

ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE AZERBAIJAN AZÉRBÉIDJAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GÉORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIÉCHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGR O NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND Pologne PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNIE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE AZERBAIJAN AZÉRBÉIDJAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GÉORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIÉCHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGR O NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND Pologne PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNIE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE AZERBAIJAN AZÉRBÉIDJAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GÉORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIÉCHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGR O NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND Pologne PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNIE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI ALBANIA ALBANIE ANDORRA ANDORRE ARMENIA ARMÉNIE AUSTRIA AUTRICHE AZERBAIJAN AZÉRBÉIDJAN BELGIUM BELGIQUE BOSNIA AND HERZEGOVINA BOSNIE-HERZÉGOVINE BULGARIA BULGARIE CROATIA CROATIE CYPRUS CHYPRE CZECH REPUBLIC RÉPUBLIQUE TCHÈQUE DENMARK DANEMARK ESTONIA ESTONIE FINLAND FINLANDE FRANCE FRANCE GEORGIA GÉORGIE GERMANY ALLEMAGNE GREECE GRÈCE HUNGARY HONGRIE ICELAND ISLANDE IRELAND IRLANDE ITALY ITALIE LATVIA LETTONIE LIECHTENSTEIN LIÉCHTENSTEIN LITHUANIA LITUANIE LUXEMBOURG LUXEMBOURG MALTA MALTE REPUBLIC OF MOLDOVA RÉPUBLIQUE DE MOLDOVA MONACO MONACO MONTENEGRO MONTÉNÉGR O NETHERLANDS PAYS-BAS NORWAY NORVÈGE POLAND Pologne PORTUGAL PORTUGAL ROMANIA ROUMANIE RUSSIAN FEDERATION FÉDÉRATION DE RUSSIE SAN MARINO SAINT-MARIN SERBIA SERBIE SLOVAK REPUBLIC RÉPUBLIQUE SLOVAQUE SLOVENIA SLOVÈNIE SPAIN ESPAGNE SWEDEN SUÈDE SWITZERLAND SUISSE «THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA» «L'EX-RÉPUBLIQUE YOUGOSLAVE DE MACÉDOINE» TURKEY TURQUIE UKRAINE UKRAÏNE UNITED KINGDOM ROYAUME-UNI

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

HUMAN RIGHTS,
DEMOCRACY
AND THE RULE OF LAW

DROITS DE L'HOMME,
DÉMOCRATIE
ET ÉTAT DE DROIT

CROSS-BORDER COOPERATION IN SPAIN



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

LOCAL AND REGIONAL AUTHORITIES IN SPAIN

Article 137 Spanish Constitution:

- 17 Autonomous Communities
- 50 Provinces
- 8125 Municipalities



(Provinces and Municipalities: local territorial entities)



AUTONOMOUS COMMUNITIES





DISTRIBUTION OF POWERS BETWEEN THE STATE AND THE AUTONOMOUS COMMUNITIES (REGIONAL ENTITIES)

Spanish Constitution of 1978:

- The State holds exclusive competence over a list of 32 matters (including international relations)
- The Autonomous Communities may assume competencies over any matters which are not exclusively competence of the State
- Competencies over international matters – Jurisprudence of the Spanish Constitutional Court



LEGAL FRAMEWORK

Council of Europe

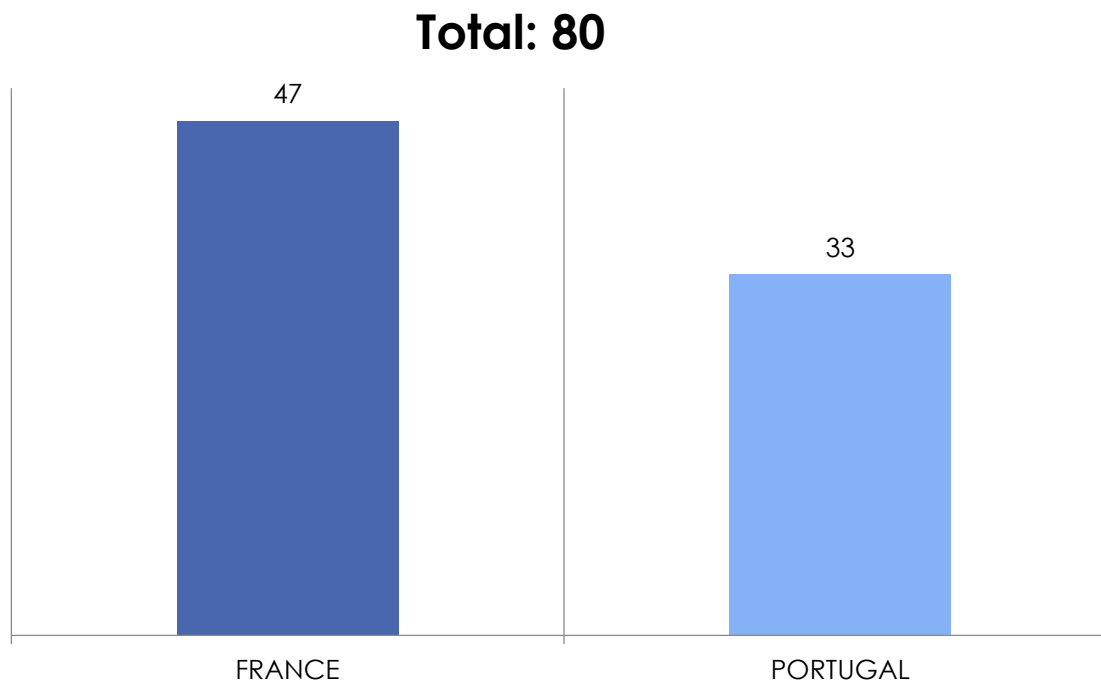
- European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities (Madrid Convention) – 1980
- Treaty of Bayonne between Spain and France – 1995
- Treaty of Valencia between Spain and Portugal – 2002

European Union

- Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC), as amended by Regulation (EU) No 1302/2013

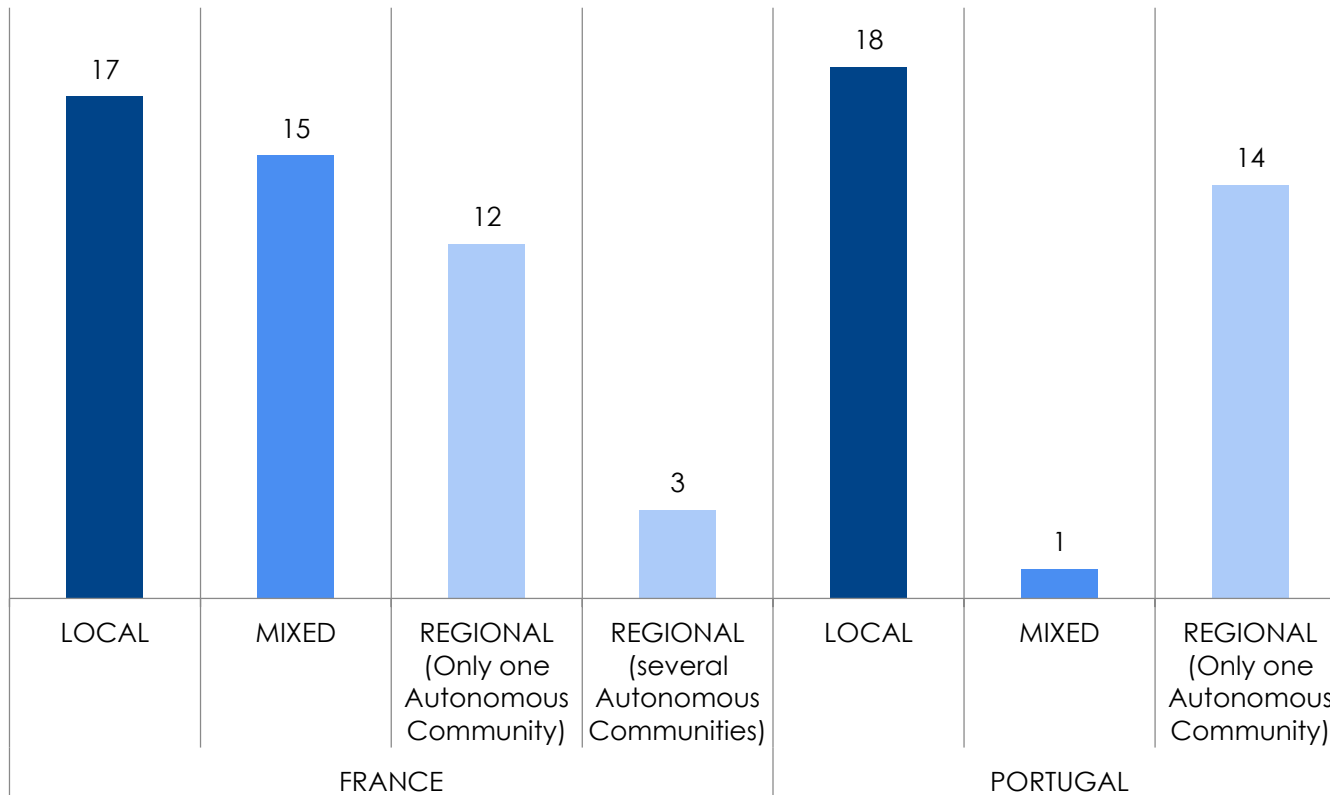


CROSS-BORDER AGREEMENTS



CROSS-BORDER AGREEMENTS

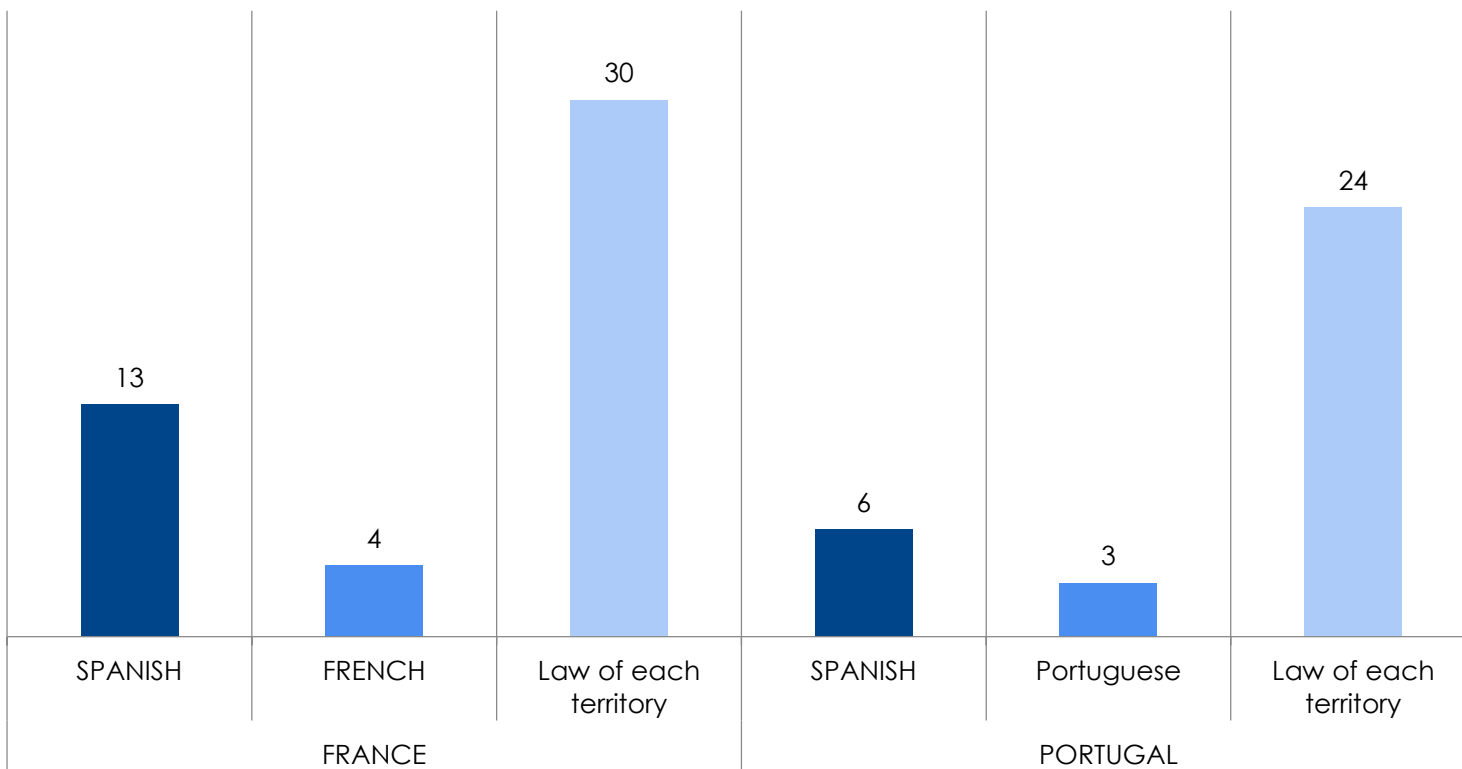
Type of entities involved





CROSS-BORDER AGREEMENTS

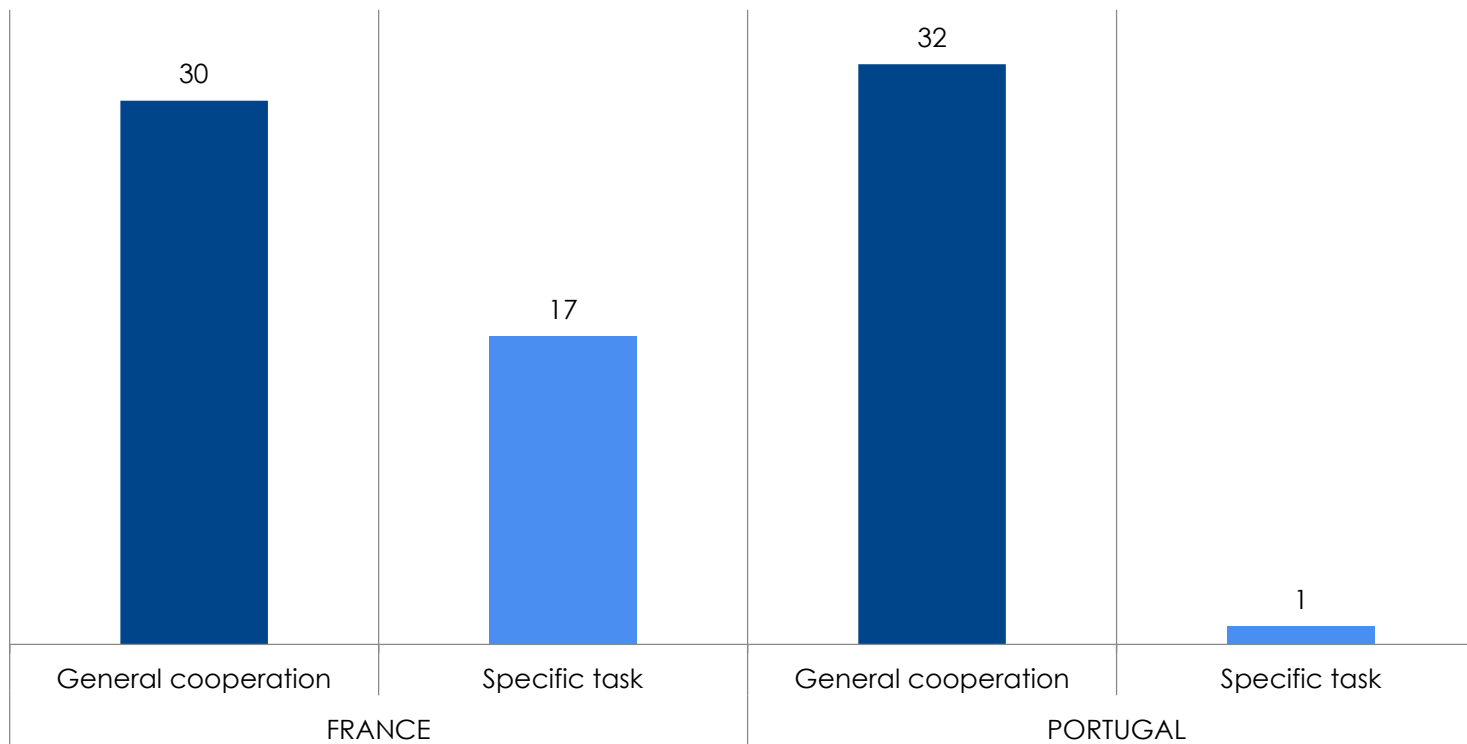
Law applicable





CROSS-BORDER AGREEMENTS

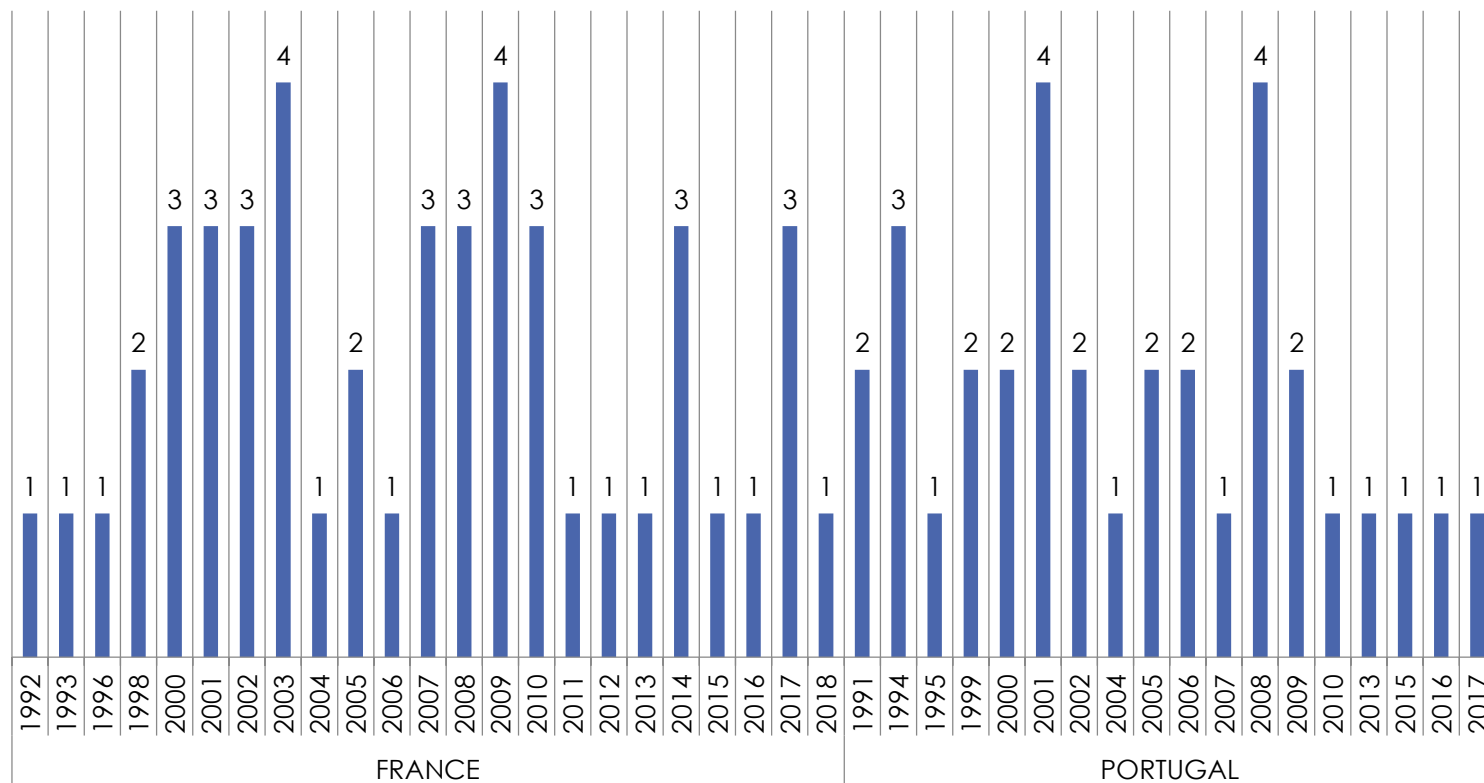
Objective of the agreements





CROSS-BORDER AGREEMENTS

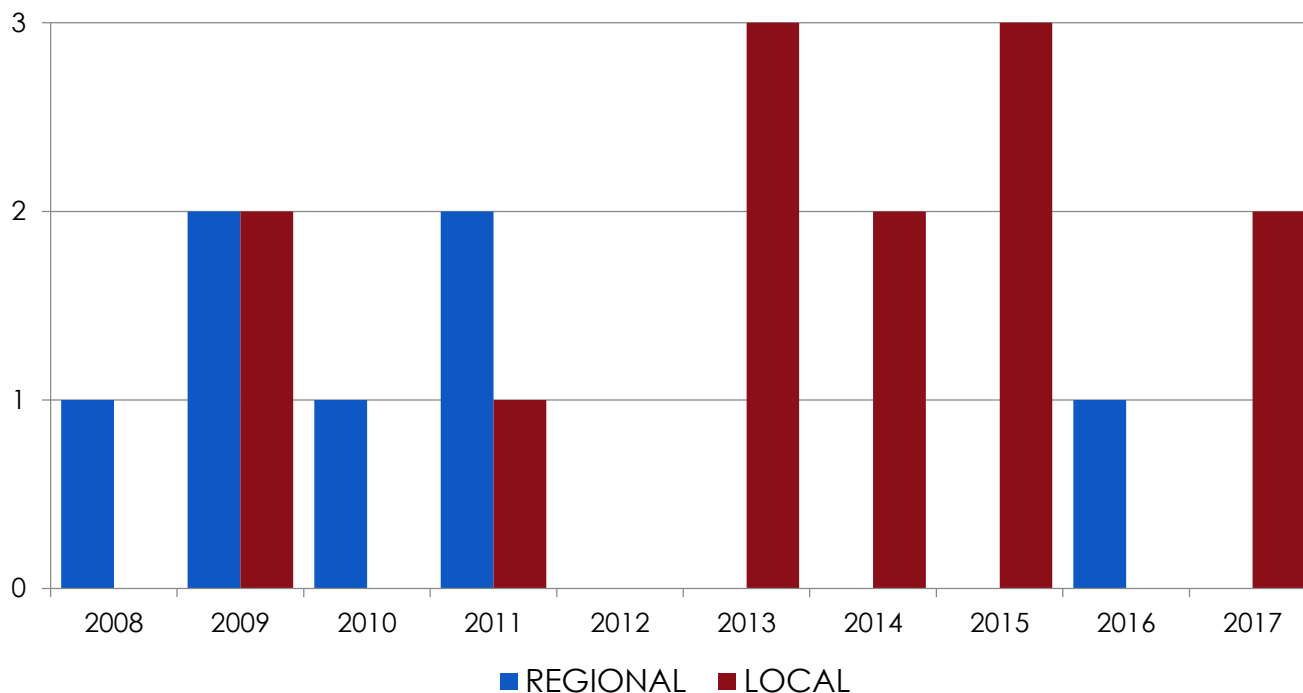
Evolution





EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

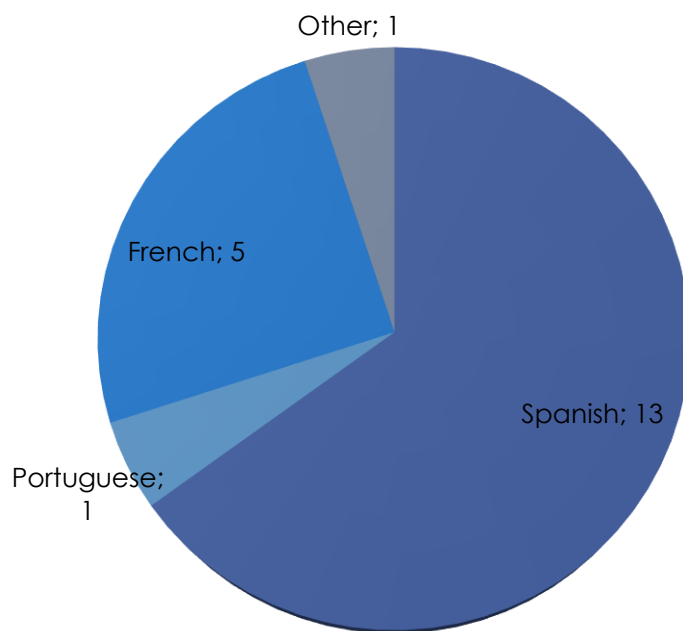
Total authorized EGTCs: 20
Regional (blue) and local (red)





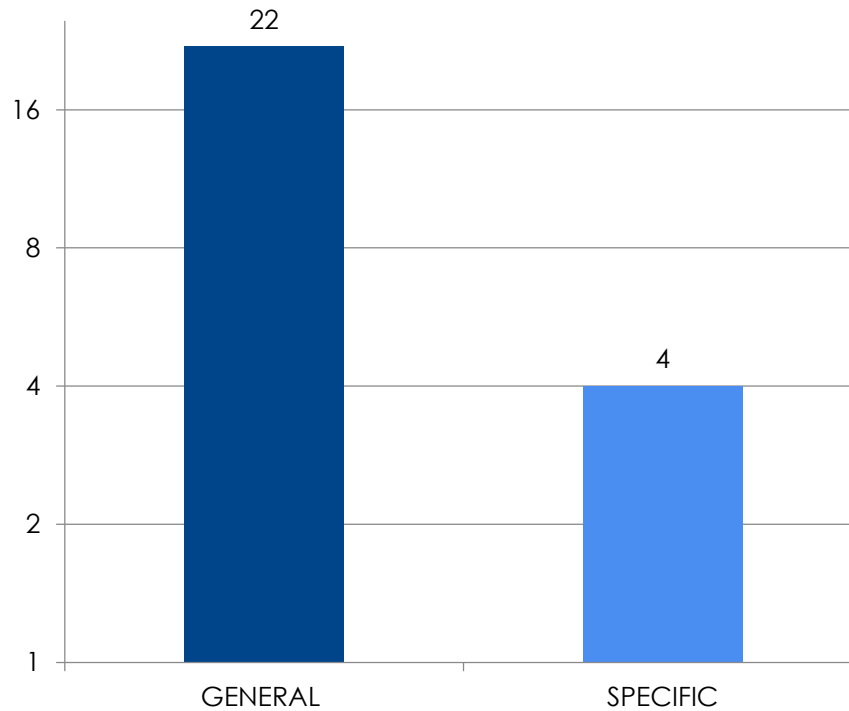
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Law applicable



EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

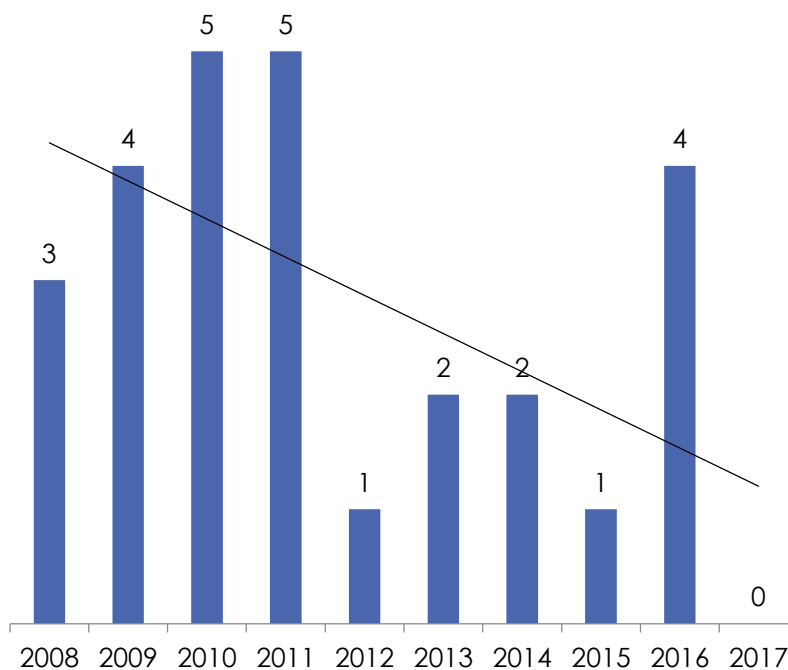
Objectives (all EGTCs)





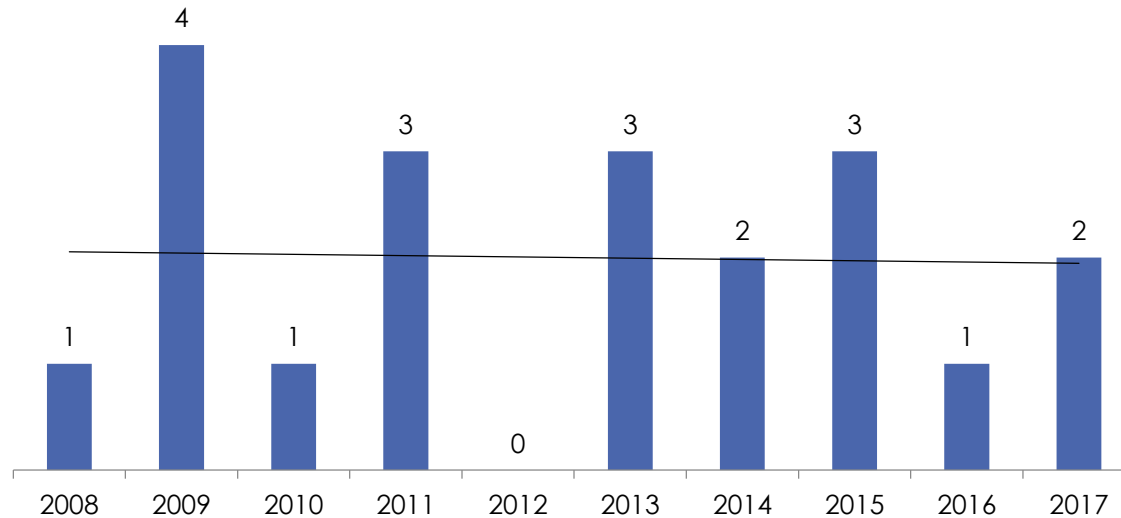
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Proposed EGTCs



EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Authorized EGTCs





DIFFERENCES IN THE AUTHORIZATION/COMMUNICATION PROCEDURES

Regulation

CoE cross-border cooperation:

- *Royal Decree 1317/1997* on prior notification to the General State Administration and official publication of the cross-border cooperation agreements of Autonomous Communities and local entities with foreign territorial entities.

EGTCs:

- *Royal Decree 23/2015* which adopts the necessary measures for the effective application of Regulation (EC) No. 1082/2006, as amended by Regulation (EU) No. 1302/2013



Mandatory procedures

Cross-border agreements:

- Report by the Ministry of the Presidency and for the Territorial Administrations

EGTCs:

- Report by the Ministry of Foreign Affairs and Cooperation
- Report by the Ministry of Finance
- Report by the competent Autonomous Community
- Report by the Ministry of the Presidency and for the Territorial Administrations
- Resolution



Other procedures

Both cross-border agreements and EGTCs:

- Report by the competent Ministry on the matter concerned

Maximum length of the procedure

Cross-border agreements: 1 month

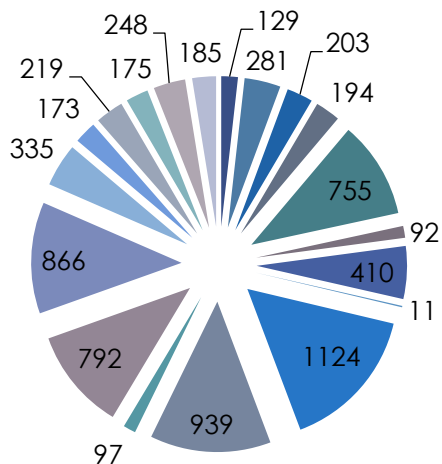
EGTCs: 6 months

In case of inactivity

**Both cross-border cooperation agreements and EGTCs:
tacit approval**



LENGTH OF EGTC APPROVAL PROCEDURE



■ GALICIA-NORTE DE PORTUGAL

■ DUERO-DOURO

■ ZASNET

■ PIRINEOS MEDITERRÁNEO

■ PIRINEOS-CERDANYA

■ ARCHIMED (ARCHIPIÉLAGO MEDITERRÁNEO)

■ ESPACIO PORTALET

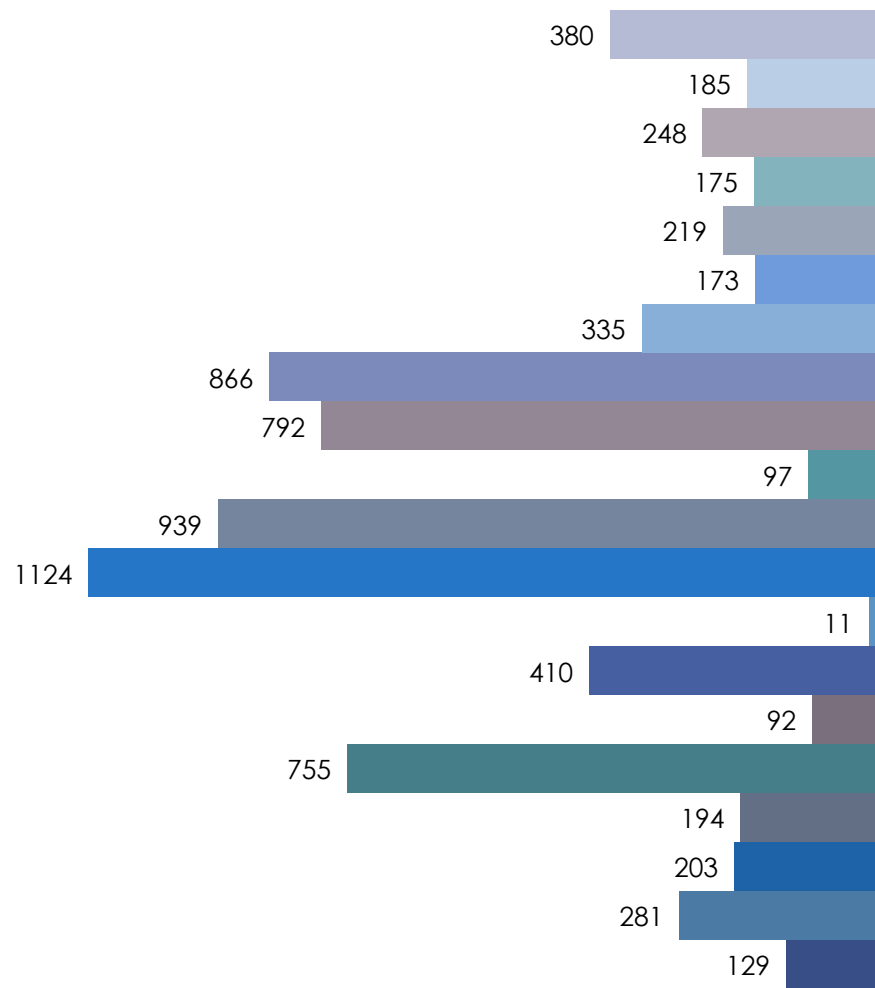
■ HOSPITAL DE LA CERDANYA

■ AECT FAJA PIRÍTICA IBÉRICA

■ EUROCIDADE CHAVES-VERÍN, AECT



PROCEDURES



- PROMEDIO
- EUROCIUDAD DEL GUADIANA
- AQUITANIA, EUSKADI, NAVARRA
- INTERPAL-MEDIO TEJO
- EMI
- LEÓN-BRAGANÇA
- HUESCA PIRINEOS-HAUTES PYRÉNÉES
- PAIS DE ARTE Y DE HISTORIA TRANSFRONTERIZO. LOS VALLES CATALANES DEL TEC I EL TER CIUDADES DE LA CERÁMICA (AEuCC)
- EUROREGION AQUITANIA/EUSKADI
- EUROCIUDADE CHAVES-VERÍN, AECT



Advantages of cross-border cooperation agreements:

- More flexibility (communication)
- Rapid response by the General State Administration
- Tacit approval:
 - Useful tool for accelerating the procedure
 - Legal certainty

Disadvantages:

- Difficulty to meet deadlines
- Effects of tacit approval



Improvements to face procedural challenges:

ONLINE PROCEDURE

The screenshot shows a web portal for the 'Sede electrónica' (Electronic Office) of the Spanish Ministry of Public Administration. The page title is 'Solicitud de adhesión a una agrupación europea de cooperación territorial (aect)'. The user is identified as 'JAVIER HERNANDEZ DIEZ'. The form is titled 'FORMULARIO' and includes the following fields:

- Correo electrónico*
- 1. Nombre de la entidad solicitante *
- 2. Categoría de la entidad solicitante (Estado, CCAA, EELL, etc., según artículo 3 del RD 37/2008)*
- 3. Nombre de la AECT *
- 4. Objeto de la AECT *
- 5. Entidades promotoras en la AECT (with a sub-field for 'Entidad*')
- 6. Documentación a aportar (with a file selection button and a note: 'No se ha seleccionado ningún archivo')

Digital certificate to access a simple form

Required information

Digital documents required

BENEFITS OF CROSS-BORDER COOPERATION

- Reduction of cross-border costs
- More efficiency in the use of infrastructure and the provision of public services
- Economic development of cross-border regions
- Stable framework for cooperation

CHALLENGES OF CROSS-BORDER COOPERATION

- Lack of expertise of local and regional actors
- Better communication and information on the possibilities of cross-border cooperation
- Activity of monitoring Commissions
- Differences in legal orders and administrative cultures



THANK YOU

Marta Panera

Subdirectorate General for European and International Relations
Ministry of the Presidency and for the Territorial Administrations

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