



COUNCIL OF EUROPE

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW



DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

CONSEIL DE L'EUROPE

CoE legal instruments on CBC: are they useful and still relevant?

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Expert

Council of Europe



International Conference
CROSS-BORDER COOPERATION IN EUROPE
25 May 2018 | Dubrovnik, Croatia



ALBANIA ALBANIJE ARMENIA ARMENIA AUSTRALIA AUSTRALIJA AZERBAIJAN AZERBAIJAN BELGIUM BELGIJE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINA BULGARIA BULGARIJE
 CROATIA HRVATSKA CYPRUS KYPR CZECH REPUBLIC REPUBLIQUE TCHÈQUE DENMARK DANMARK ESTONIA ESTONIE FINLAND FINLANDIJE FRANCE
 GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETONIE LIECHTENSTEIN LIECHTENSTEIN LITHUANIA
 LIETUVA LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA REPUBLICA DE MOLDOVA MONACO MONACO MONTENEGRO MONTENEGRO NETHERLANDS
 PAYS-BAS NORWAY NORVÈGE POLAND Pologne PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FEDERATION DE ROSSIE SAN MARINO SAINT-MARIN SERBIA
 SERBIE SLOVAKIA SLOVAQUIE SLOVENE SLOVÈNE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLICS»
 «LES ANCIENNES RÉPUBLIQUES YOUgoslavEs» UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIJE ARMENIA ARMENIA AUSTRALIA AUSTRALIJA AZERBAIJAN AZERBAIJAN BELGIUM BELGIJE BOSNIA AND HERZEGOVINA BOSNIE-HERZEGOVINA BULGARIA BULGARIJE
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MAGYARORSZÁG HONGRIE - HUNGARY



BELGIË BELGIQUE - BELGIUM



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ALBANIA ALBA
FRANCE GEGRI
NETHERLANDS
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CROATIA KROAT
LITHUANIA LIUKS
SERBIE SLOVA
ARMENIA ARMEN
AUSTRIA AUTRICHE
AZERBAIJAN AZERBAIJAN
BELGIUM BELGIË
BULGARIA BULGARIE
CYPRUS KIPROS
CZECH REPUBLIC REPUBLIQUE TCHÈQUE
DENMARK DANEMARK
ESTONIA ESTONIE
FINLAND FINLANDE
GERMANY ALLEMAGNE
GREECE GRÈCE
HUNGARY HONGRIE
ICELAND ISLANDE
IRELAND IRLANDE
ITALY ITALIE
LATVIA LETTONIE
LIECHTENSTEIN
LITHUANIA LITUANIE
LUXEMBOURG LUXEMBOURG
MALTA MALTE
MONACO MONACO
MONTENEGRO MONTÉNÈGRE
NETHERLANDS PAYS-BAS
NORWAY NORVÈGE
POLAND Pologne
PORTUGAL PORTUGAL
REPUBLIC OF MOLDOVA REPUBLICA MOLDOVA
ROMANIA ROMANIE
RUSSIAN FEDERATION FEDERATION DE RUSSIE
SAN MARINO SAN MARINO
SERBIA SERBIE
SLOVAK REPUBLIC REPUBLIQUE SLOVAQUE
SLOVENIA SLOVÉNIE
SPAIN ESPAGNE
SWEDEN SUÈDE
SWITZERLAND SUISSE
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA MACÉDOINE DU NORD
TURKEY TURQUIE
UKRAINE UKRAÏNE
UNITED KINGDOM ROYAUME-UNI

State	Madrid Convention	Additional Protocol	Second Protocol	Third Protocol	EGTC
Albania					
Andorra					
Armenia					
Austria					
Azerbaijan					
Belgium					
Bosnia and Herzegovina					
Bulgaria					
Croatia					
Cyprus					
Czech Republic					
Denmark					
Estonia					
Finland					
France					
Georgia					
Germany					
Greece					
Hungary					
Iceland					
Ireland					
Italy					
Latvia					
Liechtenstein					
Lithuania					
Luxembourg					
Malta					
Monaco					
Montenegro					
Netherlands					
Norway					
Poland					
Portugal					
Republic of Moldova					
Romania					
Russian Federation					
San Marino					
Serbia					
Slovak Republic					
Slovenia					
Spain					
Sweden					
Switzerland					
The former Yugoslav Republic of Macedonia					
Turkey					
Ukraine					
United Kingdom					





Madrid Outline Convention



- The Convention does not establish a "right" of local authorities in such cooperation, but rather **an obligation for the states (as contractors) to "facilitate and promote" cross-border cooperation of local authorities.**
- CBC is defined as any concerted action designed to strengthen and promote neighbourly relations between local communities and authorities belonging to two contracting states.



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Protocol No. 2 Madrid Outline Convention

- Protocol No. 2 defines interterritorial cooperation as any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier co-operation of neighbouring authorities, including the conclusion of co-operation agreements with territorial communities or authorities of other States.
- Interterritorial co-operation is made equivalent to transfrontier cooperation. In addition, local authorities that could not previously engage in such activities under the Madrid Outline Convention see that their right to promote discussions and agreements (in matters of common competence) is now recognised (Art. 2). Contracting States shall, on their part, undertake to recognise and respect this right.

Protocol
No.2
1998

Additional Protocol Madrid Outline Convention

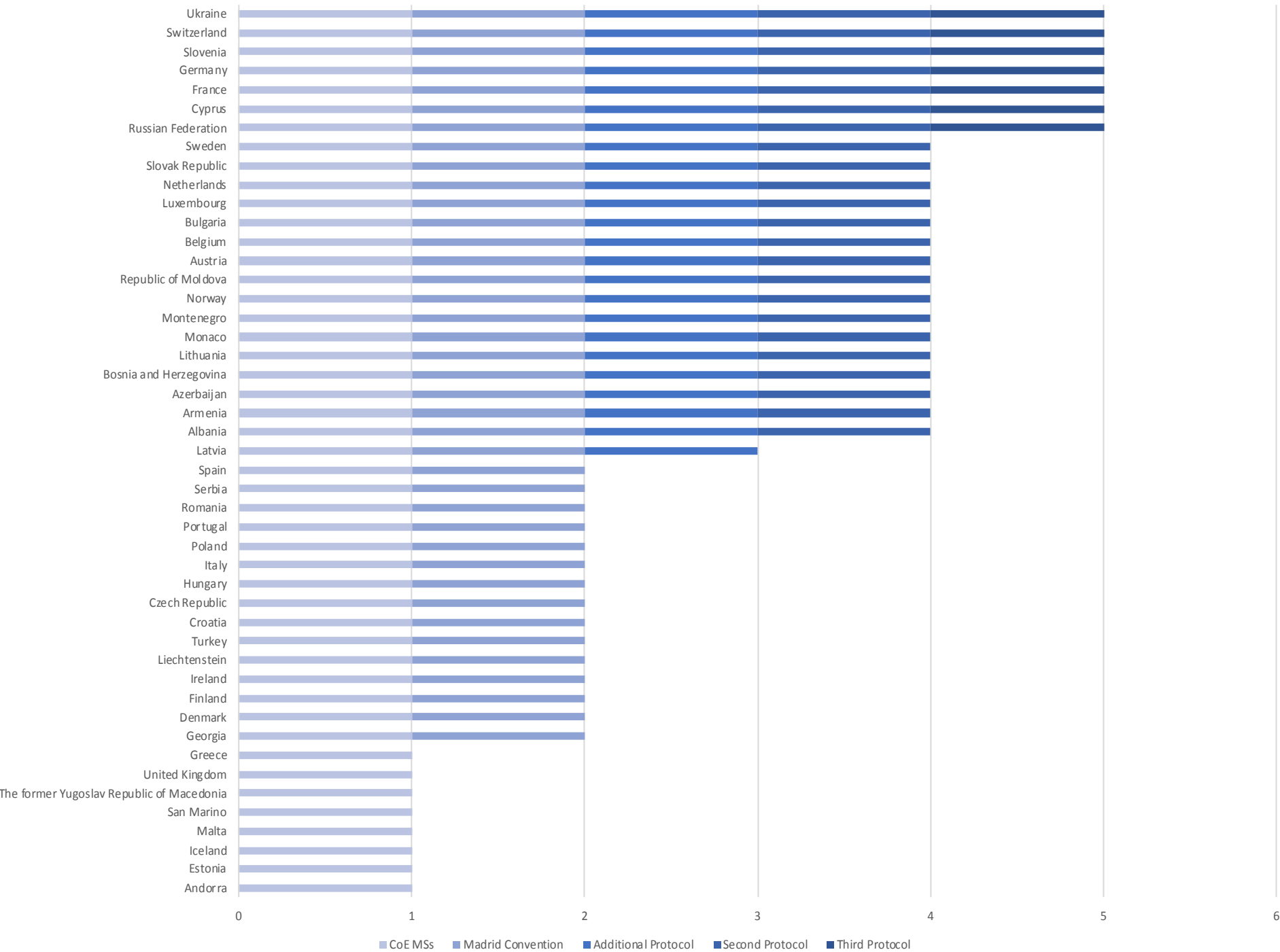


- This Protocol responds to concrete CBC developments. **Local communities and authorities engaging in CBC activities across borders tend to develop CBC arrangements to coordinate, promote and support CBC itself.** Such structures serve as contact structures; they can promote ongoing dialogue between CBC partners, support information exchange, and establish common offices to carry out specific activities.

Protocol No.3 Madrid Outline Convention

Protocol No 3 2009

- Protocol No. 3 allows for the establishment of CBC bodies with or without legal personality (in this case the protocol connects the legal personality to the law applicable in the state where the ECG has its headquarters). In addition, the Protocol provides the basic rules for the establishment, membership conditions, tasks and responsibilities of the ECG.
- Territorial communities or authorities of non Member States may under certain conditions become members too.





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