

The Theories and Practical Implications of Cross-border Cooperation: The EGTC “EURO-GO” as an Example of an Instrument for Promoting Integration among Neighboring Countries

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Abstract

Originating from the will of populations and institutions from different states, institutionalised forms of cross-border cooperation have been developed with the main aim of confronting common problems in border regions and areas. This phenomenon has led to the concept of the Euroregion. The notion of ‘Euroregion’ was originally employed for a very specific type of cooperation arrangement; it was later extended to a broader range of initiatives. The enlarged EU has been encouraging the creation of regional forms of the decentralisation of power, in economic and cultural fields in particular. This chapter provides an overview of the concept of cross-border cooperation with regard to its many structures, its legal basis and examples of practical implementation, with a particular focus on the European Grouping of Territorial Cooperation (EGTC). In order to demonstrate its practical implications, this chapter also provides examples of the cross-border cooperation initiatives between Italy and Slovenia.

Keywords: cross-border cooperation, Euroregion, EGTC, Italy, Slovenia.

Cross-border Cooperation

Cross-border cooperation (CBC) involves “direct neighbourly cooperation in all areas of life between regional and local authorities along the border and involving all actors” (AEBR, 2000). The so-called cross-border (or transborder) co-operation, is a multifarious and multifaceted practice which is triggered when populations of a given border-area and regional institutions realise borders not only divide, but also unite, creating identical problems on both sides (Del Bianco, 2006). One of the core objectives of this practice is to overcome the visual perceptions of borders as walls dividing communities and to foster social and economic development. In Europe, CBC has been seen as a tool for regionalism and integration to merge in a subsidiary fashion (Gasparini, 2003). Cross-border co-operation has a significant political component as demonstrated by the will of local politics to project itself in a broader and more proactive context which lies outside national administrative frameworks, which are often restrictive.

Initially, cross-border cooperation between local and regional authorities, such as that which developed in the Rhine Basin between its French, German, Belgian, Swiss and Dutch regions from the 1950s, was promoted by the European Council (O'Dowd, 2002). Bottom-up efforts of border regions to institutionalise cross-border cooperation have been facilitated by some international and national initiatives. Some of these initiatives and efforts will be mentioned here. An advisory body to the Council of Europe founded in 1970 - the European Spatial Planning Ministerial Conference (CEMAT) - issued the “European Regional Planning Strategy” (CoE, 1992), which represented the first concise strategy for cross-border cooperation in Europe and was to be developed further until the 1980s. The Nordic Council Agreement on Cross-border Cooperation between municipalities was signed in 1977 (AEBR, 2000). The Madrid Outline Convention on Transfrontier Cooperation promoted by the Council of Europe in 1980 (and subsequent protocols) sought to provide model inter-state agreements. International treaties laying general foundations for cross-border cooperation between local/regional authorities have been signed since 1989, for example: the BENELUX Convention (signed in 1986, coming into effect in 1991); the German-Dutch Cross-Border Treaty (signed in 1991, coming into effect in 1993); the Vienna Agreement between Italy and Austria (signed in January 1993, coming into effect 1995) and the Rome Agreement (signed in November 1993 coming into effect in 1994); the Karlsruhe Accord covering

cross-border cooperation between France, Germany, Luxembourg and Switzerland (signed in 1996, coming into effect in 1997); and the Treaty of Bayonne between France and Spain (signed in 1995, which came into effect in 1997). In reality much of the institutionalisation of cross-border cooperation has been happening since the 1950s in active border regions finding practical solutions under private and/or public law, to developed well structured and institutionalised indicatives which will be able to manage cross-border projects and have clear long-term sustainability. AEBR in a comprehensive report (2000) illustrated that the EUREGIO, on the Dutch/German border, was the first genuinely cross-border structure to be established in 1958; other forms were established too, on the same border (the Euregios Rhein-Waal, Maas-Rhein, Rhein Maas-Nord and Ems-Dollart in the 1970s). According to the data available from AEBR we will see that cross-border regions are widely spread throughout Europe with the terms 'Euroregion' and/or 'Euroregio', a terminology which associates them as European regions (AEBR, n.d.). Institutionally speaking, the management and operation of such a region of many state borders is set up within a body or agency creating actions of a cross-border nature and providing support and services to gain from the opportunities created by EU programmes, as well as creating and supporting civil society strategies towards cross-border cooperation.

The European Grouping for Territorial Cooperation (EGTC)

Within the Regional Policy of the European Union significant attention has been paid to the cooperation activities between regions. The European Grouping for Territorial Cooperation (EGTC) represents an interesting phenomenon defined as a 'European legal instrument designed to facilitate and promote cross-border, transnational and interregional cooperation' (INFOREGIO, 2012). The EGTC is a legal entity which enables regional and local authorities and other public bodies from different member states, to set up cooperation groupings with a legal personality. According to Regulation 1082/2006, the objective of an EGTC is 'to facilitate and promote cross-border, transnational and/or interregional cooperation with the exclusive aim of strengthening economic and social cohesion' (Art. 1, para. 2). At the end of 2013 new regulations have been adopted by the EGTC with regard to the clarification, simplification and improvement of its establishment and functioning.

The revised EGTC Regulation came into force on 22 June 2014. The Regulation (EU) 1302/2013 amending Regulation (EC) 1082/2006 on the EGTC was adopted on 17 December 2013 and will be applied on 22 June 2014. These amendments will simplify procedures and enlarge the scope of entities eligible to be members of an EGTC, providing the elements to make the functioning of the EGTCs. Having a legal personality established on a territory of an EU Member State (MS) governed by the Regulation, then the convention and the national law of that specific Member State, it can be established and composed of: 1) a state (MS and non-MS); 2) regional authorities within a state; 3) local authorities within a state; and, 4) bodies governed by public law. For the establishment of one EGTC official approval from the state where the seat of the EGTC is registered is required. The acquisition of the legal personality and the publication of the establishment is the responsibility of the Committee of Regions (published in Section C of the Official Journal of the European Union). The general mission of the EGTC is territorial cooperation to strengthen economic, social and territorial cohesion. This 'body' has a complex structure which will not be examined here in any detail. It is however worth of mentioning the following. The EGTC is still in its early stages of implementation, making it impossible to measure its achievements so far, however the creation of an EGTC has been maintained to bring benefit to both territorial cooperation and European integration (Spinaci & Arribas, 2009). There are a significant number of established EGTCs. By the end of 2013, 45 EGTCs were established in total, which include about 750 national, local and regional authorities from 20 different EU Member States (CoR, 2014, p.1). Between the end of 2012 and the end of 2013, nine EGTCs have been created. Compared to the six EGTCs created in 2012, this translates into a 50 percent increase in newly created EGTCs. The new EGTCs generally aim at creating an institutional framework for existing projects or programmes and therefore carry out their traditional functions (CoR, 2014, p.15). Such establishments should not be the goal in themselves but a means to reach other goals, such as long-term strategic developments, the management of public services, programme management, and such institutional build-up is expected to contribute to a legal strengthening of cooperation in a given area and to increase visibility and legitimacy of such cooperation (INTERACT, 2008, p.16). Therefore the EGTCs should also to be seen, first as platforms of cooperation, and secondly as legal bodies aimed at managing a specific action or project. An EGTC can be established to manage a specific action or project, including the coordination of a joint development and/or solving common

problems arising in specific areas (of a cross-border nature). The question of their role as a managing authority or body triggers another question on their financial sustainability. As legal bodies EGTCs must not engage in commercial profit-oriented activities, therefore, they should be established as non-profit entities. Their funding very much depends on the members' contribution and on the financial programs and project they manage and implement. The budgets of EGTCs vary depending on their composition, structure and objectives. What concerns the duration of EGTCs, is that most of the already established ones are of an unlimited duration; few EGTCs have as their general objectives the idea of lasting between 18 and 25 years.

It can certainly be said that the creation of new EGTCs and their increase in number alters the landscape of regional and local development. Figure 1 shows the geographical settings of the currently established EGTCs until November 2013, as well as projects, programming and networks. What we see is the creation of a new regional map of Europe, created by synergies and cooperation projects to foster integration in border areas and to work on their future development. This means that EGTCs trigger some important questions: Do EGTCs enhance territorial cohesion across Europe? And, which action on the ground and institutional incentives can make the EGTC a better lever for EU integration? In this context the definition of 'territorial cohesion' comes into question. The ECTP defines 'territorial cohesion' as: 'the reinforcing power of a territory's spatial qualities and synergies' (ECTP, 2008). Within the EU, territorial cohesion: 'is about ensuring the harmonious development of all these places and about making sure that their citizens are able to make the most of inherent features of these territories' (EC, 2008). What is clear and common are the objectives of the territorial cohesion policies. These include: territorial cooperation through newly functioning macro regions; the ensuring of territorial cohesion both within the strongest and the weakest regions and areas of Europe (in terms of economic power and stability); and, the focusing of policies according to different territorial settings, interests and needs in a format suitable for individual cases. With the establishment of cooperation between regions, and the foundation of cooperation bodies with a legal status, where states, regional authorities, public and private entities and associations are each regulated with different legislations and procedures, and are put together to negotiate, work and implement common actions, whereby a platform for dialogue can be easily created. The EGTC offers the possibility of getting both the state and the private sector together in one place to discuss important matters with a cross-border perspective. What is added-value, by

this action is the legal basis and freedom to act in border regions and the implementation of efforts and projects in the territories of interest, thereby creating common facilities, infrastructure and services for residents. This is a form of integration of the local and regional population, of the local and regional state and of private authorities in the management of local and regional (natural) resources which are in common. Integration poses the question of cohesion among different territories, and territorial cohesion is the objective of the EU according to the Lisbon Treaty. According to experts, these groupings represent 'new governance "contracts" of multilevel cross-border cooperation', which may possibly become 'creative engines for local development and deeper European integration' (Spinaci & Vara-Arribas, 2009).

The EGTC: EURO-GO

The border between Italy and Slovenia, was not only regulated by various international treaties that date back to the 1940s and 1950s, but also by a large number of declarations, agreements and institutional collaborations that have, since then, tried to define international relations and a legal framework for cross-border activities. From the foundation of the working community in the countries and regions of the Eastern Alps - Alpen Adria (Alps-Adriatic-Alliance), Italy and Yugoslavia (and now Slovenia) a large number of important international partnerships were included. The founding principle of Alpen Adria was to relieve the tension between what were then the well-separated areas of Eastern and Western Europe through international cooperation at a regional level. Even if the ethnic relations in this specific border area were sometimes characterized by antagonism, observers agree that cross-border relations were already in place by 1948 and have steadily increased over time, favoured by the treaties and agreements on mobility and cross-border trade (Del Bianco, 2008). Italy and Slovenia have implemented a number of projects with a clear cross-border value. Most of these programs were funded by the European Union and especially from the Community Initiative Programme Interreg I-II and IIIa. The Phare program, established in 1994 has allowed non-profit organizations and NGOs in the border area to carry out projects aimed at communication, mutual understanding and development.

With a clear euroregional structure in place, neighbouring municipalities from Italy and Slovenia begun to collaborate, with initiatives such as the establishment of a single office, and the collaborative project of

the three administrations. They established a European Grouping of Territorial Cooperation which represents an important step forward, compared to previous cross-border initiatives and commitments. The EGTC was established on the basis of the Regulation (EC) no. 1082/2006 and the Regulations of the Republic of Slovenia on the establishment of a European grouping of territorial cooperation (OJ No. / 31 8:09 / 11) and by the Law of the Republic of Italy no. 88/2009 of 7 July 2009 on the adoption of Regulation (EC) no. 1082/06. Preparatory work for the establishment of the EGTC began at the end of 2009, when the working group began to analyze Italian-Slovenian EU legislation and the regulations of the respective states. They followed the negotiations on the seat, organs, and methods of operation and the preparation of documentation for the establishment of a Convention and Statute). In early 2010, the decisions relating to the constitution were approved by the respective municipal councils of the three municipalities (Gorica, Nova Gorica and Šumpeter-Vrtojba) as co-founders. On 19 February 2010, the mayors of the three municipalities in Gorica signed the Convention on the establishment of the EGTC. The Slovenian government approved the establishment of the EGTC in June 2010, and the Italian Government gave its approval in May 2011. This EGTC was established under the official acronym "EURO-GO" and was registered as a legal entity on September 15, 2011, being recognized as non-profit association of a juridical nature operating under the public law of Italy and Slovenia, with a legal seat in Gorizia, Italy (European Grouping of Territorial Cooperation GO). The first meeting of the Assembly was held on February 3, 2012 (European Grouping of Territorial Cooperation GO, 2013). The main focus areas are: energy, transport, healthcare and welfare, urban planning, cultural heritage and sports and youth policies. Very small in size, it comprises a geographical area of 365.11 km² with 73,750 inhabitants (See Figure 2). Its structure is composed of an assembly, made up of 14 members: 7 Slovenian and 7 Italian, with a President and Vice-President, a Director, six Permanent Committees (transport, energy, health, culture and education, urban planning and sports) and a Board of Auditors. The EGTC organisational structure is shown in Figure 3. The start-up costs of this body were divided among the Italian and the Slovene municipalities; 50% of the start-up fund was covered by the Municipality of Gorizia and 50% by the two Slovene municipalities. This EGTC had a small budget of 40.000 euro in 2012 and 2013. The participation of other public institutions is open and sanctioned according to a previous decision taken by the EGTC Assembly. All EGTC bodies have two working languages and their work is bilingual, in Italian and Slovene.

EURO-GO, according to the action plan passed last year, focuses on several aspects related to the promotion of tourism, cooperation between health structures of the municipalities of Gorizia and Šempeter – Vrtojba, the revitalisation of rail traffic at the crossroads between the three municipalities, coherent and coordinated sustainable transport systems in the transport of goods, and the economic revitalization of the region. These thematic areas are coordinated by specific committees which have already started to implement projects (The European Grouping of Territorial Cooperation GO, 2013). The committees work with a view to the future 2014-2020 programming and with the main aim of attracting funds for the cross-border area of Gorizia, Nova Gorica and Šempeter-Vrojba, and realising joint projects for the benefit of the peoples of both sides of the border. In order to select the pilot projects to be proposed for funding this EGTC applies the following criteria: 1) The relevance of the project proposals with respect to issues of territorial interest; 2) the internal Consistency of the project proposal; 3) and, the feasibility of the project itself and with respect to the programming framework for EU funds in 2014 – 2020.

EURO-GO represents the only example in Italy and almost the only example of Europe, which spans three small communities and strives to be an ideal laboratory for the practical application of cross-border instruments that the European Union offered in the programming period of 2014-2020. It is seen as the pilot case in building the joint and sustainable development of an urban area composed of three towns within the framework of the meeting of the Coordination Committee of Ministers of Italy and Slovenia, on 27 May 2014, in the “Joint Declaration”, signed by the Ministers of Foreign Affairs Erjavec and Mogherini.

Concluding Remarks

Scholars have questioned and analysed the transformation of border conflicts, in terms of the meaning and significance of borders for those who live in the border region or for the political elites. They have also considered: the role and contribution of the integration process to such developments, as well as the potential role of an association in a form of membership, and the role played by specific actors (local, regional, national and European) in integration processes (Diez, Albert & Sletter, 2008). What is interesting is that their cases demonstrate that integration processes in the EU do have a positive effect on border conflict transformation and yet there are also circumstances

in which the impact of integration can hinder cross-border cooperation and lead to the introduction of new conflicts in a border region (Diez, Albert & Sletter, 2008, p. 3). This chapter did not analyze the relation between border conflicts and integration processes, but it provided a general introduction to the reasons for the institutionalisation of cross-border initiatives and structures which go back to preventing conflicts in border areas. Studying and analysing borders today within the EU and along the external borders of the EU goes beyond the issue of territoriality and the securing of state borders. A new meaning has been given with EU regional policy and territorial cohesion where territoriality has a secondary significance. The study of borders has a new dimension which goes towards analysing peoples' behaviour, networks and activities across borders, and the possibility of seeing borders as points of interaction and not as limits and visual and imaginary walls. The central argument nowadays focuses on the question of how borders can be used to facilitate and integrate different societies and to foster local and regional development. The focus is now on how to cooperate in order to build partnerships for mutual progress and economic growth across borders. In this context, this chapter has illustrated the cross-border cooperation initiatives as instruments used to achieve such goals. In this chapter, particular emphasis has been given to one instrument used for cross-border cooperation, the European Grouping of Territorial Cooperation. Populations living in border areas can realise their objectives and accomplish their economic and social interests with the assistance of the various financial instruments available, however what the EGTC aims to offer on a territorial level is a more sustainable structure for cooperation, having a solid legal basis which secures in the short or long term (depending on its duration) implementation of various projects with cross-border impacts. A number of EGTC states clearly insist that the major role of the EGTC is to implement cooperation projects (Committee of the Regions, 2014), and as such, their use could be especially important where projects focus on the economic and social development of a specific area or region. Some, however, perceive that such Euro-regional structures, lack sustainability; for, once the function is no longer necessary and useful, it becomes a possibility that it will disable its functionality (Gasparini & Del Bianco, 2008).

Also, in this chapter, an example of cross-border cooperation was presented, illustrating the applicability of the EGTC as an instrument of cross-border cooperation in practice. Even though only a part of the EU Regional policy was explored in this paper, it can be argued that this policy offers a great

potential for integration measures mostly from an economical point of view, establishing links and networks between territories. Cross-border cooperation is essential for the creation of synergies of growth and innovation and it is especially important for the newly entered EU states, as well as candidate and potential candidate countries and the strengthening of the EU's external borders. As one particular case, the cross-border cooperation between the three municipalities in the Upper Adriatic Region in this paper is generally seen as successful. The Municipalities of Gorizia, Nova Gorica and Šumpeter-Vrtojba have considered the EGTC as the most suitable European instrument of territorial cooperation to further develop their mutual cooperation, starting back in 1964 when the first meeting between the municipal administrations of Gorizia and Nova Gorica was held (Pettarin, 2011). A SWOT analysis conducted by Gasparini and Del Bianco (2008), indicates that the cooperation between Italy and Slovenia is seen as being very positive. Strengths have been identified in the areas of: economic cooperation, institutional relations in the social and cultural sphere, and in the free movements of persons and goods. On the other hand, what concerns the mutual understanding and social integration is that weaknesses are present in the everyday relations across borders, and the still present linguistic barriers which very much influence everyday interaction of the local population across the border. A cross-border instrument, such as EGTC EURO-GO pays more attention to the revitalization of the border area through the bridging of local authorities in different sectors. The future development and results of this instrument depend very much on its members, on their joint initiatives and willingness to work jointly on implementing and accomplishing their common interests and needs and to work together for improving the quality of life for the people living in the targeted cross-border area.

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Figures

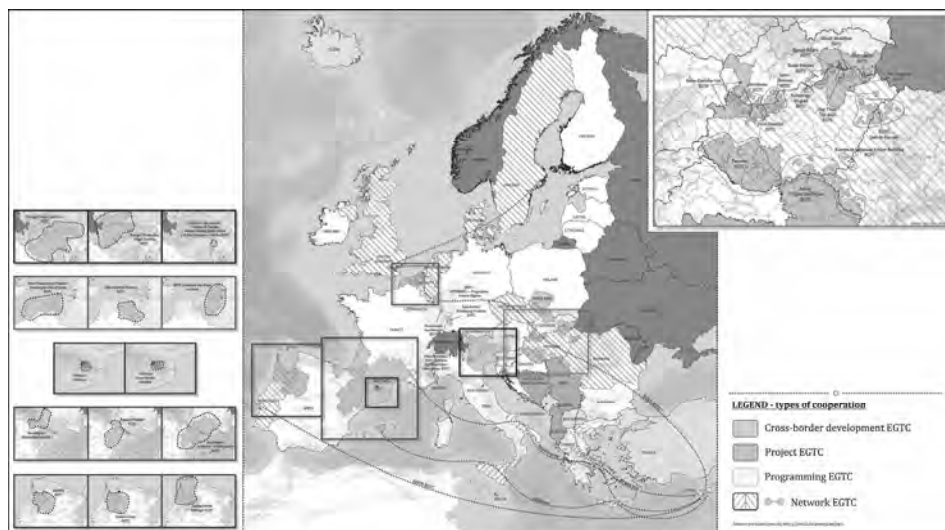


Figure 1: EGTCs in Europe (November 2013) (CESCI, 2013)

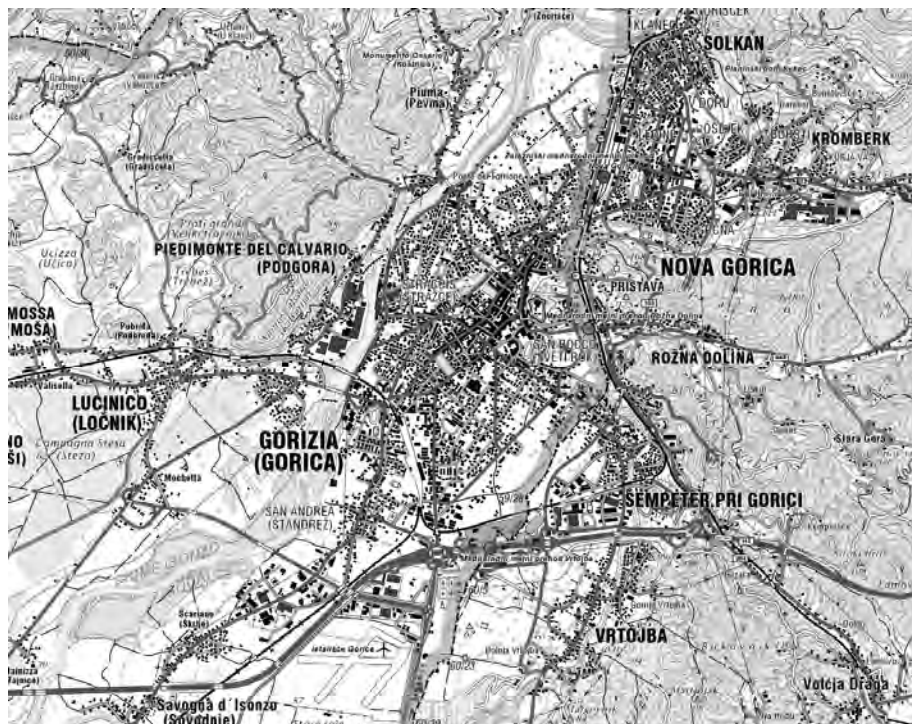


Figure 2: EGTC EURO-GO territorial area territorial area
(Source: Municipality of Gorizia - www.comune.gorizia.it)

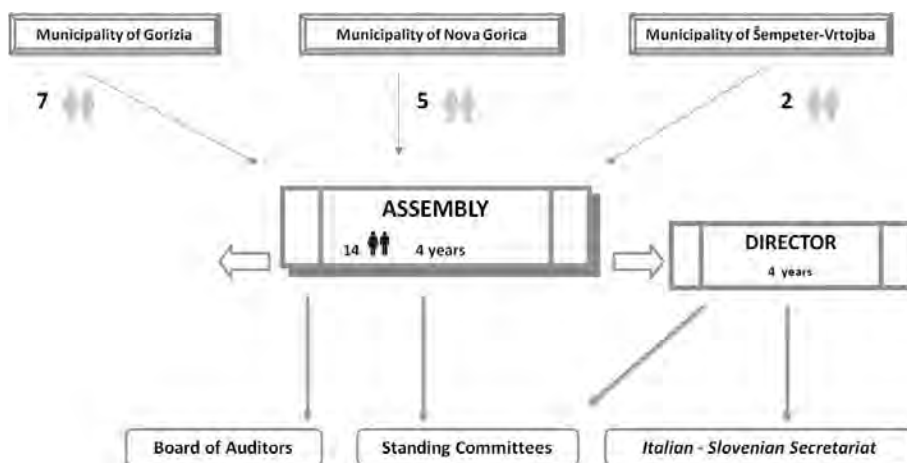


Figure 3: EGTC EURO-GO bodies
(Source: Figure elaborated by the author on the basis of the Statute of EURO-GO)