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)
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

Total: 80

<table>
<thead>
<tr>
<th>Country</th>
<th>Count</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>47</td>
</tr>
<tr>
<td>Portugal</td>
<td>33</td>
</tr>
</tbody>
</table>
## CROSS-BORDER AGREEMENTS

### Type of entities involved

<table>
<thead>
<tr>
<th>Type of Entities</th>
<th>France</th>
<th>Portugal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Local</td>
<td>17</td>
<td>14</td>
</tr>
<tr>
<td>Mixed (Only one Autonomous Community)</td>
<td>15</td>
<td></td>
</tr>
<tr>
<td>Regional (several Autonomous Communities)</td>
<td>12</td>
<td>3</td>
</tr>
<tr>
<td>Local (Only one Autonomous Community)</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>

**FRANCE**

- 17 Local
- 15 Mixed (Only one Autonomous Community)
- 12 Regional (several Autonomous Communities)

**PORTUGAL**

- 14 Regional (Only one Autonomous Community)
- 1 Local
- 3 Regional (several Autonomous Communities)
### CROSS-BORDER AGREEMENTS

<table>
<thead>
<tr>
<th></th>
<th>Law applicable</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPANISH</td>
<td>13</td>
</tr>
<tr>
<td>FRENCH</td>
<td>4</td>
</tr>
<tr>
<td>FRANCE</td>
<td>30</td>
</tr>
<tr>
<td>SPANISH</td>
<td>6</td>
</tr>
<tr>
<td>PORTUGAL</td>
<td>24</td>
</tr>
<tr>
<td>PORTUGAL</td>
<td>3</td>
</tr>
<tr>
<td>Law of each territory</td>
<td></td>
</tr>
</tbody>
</table>
### CROSS-BORDER AGREEMENTS

#### Objective of the agreements

<table>
<thead>
<tr>
<th></th>
<th>FRANCE</th>
<th></th>
<th>PORTUGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>General cooperation</td>
<td>30</td>
<td></td>
<td>32</td>
</tr>
<tr>
<td>Specific task</td>
<td>17</td>
<td></td>
<td>1</td>
</tr>
</tbody>
</table>
CROSS-BORDER AGREEMENTS

Evolution

<table>
<thead>
<tr>
<th>Year</th>
<th>FRANCE</th>
<th>PORTUGAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1993</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1994</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1995</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1996</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1997</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1998</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>1999</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2000</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2001</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2002</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2003</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2004</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2005</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2006</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2007</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2008</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2009</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2010</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2011</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2012</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2013</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2014</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2015</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2016</td>
<td>1</td>
<td>1</td>
</tr>
<tr>
<td>2017</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>


FRANCE PORTUGAL
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Total authorized EGTCs: 20
Regional (blue) and local (red)
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

- Spanish: 13
- Portuguese: 1
- French: 5
- Other: 1
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Objectives (all EGTCs)

- **GENERAL**: 22 objectives
- **SPECIFIC**: 4 objectives
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Proposed EGTCs

![Diagram showing the number of Proposed EGTCs from 2008 to 2017. The number of proposed EGTCs decreases from 3 in 2008 to 0 in 2017. The years 2008 to 2017 are listed on the x-axis, while the number of proposed EGTCs is on the y-axis. The diagram includes bars for each year, with the number of proposed EGTCs for each year indicated.]
EUROPEAN GROUPINGS OF TERRITORIAL COOPERATION (EGTCs)

Authorized EGTCs

- 2008: 1
- 2009: 4
- 2010: 1
- 2011: 3
- 2012: 0
- 2013: 3
- 2014: 2
- 2015: 3
- 2016: 1
- 2017: 2
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)
- EURORREGIÓN 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

- 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
marta.panera@correo.gob.es