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COVER NOTE

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	16 October 2018
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	C(2018) 6651 final
Subject:	COMMISSION DELEGATED REGULATION (EU) .../... of 16.10.2018 laying down the list of indicators for the report on the application of Regulation (EC) No 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC)

Delegations will find attached document C(2018) 6651 final.

Encl.: C(2018) 6651 final



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COMMISSION DELEGATED REGULATION (EU) .../...

of 16.10.2018

laying down the list of indicators for the report on the application of Regulation (EC) No 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE DELEGATED ACT

The first paragraph of Article 17 of 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)¹ states that the Commission is to draft a report on the application of that Regulation. The indicators used to draft the report should be laid down in a delegated act and should cover effectiveness, efficiency, relevance, European added value and scope for simplification.

The objective of this delegated act, therefore, is to draw up a list of the indicators used for the assessment of the application of the EGTC Regulation. That assessment will then serve as key input for the Commission Report.

2. CONSULTATIONS PRIOR TO THE ADOPTION OF THE ACT

Consultations have been carried out in line with paragraph 4 of the Common Understanding on delegated acts between the European Parliament, the Council and the European Commission. A draft of this delegated act was discussed at expert group meetings involving experts from all Member States on 4 July 2013 and 14 July 2017. The European Parliament was duly notified of the meeting dates, agendas and relevant documents to enable requests to attend the meetings.

3. LEGAL ELEMENTS OF THE DELEGATED ACT

The second paragraph of Article 17 of Regulation (EC) No 1082/2006 empowers the Commission to adopt delegated acts, in accordance with Article 17a, laying down the list of indicators referred to in the first paragraph.

¹ OJ L 210, 31.7.2006, p. 19.

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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)², and in particular the second paragraph of Article 17 thereof,

Whereas:

- (1) In its first report on the application of Regulation (EC) No 1082/2006, the Commission proposed a number of amendments³. Regulation (EU) No 1302/2013 of the European Parliament and of the Council⁴ improved, clarified and simplified the establishment and functioning of the European groupings of territorial cooperation ('EGTCs').
- (2) In accordance with the first paragraph of Article 17 of Regulation (EC) No 1082/2006, the Commission is to forward to the European Parliament, the Council and the Committee of the Regions a report on the application of that Regulation, assessing, on the basis of certain indicators, the effectiveness, efficiency, relevance, European added value and scope for simplification of that Regulation.
- (3) The indicators should help the Commission form an opinion on the progress made to date. A cut-off date should be introduced for gathering information for the report and progress should be assessed by comparing the situation at a given baseline and the situation at that cut-off date. Both quantitative and qualitative indicators should be used when compiling the report.
- (4) In accordance with the second subparagraph of Article 3 of Regulation (EU) No 1302/2013, that Regulation applies as of 22 June 2014. In accordance with the transitional provisions in Article 2 of that Regulation, the approval procedure of EGTCs in the process of being established depends on the date of 22 June 2014. The baseline for indicators measuring progress should therefore be the situation on 21 June 2014. The cut-off date for receiving data or information to use the indicator can only be fixed during the preparatory work for the report on the application of the Regulation and should be mentioned in the report.

² OJ L 210, 31.7.2006, p. 19.

³ Report from the Commission to the European Parliament and to the Council 'The application of the Regulation (EC) No 1082/2006 on a European Grouping of Territorial Cooperation (EGTC)' - COM(2011) 462 final, 29.7.2011.

⁴ 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 (OJ L 347, 20.12.2013, p. 303).

- (5) The effectiveness indicator should demonstrate how successful Regulation (EC) No 1082/2006 has been in achieving its objectives or making progress in achieving them.
- (6) The efficiency indicator considers the relationship between the resources or inputs used and the changes or results generated. With regard to the approval procedure for the establishment of the EGTCs, information on different costs for the establishment of different legal bodies for cooperation may only be generated by the national authorities who have previously approved comparable bodies. In assessing the progress of the EGTCs and indirectly the efficiency of Regulation (EC) No 1082/2006 to date, costs for the functioning of those EGTCs should be compared with the costs involved in setting up a different legal body for cooperation. Such a comparison may, however, only be made with the EGTCs that had set up a different legal body for cooperation beforehand.
- (7) The relevance indicator considers the extent to which the objectives and provisions of Regulation (EC) No 1082/2006 correspond to the needs of the prospective members of EGTCs.
- (8) The sustainability indicator, which is linked to relevance, considers the number of registered EGTC's which are actually not performing any activity.
- (9) The European added value indicator considers whether EGTCs were set up because Regulation (EC) No 1082/2006 was adopted, whereas the EGTC members had not been able to set up legal bodies for territorial cooperation under existing international or national law.
- (10) With regard to the scope for further simplification of Regulation (EC) No 1082/2006, the elements for simplification such as of the procedure to set up new EGTCs including tacit approval by national approval authorities, as introduced by Regulation (EU) No 1302/2013 should be assessed,

HAS ADOPTED THIS REGULATION:

Article 1

The indicators to be used for the report on the application of Regulation (EC) No 1082/2006 are set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 16.10.2018

For the Commission
The President
Jean-Claude JUNCKER