

TERRITORIAL COOPERATION AFTER 2007

ÁGNES JUHÁSZ

University of Miskolc, Faculty of Law

ZSUZSA WOPERA

Key words

European territorial cooperation, cohesion policy, EGTC, IPA, ENPI

Resume

The study deals with the territorial cooperations, which appear nowadays as one of the most important area of the European Union's cohesion policy. The contribution can be divided into two main parts: in the first part, I look after the types of those cooperations, which are creatable along the internal borders. In these cooperations, the EU's member states can take part and build cooperation up, to find common solutions for the common problems. The second part of the study concerns on the territorial cooperations, which can be build up along the external borders of the Community.

The formers belong to the cohesion policy and are regulated under the objective „European territorial cooperation”, established by the Regulation 1083/2006/EC¹, the so called general cohesion regulation. These cooperations are granted support from the structural funds of the Community. In the latter case of the cooperations, so which are creatable along the external borders, the European Neighbourhood Policy (ENP) contains the related provisions, and has special assistance to support them (IPA and ENPI).

Looking from the other side, in the case of territorial cooperations, the two policies, so the cohesion and neighbourhood policy means the two dimension of a same instrument. Considering that, lawmakers agree, that it is undesirable to handle these two common policies separately. Instead of this, connecting them can be a suitable solution in the future.

Within the territorial cooperations, which are built up along the internal borders, we can differ three different dimensions from one another. The cross-border, transnational and interregional cooperations mean three different strand. The main goal of the cross-border cooperations is to

¹ Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999, OJ L 210, 31.7.2006, p. 25-78

integrate areas, which are facing with same problems, but they are separated by internal borders. These cooperations primarily concentrate on developing competitiveness in border regions, but shall also approve the economic and social integration on both sides of the borders.² Participation is opened from the beginning for the twelve new member states; the only condition is, that these programmes shall consist of at least two partners, coming from different member states, i.e. from different sides of the borders.

As a type of territorial cooperations, under transnational cooperations strategically important questions, problems, challenges can be manage and solve.³ Cooperations between regions, the so called interregional cooperations primarily conform to the objectives of the renewed Lisbon Strategy: strengthening innovation, small- and medium enterprises, environment and risk-prevention also play a dominant role in creating interregional cooperations.

In addition, based on the latter type of the territorial cooperations, there are two complementary programmes too (the ESPON 2013 and the INTERACT II), which – as network programmes – help to make more efficient and more effective the working method of the territorial cooperations by sharing the experiences, which are accumulated in the field of cross-border, transnational and interregional cooperation. Practically, they can be regard as sub-branches of the cooperations existing between regions.

The European Grouping of Territorial Cooperation (henceforth EGTC) is the new cohesion policy's very new and important instrument in the programming period 2007-2013. It is a cooperation form having legal personality that Community law offers to partners involved in territorial cooperation. It is very important, that EGTC has legal personality. Its main aim is to facilitate and promote cross-border, transnational and/or interregional cooperation between its members with the exclusive aim of strengthening economic and social cohesion, so it functions as management tool during the appropriation of the EU structural funds.

When we examine the different types of the territorial cooperations, we should notice, that not only inside the Community, but also along its external borders is there a possibility to build cooperations up. With respect of this, the second part of my study concerns on those cooperations, which are creatable along the external borders of the EU.

As a result of the EU's enlargement in 2004 and in 2007, the length of external borders are increased, so the Community shall take into account lots better the problems, challenges and possibilities, which appear by the altering of the borders. In the past few years, a recognition

² 2006/702/EC: Council Decision of 6 October 2006 on Community strategic guidelines on cohesion, OJ L 291, 21.10.2006, p. 11-32

³ Council Decision 2006/702/EC, OJ L 291, 21.10.2006, p. 32.

has strengthened, in accordance with working for the cohesion of the EU can not be enough: cohesion policy and the territorial dimension shall be closely linked with the neighbourhood policy. The cohesion policy not can be hardly separated from the neighbourhood policy, what is more, with the help of the neighbourhood policy instruments, cooperations can be create more efficiently between member states and candidate, potential candidate and partner states. Along the external borders, we can differ two types of the cooperations: some of them are creatable by EU member states and candidate (or potential candidate) countries, while others can build up with the EU's partner countries. However, this distinction is not so marked, because all of these cooperations are regulated under the EU's neighbourhood policy. Accordingly, the differentiation is justified because of the available financial instruments, i.e. the IPA and ENPI.

In consequence of the eastern enlargement of the EU, the importance of creating cooperations along the external borders has also increased. The Community has emphasised, that cooperations between member and candidate countries have special role: they function as mediators, which bind Central-East-Europe and the Western Balkans with the European Union.

Cooperations, which are creatable along the external borders can be support by the IPA (Instrument for Pre-Accession Assistance) established by Council Regulation No 1085/2006/EC.⁴ The assistance should support the candidate and potential candidate countries in their efforts to strengthen democratic institutions and the rule of law, reform public administration, carry out economic reforms, respect human as well as minority rights.⁵

Looking from the other side, it is undesirable, that the dividing lines, existing between these countries and the Community, also function as political and economic boundaries, which share in a wider sense grasped European into two parts. To prevent this, the Community has created a new assistance within the neighbourhood policy, which supports cross-border cooperation programmes between member and permanent outsider countries.

The main instrument in creating cooperations with third countries is the ENPI (European Neighbourhood and Partnership Instrument) established by the European Parliament and Council Regulation 2006/1638/EC.⁶

⁴ Joint statement by the Council and the representatives of the governments of the Member States meeting within the Council, the European Parliament and the Commission on European Union Development Policy: „The European Consensus” (2006/C 46/01), OJ C 46, 26.2.2006., p. 1-19

⁵ 2006/ C 46/01, in point 13

⁶ Regulation 1085/2006/EC, in the recital 13