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From Euroregion Tatry to the European Grouping of Territorial Cooperation TATRY

In 1912 Roman Zawiliński, an ethnographer, a linguist, and the author of the first Polish guidebook for Slovakia of any interest, as well as a friend of one of the most outstanding Slovakian poets, Pavol Országh Hviezdoslava, published a book entitled *Z Kresów Polszczyzny [From the Polish Frontiers]*. In it he wrote about topics including his travels throughout the Spiš area, situated at the foot of the Tatra Mountains. From his descriptions, one gets a picture of a land neglected, far from capital cities, where the life of the inhabitants of the area, at that time still a Polish-Hungarian border, goes on almost unnoticed, where different cultures and nations meet and intermix.

It has been a hundred years since the publication of that book, and in modern Europe frontiers, that is borders, have increased immensely in importance and have become an essential component in the process of European integration. As early as 1958 in western Europe, on the German-Dutch-French border, inhabitants of the areas near the national borders decided to learn the lessons of their tragic history and established the first crossborder association of its kind, EUREGIO. This international cooperative organization soon found many imitators at the borders of other European countries. In 1971, when there were already more than a dozen Euroregions, the Association of European Border Regions was created with headquarters in Gronau. In 1980 the Council of Europe ratified the Madrid Convention, that is, the European Framework Convention for Crossborder Cooperation between communities and territorial authorities. This was the impetus for the initiation of much other legislation regulating cooperation in the borderlands¹.

It comes as no surprise then that Poles and Slovaks on both sides of the border became interested in the activation of crossborder cooperation and the creation of such an organization at the beginning of the 1990s, during the wave of cultural and political changes taking place at that time. The shared riches of natural beauty, traditions, and a heritage that grew over centuries as the result of the intermingling of cultures, the similarity of languages, and a similar level of economic development all inclined those involved towards the creation of an association whose purpose would be shared crossborder activities aimed at the equal and balanced development of the region and the integration of inhabitants and institutions on both sides of the border, built on common historical experiences. The main actors in this process were journalists and representatives of the local governments of Nowy Targ, Zakopane, Łapsze Niżne, Kežmarok, Poprad, and Liptovský Mikuláš. The foundation Congress took place in Nowy Targ on the 26th of August, 1994.

The early days of Euroregion Tatry were not easy; the idea had its detractors in both Warsaw and Bratislava, as well as in the borderlands. For two years, the Slovakian government refused to register the association in Slovakia, and one Polish member of parliament protested that the creation of a euroregion would threaten Polish sovereignty. There was no shortage either of economic and political barriers, and of mutual animosity and prejudice among the local communities. Today, after 19 years of activity, we can say that Euroregion Tatry, incorporating three counties, eight cities, and 19 communes on the Polish side, and 14 cities and 89 villages on the Slovakian side, is a stable, dynamic and lasting structure for the cooperation of Polish and Slovakian local governments. Our

¹ The Treaty of Maastricht on the European Union, Maastricht 7 February 1992
European Charter for Border and Cross-border Regions, ratified by AEBR in 1981
European Charter of Local Self-Government ratified by the Council of Europe in 1985
and a series of bilateral agreements enacted between the governments of the two countries, including the Agreement Between the Government of the Republic of Poland and the Government of the Republic of Slovakia on Cross-border Cooperation, 1994

history is rich in significant events, achievements, and investments implemented with funding from the European Union. The Euroregion is the initiator, originator, participant and coordinator of numerous crossborder initiatives and projects. We have written extensively about our activities in the first part of this publication entitled *Euroregion Tatry: Polish-Slovak Crossborder Cooperation Between Local Self-Government 1994-2011*, issued in 2011.

In the changing and ongoing process of European integration, which resulted in the accession of Poland and Slovakia to the EU on the 1st of May 2004, as well as in the opening of borders in accordance with the postulates of the Schengen Pact, the effects of our cooperation to date have become a further motivation for us to set ourselves a new goal - the creation of the European Grouping of Territorial Cooperation TATRY by the Euroregion Tatry Associations in Poland and in Slovakia. This path of development was made possible by the entry into force of an ordinance of the European Parliament and Council dated 5th of July 2006 on European Groupings of Territorial Cooperation and executive ordinances, that is the Slovakian Act dated 15th of February 2008 on European Groupings of Territorial Cooperation, and the Polish Act dated 7th of November 2008.

By the 17th of April 2009 at the Congress of the Crossborder Euroregion Tatry Association in Muszyna we adopted the Declaration on the Creation of the European Grouping of Territorial Cooperation TATRY. This was the beginning of a long, gruelling, and hardworking period of bringing to life new structures. Many legal and organizational problems needed to be solved, as the EGTC requires cooperation based on criteria of uniformity, minimum formalities at the national border, and the institutionalization of structures of cooperation based on partnership, equality, and parity of the parties.

The implementation of this key step in the development of Polish-Slovak crossborder cooperation in the Euroregion Tatry started in January of 2011 as part of the project entitled *From Euroregion Tatry to a European Grouping of Territorial Cooperation*, which was cofinanced by the European Regional Development Fund under the Cross-Border Cooperation Programme Republic of Poland Slovak Republic 2007 - 2013. The following entities were involved in the implementation of the project; the Euroregion Tatry Association as the lead partner, the Region Tatry Association, the City of Nowy Targ, and the City of Kežmarok. As part of a network project an international conference was held in Nowy Targ on the 14th and 15th of September 2011, under the patronage of the Polish Presidency in the Council of Europe. The members of the Commission took part in workshops during the European Week of Regions and Cities Open Days in Brussels from the 10th to the 13th of October 2011. Representatives of the Euroregion Tatry also met with the leadership of the Hungarian-Slovak EGTC Ister-Granum on the 8th and 9th of December 2011.

The drafting of the Convention and Statute, that is the foundation documents of the Grouping, was handled by a special Polish-Slovak Commission, which was co-chaired from the Polish side by the Chairman of the Board of the Euroregion Tatry Association, Bogusław Waksmundzki, and from the Slovak side by the Mayor of Spišská Belá, Štefan Bielák.

In the course of 13 general meetings and more than a dozen individual meetings of the Polish and Slovak sides, the Commission carried out an analysis of threats and benefits and also compared the value added by the creation of EGTC in relation to then current forms of cooperation. It identified and analyzed the basic competencies, experiences, and potential of the partners who would become the members of the Grouping. It researched the relevant Polish and Slovakian legal frameworks as they relate to the aims and tasks of the planned EGTC, the character of the partnership and more. It also carried out an analysis of the documentation and expert opinions from the European Commission, the European Parliament, and the Committee of the Regions.

While working on the creation of the EGTC TATRY, we came to the conclusion that there is a need

for the reform and alteration of the manner of conducting Polish-Slovak crossborder cooperation and a need to transform the existing Crossborder Euroregion Tatry into the EGTC TATRY. The Grouping will allow us to implement cooperation at a higher legal, substantive, and institutional level. Formal barriers which have until now interfered with Polish-Slovak projects, partly because of differing institutional and legal systems in Poland and Slovakia, will be overcome. This new structure will also facilitate the solving of transnational problems of the local communities of the Polish-Slovak borderlands in various areas of their lives.

The Commission has devoted most of its working time to the choice of model for the Grouping – focused or multipurpose. The second option was chosen, which will enable the Grouping to carry out a wider range of activities. The Convention also authorizes participation in the management and implementation of or implementation of parts of programs financed by the European Union, especially Polish-Slovak crossborder microprojects and network projects. The most difficult and emotional discussions concerned the choice of the statutory seat of the Grouping. In the end, the partners decided that it would be on the Polish side, in Nowy Targ. The decisive factors were firstly the achievements to date, human resources, and the experience of the office of the Euroregion Tatry in Nowy Targ in managing crossborder microprojects. The EGTC TATRY will be a mutually recognized Polish-Slovak legal entity, functioning according to EU law, as outlined in Ordinance number 1082/2006. For the interpretation and application of the Convention and Statute and for the normal functioning of the Grouping, Polish law will apply as Poland is the country where the Grouping has its statutory seat. It was also decided that the Chairperson of the Assembly, the highest organ of the Grouping, will be a representative of the Slovak side, whereas the function of Director of the Grouping, the executive organ, will be a representative of the Polish side.

After four years of preparation, discussion and consultation, effort and hard work, the Euroregion Tatry Association and the Region Tatry Association received a positive decision from the appropriate organs of the Republics of Poland and Slovakia concerning the creation of the Grouping. On the 14th of August 2013 in Nowy Targ, the Convention for the creation of the EGTC TATRY was signed, and the first session of the Assembly was held in Kežmarok, at which the statutory bodies were elected – the Chairperson and Vice-Chairperson of the Assembly, the Director, and members of the Supervisory Board. With this, the EGTC TATRY formally came into being.

The creation of the EGTC TATRY at exactly this moment, when work is in progress on a new program for Polish-Slovak transnational cooperation in the years 2014-2020, offers new opportunities and chances for development. The Grouping will be a tool for the use of its founders, the Euroregion Tatry Association on the Polish side and the Region Tatry Association on the Slovak side, but also for the use of local authorities who are members of either association for the more effective and efficient implementation of projects in the new transnational cooperation program PL-SK 2014-2020. The EGTC, as a transnational legal entity, will be a so-called 'single beneficiary' of projects implemented as part of European Territorial Cooperation, since it meets the four criteria for transnational cooperation; shared preparation of projects, shared implementation, shared financing, and shared personnel. It is for this reason that we are applying for the management of the Microproject Fund in the new transnational cooperation program PL-SK 2014-2020. The acquisition of such competencies has been made possible by the legal acts which establish and regulate the EGTC, the regulations of the European Territorial Cooperation program, and the document entitled *Programs of Transnational Cooperation involving Poland in the years 2014-2020*. It must be stressed that the management of these funds would be an innovative test-case solution, the first of its kind in Poland and one of the first in Europe.

Thus we have the EGTC TATRY. It represents for us a great success and satisfaction, but also a new set of challenges and expectations, questions and concerns. These arise mainly from the lack of

applicable Polish experience and established best practice in the creation of an EGTC, as no such grouping with a membership consisting of a Euroregion has been created on the borders of Poland until now. There is also no particular incentive or motivation on the part of the authorities in Poland and Slovakia for the creation of such a grouping. The question arises therefore whether the newly created Grouping will manage to effectively and fully independently function in terms of organization, personnel, substantives, and finances? And also whether it will bring indirect benefits to its founders, that is the Euroregion Tatry Association and the Region Tatry Association? What will relations and cooperation between the new entity and the authorities of Malopolska, the Prešov and Žilina regions, and the national governments of both countries be like? Will access to and dissemination of EU funds really be easier? Will the Polish and Slovak governments be willing to transfer competencies in management of the microproject fund in the new Polish-Slovak transnational cooperation program for the years 2014-2020? These questions remain unanswered, and the Assembly and the Director of the Grouping will have to search for answers in the nearest future. I wish them the best in this task, and success in the project.