

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Opinion 30 (2009)¹ Draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings

1. The Congress of Local and Regional Authorities of the Council of Europe having regard to draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings (ECG), recently approved by the European Committee on Local and Regional Democracy (CDLR);

2. Having regard to the request of the Committee of Ministers for an opinion on draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional Co-operation Groupings;

3. Recalls that:

a. transfrontier and inter-territorial co-operation is at present evolving towards the creation of bodies or groupings which are multilateral in nature and often established under the generic title of Euroregions;

b. local and regional authorities are increasingly committed to multilateral transfrontier and interterritorial co-operation initiatives which may be facilitated through the introduction of an international legal framework;

c. the Congress has contributed to raising awareness of cross-border and inter-territorial co-operation through its report on “European legal instruments of inter-regional co-operation”² and to the preparation of Protocol No. 3 to the European Outline Convention by an active participation in the meetings of the various committees of experts concerned and the production of written remarks;

4. Welcomes the draft protocol since it provides a comprehensive legal framework for the establishment of cross-border and inter-territorial co-operation bodies between territorial communities or authorities of member states of the Council of Europe;

5. Notes that the geographical scope of the protocol encompasses all member states of the Council of Europe as well as, through their previous accession to the Madrid Outline Convention, European non member states;

6. Furthermore notes that if the establishment of a Euroregional co-operation grouping (ECG) is allowed between territorial communities or authorities of states parties to the protocol, similar authorities of states non parties may also, under certain conditions, become members of an ECG;

7. Is conscious of the need to ensure the compatibility of Protocol No. 3 with the Regulation of the European Union on a European Grouping of Territorial Co-operation (EGTC)³ and in this respect:

a. notes with satisfaction the changes made in the preliminary drafts in order to make the protocol compatible with the regulation;

b. stresses that the draft protocol does not compete with the European Union regulation, rather it enables local and regional authorities to choose the most suitable instrument for co-operation, while guaranteeing flexibility and freedom of choice;

8. Notes that the draft protocol provides for the future definition of model legislations, to be drafted and approved by the Committee of Ministers and appended to the protocol;

9. Believes that in this way the legal difficulties arising from varying national legislations applicable to ECG, will be overcome thus enabling the creation of Euroregional co-operation groupings within “greater Europe”;

10. Therefore:

a. invites the Committee of Ministers to adopt and agree to open for signature draft Protocol No. 3 to the convention;

b. considering that one of the themes of the 16th Session of the Council of Europe Conference of Ministers responsible for Local and Regional Government is transfrontier co-operation, suggests the ministers open the protocol for signature on this occasion in Utrecht on 16 and 17 November 2009;

c. encourages the member states of the Council of Europe to sign and subsequently ratify Protocol No. 3 so that the establishment of ECGs can start on a significant portion of European territory;

d. invites territorial communities and authorities to urge their respective governments to sign and subsequently start the ratification process of the protocol;

11. Stands ready to contribute to the drafting of the future model legislation, which it sees as a further opportunity for the evolution of the Euroregions which it has established.⁴

1. Discussion and adoption by the Standing Committee of the Congress on 10 June 2009 (see document CG(16)18Opinion, rapporteur: J.-P. Heider, France, (R, EPP/CD)).

2. Report CPR/GT/CIR (14) 3.

3. Regulation (EC) No. 1082/2006 of 5 July 2006 of the European Parliament and of the Council on a European Grouping of Territorial Co-operation (EGTC).

4. Adriatic Euroregion (EA) and Black Sea Euroregion Association (BSER).