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Draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional co-operation groupings (ECGs)

Report¹

Committee on the Environment, Agriculture and Local and Regional Affairs

Rapporteur: Mr Miljenko DORIĆ, Croatia, Alliance of Liberals and Democrats for Europe

Summary

In a letter dated 27 May 2009, the Chair of the Ministers' Deputies asked the Parliamentary Assembly 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 (ECGs). The Assembly referred the request to the Committee on the Environment, Agriculture and Local and Regional Affairs for report.

The committee considers that Euroregional co-operation is of great political importance and that draft Protocol No. 3 represents further progress towards clarification of procedures through the establishment of an international legal framework. It can therefore only support its adoption by the Committee of Ministers.

1. Reference to committee: [Doc. 11936](#), Reference No. 3577 of 28 May 2009 (Request for an opinion from the Committee of Ministers).



A. Draft opinion

1. The Parliamentary Assembly welcomes the initiative of drafting a third Protocol to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional co-operation groupings (ECGs), an initiative that it encouraged in [Recommendation 1829 \(2008\)](#) on transfrontier co-operation.
2. The Assembly points out, in this connection, that the Council of Europe has already made a significant contribution to establishing a legal basis for co-operation between territorial communities or authorities with the 1980 European Outline Convention on Transfrontier Co-Operation between Territorial Communities or Authorities (the Madrid Convention, ETS No. 106), which was followed by two protocols adopted, respectively, in 1995 and 1998 (ETS No. 159 and 169).
3. The Assembly would also draw attention to Committee of Ministers Recommendation R (2005) 2 on good practices in reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities, which supplemented the three existing legal instruments.
4. The Assembly is satisfied to note that local and regional authorities have increasingly engaged in inter-regional and transfrontier co-operation, for example by twinning municipalities and developing transfrontier transport and by means of policies for sharing health facilities and regional planning policies.
5. The Assembly welcomes this Protocol, considering the shortcomings in the first two Protocols concerning public law prerogatives of transfrontier co-operation bodies.
6. The Assembly is therefore of the opinion that the Protocol will make it possible to clarify procedures through the introduction of a general legal framework for the establishment of interterritorial and transfrontier co-operation bodies (ECGs) by territorial communities or authorities in Council of Europe member states.
7. The Assembly observes that the Protocol will also make it easier to set up transfrontier co-operation bodies, with or without legal personality.
8. The Assembly further welcomes the opportunity provided by the Protocol to allow states which are not members of the European Union and which have already acceded to the Madrid Outline Convention to help establish an ECG or become a member of one.
9. The Assembly emphasises that the Protocol does not conflict with the European Union Regulation on a European grouping of territorial co-operation (EGTC), but complements it.
10. The Assembly recalls that it sets great store by the promotion of Euroregions, whose activities it fully supports and within which local and regional authorities on both sides of frontiers co-operate under public or private law.
11. The Assembly stresses that the Protocol will facilitate the sharing of information and will make it easier to identify good practice, particularly in the area of governance.
12. The Assembly would take the opportunity to invite the Congress to help draft model legislation to enable the Euroregions to progress.
13. The Assembly therefore fully supports draft Protocol No. 3 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities concerning Euroregional co-operation groupings (ECGs) and invites the Committee of Ministers to adopt it and open it for signature as soon as possible.
14. The Assembly also invites the member states which have still not signed or ratified the Convention and its Protocols to do so as soon as possible.

B. Explanatory memorandum by Mr Dorić, rapporteur

1. In a letter dated 27 May 2009 to the President of the Parliamentary Assembly, the Chair of the Ministers' Deputies asked the Assembly 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 (ECGs).
2. The initiative for the Protocol followed on from the Council of Europe's work through the Assembly and Congress and in the context of intergovernmental activities on furthering transfrontier co-operation between territorial communities or authorities.
3. With regard to the Assembly's work, attention should be drawn to [Recommendation 1770 \(2006\)](#) on the promotion of local self-government along Council of Europe borders, [Recommendation 1811 \(2007\)](#) on regionalisation in Europe and [Recommendation 1829 \(2008\)](#) on transfrontier co-operation, in which it recommended that the Committee of Ministers "invite the European Committee on Local and Regional Democracy (CDLR) to speed up, with a view to completing it, work on Protocol No. 3, on euroregional co-operation groupings, to the Convention on Transfrontier Co-Operation between Territorial Communities or Authorities, in co-operation with the European Commission".
4. On the governmental side, the Committee of Ministers adopted the Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe in 2002 and the Chişinău Political Declaration on Transfrontier and Interterritorial Co-operation between States in South-Eastern Europe in 2003.
5. The European Ministers responsible for local and regional government, meeting in Budapest in February 2005, acknowledged the need to establish "a clear and effective legal framework for institutionalised co-operation between territorial communities or authorities". Meeting in Valencia, Spain, in 2007, the European Ministers reaffirmed their objective of establishing such a framework and agreed to continue with the work embarked on by the Council of Europe on a "draft Protocol to the Madrid Outline Convention on Euroregional Co-operation Groupings".
6. This draft Protocol is the tangible result of the recommendations made by the Assembly, the Congress and the governments and, as rapporteur, I can only welcome this initiative and invite the Committee of Ministers to adopt the draft Protocol and open it for signature as soon as possible.

Reporting committee: Committee on the Environment, Agriculture and Local and Regional Affairs

Reference to committee: Doc. 11936, Reference No. 3577 of 28 May 2009 (Request for an opinion from the Committee of Ministers)

Draft opinion adopted unanimously by the committee on 11 June 2009

Members of the committee: Mr Alan **Meale** (Chairman), Mrs Maria Manuela de Melo (1st Vice-Chairperson), Mr Juha **Korkeaoja** (2nd Vice-Chairman), Mr Cezar Florin Preda (3rd Vice-Chairman) (alternate: Mr Iosif Veniamin **Blaga**), Mr Remigijus Ačas, Mr Ruhi **Açikgöz**, Mr Artsruni Aghajanyan, Mr Miloš Aligrudić, Mr Alejandro Alonso Núñez (alternate: Mr Gabino **Puche Rodríguez-Acosta**), Mr Gerolf Annemans, Mr Miguel **Arias Cañete**, Mr Alexander Babakov, Mr Ivan Brajović, Mrs Elvira **Cortajarena Iturrioz**, Mr Veleriu Cosarciuc, Mr Vladimiro Crisafulli, Mr Taulant Dedja, Mr Hubert **Deittert**, Mr Karl Donabauer, Mr Miljenko **Dorić**, Mr Gianpaolo Dozzo, Mr Tomasz Dudziński, Mr József Ékes, Mr Savo Erić, Mr Bill Etherington (alternate: Mr Edward **O'Hara**), Mr Nigel Evans (alternate: Mr John **Prescott**), Mr Joseph Falzon (alternate: Mr Joseph **Debono Grech**), Mr Gianni Farina, Mr Ivàn Farkas, Mr Relu Fenechiu (alternate: Mr Ionut-Marian **Stroe**), Ms Eva Garcia Pastor, Mr Zahari Georgiev, Mr Peter Götz, Mr Rafael **Huseynov**, Mr Jean Huss, Mr Fazail Ibrahimli, Mr Ivan Ivanov, Mr Igor Ivanovski, Mr Bjørn Jacobsen, Mrs Danuta Jazłowiecka, Mr Birkir Jón Jonsson, Mr Stanisław Kalemba, Mr Guiorgui Kandelaki, Mr Haluk **Koç**, Mr Bojan Kostres, Mr Dominique Le Mèner, Mr Pau Lempens, Mr François Loncle, Mr Aleksei Lotman, Mrs Kerstin Lundgren, Mr Theo Maissen, Mr Yevhen Marmazov, Mr Bernard **Marquet**, Mr José Mendes Bota, Mr Peter Mitterer, Mr Pier Marino Mularoni, Mr Adrian **Năstase**, Mr Pasquale Nessa, Mr Tomislav Nikolić, Mrs Carina Ohlsson, Mr Joe O'Reilly, Mr Germinal Peiro (alternate: Mr Alain **Cousin**), Mr Ivan **Popescu**, Mr René **Rouquet**, Mrs Anta Rugâte, Mr Giacinto Russo, Mr Fidas Sarikas, Mr Leander Schädler, Mr Herman Scheer, Mr Mykola Shershun (alternate: Mrs Olha **Herasym'yuk**), Mr Hans Kristian Skibby, Mr Ladislav Skopal, Mr Rainer Steenblock, Mr

Valerij **Sudarenkov**, Mr Laszlo Szakacs, Mr Vyacheslav Timchenko, Mr Bruno Tobback, Mr Dragan Todorović, Mr Nikolay Tulaev, Mr Tomas Ulehla, Mr Mustafa **Ünal**, Mr Peter **Verlić**, Mr Rudolf **Vis**, Mr Harm Evert Waalkens, Mr Hansjörg Walter, Mrs Roudoula Zissi

N.B. The names of those members present at the meeting are printed in bold.

Secretariat to the committee: Mrs Nollinger, Mr Torcătoriu and Mrs Karanjac