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**REPORT**

**TRANSFRONTIER COOPERATION**

**by**

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1. Jacques Delors, former President of the European Commission, said: "This is not the Europe of the Regions. It is something more simple and more innovative: the manifestation of a community of interests that transcends national borders, and the desire to break through these barriers to make life easier". From the idealistic point of view, euroregions can stimulate and deepen integration, can stand as a local reflection of EU's supranationality and are able to set up a qualitatively new European order.

2. The Council of Europe took the first steps towards establishing a specific legal framework for transfrontier co-operation by adopting the 1980 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (the "Madrid Convention"), to which two protocols were added in 1995 and 1998 (ETS No. 106, 159 and 169).

3. The Committee of Ministers subsequently adopted the 2002 Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe and the 2003 Chisinau Declaration on Transfrontier and Interterritorial Co-operation between States in South-Eastern Europe.

4. Recent decades have been marked by the signing of a great many co-operation agreements between states and local and regional authorities. Having appeared initially in the form of twinings between towns and villages, transfrontier co-operation has spread to new areas such as the labour market, development of cross-border transport, sharing of health facilities, formulation of coherent spatial planning policies, protection of the environment etc) and to new players (such as the regions). Integrated approaches of the "Euroregion" and "Eurodistrict" type have emerged.

5. The European Charter of Local Self-Government (ETS No. 122), serves as a reference for the establishment of genuine local democracy in member States, and Article 10 of the Charter, on local authorities' right to associate, states that they are "entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest".

6. Conditioned by national legislation and confronted initially with a lack of suitable structures for transfrontier co-operation, local authorities borrowed the legal forms available in Community law and in their respective national laws in order to establish transfrontier co-operation bodies: European economic interest grouping (EEIG), association, foundation etc.

7. In adopting the Madrid Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities in 1980, the Council of Europe laid the cornerstone for transfrontier co-operation at the European level. Under this instrument, each state "undertakes to facilitate and foster transfrontier co-operation between territorial communities or authorities within its jurisdiction and territorial communities or authorities within the jurisdiction of other Contracting Parties", by supporting the conclusion of agreements between local authorities and, if necessary, inter-state agreements specifying the co-operation arrangements. Lacking operational provisions, the Madrid Outline Convention was supplemented by an Additional Protocol on Transfrontier Co-operation. The purpose of this protocol is to strengthen the convention by explicitly recognising, subject to certain conditions: the right of local and regional authorities to conclude transfrontier co-operation agreements, a principle also set forth in the Charter of Local Self-Government, as well as the legal force under national law of measures taken and decisions adopted under a transfrontier co-operation agreement and the legal entity status of any co-operation body set up under such an agreement.

8. In July 2006 the European Union adopted a Regulation on a European grouping of territorial co-operation (EGTC), the only instrument available in the 27-member European Union. The

regulation recognises the "Council of Europe acquis".

9. The Council of Europe and the European Union are currently discussing the drawing up of a new Convention establishing Euro-regional co-operation groupings. Among other things, this instrument could provide the legal basis allowing European Union non-member countries to participate in EGTCs.

10. The Committee of Experts on Transfrontier Co-operation (LR-CT), comprising experts from the Governments of the Council of Europe member states, has published a transfrontier co-operation handbook and a practical guide to transfrontier co-operation for local authorities in Europe.

11. The Council of Europe may therefore now be seen as a pan-European forum for dialogue and exchange of experience between transfrontier co-operation players and a source of political impetus.

12. The most distinctive features of co-operation of the various transfrontier co-operation initiatives is the establishment of co-operation, at the local community level between adjacent local public bodies subject to different national legal systems, on issues of common concern (the environment, cultural and economic activities, facilities, migration and so on). These issues illustrate the geographical, environmental, urban and economic interdependence between areas on either side of borders.

13. Transfrontier co-operation agreements should not be seen as a one size fits all. First and foremost, transfrontier co-operation is a form of co-operation within cross-border "service and employment areas" traversed by all kinds of flows. In addition to this initial approach, it is important to bear in mind the wide variety of co-operation arrangements and projects, which may just as easily involve centuries-old borders as recent ones, remote mountain valleys with a few thousand inhabitants crossed by a border as transfrontier conurbations with several million inhabitants, and crucial road or rail infrastructure projects as informal co-operation entailing straightforward neighbourly relations that prefigure more structured co-operation. Furthermore, not all participants in co-operation enjoy the same framework and facilities for entering into co-operation.

14. The emergence of innovative forms of co-operation and the sustainability of cross-border projects must be viewed from three related angles: first, a legal and institutional framework tailored to cross-border projects must be formulated. Secondly, because local and regional authorities are the leading players in transfrontier co-operation, as well as being permitted to exercise their powers and responsibilities in a transfrontier context, they must be given the financial capacity needed for real freedom of action. Lastly, it is important to meet the need for transfrontier expertise in order to give a structure to cross-border territories.

15. Local authorities can only co-operate with authorities in neighbouring countries to the extent that their national law permits. Transfrontier co-operation is not an additional power but a way of exercising the powers which authorities hold under their national law. It is the national laws by which local authorities are governed and, to a lesser extent, the international agreements relating to transfrontier co-operation which will determine how much room for manoeuvre they have.

16. Local and regional authorities co-operate within their common areas of competence, excluding police and regulatory powers, in accordance with the national legislation by which they are governed and while complying with the international commitments entered into by the states to which they belong. In accordance with the principles established, local and regional authorities may conclude co-operation agreements enabling them to formalise co-operation schemes, conduct cross-border investment projects or set up transfrontier co-operation bodies

with or without legal personality.

17. It is not enough for local authorities to have the legal capacity to implement transfrontier co-operation projects effectively and sustainably. They must also have genuine financial capacity. This principle is set forth in the Charter of Local Self-Government (Article 9). Transfrontier co-operation is usually funded from the own resources of local authorities in border areas, whose means are often limited and which therefore have to rely on co-financing, which may be public (Community, national or regional) or private (public-private partnership). Since the 1990s, the European Union has allocated large sums to local and regional authorities in the member states for transfrontier co-operation purposes. Community support for this type of arrangement originally went to pilot projects, but it has become more formalised and is henceforth intended to support more structuring projects. This co-operation has now been raised to the status of objective of the European Union's cohesion policy for the period 2007-2013. The European Union also provides for support for co-operation projects on the EU's external borders with entities in neighbouring states: the old PHARE, TACIS and CARD programmes and the external component of the INTERREG programme will be covered by two new instruments, namely the pre-accession instrument (PAI) and the new European neighbourhood and partnership instrument (ENPI). Relations with Russia are the subject of a specific strategic partnership.

18. Transfrontier co-operation has grown significantly in Europe in the last 30 years. This phenomenon is likely to intensify in view of the increasing interest in such co-operation as a means of overcoming "border effects" in a European integration perspective, jointly managing shared problems and improving the quality of life of the inhabitants of cross-border territories. The development of transfrontier co-operation goes hand in hand with a strengthening of the decentralisation process, reflecting the principle of subsidiarity, and is impossible without a public-private partnership between all politicians, socio-economic players and civil society.

19. An example of transfrontier cooperation is that used in the waste management system

- Projects in managing waste – landfills
- Sewage treatment
- Prevention of water pollution
- Water quality management plan
- River monitoring

20. Benefits arising from transfrontier co-operation in the field of the environment are multiple and display a strong interdependence with other main areas of local and regional economic development. However it is to be kept in mind that transfrontier co-operation in waste management between two or more neighbouring countries could only function if none of the countries systematically object to the shipment of waste.

21. The start of the co-operation process is often initiated by one or two key individuals in the municipality on either side of the border. It is important to allow a sufficiently open time framework; to establish the legal basis for the management of co-operation and each technical and legal solution will need to be tailored to the particular situation and service to be provided in the transfrontier region.

### The Black Sea Synergy

22. The "Black Sea Euroregion" which the Congress aims to create should bring together the administrations of the regions surrounding the Black Sea, with a view to meeting the needs of the inhabitants. It will encourage a more aware and careful use of the Black Sea resources and the sustainable management of the area. The aims of the Black Sea Synergy include:

- the protection of the environment

- the investment for renewable energy production;
- the protection of the sea and of the rivers of the Black Sea through preventing oil-spills and of the discharge of waste water;
- the management of maritime transport risks;
- the integrated management of coastal areas;
- the promotion of sustainable tourism;
- the development of inter-cultural and social cohesion co-operation initiatives;
- the migration management;
- the establishment of good governance practices for consolidating democratic stability;
- the efficient use of regional resources for helping local authorities to discharge their management duties;
- the need for effective exchange of information in order to find financial resources for co-operation projects

23. The Congress is now working for drafting a Constituent Act of the Black sea Euroregion. Next step will be the official launching of the Euroregion within an international Conference to which all the potential partners will be invited and during which the Constituent Act will be signed.

24. In 2008 the Committee of the Regions presented an opinion on the Black Sea Synergy. The Committee also voices its support for the emerging Black Sea Euroregion intended to promote co-operation at local and regional level between the countries of the region and to support democratic stability, good governance and sustainable development.

#### Matching Opportunities for Regions in Europe Database

25. At the initiative of the Italian Government, the Council of Europe has been chosen to set up and run a new online database for transfrontier co-operation. Why the Council of Europe? Because of its pan-European dimension and longstanding experience in the field of transfrontier cooperation between territorial authorities and communities.

26. MORE enables you to:

1. find a partner for transfrontier and transnational co-operation
2. identify interesting practices of cross border co operation
3. make known your international activities
4. share your experiences
5. help build up a European co-operation platform

27. The purpose of the MORE database is to search for proposals and good practices, to foster co-operation (one can register his/her entity and explain the cooperation project one would like to develop) and inspiration (persons share their transfrontier co-operation experiences and help other entities to develop their cross border solution strategy).