

**A tool for the attribution and application of
specific provisions for the improvement
of cross-border cooperation**
(Action 3 of the IT-LV-LU Trio Presidency)

Open Days 14 october 2015



- *Presentation of the tool as proposed by the LU Presidency*
- *Presentation of the Opinion of the Committee of the Regions by its Rapporteur, Nicola Dobroslavic*
- *Case studies and further considerations*
 - *Jean Peyrony*
 - *Andrej Šik*
 - *Jürgen Oser*
- *Initiatives by the European Commission, by Agnès Monfret*

- Presidency Trio IT-LV-LU: how to strengthen territorial cohesion, in the Treaty since 2009
- Territorial cohesion is a challenge in the border regions > big potential and big threat
- Strengthen cross border cooperation and contribution by this way to territorial cohesion
- Create a legal tool to overcome legal obstacles in cross-border cooperation to the benefit of projects and strategies
- Give more legal certainty

- Overcoming impediments of legal nature (“legal” comprises legal and regulatory as well as technical standards fixed by regulations)
- This instrument is bottom up and tailor-made
- It must never go against other territories or citizens. Always win-win situations
- It does not touch the Structural Funds Regulation for Interreg programs, but it helps implementing of Interreg projects and contributes to achieving better results.

- Regulation: The EU level would set up a “Regulation on a European Cross-border Convention on specific provisions in cross-border regions”

The European regulation would give Member States the opportunity to agree on specific provisions; the European regulation would not create these provisions.

- **Convention:** The potential beneficiaries detect shortcomings or legal obstacles ; they draft a “**European Cross-border Convention on specific provisions in cross-border regions**” , containing the specific provisions.
- The member states concerned approve the Convention and by that the specific legal provisions.

- Beneficiaries must have the competencies for those matters they request specific legal provisions .
- Approbation process inspired by that of EGTC
- It does not replace EGTC's, but is complementary.

EGTC does not change any legislation, it has just the choice what legislation to apply. Limited exceptions for staff when EGTC has activities in a second and third country

- Rather limited territorial range, addresses mainly public law (except responsibility)

- Application is voluntary
- Local and regional authorities shall not legislate > “pull legislation over the border”
- MS have to agree, so sovereignty is fully safeguarded
- The tool will not replace bilateral intergovernmental agreements
- The instruments must not create new barriers
- Assessing the tool, exit strategies?
- How to address Third countries and outermost regions?