Parliamentary Assembly
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COUNCIL OF EUROPE
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Opinion 275 (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 (ECGs)

Parliamentary Assembly

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 (Madrid Convention − ETS No. 106) concerning euroregional co-operation groupings (ECGs), an initiative that it encouraged in Recommendation 1829 (2008) on transfrontier co-operation.

2. The Assembly recalls, 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, which was followed by two protocols adopted, respectively, in 1995 and 1998 (ETS Nos. 159 and 169).

3. The Assembly also draws attention to Committee of Ministers Recommendation Rec(2005)2 on good practices in and 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 text, 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 (such as ECGs) by territorial communities or authorities in Council of Europe member states.

7. The Assembly observes that this 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 Convention to help establish an ECG or become a member of one.

9. The Assembly emphasises that the protocol does not conflict with European Parliament Regulation (EC) No. 1082/2006 on a European grouping of territorial co-operation (EGTC), but complements it.

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1. *Assembly debate* on 26 June 2009 (26th Sitting) (see Doc. 11951, report of the Committee on the Environment, Agriculture and Local and Regional Affairs, rapporteur: Mr Dorić). *Text adopted by the Assembly* on 26 June 2009 (26th Sitting).

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 either side of a border 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 takes this opportunity to invite the Congress of Local and Regional Authorities of the Council of Europe 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 Madrid Convention and its protocols to do so as soon as possible.