

***Role of EGTC and the new
European Cross Border
Mechanism in the cross-border
context in the draft EU
Regulations for 2021-2027***

dr Marcin Krzymuski, LL.M.
Frankfurt (Oder)

Nowy Targ 30.11.2018

Issues

- I. Origin of the European Cross Border Mechanism (ECBM)
- II. Procedure of ECBM application
- III. Legal protection
- IV. Role of EGTC in the European Cross Border Mechanism
- V. Conclusions

I. Origin of the European Cross Border Mechanism (ECBM)

1. What is ECBM?
2. Reasons for establishing the Mechanism.
3. Process of developing the Mechanism.

I.1. ECBM

IS

- a legal mechanism serving the purpose of overcoming barriers to more intensive cross-border interactions
- limited to cross-border regions in the NUTS3 class

IS NOT

- obligatory
- limited to INTERREG projects
- a way to circumvent national legislative processes

I.2. Reasons for establishing the Mechanism

Public sphere

- Joint provision of public services
 - Strasbourg – Kehl tram
 - Cross-border medical rescue operations
- Construction of cross-border infrastructure
 - Roads, bridges, etc.

Private sphere

- Seat of Arion (NL) on the Dutch-German border

I.3. Process of developing the Mechanism (CBC → ECBM)

2015

- Conclusions of the LU Presidency (27.11.2015)
- A tool for the improvement of cross-border cooperation

2015

- Consultations on resolving obstacles in border regions

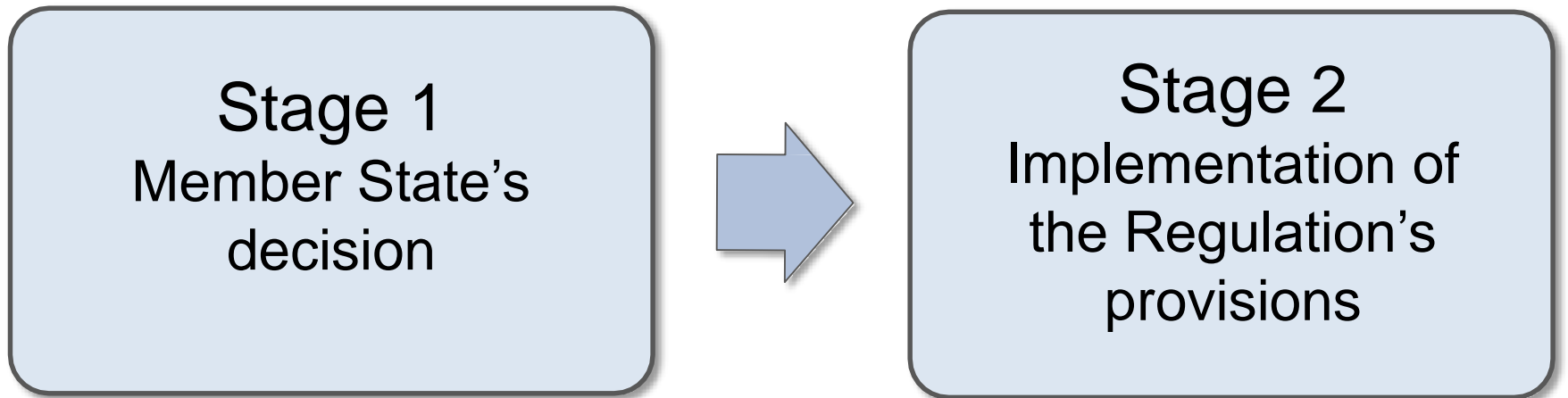
2016 -
2018

- Working Group on innovative solutions to cross-border obstacles (8 meetings)

2018

- Proposal for a Regulation COM(2018) 373 → Work in the European Parliament (PE628.357v01-00)
- Reservations from national parliaments (Riksdag)
- Reports of the PE Commission

II. Procedure of ECBM application



II.1. Decision on applying the Mechanism

Stage 1

Member State's option for the Mechanism and information to the Commission (Article 4)

Decision on the application of the new Mechanism (ECBM)

Establishment of a Cross-border Coordination Point

Further application of existing instruments serving the purpose of eliminating legal barriers

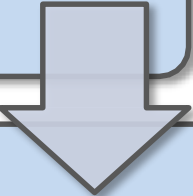
Joining an existing way set up formally or informally

II.2. Implementation procedure

A. CONCLUDING A COMMITMENT /
STATEMENT SIGNATURE




B. IMPLEMENTATION OF THE
COMMITMENT OR
STATEMENT




C. MONITORING

II.2.A. Procedure of adopting the commitment / statement

The initiator drafts the initiative document which identifies the barriers, and sends it to the CCP.



CCP takes the decision on concluding a commitment or signing a statement.



CCP drafts the commitment or statement.



CCP signs the commitment or statement.

II.2.B. Implementation of the commitment or statement

A Commitment is implemented through introducing changes to applicable administrative acts based on existing legal regulations or adopting new administrative acts based on legal regulations of a neighbouring Member State (Article 18).

A Statement is implemented through filing one or more applications with the competent legislative authority to introduce changes in national law concerning the required derogations (Article 19).

II.3. Monitoring

- Control of the observance of the addressees' obligations and powers.
- Entrusting the monitoring obligations to the competent authorities of
 - the transferring Member State (which transfers its regulations abroad)

or

- the state committing to observe the foreign regulations

III. Legal protection

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Protection in relation to the application or omission to apply ECBM measures

Legal protection against the monitoring of the application of ECBM measures

IV. Role of EGTC in the mechanism of eliminating legal barriers

Tasks of EGTC in general:

- institution managing the programme, sub-programme, integrated territorial investment (ITI) or a small project fund or funds
- sole project partner.

An ECTC may not perform regulatory functions (Article 7(4) of the EGTC Regulation).

IV. Role of EGTC in the European Cross Border Mechanism

The initiator according to Article 8 d) of the proposed ECBM:

“a body with or without legal personality set up for cross-border cooperation located in or covering at least partially a given cross-border region, including European groupings of territorial cooperation”

IV.1. The initiator

identifies

legal barriers to planning, development, personnel, financing or functioning of the joint project

drafts

the initiative document in accordance with Article 9 of the Regulation

transfers

the initiative document to the relevant Cross-border Coordination Point of the committing Member State and a copy to the relevant Cross-border Coordination Point of the transferring Member State

IV.2. Application of EGTC

Opportunities for action for EGTC

- Identification of barriers
- Proposing solutions
- Implementation of measures
- Monitoring the application



V. Conclusions

- Dogmatic issues in the area of administrative law (international administrative law)

- Practical issues involved in the application of ECBM

Thank you for your attention!

Hempel | Krzymuski | Partner
Rechts- und Wirtschaftsberatung
Sophienstraße 12
15230 Frankfurt (Oder)
Telefon: +49 335 55313214
Mob. (DE): +49 176 244 929 40
Mob. (PL): +48 606 629 983
Telefax: +49 335 55313216
m.krzymuski@hkpartner.de

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