

Resolution on the motion for a resolution on the Community's regional policy as regards the regions at the Community's internal frontiers (18 November 1976)

Caption: This resolution, dated 18 November 1976 and approved by the European Parliament, analyses the increasing European regional imbalances arising from the existing territorial structure. It also addresses the challenges of the cross-border circulation of workers, business activities in the private sector and the cross-border transport infrastructure. This resolution suggests that in many cases the creation of a cross-border joint authority could be the best option to optimise the potential for cooperation. In this respect, this proposal prefigures future European territorial cooperation networks.

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RESOLUTION

on the motion for a resolution on the Community's regional policy as regards
the regions at the Community's internal frontiers

The European Parliament,

- having regard to the motion for a resolution tabled by Mr Gerlach and others on the Community's regional policy as regards the regions at the Community's internal frontiers (Doc. 5/74),
- having regard to the resolution on regional policy as regards the regions at the Community's internal frontiers adopted on 13 March 1975 ⁽¹⁾ on the basis of the interim report drawn up by the Committee on Regional Policy and Transport (Doc. 467/74),
- having regard to the report of the Committee on Regional Policy, Regional Planning and Transport and the opinions of the Political Affairs Committee, the Legal Affairs Committee and the Committee on Social Affairs, Employment and Education (Doc. 355/76),

I. Preliminary work

1. Notes:

- that the problems of the regions at the Community's internal frontiers have become a matter of increasing concern to the European Parliament,
- that the Commission has not yet been in a position to take appropriate effective measures to counter the increasingly unfavourable economic situation of the border regions,
- that the Council recognized the need for action for the border regions in its third medium-term economic policy programme of 9 February 1971 (OJ No L 49, 1. 3. 1971, p. 35), and made provision when creating the European Regional Development Fund for the Fund to be employed for these regions;

2. Recognizes that the Council of Europe and its bodies have attempted to draw the attention of national governments to the border regions and have thereby performed valuable preliminary work for transfrontier cooperation;

3. Welcomes the policies of the Council of Europe and the European Parliament with their identical objectives in this field and hopes for greater cooperation between these two institutions and energetic implementation of their common aims by the Council of the European Communities;

II. Problems of the border regions

4. Regrets that the internal border regions are hardly able to fulfil their bridging function between the Member States and that social, cultural and emotional conflicts have not yet been sufficiently dispelled;

⁽¹⁾ OJ No C 76, 7. 4. 1975, p. 25.

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5. Is of the opinion that the border regions, like the peripheral regions, have enjoyed less favourable economic development than the central areas. Although most of the border regions are situated in a central position in Europe, they occupy a peripheral position with regard to their own country's economy;
6. Notes that one consequence of this border situation is imbalance between central regions and border regions as manifested in inadequate infrastructures, shortcomings in passenger and freight transport facilities, and often depopulation, and believes that these observations are admissible without fixing the precise geographic limits of the border regions; such demarcation could lead simply to a shift in the Community's internal frontiers;
7. Points out that this report represents only the first stage in a three-part European Parliament initiative. It is planned to follow it up with a second report on regional policy as regards the Community's external frontiers and a third report on the Community's maritime frontiers.

III. Possible forms of cooperation

8. Considers it absolutely necessary to have proper statistical bases, methodological adjustments, basic economic analyses and efficient implementation instruments to initiate effective transfrontier regional planning for the structural improvement of the border regions;
9. Emphasizes that all possible means of communication should be used for transfrontier coordination in order to replace frequent institutional and executive duplication, competition and confusion with cooperation which will rationalize work, make transfrontier regional policy more transparent, alleviate social tensions and achieve optimal utilization of the economic resources available;
10. Stresses the need to create in the regions aid recipients with a sufficiently substantial legal structure to provide competent contractual partners for the donor institutions (national governments, European Regional Development and Social Funds, EIB);
11. Is not unaware that certain transfrontier activities by private industry could have fatal consequences if there were no transfrontier authority able, for instance, to avert the dangers to industrial policy and protection of the environment of uncontrolled expansion of industrial technology;
12. Hopes that the Community will take up in particular the problems of transfrontier workers who still have to contend with a number of problems: border controls, the closing of many border posts at night, fluctuations in income as a result of changing exchange rates, less job security and discrepancies in social insurance provisions. The early creation of the Passport Union (point 10 of the final communiqué of the 1974 summit conference, and the Commission's communication to the Council of 3 July 1975) should improve freedom of movement for workers;
13. Considers it necessary to have balanced settlement of industry in the border areas, advantages and disadvantages being considered not with reference to national considerations but on the basis of fair distribution within the regions;
14. Is of the opinion that, in congested areas close to national frontiers a transfrontier building and land use plan would displace narrow parochial policies and make possible a careful division of functions and optimal arrangement of settlement areas;
15. Has ascertained that in many cases public utilities in border areas could be financed much more acceptably if a transfrontier joint authority were to be founded which could ensure optimal exploitation of capacities;

16. Affirms that the consolidation of transfrontier transport infrastructures would contribute not only to socio-economic development but also to cooperation in all spheres of daily life;
17. Is of the opinion that the specific objectives of effective environmental protection require that it should not be cut off at national borders. The universally recognized 'polluter pays' principle makes transfrontier measures a necessity;
18. Is aware that transfrontier health services (systems for transporting patients, accident services and specialist clinics) would be welcomed by the inhabitants of border areas;
19. Also affirms that the consolidation of transfrontier cultural cooperation would provide a basis for all the more consequential trust-inspiring activities and should not be underestimated; it could be supported in a unique way by the influential regional mass media;
20. Is of the opinion that the frequently attractive border regions could be exploited by developing trans-frontier tourism and short-distance excursion venues, thereby contributing to economic recovery in the border regions concerned;

IV. *The Regional Fund as a financial instrument*

21. Emphasizes that the Council Regulation of 18 March 1975 establishing a Regional Development Fund (OJ No L 73, 21. 3. 1975) expressly refers to the need to support border regions, stating in Article 5 (1) (d) that account will be taken of:

'(d) whether the investment falls within a frontier area, that is to say within adjacent regions of separate Member States';

V. *European joint authorities as an organizational instrument*

22. Emphasizes that apart from the financial solidarity offered by the European Regional Development Fund, the border regions must be given organizational aid as the present legal situation makes transfrontier cooperation between municipalities and regions uncommonly difficult, since:

- the joint authority arrangement under national law makes it necessary for one partner in the transfrontier cooperation to subject himself to the legal system of the neighbouring country,
- international agreements make grass-roots regional policy a matter of 'distant' foreign policy and the preserve of the highest national authorities,
- the present proposals under Community law for forms of transfrontier cooperation (the European Company and the European Cooperation Grouping) are exclusively geared to private business;

23. Therefore desires to submit to those responsible for public welfare an equivalent legal framework for transfrontier cooperation in the form of the European joint authority proposed in this document, to enable the broad range of local authority activities and public utilities (transport undertakings, water, gas and electricity supplies, leisure facilities, medical and social services) and environmental protection, emergency services and promotion of industry to be developed to the benefit of participating local bodies;

24. Considers therefore that it has a special duty to urge the Commission to call on the Council to enact a Regulation on the creation of transfrontier regional authorities, and consequently includes the draft of such a Council Regulation in the present resolution;

25. Points out that the question of enforcement is today crucial to the various Community policies and that non-binding recommendations to the Member States which will not help the border regions should be replaced by other instruments;

26. Therefore urges the Commission to support the formation of European Joint Authorities when the Regulation has been adopted by the Council;

27. Therefore believes that the legal system proposed here, i.e. the European Joint Authority, offers the best framework under Community law for voluntary bilateral or trilateral cooperation between the Member States without any appreciable loss of sovereignty by the latter; any loss of the power of decision will be offset by the fact that representatives of the central authority will also be members of the Regional Council of the European Joint Authority and will therefore be able to exercise direct influence over its decisions; moreover, the activities of the future European Joint Authorities will be geographically limited;

28. Considers that the internal organization of the European Joint Authorities should be governed by flexible outline provisions of Community law, embodied in the regulation, with regard to the foundation and operation of such authorities and the minimum requirements as regards membership;

29. Believes that the national law of the country in which the authorities have their head office must govern relations with third parties in respect of the legal and executive powers of the authorities and legal recourse;

30. Is of the opinion that the Council Regulation should allow the cooperating local and regional authorities as much latitude as possible for independent arrangements depending on regional conditions; planning and coordination duties would be followed at a later stage by independent responsibility for administrative matters and participation in local authority and regional schemes compatible with the aims of public welfare and service;

31. Proposes in the Regulation, which is an integral part of this resolution, the following organizational structure for the European Joint Authorities:

- a Regional Council composed of representatives of member authorities, representatives of national supervisory institutions and, if necessary, a representative of the Commission of the European Communities,
- a Regional Committee composed of senior administrative officials of the member authorities or administrative specialists;

32. Instructs its President to forward this resolution and the report of its committee to the Council and Commission, the Parliaments of Member States and the Council of Europe.

Draft proposal for a Council Regulation on the creation of transfrontier regional authorities (European Joint Authorities)

THE COUNCIL OF THE EUROPEAN COMMUNITIES:

Having regard to the Treaty establishing the European Economic Community, and in particular Article 235 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Having regard to the following reasons:

Whereas, in the third programme for medium-term policy ⁽¹⁾, the Council of the European Communities

and the Governments of the Member States reaffirmed the Community's responsibility for a number of regional problems; whereas these included in particular the difficulties arising directly from the integration of the Community and the border areas were explicitly referred to in this connection;

Whereas according to the Decision of the Council and the representatives of the Governments of Member States of 22 March 1971 on the gradual creation of an economic and monetary union ⁽²⁾ — reaffirmed in the Decision of the Council and representatives of the Governments of Member States of 21 March 1972 ⁽³⁾ — in order to remove structural and regional differences measures should be taken to

⁽²⁾ OJ No C 28, 27. 3. 1971, p. 1.

⁽³⁾ OJ No C 38, 18. 4. 1972, p. 3.

⁽¹⁾ OJ No L 49, 1. 3. 1971, p. 5.

contribute to a balanced development of the Community;

Whereas by adopting Regulation (EEC) No 724/75 of 18 March 1975 establishing a European Regional Development Fund ⁽¹⁾, the Council honoured this commitment;

Whereas the structural, social and cultural imbalances in the border regions, whereby geopolitically corresponding areas are prevented from harmoniously developing their economic life and raising their standard of living, can be partially corrected in this way;

Whereas the aid measures by the European Regional Development Fund represent only one means of doing this, and in order to solve the problems of border regions it is also necessary to provide for the regions a permanent form of organization for transfrontier cooperation;

Whereas the Treaty does not provide the necessary powers to realize the objectives incumbent on the Community by virtue of Article 2 of the EEC Treaty the Community should be equipped with such powers by virtue of Article 235 of the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

Foundation and operation

1. European regional authorities (hereinafter referred to as 'European Joint Authorities') may be created by contract for a fixed or indefinite term subject to the terms and conditions and in the manner and with the effects laid down by this Regulation.

2. The members of the European Joint Authority shall lay down in the foundation statute their authority's head office which must be situated within the Community.

Article 2

Membership requirements

1. The European Joint Authority shall consist of at least two local or regional authorities or legal persons under public law which are entrusted with their own administration and belong to at least two Member States.

⁽¹⁾ OJ No L 73, 21. 3. 1975, p. 1.

2. Participation shall be restricted to authorities with representatives and powers of their own.

Article 3

Legal and executive powers

The European Joint Authority shall be a legal person under Community law and shall possess in each Member State the greatest measure of legal and executive authority accorded to legal persons by the statutory provisions of that Member State. In particular it may acquire assets in the form of personal and real estate, found enterprises under national private law or participate in existing enterprises.

Article 4

Applicable law

In as far as no provision is laid down in this regulation or the statute established by the contracting authorities, the law of the State in which the European Joint Authority has its head office shall be applied.

Article 5

Objectives

The task of the European Joint Authority shall be to create an area with balanced economic, social and cultural structures in the fields for which its member authorities are responsible by:

- drawing up its own plans and opinions on national plans,
- coordinating the implementation of national measures,
- assuming independent responsibility for regional administrative matters delegated to it,
- participating in all ways in local or regional projects which are compatible with the aims of public welfare or serve in all areas for which original responsibility has been transferred to the member authorities of which have been referred to them for implementation.

Article 6

Rights

1. The European Joint Authority shall have the same rights as those granted by Member States to

national bodies with similar aims (specific-purpose associations, public-law undertakings).

2. The European Joint Authority may create public welfare undertakings or participate in such undertakings where they already exist.

Article 7

Outline provisions for the Statute of the European Joint Authority

The European Joint Authority shall adopt a Statute containing the following outline provisions:

1. organization of the European Joint Authority (Article 8 of the Regulation);
2. provisions on the Regional Council and its working methods (Articles 9 and 10 of the Regulation);
3. provisions on the Regional Committee and its tasks (Article 11 of the Regulation);
4. termination of membership (Article 13 of the Regulation);
5. winding-up of the European Joint Authority (Article 14 of the Regulation).

Article 8

Organization of the European Joint Authority

The European Joint Authority shall consist of:

1. the Regional Council;
2. the Regional Committee.

Article 9

Regional Council

1. The Regional Council is the decision-making and supervisory organ of the European Joint Authority.
2. It shall be composed of representatives of member authorities. These shall be appointed for a period not exceeding four years. They may be reappointed.
3. The following shall participate in the Regional Council on an advisory basis:
 - (1) representatives of national supervisory institutions;

- (2) representatives of the Commission of the European Communities in as far as the Commission deems it necessary to participate.

Article 10

Working methods of the Regional Council

1. The Regional Council shall take decisions:
 - (1) as recommendations to the affiliated authorities. Such recommendations shall require a simple majority and their contents shall not be binding;
 - (2) as Directives binding on each member authority in respect of the objective to be attained while leaving the choice of the ways and means of attaining the object to the authority.

Such Directives shall require a majority of two-thirds of the members of the Regional Council.

2. The Regional Council shall also be responsible for:

- adopting the statute,
- amending the statute,
- adopting the budget,
- winding-up the European Joint Authority,
- forming committees,
- incorporating new members.

3. Decisions to amend the statute, to pass the budget, to incorporate new members or to wind up the European Joint Authority shall require a majority of two-thirds of the members of the Regional Council. Decisions falling into the other categories shall be made by simple majority of the members of the Regional Council.

Article 11

Regional Committee

1. The Regional Committee is the permanent administrative organ of the European Joint Authority which implements the decisions of the Regional Council. It shall be composed of senior administrative officials of the member authorities or persons whose chief occupation is that of administrative specialist, appointed by the Regional Council.
2. The Regional Committee may submit to the Regional Council proposals for the attainment of the objectives of the European Joint Authority.
3. Through its chairman the Regional Committee shall represent the European Joint Authority in legal and non-legal matters.

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*Article 12***Legal recourse**

1. Any dispute as to the powers of the organs of the European Joint Authority between such organs or on the powers of the European Joint Authority *vis-à-vis* its member authorities shall be referred to the competent court in the country in which the European Joint Authority has its head office.
2. The statute may provide that disputes as to its contents shall be referred to the European Court of Justice pursuant to Article 177 (c) of the EEC Treaty.
3. Proceedings may be opened by the member authorities, their supervisory authorities, the European Joint Authority and the Commission of the European Communities.

*Article 13***Termination of membership**

1. Membership of the authority shall be deemed terminated:
 - (1) on withdrawal;
 - (2) on the winding-up of a member authority.
2. In the event of the winding-up of a member authority its membership shall automatically expire. The legal successor of such authority may exercise its

right to join the European Joint Authority within six months of such winding-up taking effect.

*Article 14***Winding-up of the European Joint Authority**

1. The European Joint Authority may be wound up by decision taken by two-thirds of the votes of the members of the Regional Council.
2. The European Joint Authority shall be deemed to be wound up when its member authorities belong to only one Member State.
3. The assets of the European Joint Authority shall be distributed among the member authorities. Such distribution shall be undertaken by the Regional Committee subject to the approval of the Regional Council. The organs shall remain in office until all matters relating to assets have been finally settled.

*Article 15***Entry into force**

This Regulation shall enter into force on ... (after its publication in the *Official Journal of the European Communities*).

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

Resignation of a member of Parliament

The President announced that Mr Stewart had been appointed chairman of an important committee at the House of Commons, and was therefore resigning as member of the European Parliament.

The President congratulated Mr Stewart on his new appointment.

Budgetary procedure

In accordance with the provisions of the budgetary procedure, and in agreement with the Committee on Budgets, the pre-report time limit for tabling amendments to the Council's modifications, proposals for outright rejection and for forwarding

opinions to the committee responsible was set at 12 noon on 30 November 1976.

The post-report time limit was set at 6 p.m. on 10 December 1976 subject to the report of the committee responsible being submitted on 4 December 1976.

The budget debate would be held during the sitting on Tuesday, 14 December 1976, and the vote on Thursday, 16 December 1976.

Mr Dalyell spoke.

First European social budget (revised)

Mr Albertsen introduced his report, drawn up on behalf of the Committee on Social Affairs,

Employment and Education, on the first European social budget (revised) 1970 to 1975 (Doc. 397/76).

Mr Van Der Gun spoke on behalf of the Christian-Democratic Group.

The sitting was suspended at 1 p.m. and resumed at 3.05 p.m.

Sir Peter Kirk, Mr Lenihan and Mr Dalyell spoke on a question of procedure concerning the representation of Northern Ireland in the European Parliament.

First European social budget (revised) (continued)

Mrs Kellett-Bowman spoke on behalf of the European Conservative Group in the continuing debate on the Albertsen report (Doc. 397/76).

IN THE CHAIR: MR SCOTT-HOPKINS

Vice-President

The following spoke: Sir Brandon Rhys Williams, Mrs Kruchow, on behalf of the Liberal and Allies Group, Mr Hamilton, Mr Howell, Mr Adams, on

behalf of the Socialist Group, Mr Thomson, *Member of the Commission*, and Mr Albertsen, *Rapporteur*.

Parliament now considered the motion for a resolution.

Mrs Kellett-Bowman asked for a separate vote on paragraph 5.

Parliament adopted the preamble and paragraphs 1 to 4.

Sir Brandon Rhys Williams spoke.

Parliament adopted paragraph 5 and then paragraph 6.

Sir Brandon Rhys Williams, Mrs Kellett-Bowman and Mr Howell had tabled on behalf of the European Conservative Group amendment No 1 proposing the insertion of a new paragraph 6a after paragraph 6. Sir Brandon Rhys Williams now moved the amendment.

The rapporteur spoke.

Amendment No 1 was rejected.

Parliament adopted paragraphs 7 to 9.

Sir Brandon Rhys Williams gave an explanation of vote.

Parliament adopted the following resolution: