



Assessment of the application of EGTC regulation

Final report – 20.04.2018

2017CE160AT116

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ABBREVIATIONS

Abbreviation	Full term
CBC	Cross-border cooperation
CEF	Connecting Europe Facility
CLLD	Community-led Local Development
CoR	European Committee of the Regions
EAFRD	European Agricultural Fund for Rural Development
EGTC	European Grouping of Territorial Cooperation
ERDF	European Regional Development Fund
ESF	European Social Fund
ESIF	European Structural and Investment Funds
ETC	European Territorial Cooperation
EU	European Union
FAQ	Frequently asked questions
FTE	Full Time Equivalent
ITI	Integrated Territorial Investment
JAP	Joint Action Plan
MA	Managing Authority
MS	Member State
POCTEFA	Interreg Programme VA Spain-France-Andorra
POCTEP	Interreg Programme VA Spain-Portugal
SPF	Small Project Fund
RIS3	Research and Innovation Strategies for Smart Specialisation

LIST OF EGTC ACRONYMS AND ABBREVIATIONS

Note to the reader: For improved legibility, the EGTCs are referred to by their official acronyms as detailed in the CoR EGTC register (as below). If there is no official acronym, either the English name (if listed in the register) or the name in the local language of the registered office is used.

No	Acronym/Abbreviation	Full name (in English or local language of the registered office)
1	Lille-Kortrijk-Tournai	Eurométropole Lille-Kortrijk-Tournai
2	Ister-Granum	Ister-Granum European Grouping of Territorial Co-operation Ltd
3	GNP	Agrupación Europea de Cooperación Territorial Galicia – Norte de Portugal
4	Amphictyony	EGTC Amphictyony of Twinned Cities and Areas of the Mediterranean
5	UTTS	Ung-Tisza-Túr-Sajó (Hernád-Bódva-Szinva) Limited Liability EGTC
6	Karst-Bodva	Limited liability European Grouping of Territorial Cooperation Karst-Bodva
7	Duero-Douro	Agrupación Europea de Cooperación Territorial Duero-Douro
8	Flandre-Dunkerque-Côte d'Opale	Groupement Européen de Coopération Territoriale West Vlaanderen/Flandre-Dunkerque-Côte d'Opale
9	ArchiMed	GECT ArchiMed
10	Pyrénées-Méditerranée	GECT Pyrénées-Méditerranée
11	Eurodistrict Strasbourg-Ortenau	GECT Eurodistrict Strasbourg-Ortenau
12	ZASNET	Agrupamento Europeu de Cooperação Territorial ZASNET, AECT
13	HC	Agrupació Europea de Cooperació Territorial Hospital de Cerdanya
14	Grande Région	GECT INTERREG "Programme Grande Région"
15	SaarMoselle	Eurodistrict Saarmoselle
16	ABAÚJ - ABAÚJBAN	ABAÚJ - ABAÚJBAN European Grouping of Territorial Co-operation Ltd
17	Pons Danubii	Pons Danubii EGTC
18	BTC EGTC	Bánát - Triplex Confinium Limited Liability EGTC ¹
19	Arrabona	Arrabona Korlátolt Felelősségű Európai Területi Együttműködési Közhasznú Csoportosulás
20	Linieland van Waas en Hulst	"Linieland van Waas en Hulst" Europese Groepering voor Territoriale Samenwerking
21	Euregio Tirolo - Alto Adige - Trentino	GECT Euregio Tirolo - Alto Adige - Trentino
22	GO	Territorio dei comuni: Comune di Gorizia (I), Mestna Občina Nova Gorica (Slo) e Občina Šempeter-Vrtojba (Slo)
23	Pirineus - Cerdanya	GECT Pirineus – Cerdanya
24	Espacio Portalet	Agrupación Europea de Cooperación Territorial "Espacio Portalet"
25	RDV	Rába-Duna-Vág European Grouping of Territorial Cooperation with Limited Liability
26	Eurorégion Nouvelle Aquitaine-Euskadi-Navarre	GECT Eurorégion Nouvelle Aquitaine-Euskadi-Navarre
27	Poarta Europa GECT	Gruparea Europeană de Cooperare Teritorială Poarta Europa cu Răspundere Limitată (Poarta Europa GECT)
28	BODROGKÖZI	BODROGKÖZI Korlátolt Felelősségű Európai Területi Együttműködési Közhasznú Csoportosulás
29	Novohrad-Nógrád	Novohrad-Nógrád European Grouping of Territorial Cooperation with Limited Liability
30	Pannon	Pannon European Grouping of Territorial Cooperation Ltd.
31	Efxini Poli – SolidarCity Network	EGTC EFXINI POLI - Network of European Cities for Sustainable Development
32	EUKN	European Grouping of Territorial Cooperation European Urban Knowledge Network Limited
33	Euregio Senza Confini	GECT "Euregio Senza Confini r.l."

¹ The abbreviation has been changed by adding "EGTC" by request of the EGTC.

34	TRITIA	European Grouping of Territorial Cooperation TRITIA limited
35	Sajó-Rima / Slaná-Rimava	Sajó - Rima / Slaná - Rimava European Grouping of Territorial Cooperation with Limited Liability
36	Via Carpatia	European Grouping of Territorial Cooperation Via Carpatia Limited
37	Parc européen Alpi Marittime – Mercantour	Parc européen / Parco europeo Alpi Marittime - Mercantour
38	P.M.I.B.B.	Gruppo Europeo di Cooperazione Territoriale (G.E.C.T) Parco Marino Internazionale delle Bocche di Bonifacio (P.M.I.B.B)
39	Secrétariat du Sommet de la Grande Région	GECT "Secrétariat du Sommet de la Grande Région"
40	TATRY	EGTC TATRY Ltd.
41	Spoločný región	European Grouping of Territorial Cooperation Spoločný región limited
42	Torysa	Torysa European Grouping of Territorial Cooperation
43	Svinka	Svinka European Grouping of Territorial Cooperation
44	Alzette Belval	GECT Alzette Belval
45	AEuCC	Agrupación Europea de Cooperación Territorial Ciudades de la Cerámica, AECT limitada
46	Eurocity of Chaves-Verín	European Grouping of Territorial Cooperation Eurocity of Chaves-Verín
47	European Common Future Building	European Common Future Building European Grouping of Territorial Cooperation with Limited Liability
48	CETC-EGTC	Central European Transport Corridor Limited Liability European Grouping of Territorial Co-operation
49	HP-HP	Huesca Pirineos – Hautes Pyrénées
50	AECT-FPI	Agrupación Europea de Cooperación Territorial Faja Pirítica Ibérica
51	European Border Cities	European Border Cities European Grouping of Territorial Cooperation Limited Liability
52	ESPN	ESPN EGTC – European Node for Territorial Evidence
53	PAHT	GECT Pays d'Art et d'Histoire Transfrontalier Les Vallées Catalanes du Tech et du Ter
54	Interregional Alliance for the Rhine-Alpine Corridor	Interregional Alliance for the Rhine-Alpine Corridor EGTC
55	MASH	MASH European Grouping of Territorial Cooperation
56	Mura Region	Mura Region European Grouping of Territorial Cooperation Limited Liability
57	Tisza	Tisza European Grouping of Territorial Cooperation Limited Liability
58	INTERREG Grande Région	GECT-Autorité de gestion programme INTERREG V A Grande Région
59	NOVUM	European Grouping of Territorial Cooperation NOVUM Limited
60	León-Bragança	Agrupación Europea de Cooperación Territorial León-Bragança
61	PONTIBUS	PONTIBUS European Grouping of Territorial Cooperation Limited Liability
62	EUCOR The European Campus	Eucor The European Campus
63	EMI	European Grouping of Territorial Cooperation "European Mycological Institute"
64	PROUD	Eisenbahnneubaustrecke Dresden Prag EVTZ
65	Eurodistrict PAMINA	Groupement Européen de Coopération Territoriale Eurodistrict PAMINA
66	Ipoly-völgye	Ipoly-valley European Grouping of Territorial Cooperation with Limited Liability
67	DIETAMED	DIETA MED EGTC
68	HELICAS	European Grouping of Territorial Cooperation HELICAS
69	MURABA	MURABA European Grouping of Territorial Cooperation Limited

EXECUTIVE SUMMARY

This analysis supports the requirement of Regulation (EU) 1082/2006 as amended by the regulation (EU) 1302/2013 to provide a report on the application of that regulation. The report shall contribute to the evaluation of the effectiveness, efficiency, relevance, European added value and scope for simplification of the amended EGTC regulation.

The preamble of Regulation (EU) 1302/2013 identifies objectives, which are the basis for this analysis:

- to facilitate the establishment and operation of EGTCs;
- to clarify certain provisions;
- to allow for a more extensive use of EGTCs to contribute to better policy coherence and cooperation between public bodies without creating an additional burden on national or Union administrations.

These objectives are further clarified in sub-objectives related to specific elements of the EGTC instrument, including clarifications of possible members, the provision of public services, third country participation, etc.

This analysis is based on a set of pre-defined indicators that were laid out in the draft delegated act of the regulation, which are also listed in the Terms of Reference of the 2017 EGTC monitoring report. This report is based on data collected during the annual monitoring exercise and is complemented by additional information from literature, EGTC web-pages and interviews.

All approval authorities have adopted the original EGTC regulation (EC) 1082/2006. By December 2017, 23 of the 54 approval authorities had adopted the EGTC regulation as amended by the Regulation (EU) 1302/2013. Twenty approval authorities stated that they do not intend to draft or adopt new provisions at all.

The EGTCs are individually designed to facilitate and promote cross-border, transnational and interregional cooperation. During 2017, 33 of the 68 EGTCs reported that they were implementing ETC projects. EGTCs were involved in 24 ETC programmes through various roles, which was 23% of all 107 cooperation programmes for 2014-2020.

Amendment of the original EGTC regulation has facilitated the work of EGTCs. This was through more legal clarity and some simplifications. Nevertheless, there is still room for further clarification. The instrument is hardly used for the original intent of functioning as a managing authority (MA). Two very relevant changes were the ability to incorporate members from Third (Extra EU) countries as well as the possibility to provide services. The instrument is more extensively used and better supported through promotion via some Member States (MS). An aspect that could be improved is access to funding.

Defined indicators focus on the cost-benefit of setting-up and operating an EGTC but it is not feasible to measure the suggested cost-benefit ratios. Qualitative analysis shows that when anticipated costs do not outweigh anticipated benefits, the costs do not determine whether the set-up is an EGTC or a comparable structure under national or international law. Costs for setting-up an EGTC vary strongly depending on the EGTC's purpose, tasks, national legislation of the registered office, governance structure, etc. In comparison to comparable structures, the EGTC instrument may be relatively efficient due to its great versatility and the ability to adjust the structure without excessive administrative procedures.

Relevance analysis shows that the original intention of facilitating ETC implementation has been achieved. EGTCs are today involved in various ETC programmes and projects but also in implementing other ESIF programmes and EU policies outside Cohesion Policy (EAFRD, ESF, Erasmus+, etc.). This is complemented by resources from other sources including national and regional funding.

The number of EGTCs and memberships of some EGTCs are steadily growing and so are the different uses across the EU. This supports the sustainable relevance of the EGTC instrument.

The European added value of the instrument is strongly confirmed. Through the cooperation of members from different MS and Third countries, decision-making can be facilitated, objectives and strategies can be jointly developed across national borders, independence from unitary political decisions is maintained and the instrument benefits from a high European visibility. Nevertheless, European added value is linked to the functioning of the instrument rather than to amendment of the regulation.

Amendment of the EGTC regulation simplified use of the instrument. Clarifications were particularly helpful on staff issues, a clearer differentiation between convention and statutes and membership from Third countries. Also 'tacit approval', even though it has not been used so far, simplifies the approval procedure of EGTCs in their interaction with the authorities. However, different implementation of the (amended) EGTC regulation in MS can still hamper smooth set-up and approval. There are also cases of gold-plating. Further simplification could improve coordination between MS while the potential for simplification at EU level is relatively low.

Recommendations for possible further clarifications and simplifications refer to:

- terminology of the EGTC, its organs and acts;
- possibility for Euroregions to set-up an EGTC replacing often separate associations on both sides of the border;
- processes for new members intending to join an existing EGTC;
- flexibility for defining territory in the convention;
- specifying national rules under different circumstances;
- a small remaining overlap between convention and statutes;
- incoherent liability considerations between some MS.

However, it is recommended to change as little as possible, especially if issues can be solved through additional guidance rather than requiring an amendment of the regulation. In addition to possible further clarifications, even better facilitation of the EGTC instrument is needed. This refers in particular to

- further improving EGTC access to EU funds, within and outside ETC, including overcoming pre-financing challenges;
- better coordination between MS regarding implementation of the EGTC regulation, its interpretation and other national/regional framework conditions;
- more consistent and continued submission of amended national/regional implementation rules and up-to-date contact information of national/regional authorities;
- more awareness raising, also beyond territorial policies to overcome sector policy specific challenges, for instance, for cross-border service provision.

1 INTRODUCTION

According to Regulation (EU) 1082/2006 a report on the application of this regulation shall be drafted by 1 August 2018. This report shall contribute to the evaluation of the effectiveness, efficiency, relevance, European added value and scope for simplification of the EGTC regulation as it is currently in place. It shall be based on pre-defined indicators and provide data and findings that could be obtained within the monitoring report service.

The preamble of Regulation (EU) 1302/2013 identifies objectives which are the basis for this analysis:

- to facilitate the establishment and operation of EGTCs;
- to clarify certain provisions;
- to allow for a more extensive use of EGTCs to contribute to better policy coherence and cooperation between public bodies without creating an additional burden on national or Union administrations.

These objectives are then further detailed in sub-objectives related to specific elements of the EGTC instrument, including clarifications of possible members, the provision of public services, Third country participation, etc.

This report assesses the application of EGTC regulation in the light of these objectives and sub-objectives. It is based on information collected during the EGTC monitoring report for 2017. This annual exercise includes contacting all EGTCs and approval authorities with a request for information². The replies are not always precise for various reasons, so the data has been reviewed, corrected where appropriate and cross-checked. Complementary information has also been collected using methodology outlined in chapter 3.

This report summarises the development of EGTCs (chapter 2) before detailing the assessment of the EGTC regulation application in the different sections of chapter 3. It closes with recommendations, including possible future amendments of EGTC regulation.

² See CoR (2018).

2 DEVELOPMENT OF EGTCs

This report assesses the amended EGTC regulation, where possible comparing implementation before and after the amendment. If this is not feasible, the EGTC instrument itself is considered. The following sections give an overview of the state of the EGTC instrument and its development since the amendment, before turning to the five evaluation dimensions.

The overview starts with the state of implementation of the amended EGTC regulation, since implementation by national authorities is necessary for actual application of the EGTC instrument. This is followed by a short review of EGTC activities in relation to the implementation of ETC programmes. The last section concludes with an overview of EGTCs currently being set-up.

2.1 IMPLEMENTATION OF THE AMENDED EGTC REGULATION BY MS

All approval authorities have adopted the original EGTC regulation (EC) 1082/2006. By December 2017, 23 of the 54 approval authorities³ had adopted the EGTC Regulation as amended by the Regulation (EU) 1302/2013. Annex 7 provides more details of the date of adoption and the competent authorities.

The first provisions of the amended EGTC regulation were adopted in 2015, mainly by MS and regions with several effective EGTCs, e.g. Spain, Portugal, the Czech Republic, Romania, Slovakia, Slovenia and Baden-Württemberg in Germany. Most Austrian states adopted new provisions after the amendment in 2013. In 2017, new provisions were adopted by three more authorities, namely Upper Austria, Bavaria and Greece.

Five MS have not yet adopted new provisions but these are under way, or planned. Among these are MS with several EGTCs, such as Cyprus. MS with no initiatives to establish an EGTC are postponing the time-consuming revision process, such as Estonia. Other MS, such as Ireland, first want to assess the need for new provisions before they decide how to proceed.

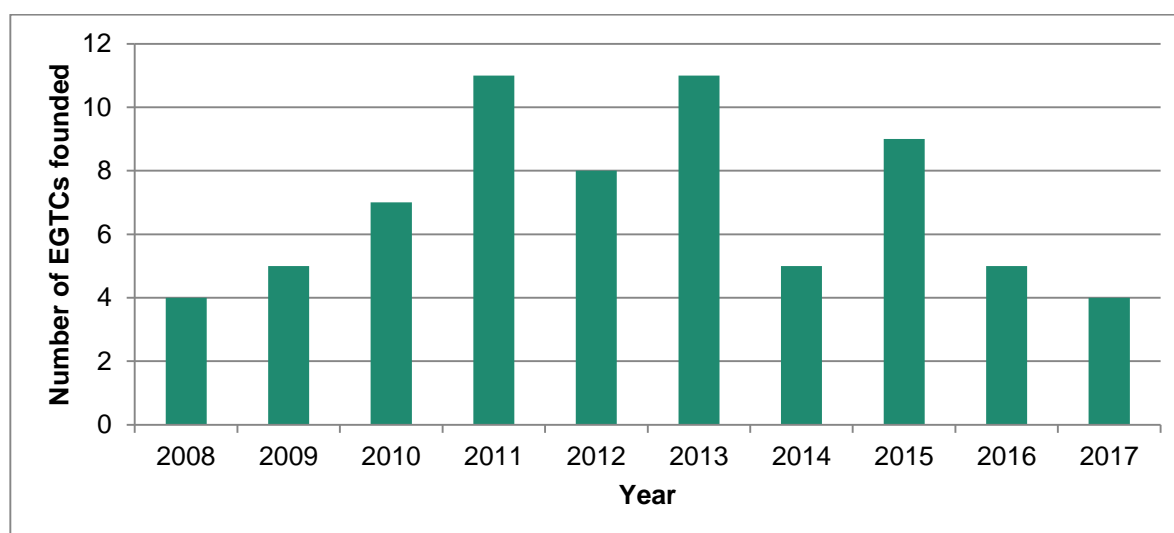
About 20 MS and regions do not intend to draft and adopt new provisions at all. Among these are MS with several EGTCs like Italy, Belgium and Luxembourg and authorities with only a few EGTCs, such as most German states ('Länder').

2.2 EGTC ACTIVITY ON THE GROUND – RELATED TO PROGRAMME IMPLEMENTATION

Since the introduction of the EGTC instrument in 2006, 69 EGTCs were founded in the EU with various local, regional and national authorities as well as other members. Currently there are 68 EGTCs as one closed in 2017.

Every year since 2008, new EGTCs have been founded with most approved between 2011 and 2015 (see Figure 1). By June 2014, when the amended regulation came into force, 48 EGTCs had been founded, and another 21 between then and December 2017.

³ This includes the 28 MS and regional approval authorities where competence is delegated to the regional level (i.e. Austria, Belgium and Germany).

Figure 1 Number of EGTCs founded per year

Source: CoR (2018, p. 106)

Many EGTCs also actively implement ETC, as detailed in Annex 3. They are designed differently to facilitate and promote cross-border, transnational and interregional cooperation. A few EGTCs explicitly do not contribute to ETC implementation. The work of EGTCs in ETC takes the following principal forms:

- During 2017, two EGTCs acted as ETC MA (EGTC Interreg VA Grande Région and EGTC Interreg IVA Grande Région). The IVA programme only exists until formal closure of the programme but is not actively implementing projects anymore. So, only one EGTC is an active MA, but both still exist.
- In total, 33 EGTCs⁴ reported having implemented one or more ETC projects as partner or lead partner during 2017. A total of 84 ETC projects were reported for 2017, which is more than double the 35 in 2016. The majority of these EGTCs reported that they were involved in more than one ETC project and the average was 2.5 projects.
- The ESPON EGTC is a special case, since it acts as a sole beneficiary of the single ESPON programme project.
- Two EGTCs reported that they are sole beneficiaries of ETC projects (Duero-Douro EGTC for the development of the e-Douro Export Project and TATRY EGTC as sole beneficiary of a micro-project for education).
- Other EGTCs were attributed with implementing Small Project Funds (SPF), namely the RDV and Via Carpatia EGTCs.
- Other EGTCs were involved in management and other tasks related to micro-projects under ETC programmes, namely Eurodistrict Strasbourg-Ortenau, Lille-Kortrijk-Tournai, TRITIA, TATRY, Eurodistrict PAMINA,
- EGTCs also participated more indirectly in ETC implementation through other actions, such as capacity building, supporting programmes or membership of Monitoring Committees (CoR, 2018, p. 118).

EGTCs were involved in approximately 24 ETC programmes in various roles and are involved in about 23% of the 107 cooperation programmes⁵ for 2014-2020.

2.3 EGTCs CURRENTLY UNDER CONSTRUCTION AND CLOSED

During 2017 about 22 EGTCs were being founded, as detailed in Annex 6. Some are at a more concrete state, such as being under approval and some at a less developed stage, where potential members have not yet finally decided for or against setting-up an EGTC.

⁴ This includes the ESPON EGTC as sole beneficiary of the single operation.

⁵ This includes all Interreg V A, B and C as well as Interreg IPA and ENI programmes, see: http://ec.europa.eu/regional_policy/en/policy/cooperation/european-territorial/

Most EGTCs currently being set-up are on the Iberian Peninsula, in border regions of Luxembourg, Austria, the Czech Republic, Germany, Slovenia and Italy.

During 2017 one EGTC (EGTC No. 6⁶, Karst-Bodva EGTC) was dissolved in accordance with Article 14 of the EGTC regulation. The EGTC consisted of municipal authorities from Hungary and Slovakia in the Košice-Miskolc border region. Possibly the EGTC was never operational after it was founded⁷.

⁶ This is the official number of the CoR register (see: <https://portal.cor.europa.eu/egtc/CoRAactivities/Pages/welcome.aspx>)
⁷ For further information, see Hesz et al. (2016, p. 6).

3 ASSESSMENT OF THE APPLICATION OF THE EGTC REGULATION

Assessment of the application of (amended) EGTC regulation answers the evaluation questions in the annex to the delegated act on EGTC evaluation indicators. The indicators alone are not sufficient to answer the evaluation questions so the analysis uses additional information from several sources.

Firstly, it is based on the questionnaires sent to EGTCs and approval authorities for the 2017 EGTC monitoring report. These questionnaires contained questions asked each year plus questions focussing on evaluation indicators. The cut-off date was 31 December 2017, the same as the latest EGTC monitoring report.

Secondly, additional data on EGTCs, such as their current membership structure, has been collected through online sources, including EGTC webpages. This complements data for EGTCs that did not answer the questionnaire. This data was also used to check the robustness of data from EGTCs by testing samples for incoherence. Nevertheless, not all data could be sufficiently tested to avoid errors. This applies, for instance, to new instruments implemented by EGTCs.

Thirdly, a literature review focused on a) legal issues raised by experts and b) experience from EGTCs that shed light on (amended) application of the EGTC regulation.

Fourthly, additional interviews were carried out with key people such as EGTCs and experts. These addressed specific assessment questions for which little or no information was available.

Sources were triangulated whenever feasible. The following sections differentiate between the evaluation perspectives of efficiency, relevance, EU added-value and simplification. For each perspective, the sub-sections provide the evaluation questions and then the main findings. This includes data on indicators when adequate. Additional background information is annexed to the report. The indicators have been numbered according to their listing in the delegated act and their appearance in this report.

3.1 EFFECTIVENESS

This analysis considers how successful an EU action has been in achieving or progressing towards objectives.

3.1.1 Evaluation questions

The following questions guided the assessment:

- To what extent have the objectives of the EGTC regulation been achieved?
- Are the effects produced by the (amended) EGTC Regulation in line with its stated objectives?
- How effective is the regulation in promoting the use of EU-level legal instruments for cooperation?

3.1.2 Main findings

The main objectives of the EGTC regulation amendment were to better facilitate the foundation of EGTCs, clarify certain provisions and enable more extensive use of the EGTC instrument.

The delegated act defines five quantitative and two qualitative indicators to support this assessment. Table 1 shows the five quantitative indicators as of 31 December 2017.⁸ Due to a lack of baseline data, indicators 4 and 7 only show the number at cut-off date rather

⁸ The full table including the qualitative indicators is annexed to the report.

than the increase of the respective indicator. In addition, Indicator 7 has been renamed, since the original indicator "services provided" could not be traced.

Table 1 Overview of effectiveness indicators

Indicator	Unit	21 June 2014	31 Dec 2017
1. Conformity of MS' national rules with the Regulation*	No. of MS with adopted implementation rules after the amendment	-	23
3. Increase of EGTCs set-up	Number of EGTCs	48	68
4. Increase of members in existing EGTCs**	Number of EGTCs	-	11
6. Increase of members per category**	Number of types of EGTC members	628	829
MS		22	22
Authorities at national level		3	4
Regional authorities		78	117
Local authorities		509	640
Public undertakings		6	13
Undertakings entrusted with services of general economic interest		0	11
Associations of bodies belonging to one or more of these categories		8	17
National, regional or local authorities, or bodies or undertakings, equivalent to those above from Third countries		0	5
7. Number of EGTCs involved in organisation of cross-border services***	Number of EGTCs according to categories	-	10
Health		-	1
Education and training		-	0
Environment, energy, nature protection		-	1
Transport		-	5
Research		-	1
Other		-	2

\- indicates not relevant or not available

* Not all approval authorities replied to the information request in 2017. The indicator is based on the responses for 2016 and 2017.

** Not every EGTC provided sufficient and reliable data for this question at the cut-off date. Data includes all 68 EGTCs as of 31 December 2017 based on additional data collection. Data for 21 June 2014 refers to the 48 EGTCs at that point in time. Data for 2014 is indicative as changes to EGTC member structures are not always transparent.

***Indicator renamed from "Increase of services provided as a result of EGTCs" due to lack of reliable data in line with the original formulation.

Source: Spatial Foresight, based on CoR (2018), CoR (2015a), data from EGTCs and national authorities and own data collection.

All MS had adopted EGTC Regulation (EC) No 1802/2006 by December 2017 and 23 of 54 approval authorities⁹ in the EU had adopted EGTC Regulation amended by the Regulation (EC) No 1302/2013.

The first MS adopted amended implementation rules in 2015 and these continued to be adopted by MS in 2016 and 2017, a few more are under preparation. About 20 MS and

⁹ This includes the 28 MS and regional approval authorities where competence is delegated to the regional level (i.e. Austria, Belgium and Germany).

regions do not intend to draft and adopt new provisions at all. These approval authorities do not see a need for new provisions, because they consider existing provisions to be sufficient and conforming with EGTC regulation, or there has not been any interest in the EGTC instrument in their territory. National implementation rules are subject to national considerations only, for which no lack of conformity with EGTC regulation could be identified. This does not exclude possible overregulation, implying gold-plating where additional requirements are stated in national rules going beyond the EGTC regulation.

The degree of detail in national implementation rules, including amendments, differs considerably. Some include elements of the instrument such as task descriptions, approval procedures and provisions for EGTC staff, or registration procedures in their MS. Other provisions focus on selective issues only, including amendments to facilitate setting-up certain EGTC foundations in the territory of the respective approval authority. An immediate link between the legal acts and making it easier to set-up EGTCs is, however, not generally apparent.

Between 21 June 2014 and December 2017, 21 new EGTCs were established, about 30% of all EGTCs. The pace of new EGTCs has been relatively stable since initial approval of EGTC Regulation (EC) No 1082/2006, although approvals in 2016 and 2017 were relatively low. New EGTCs do not indicate any change in the complexity of establishing them. There may be a level of saturation for EGTCs, at least along the Hungarian borders, where most EGTCs were founded before 2014. Since the regulation amendment EGTCs have been set-up more frequently in other parts of the EU.

Since 2014, about 11 EGTCs, or some 18% of all EGTCs founded before 2016¹⁰, reported that their membership had increased. At the same time the number of EGTCs with changed memberships is considerably higher. Many EGTCs never planned nor are designed to extend their memberships.

Assessing how much the EGTC regulation facilitated changing membership structure is better assessed by reviewing membership development. Some of the enlarged EGTCs incorporated new members more than once and further EGTC extensions have been announced for 2018. The increase of members in existing EGTCs is considerably higher in 2016 and 2017 than in previous years. This indicates that enlargement is supported by the amended EGTC regulation which seems to have clarified the rules, though some concerns still exist regarding the process under very specific circumstances.¹¹

The number of types of EGTC members in Table 1 counts the members of EGTCs without considering whether the same authority or institution is a member in other EGTCs. Thus, authorities that are members in more than one EGTC are counted several times. The 22 MS members in 2017 refer to eight MS, since several MS are members of several EGTCs. Examples are France and Luxembourg.

The comparison of EGTC membership structures between 2014 and 2017 shows a considerable increase in total membership in all categories other than the national level. The development of EGTC membership is not only affected by new EGTCs, as well as joining and leaving members but also by administrative reforms. Mergers between administrative territories and administrations have reduced the number of EGTC members in some cases. So the number of their members is lower in 2017 compared to 2014 although no public authority has left the EGTC. This refers in particular to regional and local authorities. Without these administrative reforms, the number of EGTC members would be slightly higher in 2017.

The most important changes for EGTC members is the amendment regarding undertakings entrusted with services of general economic interest and a clarification of members from Third countries. Table 1 shows that members representing both types of players are now included in EGTCs whereas they were not members in 2014. All of them

¹⁰ No EGTC founded in 2016/2017 so far extended their membership shortly after their creation.

¹¹ See for instance Zillmer and Lürer (2017, p. 32)

are either part of EGTCs founded after June 2014 or have been incorporated in existing EGTCs since the amendment. For Third country participation, two members, from Switzerland and Ukraine were founding members. Other Third country members from Switzerland, Palestine and Albania joined existing EGTCs. In addition, a Serbian authority is currently an associated member of an EGTC since the formal requirements are not yet fulfilled. This shows that the new option for different types of neighbouring countries, including, inter alia, countries under IPA and ENI support, has proven useful. There is no clear indication, however, whether authorities from one or other type of neighbouring country may join EGTCs more easily than others.¹²

EGTCs being set-up are also expected to include undertakings entrusted with services of general economic interest as well as authorities from Third countries. So, both amendments have been taken up by EGTCs.

At least 10 EGTCs are involved in cross-border service provision. These include services directly managed by EGTCs and services for which EGTCs have played a more indirect role, due to the division of responsibilities in those countries. The number may be slightly higher if more indirect involvement and works under preparation are included. Most services organised by or with the support of EGTCs concern transport. Others cover different themes.¹³ Services provided by EGTCs also include services where tariffs or fees are paid by users. EGTCs plan to provide or contribute to more services in the future, including daycare, crime prevention, natural disaster warning systems and cross-border waste recycling. So, the corresponding amendments of the regulation are used by EGTCs.

Overall, EGTCs mention various benefits of using the EGTC instrument, highlighting the improved quality of cooperation between EGTC members. Some benefits are linked with the regulation amendment, others with general use of the instrument:

- The instrument supports *multi-level governance* structures enhancing cross-border bottom-up approaches that allow for more intensified and/or higher levels of cross-border cooperation. Simplifications for membership changes outlined in the amended EGTC regulation support structural EGTC adjustments resulting from EGTC development.
- Border regions can enhance *joint planning and implementation of strategies* putting their joint interests above national interests. Since the amendment this includes better *service provision* in border regions.
- Inter alia, as single beneficiaries, EGTCs have easier access to *EU funding* since it requires less administrative effort between the EGTC members, especially in the 2014-2020 ESIF programming period. The cross-border or transnational character of EGTCs also helps communicate the European added-value.
- Through the acknowledged legal identity, EGTCs obtain *better visibility* and *improved acceptance* by other public authorities. They are acknowledged as intermediaries that may initiate new cross-border actions and in some cases obtain more power in decision-making processes.
- EGTCs often act as a reliable and sustainable *communication channel*. This facilitates cooperation in cross-border areas and can be used in different ways, depending on regional needs.
- The explicit permission for EGTCs to provide *services of general economic interest* is appreciated. This can create two effects. Firstly, it strengthens the pressure for harmonisation of the legal framework across countries. Secondly, especially in eastern European countries, the joint service provision is useful to reduce the mental effect of national borders. It can thereby contribute to the development of cross-border spaces.

¹² For an assessment of the potentials of the participation of authorities from Third countries in EGTCs see CoR (2015b, pp. 27-38).

¹³ For more details on the services see CoR (2018, p. 138).

3.1.3 Conclusions

These results show that the objective to better facilitate the foundation of EGTCs, clarify certain provisions and allow for more extensive use of the EGTC instrument has been met in several ways. The EGTC instrument fulfils its tasks of supporting ETC implementation, though mostly through projects and the implementation of parts of programmes rather than as MAs of ETC programmes. Even if there is no clear indication that it is easier to set-up EGTCs, the amendment has contributed to clarification and broader use of the instrument, especially for cross-border services and for including Third countries in the cooperation. Legal scientific studies¹⁴ also confirm improved clarity for membership, participation of authorities from Third countries and the relationship between convention and statutes. The working of EGTCs is better facilitated since access to EU funding appears to be easier and changes in the convention, i.e. due to membership changes, have been simplified. These effects are in line with the objectives. However, as will be shown below, not all expected clarifications have been sufficiently achieved.

The flexibility of the instrument and its open character means that setting-up EGTCs still require individual solutions that may impede clarity. Consultation procedures and conditions for incorporating new members from MS that were previously not part of the EGTC may require more clarity.

The amended EGTC regulation includes in its annex an inter-institutional statement in which the European Parliament, the Council and the Commission agreed that they would undertake efforts inside European institutions and MS to support the use of the EGTC instrument. At EU level, the CoR EGTC platform has been renewed to considerably improve access to EGTC related information. CoR has also become more engaged in EGTC related promotion activities, including events and publications. EGTC monitoring indicates increased activities supporting EGTCs in MS. More MS are contributing to a better understanding of the EGTC instrument and use increasingly different means to do so.¹⁵ The effectiveness of this may be mirrored in the increasingly wider application of the instrument, both in terms of themes addressed and geographic areas covered. Nevertheless, not all MS are active so the effectiveness of promoting the instrument varies greatly. Despite these achievements in promoting the EGTC instrument, there seem to be some difficulties in accessing ETC. This indicates that further efforts for promoting the instrument are required.¹⁶

3.2 EFFICIENCY

Efficiency analysis typically considers the resources used for an action and the output or changes generated by that action. For the EGTC instrument, output and changes are typically qualitative so efficiency evaluation focuses on a comparison between the EGTC instrument and comparable structures under national or international law.

3.2.1 Evaluation questions

The following questions guided the assessment:

- How efficient is the EGTC regulation in terms of reaching its objectives?
- Are the costs of setting-up and running an EGTC proportionate to the benefits?

3.2.2 Main findings

The delegated act suggests two quantitative and one qualitative indicators. Quantitative data on costs for an EGTC compared to similar structures under national or international law are not available. Obtaining that requires an in-depth analysis with control groups so the findings provide solely qualitative insights.

¹⁴ See e.g. Krzymuski and Kubicki (2014, pp. 1338–1344), Krzymuski (2017, pp. 131–158).

¹⁵ See CoR (2018, p. 15, 2017a, p. 15)

¹⁶ See e.g. CoR (2017b, p. 17)

Costs for setting-up and running the EGTC depend on many elements:

- *Each EGTC is individual* in terms of its structure, functioning, tasks, membership, funding, etc. This as well as past cooperation between the prospective members matters for the cost and effort incurred in setting-up an EGTC.
- *Depending on the tasks the EGTC fulfils*, there are different costs. An EGTC providing one type of cross-border service cannot be compared with an EGTC providing another service and EGTCs with other functions have other costs for running the EGTC. In addition, the structure also matters, including the number of members.
- *Implementation of the EGTC regulation* differs between MS. This also affects the costs for setting-up an EGTC. Registration usually does not involve different costs to other structures in the same MS. However, the requirements for setting-up an EGTC depend on the implementation rules of the registered office MS.

These factors account for very different costs and efforts for setting-up and running EGTCs that are not useful to compare. It is also not possible to generalise on set-up procedures for national or international law bodies in the MS because procedures differ greatly between countries. Setting-up an international body in some countries requires the involvement of the Ministry of Foreign Affairs. This tends to make it costlier compared to an EGTC, but there is no general rule.

For the functioning costs of an EGTC two aspects should be differentiated:

- After the formal set-up, EGTCs face a *first phase of starting their work*. They may incur additional costs due to a lack of knowledge of the EGTC instrument. EGTCs frequently mention difficulties when opening their bank account, asking for insurance or wanting to contract with local actors not familiar with the EGTC¹⁷. These all require additional paperwork and explanation before the transaction can be concluded. Such problems tend to occur especially in regions with little or no prior experience of EGTCs. The better known the EGTC instrument in a region, the less relevant are these additional costs.
- The costs for *ongoing work* of an EGTC differ between MS and tasks, as outlined above. This includes the costs for controlling EGTC activities. If EGTCs are treated by the country where the EGTC is registered in the same way as other structures under international law (e.g. based on bilateral agreements) then there should not be any cost differences. No different treatment could be found. EGTCs that previously used decentralised forms of cooperation with cooperation agreements indicate that the EGTC has led to efficiency gains due to more continuity and an established budget. This implies less effort for decision-making.

Very few approval authorities have insights into approval procedures for comparable bodies. The few cases do not hint at severe differences. In contrast, if another national or international body is founded, the approval procedures are similar. Often, EGTCs did not set-up such a body for prior cooperation. These forms of cooperation rarely require formal approval and are thus easier to set-up.

The possibility of tacit approval was not appreciated by the vast majority of authorities. Reasons for favouring an explicit approval are that:

- national authorities prefer to have a good knowledge of EGTC activity in their area and ask for clarifications if needed;
- the applicant has a written decision to use in a court of law if needed;
- national law requires explicit approval in several MS.

3.2.3 Conclusions

Information to reliably assess the efficiency of the EGTC instrument is rare, which makes a general assessment difficult. Some findings indicate that it tends to be as efficient as

¹⁷ See e.g. Zillmer and Lüer (2017, p. 31).

other instruments, at least when the EGTC is working. Empirical evidence, however, highlights that the efficiency of the instrument in comparison with other national or international structures may not be an important aspect if the cost of setting-up an EGTC is not too high. This is largely due to the high flexibility of the EGTC instrument, which in turn creates complexity.

In one case setting-up an EGTC was stopped in favour of another structure, due to efficiency considerations. In this case, the time to set-up a cross-border structure was not sufficient for an EGTC, but was for a structure under the respective bilateral agreement. More frequent reasons for not setting-up an EGTC are:

- incompatibilities between national regulations that sometimes delay approval by an authority in charge;
- different objectives and structures of the partners.

Apart from other benefits (see section 3.1), other characteristics that are crucial for the decision to prefer an EGTC over another structure:

- The decision to set-up an EGTC is very often influenced by the increased visibility that EGTCs receive in comparison to other structures.
- The versatility of the EGTC instrument is highly valued as they can be used for a broad variety of purposes.¹⁸ Within the often broadly formulated tasks of an EGTC, work can be adjusted easily without fundamentally changing its structure. Depending on the specific national framework, comparable structures under national or international law might face stricter rules. In some cases, a cooperation structure may have to be replaced with a new structure to allow for the required adjustments.

3.3 RELEVANCE AND SUSTAINABILITY

A relevance assessment typically reviews the needs and problems together with the objectives of the intervention. For the EGTC regulation this refers to the significant difficulties encountered by MS as well as local and regional authorities when implementing and managing territorial cooperation in view of different national laws and provisions. This is complemented by questioning the continued relevance of the EGTC regulation.

3.3.1 Evaluation questions

The following questions guided the assessment:

- To what extent has the (amended) regulation reduced the difficulties in implementing and managing territorial cooperation?
- Is the intervention still relevant?

3.3.2 Main findings

The delegated act¹⁹ defines four quantitative and qualitative indicators that support the relevance and sustainability assessment. Some quantitative indicators have sub-categories for assessment. Table 2 shows the four quantitative indicators as of 31 December 2017.²⁰ Due to a lack of baseline data, most of these indicators and their sub-categories only report the number at the cut-off date rather than any increase.

¹⁸ For further information, please see: CoR (2018, pp. 159–172)

¹⁹ The following list of indicators uses the EGTC monitoring report 2017 evaluation indicators, since this deviates from the draft delegated act available to the contractor.

²⁰ The full table including the qualitative indicators is annexed to the report.

Table 2 Overview of relevance and sustainability indicators

Indicator	Unit	21 June 2014	31 Dec 2017
11. Use of EGTC for the implementation of a cooperation programme (as MA)	Number of EGTCs	1	2*
12. Use of EGTC to implement part of a cooperation programme (e.g. sub-programme, Small-project-fund; people-to-people projects; ITI, JAP)	Number of EGTCs	-	20**
Small-project-fund		-	4
ITI		0	7
JAP		0	6
CLLD		0	4
S3 strategy		0	5
13. Use of EGTC to implement an operation (according to sub-categories of different funding sources)***	Number of EGTCs	-	36**
Operation under a cooperation programme (CBC, transnational, interregional)		18	33
Operation supported by the EU through the ERDF under an Investment for Growth and Jobs Goal programme		-	2
Operation supported by the EU through the ESF		3	1
Operation supported by the EU through the Cohesion Fund		1	0
Operation supported by the EU through the EAFRD		1	3
Operation/project supported by the EU outside Cohesion Policy programmes (CEF, Erasmus(+), Horizon 2020, etc.)		1	10
18. EGTCs registered without performing activities	Number of EGTCs	-	3

'-' indicates not relevant or not available.

* Both EGTCs refer to the Interreg programmes of the Greater Region, i.e. the inactive INTERREG "Programme Grande Région" EGTC founded for the 2007-2013 period and the now active EGTC for the Interreg VA programme 2014-2020.

** An EGTC for which more than one of the sub-categories applies, is counted only once.

*** The numbers for the baseline in June 2014 refer to projects of the 2007-13 programming period and are not verified, due to inconsistencies in the 2014 EGTC monitoring report.

Source: Spatial Foresight, based on CoR (2018), data from EGTCs and national authorities and CoR (2015a).

The EGTC instrument was originally designed to facilitate implementation of territorial cooperation programmes and projects. With the amendment the original formulation was softened and the scope broadened. The role of EGTCs in the implementation of territorial cooperation is mirrored in indicators 11 to 13 and their sub-categories. The relevance of the EGTC instrument for different types of facilitation of territorial cooperation varies considerably:

- EGTCs very rarely implement ETC programmes as MAs. In principle, the number of EGTCs functioning as MAs has not changed since the amendment. The one in place in 2014 has been replaced by a new EGTC. The original EGTC has not yet been dissolved since the programme has not yet closed. Both EGTCs were

founded to manage the Interreg Grande Région Programme in the respective programming period.

- In addition to these two EGTCs, 33 implemented at least one ETC project in 2017. This includes the ESPON EGTC that is the sole beneficiary of the ESPON programme's single operation. As such, its functions differ from most other EGTCs implementing ETC projects.

Considerably more EGTCs implemented ETC projects in 2017 compared to 2014. Though the number of EGTCs was much lower then, the 2007-2013 programming period was coming to an end and EGTCs were waiting for the first calls of the new programming period. Nevertheless, the share of EGTCs implementing one or more ETC projects increased from about 37% to roughly 47%. Although EGTCs may act as sole beneficiaries of ETC projects, this option is rarely used. No data is available indicating whether EGTCs may be more successful applying for ETC projects than other applicants.

- EGTCs are increasingly used to implement parts of a cooperation programme. According to EGTCs, this holds true for different types of instruments applied in the 2014-2020 programming period. This may be questioned since six EGTCs indicated involvement in JAPs, though the European Commission has not yet approved any JAP.

Within implementation of parts of a cooperation programme, EGTCs take different roles. For example, two EGTCs implement so-called umbrella projects for Small Project Funds (SPF) whereas two other EGTCs support the MA during the application process and SPF-project implementation²¹. In 2017, nearly one third of all EGTCs were involved in at least one of these instruments. Most of these EGTCs were also involved in the implementation of ETC projects. Altogether about two thirds of EGTCs are involved in implementing cooperation programmes as either MA, through project implementation, or involvement in one of the new instruments.

- Beyond implementation of ETC programmes and programme management EGTCs also contribute to ETC implementation in less tangible ways. These tasks range from project promotion, to being an associated partner of an ETC programme to voting on a Monitoring Committee (see Annex 3).
- EGTCs do not often implement projects of ESIF programmes outside ETC. However, a considerable number of EGTCs utilise EU funds outside ESIF that are in line with their specific thematic objectives (see Annex 5).

The amendment of Article 8 of the EGTC regulation, inter alia, aimed to clarify the applicable law. It differentiates between the law regarding enforcement of the convention, EGTC organs' acts and EGTC activities. There remain ambiguities. For instance, it remains open whether an EGTC has to define all three legal bases or can choose between the three for what to define. In addition, the law as defined in Article 2(1)(c), namely the MS with the registered office of the EGTC may not need to be explicitly mentioned in the convention as required by Article 8(2)(h). It is also not clear whether an EGTC has to provide a list of legal provisions and what happens if the list is not complete or is subject to change due to amendments of a national/regional provision. EGTCs usually approach the formulations required under Article 8(2) pragmatically by indicating that for all three letters of the Article either Union or the national law of the registered office MS is applicable, without further detailing the applicable provisions. This suggests that EGTCs do not consider these formulations as optional.

The amendment of EGTC regulation also aimed to clarify the law for employing staff. Many staff working for EGTCs are hired directly. This is largely due to the high number of staff employed directly by the EGTC Hospital de Cerdanya. Indeed, the majority of EGTCs prefer to work with delegated rather than directly employed staff. From answers to the 2017 monitoring report, only eleven EGTCs definitely worked exclusively with directly employed staff and another seven combine directly employed and delegated staff.

The reasons to hire staff directly or indirectly differ between EGTCs including:

²¹ See: <http://www.interreg-rhin-sup.eu/wp-content/uploads/2017/02/sch%C3%A9ma-DE.png>

- **Differences in salary levels.** When the salary discrepancy between members is high, EGTCs sometimes hire staff indirectly if wages are limited for public servants in the country where the EGTC has its registered office.
- **Higher efficiency.** Staff might be hired directly to ensure the immediate functioning of an EGTC, whereas project and activity related staff could be employed indirectly as needed.
- **Continuity.** Staff can be hired directly by EGTCs to reduce employee turnover. This ensures that staff build up experience and trust relevant for the EGTC.
- **Independence.** EGTCs can be established as fully independent and autonomous bodies, therefore staff are employed directly in some EGTCs.
- **Flexibility.** Staff can be employed directly, but less than full time, more easily in some MS.
- **Administrative costs.** For some EGTCs it is easier to work with delegated staff, as this saves administrative costs (e. g. setting-up salary accounts).
- **Attractiveness for employees.** Delegation of staff is more attractive for employees in some EGTCs. It can also be cheaper for EGTCs.
- **Continuation of previous job positions.** In some cases staff worked with the respective authorities before the EGTC was founded, so it seems logical that they hire the staff in charge of their creation.

EGTCs are well aware of the different options they have for employing staff. Particular difficulties in finding a suitable solution have not been reported since the EGTC regulation amendment.²² The regulation enables EGTCs to select the solution(s) most suitable for their specific needs.

It is not possible with the available data to draw final conclusions on the motivating factors of individual members choosing to set-up an EGTC. Such factors may be closely linked to the benefits of an EGTC as noted in the effectiveness assessment (see section 3.1.2). In particular, the effects of joint approaches and forces enabling a focus on joint objectives across borders may be the most attractive reason for individual members to enter an EGTC agreement. Concrete motivations, however, will differ as EGTC objectives and working fields differ widely, as illustrated by three examples analysed in Zillmer and Lürer (2017, pp. 16–21).

The probability that an EGTC is to be continued after its duration has come to an end cannot be assessed currently. Most EGTCs were set-up for an unlimited period of time which shows that for most EGTC members continuous cooperation through the EGTC instrument is essential for success. Only a few EGTCs have formulated a situation or date for termination. Of these, only the EGTC managing the Interreg IVA Grande Région Programme is close to being dissolved, once the OP is closed. However, the EGTC instrument was considered suitable for fulfilling its tasks. Renewal of the EGTC foundation for the Greater Region Interreg programmes indicates that a) the EGTC instrument has been considered useful and b) the set-up with members from all MS involved in the programme was too complex. For all other EGTCs any date for a planned dissolution is too far in the future to be assessed.

Despite many active EGTCs being well received and obtaining considerable attention from local, regional, national and EU stakeholders, there are a few with little or no activity. In addition to the already mentioned EGTC Interreg IVA Grande Région, information provided for the 2017 EGTC monitoring report indicates that three EGTCs do not seem to be active. These are UTTS (no. 5 in the CoR EGTC Register), Novohrad-Nógrád (no. 29) and MASH (no. 55). The reasons for their inactivity are not always apparent. For UTTS EGTC, administrative irregularities led to a recommendation from the Hungarian Control unit on state subsidies to dissolve it (Hesz et al., 2016, p. 42). The contact person for Novohrad-Nógrád EGTC mentioned that the EGTC is currently not active, that it suffers from financial problems and there is no director. For MASH EGTC, the contact person mentioned that the EGTC is too small to fulfil the tasks in the founding documents. Further steps in relation to this inactive EGTC are currently under investigation. A few

²² See e.g. Zillmer and Lürer (2017, p. 33). An explanation of the alternatives is also provided e.g. in Krzymuski and Kubicki (2014, pp. 1342–1344).

others mentioned low levels of activity. These are usually related to a lack of funding. Some EGTCs acknowledged that they do not have sufficient capacity and resources to effectively implement cross-border actions. Overall, these cases account for only a very small share of all EGTCs. They do not contest the instrument's relevance.

3.3.3 Conclusions

EGTC involvement in ETC has been generally supported by strengthening the legal links between the EGTC regulation and the regulations of EU Cohesion Policy 2014-2020.²³ The amendment of the EGTC regulation, however, has not resulted in new EGTCs acting as MAs of ETC programmes. Apparently, the EGTC instrument is not favoured for this function, many ETC programmes prefer to establish programme authorities as they have done previously (Zillmer and Toptsidou, 2014, p. 6). Nearly half the EGTCs are now involved in implementation of ETC, mostly through partnerships in one or several projects. This is considerably higher than in 2014. However, involvement also depends on programme cycles. EGTCs very rarely make use of the option to act as single beneficiary of an operation. Experience of EGTCs shows that especially at the early stages of the 2014-2020 programming period many clarifications were needed with ETC programmes.²⁴ This may have hampered further applications as single beneficiaries.

Overall, the involvement of EGTCs in cooperation programmes has increased a lot. In addition to the quantitative measures, EGTCs played other roles in ETC and show the increasing relevance given to EGTCs. They also play other roles in utilising EU Funds, highlighting the broad variety of uses for which the instrument is suitable. Amendment of the EGTC regulation may also have reduced the difficulties of implementing and managing territorial cooperation. However, since only a few EGTC are implementing ETC projects as single beneficiaries or are managing a programme or parts thereof, the impact seems to be limited.

The relevance for individual members entering EGTC agreements is underlined by frequently mentioned benefits and the increased memberships as members only tend to enter an existing EGTC if its achievements are in line with their motivations. This is supported by the number of EGTCs being set-up, which does not seem to be decreasing overall. Though some border areas may be saturated, the EGTC instrument is still relevant.

The relevance and sustainability does not need to be questioned because of a lack of activity in a few EGTCs. Their inactivity is mostly due to a lack of resources. This includes financial and human resources as well as capacities to successfully apply for ETC or other funding. In a few cases there is a misunderstanding, as some stakeholders believe that the EGTC instrument automatically provides access to financial resources, although the regulation clearly states that this is not the case.²⁵ In consequence, the instrument may not be relevant for cross-border structures that do not have sufficient resources dedicated to continuous cross-border collaboration. This is also supported by the findings of a European Parliament study.²⁶

3.4 EUROPEAN ADDED VALUE

Analysis of the European added value assesses how far a change may be due to EU intervention rather than other factors. European added value usually results from the causality of the intervention, can take different forms and may result from various factors, such as benefits from coordination, legal certainty, higher effectiveness, etc. This is often difficult to judge so qualitative measures are usually applied.

²³ See e.g. Zillmer et al. (2015, pp. 31-41).

²⁴ See e.g. CoR (2017b, p. 16).

²⁵ Due to repeated questions on the funding of EGTCs this has been clarified, for instance, in the FAQ section of Zillmer and Lüer (2017, p. 45).

²⁶ See Zillmer et al. (2015, pp. 71-75).

3.4.1 Evaluation questions

The following question guided the assessment:

- What is the added value of this EU regulation compared to what can be achieved at national, regional or local level?

3.4.2 Main findings

The delegated act on evaluation of the (amended) EGTC instrument suggests one quantitative and one qualitative indicator to assess the European added value. Neither quantitative nor qualitative data could be obtained on territorial cooperation structures and networks set-up solely by means of the EGTC instrument. This indicator appeared too difficult to grasp for EGTCs when collecting data for the 2017 monitoring report. Thus, findings are restricted to a qualitative assessment of the advantages of setting-up a legal body under EU law as compared to other national or international bodies.

The European added value is closely linked to typical benefits identified in literature. The following also highlights more specific benefits within these general categories, to illustrate the variety of European added value that is possible:²⁷

- **Decision-making.** EGTCs are legal entities that are recognised in multiple MS, enabling quicker and more efficient decision-making in cross-border environments where several authorities are involved. An EGTC can accelerate administrative procedures, for instance when applying for ETC projects.
- **Objectives and strategies.** EGTCs enable members to jointly define strategies and objectives. The legal obligation in an EGTC is beneficial for strengthening binding commitment. At the same time, the instrument enhances cross-border or transnational perspectives over individual regional or national objectives. This leads to more coherent, permanent and ongoing coordination of the cooperation. By defining common objectives with the help of EGTCs, cooperation can be stabilised in a cross-border area, inter alia, by facilitating a new quality and/or intensity of cross-border cooperation.
- **Independence.** The EGTC is independent from individual political decisions and developments. This avoids unilateral decisions hampering cross-border cooperation or the adoption or implementation of actions in the cooperation area. EGTCs can also touch sensitive topics that would not be mentioned in a similar way by individual members alone. They are sometimes considered as being 'neutral'. In addition, EGTCs have a legal personality that is not assigned to all other cross-border structures. For instance, Euroregions often do not have a legal personality. Finally, due to their specific character, EGTCs can take over roles in Cohesion Policy that are not open to other cooperation forms (in particular applying as sole beneficiary).
- **Joint forces.** EGTCs benefit from another status in negotiation when needed. By joining forces, EGTCs have lobbied for maintaining cross-border infrastructure that was only valued highly from a cross-border perspective rather than an individual regional perspective. Being a separate legal body representing several perspectives, it can act a mediator and support the development of new solutions. Another example is an EGTC joining a TEN-T corridor forum, which would not have been possible with another form of cooperation. Being an institution with a European personality provides better access to EU information that can be communicated to members who are often local or regional authorities. Without this channel, their access to EU level information is often more difficult.
- **Visibility.** The European instrument often increases visibility of the cooperation. One element is the representation of cross-border interests in forums and committees that would not be open to members if they were not represented by an EGTC. For some EGTCs, the European legal status also represents a unique selling point through which activities of the EGTC are more widely acknowledged.

²⁷ The following draws especially on responses from EGTCs during data collection for the 2017 EGTC monitoring report and Zillmer and Lüer (2017, pp. 15–21).

One EGTC director pointed out that the decision to establish an EGTC was influenced by the increased visibility of EGTCs in comparison to other structures. International associations that work on similar objectives are sometimes considered less of a flagship example than EGTCs.

This can be illustrated by examples of university cooperation in the Greater Region and the Upper Rhine. The University of the Greater Region is an association that resulted from an Interreg project started in 2008.²⁸ It aims at increasing networking and exchanges between universities by providing financial and organisational support to members. The association was not able to become an EGTC because of restrictions in higher education law of Rhineland-Palatinate. The EUCOR EGTC, founded in 2015 has received much more international recognition despite the same objectives²⁹.

In many cases, European added value is gained through a combination of the different effects outlined above. The combination of benefits cannot be generalised but differs from EGTC to EGTC due to their different natures and tasks.

3.4.3 Conclusions

In general, European added value is confirmed by many EGTCs when highlighting benefits they can only realise through the instrument. These benefits cannot, however, be assigned to the EGTC regulation amendment but rather to the EGTC instrument. At the same time, not all potential European added value seems to be tapped so far. This is illustrated by the limited use of EGTCs as sole beneficiaries in cooperation programmes.

Benefits that mirror European added value have been mentioned by many EGTCs³⁰, but they do not necessarily apply to every EGTC. EGTCs lacking activities do not see the potential for added value.

3.5 SIMPLIFICATION ACHIEVED AND POTENTIAL FOR FURTHER SIMPLIFICATION

Simplification can be viewed ex-post to review what has been achieved and ex-ante to highlight what could be simplified in the future. Assessment of simplification typically asks whether an intervention reduces administrative costs and burden or whether it enables quicker and less complicated actions. For the EGTC instrument this is especially relevant for the set-up phase as there were difficulties in the approval procedures immediately after the EGTC instrument was introduced in 2006.

This section contains little on the ex-ante perspective, which is covered more thoroughly in the recommendations in chapter 4.

3.5.1 Evaluation questions

The following questions guided the assessment:

- Does the simplification of the EGTC regulation correspond to the needs of EGTC stakeholders?³¹
- Is there room for further amendments of the regulation?

3.5.2 Main findings

The delegated act³² identifies three quantitative indicators. One is complemented with a qualitative assessment. Table 3 shows the values of the first two quantitative indicators with the 2014 base line and cut-off date in 2017.³³

²⁸ For further information, please see: <http://www.uni-gr.eu/en/targets>

²⁹ For further information, please see: <http://www.eucor-uni.org/en/eucor-european-campus>

³⁰ About two thirds of all EGTCs mentioned one or several of the benefits.

³¹ The indicator listed in the delegated act says "... to the needs of beneficiaries". This is changed since the EGTC is a legal instrument rather than a funding instrument.

³² The list of indicators is from the development of the EGTC monitoring report 2017, since this deviates from the draft delegated act available to the contractor.

The setting-up periods at the cut-off date in 2017 are based on all EGTCs that provided such information since introduction of the instrument in 2006. To assess changes in the setting-up phases due to the EGTC regulation amendment, setting-up periods have been calculated for EGTCs that finalised their foundation after the six month transition period of the amended regulation. Of the 18 relevant EGTCs, 13 provided information on their set-up periods.

The phase 1 set-up period seems unchanged, but for phase 2 it has reduced considerably since amendment of the EGTC regulation. Phase 1 refers to the period of developing the idea and submitting the draft of the convention to the approval authority. Despite the unchanged average for phase 1, variation is high after the amendment, ranging from three months to four years. In the early years after introduction of the EGTC instrument the longest periods were even around six years and the shortest is reported as one month. Thus, the length of phase 1 seems to be much more affected by factors other than the EGTC regulation amendment.

In contrast, the average period for phase 2 has reduced considerably. This phase covers the time needed from submitting the first draft convention until registration/publication of the EGTC. Before the amendment the shortest approval period took two months, the longest four years. Since the amendment variation between EGTCs seems to be much lower, with one case of two years and one case of three years as exceptionally long periods. All other approvals after the transition period of the amended regulation range between one and 15 months. This indicates that the amendment has helped reduce the time needed to approve EGTCs. Nevertheless, this may not apply to all procedures, since some prospective EGTCs are still awaiting their approval after more than a year.³⁴

The reduction in set-up periods, however, does not indicate whether the overall time needed to set-up an EGTC is proportionate or not.

Table 3 Overview of indicators related to simplification

Indicator	Unit	21 June 2014	31 Dec 2017
21. Average time for setting-up an EGTC – phase 1	Months	20	19* / 19**
22. Average time for setting-up an EGTC – phase 2	Months	18	17* / 11**
23. Number of tacit approvals	Number of tacit approvals	-	-

\` indicates not relevant or not available.

* Based on all 41 EGTCs providing the information, since introduction of the EGTC instrument.

** Based on 13 EGTCs providing the information, approved after 21 December 2014.

Source: Spatial Foresight, based on CoR (2018) and data from EGTCs and national authorities.

Responses from approval authorities did not indicate any tacit approvals. However, due to the low number of responses, the option may have been used but as indicated above in section 3.2.2 it probably has not.

3.5.3 Conclusions

Findings related to simplification and other evaluation dimensions indicate that some simplification has been achieved with the EGTC regulation amendment in 2013. However, the need for simplification of EGTC legislation does not primarily or solely arise from

³³ The full table including the qualitative description of the third indicator is annexed to the report.

³⁴ See list of prospective EGTCs awaiting approval in Annex 6.

European level regulation, but is created through supplementary conditions when implemented in the MS. As an example, Greek legislation requires a written application for approval of an EGTC. This may be considered an additional effort or complementary to submitting the statutes and convention as required by EU regulation.

The amendment has contributed to clarifying elements of the EGTC regulation, addressing needs of (prospective) EGTC stakeholders. This refers, *inter alia*, to the employment of staff, a clearer division and ranking of convention and statutes and membership, including more types of players and members from Third countries. Even though approval authorities may not appreciate the option for tacit approval, it should not be abolished. It seems to indirectly support faster approval. Some clarifications were met better than others. As outlined above, more refinement may be needed for Article 8, to ease development of the convention and help reduce the efforts and time needed in phase 1.

The need for further amendments is assessed differently by experts, depending on their specific experience. Experts who have not faced difficulties in setting-up and running an EGTC may consider the current regulation sufficient. Other EGTCs or approval authorities may have experienced more complicated set-up procedures, due to national implementation rules in the participating countries, or have experienced other difficulties, such as enlarging the membership. These experts often see the need for amendments that are not necessarily related just to national implementation but to EU regulation.

The EGTC regulation amendment partially meets the needs of EGTC stakeholders while leaving room for further simplification and clarity. Conclusions on further simplification are closely linked with overall recommendations and are detailed in the following chapter.

4 CONCLUSIONS AND RECOMMENDATIONS

Building on the findings of chapter 3, the objectives of the EGTC regulation amendment in 2013 have been achieved at least partially. Some aspects were improved as outlined above, some intended simplifications have not been realised and in some cases the change created more difficulties. Not all these aspects have been highlighted through the evaluation indicators. They will nevertheless be scrutinised to provide valuable input for further development of the EGTC instrument.

There follow different types of recommendations:

- possible further clarifications and simplifications through an amendment of the EGTC regulation;
- further actions to better facilitate application of the EGTC instrument;
- further actions to better assess application of the regulation.

For further clarifications the author recommends "to keep the instrument as stable as possible, since every change tends to create new uncertainty, requiring new adjustments and interpretations by MS and prospective EGTC members". This emphasises the importance of reviewing what can be clarified without further amendments and what changes would be really helpful.

This review should also keep in mind that EGTC regulation cannot solve all problems. Many issues during the set-up or operation of an EGTC relate to national legislation and different national frameworks. This relates to national implementation of the EGTC regulation and other legal frameworks relevant for an EGTC's operation.

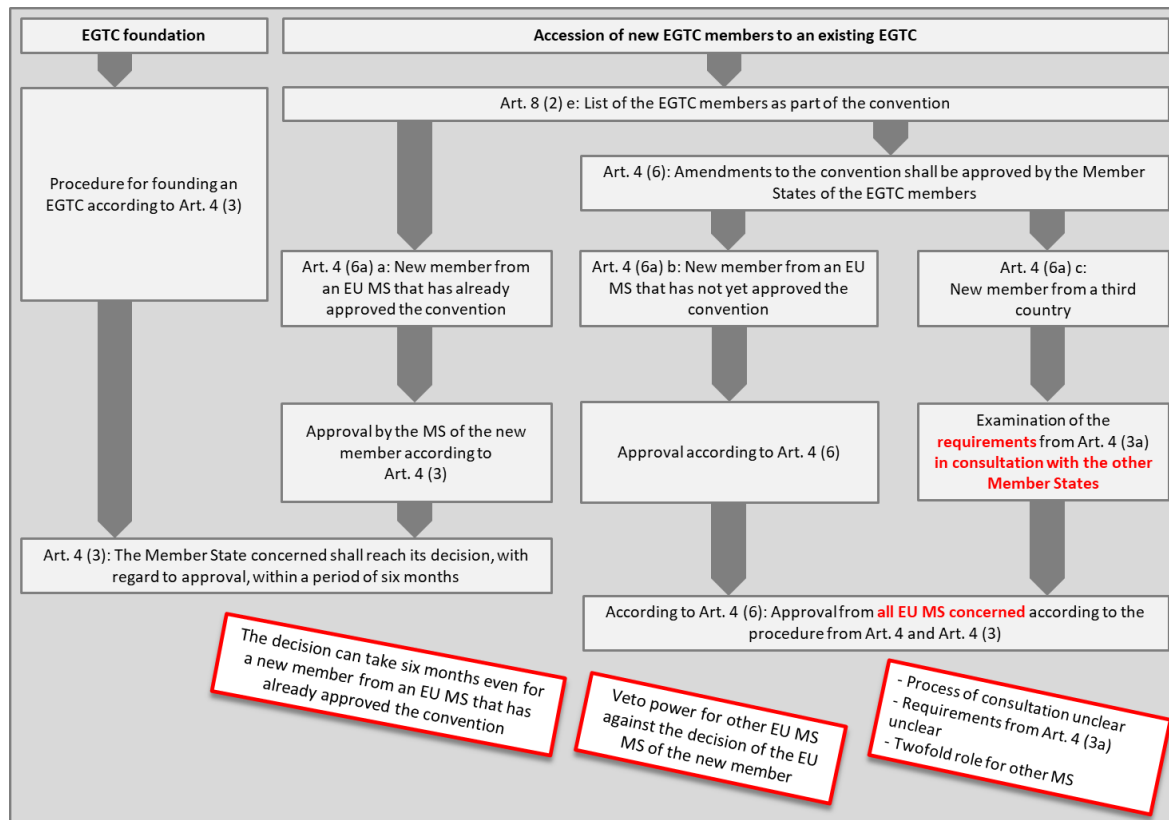
The following issues refer to articles of the EGTC regulation that remain unclear. They are listed according to the order in the EGTC regulation, starting with a general observation:

- It is not always clear whether reference to the organs' acts of the EGTC, activities of the EGTC or the EGTC as such have been implemented on purpose and mean different things, or whether this could be simplified. Referring only to the EGTC could aid understanding, whenever neither the activities nor organs' acts are specifically targeted.
- The amended regulation has broadened the scope of potential EGTC members largely in line with the needs of conducting EGTC tasks. Nevertheless, Euroregions sometimes still cannot establish an EGTC if natural persons are members of their associations, even though the association is dominated by public authorities. This could use a solution similar to the one for public undertakings. (see Article 3)
- Despite many clarifications regarding the accession of new members there is still a risk of circular processes that is further aggravated if several states in federal MS or a Third country is involved. The difficulties relate to a double mechanism of approvals from the approval authority (of the prospective new member) and from all other involved approval authorities acknowledging the intent of the new member. Since accession of a new member in an EGTC requires amendment of the convention, this in turn requires a new approval from all approval authorities (Saalbach and Böhringer, 2017, pp. 510-514). The difficulties under different circumstances are illustrated in Figure 2 (see Article 4).
- The convention shall contain a definition of the territory in which the EGTC may execute its tasks. Although this may not be required for networking EGTCs, this can create confusion especially for cross-border EGTCs with a focus on regional development and possibly unconnected territory. For these EGTCs it is not automatically clear that the territory defined in the convention may be larger than the territory covered by their administrative area (see Article 8).
- An EGTC's convention shall outline the law to be applied for the EGTC, the acts of the organs of the EGTC and the EGTC's activities. The differences between the three aspects are not always apparent to EGTCs. For instance, this inhibits the possibility of distinguishing the applicable law between assembly and a secretariat if they are in different countries. It also remains unclear to what extent the law applicable for EGTC activities should be detailed or that EGTCs with a thematic

focus or providing a service may need more detail than EGTCs with a cross-thematic development approach (Article 8(2)(g), (h) and (j)).

- The differentiation between convention and statutes has become much clearer with the amendment. Nevertheless, there are still some small overlaps when it comes to the organs' competences (Articles 8 & 9).
- While reformulation of the conditions under which EGTC members may limit their liability has solved many problems, some border areas are still affected. Members may limit their liability (if at least one other member falls under limited liability) "where national law [...] enables them to do so." Due to a lack of coherence between national implementation rules between some MS this is hampering the establishment of EGTCs (Article 12).

Figure 2 Legal basis for the accession of new EGTC members



Source: Zillmer and Lürer (2017, p. 32)

Application of the EGTC instrument has been made easier, not least by the EGTC regulation amendment in 2013 and the joint statement of the European Parliament, the Council and the European Commission to raise awareness and support the foundation of EGTCs. Nevertheless, there seems to be room for further improvement:

- The potential of EGTCs could be promoted more by EU Funds. This includes territorial cooperation programmes but other funds as well. This should support EGTC access to EU Funds, which is especially justified by the clear European added-value of the EGTC instrument.
- EGTCs frequently report difficulties with the pre-financing required under ESIF. Improving access to ETC Funds through pre-financing schemes could benefit EGTC activities.
- As outlined above, many challenges relate to different implementations of the EGTC regulation in different MS and national/regional frameworks. A more consistent interpretation and application of EGTC regulation would be beneficial. In some cases this may require clarification of the legal character in different MS, in others streamlining the interpretation of rules for establishing or enlarging an EGTC, public procurement, etc. The CoR EGTC Platform has seen many improvements in recent years, but better coordination between MS may require

activity at EU and MS level as well as the regional level where approval and control authorities are below national level.

- In this context, it would also be useful if MS had to not only submit their implementation rules to European institutions (via CoR) but also regularly update contact details of their responsible authorities. Despite data collection through the monitoring report, a repeated lack of responsiveness means contact details are not available, burdening prospective EGTC members.
- Better promotion in the MS also regarding sector policies (e.g. health care) could raise awareness of the different frameworks hampering cross-border service provision even when the EGTC instrument is applied. For many activities the EGTC instrument could be used even more efficiently if sector specific differences are overcome through MS coordination.

Further actions to better assess application of the EGTC regulation mainly concern implementation in the MS. Avoiding gold-plating and simple implementation rules, as foreseen by the EGTC regulation, would help EGTCs develop their full potential.

This report does not cover all assessment indicators defined in the latest draft delegation of 23 June 2017. Some of these cannot reliably be assessed as illustrated above others were not part of data collection for the 2017 EGTC monitoring report. To cover these would require, inter alia, an additional survey of all EGTCs.

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ANNEX 1 COMPREHENSIVE LIST OF ALL EVALUTION INDICATORS

Indicator	Unit	21 June 2014	31 Dec 2017
Effectiveness			
1. Conformity of MS' national rules with the Regulation¹	No. of MS with adopted implementation rules the amendment	-	23
2. Conformity of MS' national rules with Regulation	The degree of detail laid down in national implementation rules, including their amendments, differs considerably. National implementation rules are subject to national considerations only, no lack of conformity with the EGTC regulation could be identified. This does not exclude possible overregulation.		
3. Increase of EGTCs set-up	Number of EGTCs	48	68
4. Increase of members in existing EGTCs²	Number of EGTCs	-	11
5. Participants' assessment of improvement of the quality of cooperation as a result of the EGTC instrument	Improvements in intensity and quality of cooperation including better funding access, more visibility and involvement in decision-making, higher ranking of cross-border issues, multi-level governance approaches and facilitation of cross-border processes		
6. Increase of members per category²	Number of types of EGTC members	628	829
MS		22	22
Authorities at national level		3	4
Regional authorities		78	117
Local authorities		509	640
Public undertakings		6	13
Undertakings entrusted with services of general economic interest		0	11
Associations of bodies belonging to one or more of these categories		8	17
National, regional or local authorities, or bodies or undertakings, equivalent to those above from Third countries		0	5
7. Number of EGTCs involved in organisation of cross-border services³	Number of EGTCs according to categories	-	10
Health		-	1
Education and training		-	0
Environment, energy, nature protection		-	1
Transport		-	5
Research		-	1
Other		-	2

Efficiency			
8. Costs for setting-up an EGTC compared to comparable structures under international or national law	Euro per EGTC	-	n.a.
9. Costs for the functioning of an EGTC compared to comparable structures under international or national law	Euro per EGTC	-	-
10. Approval procedure for EGTCs compared to the approval procedure for comparable bodies under international or national law	The few responses received indicate that approval procedures are similar. The possibility for tacit approval was not appreciated by the vast majority of authorities.		
Relevance & Sustainability			
11. Use of EGTC for the implementation of a cooperation programme (as MA)	Number of EGTCs	1	2(3) ⁴
12. Use of EGTC to implement part of a cooperation programme (e.g. sub-programme, Small-project-fund; people-to-people projects; ITI, JAP)	Number of EGTCs	-	20 ⁵
Small-project-fund		-	4
ITI		0	7
JAP		0	6
CLLD		0	4
S3 strategy		0	5
13. Use of EGTC to implement an operation (according to sub-categories of different funding sources)⁶	Number of EGTCs	-	36 ⁵
Operation under a cooperation programme (CBC, transnational, interregional)		18	33
Operation supported by the EU through the ERDF under an Investment for Growth and Jobs Goal programme		-	2
Operation supported by the EU through the ESF		3	1
Operation supported by the EU through the Cohesion Fund		1	0
Operation supported by the EU through the EAFRD		1	3
Operation/project supported by the EU outside Cohesion Policy programmes (CEF, Erasmus(+), Horizon 2020, etc.)		1	10
14. Use of the different options for the choice of applicable law	The targeted clarification has not been achieved but the amendment has created new ambiguities as well as possibly unnecessary requirements.		
15. Use of own staff compared to delegated staff	EGTCs can usually specify the reasons why they prefer one solution or another for their staff. No difficulties have been reported since amendment of the regulation.		

16. Motivating factors in choosing to set-up an EGTC, for those bodies who have formally entered into an EGTC agreement	No EU wide data is available on individual motivating factors. Studies suggest that they are in line with achieving typical benefits of EGTCs. Benefits related to joint forces can be crucial motivations.		
17. Probability that an EGTC is to be continued after its duration has come to an end	Only a few EGTCs have a defined dissolution date. One of these will be dissolved since its tasks are not relevant anymore (it has been replaced by a new EGTC). For all other EGTCs no assessment can be made currently.		
18. EGTCs registered without performing activities	Number of EGTCs		
	The few EGTCs without any or only very few activities tend to suffer from a lack of both human and financial resources. There seems to be a critical threshold of resources necessary to successfully run an EGTC.	-	3
EU added-value			
19. Number of territorial cooperation structures and networks which would not have been set-up without the EGTC instrument		-	-
20. Advantages of a legal body set-up under EU law compared to (other) legal bodies existing under international or national law	Advantages have several dimensions such as better decision-making, long-term strategy and objective development with cross-border focus, higher independence combined with legal personality, joint forces for obtaining a critical mass and better visibility. Together these contribute to illustrating the European added value of the EGTC instrument		
Simplification			
21. Average time for setting-up an EGTC – phase 1	Months	20	19 ⁷ / 19 ⁸
22. Average time for setting-up an EGTC – phase 2	Months	18	17 ⁷ / 11 ⁸
23. Number of tacit approvals	Number of tacit approvals		
	Approval authorities seem to prefer to use the explicit approval. If no additional documents are requested, this implies that the six months period is reduced.	-	-

\` indicates not relevant or not available.

¹ Not all approval authorities replied to the information request in 2017. The indicator is based on the responses for 2016 and 2017.

² Not every EGTC provided sufficient and reliable data for this question at the cut-off date. Data includes all 68 EGTCs as of 31 December 2017 based on additional data collection. Data for 21 June 2014 refers to the 48 EGTCs at that point in time. Data for 2014 is indicative as changes to EGTC member structures are not always transparent.

³ Indicator renamed from "Increase of services provided as a result of EGTCs" due to lack of reliable data in line with the original formulation.

⁴ Both EGTCs refer to the Interreg programmes of the Greater Region, i.e. the inactive INTERREG "Programme Grande Région" EGTC founded for the 2007-2013 period and the now active EGTC for the Interreg VA programme 2014-2020.

⁵ An EGTC for which more than one of the sub-categories applies, is counted only once.

⁶ The numbers for the baseline in June 2014 refer to projects of the 2007-13 programming period and are not verified, due to inconsistencies in the 2014 EGTC monitoring report.

⁷ Based on all 41 EGTCs providing the information, since introduction of the EGTC instrument.

⁸ Based on 13 approved EGTCs providing the information, approved after 21 December 2014.

Source: Spatial Foresight, based on CoR (2018), CoR (2015a), data from EGTCs and national authorities and own data collection. Qualitative information is also based on interviews and literature review.

ANNEX 2 INFORMATION FROM THIRD SOURCES

During the evaluation exchanges were held with several EGTC experts.

Expert name	Position	Contact
Dr Thiemo Eser	Head of the division of European affairs and ESPON, Ministry of Sustainable Development and Infrastructure, Luxembourg	E-mail, 22.03.2018
Matthias Fink	Europaregion Tyrol - South Tyrol – Trentino, Member of General Secretariat	Phone interview, 27.03.2018
	EGTC "Secrétariat du Sommet de la Grande Région"	Personal exchange, 19.03.2018
Marcin Krzymuski	Legal advisor and legal scientist, Hempel Krzymuski Partners (HKP)	Phone interview, 28.03.2018
Gyula Ocskay	Secretary General of CESCO	Phone interview, 04.04.2018
Jörg Saalbach	Director of Interregional Alliance for the Rhine Alpine Corridor	Phone interview, 28.03.2018
	Eurodistrikt Straßbourg-Ortnau	E-mail, 28.03.2018

ANNEX 3 EGTCS IN ETC IN 2017

ETC programme	EGTCs involved	Role of EGTCs
Unknown*	Amphictyony, ZASNET, Arrabona, Eurodistrict PAMINA	Project implementation
Interreg VA SUDOE	EGTC EPM	Project implementation
Interreg VA Saxony-CZ	EGTC PROUD	Associated partner
Interreg VA POCTEP	EGTC León-Bragança, EGTC GNP, EGTC Eurocity of Chaves-Verín	Project implementation
Interreg VA Grande-Région	EGTC SaarMoselle, EGTC Alzette Belval, INTERREG Grande Région	Project implementation, managing partner, Managing Authority
Interreg VA POCTEFA	EGTC HP-HP, EGTC Espacio Portalet	Project implementation
Interreg VA IT-AT	EGTC Euregio Tirolo - Alto Adige - Trentino, EGTC Euregio Senza Confini	Project implementation and observer
Interreg VA Upper Rhine	EGTC EUCOR The European Campus, Eurodistrict Strasbourg-Ortenau	Project implementation
Interreg VA FR-Wallonie-Vlaanderen	EGTC Lille-Kortrijk-Tournai, EGTC Flandre-Dunkerque-Côte d'Opale	Project implementation and associated partner
Interreg VA Vlaanderen-NL	EGTC Linieland van Waas en Hulst	Project implementation
Interreg VA PL-SK	EGTC TATRY, EGTC TRITIA	Project implementation
Interreg VA HU-SK	EGTC RDV	Project implementation
Interreg VA RO-HU	BTC EGTC	Project implementation
Interreg VA HU-HR	EGTC Mura Region	Project implementation
Interreg VA IT-FR	EGTC ArchiMed	Project implementation
Interreg VA IT-SI	EGTC GO	Project implementation
Interreg VA CZ-PL	EGTC NOVUM	Project implementation
Interreg Alpine Space	EGTC Euregio Tirolo - Alto Adige - Trentino	Managing partner
Interreg Central Europe	EGTC NOVUM, EGTC TRITIA, CETC-EGTC	Project implementation
Interreg Atlantic Space	EGTC Eurorégion Nouvelle Aquitaine-Euskadi-Navarre	Project implementation
Interreg Danube	EGTC Pons Danubii	Project implementation
Interreg Baltic Sea	CETC-EGTC	Associated partner
Interreg MED	EGTC Efxini Poli – SolidarCity Network	Project implementation
Interreg Europe	EGTC León-Bragança, EGTC GO, EGTC Pannon, EGTC Pons Danubii, EGTC EPM	Project implementation
ESPON	EGTC GNP, ESPON EGTC	Single beneficiary and stakeholder (associated partner)

* Some EGTCs did not indicate the Interreg programme where they implement ETC project or have an associated role.

Source: Spatial Foresight, based on data from EGTCs.

ANNEX 4 NON-PROJECT/PROGRAMME IMPLEMENTATION RELATED TO WORK OF EGTCs IN ETC

EGTCs involved	Role of EGTCs
EGTC Flandre-Dunkerque-Côte d'Opale, EGTC PROUD, CETC-EGTC	Associated partner
EGTC Alzette Belval, EGTC Euregio Tirolo - Alto Adige - Trentino	Managing partner, supporting Interreg applications of other actors (Alzette Belval) or supporting the CLLD process through networking (Euregio Tirolo - Alto Adige - Trentino)
EGTC Euregio Senza Confini	Observer in a Steering Committee
EGTC GNP, ESPON EGTC	Single beneficiary and stakeholder (associated partner)
EGTC Eurodistrict Strasbourg-Ortenau	Project promoter
TRITIA EGTC	Member with a voting right in a Monitoring Committee of an Interreg VA programme

Source: Spatial Foresight, based on data from EGTCs.

ANNEX 5 EGTCs AND OTHER EU FUNDS IN 2017

Fund/ Programme	EGTCs
European Agricultural Fund for Rural Development (EAFRD)	EGTC Linieland van Waas en Hulst, EGTC Spoločný región, PAHT EGTC
European Social Fund (ESF)	ZASNET
Horizon 2020	EGTC Efxini Poli - SolidarCity Network
CEF	Interregional Alliance for the Rhine-Alpine Corridor EGTC
Creative Europe	AEuCC EGTC, EPM EGTC,
Erasmus+	AEuCC EGTC, EPM EGTC, EUCOR The European Campus, León-Bragança EGTC
Europe for Citizens	BTC EGTC
Hercule III	Mura Region
Direct funding from DG Regio (under the Urban Agenda)	EUKN EGTC

Source: Spatial Foresight, based on data from EGTCs.

ANNEX 6 OVERVIEW OF EGTCs UNDER CONSTITUTION ACCORDING TO STATUS

No.	Name	Status 2016	Status 2017	Countries
1	EGTC InterPal - Medio Tejo	Awaiting approval	Awaiting approval – approved in 2018	Portugal, Spain
2	Rio Minho	Awaiting approval	Awaiting approval – approved in 2018	Spain, Portugal
3	EGTC Alpine Pearls	Awaiting approval	Awaiting approval	Austria, Germany, Switzerland, Italy, Slovenia, France
4	Cittaslow	Awaiting approval	Awaiting approval*	Italy, Netherlands
5	Eurociudad del Guadiana	Awaiting approval	Awaiting approval	Spain, Portugal
6	INNOVATIVE EUROPE - INEU	Awaiting approval	Awaiting approval*	Greece, Bulgaria
7	European Campus of Studies and Research	Awaiting approval	In preparation	Germany, Austria
8	EGTC David	In preparation	Awaiting approval	Slovenia, Austria
9	Alto Adriatico/Severni Jadran/ Sjevneri Jadran	In preparation	In preparation*	Italy, Slovenia, Croatia
10	EGTC Saint Martin Sint Maarten	In preparation	In preparation*	France, Netherlands
11	Odra+Oder	In preparation	In preparation	Poland, Germany
12	Euro Contrôle Route (ECR)	In preparation	In preparation*	Belgium, Luxembourg, The Netherlands, France, Germany, Ireland, UK, Poland, Austria, Romania, Bulgaria, Hungary, Lithuania, Croatia
13	Geopark Muskauer Faltenbogen	In preparation	In preparation	Poland, Germany
14	Geopark Karawanken-Karavanke	In preparation	In preparation	Slovenia, Austria
15	Sportzentrum Ralingen-Rosport	In preparation*	In preparation*	Germany, Luxembourg
16	EGTC Hercules	In preparation	In preparation	UK, Spain
17	CIRCULAR ECONOMY, TERRITORIAL COHESION, AND INSULARITY EUROPEAN GROUPING OF TERRITORIAL COOPERATION		In preparation	Greece, Croatia, Cyprus, France, Italy, Malta, Spain
18	Pirineos-Pyrénées		In preparation	France, Spain
19	Cross-border University Campus		In preparation	Spain, France, Andorra
20	Euregio Bayerischer Wald - Böhmerwald		Idea	Germany, Austria, Czech Republic
21	Europaregion Moldau		Idea	Germany, Austria, Czech Republic
22	GEPACO - GEmeindePARTner PARTenaires COMMUNAUX		Idea	Belgium, Germany, France, Luxembourg

* Assessment not based on response from EGTC but on information such as approval authorities, news, etc.

Source: Spatial Foresight

ANNEX 7 OVERVIEW OF EGTC LEGISLATION

No answer received for monitoring report 2017		New provisions adopted during 2017		
MS	EGTC National Provision	Date of adoption, incl. Regulation 1302/2013	Competent authority	General information
AT - Burgenland	Burgenländisches EVTZ-Gesetz - Bgld. EVTZG	24 Feb 2011, Amendment 1302/2013 adopted: Dec 2014	Land Burgenland (Regional government – federal state of Burgenland)	Public or Private law with Limited or Unlimited Liability *
AT - Carinthia	Kärntner EVTZ-Gesetz - K-EVTZG	18 Dec 2008, Amendment 1302/2013 adopted: Oct 2014	Land Kärnten (Regional government – federal state of Carinthia)	Public or Private law with Limited or Unlimited Liability *
AT - Lower Austria	Niederösterreich EVTZ-Gesetz	21 Jan 2010 Amendment 1302/2013 adopted: Aug 2015	Land Niederösterreich (Regional government – federal state of Lower Austria)	Public or Private law with Limited or Unlimited Liability *
AT - Salzburg	Salzburger EVTZ-Anwendungsgesetz - S.EVTZ-G	26 Sep 2009, Amendment 1302/2013 adopted: Feb 2015	Land Salzburg (Regional government – federal state of Salzburg)	Public or Private law with Limited or Unlimited Liability *
AT - Styria	Steiermärkisches EVTZ-Anwendungsgesetz - StEVTZG	17 Nov 2009, revised: Sep 2013	Land Steiermark (Regional government – federal state of Styria)	Public or Private law with Limited or Unlimited Liability *
AT - Tyrol	Tiroler EVTZ- Gesetz	3 Sep 2010, Amendment 1302/2013 adopted: Oct 2014	Land Tirol (Regional government – federal state of Tyrol)	Public or Private law with Limited or Unlimited Liability *
AT - Upper Austria	EVTZ-Anwendungsgesetz OÖ-EVTZG.	31 Mar 2011, Amendment 1302/2013 adopted: Dec 2017	Land Oberösterreich (Regional government – federal state of Upper Austria)	Public or Private law with Limited or Unlimited Liability *

AT - Vienna	W-EVTZG	24 Sep 2010, Amendment 1302/2013 adopted: Apr 2015	Municipal Administration of the City of Vienna	Public or Private law with Limited Liability
AT - Vorarlberg	EVTZ-Gesetz	23 Apr 2009, Amendment 1302/2013 adopted: Jun 2015	Land Vorarlberg (Regional government - federal state of Vorarlberg)	Public or Private law with Limited or Unlimited Liability *
BE - Brussels Capital	Ordonnance portant exécution du Règlement (CE) n° 1082/2006 du Parlement européen et du Conseil du 5 juillet 2006 relatif à un Groupement européen de coopération territoriale (GECT) (1)	14 May 2009	Government of the Region of Brussels Capital	Public Law
BE - Flanders Region	Houdende uitvoering van de Verordening (EG) Nr. 1082/2006 van het Europees Parlement en de Raad van 5 juli 2006 betreffende een Europese groepering voor territoriale samenwerking (EGTS)	6 Dec 2007	Ministry for Regional Development	n.a.
BE - German-Speaking Community	Dekret Über Die Zuständige Behörde Zur Ausführung Der Verordnung (Eg) Nr. 1082/2006 Über Den Europäischen Verbund Fur Territoriale Zusammenarbeit	23 Jun 2008	Government of the German-speaking Community	Public Law
BE - Walloon Region	C.R.I.C. N° 68 (2008-2009)	10 Feb 2009	Ministry of Internal Affairs	n.a.
BG	Decree No. 199 of 29 August 2007 / Decree No. 24 of 10.02.2015	4 Sep 2007, Amendment 1302/2013 adopted: Feb 2015	Council of Ministers	Public law with Unlimited Liability
CY	Απόφαση 67.446 με ημερομηνία 9/7/2008 (Decision of the Ministerial Council 67.446 as of 9/7/2008)	Jul 2008	Committee of representatives from the Ministry of the Interior, the Directorate General for European Programmes, Coordination and Development and the Department of registrar of companies and official receiver	Private law, non-profit

CZ	Zákon, kterým se mění zákon č. 248/2000 Sb., o podpoře regionálního rozvoje, ve znění pozdějších předpisů, zákon č. 218/2000 Sb., o rozpočtových pravidlech a o změně některých souvisejících zákonů (rozpočtová pravidla), ve znění pozdějších předpisů, a zákon č. 89/1995 Sb., o státní statistické službě, ve znění pozdějších předpisů (154/2009 Sb.)	7 May 2009, Amendment 1302/2013 adopted: Nov 2015	Thematic responsible Ministry	Public law with Limited or Unlimited Liability
DE - Baden-Württemberg	Verwaltungsvorschrift der Ministerien zur Ausführung der Verordnung des Europäischen Parlaments und des Rates über den EVTZ	18 Jun 2007, Amendment 1302/2013 adopted: 25 Mar 2015	Regional Council of Freiburg (on behalf of the State of Baden-Württemberg)	Public law with Unlimited Liability **
DE - Bavaria	Art. 13 Gesetz über die Zuständigkeiten zum Vollzug wirtschaftsrechtlicher Vorschriften / EVTZ-Durchführungsverordnung	20 Dec 2007, Amendment adopted: 16 Aug 2017	Regional Council of Upper Palatinate (Oberpfalz) (on behalf of the Free State of Bavaria)	Public law with Unlimited Liability **
DE - Berlin	Senatsbeschluss Nr. 200/2007	20 Feb 2007	Senate Department for Economics, Energy and Public Enterprises (Berlin)	Public law with Unlimited Liability **
DE - Brandenburg	Brandenburgische EVTZ-Zuständigkeitsverordnung	22 Nov 2007, revised 23 Jun 2012	Ministry for the Interior and Municipality Affairs (Brandenburg)	Public law with Unlimited Liability **
DE - Bremen	Landesinterne Organisationsanordnung (unpublished)	n.a.	Municipal Administration of Bremerhaven	Public law with Unlimited Liability **
DE - Hamburg	Anordnung über Zuständigkeiten im Zusammenhang mit dem EVTZ	17 Nov 2008, revised 17 Dec 2013	Senatskanzlei (Hamburg)	Public law with Unlimited Liability **
DE - Hesse	Landesinterne Organisationsanordnung (unpublished)	n.a.	Hessian Ministry of Economics, Energy, Transport and Regional Planning (Hesse)	Public law with Unlimited Liability **

DE - Mecklenburg Western Pomerania	Landesverordnung zur Übertragung von Zuständigkeiten nach der Verordnung (EG) Nr. 1082/2006 im Land Mecklenburg- Vorpommern	18 Jun 2007	Ministry for Economics, Employment and Health (Mecklenburg Western Pomerania)	Public law with Unlimited Liability **
DE - Lower Saxony	Interner Beschluss der Landesregierung (unpublished)	10 Jul 2007	State Chancellery (Lower Saxony)	Public law with Unlimited Liability **
DE - North-Rhine Westphalia	Verordnung zur Regelung von Zuständigkeiten nach der EG-Verordnung über den Europäischen Verbund für territoriale Zusammenarbeit (Europäische Territorialverbundverordnung - ZV EVTZ)	29 Apr 2008	Ministry for Economic Affairs, Energy, Industry and Craftmanship (North-Rhine Westphalia)	Public law with Unlimited Liability **
DE - Rhineland-Palatinate	Landesverordnung über die zuständigen Behörden zur Ausführung der Verordnung (EG) Nr. 1082/2006 über den Europäischen Verbund für territoriale Zusammenarbeit	18 Jul 2007	Ministry of the Interior and Sport (Rhineland-Palatinate)	Public law with Unlimited Liability **
DE - Saarland	Verordnung über die Zuständigkeit zur Ausführung der Verordnung (EG) Nr. 1082/2006	07 May 2008	Ministry for Economics, Employment, Energy and Transport (Saarland)	Public law with Unlimited Liability **
DE - Saxony	EVTZ-Zuständigkeitsverordnung	02 Jan 2008	Regional Council of Dresden and the Ministry of the Interior (Saxony)	Public law with Unlimited Liability **
DE - Saxony-Anhalt	Beschluss der Landesregierung über die Benennung der zuständigen Stelle/Behörde in Sachsen-Anhalt im Wege eines Organisationerlasses im Rahmen der Verordnung (EG) Nr. 1082/2006	24 July 2007	Ministry for Economics, Science and Digitisation (Saxony-Anhalt)	Public law with Unlimited Liability **
DE - Schleswig-Holstein	Gesetz- und Verordnungsblatt für Schleswig-Holstein, Buchstabe A, Ziffer 1	17 Dec 2009	Ministry of Justice, Cultural and European Affairs (Schleswig-Holstein)	Public law with Unlimited Liability **
DE - Thuringia	Thüringer EVTZ-Zuständigkeitsverordnung	23 July 2007	Thuringian Administration Office (on behalf of the Free State of Thuringia)	Public law with Unlimited Liability **

DK	Lov om administration af forordning om oprettelse af en europæisk	1 Jun 2008, amendment adopted: 21 Feb 2014	Danish Commerce and Company Agency and approval of the request for participation from the Danish Enterprise and Construction authority	Public law with Limited or Unlimited Liability
EE	Euroopa Parlamendi ja nõukogu määruse (EÜ) Nr 1082/2006 "ETKR kohta" rakendamise seadus	5 Jun 2008	Ministry of Home Affairs, Ministry of Finance	Public law with Limited or Unlimited Liability
EL	Law No 4483/2017	30 Jun 2008, amendment adopted: July 2017	Committee consisting of representatives of the Ministry of Interior, the Ministry of Foreign Affairs, the Ministry of Economy and Development, the Association of Greek Regions (ENPE, when the applicant member is a Region) and the Central Union of Municipalities of Greece (KEDE, when the applicant member is a Municipality)	Public law with Limited or Unlimited Liability
ES	Real Decreto 37/2008 por el que se adoptan las medidas necesarias para la aplicación efectiva del Reglamento (CE) nº 1082/2006 / Real Decreto 23/2015	18 Jan 2008, amendment adopted: Jan 2015	An EGTC is notified to the Ministerio de Asuntos Exteriores, which transmits all applications (and modifications) to the Ministerio de Administraciones Públicas	Public law with Unlimited Liability
FI	Act on a European Grouping of Territorial Cooperation (1340/2015)	24 Jul 2009, amendment adopted: 20 Nov 2015	Ministry of Employment and the Economy	Public law with Unlimited Liability

FR	Loi n° 2008-352 visant à renforcer la coopération transfrontalière, transnationale et interrégionale par la mise en conformité du code général des collectivités territoriales avec le règlement communautaire relatif à un groupement européen de coopération territoriale	16 Apr 2008	State Representative at the regional level: Préfectures de région	Public law with Limited or Unlimited Liability
HR	Zakon o provedbi uredbi Europske Unije o Europskoj Grupaciji za Teritorijalnu Suradnju	13 Jun 2014	Ministry of Administration	Public law with Unlimited Liability
HU	Act XCIX of 2007 on the European Grouping of Territorial Cooperation (in English)	25 Jun 2007, amendment 1302/2013 adopted: Dec 2014	Ministry of Foreign Affairs and Trade	Public law with Limited Liability
IE	Statutory Instrument, S.I. No. 533	16 Dec 2009	Department of Finance	Public or Private law with Limited Liability
IT	Disposizioni per l'adempimento di obblighi derivanti dall'appartenenza dell'Italia alle Comunità europee - Capo III - Attuazione del regolamento (CE) n. 1082/2006	23 Jun 2009	General Secretariat of the Prime Minister	Public law with Limited Liability
LT	Lietuvos Respublikos Europos Teritorinio Bendradarbiavimo Grupiu I Statymas	3 Jun 2008	Ministry of Internal Affairs	Public law with Limited Liability
LU	Loi portant diverses mesures d'application du règlement (CE) N. 1082/2006 relatif à un GECT	19 May 2009	Ministry of Sustainable Development and Infrastructure, Department for Spatial Planning	Public law with Limited or Unlimited Liability
LV	Eiropas teritoriālās sadarbības grupu likums	20 Aug 2009	Ministry of Regional Development and Local Government Affairs	Public law with Limited or Unlimited Liability
MT	L.N. 8 of 2011	12 Jan 2011	Ministry of Finance	Public or Private law with Limited or Unlimited Liability

NL	Uitvoeringswet EGTS-verordening	26 Nov 2009	Ministry of the Interior and Kingdom Relations	Public law with Unlimited Liability
PL	Ustawa z dnia 7 listopada 2008 r. o europejskim ugrupowaniu współpracy terytorialnej	7 Nov 2008, amendment 1302/2013 adopted: 11 Sep 2015	Ministry of Foreign Affairs	Public law with Unlimited Liability
PT	Decree Law No. 376/2007, Decree Law No. 60/2015	9 Nov 2007, amendment 1302/2013 adopted: 22 Apr 2015	Ministry for the Environment, Territorial Planning and Regional Development	Public law with Limited or Unlimited Liability
RO	Emergency Ordinance regarding the European Grouping of Territorial Cooperation (no. 9/2015)	12 Nov 2007, amendment 1302/2013 adopted: 2015	Ministry of Regional Development and Tourism	Public
SE	Svensk författningssamling - Lag om europeiska grupperingar för territoriellt samarbete	1 Aug 2009	Companies Registration Office	Public or Private law with Limited or Unlimited Liability
SI	Uredbo o ustanavljanju evropskega združenja za teritorialno sodelovanje (EZTS)	30 Mar 2008, amendment 1302/2013 adopted: Apr 2015	Government Office for Local Self-Government and Regional Policy	Public law with Unlimited Liability
SK	Act No. 90/2008 Coll. on a EGTC	15 Feb 2008, amendment 1302/2013 adopted: 2015 and 2016	Ministry of Construction and Regional Development	Public law with Limited or Unlimited Liability
UK	Statutory Instrument - 2007 No. 1949, Guidance Note, Statutory Instrument 2008 No. 718	1 Aug 2007, revised 1 Apr 2008	The Secretary of State	Public or Private law with Unlimited Liability

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