-makers

Founding EGTCs with German participation have so far been hampered by **uncertainty among some approval authorities** of German states – especially when the registered office is supposed to be in Germany. Currently, many approval authorities have only a little experience and knowledge as regards the necessary steps of the foundation process. While working with the model regions, it became clear that single approval authorities were not aware of their responsibility. If an EGTC in Germany covers more than one state, more approval authorities are involved, with possibly different levels of experience and knowledge. The more authorities involved, the higher is the uncertainty about necessary steps of coordination, requirements on what to check, responsibilities etc. This implies a need for information by the approval authorities. Above all, this need should be addressed within Germany

because the allocation of the related **responsibilities is not always clear**. As a result, authorities may not always fulfil their duties in the expected manner, either due to lack of awareness or uncertainties.

The participation of approval authorities (located on different levels) from several Member States can also lead to **imbalances or reservations about contacting the responsible authorities**. These reservations may, for instance, emerge if a national authority does not regard a regional authority from another country as an equal partner for dialogue.

Furthermore, some Euregios / European Regions fear new **competitive situations** when an EGTC is founded in their territory. This may be overcome by the transparency and participation of all authorities and decision-makers involved directly or indirectly.

Different implementation rules

Since each EGTC foundation faces at least two different national approaches of implementation, the location of the registered office of the EGTC needs to be evaluated in good time. This need is one of the reasons why EGTC founding processes often are very costly. Engl (2014b: 37) concludes that different implementation laws of single Member States particularly hamper the establishment of operating and efficient EGTCs. As described above, the approval authorities in some federal Member States such as Germany are located at regional or federal state level and not at national level. In consequence, several federal states and their respective approval authorities might be involved.

Furthermore, implementation regulations also differ between states as regards the type of authority to which the responsibility for approval of EGTCs was assigned. Consequently, if an EGTC has members from more than one federal state it may happen that the highest state authorities ('oberste Landesbehörde') from one state have to come to an agreement with a middle state authority ('mittlere Landesbehörde') from another state. This may create confusion. A certain degree of coordination on the national level would be helpful to promote the exchange between states and their authorities involved

and to reach agreed approaches. The simple reference on the general responsibility of the states, as defined in the German implementation regulation, leaves much room for **individual interpretation**. However, it can be stated that the existing scope for manoeuvre is also appreciated by single players for reconciling the EGTCs' needs with the existing structures.

In order to understand the time and effort necessary to meet the coordination needs of an EGTC foundation, it is helpful to visualise the co-existence of legal complexity, on the one hand, and harmonisation efforts, on the other hand (see Figure 4). The general EU framework is complemented by different national rules. Convention and statutes of a single EGTC are, however, the outcome of efforts to harmonise different national rules. In this way, national rules in particular increase the complexity of implementing the instrument (cf. Nicolini 2014: 112ff.).

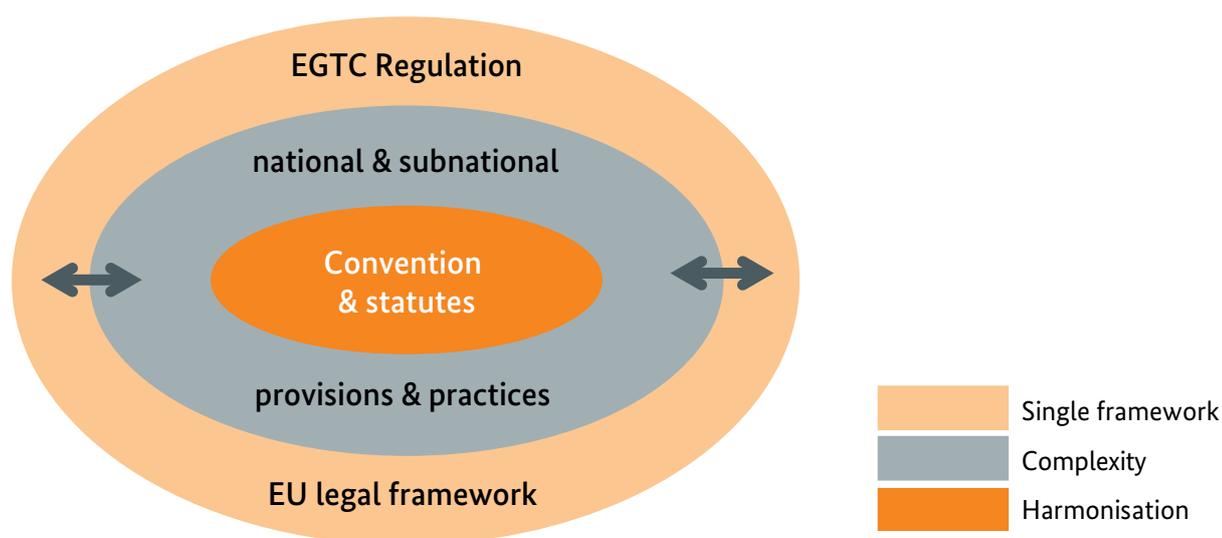
As the approval process usually runs in parallel in several countries, areas of tension that mutually influence each other, may possibly result from diverging national and subnational rules and practices. For instance, subsequent

requests for change in the convention and statutes, made by the approval authority of one country, can lead to additional rounds of coordination and further requests for change made by other approval authorities. A time overlap between the approval processes and mutual requests for modification from the countries involved might result in significant delays.

Relations between EGTC members

The relationship between the founding members of an EGTC may also lead to challenges during the foundation phase. This is, for example, true of **difficulties in defining the content of work**. Although the general purpose and focus of the EGTC might be clear at the beginning, it can turn out during the **specific formulation of tasks** for the statutes that different ideas exist with regard to the content of work and activities. The related challenge therefore is to initiate a process at an early stage that considers the priorities of all interested EGTC members and identifies potential areas of conflict and consequent contradictions. This ensures that sufficient time is available for a thorough discussion and solution of these conflicts.

Figure 4: Co-existence of legal complexity and harmonisation within an EGTC



Source: own representation by Spatial Foresight 2016, based on Nicolini (2014: 114)

Other challenges

Some challenges that occur frequently can be summarised as follows:

- The advantages can only be assessed qualitatively and compared with the expected efforts on a case-by-case basis. Only if this assessment is positive for each potential member will that member participate in the EGTC foundation, which entails advantages for the whole EGTC. Thus, the challenge is to **highlight the added value of an EGTC**.
- Experience from previous EGTC foundations shows that **coordination between the players** to design the EGTC is often time-consuming and difficult. Different ideas with regard to specific tasks exist especially for cross-thematic groupings. Particularly in (border) areas with large socio-economic differences this may include different ideas about the financing and concrete design. However, there are many positive examples of EGTC foundations illustrating that it is possible to come to an agreement in these cases, too.
- For many initiatives aiming to found an EGTC, no administrative staff can be delegated to take exclusive and intense care of the founding process. If regional and local institutions are seriously interested in an EGTC foundation, they should prepare for the necessary time exposure to collect information and coordinate with partners. Otherwise, a **lack of knowledge** about questions that inevitably arise in the course of the founding process (for example about its bodies and their responsibilities or the functioning of the EGTC) may become a major obstacle.
- **National implementation provisions** can be partially conflicting or may complicate the coordination process. This especially applies to liability issues and can be illustrated by the example of Germany and Poland. In Germany, municipalities always bear full liability because no implementation law limits their liability for EGTCs, whereas municipalities in Poland always have limited liability. Many questions regarding different implementation rules can be answered with legal advisory support. However, they require coordination processes between the EGTC members and the approval authorities.

4.2 Challenges during the ongoing work

Challenges occurring during the ongoing work of EGTCs are examined in more detail below.

Legal form *sui generis*

According to Article 1 (3) of the amended EGTC Regulation, an EGTC has a legal personality. Therefore, the EGTC instrument is a separate European legal form. Some elements, however, are subject to the arrangement of national law. In this way, own solutions, that result from the applicable national legal system, need to be found for each EGTC. Most Member States consider EGTCs to be public institutions, whereas they are for example considered to be associations under private law in Poland (cf. Zillmer et al. 2015). The German implementation rules do not contain any specifications. The first EGTC foundations with a registered office in Germany suggest that EGTCs are considered to be institutions under public law following the legal form of a special purpose association ('Zweckverband'). This often implies a **need for explanation** for EGTC players when they conclude contracts (for example insurances) that are especially relevant when the actual work begins.

Different procedures for the accession of new members

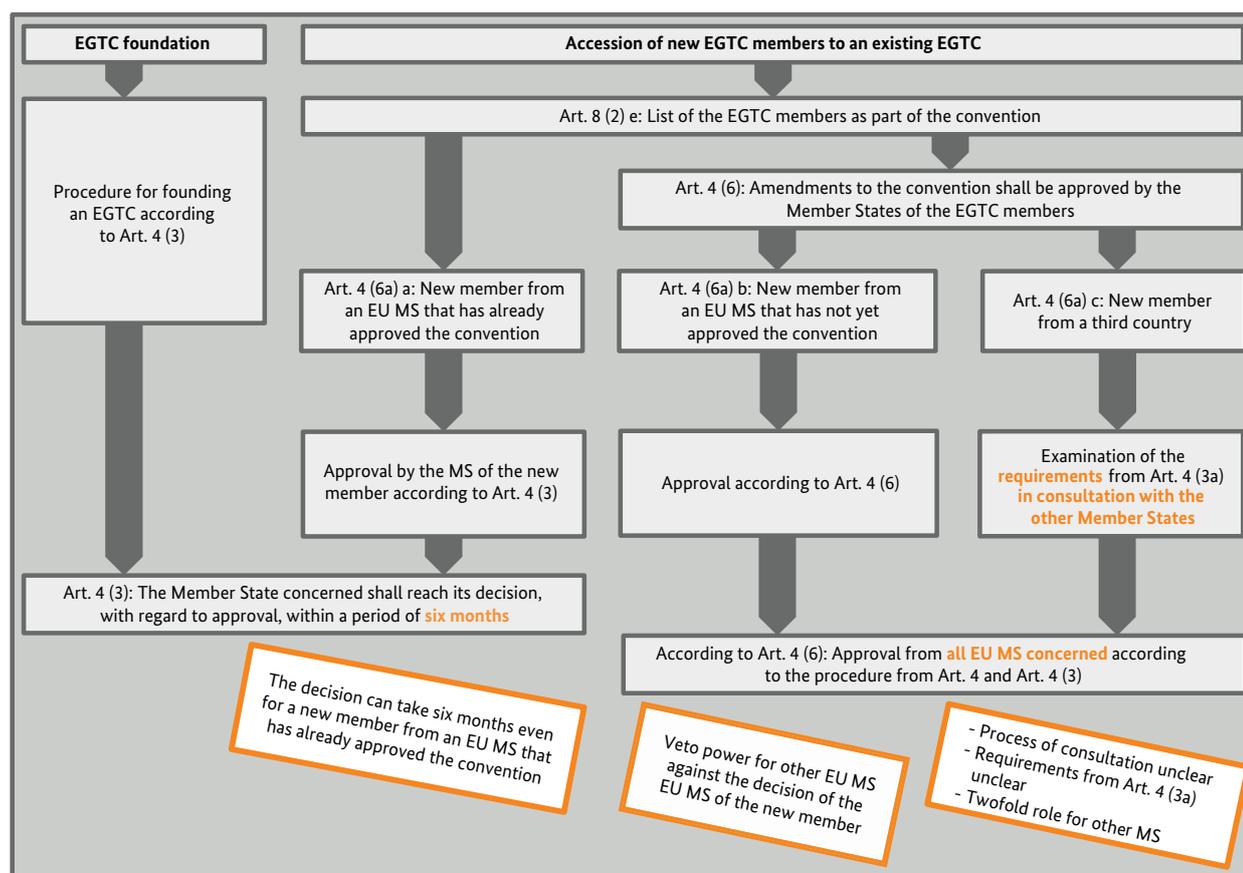
The accession of new members may be challenging for EGTCs. This can be illustrated by the example of the Interregional Alliance EGTC. Due to its transnational character, **different procedures** for the accession of new members are relevant. According to Article 8 (2) e) of the amended EGTC Regulation, the list of members is part of the convention. Article 4 (6) of the amended EGTC Regulation specifies that any amendment to the convention shall be approved by the Member States of the EGTC members. This also concerns the accession of new members if they are not located in an EU Member State that has already approved the convention. Three cases can be distinguished as illustrated in Figure 5. Despite the complexity, it needs to be considered that for many EGTCs, Article 4 (6a) a) is relevant. According to this Article, a comparatively easy procedure shall be applied.

Depending on the specific case, **uncertainties** may occur during the accession procedure with regard to different aspects. The Regulation neither specifies the procedure nor the time span for the consultation process between the Member State where the EGTC's registered office is located, and the other Member States concerned. It is furthermore not clearly specified which conditions and procedures must be checked and what character the corresponding bilateral agreement will have. Moreover, it is striking that all Member States concerned are twice involved in the approval procedure for the participation of a member from a third country: first, in the consultations with the Member State where the EGTC has its registered office and, second, in the final approval of the amended convention.

Changed requirements for cooperation

Another challenge concerns the increase in administrative efforts. The successful foundation of an EGTC often implies an increase in content-related activities and tasks, for example due to a growing number of working groups or projects. The increase in activities leads to an increase in personnel requirements, which in turn implies a higher administrative burden, which then again requires **additional personnel resources**. It is therefore important to consider that the actual work changes in terms of quantity and quality after the EGTC foundation and that the EGTC needs more staff over time to fulfil its content-related and administrative tasks. In order to provide related capacities at an early stage, these requirements should

Figure 5: Legal basis for the accession of new members



Source: own representation by Spatial Foresight 2016

already be (preliminarily) assessed during the foundation process.

Availability of financial resources

Different difficulties exist in relation to financial resources. Especially structurally weak regions and municipalities discuss whether financial resources and staff may be provided for cross-border cooperation. Cooperation across national borders is not an obligatory task of local authorities and thus **needs particular justification**. The financial burden does not only include membership fees but also refers to costs for own staff, delegated staff, co-financing contributions, travel costs etc. This may imply additional problems, especially if financial support is differently handled on both sides of the border and availability and **access to funding programmes** is not balanced. For instance, the Eurodistrict SaarMoselle EGTC was eligible for a funding programme of the French government and was recognised as a cross-border agglomeration that could use related funds. Ideally, a similar funding instrument should be available in Germany to make use of this support throughout the territory of the EGTC.

Furthermore, related to funds that may be applied across borders, the **dependence on cross-border and transnational cooperation programmes** is relatively strong. However, the acquisition and management of these funds requires comparatively high administrative costs from the perspective of local players.

Different national provisions

For many questions related to ongoing work, there is still **a need to find solutions that take account of different national rules**. This, for example, concerns tax legislation and audits, procurement of services and products for third parties or insurances for staff members of the registered office. The staff members of the Eurodistrict SaarMoselle EGTC, with one exception, are not directly employed by the EGTC but the EGTC members provide staff and delegate them to work at the EGTC. This leads, for example, to different salaries for different staff members conducting similar tasks, as their salaries are based on the salary structures of their formal employers.

Limited consideration of cross-border interests

Furthermore, for different players from the model regions the question arises of how **the interests of cross-border and transnational cooperation** can be taken into account for legislative procedures at (sub-)national levels. From their perspective, cross-border institutions and representatives are often not sufficiently consulted regarding decisions and laws that have specific impacts on border areas. However, especially for these legislative proposals it is important to consider functional and institutional linkages that go beyond national borders. This challenge becomes apparent not least in view of the **restricted involvement of existing EGTCs** in the programming of cohesion policy for the funding period 2014-2020 (cf. Zillmer et al. 2015: 61ff.).

In spite of a generally clear division of competences between local and regional players and the federal state level, **additional needs for coordination** might arise because cross-border cooperation extends to different administrative levels. As a consequence, competitive situations may emerge between the levels that might potentially lead to conflicts and ultimately hamper cooperation both within the EGTC and between the EGTC and other players. This goes for both other institutions in the field of cross-border cooperation, such as Euregios and European Regions, and other levels of the formal administrative system that do not take part in the EGTC. In turn, challenges result for the ongoing work with regard to cooperation with administrations in the wider surroundings of the respective EGTC.

4.3 Needs for action to simplify the foundation and ongoing work of EGTCs

While working with the EGTC players from the model regions, several requirements and, based on this, practical recommendations could be developed that may help overcome the various challenges EGTC players are confronted with in the founding process and during ongoing work. The recommendations target EGTC players and members as well as the approval authorities involved, federal states and players at federal level involved. They will point at crucial issues and promote a **pragmatic and**

solution-oriented approach to deal with the challenges.

In this way, the challenges mentioned before will be taken up and questioned with regard to their potential for improving the framework conditions.

Need for information

First of all, it should be noted that the EGTC instrument does not have a long-standing history. Many players and approval authorities deal with the topic for the first time and do not have extensive experience and in-depth knowledge of the instrument. This ultimately entails a high need for information. On the side of potential EGTC members it implies that they need **support from federal state and national authorities**. In order to avoid delays, interested EGTC players should inform approval authorities about their initiative at an early stage, involve them in the foundation process and convince them of the added value of the EGTC foundation. An interface at national and federal state levels is necessary in order to foster exchange between all players about their previous experience. The workshops that were conducted for this study contributed to this. The necessary support, however, explicitly includes **financial resources**. Especially in the initial phase, EGTC players may need these resources in order to manage the administrative burden, which can be quite challenging for smaller municipalities and regions. The need for information furthermore includes **legal issues** around designing the EGTC and developing the statutes and the convention. This support by national and federal state administrations complements the engagement of potential EGTC members and approval authorities – but it does not replace it.

Need for coordination

The need for coordination that emerges for EGTCs is not restricted to the contact between potential EGTC members and their respective responsible approval authorities but also comprises the coordination **between all approval authorities involved** with regard to obligatory legal assessment procedures. At one workshop, a direct exchange between all approval authorities involved in a specific case was proposed in order to ensure that necessary national assessments largely ran in parallel. Such exchange might help to avoid the above-mentioned mutual requests for modification and resulting delays. In Germany, this also includes coordination between the federal states and the

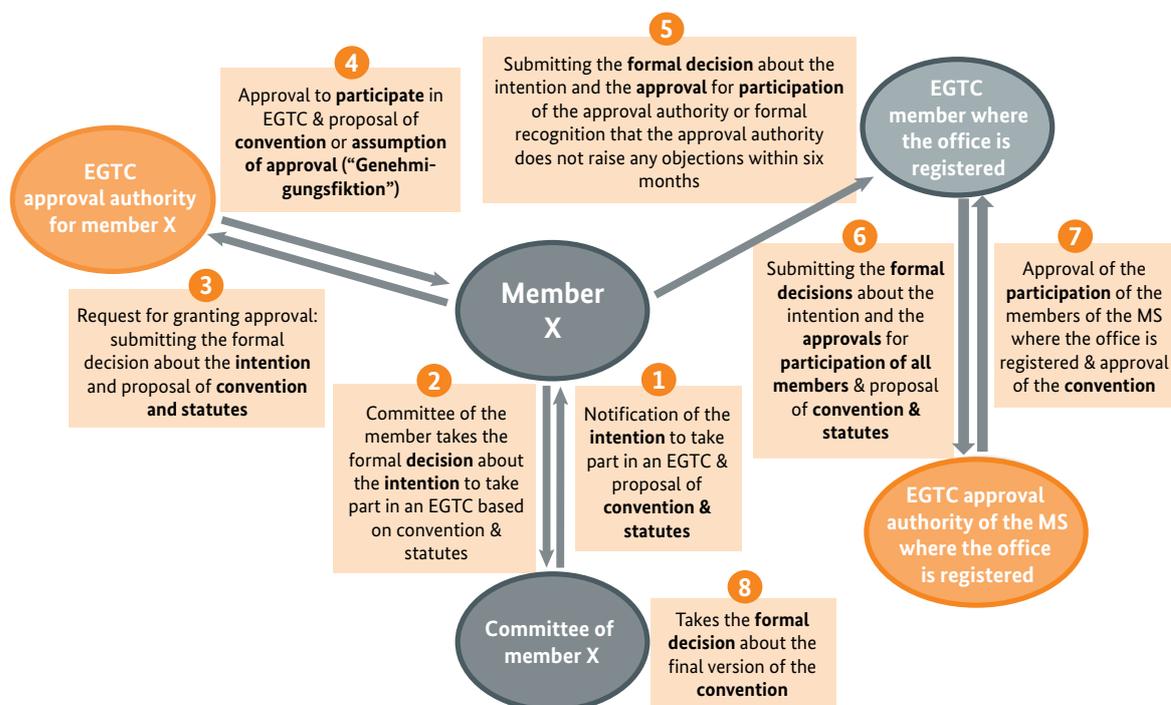
responsible approval authorities at federal state or regional levels.

The following figure (see Figure 6) was developed in the context of the foundation of the Interregional Alliance. It describes exemplarily the process up until the foundation, especially including all necessary steps between a member and its approval authority as well as all necessary steps with the approval authority in the country of the registered office. In addition to coordination processes between future EGTC members as discussed in the guidelines for the EGTC foundation (see Federal Ministry of Transport and Digital Infrastructure 2014), the figure provides an overview of the coordination with the approval authorities that should begin after statutes and convention have been drafted. Deviations from this process are possible. The statements from all members (Step 5) could be collected by the approval authority in the country where the registered office is located rather than by the member that has the registered office, for example. Furthermore, it needs to be considered that Step 3 and Step 4 need to be followed by all members, that is to say including the member that has the registered office.

Besides administrative questions, there is also a need for coordination with regard to the **definition of the content of the work within the EGTC**. Processes to develop a vision or extensive participation processes that not only involve potential EGTC members but also other players and the civil society may enhance acceptance in the run-up to the foundation and raise awareness of the EGTC before its foundation.

Regarding coordination between EU Member States and third countries, the **need to coordinate the national legal frameworks** needs to be emphasised. For example, various incompatibilities exist with regard to tax and procurement laws that can challenge an EGTC. Standardised requirements and procedures may contribute to higher legal certainty both for EGTC players and the authorities involved. There is at least a need for continuous exchange between approval authorities in order to come to intergovernmental but also Europe-wide agreements, to identify central problems, sensitise decision-makers and, consequently, develop adequate solutions. The Committee of the Regions could be the starting point for a **Europe-**

Figure 6: Exemplary sequence of the approval procedure of an EGTC foundation



Source: own representation by Spatial Foresight 2016, based on Regierungspräsidium Freiburg (2014)

wide exchange between approval authorities and other activities. It would go beyond the scope of this MORO Praxis to identify the need for coordination exhaustively. Therefore, this publication, first of all, refers to direct EGTC activities. In some cases, questions arise with regard to double taxation. Due to a lack of standardised specifications on the European level, pragmatic solutions can only be developed by means of time-consuming consultations with local tax offices. For some cases, no forms exist to avoid double taxation, so the EGTC needs to fall back on existing forms as a compromise, although these forms do not entirely cover the specific cross-border situation. Furthermore, a **need for harmonisation** often becomes evident in the content-related work of the EGTC for example regarding mutual and full recognition

of educational attainments, provisions in the field of public transport or different reimbursement schemes in healthcare.

In the model region Lower Oder Valley, the main recommendation for overcoming challenges was summed up by the formula "**learning, understanding, trust**". Accordingly, three aspects are crucial for shaping both the founding process and the ongoing work of an EGTC in a constructive manner: the willingness for independent and continuous learning, the understanding of individual framework conditions and challenges of other players, and the development and deepening of a joint basis of trust. All measures that are coherent with this formula may contribute to overcoming various challenges.



5 The individual character of EGTCs restricting the transferability of experience

In the previous chapters, it was shown how different regional conditions and experiences affect the foundation and ongoing work of EGTCs. This analysis of EGTC experiences may support other EGTCs. Therefore, the question arises of how far it is possible to learn from the experience of existing EGTCs and to transfer it to other EGTCs. This main question is specified by means of the following aspects of **contextuality** (Stead 2012):

- How far can the experience be traced back to a specific institutional context?
- How far is the experience affected by the spatial or socio-economic context?
- How can selected elements of experience be adjusted to a different context?

Theoretical transfer approaches

Based on this differentiation, the question arises of which elements are suitable for transfer, and by means of which mechanism a transfer may be carried out. Unlike organisational structures or project activities, methods, techniques and rules show high transferability. According to Stone (2012), the following approaches for transfer can be distinguished, although the decision about the possibility of a full or partial transfer has to be made from case to case:

- **Transfer: transfer to a new context.** Policy objectives and visions, institutions and structures, administrative and judicial tools, ideas and ideologies can be transferred through emulation, with or without modification. This also includes the exchange of personnel.
- **Diffusion: slow spread and sequential adoption.** Practices, policies and programmes can be spread in different ways, for example by means of networks, through geographical proximity, impact of pioneers on laggards or top-down influence.
- **Convergence: adjustment despite different starting points.** Global or supranational developments such as industrialisation, globalisation or harmonisation (for example in the EU) result in increasing similarity of organisational systems in the long term.

→ Translation: reinterpreting the original approach.

Due to the high complexity of the context, unexpected disturbances may occur during the process of translation. This results in a need for flexible and experimental approaches.

Specifications in the already published guidelines for cross-border EGTCs in the German-Polish border area (Bundesministerium für Verkehr und digitale Infrastruktur 2014) emphasise the major role of different framework conditions for the design of an EGTC. They, inter alia, comprise the specific national implementation rules of the amended EGTC Regulation as well as the cultural, political and socio-economic framework, but also the tasks and challenges that shall be addressed by means of the EGTC. For each EGTC, this leads to an individual context of distinct characteristics that affect the design of the EGTC with regard to its bodies, their responsibilities and organisational structures. Due to the individuality of each EGTC, the most relevant transfer approach is “translation” which may be potentially complemented by converging developments.

The individuality of EGTCs and the potential for transferability in terms of the translation of experiences are discussed exemplarily in the following by means of selected characteristics – **objectives, tasks and organisation structure**. The initiative for an EGTC in the Lower Oder Valley cannot be discussed with regard to all aspects because public drafts are not yet available for the respective documents.

5.1 Regional need for action influencing objectives and tasks

The objectives and tasks specified in the statutes and conventions firstly comply with the joint need for action. This is, i.a., influenced by the spatial structure. Saarbrücken, as a large city, characterises the Eurodistrict SaarMoselle and is of cross-border relevance regarding several functions (work, leisure, shopping, culture) as there is no equivalent on the French side. From this spatial imbalance results both

a dependency of the areas on both sides of the border and a special competitive situation between them. This, in turn, affects cooperation. In the Lower Oder Valley, rural areas dominate the spatial structure on both sides of the border. Due to this, the region can be described as a homogenous one located between two metropolitan areas: Berlin and Stettin (Szczecin). Correspondingly, in this region rather homogenous interests exist that are not that much affected by competition.

The objectives and tasks defined for the EGTCs' work are the **common denominator between all members** of an EGTC. A comparison of the two existing EGTCs shows that the main objective of the Interregional Alliance for the Rhine-Alpine Corridor EGTC and the purpose of the Eurodistrict SaarMoselle EGTC are formulated in a rather general manner. Integrated and sustainable spatial development is at the core, which is in accordance with the specifications of the amended EGTC Regulation. Reference is also made to coordinating spatial development and coordinating cooperation, respectively. Both statutes highlight the regional and local level as the main level of players. Besides this, both include a reference to the relevant area – the Rhine-Alpine Corridor, on the one hand, and the border area, on the other hand.

Stronger differences can be identified for prioritisation. They reflect the different backgrounds and regional conditions of both EGTCs. As the Eurodistrict SaarMoselle addresses cross-border development per se, the formulations remain more general and just refer to promoting the development of the Eurodistrict and the relevance of inter-municipal cooperation projects. These formulations were further specified by defining single project objectives. The Interregional Alliance for the Rhine-Alpine Corridor originates in a transnational cooperation project aimed at linking large-scale corridor and regional spatial development, and identifying and fostering regional interests for corridor development. Specific tasks had already been identified that could be taken up again for the formulation of priorities and objectives for the future work of the EGTC.

These two examples illustrate the **variety of formulation of objectives** in the documents of single EGTCs. This variety increases further if one compares a higher number

of EGTCs (Zillmer et al. 2015) and expresses both the freedom of design and the specific regional needs for action of EGTCs.

The different approaches in both model regions also characterise the definitions of tasks. For the convention and statutes of the Interregional Alliance it must be noted that the tasks are already linked to objectives and thus a clear relationship between both levels exists. It thus becomes clear that the tasks further specify the objectives. However, for the Eurodistrict SaarMoselle EGTC, the tasks are based on the formulations of the purpose as they refer to the implementation and support of projects for realising the EGTC's purpose, for example. Some tasks are further specified, such as the takeover of the joint location marketing, the representation of interests to other institutions, and the collection and dissemination of relevant information.

The formulations of the main objectives are rather general whereas the degree of concretisation varies in the formulations of objectives and tasks. This is a result of the specific prioritisation of the EGTC: The Interregional Alliance has a stronger thematic focus on corridor development, whereas the Eurodistrict SaarMoselle EGTC has a stronger orientation towards several themes and focuses on the development of the border area. This shows that usually only generally formulated tasks, such as strategy development, can be formulated independently from specific regional conditions.

5.2 Purpose and membership structures shaping the organisation of EGTCs

In many areas of the **organisational structure** both EGTCs have commonalities and only differ in minor details, for example with regard to the term of the Chair and the President, respectively, or the rotation principle, which ensures the rotation of the Presidency between the German and the French members in the Eurodistrict SaarMoselle EGTC (see Figure 7 and Figure 8). Significant differences exist regarding the composition of the assembly and the board. For the **assembly** of the Interregional Alliance each EGTC member deposes one representative (“one seat, one vote”) whereas in the Eurodistrict SaarMoselle EGTC the number of seats in the assembly is based on the population

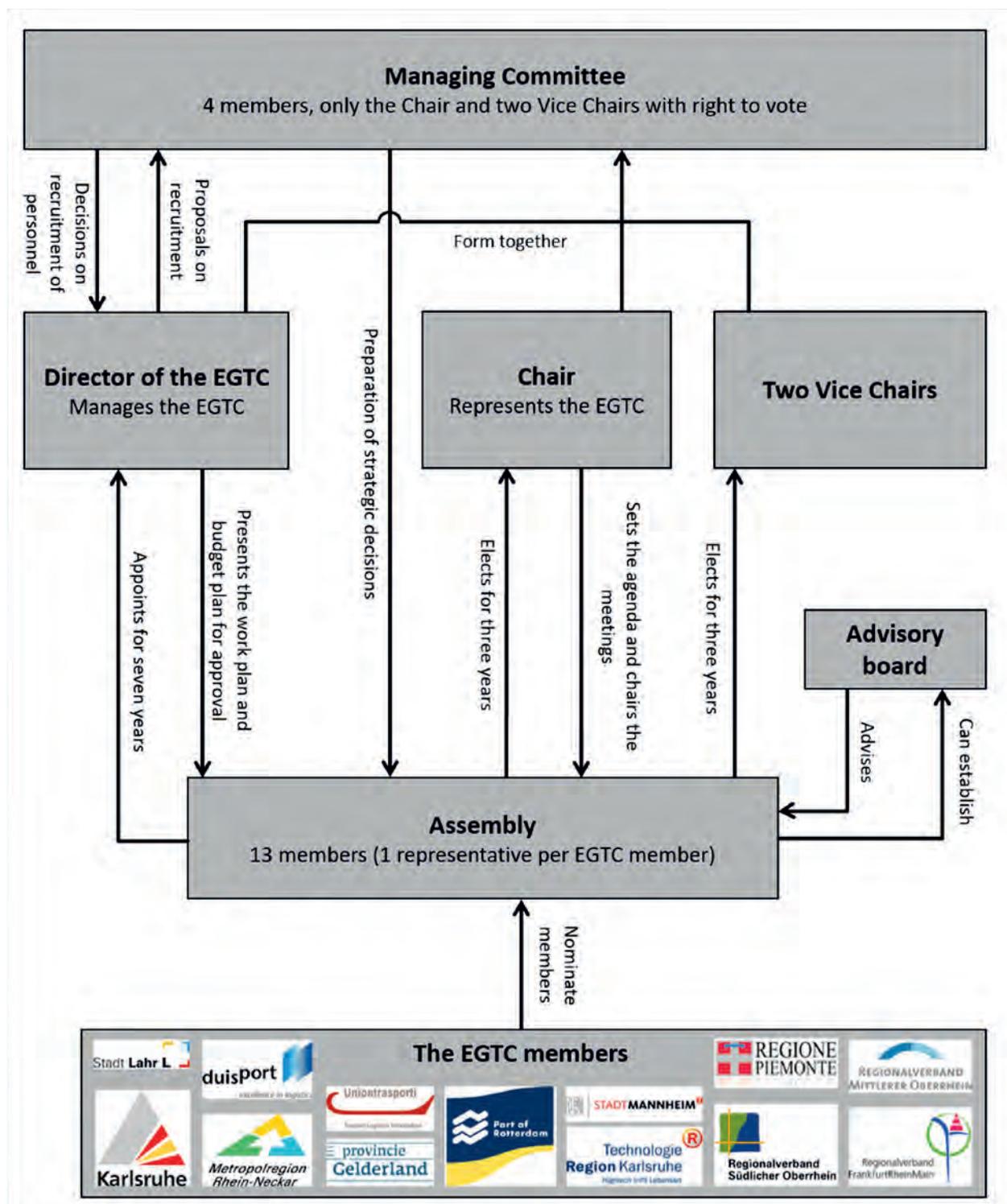
and ensures parity between the German and French representatives. This implies that the assembly has 62 members. The allocation of seats ranges from two seats for the smallest inter-municipal associations ('Communauté de communes') to 31 seats for the Saarbrücken Regional Association ('Regionalverband Saarbrücken'). Besides the President and the Vice President, the assembly with a total of 12 members, who are entitled to vote, is also equally represented in the **board**. In contrast, in the Interregional Alliance only the Chair and two Vice Chairs are members of the board who are entitled to vote.

The different structure of the EGTC members influences **financing and membership fees**. Due to large economic differences, this may result in different opinions on the level of membership fees and the proportional distribution between the members. The annual membership fee for the Eurodistrict SaarMoselle EGTC is based on the inhabitants per member. Due to the different sizes of the members it

varies significantly between the members. The Interregional Alliance EGTC decided that the membership fee would be the same for all members and, hence, it is not influenced by any other factors.

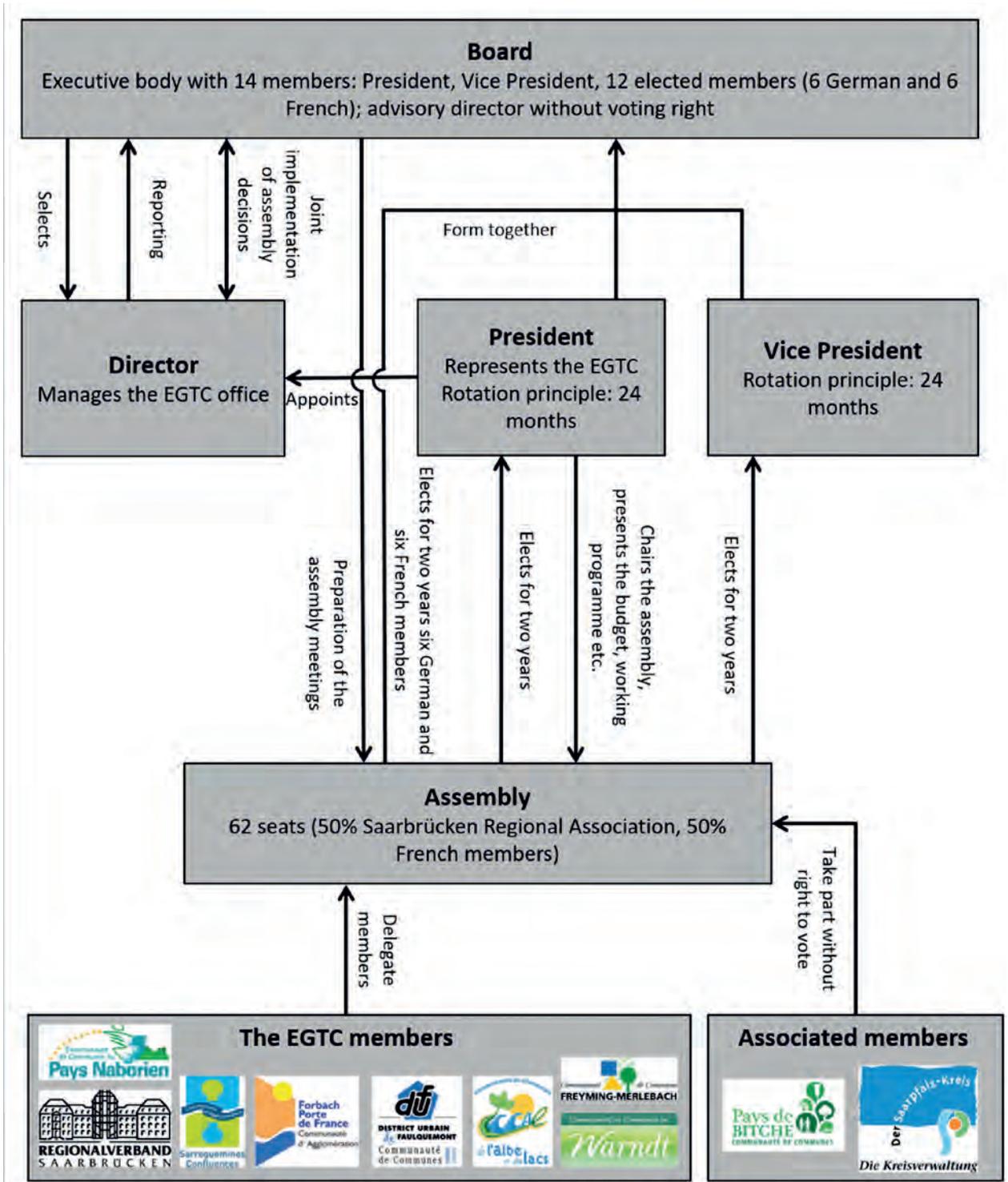
The differences and commonalities regarding the formulations of objectives and tasks and the definition of organisational structures underline the **individual design of the specifications for each EGTC**. The instrument provides flexibility to consider the specific context and the stakeholder structures for the design. It can be adjusted to political requirements, selected thematic priorities and socio-economic as well as other regional framework conditions. The examples presented here may indicate possible ways to specify objectives as well as tasks and, thus, inspire solutions of future initiatives. This approach is in accordance with the considerations of the EGTC platform and also with the Facebook group of the Committee of the Regions.

Figure 7: Organisational structure of the Interregional Alliance EGTC



Source: own representation based on Interregional Alliance for the Rhine-Alpine Corridor EGTC (2015)

Figure 8: Organisational structure of the Eurodistrict SaarMoselle EGTC



Source: own representation based on Eurodistrict SaarModelle (2010)



6 Possibilities for involving private players

The EGTC was created to support cooperation between public local and regional authorities ('Gebietskörperschaften'). They are at the centre of interest. Nevertheless, other public and private players also can take part in the cooperation. In order to address the need for involving other players, the EGTC Regulation

applies a rather extensive definition of public bodies. Undertakings entrusted with the operation of services of general economic interest are one example. In spite of their organisational form under private law, they may also be members of an EGTC.

→ Public or not public – this is the question

The national context plays an important role in assessing whether or not an institution belongs to one of the categories mentioned in Article 3 (1) and, hence, may become a member of an EGTC. Institutions generally performing the same tasks may vary in their legal form between countries. It can also happen that a specific legal form only exists in a specific country, that is to say another country does not have a comparable legal form. In consequence, players from one country may possibly become members of an EGTC, whereas this is impossible for their partner institution from another country. However, as this always depends on the specific national framework conditions and as so far no precedent cases exist for many EGTC constellations, a specific assessment has to be carried out on a case-by-case basis.

The legal form and status, for example of **chambers of industry and commerce** ('Industrie- und Handelskammern') varies between different countries. In Germany, they are corporations under public law ('Körperschaften des öffentlichen Rechts') and, as bodies governed by public law ('Einrichtungen des öffentlichen Rechts'), they are subject to the second subparagraph of Article 1 (9) 2) of Directive 2004/18/EC to which the EGTC Regulation refers. They can therefore become members of an EGTC. In contrast, for example, the Swiss chambers of industry and commerce are associations owned and operated by enterprises. Therefore, they cannot become members of an EGTC.

The **non-profit limited liability company** ('Gemeinnützige Gesellschaft mit beschränkter Haftung', gGmbH) is a legal form selected by companies that both pursue a social mission and want to carry out economic operations. Social institutions such as kindergartens or day-care centres, or cultural institutions such as theatres or museums are examples of this. They are also mentioned in Annex III of the above-mentioned Directive 2004/18/EG and may thus become members of an EGTC. However, Annex III of the above-mentioned Directive specifies that in Germany legal persons governed by private law are only to be considered as institutions under public law if they are subject to national control or operate in the general interest respectively and are non-commercial establishments. Whether and how far an establishment organised as a non-profit limited company fulfils these criteria, again can only be decided from case to case.

According to Article 3 (1) d) and e) of the amended EGTC Regulation, **public undertakings** can become members of an EGTC. In many cases, however, the public character of an undertaking cannot immediately be identified. For this purpose, a thorough assessment of the undertaking's structure is necessary. Undertakings, according to Directive 2004/17/EC, as referred to in the EGTC Regulation, are public undertakings if public contracting authorities hold the majority of the undertaking's subscribed capital or control the majority of the votes or may appoint more than half of the undertaking's administrative, management and supervisory body. Public contracting authorities are national, regional or local authorities, bodies governed by public law and associations formed by one or several such bodies governed by public law.

The existing EGTCs mainly consist of **local and regional authorities** ('Gebietskörperschaften') and **associations** of such authorities (for example special purpose associations ('Zweckverbände'), associations under public law ('öffentlich-rechtliche Vereine') or national park administrations).

The Interregional Alliance EGTC has three ports as members – the Ports of Rotterdam, Duisburg and Antwerp. This is an exception from the general rule. The operating companies of these three ports are undertakings under private law that are publicly owned. In the case of Duisburg, the Duisburg Hafen AG owns and manages the publicly

owned ports, whereby it operates public infrastructure in accordance with the amended EGTC Regulation. Furthermore, it is evident in the model regions that **private players** take part in the EGTC work, for example **consulting in an advisory board** or in **specific project activities**. The EGTC players perceive this involvement as positive. However, they point out that the EGTC pursues a public interest which must always come first. The decision-making power concerning the activities of the EGTC should therefore ultimately remain with the public members. Hence, the involvement of private players, by means of advisory boards, for example, is a useful supplement.

The Duisburger Hafen AG operates public infrastructures within the meaning of the amended EGTC Regulation



Source: Fotolia © Lukassek

7 Concluding remarks – Frequently Asked Questions

In this publication, the need for information by players who are either interested in founding an EGTC or otherwise deal with the EGTC instrument, for example as approval authorities, was highlighted several times. Answers to and explanations for the questions presented at the beginning as well as references to further sources of information (for example guidelines) were hitherto the focus. Furthermore, a number of questions exist that different players keep asking and for which there is further need for clarification. These questions are answered in the following as briefly as possible. The following collection often includes further references, in particular to related articles of the amended EGTC Regulation. The main objective of these brief answers is to provide easy starting points to answer these questions and establish a basis for an in-depth understanding.

Do specific funding programmes exist to support an EGTC?

No. The EGTC instrument is a legal instrument, not a funding instrument. Founding an EGTC does not automatically provide access to funding. However, an EGTC can apply for national and European funding, possibly as a single beneficiary, and in this way enhance its financial resources.

Whom do I have to contact to found an EGTC?

In Germany, the approval to join an EGTC is generally issued by a federal state ('Land'). In most states, responsibility has been assigned to a specific state ministry, in some states to a regional administration ('Bezirksregierung') as a middle-level federal state authority ('Landesmittelbehörde'). Only if Federal Government institutions take part in an EGTC as members is the Federal Ministry for Economic Affairs and Energy (BMWi) the responsible approval authority.

How is the foundation of an EGTC reported?

An EGTC acquires a legal personality as soon as it is registered or its statutes and convention are officially published. According to Article 5 of the amended EGTC Regulation, the EGTC must be registered in the country where its registered office is located in accordance with the respective national provisions. The EGTC members furthermore inform all Member States concerned and the Committee of the Regions about the registration and publication of the statutes and convention, respectively. The latter notifications are of a purely declaratory, not constitutive nature.

How is the EGTC registered in Germany?

The German implementation rules do not define specific procedures to register an EGTC. In the case of the two existing EGTCs, whose registered offices are located in Germany, their foundations were published in the Common Official Journal ('Gemeinsames Amtsblatt') of the State of Baden-Württemberg. The complete versions of the statutes and convention were also published here.

What liability does an EGTC have?

An EGTC generally has unlimited liability. The liability of the EGTC may only be limited if at least one member can limit its liability according to its national law (cf. Article 12 (2) and (2a) of the amended EGTC Regulation). In this case, the other members may also limit their liability if this complies with their specific national implementation provisions. Provided the consent of the approval authorities involved is obtained, it is also possible that some members have limited liability whereas others have unlimited liability. The implementation rules of the German states do not include any specifications regarding liability limitation at present (as of February 2016). As liability is directly transferred to local and regional authorities in Germany and thus unlimited ('Durchgriffshaftung'), it does not seem to be possible that German EGTC members can limit their liability.

What are the possibilities to provide financial cover for liability in the event of damage?

If an EGTC is founded with limited liability, each Member State concerned can oblige the EGTC to obtain insurance or provide a bank guarantee. In this case, the insurance has to be contracted and the bank guarantee has to be issued in the Member State where the registered office is located.

Since it is currently not possible to establish an EGTC with limited liability, a German approval authority can always require the EGTC to take out additional insurance if German players intend to co-found an EGTC. Concluding an insurance contract with a German insurance company (for example via the insurances for municipalities ('Kommunalversicherungen')) is only possible if the registered office of the EGTC is located in Germany.



Source: Fotolia © armano777

Can enterprises take part in EGTCs?

Only public undertakings and undertakings entrusted with the operation of services of general economic interest can become members of an EGTC. According to Article 3 (1) d) and e) of the amended EGTC Regulation, this applies to

- public undertakings in terms of Article 2 (1) b) of Directive 2004/17/EC,
- bodies governed under public law in terms of the second subparagraph of Article 1 (9) of Directive 2004/18/EC, and
- undertakings entrusted with the operation of services of general economic interest.

Undertakings in terms of the above-mentioned Directive are public undertakings if public contracting authorities hold the majority of the subscribed capital or control the majority of votes or can appoint more than half of the undertaking's administrative, management and supervisory body. Annex III of Directive 2004/18/EC contains non-exhaustive lists of bodies and categories of bodies governed by public law. Other players, which do not fulfil these requirements, may be involved in the work of the EGTC, for example by means of working groups; however, without becoming full members of the EGTC.

For which tasks can an EGTC be founded?

Except for sovereign tasks (for example concerning the police, judiciary, foreign policy), the range of possible tasks is very broad. The main precondition for transferring tasks is that the task is within the remit of the members. The tasks of an EGTC have to support supranational territorial cooperation and to strengthen economic, social and territorial cohesion and may also contribute to overcoming internal market barriers (see Article 7 of the amended EGTC Regulation).

Can an EGTC be used to operate services of general economic interest?

Yes, if the operation of the service is within the remit of all EGTC members. According to Article 7 (3) of the amended EGTC Regulation, the possible tasks an EGTC may carry out without financial support from the European Union can, however, be restricted by the Member States provided that these tasks are not part of the investment priorities of the EU Cohesion Policy.

What is transferred to the EGTC?

Only the execution of tasks is transferred to the EGTC. Decision-making power and authority remain with the members. Regardless of whether voluntary or obligatory

tasks are transferred from the EGTC members to the EGTC, the decision-making processes of administrations and parliaments are not suspended.

Can an EGTC charge fees?

Yes, according to Article 7 (4) of the amended EGTC Regulation, the EGTC assembly can define tariffs and fees for using an item of infrastructure the EGTC manages.

Which law is applicable to the ongoing work of an EGTC?

The applicable law is based on the EGTC Regulation, the respective convention and other relevant European legal acts (for example the Services Directive). If single issues are not specified in the listed legal sources, the national provisions of the Member State where the registered office of the EGTC is located, are applicable.

How may third countries be involved?

According to Article 4 (3a) of the amended EGTC Regulation, the Member State where the proposed registered office is to be located, shall, in consultation with the other Member States concerned, satisfy itself that one of the following requirements is fulfilled. For the approval of the prospective member's participation, the third country must apply conditions and procedures that are equivalent to those laid down in the EGTC Regulation. Alternatively, the third country must approve the participation in accordance with an agreement concluded between at least one Member State, under whose law a prospective EGTC member is established, and the third country concerned.

Which procedures are applied for the accession of new members?

The accession of new members to an existing EGTC is specified in Article 4 (6a) of the amended EGTC Regulation. The applied procedure varies and depends on whether the new member comes from (a) a Member State that has already approved the convention, (b) from a Member State that has not yet approved the convention, or (c) from a third country. If (a) applies, the approval of the Member State of the new member is at the core of the procedure. In case (b), all Member States concerned need to approve the new version of the convention with the new list of EGTC members. In the third case (c), a check must be made to confirm that the third country has applied relevant procedures or a bilateral agreement for the approval.

What is the difference between an EGTC and other agreements for cross-border cooperation?

Agreements such as the Karlsruhe or Anholt Agreement only refer to bilateral cross-border cooperation. They are geographically limited and only local players can found respective associations. The EGTC as an EU-wide instrument is more open in all these regards; throughout the EU, specialised institutions and players from all administrative levels and across several countries can take part in an EGTC. This ensures greater visibility on the European level. Furthermore, the EGTC Regulation allows for more flexible provisions, for example with regard to committee work and human resources management.

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