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Congress of Local and Regional Authorities of Europe
Congrès des pouvoirs locaux et régionaux de l'Europe

For debate in the Standing Committee
Pour débat à la Commission permanente
See Rule 12 (4) - Voir article 12 (4) du Règlement

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Part II

FIRST SESSION

**6th EUROPEAN CONFERENCE
OF FRONTIER REGIONS
(Ljubljana, 15-17 October 1994)**

(Rapporteur: Mr Chevrot, France)

EXPLANATORY MEMORANDUM

* Objections to the Standing Committee procedure must reach the Head of the Congress Secretariat a clear week before the meeting of the Standing Committee; if 5 members object, the report will be submitted to the Plenary Session.

Les éventuelles objections à l'examen en Commission Permanente doivent parvenir au Chef du Secrétariat du Congrès une semaine avant la réunion de la Commission Permanente; si 5 membres du Congrès présentent des objections, le rapport sera soumis à la session plénière.

Transfrontier co-operation: a natural connection between East and West

Since the end of the last war up to the present day, transfrontier co-operation has made a significant contribution to bringing people in Western Europe closer together. The results of this movement, which was based initially on the perceptiveness and initiatives of some men and women living on both sides of borders, subsequently taken up by the representative bodies of local, regional, national and European authorities, have considerably helped reconcile the peoples of Europe and build an integrated Europe.

Since the fall of the Berlin Wall and the collapse of the communist regimes, Europe has found itself in a new situation: on the one hand, there is a need to build bridges to the new democracies in central and eastern Europe, by strengthening co-operation along and beyond the borders. On the other, there is a need to initiate, encourage and promote transfrontier co-operation between these countries, which have for a long time been living in political isolation and which have since become member states of the Council of Europe.

The experience of western Europe in the field of transfrontier co-operation should be repeated in central and eastern Europe.

The Vienna Summit: principles and foundations

The importance of transfrontier co-operation for the future of the new Europe was particularly acknowledged at the first summit of the Heads of State and Government of member states of the Council of Europe meeting in Vienna on 9 October 1993 who stated in their final declaration:

"The creation of a tolerant and prosperous Europe does not depend only on co-operation between States. It also requires transfrontier co-operation between local and regional authorities, without prejudice to the constitution and the territorial integrity of each state. We urge the Organisation to pursue its work in this field and to extend it to co-operation between non-adjacent regions."

This declaration is encouraging for local and regional representatives and for all the bodies of the Council of Europe, given the unequivocal nature of its wording and the political will to encourage further action.

The Heads of State and Government of democratic Europe have in fact given the Council of Europe an explicit mandate to continue its efforts towards transfrontier co-operation and, in addition, to develop it further between non-adjacent regions.

The Vienna Declaration represents a challenge for all member states of the Council of Europe to develop and increase this co-operation which takes place, at local and regional level and on the basis of relevant treaties or conventions.

Local and regional elected representatives and transfrontier co-operation

Without doubt, it is the representatives of the local and regional political levels who deserve recognition for highlighting the need to co-operate beyond borders and for making an impact on the work of the Council of Europe, in particular through their work carried out in the framework of the former Standing Conference of Local and Regional Authorities of Europe and, since 1994, by the Congress.

It is they who were the ones who particularly felt the need for consultation with their neighbours on the other side of the border, in particular with regard to regional planning, environmental protection, regional development and social and economic co-operation.

By virtue of the principle of subsidiarity, the local and regional levels are the ones initially called upon to take account of the statements made by the Heads of State and Government and to take further action to minimise the effect of the border as a wound inflicted by history and as a physical and political barrier in order to create a new united Europe where such borders represent purely administrative boundaries.

The Conference of Ljubljana: expression of hopes

The Ljubljana Conference once again showed that all countries have the necessary political will to increase this co-operation but that ideal solutions to the problems of transfrontier co-operation are still a long way off. There have been a number of significant efforts made by certain states but the obstacles, particularly administrative and legal ones, resulting from the different administrative and legal systems, persist and must be overcome.

Meeting for the first time in a central European country, the participants were very appreciative of the welcome extended to them at the conference and were able to witness the efforts exerted in Slovenia to adapt to the new geopolitical and economic situation in Europe.

The setting for the Ljubljana conference was well chosen since it was held in the Slovenian parliamentary chamber itself, the heart of the new democracy.

The Conference, jointly organised with the Parliamentary Assembly, brought together some 200 political and administrative representatives from local, regional and national levels from 27 countries, including a strong representation from the Parliamentary Assembly.

The general theme of the conference, worded as follows, reflected current developments: "The new challenge of transfrontier co-operation at the interface between western Europe and central and eastern Europe".

On the one hand, the conference looked at the problems of sustainable economic and social development of border regions and, on the other, co-operation on culture, education and the problem of minorities.

Problems of employment and co-operation between employers and frontier workers were also discussed in detail.

A round table was held during the conference, chaired by Mr Dimitri Rupel, member of the Slovenian parliament, and also attended by Mr Daniel Tarschys, Secretary General of the Council of Europe. The round table focused on "The Vienna Summit and the role of the Council of Europe in transfrontier co-operation" and provided an opportunity for the representatives of the various regions of Europe to put the work carried out in this field in the context of a new socio-economic and political perspective of Greater Europe.

In their final declaration, adopted unanimously on 14 October 1994, the participants stated that tolerance, partnership, decentralisation and subsidiarity were the essential bases for practical, lasting cross-border collaboration between individuals, municipalities, regions and states.

The promotion, implementation and spread of such co-operation have made it possible to bridge the gaps between neighbouring regions, reduce or even remove barriers and thus promote cultural diversity and tolerance.

The problem of minorities, which is a particularly topical question in certain countries which have recently become members of the Council of Europe, was in evidence in the discussions and featured among the reflections concerning particularly cultural co-operation in border regions.

Accordingly, the participants emphasised that national and ethnic minorities in Europe served as a means of uniting nations and bringing them ever closer together and that co-operation needed to be taken a stage further on the basis of the Vienna Declaration.

During this discussion, they adopted a declaration on Bosnia-Herzegovina and a declaration on the promotion of the organisation of the Olympic Games in border regions.

The contribution of the Secretary General of the Council of Europe

The Secretary General of the Council of Europe made specific reference to the impetus of the Vienna Summit, in particular with regard to the launching and setting up of confidence-building measures and other initiatives aimed at developing tolerance, mutual understanding and harmony between peoples.

He stressed that close co-operation, based on trust, between neighbouring countries in their border regions was an important gauge of prospects for peace and stability, and of democratic security in Europe.

Accordingly, a major task of these regular conferences on the problems of border regions was to highlight the impact of the Council of Europe's Outline Convention on Trans-frontier Co-operation and other initiatives aimed at strengthening inter-regional co-operation, such as the Additional Protocol to the Outline Convention and the draft convention on inter-territorial co-operation.

These last two texts should ideally be adopted as soon as possible by the Committee of Ministers given that local and regional authorities are in urgent need of them in Europe and are awaiting them in order to have a well defined legal basis for their activities.

Towards a reinforcement of the Outline Convention on transfrontier co-operation

With regard to the Outline Convention on Transfrontier Co-operation, it would also be worthwhile launching a new initiative to encourage the signature and ratification of this text, both in national parliaments and via the Council of Europe's Steering Committee on Local and Regional Authorities.

To date, only 19 countries have signed or ratified this text (see the table in the appendix). It should be emphasised that the convention is an "open" international treaty which also allows non-member countries of the Council of Europe to accede to it: an example of this open legal framework is the ratification by Ukraine of the Convention on 21 September 1993.

One would like to see other European countries following this example.

For the urgent creation of an assistance centre

In many of the conferences which have been held, participants have called for the setting up, within the Council of Europe, of a transfrontier co-operation information and assistance centre.

Such a centre has not yet been set up. Mr Tarschys, Secretary General of the Council of Europe, stated his position on the matter when he said: "There was the proposal to establish a European Information Centre on transfrontier co-operation. The limited financial and administrative resources of the Council of Europe have made it impossible up to now to realise this project."

It is unfortunate that this centre has not yet been set up despite the fact that transfrontier co-operation is considered, both by the Vienna Summit and by Mr Tarschys himself, to be a priority area of the Council of Europe. The Council of Europe must, in any event, have a unit which can provide technical assistance in matters of transfrontier co-operation in the countries of central and eastern Europe.

Regional/spatial planning: a priority objective

In the field of transfrontier co-operation, one of the priority sectors is co-operation and co-ordination in the field of regional planning policies which, because of their socio-economic and environmental repercussions, extend beyond national borders.

Responsibility for the development of this co-operation falls, within the Council of Europe, to the European Conference of Ministers responsible for Regional Planning (CEMAT).

The Congress has, since its inception, been following the work of this conference. It has expressed the wish that the CEMAT give greater importance in its work to the initiatives taken for it by the Congress, and that it accord an appropriate place in its working structures to representatives of the Congress in order to enable them to co-operate effectively and constructively.

Accordingly, it is suggested that the CEMAT give greater importance to practical co-ordination of regional planning policies in border regions, to the analysis of the barriers to drawing up joint regional development plans and to the implementation of a genuine transfrontier policy for integrated regional/spatial planning.

Work at intergovernmental level

At intergovernmental level, the Steering Committee on Local and Regional Authorities (CDLR), and in particular its Select Committee of Experts on Transfrontier Co-operation, is the competent committee. It has taken a very valuable initiative by drawing up a handbook on transfrontier co-operation for the use of local and regional authorities in Europe.

In 1991/1992, a very interesting descriptive digest of data sheets on local and regional transfrontier co-operation bodies was compiled which proved to be a rich source of information and valuable reference work, much appreciated by representatives of local and regional authorities. It would be useful if this Committee were to resume work on this document and update it by adapting it to the current geographical situation of the Council of Europe. The necessary financial resources should therefore be provided for this to be achieved.

Accordingly, the Congress cannot be satisfied with the opinion given by the CDLR on this matter in response to CLRAE Resolution No. 254 (1993) (see point 4 of the appended document).

Towards joint actions: Council of Europe and European Union

It is a fact that transfrontier co-operation in the Council of Europe could be even more effective if there were close co-operation between the Council of Europe and the European Commission. The Council of Europe has detailed experience which it has acquired over 25 years. The same is true for the former Standing Conference and the new Congress. If Community resources could be used in concert with the experience of the Congress, then significant progress could be achieved by pooling resources and through co-ordination and efficiency.

The European Institutions, namely the European Parliament, the European Commission and the Committee of the Regions, are consequently invited to study the possibilities for closer co-operation in this field with the Council of Europe in order to pool their efforts, resources and experience for the benefit of border regions, particularly in central and eastern Europe.

The joint Council of Europe/European Community Colloquy to be organised on 16/17 October 1995 in Prague on "European integration and regional/spatial planning in the countries of central and eastern Europe" will allow representatives of the CLRAE and of the Committee of Regions to introduce into the debates and resolutions the experiences of local and regional authorities in the field of transfrontier regional planning policies.

The representative bodies of inter-regional co-operation, especially those developing specific projects and programmes with the regions in central and eastern Europe should participate actively in the preparation of this Colloquy as well as in the debates.

For a new ministerial Conference

The results of the Ljubljana Conference should be brought to the attention of the specialist ministries concerned. Accordingly, it is proposed that an ad hoc conference of ministers responsible for transfrontier co-operation be organised in the framework of the Council of Europe (see point III.8 of the draft recommendation). Such a forum could help encourage and develop transfrontier co-operation in the new member states of the Organisation.

This conference could also give precise indications and political guidance to the representatives from local and regional authorities in their respective countries with a view to practical action and measures to promote neighbourly relations and practical co-operation beyond national frontiers.

The Congress hopes that the Committee of Ministers will respond favourably to this proposal and that the Secretariat of the Congress will make a start on preparations for such an event.

Such a proposal reflects the opinions expressed by Mr Tarschys, who stated that one of the priorities of the Council of Europe was to increase technical assistance to the countries of central and eastern Europe in the building of local and regional democratic structures. He added that a key factor of such technical assistance should be the encouragement and provision of legal and technical advice for these countries with regard to the development of inter-regional or transfrontier co-operation. This was also a key factor for a stable and peaceful Europe.

In addition, he concluded that the proposals of the Ljubljana Conference would be significant for future progress in this field of priority action for the Council of Europe, particularly in the context of the enlargement of the Organisation in the coming months and years.

The determination of the CLRAE

Consequently, the Congress hopes that its proposals will be supported by the Secretary General and the Committee of Ministers, and that this co-operation will be further developed within the Secretariat in general and in particular within the Congress of Local and Regional Authorities of Europe, which is the body most directly concerned having great experience in initiating constructive projects by local and regional authorities.

Number/Numéro : 106

TITLE : EUROPEAN OUTLINE CONVENTION ON TRANSFRONTIER CO-OPERATION BETWEEN TERRITORIAL COMMUNITIES OR AUTHORITIES (*)
TITRE : CONVENTION-CADRE EUROPEENNE SUR LA COOPERATION TRANSFRONTALIERE DES COLLECTIVITES OU AUTORITES TERRITORIALES (*)

OPENING FOR SIGNATURE/OUVERTURE À LA SIGNATURE

Place/Lieu : MADRID
Date : 21/05/80

ENTRY INTO FORCE/ENTRÉE EN VIGUEUR

Conditions : 4 RATIFICATIONS
Date : 22/12/81

MEMBER STATES ETATS MEMBRES	Date of/de Signature	Date of/de Ratification or/ou Accession/Adhésion	Date of/d' entry into force/ entrée en vigueur	R:Reservations/Réserves D:Declarations T:Territorial Decl./ Décl. Territoriale
ANDORRA/ANDORRE				
AUSTRIA/AUTRICHE	21/05/80	18/10/82	19/01/83	
BELGIUM/BELGIQUE	24/09/80	06/04/87	07/07/87	
BULGARIA/BULGARIE				
CYPRUS/CHYPRE				
CZECH REP./REP. TCHEQUE				
DENMARK/DANEMARK	02/04/81	02/04/81	22/12/81	D/T
ESTONIA/ESTONIE				
FINLAND/FINLANDE	11/09/90	11/09/90	12/12/90	D
FRANCE	10/11/82	14/02/84	15/05/84	
GERMANY/ALLEMAGNE	21/05/80	21/09/81	22/12/81	
GREECE/GRECE				
HUNGARY/HONGRIE	06/04/92	21/03/94	22/06/94	D
ICELAND/ISLANDE				
IRELAND/IRLANDE	21/05/80	03/11/82	04/02/83	
ITALY/ITALIE	21/05/80	29/03/85	30/06/85	D
LATVIA/LETTONIE				
LIECHTENSTEIN	20/10/83	26/01/84	27/04/84	
LITHUANIA/LITUANIE				
LUXEMBOURG	21/05/80	30/03/83	01/07/83	
MALTA/MALTE				
NETHERLANDS/PAYS-BAS	21/05/80	26/10/81	27/01/82	T
NORWAY/NORVEGE	21/05/80	12/08/80	22/12/81	
POLAND/POLOGNE	19/01/93	19/03/93	20/06/93	
PORTUGAL	16/03/87	10/01/89	11/04/89	
ROMANIA/ROUMANIE				
SAN MARINO/SAINT-MARIN				
SLOVAKIA/SLOVAQUIE				
SLOVENIA/SLOVENIE				
SPAIN/ESPAGNE	01/10/86	24/08/90	25/11/90	D

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SWEDEN/SUEDE	21/05/80	23/04/81	22/12/81	D
SWITZERLAND/SUISSE	16/04/81	03/03/82	04/06/82	
TURKEY/TURQUIE				
UNITED KINGDOM/ROYAUME-UNI				
NON MEMBER STATES ETATS NON MEMBRES				
UKRAINE	Accession/Adhésion	21/09/93	22/12/93	

(*) Treaty open for signature by the member States and for accession by european States which are not member States

(*) Traité ouvert à la signature des Etats membres et à l'adhésion des Etats européens non membres

**OPINION OF THE SELECT COMMITTEE OF EXPERTS
ON TRANSFRONTIER CO-OPERATION (LR-R-CT)**

**on Resolution 254 (1993) of the Standing Conference
of Local and Regional Authorities of Europe**

**on the impact on local and regional authorities
of the single market, the Maastricht Treaty
and the European economic area**

1. The Select Committee of Experts on Transfrontier Co-operation (LR-R-CT) has considered Resolution 254 (1993) of the Standing Conference of Local and Regional Authorities of Europe and the Committee of Ministers request for an opinion on it.

2. In general and as regards its own field of responsibility, the Committee agrees with the CLRAE about the need to strengthen transport and communications infrastructure and transfrontier co-operation. The CLRAE proposal that consideration be given to a five-year programme of assistance to and promotion of transfrontier co-operation in Central and Eastern Europe warrants serious examination: regional transfrontier awareness needs to be fostered in order to create if necessary the vital basis for closer integration of border regions, and consequently of European states, and encouraged as a fundamental factor for maintaining peace in Europe.

3. As regards more particularly paragraph 13, second sub-paragraph, of CLRAE Resolution 254, the Committee believes that a handbook of transfrontier co-operation is an extremely important proposal which meets the expressed wishes and needs of the Central and Eastern European countries.

The Committee has included the preparation of such a handbook in its 1994 programme of activities. At the present stage it is intended that the handbook provide an overview of transfrontier co-operation together with an inventory of what has been accomplished in that field so far and possibly with detailed references to the legal instruments available. The handbook will also be designed to assist the development of transfrontier co-operation in Central and Eastern Europe. It is hoped to publish it by the middle of next year.

4. As regards, lastly, the CLRAE's request for a collection of reports describing the current state of intergovernmental and non-governmental transfrontier co-operation, the Committee would point out that from time to time it publishes a list of agreements between national or local authorities in the field of transfrontier co-operation. The list, which is to be revised and extended shortly, should meet, at least partially, the CLRAE's request as regards the intergovernmental (i.e. public) transfrontier co-operation. However, the Committee is not in a position to produce a collection of reports on non-governmental transfrontier co-operation since such co-operation is outside its ambit.