Cross-border cooperation, economic and social cohesion: European Grouping of Territorial Cooperation (EGTC)

2004/0168(COD) - 07/03/2006 - Modified legislative proposal

The Commission has accepted most of the amendments adopted by a large majority in the plenary Session as they help to clarify the text and are in line with the objective of the Commission's proposal.

The Commission has fully accepted 17 amendments. First of all the Commission accepts to rename the grouping into "European grouping of territorial co-operation" (EGTC) throughout the text in order to reflect that the grouping may cover all kind of "territorial" co-operation: cross-border, trans-national or inter-regional.

Then the Commission accepts to exclude financial liability of the Member States when the EGTC is used outside the management of Structural Funds. Furthermore, the Regulation should fix the applicable law which should be the one of the Member State where the EGTC will have its registered seat.

Another 17 amendments are acceptable in principle/substance, but subject to rewording. The Commission agrees to clarify the very objective of the EGTC: either an EGTC is set up to manage a co-operation programme co-financed by the Community, notably under the future objective 3, or it is set up to carry out any other action of co-operation. The Commission suggests that throughout the text the Regulation should distinguish between "powers" or "competences" of the members of an EGTC on the one hand and of a delegation of "tasks" to the EGTC on the other hand.

Concerning a right of supervision and control of the Member States, the Regulation should provide for the appropriate measures. However, the initiative for the creation of an EGTC shall remain with the potential members and no additional obstacles are created. These supervision rights cannot only cover issues concerning the management of funds, but also the right to control whether the members may delegate the execution of the tasks to an EGTC.

The Commission proposes that the law governing the way in which equivalent groupings formed under national law operate in the Member State where the EGTC has its seat applies to EGTC, not only concerning the registration of the EGTC - as asked for by the EP – but also to cover other aspects not regulated by the Regulation.

The Commission proposes to clarify the distinction between the elements to be covered by the convention and those to be covered by the statutes: the statutes cover all the elements of the convention, all the elements mentioned in Art. 5 and additional elements as agreed upon by the members. The convention would cover only the elements enabling the Member States to control whether the members may delegate the execution of the tasks to an EGTC according to the relevant national legislation and if the objective of the EGTC in conformity with this Regulation.

Concerning the definition of "other bodies", the Commission prefers a reference to an existing definition (reference accepted for the Structural Funds in general) than to create a new one.

Furthermore, a group of 2 amendments is only partially acceptable: the Commission only accepts that the convention is notified to the Member States concerned and to the Committee of the Regions. Concerning the compulsory organs of an EGTC, the Commission defines the assembly as a compulsory organ in Art. 6 (1).