

ANNEX 3 - EGTC MODEL STATUTES, TEMPLATE FOR USE

INTRODUCTORY NOTE

This DRAFT model is based on a draft EGTC statute collected and standardised by INTERACT for use by other cooperation areas. This document is intended to serve as a very basic template for the partners setting up an EGTC. This draft has to be adapted to reflect the specificities of their EGTC, their partnership and the applicable national law.

The compulsory elements are those listed in Article 9(2) of Regulation (EC) No 1082/2006:

- All provisions of the convention - *ARTICLE 1 TO 8 of the template*
- The operating provisions of the organs and their competences, as well as the number of representatives of the members in the relevant organs - *ARTICLE 9 to 12 of the template*
- The decision-making procedures of the EGTC - *ARTICLE 13 of the template*
- Working language(s) - *ARTICLE 14 of the template*
- The arrangements for its functioning [...] - *ARTICLE 15 of the template*
- The arrangements for the members' financial contributions and the applicable accounting and budgetary rules - *ARTICLE 16 of the template*
- The arrangements for members' liability - *ARTICLE 17 of the template*
- The authorities responsible for the designation of independent external auditors - *ARTICLE 18 of the template*
- The procedures for amending the statutes - *ARTICLE 19 of the template*

Elements in RED are to be completed by the prospective members. Additional elements may also be considered.

Disclaimer

Please note that INTERACT's goal is to provide useful information to European Territorial Cooperation programmes and projects, as well as to keep this information timely and accurate. If errors are brought to our attention, we will try to correct them. However **we cannot accept responsibility or liability with regard to this information**. This information is:

- of a general nature only and is not intended to address the specific circumstances of any particular individual or entity;
- not necessarily comprehensive, complete, accurate or up to date;
- not professional or legal advice (if you need specific advice, you should always consult a suitably qualified professional).

Statutes of the European Grouping of Territorial Cooperation

[NAME OF THE EGTC]

Based on Art. 8 of Regulation (EC) No 1082/2006 of the European Parliament and the Council of 5 July 2007 on a European Grouping of Territorial Cooperation (EGTC).

ARTICLE 1 - NAME

The name of the EGTC is [NAME OF THE EGTC]

ARTICLE 2 - REGISTERED OFFICE

The registered office of the EGTC is located in [NAME OF THE COUNTRY - POSTAL ADDRESS OF THE REGISTERED OFFICE]

ARTICLE 3 - AREA OF INTERVENTION

[LIST OF THE AREAS COVERED BY THE EGTC INTERVENTIONS]

⇒ **Nota Bene:** It is not necessarily the case that the area of intervention of the EGTC corresponds to the overall area of each member (e.g. if a Member State is a member of the EGTC, it does not mean that the whole country area is covered by the EGTC).

ARTICLE 4 - OBJECTIVE AND TASKS

4.1 Main objective

The objective of the EGTC is to [MAIN OBJECTIVE OF THE EGTC].

⇒ **Nota Bene:** The EGTC is of course expected to contribute, through its activities, to the strengthening of economic and social cohesion, but this does not necessarily have to be justified in written in the statutes and convention (Art. 7 of Regulation (EC) No 1082/2006) (in most cases such contribution is self-explanatory).

4.2 Operational objectives

In particular the EGTC aims at [OPERATIONAL OBJECTIVES OF THE EGTC - EXPECTED IMPACT/CONTRIBUTION TO TERRITORIAL COOPERATION/DEVELOPMENT]

4.3 Tasks

The specific tasks of the EGTC are: [LIST THE SPECIFIC MISSIONS OF THE EGTC]

4.4. Duration of the EGTC

The EGTC is set up for [UNLIMITED/LIMITED] duration [UNTIL ... END DATE IF LIMITED DURATION]

4.5 Dissolution

- Satisfaction of creditors and distribution of the remaining property
- Dissolution procedure: start date; liquidators: functions and mission.

ARTICLE 5 - MEMBERS

The members of the EGTC are [LIST OF THE MEMBERS].

ARTICLE 6 - APPLICABLE LAW

The members will comply with Regulation (EC) No 1082/2006 of the European Parliament and the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC) as amended, as well as with the national provisions of the Member State in which the EGTC has its registered office.

For the interpretation and enforcement of the convention, the law of [MEMBER STATE OF THE REGISTERED OFFICE OF THE EGTC] is applicable.

ARTICLE 7 - AGREEMENTS FOR MUTUAL RECOGNITION

In the interests of mutual recognition of the legal systems of the EGTC members from the other participating Member States, including for financial control issues, it is agreed that all documentation needed for financial control should be made available in the language of the controlling institution [NAME IF APPLICABLE] and in the form required.

ARTICLE 8 - PROCEDURES FOR AMENDING THE CONVENTION

Amendments to the convention require the approval of the members of the EGTC. Based on a proposal of amendment by a member to the [ASSEMBLY OR OTHER RELEVANT ORGAN RESPONSIBLE], the proposal will be submitted to the assembly for decision. Each amendment to the convention requires the approval of the members. Each member informs its Member State of the purpose of the amendment and sends its Member State a copy of the proposal of amendment. Each amendment must be publicised in accordance with Art. 5 of Regulation (EC) No 1082/2006 of the European Parliament and the Council of 5 July 2006 on a European Grouping of Territorial Cooperation (EGTC).

ARTICLE 9 - ORGANS

The organs of the EGTC are:

- The assembly
- The director
- [ADDITIONAL ORGANS]

ARTICLE 10 - ASSEMBLY

10.1 Mission

The assembly is responsible for the adoption of the general strategy and the annual work plans [OR ANY OTHER IMPLEMENTATION DOCUMENT]. The assembly is responsible for the adoption of the annual budget of the EGTC in accordance with Art. 11 of Regulation (EC) No 1082/2006. [POSSIBLE Additional missions]: e.g.:

- Remission
- Tasks of the EGTC
- Purchase and sale, acquisition of property
- Participation in other organisations
- Loans
- Modification of the statutes
- Approval of rules of procedure
- Election of the members of the board

⇒ **Nota Bene:** Additional missions may be entrusted by the members to the assembly in respect of the EGTC Regulation and the domestic law of the Member State where the EGTC is registered.

10.2 Chair

[CHAIRPERSON - FUNCTION - RULES]

10.3 Decision-making procedures

Voting: Each member has one vote.

Substitution: Members can be represented by [LIST OF POSSIBLE SUBSTITUTES - RULES APPLICABLE] or any other person entitled to vote.

10.4 Integration of new members

10.5 Resignation of a member

10.6 Exclusion of members

The assembly decides upon a proposal of exclusion of member(s). The proposal must be submitted to [RESPONSIBLE ORGAN].

10.7 Decision about amendments to the convention and/or statutes and dissolution of the EGTC

The assembly decides upon amendments to the convention or statutes and about the dissolution of the EGTC.

10.8 Designation of accountant(s)/controller(s)

- [ORGAN IN CHARGE OF THE DESIGNATION]
- [DESIGNATION PROCEDURE AND RULES]
- [DUTIES OF THE ACCOUNTANTS/CONTROLLERS]

10.9 Rules applying to the meetings of the assembly¹⁹²

- Invitation: The invitation is to be sent by [RESPONSIBLE ORGAN] to the members of the assembly at least [NO. OF WORKING DAYS/WEEKS] in advance. Additional points for discussion must be sent to [RESPONSIBLE ORGAN] at least [NO OF DAYS] before the meeting. These additional points will be communicated to the assembly at the beginning of the meeting.
- Frequency of meetings
- Extraordinary meetings [APPLICABLE RULES AND PROCEDURES FOR CALLING SUCH MEETINGS].
- Minutes [CONTENT; ORGAN IN CHARGE OF DRAFTING AND SIGNING].

ARTICLE 11 - BOARD [IF APPLICABLE - OPTIONAL]

11.1 Members and membership (selection procedure, duration of mandate, etc.)

11.2 Mission - fields of intervention

11.3 Frequency of meetings

11.4 Decision-making procedures

¹⁹²Optional - It is recommended that such rules be contained in a separate document, e.g. 'Internal rules of procedure of the EGTC assembly', in order to keep the statutes concise, as recommended in the Handbook (Point 4.4.3)

ARTICLE 12 - DIRECTOR

12.1 Designation/recruitment procedure

12.2 Functions

12.3 Matters for which approval by the assembly or board is required

12.4 Liability

ARTICLE 13 - DECISION-MAKING PROCEDURE

Quorum in the assembly:

- For day-to-day decisions: majority [OTHER RULE] of the members present at the meeting
- For decisions regarding modification of the convention and/or statutes: 2/3 [OTHER RULE] of the members present at the meeting

ARTICLE 14 - WORKING LANGUAGE(S)

14.1 Working languages

The working language(s) of the EGTC is/are [WORKING LANGUAGE(S)]

14.2 Applicable rules (documentation, rules at meetings, etc.)

ARTICLE 15 - FUNCTIONING

Staff administration, recruitment procedures and working contracts [ADDITIONAL PROCEDURES] are the responsibility of [ORGAN]. For these procedures, the applicable law is that of the Member State of the registered office of the EGTC.

⇒ **Option** - Branch offices, if applicable, may be mentioned here.

ARTICLE 16 - FINANCES

16.1 Annual contributions of the EGTC members

[RULES/SHARE; PROCEDURES]

16.2 Loans

[RELATED PROCEDURE]

16.3 Application for EU-funding (if applicable)

In order to be able to implement its objectives, the EGTC is entitled to submit applications for access to public funding and subsidies

16.4 Accountancy and budgetary rules

The applicable accountancy and budgetary rules are those of the Member State where the EGTC has its registered office.

16.5 Management of public funds, control and accountancy

[RULES AND RELATED PROCEDURE]

ARTICLE 17 - LIABILITY

17.1 Liability of the EGTC

17.2 Liability of the members of the EGTC

17.3 Liability of new members of the EGTC

ARTICLE 18 - RESPONSIBLE AUTHORITIES

The authority in charge of designating the independent external auditor(s) is **[NAME AND ADDRESS OF THE AUTHORITY]**

ARTICLE 19 - PROCEDURE FOR AMENDING THE STATUTES

Amendments to the statutes need the approval of the members of the EGTC. Based on a proposal of amendment by a member to the **[ASSEMBLY OR OTHER RELEVANT ORGAN RESPONSIBLE]**, the proposal will be submitted to the assembly for decision. Each amendment to the statutes requires the approval of the members. Each member informs its Member State of the purpose of the amendment and sends its Member State a copy of the proposal of amendment.

ARTICLE 20 - FINAL PROVISIONS

The EGTC members will notify the present statutes to the Committee of the Regions according to Art. 5 of Regulation (EC) No 1082/2006.

[OTHER FINAL PROVISIONS]

Date, place

Signatures