Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1829 (2008)[1]

Transfrontier co-operation

Parliamentary Assembly

1. The Parliamentary Assembly considers transfrontier co-operation as a key aspect of the Council of Europe's work to promote democratic stability and understanding between states and populations, including people from ethnic and national minorities, who often live in border regions.

2. The Assembly points out that such co-operation is achieved by strengthening public-private partnership and dialogue between politicians and civil society. This co-operation remains essential to Europe's stability and continues to play a central role in promoting the values on which the Council of Europe is founded: democracy, the rule of law and respect for human rights.

3. In recent decades there have been a great many co-operation agreements between countries and between local and regional authorities. Having appeared initially in the form of twinnings of municipalities, transfrontier co-operation has spread to new areas of co-operation (the labour market, development of cross-border transport, sharing of health facilities, formulation of consistent spatial planning policies, protection of the environment, etc.) and to new players (such as the regions). Integrated approaches of the euroregion and eurodistrict type have emerged.

4. The Assembly notes that European integration has led to growing needs in the transfrontier co-operation field. On the one hand, with the gradual disappearance of intra-European borders, there is a need to support the emergence of projects on borders that were closed for several decades and to turn border regions that were once highly marginalised into genuine protagonists of European integration. On the other hand, there is a need to manage the new external borders of the European Union in such a way as to allow those taking an active part in transfrontier co-operation to meet the challenges arising from the new political, economic, social and cultural situations, while at the same time guaranteeing sufficient controls at the borders of the European Union.

5. The Council of Europe took the first steps towards establishing a specific legal framework for transfrontier co-operation by adopting the 1980 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (ETS No. 106, the Madrid Convention), to which two protocols were added in 1995 (ETS No. 159) and 1998 (ETS No. 169). The Committee of Ministers subsequently adopted the 2002 Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe and the 2003 Chişinău Declaration on Transfrontier and Interterritorial Co-operation between States in South-Eastern Europe.

6. The Assembly recalls the principles set out in the European Charter of Local Self-Government (ETS No. 122), which serves as a reference for the establishment of genuine local democracy in member states, and Article 10 of the charter, on local authorities' right to associate, which states that they are "entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest".

1. Assembly debate on 25 January 2008 (9th Sitting) (see Doc. 11475, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Popescu). Text adopted by the Assembly on 25 January 2008 (9th Sitting).

7. Therefore, the Council of Europe may now be seen as a pan-European forum for dialogue and exchange of experience between transfrontier co-operation players as well as a source of political impetus. The Committee of Experts on Transfrontier Co-operation (LR-CT), comprising experts from the governments of the Council of Europe member states, has published a transfrontier co-operation handbook and a practical guide to transfrontier co-operation for local authorities in Europe. The 8th European Conference of Border Regions, which the Assembly and the Congress of Local and Regional Authorities of the Council of Europe (the Congress) held in Lutsk (Ukraine) in September 2005, provided the opportunity to consider developments in transfrontier co-operation in Europe since 1972, the year of the first conference.

8. The Assembly also welcomes the creation of the Adriatic Euroregion, at the initiative and with the support of the Congress (as expressed in Resolution 1446 (2005) on co-operation and sustainable development in the Adriatic Basin), and the important steps taken towards establishing a Black Sea Euroregion, also at the initiative of the Congress.

9. The Guiding Principles for Sustainable Spatial Development of the European Continent, adopted by the European Conference of Ministers responsible for Regional Planning (CEMAT), also draw attention to the territorial dimension of democracy and social cohesion policy and acknowledge the importance of transfrontier co-operation between the Council of Europe member states, their regions and their local authorities.

10. Above and beyond the legal and spatial planning aspects, emphasis should also be put on the major role played by the European Union in providing financial support for transfrontier co-operation since the 1990s. The legal framework for transfrontier and interregional co-operation has recently been consolidated as a result of the adoption of the European Union regulation on a European grouping of territorial co-operation (EGTC), which is a tool for setting up bodies to manage transfrontier and interterritorial co-operation projects and initiatives, which may benefit from European Union funding.

11. The Assembly considers that if political will is to be implemented in the field, all the political organisations concerned – the Council of Europe, the European Union, central governments, regional and local authorities – must support existing schemes and the emergence of innovative forms of co-operation by developing appropriate legal instruments, financial instruments and instruments of territorial expertise.

12. The Assembly, for its part, intends to continue its co-operation with the European regional institutions concerned and with the Congress with a view to devising a common approach and to exploit the considerable potential that transfrontier co-operation presents for tomorrow's Europe.

13. The Assembly therefore invites the Committee of Ministers to urge member states to:

13.1. engage in transfrontier co-operation with each other and to involve their local and regional authorities in this process, particularly by means of appropriate observation, planning, research, training and networking tools;

13.2. assign to their local and regional authorities the powers and the financial resources required for transfrontier co-operation and to address the needs of transfrontier co-operation in their national legislation, in accordance with Recommendation Rec(2005)2 of the Committee of Ministers on good practices in and reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities;

13.3. co-ordinate their policies with regard to cross-border territories, in agreement with the local and regional authorities concerned;

13.4. do more to address the needs of the inhabitants of cross-border territories in all their policies, both area based and sector based (economic, employment, training, culture, transport, health, local development, infrastructure and public service policies);

13.5. ratify the Madrid Convention and its two protocols, if they have not already done so;

13.6. grant special legal status to the euroregions;

13.7. encourage the development of transfrontier co-operation at the outermost borders of the geographical area covered by the Council of Europe, by sharing the principles of transfrontier co-operation with non-member states.

14. It also recommends that the Committee of Ministers:

14.1. 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 Madrid Convention in co-operation with the European Commission;

14.2. instruct the sectors concerned, in particular the European and Mediterranean Major Hazards Agreement (EUR-OPA) and the CEMAT, to promote transfrontier co-operation in their work, particularly at the borders of the area covered by the Council of Europe.

15. The Assembly also invites local and regional authorities on national borders to:

15.1. use their powers and the legal tools available to structure integrated transfrontier co-operation projects of the euroregion and eurodistrict type;

15.2. join together in defining the appropriate form of governance for their transfrontier co-operation projects in their respective areas.

16. The Assembly also invites the Congress to pursue its commitment to transfrontier co-operation as a motivating factor for European integration and the socio-economic development of local and regional authorities in border areas.

17. The Assembly also urges the European Union to continue, and to increase, its financial support to projects concerning transfrontier co-operation between local and regional authorities, in particular through the operational programmes under the European Neighbourhood and Partnership Instrument (ENPI), and to involve the countries concerned in the management of the programmes, in particular at the external borders of the European Union.