

## ANNEX 2 - EGTC MODEL CONVENTION, TEMPLATE FOR USE

### INTRODUCTORY NOTE

This DRAFT model is based on a draft EGTC convention collected and standardised by INTERACT for use by other cooperation areas. This document is intended to serve as a very basic template for the bodies 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 Art. 8(2) of Regulation (EC) No 1082/2006:

- Name and registered office - *ARTICLES 1 and 2 of the template*
- Extent of the territory - *ARTICLE 3 of the template*
- Specific objective and tasks of the EGTC - *ARTICLE 4 of the template*
- List of the EGTC members - *ARTICLE 5 of the template*
- Law applicable to the convention (Law of the Member State of the registered office) - *ARTICLE 6 of the template*
- Arrangements for mutual recognition, including for the purpose of financial control - *ARTICLE 7 of the template*
- Procedures for amending the convention - *ARTICLE 8 of the template*

Elements in RED are to be completed by the prospective members.

Additional elements may be necessary for the specific circumstances.

#### 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).

## Convention 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)

#### PREAMBLE<sup>190</sup>

#### ARTICLE 1 - NAME

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

⇒ **Nota Bene:** if the members of the EGTC have limited liability, the name of the EGTC shall include the word 'limited'<sup>191</sup>.

#### ARTICLE 2 - REGISTERED OFFICE

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

⇒ **Nota Bene:** if the registered office is not the same as the operational office, the location of the operational office may be stated here.

#### 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).

⇒ **Option:** The possibility for territories outside the area covered by the EGTC to be associated with the activities of the EGTC on an ad-hoc basis.

#### 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 Tasks

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

##### 4.3 Duration of the EGTC

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

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<sup>190</sup> Optional

<sup>191</sup> Art. 12(2) of Regulation (EC) No 1082/2006

#### 4.4 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]**.

⇒ **Option:** Rules applying to membership.

#### **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 independent external auditors **[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 - FINAL PROVISIONS**

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

**[OTHER FINAL PROVISIONS]**

**Date, place**

**Signatures**