

# STYX

## EUT+ STATUS AND STRUCTURE EXPERIENCE

### Deliverable 3.1

Analysis of EGTC status in the EUT+ partner countries and level of involvement and contribution of the relevant authorities involved

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## 1 Purpose of the Document

This document is the deliverable D3.1 of the STYX Project. It describes the path towards the creation of a legal status and common services entity for the European University of Technology (EUT+) and the required analysis as a step along the way. In this, it complements the works addressed in the second work package of the project concentrating on the key processes, bodies, and procedures of EUT+.

This document reports on the findings of the legal analysis performed for proceeding towards the establishment of the EUT+ EGTC and shall serve as the foundation for the subsequent design, development, set-up and creation of the EGTC. The issues and needs for definition identified in the course of this analysis are intended to guide the informed decision making during the next steps with respect to the questions of structuring and establishing as well as the definition of tasks and competencies and in this the decisions concerning the areas described herein.

## 2 Background Analysis

With the rise of the European Universities initiative eight universities of technologies have come together for jointly forming the European University of Technology (EUT+) as a European University Alliance. EUT+ has the ambition to fully merge its member universities. As one of the steps toward this common goal, the global question of the implementation of a legal tool, services and processes to advance the trajectory towards the intended merger is being addressed as presented in the following. At the time of the presentation of this deliverable in the summer of 2023, the European University of Technology EUT+ is in the transition from phase I to phase II of its existence. From its founding in 2020 the evolution has led to a strong cross-national linking between the alliance members and subsequent forming of an overall organisational structure for supporting the goal of creating a European University.

### 2.1 The EUT+ University Alliance

The EUT+ partners are spread across Europe and represent each of its regions:

- University of Technology of Troyes (France),
- Hochschule Darmstadt, Darmstadt University of Applied Sciences (Germany),
- Rīgas Tehniskā universitāte, Riga Technical University (Latvia),
- Ollscoil Teicneolaíochta Bhaile Átha Cliath, Technological University Dublin (Ireland),
- Технически университет София Technical University of Sofia (Bulgaria),
- Τεχνολογικό Πανεπιστήμιο Κύπρου, Cyprus University of Technology (Cyprus),
- Universidad Politécnica de Cartagena, Technical University of Cartagena (Spain),
- Universitatea Tehnică din Cluj-Napoca, Technical University of Cluj-Napoca (Romania).

These higher education institutions are working together in education, research and innovation by empowering their complementarities within a single home institution for creating a long-term sustainable, structurally reliable, systemic cooperation across Europe to offer joint European degrees and seamless mobility between its inter-university campuses to all its students, staff and researchers.

### 2.1.1 First Phase of EUT+

Funded through the 2020 Erasmus+ call, EUT+ has begun as a consortium of eight institutions and became one of the European University Alliances. In this alliance, technological universities from across Europe have come together who are diverse in culture and historical trajectories, but jointly share the commitment to form new generations of European citizens. This is expressed in the common mission statement describing the concept of “Think Human First”. It depicts EUT+’s belief in an inherent human-centered European model of technology, engagement in European research driven by the diverse needs of its regions aware of the global challenges, and the wish to offer fully inclusive European education open to all students and people to support all who want easy mobility “to meet each other and grow together”.

In this phase, the fundamental building blocks have been created and developed. The activities are organised into eight work packages, each led by one of the member institutions, and have been extended by the project named EUT EXTRAS (EXperimentation to Transform Research Activities and Steering). Funded through the Horizon 2020 Call H2020-IBA-SwafS-Support-2-2020 (Support for the Research and Innovation Dimension of European Universities (Part II)), EUT+ is enabled to support the emergence of intercampus knowledge-creating teams across our

institutions, across disciplines, and across types of activities, towards a new approach of the environment and of steering and execution of research to validate a solid methodology of institutional transformation fully integrating the challenges of European technology development.

Continuous integration within EUT+ is achieved through the gradual pooling of activities. A progressive structuring EUT+ allowed for the creation of boards and committees as the representative governing bodies, the executive body Secretariat General together with the establishment of offices, research labs and institutes as well as clusters focusing on the development of joint education. These works are complemented by additional projects such as the Inno-EUT+ project, as well as various research projects and Erasmus+ projects. Together, the mission has been brought forward a corporate identity expressed as “European values empowering technology”. The ongoing efforts in all areas are coordinated through the EUT+ bodies and supported by its fully committed rectors. These achievements of this phase are the foundation on which the next phase is grounded.

### 2.1.2 Second Phase of EUT+

The common belief in collaborating for forming new generations of European citizens and empower them with the mindset and appropriate skills to serve society carries the ongoing activities that have led to the application for the next phase of EUT+. Called “EUT+ Accelerate”, the mutual efforts are continuing with the aim of developing a new model of a university, one that requires a fundamentally new approach to technology, deeply integrating humanities and social sciences in the way education and research are performed to ensure that the people trained, the research undertaken and the innovations fostered are geared to addressing global societal challenges such as climate change.

Long-term sustainability has been embedded in the nature of the EUT+ ambition from its beginning. The ambition of the mission statement is preserved and kept on. By integrating all the experience from the past three years, the second phase starting in November 2023 will foremost foster further organisational structuring of the alliance. Close support for all participants and the integration of a 9<sup>th</sup> partner are at the core. This is envisioned to be supported by capacity-building activities and securing of complementary financial resources. The works are structured around the two main pillars of education and mobility and research and research-oriented education describing the “what we do”. The development of the specific features of EUT+ are deployed in “cross-cutting” work packages, thus describing the

“how we do it”. This value-creation based approach is reflected in the set-up of the eleven interlinking work packages which each task covering a subtheme of a work package and carried by an EUT+ body or unit.

### 2.1.3 Flanking Activities in Policy Experimentation

The transition from phase I to phase II is accompanied by EUT+’s participation in the European policy experimentation in higher education as described in the call ERASMUS-EDU-2022-POL-EXP-HE (European policy experimentation in higher education). Given the opportunity for a next step in creating and experiencing the emergence of European Universities, EUT+ is contributing to the call topic regarding the piloting of a joint European degree label by being a partner in the JEDI Project (Joint European Degree label in engineering – Toward a European framework for engineering education) and to the call topic regarding the piloting of institutionalised EU cooperation instruments to explore the feasibility for a possible European legal status for alliances of higher education institutions by leading the STYX Project (EUT+ Status and structure experience).

Through this project all, European Universities alliances are supported to take steps to overcome the obstacles to a deeper, long-term and flexible transnational cooperation and are enabled to design institutionalised cooperation instruments to act together, make common strategic decisions, experiment joint recruitment, design joint curricula or pool resources and human, technical, data, education, research and innovation capacities and assess the benefits and feasibility. For EUT+ the opportunity to deepen its cooperation and institutionalise it with a possible legal status provides for further stabilizing its governance structure and joint activities and capacities. In answering this call, EUT+ can experiment with an existing European instrument, namely the European grouping of territorial cooperation (EGTC) as the frame for taking common strategic decisions and enable their cross-national operationalisation by enabling joint processes through the definition of common governance bodies and processes, with an increasing integrative trajectory supported by the setting up of an EGTC providing common services for the partners. In this, the EGTC is foreseen as an integral component of the alliance organisation.

By sharing a common object and by solving common problems the learning of how to effectively build together is supported within a structured manner. The choice of digital services is a voluntary choice as by being both critical and sensitive, they are the fundamental information and value essential to running a university. Put as a humorous comparison this might be described as: “Europe started its common road

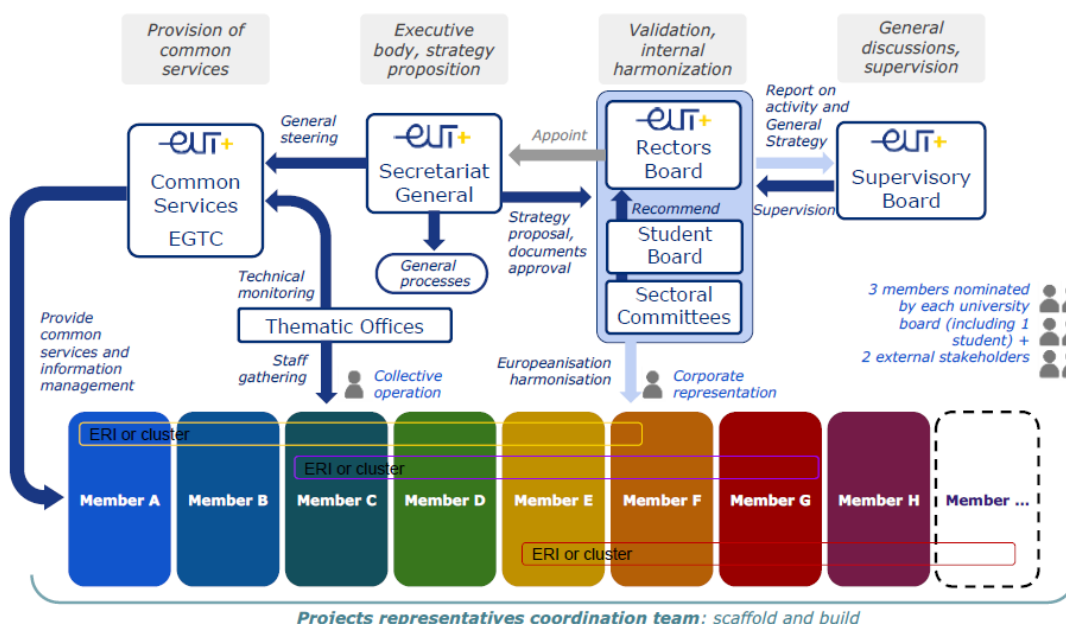
by sharing its critical resource of the time: coal and steel. EUt+ is starting its common road by sharing what is its current critical value: data”.

## 2.2 EUt+ Organisation

The governance structure EUt+ results from continuous evolution of the bodies. It integrates all stakeholders for evolving to a larger community for providing know-how transfer and capacity building, ensuring legitimacy of its decision-making and bodies and defining clear roles for every participant while at the same time maintaining ambition and agility. It shapes the collaboration and the underlying processes and allows for transparency and support of mutually shared works.

### 2.2.1 Governance Structure

Along the journey of EUt+, at the transition from phase I to phase II, the mutual endeavour is stabilised into a mutually agreed organisational structure. This governance system is organised around three main functions. The representative governing bodies are discussing in the sectoral committees and student board outputs that are for validation and decision by the rectors board. The supervisory board supports through supervision for balancing the interests of all the stakeholders. The daily management and strategy development is handled by the



Secretariat General. Figure 1 shows an architectural overview.



Figure 1: Partial and simplified description of the general organisation of EUT+.

The thematic offices and teams are focusing on a joint area of activity as the implementing bodies. Examples are the Erasmus+ Common Office coordinating EUT+ internal mobility, the EUT+ European Research Office (ERO) coordinating research support or the EDI Team developing and sharing best practices on equity, diversity and inclusiveness. The existence of the organisation structuring provides long-term for each EUT+ unit to have ownership for a defined area of activity as well as for the conduction of a work package during the second phase.

## 2.2.2 Need Analysis for a Common Legal Entity

EUT+ in working modus has led to the insight that next to the team collaboration within the EUT+ bodies, sharing resources for a greater level of integration is of the essence. For sharing services and enabling a workable and reliable digital backbone, the development of a common services unit progressively appeared inevitable for advancing the trajectory toward the global merging envisioned. Working in an inter-campus manner across national borders requires unambiguous information distribution and accumulation. The first demands have arisen for common databases and information sharing especially for education and mobility as well as common analysis tools for research and open access publishing as well as general cross-cutting demands concerning licensing of software and interfacing local ecosystems. The underlying decisions for sharing information and information services call for long-term efficient operation organizing, as long-term reliable information services provision per se cannot be done as a project with a foreseeable duration. For the overall continuity of activities, structuring communication and the information exchange between partners needs to be achieved independently of individual local solutions by an all-encompassing provision of services and the possibility of implementing joint activities on behalf of all partners. This subsequently requires legally binding decisions through the participation of the partners in the decision-making process and ownership together with a legitimate representation of all members by a joint entity for task fulfilment, e.g. for suppliers and partners.

In answer to the identified need, as a strategic approach to integrate multiple actions within the framework of a EUT+'s policy the organisation a common entity acting for and at the service of all members has been decided for. The creation of an individual legal person for joint activities across national borders on behalf of all partners as a legal structure for common services is intended as EUT+'s non-profit

agency for common information services. Accordingly, the EUT+ governance structure will integrate a new legal entity to intensify synergies and expand the shared pool of resources. For this, the form of a European Groupings of Territorial Cooperation (EGTC) has been chosen based on the consideration as outlined in the following. In Figure 1 it is also shown how the EGTC relates to the existing bodies and institutions.

### 2.3 Deployment of an EGTC

Within the European Union the instrument called European Groupings of Territorial Cooperation (EGTC) provides for acquiring a legal personality governed by a convention concluded unanimously by its members and statutes<sup>1</sup>. An EGTC acts on behalf of its members and facilitates transnational cooperation. The law applicable for the interpretation and application of the convention is that of the member state in which the EGTC has its registered office<sup>2</sup>. This legal instrument is geared for public bodies of different member states such as universities. This instrument of an EGTC is unique in the sense that it enables public authorities to establish a legal entity with a uniform setting of European laws to collaborate for delivering joint services in a permanent structure without the requirement a prior international agreement to be signed and ratified by national parliaments, but solely the agreement of each member states concerned with the participation of potential EGTC members in their respective countries<sup>3</sup>. In this, it allows to transfer continuous tasks from the members to the EGTC.

The provision of services by the EUT+ EGTC as envisioned offers some basic advantages from the start regarding permanence, visibility and accountability. An EGTC is recognised as a partnership and the benefit will be to serve as a sign of transparency and symbolic visibility value of EUT+. Through joining services

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<sup>1</sup> REGULATION (EC) No 1082/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on a European grouping of territorial cooperation (EGTC)

<sup>2</sup> REGULATION (EU) No 1302/2013 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings. <https://eur-lex.europa.eu/eli/reg/2013/1302/oj>

<sup>3</sup> European Commission. Directorate-General for EU regional and urban policy (2023): European Grouping of Territorial Cooperation (EGTC). [https://ec.europa.eu/regional\\_policy/policy/cooperation/european-territorial/european-grouping-territorial-cooperation\\_en](https://ec.europa.eu/regional_policy/policy/cooperation/european-territorial/european-grouping-territorial-cooperation_en)

resources may be pooled and economies of scale be exploited. Based on a joint strategic vision action implementation and expenditure may be coordinated and lead to a reduction in administration and cost. However, the shortcomings of this instrument for the deployment by public universities need to be explored as well. The tasks given to an EGTC “shall not concern the exercise of powers conferred by public law”<sup>4</sup>. For EUT+ this entails, for example, that the EGTC could not act as a university by way of awarding academic degrees or Applying for funding for research projects for which only universities are eligible. The thus required detailed analysis and experimentation for the formation of an EGTC has led to the STYX project.

### 3 STYX Project

Using the opportunity to pilot and experiment a legal status for European Universities offers to EUT+ the chance to proceed on its way of stabilizing and structuring the alliance to advance the trajectory addressing the as a long-term objective of a merger.

#### 3.1 Rationale for Legal Status Experimentation

In line with its institutional trajectory, in the *EUT+ Status and Structure Experience Project (STYX)* the works are addressing the areas of status and structure development. Through the definition and structure establishment with common governance bodies and integrative processes such as joint decision-making, resource pooling and allocation, or implementation it is taken care that EUT+ processes become fully embedded, trusted and intimately integrated within the day-to-day routine of the alliance members. Experimenting with a legal structure in the form of an EGTC focused on services to be shared at the level of EUT+ supports the increasing integrative trajectory. It allows for exploring the possibilities within the current legal framework, but also, in an exploratory manner, the developments and legal evolutions that might be necessary.

Based on the principle consideration to focus on the structure and status the STYX Project has two core work packages. This forming builds upon two studies that EUT+ undertook during its first two years of existence. The first study consisted in a

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<sup>4</sup> Article 7. REGULATION (EC) No 1082/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 5 July 2006 on a European grouping of territorial cooperation (EGTC)

detailed evaluation, conducted by a specialised legal firm, of existing legal statuses. It concluded that the best existing legal status for us would be that of EGTC. The second study provided a comparative study of university systems focusing on their models of governance. These insights underlay the structure of the project and notably the decision to focus WP2 on connecting processes and WP3 on setting-up an EGTC with a clear service focus.

### 3.2 Scope of the EUT+ EGTC

The creation of an EGTC for EUT+ is not intended as an “umbrella” or a “parallel” structure to run the European University or to change the model of governance. Its role is to integrate common services that will provide added value to all individual members and thus demonstrate the potential and added value to partners and thus reinforce the common trajectory. In the long-term it will become the hub of common services operating across the eight campuses in a convergence process where in a bottom-up manner the partner universities themselves are evolving for greater coordination, harmonisation and pooling while at the same time in a top-down manner, EUT+ is working through its governing bodies to ensure the cohesion of the system and that it converges step by step. This legal status experimentation has thus not been created to change the model of governance because change is being directly or indirectly driven from within the existing universities. By managing joint information and services for EUT+ partners, the EGTC) thus provides the operational underlying foundation for joint process development and implementation in other areas. It will also streamline the relation between this legal entity and the eight member universities to ensure full strategic alignment.

Setting up a legal entity as an EGTC that will manage joint information and services for EUT+ partners is to correspond to EUT+ internal legal advice. It will likely be set up under German law and will focus on services to the EUT+ community by opposition with strategic responsibilities in the core missions of teaching, research, innovation and outreach. In the start phase, the project funding helps to set up the EGTC, later on it is to be fully funded by the members and funding raised. In the mid-term, the EGTC shall become a key instrument of a fully merged EUT+, as the pooled services are largely subtracted from the activities of the members through mutualisation. The EGTC will integrate specific expertise given in the partner institutions. In particular, the given previous experience regarding the creation of digital support for the process of implementation across varying systems and in particular different partners and their diverse IT architectures for joint information

management and service provision will benefit the formation and realisation of the EGTC for common information and services provision for EUT+ as a whole with the wider aim to become a structure that will host generally common services. Therefore, being established for mutualisation and common service provision, the EGTC is to be created as a non-profit organization working solely for the benefit of its members without commercial interest.

### 3.3 STYX Work Package 3

The goal of the work package is the setting up of an EGTC providing, initially, common services for the partners for the most valuable of data and information by providing data and information sharing and management. For doing so full use of existing tools for creating a common legal status are employed, also in correspondence to the recommendation of legal experts. It shall be shaped as an instrument serving the strategic orientations decided by the governance of EUT+ and will relate to the existing bodies and institutions. The path towards this goal is defined through the objectives set and accompanying documentation in the form of the deliverables. Thereby, in a parallelized manner, the preparation of the EGTC operative content starts before the finalization of the legal framework.

#### 3.3.1 Objectives

The works are guided by considerations for interlinking the content and form of the EGTC. An analysis of the technical and legal options for defining a EUT+ common services entity as an EGTC is to allow to identify the main legal aspects that will have to be studied in depth by the EUT+ alliance, complemented by the specification and roadmap for the EGTC installation as a base for joint information sharing. The identification of needs and iterative requirement analysis of joint information needs facilitates the refinement of the preliminary list of services and the priorities for deployment, ultimately resulting in the roadmap for the provision of first information sharing by common databases, joint software services and enabling of common communication infrastructures including the experience gained by piloting selected use cases as examples of feasibility.

For fulfilling the objectives, task 3.1 of the work package focuses onto the technical and legal installation of the EGTC, while task 3.2 concentrates on service implementation and analysis.

### 3.3.2 Deliverables

Based on the package set-up, the result reporting is foreseen in three consecutive parts:

- Analysis of EGTC status in the EUT+ partner countries and level of involvement and contribution of the relevant authorities involved,
- Installation guide for EGTC,
- Roadmap for common services provision.

This document serves as the first deliverables and presents the analysis undertaken. This analysis has been conducted with the purpose of being a diagnostic tool to understand the EGTC legal instrument and situationally usable as the foundation and decision support for the following discussions, decisions and steps. It provides for identifying potentials and obstacles of this instrument. Building on the results of the analysis, the final design of the EGTC can be formulated and developed into the installation guide in an iterative manner, while in parallel the roadmapping for the common service provision is worked on.

## 4 Analysis Method

The idea of cross-national cooperation in Europe is facilitated by the regulation for the European Grouping of Territorial Cooperation (EGTC) established in 2006. It allows for public entities of different Member States of the EU to build a new entity with a legal personality.

This possibility is intended as an offer by the Member States and it gives the possibility to implement cross-border or transnational collaborations with comprehensive business and legal capacity.

### 4.1 Setting for an EGTC in European Law

The legal framework for creating European cooperation structures with legal personalities are defined by European law with<sup>5</sup>:

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<sup>5</sup> A consolidated version is available in all languages at <https://eur-lex.europa.eu/legal-content/DE/TXT/?uri=CELEX:02006R1082-20140622&from=EN>.

- Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC);
- Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards clarification, simplifying and improving the creation and operation of such groupings;
- Corrigendum to Regulation (EU) No 1302/2013 of the European Parliament and of the Council of 17 December 2013 amending Regulation (EC) No 1082/2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and functioning of such groupings.

Since the EGTC is an independent, autonomous legal entity that carries out its tasks on its own responsibility, it is in principle independent of the members. The member states also have only limited supervisory rights, mainly in case of serious violations of the basic principles of the legal order of one of the member states, while the control in financial terms is basically carried out according to the law of the state in which the registered office is located as per Art. 6 (1)<sup>6</sup>.

As mentioned above, this legal form is unique as it can be established without having to have an international agreement between the Member States beforehand. It provides for the creation of a unional cooperation instrument with legal personality by public bodies as per Art. 5 par. 1<sup>7</sup>. Through this definition, an EGTC<sup>8</sup> is an entity with legal personality created by partners based in at least two Member States to act on behalf of them. The EGTC is governed by a convention adopted unanimously among their members approving its statutes and describing its organization and activities, whereby the powers of the EGTCs are limited by the respective powers of their members, i.e. public authority powers cannot be transferred. For its activities an EGTC needs to have an assembly of its members and a director for representation and acting. In this it is an instrument to put transnational cooperation on a permanent basis.

<sup>6</sup> Viadrina Center Borders in Motion (2018): Europäischer Verbund für territoriale Zusammenarbeit.

<http://www.evtz.eu/wikka.php?wakka=EVTZAufsicht&active1=CategoryEVTZAllgemein&active2=EVTZAufsicht>

<sup>7</sup> Viadrina Center Borders in Motion (2018): Europäischer Verbund für territoriale Zusammenarbeit.

<http://www.evtz.eu/wikka.php?wakka=EVTZ&active1=CategoryEVTZAllgemein&active2=EVTZ>

<sup>8</sup> European Parliament (2023) Fact Sheets on the European Union. European Groupings of Territorial Cooperation (EGTCs).

<https://www.europarl.europa.eu/factsheets/en/sheet/94/europaische-verbunde-fur-territoriale-zusammenarbeit-evtz->

Pursuant to Art. 16 in the Regulation (EC), the EU Member States are to adopt the regulations required for the implementation of the regulation with the minimum being the specification of the authority responsible for the designated tasks as per the regulation. Therefore, in total 54 national and regional administrations can approve and register EGTCs in Europe<sup>9</sup>. However, the legal acts adopted by the individual member states to implement the regulatory mandate of Art. 16 differ significantly from one another as some have enacted far-reaching laws with numerous detailed regulations while others have limited themselves to rudimentary regulations<sup>9</sup>. As a result, different legal and liability regimes for EGTCs are given<sup>10</sup>.

In general, the implementation obligation of the Regulation (EC) No 1082/2006 concerns the areas

- Designation of the national authorities responsible for the approval of EGTC foundations (Article 4 No. 4);
- Determination of the institutions controlling the management of public funds (Article 6 No. 1);
- In addition, Member State law still has a complementary function, as it supplements the Regulation in all those areas that are not or only partially covered by the Regulation.

As a result, the Member States' enforcement of the EGTC Regulation is carried out in very different ways. However, some provisions of the EGTC regulation are directly applicable, such as those concerning the composition, structure, convention and statutes of an EGTC<sup>11</sup>. In addition, the EGTC is governed by its convention and the provisions of applicable law which is the law of the Member State where the EGTC has its registered office as stated in Article 8. Subsequently, the provisions of the conventions are complemented thereby by this national law with regard to areas not or only partly covered by the Regulation. Therefore, an EGTC is a structure governed both by European regulation and by the national law of the Member State

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<sup>9</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

<sup>10</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.  
[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

<sup>11</sup> Engl, Alice (2013): Ein Instrument zwischen Gemeinschaftspolitik und nationalem Recht: Die Durchführung der Verordnung über den Europäischen Verbund für Territoriale Zusammenarbeit in ausgewählten EU-Mitgliedstaaten. EuR (2013)285.



in which the EGTC has its registered office and not a structure subject exclusively to EU law.

As a consequence, the existing EGTCs can differ considerably depending on the legal system of the member state and do not show a uniform structure<sup>12</sup>. The three main pillars of possible membership, its objectives and possible tasks define the character of an EGTC, while at the same time the open formulations in the regulation provides for flexible implementation<sup>13</sup>.

## 4.2 Case Analysis of Utilising an EGTC for Cooperation in Higher Education

A recent overview by the European Committee of the Regions<sup>14</sup> shows a total of 85 active EGTCs of which 14 are having more than two member states participating. A majority of the EGTCs are cooperating in a cross-border manner and often focus on infrastructural and/or regional promotional and cooperation goals. However, three EGTCs are active which are composed of universities collaborating in the areas of education and research.

As higher education institutes are public authorities, they can participate in an EGTC for territorial cooperation and perform the tasks assigned to it by the members. This in turn depends on the tasks of the members. Drawing onto the experience of a German-Polish case<sup>15</sup>, several observations can be made. The tasks assigned to the EGTC are carried out by the EGTC on its own responsibility. In doing so, it may use its own human and material resources or those entrusted to it. The EGTC can engage in legal transactions under private law, since as a legal entity it participates independently in legal transactions. However, it cannot exercise public powers, in particular regulatory powers, and can thus not enact statutes and administrative acts. This leads to the fact that a higher education EGTC could not adopt study regulations or enrolment and de-registration acts, insofar as they are considered

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<sup>12</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

<sup>13</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs. [https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

<sup>14</sup> European Committee of the Regions (2023): List of European Groupings of Territorial Cooperation. [https://cor.europa.eu/en/our-work/Documents/Official\\_List\\_of\\_the\\_EGTCs.pdf](https://cor.europa.eu/en/our-work/Documents/Official_List_of_the_EGTCs.pdf)

<sup>15</sup> Viadrina Center Borders in Motion (2016): Die grenzüberschreitende Kooperation von Hochschulen. Nutzung des EVTZ-Instruments für Zusammenarbeit im Hochschulbereich. <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32004L0018&rid=1>

statutes or administrative acts under the applicable higher education law but which would be necessary for offering joint study programmes with a joint degree. Nevertheless, more technical, coordinating, acquire and organisational tasks such as managing teaching and/or research and/or infrastructure and support for higher education can be performed by an EGTC for higher education institutions.

In Europe there are in total three EGTCs by higher education institutions which all have their seats in Germany, however, none of them is a European University Alliance or acting for one.

Eucor – The European Campus<sup>16</sup> is a permanently established EGTC in 2015 by five universities of the Upper Rhine Region. It interconnects Germany, France and Switzerland with the aim of easing and further development of the tri-national, cross-border cooperation in research and education while at the same time maintaining the autonomy and independence of its members. It continues the previous cooperation named Eucor dating back to 1989.

Wissenschaftsverbund Vierländerregion Bodensee EVTZmbH<sup>17</sup> is a permanently established EGTC with limited liability at the end of 2022 by 25 higher education institutions around Lake Constance, across Austria, Germany, Liechtenstein and Switzerland. It aims at cross-border cooperation in research, education, higher education organization and partnerships and services while at the same time maintaining the autonomy and independence of its members. It continues the previous non-institutionalised cooperation called Internationalen Bodensee-Hochschule dating back 20 years.

European Campus of Studies and Research – Europäischer Verbund für territoriale Zusammenarbeit mit beschränkter Haftung (EVTZmbH)<sup>18</sup> is a permanently established EGTC with limited liability established in 2020 between a German and an Austrian university of applied sciences to ease and strengthen their cross-border

<sup>16</sup> Übereinkunft des Europäischen Verbunds für territoriale Zusammenarbeit „Eucor – The European Campus“ auf Basis der Verordnung (EG) Nr. 1082/2006 über den europäischen Verbund für territoriale Zusammenarbeit (EVTZ) in der Fassung der Verordnung (EU) Nr. 1302/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013. Geänderte Fassung vom 16. Mai 2022.

<sup>17</sup> Übereinkunft des Europäischen Verbunds für territoriale Zusammenarbeit mit beschränkter Haftung (EVTZmbH) „Wissenschaftsverbund Vierländerregion Bodensee“ auf Basis der Verordnung (EG) Nr. 1082/2006 über den europäischen Verbund für territoriale Zusammenarbeit (EVTZ) in der Fassung der Verordnung (EU) Nr. 1302/2013 des Europäischen Parlaments und des Rates vom 17. Dezember 2013.

<sup>18</sup> Übereinkunft des „European Campus of Studies and Research“ Europäischer Verbund für territoriale Zusammenarbeit mit beschränkter Haftung (EVTZmbH).

cooperation, strengthening their reputation and the interculturality and internationality of studies. Its tasks include the organisation of studies, applications for project funding and networking.

In summary it can be seen here how EGTCs by higher education institutions can be formed in order to assume tasks for the advancement and support in research, teaching and transfer of their members on a European level.

### 4.3 Analysis Matrix for EUT+ EGTC Creation

Forming the EUT+ EGTC requires analyses into various aspects. Combining insights from studies, reports and recommendations from relevant literature with active partner experience has resulted in an accumulation of areas to be analysed<sup>19,20,21,22,23,24,25,26</sup>. These allow for a categorization of information for a specialized approach providing for an encompassing legal analysis. As a result, the analysis needs to consider:

<sup>19</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

<sup>20</sup> Federal Ministry of Transport and Digital Infrastructure (BMVI) (2014) Guideline for the establishment of an EGTC for stakeholders of transnational cooperation.

[https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL\\_EVTZ\\_TransEngl.pdf?\\_\\_blob=publicationFile&v=1](https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL_EVTZ_TransEngl.pdf?__blob=publicationFile&v=1).

<sup>21</sup> Federal Ministry of Transport and Digital Infrastructure (2017): Experience of European Groupings of Territorial Cooperation (EGTC). [https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2017/moro-praxis-08-17-dl.pdf?\\_\\_blob=publicationFile&v=1](https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2017/moro-praxis-08-17-dl.pdf?__blob=publicationFile&v=1)

<sup>22</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020).

<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

<sup>23</sup> Regierungspräsidium Freiburg (n.d.). Europäischer Verbund für territoriale Zusammenarbeit (EVTZ) Informationen zur Gründung [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle\\_fuer\\_grenzueberschreitende\\_Zusammenarbeit/EVTZ-Infobroschuere.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle_fuer_grenzueberschreitende_Zusammenarbeit/EVTZ-Infobroschuere.pdf)

<sup>24</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

<sup>25</sup> Viadrina Center Borders in Motion (2016): Die grenzüberschreitende Kooperation von Hochschulen. Nutzung des EVTZ-Instruments für Zusammenarbeit im Hochschulbereich. <https://eur-lex.europa.eu/legal-content/DE/TXT/PDF/?uri=CELEX:32004L0018&rid=1>

<sup>26</sup> EGTC Monitor (2023) Practical guide on the establishment of EGTCs. <https://egtcmonitor.cesci-net.eu/en/egtc-the-tool/practical-guide-on-the-establishment-of-egtc/>

- legal documentation analysis considering the formulation of convention and statutes for derivation of required decisions on the setup of the EGTC based on legal considerations;
- legal implementation analysis regarding the EGTC establishment for rules and procedures and applicable national laws;
- economic and managerial analysis concentrating on general operational aspects arising from the defined scope of the EGTC and applicable national legal aspects for the installation of the registered office's seat country;
- partner experience analysis for ascertaining the inclusion of prior experiences and expertise.

The steps to be undertaken for the establishment is clearly defined and provides the input for the steps following this analysis. Thereby, it is a fundamental factor that the EUT+ EGTC will be a trans-national entity with an overall multinational focus even though between some members the collaboration has a cross-border aspect.

## 5 Legal Documentation Analysis

The EC EGTC regulation includes regulations concerning the organisation of an EGTC. According to Art. 3(1) it is set-up as an entity with members who need to be bodies governed by public law, e.g. such as universities being public authorities, from different Member States, at least two, while no maximum number is given. In principle, legal persons governed by private law cannot become members. Within the legal framework given by the EC EGTC Regulation, the members can design the EGTC according to their needs and requirements.

### 5.1 Convention

The tasks to be carried out by the EGTC in accordance with Art. 7 and the details of the EGTC are to be documented and agreed upon by way of a convention in accordance with Art. 8 which define the mandatory content to be regulated. The tasks need to fall within the competence of every member (Art. 7(2)), but shall not concern exercise of powers conferred by public law (Art 7(4)). Next to the description of the tasks, the convention defines as a minimum:

- the name of the EGTC and its registered office;
- the extent of the territory in which the EGTC carries out its tasks;
- the objective and the tasks;

- the duration and the conditions for its dissolution;
- a list of the members;
- a list of the EGTC organs and their competencies;
- the applicable Union law and national law of the Member State where the EGTC has its registered office;
- the applicable Union and national law directly relevant to the EGTC's activities;
- the rules and principles concerning personnel recruitment and management;
- the agreement regarding the liability of the EGTC and its members in accordance with Art. 12;
- the agreements regarding mutual recognition including the financial control of the management of public funds;
- the procedures for adoption of the statutes and amendment of the convention.

The convention is subject to approval as per Art. 4 (3). It needs to be considered if the convention shall be translated in each of the member languages.

## 5.2 Statutes

The definition of the organisation of the EGTC as per Art 10 foresees as a minimum the establishment of an assembly of representatives of its members and a director for representing the EGTC and acting on its behalf. Further organs may be defined. The description of the functioning of the organs, their competences and composition are to be determined in detail and laid down in the statutes as per Art. 9 (2) as a minimum in accordance with the convention:

- the operating provisions and competences of the organs together with the number of representatives of the members in the relevant organs;
- the decision-making procedures;
- the working language(s);
- the arrangements for its functioning;
- the procedures concerning personnel management and recruitment;
- the arrangements for the members' financial contributions;
- the applicable accounting and budgetary rules for its members;
- the designation of the independent external auditor of its accounts;
- the procedures for amending the statutes.

In this, the EC EGTC regulation defines the need to determine the decision-making and decision-taking procedures. However, it does not contain any rules on the appointment (e.g. by delegation, election or qua office) of the organ members, so that the members can regulate this as needed. The statutes do not need to be approved as given for the convention, nevertheless, the need to be included for the application of an EGTC. Furthermore, it needs to be considered if the statutes shall be translated in each of the member languages.

### 5.3 Application for the Establishment

The EC EGTC regulation defines the procedure for the foundation and establishment in Art. 4 and Art. 5. Based on the decision to establish an EGTC and start the procedure, each member shall officially notify the competent authority of their home state of the intention accordingly and hand in the drafts of the convention and statutes. Each Member State approves the member's participation in the EGTC and the convention, unless a there is a statutory reason given as per Art. 4 (3) that would allow the approval to be refused. Accordingly, an approval cannot contain ancillary conditions<sup>27</sup>. The period for approval is regulated in Art. 4 to be six months from the date of receipt of a notification. Tacit approval is sufficient, except for the state in which the proposed registered office of the EGTC is to be located, where the approval explicitly needs to be given formally<sup>28</sup>. Subsequently, the convention approved by all competent authorities can be signed by the EGTC members. Even if this is not explicitly stated in the regulation, the statutes must be adopted at the same time<sup>29</sup>.

The convention and the statutes shall be notified by the EGTC in the Member State where it has its registered office where they will be registered and/or published there in accordance with the applicable national law of that Member State, followed by notification to the Member States concerned and the Committee of the Regions of the registration or publication of the convention and the statutes as stated in

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<sup>27</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

<sup>28</sup> Viadrina Center Borders in Motion (2015). Übereinkunft eines EVTZ.  
<http://www.evtz.eu/wikka.php?wakka=EVTZUebereinkunft&active1=CategoryEVTZAllgemein&active2=EVTZUebereinkunft>

<sup>29</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

Art. 5. The EGTC's legal personality is acquired on the date of registration or publication of the convention and the statutes.

For an amendment to the convention, the same procedure for approval applies, except solely in the event of accession of a new member from a Member State that has already approved the convention, where only a notification is required. Amendments to the statutes only need to be notified<sup>30</sup>.

However, existing experience from Germany shows that the overall formation process for establishing an EGTC may take about two years considering all the required steps from the decision of the future members to establish an EGTC, the drafting of the founding documents, the application and approval procedures by the national authorities up to the publication in the Official Journal<sup>26</sup>.

## 6 Legal Implementation Analysis

As per 2023 all Member States have adopted the EC EGTC regulation in national law, but only a few have incorporated the EGTC regulation amendment of 2013<sup>31</sup>. Pursuant to Art. 2(2), in Germany the regulation is delegated to the regional level. In general, the law applicable to the interpretation and application of the convention is that of the member state in which the EGTC has its registered office. As a consequence, some basic knowledge about the legal systems of all states involved is required, in particular of the state in which the EGTC shall have its seat<sup>32</sup>. Furthermore, as per Art. 1(5) the seat of the EGTC's registered office has to be in a Member States in which at least one of the EGTC members is established.

For EU+ the situation for the EGTC creation needs to consider France, Germany, Latvia, Ireland, Bulgaria, Cyprus, Spain and Romania. Accordingly, it needs to be analysed in detail according to the questions identified regarding the task and

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<sup>30</sup> Regierungspräsidium Freiburg (n.d.). Europäischer Verbund für territoriale Zusammenarbeit (EVTZ) Informationen zur Gründung [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle\\_fuer\\_grenzueberschreitende\\_Zusammenarbeit/EVTZ-Infobroschuere.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle_fuer_grenzueberschreitende_Zusammenarbeit/EVTZ-Infobroschuere.pdf)

<sup>31</sup> European Committee of the Regions. Commission for Territorial Cohesion Policy and EU Budget (2020) EGTC monitoring report 2018-2019, <https://cor.europa.eu/en/engage/studies/Documents/EGTC-MR-2018-2019/EGTC-MR-2018-2019.pdf>

<sup>32</sup> Federal Ministry of Transport and Digital Infrastructure (BMVI). Guideline for the establishment of an EGTC for stakeholders of transnational cooperation (2014), p. 4. [https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL\\_EVTZ\\_TransEngl.pdf?\\_\\_blob=publicationFile&v=1](https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL_EVTZ_TransEngl.pdf?__blob=publicationFile&v=1)

scope of the EGTC to which extend the EC regulation has been implemented into national law and which legal requirements are given and to which extend. In accordance with Art. 1(3) the EGTC shall have a legal personality, however, the legal character has to be defined as either a public-law association, an association or another institutional type, since not all Member States have laid down legislation on this or supplementary rules as per Art.2(1(c))<sup>33</sup>. This influences in the following the decisions for the EGTC members for determining the seat of the registered office and in this the applicable law for the EGTC as per Art. 2(1(a)) which is then applicable for the interpretation and enforcement of the convention (Art. 8(2(g))), the activity of the organs (Art. 8(2(h))) and the activity of the EGTC for carrying out its defined tasks (Art. 8(2(j))).

For deciding, the requirements of the member state in which the EGTC will have its registered office need to be considered. If there are no requirements given, the members of an EGTC have to designate the regulations which they consider relevant for certain areas of the EGTC. This needs to be looked at in combination with existing national experience given for reaching a decision. Table 1 provides an overview of the experience of the home Member States of EUT+.

Member State	Experience with EGTC	Experience with EGTC by HEI	Experience EGTC by HEI with register office in Member State
Bulgaria	No	No	No
Cyprus	No	No	No
France	Yes (13 with office, 11 participation)	Yes (1 participation)	No
Germany	Yes (6 with office, 8 participation)	Yes (3)	Yes (3 with office)
Ireland	No	No	No
Latvia	No	No	No
Romania	Yes (6 participation)	No	No

<sup>33</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020). Pp. 25f.

<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>





Spain	Yes (11 with office, 8 participation)	No	No
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Table 1: Experience with EGTC in EUT+ Member States

In the long-term it is also needed to consider the home country of the ninth partner to come on board as outlined for the second phase.

For the creation of an EGTC, EUT+ is supported by its local authorities, so far in particular the Bulgarian, Cypriot, Latvian and French (DGESIP) and German Ministries of Higher Education and Research at the state and federal level have expressed their supporting the STYX project and are very interested in the process of going toward a long-term merger and experimenting with the further steps.

## 7 Economic and Managerial Analysis

Designing and shaping the EGTC in detail depends on its scope and tasks. Based on this, the aspects of its operation together with the definite structural and procedural organisation can be specified. For the following analysis, the results of the work of the task participants of work package 3 of the STYX projects have been brought together and supplemented with generally available advice, in particular in Germany, as here the experience given for the establishment of EGTCs by higher education institutions can be drawn on as well<sup>34,35,36,37</sup>.

However, as the EUT+ EGTC is not envisioned to include members from countries outside of the EU or to provide public or services of general economic interest (SGEI)

<sup>34</sup> Viadrina Center Borders in Motion (2016): Europäischer Verbund für territoriale Zusammenarbeit.

<http://www.evtz.eu/StartEVTZ>

<sup>35</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020). Pp. 25f.

<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

<sup>36</sup> Federal Ministry of Transport and Digital Infrastructure (BMVI). Guideline for the establishment of an EGTC for stakeholders of transnational cooperation (2014), p. 4.

[https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL\\_EVTZ\\_TransEngl.pdf?blob=publicationFile&v=1](https://www.bbsr.bund.de/BBSR/EN/publications/ministries/BMVI/2014/DL_EVTZ_TransEngl.pdf?blob=publicationFile&v=1)

<sup>37</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

as is the case with for example cross-border infrastructure, these aspects are not addressed in this document.

## 7.1 Inclusion of the EGTC in EUT+ Governance Structure

For the construction of the EUT+ EGTC which is foreseen providing common services to EUT+ and in this to its members being higher education institutes, the cornerstones set are to initially providing common services of information sharing and management serving the strategic orientations as part of the governance of EUT+ and will relate to the existing bodies and institutions as described above. It is positioned as an integral part within the existing EUT+ governance structure for providing added value to the EUT+ partners and benefit the long-term common trajectory and convergence process through furthering and ongoing further coordination, harmonisation and pooling commons of all kinds. Building on the given and emerging processes and bodies of EUT+ allows for an integrative approach.

Drawing a somewhat simplistic analogy between EUT+ and the European Union (solely to explain the place of the EGTC), in the EUT+ governance structure the Rectors Board is analogous to the European Council, the Secretariat General Secretariat is analogous to the European Commission and the EGTC to a European agency.

The given EUT+ structure provides already the grounds for including the required three levels of functions<sup>38</sup>. These are the political level concerned with the internal decision-making processes, potential office holders and their relationships to each other, the strategic level focusing on the strategic mission and joint activities, and the administrative level focusing on the daily operation managed by the director.

## 7.2 Tasks of the EGTC

A prerequisite for the establishment of an EGTC is that as per Art. 7 (2) the tasks to be assigned to it fall within the area of competence of the respective EGTC member, while the assignment of sovereign powers is not permitted as per Art. 13. The EGTC can independently carry out the tasks assigned to it. Since it has legal personality, it can effectively conclude contracts to carry out the tasks. However, the members of the EGTC can also decide to assign the execution of the tasks of the grouping to

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<sup>38</sup> EGTC Monitor (2023) Practical guide on the establishment of EGTCs. <https://egtcmonitor.cesci-net.eu/en/egtc-the-tool/practical-guide-on-the-establishment-of-egtc/>

one of its members as per Art. 7 (5) which would require a unanimous decision in the convention and statutes<sup>39</sup>.

The provision of common services for EUT+ will function as a hub. Accordingly, the tasks need to be clearly designated and described in the convention, so that the responsibilities of all members are defined and potential transgressions of powers can be prevented. A distinct description and differentiation of tasks provide transparency for the members. In the case of cross-thematic tasks flexible formulations can be useful while in the case of more strongly focussed individual tasks, specific detailed formulations need to be found. Finding the balance of a description as specific as needed but as flexible as possible hereby offers the possibility for considering possible future adjustments without having to change the convention. One of such means might be that the designation of prioritised tasks does not preclude further potential tasks in the future.

As a necessary step towards such a description, the expectations, needs and requirements of the alliance members have to be elicited, described sufficiently and aligned so that the intended goal of common services provision is precisely formulated.

### 7.3 Organs

The EC EGTC Regulation asks for the constitution of the assembly and the director. Upon setting up the organs, these minimum requirements of the regulation as well as supplementary national regulations must be respected, even though the designation can be flexible. According to Art. 10(2) additional organs may be established which allows for specific adaption of the organization structure according to needs given. However, it needs to be analysed if national regulations are requiring specific organs<sup>40</sup>.

Basing the forming of the EGTC into the existing governance structure of EUT+ provides for the exploitation of the already given experience and works of the

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<sup>39</sup> Viadrina Center Borders in Motion (2016): Europäischer Verbund für territoriale Zusammenarbeit.  
<http://www.evtz.eu/wikka.php?wakka=EVTZAufgaben&active1=CategoryEVTZAllgemein&active2=EVTZAufgaben>

<sup>40</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020).  
<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

existing bodies. In particular, it can be analysed how the EUT+ boards and committees, e.g. the Rectors Board, can take on the role of assembly. In addition, in general an EGTC may have more organs as seen meaningful for its task fulfilment, so that the other existing EUT+ bodies can be taking over specific duties in relation to the EGTC. Alternatively, bodies that are not organs of the EGTCs might be established. This in particular allows for a detailed designing of the organs' establishment balancing democratic representativeness and workable lean structures<sup>41</sup>. The given EUT+ governance structure relating to committees and secretariat general and a supervisory board offers this possibility. Furthermore, during phase I it could be observed that in the EUT+ boards and committees the representation by one delegate and one deputy per each member with a rotation of chairing enables an adequate balance between the equal members of the alliance.

Naming the organs and their competences is to be included in the convention as per Art. 8 (2(f)), whereas their composition, designation of tasks and work processes are best to be included in the statutes as per Art. 9 (2(a)), thus allowing for flexible further growths and adaption to evolution.

#### 7.4 Choice of Legislation

For the establishment of the EGTC it is of the essence to determine the applicable rules and regulations for the interpretation and enforcement of the convention. The choice of applicable national legislation concerns the enforcement of the convention, the activities of the EGTC organs as well as the activities of the EGTC for the performance of the tasks. For this, the applicable European and national laws need to be identified. As a prerequisite, the legal character of the EGTC needs to be set as described above and the legal acts specified to which the EGTC is subject to. Based on the choice of the Member State in which the registered office is going to be located, not only a general reference to the laws of the state of the office, but a concrete naming of the applicable laws can be provided.

After determining the applicable rules and regulations of the Member State in which the organs of the EGTC operate, an in-depth identification and considering mandatory rules and regulations of the other Member States concerned is required. Should the analysis reveal the necessity for parallel applicability of the foreign

<sup>41</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

regulations in addition to the regulations of the state of the EGTC office, this may be foreseen accordingly in the convention.

With regard to the question of the law applicable to activities of the EGTC, a distinction must be made as to whether the activity in question is the task of an organ of the EGTC or of a core task of the EGTC as such, as an organ can only act according to the law of the Member State where it is active while the performance of an EGTC core task is subject to the EU law and the national law of the Member State where it is carried out<sup>42</sup>.

For determining the applicable rules and regulations for the activity of the EGTC in the execution of tasks, they need to be identified and checked for compatibility in the overall context of the EGTC. Overall, particular attention needs to be paid to diligent formulation of the convention and the fundamental consideration of the law of the state of the EGTC office.

In summary, the choice of the location of the registered office of the EGTC is decisive for various rules, in particular<sup>43</sup>:

- the legal character determining the subjectivity to public or private law;
- applicable liability rules as to whether limited or unlimited liability of the EGTC is required;
- financial management and auditing and the competent control bodies;
- public tendering procedures regarding complexity and requirements;
- fiscal rules for subjectivity to a value added tax obligation;
- social security rules, recruitment and payment of staff in setting in multiple states.

Overall, the decision on the location of the registered office has far reaching implications and should be taken with care.

## 7.5 Liability

As per Art. 12 (2) an EGTC is governed by the law of the state of the office regarding liquidation, insolvency, cessation of payments and similar procedure and is liable

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<sup>42</sup> Regierungspräsidium Freiburg (n.d.). Europäischer Verbund für territoriale Zusammenarbeit (EVTZ) Informationen zur Gründung [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle\\_fuer\\_grenzueberschreitende\\_Zusammenarbeit/EVTZ-Infobroschuere.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle_fuer_grenzueberschreitende_Zusammenarbeit/EVTZ-Infobroschuere.pdf)

<sup>43</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs. [https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

for all its debts. In principle, an EGTC is unlimited liable for its obligations with its assets. In case the assets of the EGTC are insufficient, the members of the EGTC are financially unlimited liable for the debts, i.e. there is an obligation on the part of the members for additional contributions with the share being fixed in proportion to the individual financial contribution to the budget<sup>44</sup>. The arrangements for financial contributions shall be fixed in the statutes. This means in practice that the liability of the members is thus subsidiary as it only occurs if the assets of the EGTC are not sufficient. Since the members are only liable proportionally according to their contribution, there is a pro rata limit on this actually unlimited liability on a pro rata basis<sup>45</sup>. However, thereby it also needs to be considered that as per Art. 10(3) the EGTC is also liable for acts of its organs even if they do not fall within the tasks of the EGTC.

For a risk assessment of the liability it needs to be distinguished between the direct liability of the EGTC and the liability of the EGTC members for the obligations of the EGTC. As a consequence, after the precise definition of the tasks and competences, a risk analysis based on different scenarios can support clarifying liability issues. In general, the use of limitations of liability, a reduction of tasks or special voting rules can reduce the vulnerability to liability cases. As a limitation of liability can be derived if at least one member of an EGTC is limited, it needs to be analysed if additionally insurances or guarantee arrangements are required by any of the Member States of the EGTC members. This possibility is subject to the implementation into the national law applicable and needs to be assessed accordingly<sup>46</sup>. If the establishment of a limited liability EGTC is possible, only the EGTC is liable with all its assets, but not its members.

However, in general it needs to be decided for the form of the EGTC for limitation versus non-limitation of liability by opting for a European Grouping for Territorial Cooperation or a Limited Liability European Grouping for Territorial Cooperation. The choice is to be included into the convention. Experience from Germany<sup>35</sup> shows that the EGTC members may only be released from liability if a prior defined liability

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<sup>44</sup> European Parliament (2023) Fact Sheets on the European Union. European Groupings of Territorial Cooperation (EGTCs). [https://www.europarl.europa.eu/factsheets/en/sheet/94/europaische-verbunde-fur-territoriale-zusammenarbeit-evtz-](https://www.europarl.europa.eu/factsheets/en/sheet/94/europaische-verbunde-fur-territoriale-zusammenarbeit-evtz)

<sup>45</sup> Regierungspräsidium Freiburg (n.d.). Europäischer Verbund für territoriale Zusammenarbeit (EVTZ) Informationen zur Gründung [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle\\_fuer\\_grenzueberschreitende\\_Zusammenarbeit/EVTZ-Infobroschuere.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle_fuer_grenzueberschreitende_Zusammenarbeit/EVTZ-Infobroschuere.pdf)

<sup>46</sup> Schilling, Stefan (2016): Der Europäische Verbund für territoriale Zusammenarbeit – Sinnvolles Instrument grenzüberschreitender Kooperation oder Haftungsfalle? Europarecht, Heft 3, S. 338-351.

deposit has been fully made. The amount of the deposit depends on the type and scope of the activities of the EGTC. It can be assumed that the sum of one or two annual budgets of the EGTC might be appropriate. In addition the EGTC needs to have an insurance or a similar cover for the risks associated with its activities.

As for the national implementation seemingly incoherent legislation seems to exist, it is advisable to foresee a further iterative deepening of the preliminary assessment of the legal framework of the state of the office for finalizing the founding documents<sup>47</sup>.

## 7.6 Financing

For basing the operations of the EGTC on solid grounds requires the determination of the necessary basic funding and with this the determination and differentiation of the different types of costs. The financial resources for facilitating the fulfilment of the tasks of the EGTC may stem from contributions paid by the members according to a mutually agreed cost calculation and budgeting, third-party funds raised or income from the provision of services or donations, gifts and legacies, service fees, or other legally permissible income and interest income. The provision of financial resources is to be defined within the statutes including the amount of the share and distribution of contributions of the members. Furthermore, potential loaning as well as the use of surpluses and coverage of deficits needs to be defined in the statutes<sup>48</sup>.

Stable long-term funding can be achieved through regular members' contributions payments. The rules for determining the amount of the contribution can be defined as deemed necessary. However, it might be advisable to use third-party funding primarily to finance additional activities or projects. Therefore, in addition to a transparent assessment base dynamic adjustments and the recognition of other contributions have to be decided upon. Presently in the Member States concerned for the EUT+ EGTC there is no requirement for paid-in capital for establishing the EGTC.

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<sup>47</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

<sup>48</sup> Viadrina Center Borders in Motion (2018): Europäischer Verbund für territoriale Zusammenarbeit.

<http://www.evtz.eu/wikka.php?wakka=EVTZFinanzierungHaushalt&active1=CategoryEVTZAllgemein&active2=EVTZFinanzierungHaushalt>

In Art. 11 the requirement for the establishment of an annual budget is regulated. The assembly adopts the EGTC's annual budget estimates, in respect of which an annual activity report is produced and certified by an auditor in the state of the office. In Latvia the additional requirement for annual submission to the competent ministry of an annual statement together with an opinion of an auditor regarding the statement and an extract from the minutes of the meeting of members.

The EGTC legal instrument expands the options for action to improve the conditions in which the implementation and management of territorial cooperation actions are carried out<sup>49</sup>. According to Art. 7 (3) actions may be carried out with or without financial support from the Union. However, the establishment of an EGTC does not automatically result in access to funding, e.g. from the European Territorial Cooperation (Interreg)<sup>50</sup> or the eligibility to applying for specific calls, e.g. in the frame of HORIZON Europe.

Often, EGTCs can implement *Interreg* programmes as implementing authority, and for other funding programmes, e.g. ERDF or ESF programmes, an EGTC may implement projects as a beneficiary body. *Interreg* is a European instrument aiming to strengthen cooperation between regions and countries within the EU and promoting regional development, cohesion, and reducing economic disparities. Presently *Interreg* is focused on addressing current challenges like climate change, digital transformation, and social inclusion<sup>51</sup>. This European Territorial Cooperation (ETC) measure has become an important funding source though EGTCs also benefit from other European Structural and Investment Funds (ESIF), Horizon 2020, Connecting Europe Facility (CEF), Erasmus+ and B-Solutions<sup>52</sup>. However, projects implemented do not necessarily have to be EU-funded as the EGTC members are free to use the EGTC also for other spatially relevant measures that are not funded by the EU, provided that they are in line with the EU programmes<sup>33</sup>. In practice, very

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<sup>49</sup> Braun, Elke (2017): Zehn Jahre Europäische Verbände für territoriale Zusammenarbeit Rechtliche Entwicklungen, Erfahrungen der Praxis. NVwZ (2017)205.

<sup>50</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020).  
<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

<sup>51</sup> *Interreg*: *Interreg 2021-2027: Fostering Cooperation for a Stronger Europe*. <https://interreg.eu/about-interreg/>

<sup>52</sup> European Committee of the Regions. Commission for Territorial Cohesion Policy and EU Budget (2020) EGTC monitoring report 2018-2019, p. 2. <https://cor.europa.eu/en/engage/studies/Documents/EGTC-MR-2018-2019/EGTC-MR-2018-2019.pdf>



different EGTCs can be found which are EGTCs with and without EU funding. As an action item for the EGTC the consideration of different European and national funding sources can be foreseen, as an EGTC can independently apply for and use EU funding. For applying for third-party funding, however, the financial planning needs to consider potential pre-funding that might be required as in the case of ESIF and the need for staff and/or resources for the application, even though this might be provided through recourse to experienced staff of the members.

## 7.7 Taxation

The establishment of an EGTC by public authorities principally foresees the operation as a non-profit organization that must not engage in commercial profit-oriented activities. With regard to taxation and budget law, the legal character of the EGTC as either a private legal person or a public entity is decisive, for example with regard to the obligation to pay corporate income tax, business tax and VAT as by having a non-profit status, the EGTC may benefit from tax reductions or exemptions<sup>53</sup>. For example, in Germany, Legal entities under public law are not enterprises and are therefore in principle not liable for VAT (§ 2b (1) UStG). Consequently, such EGTCs are not subject to VAT, as long as they carry out activities or effect transactions which are incumbent on them within the framework of public authority<sup>54</sup>.

It needs to be seen before finalising the convention whether the EGTC can be economically active and legally which financial possibilities and obligations are resulting from the national regulations of the EGTC's state where the office is registered as different taxation assessments of the EGTC in the individual Member States is to be looked at. The choice of the EGTC's state of the office needs to be taken after the technical examination of the legal consequences of the taxation regulations in coordination with the competent authority for the application. In particular, the application of public finance law entities being active in a cross-border manner might require coordination between Member States on the fiscal

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<sup>53</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

<sup>54</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020).

<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

and budgetary treatment of the EGTC. The inclusion of the admission of economic activities of the EGTC requires a preceding analysis of the possibility for fulfilling admissibility requirements. Alternatively, a renunciation of commercial activities can be explicitly stated in the convention.

## 7.8 Personnel

An EGTC can employ staff independently. For the deployment of personnel different options exist. An EGTC may employ its own staff or work with staff provided by its members through delegation by way of deployment and provision. In addition, contracts with external suppliers can be concluded. However, the question of equal pay for equal work and the scope of the administrative requirements need to be examined for choosing. In case of cross-border deployment of personnel, the resulting questions around social security and labour law issues have to be addressed. According to Art. 8 (2(k)) the principles governing the employment of staff have to be defined, while Art. 9 (2(e)) prescribes the inclusion of the Procedures of personnel management and recruitment into the statutes.

In general each person employed is subject to the social security law of one country depending on the actual place of work, not of the state of the EGTC office, the nationality, the place of residence of the employee or the law of the employment contract. However, the competent national authorities may grant derogations with regard to the social security obligation, however, this needs to be researched according to given specifics<sup>55</sup>.

For the employment of a person the Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) needs to be taken into consideration. Accordingly, in principle individual employment contracts are governed by the law of the Member State where work is normally carried out, even though a choice of law may be made which then applies with priority<sup>40</sup>.

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<sup>55</sup> Regierungspräsidium Freiburg (n.d.). Europäischer Verbund für territoriale Zusammenarbeit (EVTZ) Informationen zur Gründung [https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle\\_fuer\\_grenzueberschreitende\\_Zusammenarbeit/EVTZ-Infobroschuere.pdf](https://rp.baden-wuerttemberg.de/fileadmin/RP-Internet/Freiburg/Stabsstelle_fuer_grenzueberschreitende_Zusammenarbeit/EVTZ-Infobroschuere.pdf)

## 7.9 Public Procurement Law

As the EGTC is composed of public authorities, it is a contract public authority when purchasing goods, works or services or issue invitations to tender and sign contracts and in this need to adhere to the applicable rules<sup>56</sup>. As an entity with a legal personality, the EGTC may conclude contracts with other entities and persons whereby procurement rules need to be observed when the EGTC is acting as a public purchaser of market goods and services. For purchasing goods or services as a contracting authority, for the EGTC either the procurement law of the state of the registered office or the state in which it carries out its activities may be applied. Under certain conditions the EGTC is exempt from procurement law. Here, internal service regulations adapted to the specific circumstances as well as a combination of national legal systems may allow for transparency and individual arrangements.

The reference to the applicable procurement law in the convention is thus decisive for future flexibility as it may explicitly name one national law or allow for ad hoc decisions of the assembly by naming alternatives. However, if the EGTC buys goods or services on behalf of its members, the national procurement law of the Member State applies where the members are located<sup>57</sup>. But if the EGTC provides services for its members, public procurement rules must be applied, except where an in-house procedure can be justified which is the case if the purchasing entities exercise control over the EGTC, the EGTC implements most of the activities for its members and the member has no direct private investment in the EGTC, which is always ensured for EGTCs since all members have to be public<sup>50</sup>.

The final decision taking might later depend on the precise formulating of the tasks and competences.

## 7.10 Amendments to the Convention

As stated above, amendments to the convention must be approved following the given procedures as per the EC EGTC Regulation. However, the inclusion of rules and

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<sup>56</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020).

<https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

<sup>57</sup> European Committee of the Regions (2021): Guidebook on registering EGTCs.

[https://cor.europa.eu/en/engage/studies/Documents/4508\\_COTER\\_Guidebook\\_registering\\_EGTC.pdf](https://cor.europa.eu/en/engage/studies/Documents/4508_COTER_Guidebook_registering_EGTC.pdf)

procedures for the admission of new members must not necessarily lead to the need for amending the convention as this can be defined from the beginning. In the case of the EUT+ EGTC a member list can be part of the convention, as this EGTC is basically concentrating onto the EUT+ alliance itself.

### 7.11 Accession and Withdrawal of Member and Ending the EGTC

As per Art. 8 (2e)) the members of the EGTC are to be listed. As a consequence, the accession of new members lead to the requirement of obtaining approval as done previously upon the establishment of the EGTC. If a new member from an EU member state that has not yet approved the convention as per Art. 4 (6a b)) wishes to join, the approval authorities of all existing members must re-approve the agreement with the updated list of members. This results in a de facto veto right for the approval authorities. They can refuse approval even if the approval authority of the member state from which the new member comes from which the new member comes agrees<sup>58</sup>. Similarly, the same procedure applies for the withdrawal of a member. Therefore, as EUT+ is having only one member from a certain Member State and a defined number of alliance members, by including all alliance for membership at the point in time of finalising the convention may limit the additional efforts of a later amendment.

The withdrawal of members from the EGTC is not regulated by the EC EGTC regulation. Accordingly, the statutes may foresee if and how members may withdraw stating the form of termination of membership, notice period and regulate the liability of the withdrawing members of the EGTC's liabilities incurred during membership without subsequent liability<sup>59</sup>. A mandatory withdrawal is, however, foreseen in Art. 13(1) that and when a Member State may require its members to withdraw from the EGTC.

The questions of liquidation and insolvency are governed by Art. 12(1) foreseeing the applicability of national law of the state with the office, while the case of dissolution is regulated by Art. 14 on European level. Nevertheless, the decision on

<sup>58</sup> Bundesministerium des Innern, für Bau und Heimat (BMI) (2020): Europäische Verbände für territoriale Zusammenarbeit: Unterstützung bei der Vorbereitung. MORO Praxis 17(2020). <https://www.bbsr.bund.de/BBSR/DE/veroeffentlichungen/ministerien/moro-praxis/2020/moro-praxis-17-20.html;jsessionid=FB8D72A9E8ADB2EA8D242D5371D55E94.live21323>

<sup>59</sup> Viadrina Center Borders in Motion (2018): Europäischer Verbund für territoriale Zusammenarbeit. <http://www.evtz.eu/wikka.php?wakka=EVTZMitglieder&active1=CategoryEVTZAllgemein&active2=EVTZMitglieder>

the dissolution of the EGTC can be taken freely by the members of the EGTC while a compulsory dissolution in case of withdrawal of one (of two) or if it is established that the EGTC no longer fulfils the requirements of Art. 1(2) or Art. 7<sup>60</sup>.

## 7.12 Partner Experience Analysis

In EUT+ internal analyses showed that there is so far no experience by the members of the alliance in establishing an EGTC. However, there is some experience given with non-profit information service provision in a separate entity by two of the alliance members. For example, the German partner has experience regarding the establishment and operation of inter-university entities for common service provision. In detail, this comprises a long-standing experience setting up and running external service-oriented structures such as Steinbeis Transfer GmbH, the Competence Center Hessische Hochschulen (CCHH) as well as Fachhochschulrechenzentrum (FH HRZ) for providing ERP and HCM systems operations and services to higher education institutions and running IT-services in the GSI Green IT Cube operated by GSI/FAIR, Europe's most energy efficient IT-hosting facility with direct and redundant connection to Frankfurt DECIX, for high bandwidth and international Internet accessibility.

## 8 Findings

This first analyses show that the legal differences between the Member States concerned by the EUT+ EGTC are not very large. With respect to the experience given in the Members States and the partners concerning the establishment and operation of EGTCs, this varies widely.

### 8.1 Summary of Findings

An EGTC is an entity by public bodies with an independent legal personality which upon the establishment has by law the most extensive legal capacity in each Member States concerned as accorded to legal persons under the national law of these states offering broad scope for shaping the internal agreement constituted as

<sup>60</sup> Viadrina Center Borders in Motion (2018): Europäischer Verbund für territoriale Zusammenarbeit.  
<http://www.evtz.eu/wikka.php?wakka=EVTZAufloesung&active1=CategoryEVTZAllgemein&active2=EVTZAufloesung>

the EGTC convention. This stands in contrast to national legal persons such as registered associations which are exclusively subject to the national law where they are based, or partnership agreements that have no legal personality, or interstate agreements that would require direct formal involvement of Member States, or potential alternatives on European level such as the European Economic Interest Grouping (EEIG), the European Company (SE) or the European Cooperative Society (SCE). The latter are intended for companies either for exclusive support of economic activities that cannot be delegated to them by public authorities, or form holding companies requiring a considerable minimum capital, or mandatorily requiring cross-border elements in mixed economic companies in which public authorities are not allowed to participate.<sup>61</sup>

However, even though the EC EGTC regulation is focused on public bodies cooperating in the EU, presently the regulations do not contain provisions directly supporting the tasks of universities or higher education institutions in general. Nevertheless, distinct benefits and advantages are the capability of being able to act and cooperate within a joint policy approach in a permanent structure facilitating long-term and legally binding decisions and activities across borders<sup>62</sup>. In the long run, the unional character of an EGTC might allow for potential changes or adjustments in the EC EGTC Regulation to be adopted equally across the Member States.

## 8.2 Conclusion and Recommendation

The forming of the EUt+ EGTC and definition of its tasks will enable the identification of existing obstacles for the establishment of an EGTC by a European University. The then following experimentation with this legal entity by starting with the provision of common services concerns all alliance members alike, so that this can be seen and used as the seed point not only for cooperating, but working within a common legal structure and learning along the way.

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<sup>61</sup> Interact (2008) INTERACT Handbook. The European Grouping of Territorial Cooperation (EGTC) What Use for European Territorial Cooperation Programmes and Projects?. [http://www.espaces-transfrontaliers.org/fileadmin/user\\_upload/documents/Espace\\_Membres/Ressources\\_juridiques/INTERACT\\_Handbook\\_EGTC\\_08.pdf](http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Espace_Membres/Ressources_juridiques/INTERACT_Handbook_EGTC_08.pdf)

<sup>62</sup> Federal Ministry of Transport and Digital Infrastructure (BMVI). Guideline for the establishment of an EGTC for stakeholders of transnational cooperation (2014), p. 6ff.

Accordingly, it seems to be recommendable to follow a long-term two-part process. Firstly, the formulating of the EGTC setup with its tasks and scope as paving the way towards mutualisation and the then following steps to be taken for applying can result in clearly identifying, collecting and describing obstacles and furthers needs arising along the way. Onwards, these in turn can be further examined and worked on for mutual benefit and in close exchange with partners, other alliances as well as local and European authorities.

### 8.3 Outlook and Next Steps

Based on the analysis presented here, the formulating of the founding documents is to be concentrated on and in this the shaping of the EUT+ EGTC. This may further require the involvement of legal expertise as per the above presented legal considerations to be taken concerning the questions identified in this analysis. In parallel, the involvement of the competent authorities can be brought forward further.

The documentation of these activities is foreseen in an accompanying manner in the form of the installation guide, including also the details of the applicable application process. This will be done by way of the next deliverable in this work package 3 of the STYX project.