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Committee on Regional Development

2011/0272(COD)

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*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending 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) as regards the clarification, simplification and improvement of the establishment and implementation of such groupings
(COM(2011)0610/2 – C7-0324/2011 – 2011/0272(COD))

Committee on Regional Development

Rapporteur: Joachim Zeller

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending 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) as regards the clarification, simplification and improvement of the establishment and implementation of such groupings
(COM(2011)0610/2 – C7-0324/2011 – 2011/0272(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2011)0610/2),
 - having regard to Article 294(2) and Articles 175, 209(1) and 212(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0324/2011),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 25 April 2012¹,
 - having regard to the opinion of the Committee of the Regions of 15 February 2012²,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Development (A7-0000/2013),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 191, 29.6.2012, p. 53.

² OJ C 113, 18.4.2012, p. 22.

Amendment 1

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 1082/2006

Article 1 – paragraph 2

Text proposed by the Commission

2. The objective of an EGTC shall be to facilitate and promote territorial cooperation, including one or more of cross-border, transnational and interregional cooperation, between its members as set out in Article 3(1), with the aim of strengthening economic, social and territorial cohesion."

Amendment

2. The objective of an EGTC shall be to facilitate and promote ***in particular*** territorial cooperation, including one or more of cross-border, transnational and interregional cooperation, between its members as set out in Article 3(1), with the aim of strengthening economic, social and territorial cohesion."

Or. en

Amendment 2

Proposal for a regulation

Article 1 – point 2

Regulation (EC) No 1082/2006

Article 2 – paragraph 1

Text proposed by the Commission

"1. ***An EGTC and its acts and activities*** shall be governed by the following:

(a) this Regulation ***and, where applicable, other Union law concerning activities of the EGTC;***

(b) ***where*** expressly authorised by this Regulation, ***the provisions of the convention referred to in Article 8;***

(c) in the case of matters not, or only partly, regulated by this Regulation, the law of the Member State where the ***EGTC has its*** registered office ***or, where allowed under this Regulation, the law of the Member State where statutory organs exercise their powers or where the EGTC carries out its activities.***

Amendment

"1. ***The acts of the statutory organs of an EGTC*** shall be governed by the following:

(a) this Regulation;

(b) ***the convention referred to in Article 8, when it is*** expressly authorised by this Regulation; ***and,***

(c) in the case of matters not, or only partly, regulated by this Regulation, the ***national*** law of the Member State where the registered office ***of the EGTC is located.***"

An EGTC shall be considered to be an entity of the Member State where it has its registered office *for the purposes of determining* the applicable law.”

An EGTC shall be considered to be an entity of the Member State where it has its registered office *where it is necessary to determine* the applicable law *under Union or private international law*.

Or. en

Amendment 3

Proposal for a regulation

Article 1 – point 2a (new)

Regulation (EC) No 1082/2006

Article 2 – paragraph 1a (new)

Text proposed by the Commission

Amendment

(2a) The following paragraph shall be inserted:

"1a. Activities of the EGTC for carrying out tasks referred to in Article 7(2) and (3) inside the Union shall be governed by the Union law and the national law specified by the convention referred to in Article 8.

The activities co-financed from the Union budget shall comply with the requirements set out in applicable Union and national law relating to its application."

Or. en

Amendment 4

Proposal for a regulation

Article 1 – point 3- - subpoint a

Regulation (EC) No 1082/2006

Article 3 – paragraph 1 – subparagraph 1 - point e

Text proposed by the Commission

Amendment

(e) national, regional or local authorities or bodies or public ***enterprises*** equivalent to

(e) national, regional or local authorities or bodies or public ***undertakings*** equivalent

those referred to under point (d) from third countries *or overseas territories*, subject to the conditions laid down in Article *3a(1)*.”

to those referred to under point (d) from third countries, subject to the conditions laid down in Article *3a*.”

Or. en

Amendment 5

Proposal for a regulation

Article 1 – point 3 - subpoint b

Regulation (EC) No 1082/2006

Article 3 – paragraph 2

Text proposed by the Commission

“2. An EGTC shall be made up of members drawn from the territory of at least two Member States, except as provided for in Article *3a(2)*.”

Amendment

"2. An EGTC shall be made up of members drawn from the territory of at least two Member States, except as provided for in Article *3a, paragraphs (2) and (5)*."

Or. en

Amendment 6

Proposal for a regulation

Article 1 – point 4

Regulation (EC) No 1082/2006

Article 3a

Text proposed by the Commission

“Article 3a

Accession of members from third countries or overseas territories

1. In accordance with Article 4(3a), an EGTC may be made up of members drawn from the territory of at least two Member States and of one or more third *country or overseas territory*, where those Member States and third countries *or overseas territories* jointly carry out territorial cooperation actions or implement

Amendment

"Article 3a

*Accession of members from third countries or overseas **countries or territories (OCTs)***

1. In accordance with Article 4(3a), an EGTC may be made up of members drawn from the territory of at least two Member States and of one or more third *countries neighbouring at least one of the Member States including its outermost regions* where those Member States and third countries jointly carry out territorial

programmes supported by the Union.

2. An EGTC may be made up of members drawn from the territory of only one Member State and of one third ***country or overseas territory***, where that Member State considers such an EGTC consistent with the scope of its territorial cooperation or bilateral relations with the third ***country or overseas territory***.”

cooperation actions or implement programmes supported by the Union.

1a. For the purposes of this Regulation, a third country or an OCT is considered as neighbouring a Member State including its outermost regions where the third country or an OCT and the Member States share a common land border or where both the third country or and OCT and a Member State are eligible under a joint maritime cross-border or transnational programme under ETC or under another cross-border, sea-crossing or sea-basin cooperation programme, including where separated by international waters.

2. An EGTC may be made up of members drawn from the territory of only one Member State and of one ***or more*** third ***countries neighbouring the Member State including its outermost regions***, where that Member State considers such an EGTC consistent with the scope of its territorial cooperation ***in the context of cross-border or transnational cooperation*** or bilateral relations with the third ***countries concerned***.”

2a. For the application of paragraphs (1) and (2) of this Article, third countries neighbouring a Member State including its outermost regions include maritime borders between the countries concerned.

2b. In accordance with Article 4a and subject to the conditions set out in paragraph (1), an EGTC may also be made up of members drawn from one or more Member States including its outermost regions and one or more OCT, with or without members from one or more third countries.

2c. In accordance with Article 4a and subject to the conditions set out in paragraph (2), an EGTC may also be made up of members drawn from only one Member State including its outermost regions and of one or more OCT, with or

without members from one or more third countries.

2d. An EGTC may not be set up only between members from a Member State and one or more OCT linked to that same Member State."

Or. en

Amendment 7

Proposal for a regulation

Article 1 – point 5 – subpoint a

Regulation (EC) No 1082/2006

Paragraph 3 –subparagraph 2 a (new)

Text proposed by the Commission

Amendment

An interruption of the time limit shall not occur provided that the prospective member responds to the observations by the Member State within ten working days from the receipt of these observations.

Or. en

Amendment 8

Proposal for a regulation

Article 1 – point 5 – subpoint b

Regulation (EC) No 1082/2006

Article 4 – paragraph 3a

Text proposed by the Commission

Amendment

The following paragraph 3a is inserted:

“3a. In the case of an EGTC with prospective members from third countries *or overseas territories*, the Member State where the proposed registered office of the EGTC will be located shall *ensure* that the conditions laid down in Article 3a are

The following paragraph 3a shall be inserted:

"3a. In the case of an EGTC with prospective members from third countries the Member State where the proposed registered office of the EGTC will be located shall, *in consultation with the other Member States concerned, satisfy*

fulfilled and that the third country *or the Member State under whose laws the prospective member from an overseas territory is established* have approved the prospective member's participation *according to* equivalent conditions and procedures to those laid down in this Regulation, or *in accordance with* an agreement concluded between at least one Member State under whose law a prospective member is established and such third country *or overseas territory*. ***Paragraph 3 of this Article shall apply.***"

itself that the conditions laid down in Article 3a are fulfilled and that the third country *has* approved the prospective member's participation *in accordance with*:

(i) equivalent conditions and procedures to those laid down in this Regulation; or

(ii) an agreement concluded between at least one Member State under whose law a prospective member is established and such third country."

Or. en

Amendment 9

Proposal for a regulation

Article 1 – point 5 – subpoint c

Regulation (EC) No 1082/2006

Article 4 - paragraph 5

Text proposed by the Commission

"5. The members shall agree on the convention referred to in Article 8 ensuring consistency with the approval *or the amendments suggested by the Member States* in accordance with paragraph 3 of this Article.

Amendment

"5. The members shall agree on the convention referred to in Article 8 ensuring consistency with the approval in accordance with paragraph 3 of this Article.

Or. en

Amendment 10

Proposal for a regulation

Article 1 – point 5 – subpoint c

Regulation (EC) No 1082/2006

Article 4 - paragraph 6

Text proposed by the Commission

6. Any amendment to the convention or to the statutes shall be notified by the EGTC to the Member States under whose law its members are established.

Any amendment to the convention shall be approved by *the* Member States according to the procedure set out in this Article.

*However, in case of accession to an existing EGTC of a new member from a Member State that has already approved the convention, such **accession** shall only be approved by the Member State under whose laws the new member is established. Paragraph 3 of this Article shall apply.*

In case of the accession of a new member from a third country *or overseas territory* to an existing EGTC, such accession shall be *approved* by all the Member States *that have already approved the convention. Paragraph 3a of this Article shall apply.*"

Amendment

6. Any amendment to the convention or to the statutes shall be notified by the EGTC to the Member States under whose law its members are established. Any amendment to the convention, *except solely in the cases of accession of a new member covered by paragraph 7 (a)*, shall be approved by *those* Member States according to the procedure set out in this Article.

6a. The following provisions shall apply in the case of accession of new members to an existing EGTC:

*(a) In case of accession of a new member from a Member State that has already approved the convention, such **participation** shall only be approved by the Member State under whose laws the new member is established in accordance with the procedure set out in paragraph 3 and notified to the Member State where the EGTC has its registered office.*

(b) In case of the accession of a new member from a Member State that has not already approved the convention, the procedure set out in paragraph 6 shall apply.

*(c) In the case of accession of a new member from a third country to an existing EGTC, such accession shall be **subject of examination** by the Member State *where the registered office of the EGTC is located in accordance with the procedure**

set out in paragraph 3a."

Or. en

Amendment 11

Proposal for a regulation

Article 1 – point 5 a (new)

Regulation (EC) No 1082/2006

Article 4 a (new)

Text proposed by the Commission

Amendment

(5a) Article 4a shall be inserted:

"Participation of members from an OCT

In the case of an EGTC with a prospective member from an OCT, the Member State to which the OCT is linked shall satisfy itself that the conditions of Article 3a are fulfilled and, taking into account its relationship with the OCT, either:

(a) approve the prospective member's participation in line with Article 4(3); or

(b) confirm in writing to the Member State where the proposed registered office of the EGTC will be located that the competent authorities in the OCT have approved the prospective member's participation in accordance with equivalent conditions and procedures to those laid down in this Regulation."

Or. en

Amendment 12

Proposal for a regulation

Article 1 – point 6

Regulation (EC) No 1082/2006

Article 5

Text proposed by the Commission

Amendment

1. The convention and the statutes and any

1. The convention and the statutes and any

subsequent amendments thereto shall be registered or published, or both, according to the applicable national law in the Member State where the EGTC concerned has its registered office. The EGTC shall acquire legal personality on the day of registration or publication, whichever occurs first. The members shall inform the Member States concerned, *the Commission* and the Committee of the Regions of the registration or publication of the convention.

2. The EGTC shall ensure that, within ten working days from the registration or publication of the convention, a request is sent to the *Commission* following the template set out in the Annex to this Regulation. The *Commission* shall then transfer this request to the Publications Office of the European Union for publication of a notice in the C series of the Official Journal of the European Union announcing the establishment of the EGTC, with the details set out in the Annex to this Regulation."

subsequent amendments thereto shall be registered or published, or both, according to the applicable national law in the Member State where the EGTC concerned has its registered office. The EGTC shall acquire legal personality on the day of registration or publication *in the Member State where the EGTC concerned has its registered office*, whichever occurs first. The members shall inform the Member States concerned and the Committee of the Regions of the registration or publication of the convention.

2. The EGTC shall ensure that, within ten working days from the registration or publication of the convention, a request is sent to the *Committee of the Regions* following the template set out in the Annex to this Regulation. The *Committee of the Regions* shall then transfer this request to the Publications Office of the European Union for publication of a notice in the C series of the Official Journal of the European Union announcing the establishment of the EGTC, with the details set out in the Annex to this Regulation."

Or. en

Amendment 13

Proposal for a regulation

Article 1 – point 8 –subpoint a

Regulation (EC) No 1082/2006

Article 7 – paragraphs 2 and 3

Text proposed by the Commission

Article 7 is amended as follows:

(a) Paragraphs 2 and 3 are replaced by the following:

"2. An EGTC shall act within the confines of the tasks given to it, which shall be the

Amendment

Article 7 is amended as follows:

(a) Paragraphs 2 and 3 are replaced by the following:

"2. An EGTC shall act within the confines of the tasks given to it, which shall be the

facilitation and promotion of territorial cooperation to strengthen economic, social and territorial cohesion and be determined by its members *on the basis* that they fall within the competence *under national law of at least one member from each Member State represented in that EGTC*.

3. An EGTC may carry out specific actions of territorial cooperation between its members in pursuit of the objective referred to in Article 1(2), with or without a financial support from the Union.

Specifically, the tasks of an EGTC may concern the implementation of cooperation programmes or parts thereof or of operations supported by the Union through the European Regional Development Fund, the European Social Fund and/or the Cohesion Fund.

Member States may limit *the actions* that EGTCs may carry out without a financial support from the Union. However, Member States shall not exclude those *actions covered by* the investment priorities *under the Cohesion Policy of the Union as adopted for the period 2014-2020*.”

facilitation and promotion of territorial cooperation to strengthen economic, social and territorial cohesion, *overcoming internal market barriers*, and be determined by its members so that they fall within the competence *of every member, unless the Member State or third country approves the participation of a member formed under its national law even where that member is not competent for all the tasks specified in the convention*.

3. An EGTC may carry out specific actions of territorial cooperation between its members in pursuit of the objective referred to in Article 1(2), with or without a financial support from the Union.

Primarily, the tasks of an EGTC may concern the implementation of cooperation programmes or parts thereof or of operations supported by the Union through the European Regional Development Fund, the European Social Fund and/or the Cohesion Fund.

Member States may limit the *tasks* that EGTCs may carry out without a financial support from the Union. However, *without prejudice to Article 13*, Member States shall not exclude those *tasks concerning* the investment priorities *referred to in Article 6 of Regulation No ... [ETC]*.”

Or. en

Amendment 14

Proposal for a regulation

Article 1 – point 9

Regulation (EC) No 1082/2006

Article 8 –paragraph 2

Text proposed by the Commission

In Article 8, paragraph 2 is replaced by the following:

Amendment

In Article 8, paragraph 2 is replaced by the following:

“2. The convention shall specify:

- (a) the name of the EGTC and its registered office;
- (b) the extent of the territory in which the EGTC may execute its tasks;
- (c) the objective and the tasks of the EGTC;
- (d) *its* duration and the conditions for its dissolution;
- (e) the list of *its* members;

(f) the *specific* Union *or* national law *applicable to the* interpretation and enforcement of the convention;

(g) the arrangement for the involvement of members from third countries or *overseas territories* if appropriate;

(h) the *specific* Union or national law *applicable to its activities, while the latter may be the law of the Member State where statutory organs exercise their powers or where the EGTC carries out its activities*;

(i) the rules applicable to the EGTC’s staff as well as the principles governing the arrangements concerning personnel management and recruitment procedures;

(j) *in case of an EGTC liability with limited* , the arrangements for liability of the members in accordance with Article 12(3);

(k) the appropriate arrangements for mutual recognition, including for financial control of the management of public funds;

“2. The convention shall specify:

- (a) the name of the EGTC and its registered office;
- (b) the extent of the territory in which the EGTC may execute its tasks;
- (c) the objective and the tasks of the EGTC;
- (d) *the* duration *of the EGTC* and the conditions for its dissolution;
- (e) the list of *the EGTC’s* members;

(ea) the list of the EGTC’s organs and their respective competences;

(f) the *applicable* Union *law and* national law *of the Member State where the EGTC has its registered office for the purposes of* interpretation and enforcement of the convention;

(fa) the applicable Union and national law of the Member State(s) where the statutory organs of the EGTC act;

(g) the arrangement for the involvement of members from third countries or *in OCTs* if appropriate *including the identification of applicable law where an EGTC carries out tasks in third countries or in OCTs*;

(h) the *applicable* Union *and* national law *where the EGTC carries out its tasks, which is directly relevant to the tasks carried out*;

(i) the rules applicable to the EGTC’s staff as well as the principles governing the arrangements concerning personnel management and recruitment procedures;

(j) the arrangements for liability of the *EGTC and its* members in accordance with Article 12;

(k) the appropriate arrangements for mutual recognition, including for financial control of the management of public funds;

and

(l) the procedures for **amending** the convention, including compliance with the obligations set out in Articles 4 and 5.

However, where an EGTC **is only managing** a cooperation programme or part thereof under **the Cohesion Policy of the European Union**, or where an EGTC concerns interregional cooperation or networks, information under point (b) is not required.

The following rules shall apply to the EGTC's staff as referred to in point (i),

(a) those of the Member State where the EGTC has its registered office;

(b) those of the Member State where the EGTC's staff is actually located; or

(c) those of the Member State of which the staff member is a national.

To allow equal treatment of all staff working at the same location, the national laws and rules, whether of public or private law, may be subject to additional ad hoc rules fixed by the EGTC."

and

(l) the procedures for **adoption of the statutes and amendment of** the convention, including compliance with the obligations set out in Articles 4 and 5.

3. Where **the tasks of** an EGTC **concern only the management of** a cooperation programme or part thereof under **Regulation No ... [ETC]**, or where an EGTC concerns interregional cooperation or networks, information under **paragraph 2**, point (b) is not required.

The following rules shall apply to the EGTC's staff as referred to in point (i),

(a) those of the Member State where the EGTC has its registered office;

(b) those of the Member State where the EGTC's staff is actually located; or

(c) those of the Member State of which the staff member is a national.

To allow equal treatment of all staff working at the same location, the national laws and rules, whether of public or private law, may be subject to additional ad hoc rules fixed by the EGTC."

Or. en

Amendment 15

Proposal for a regulation

Article 1 – point 10

Regulation (EC) No 1082/2006

Article 9 – paragraph 2

Text proposed by the Commission

In Article 9, **paragraph 2** is replaced by the following:

Amendment

Article 9 is replaced by the following:

"1. The statutes of an EGTC shall be adopted on the basis of and in accordance with the convention by its

“2. The statutes shall contain, as a minimum, the following:

- (a) the operating provisions of the EGTC's organs and their competences, as well as the number of representatives of the members in the relevant organs;
- (b) the decision-making procedures of the EGTC;
- (c) the working language or languages;
- (d) the arrangements for its functioning;
- (e) the *specific arrangements* concerning personnel management and recruitment *procedures*;
- (f) the arrangements for members' financial contributions;
- (g) the applicable accounting and budgetary rules of *each of* the members of the EGTC *with respect to it*;
- (h) the designation of the independent external auditor of the accounts of the EGTC;
- (i) *the arrangements for the liability of the members in accordance with Article 12(2); and*
- (j) the procedures for amending the statutes, including compliance with the obligations set out in Articles 4 and 5.”

members acting unanimously.

2. The statutes shall contain, as a minimum, the following:

- (a) the operating provisions of the EGTC's organs and their competences, as well as the number of representatives of the members in the relevant organs;
- (b) the decision-making procedures of the EGTC;
- (c) the working language or languages;
- (d) the arrangements for its functioning;
- (e) the *procedures* concerning personnel management and recruitment ;
- (f) the arrangements for members' financial contributions;
- (g) the applicable accounting and budgetary rules of the members of the EGTC;
- (h) the designation of the independent external auditor of the accounts of the EGTC; *and*
- (i);
- (j) the procedures for amending the statutes, including compliance with the obligations set out in Articles 4 and 5."

Or. en

Amendment 16

Proposal for a regulation

Article 1 – point 12

Regulation (EC) No 1082/2006

Article 12

Text proposed by the Commission

Article 12 is amended as follows:

Amendment

Article 12 is amended as follows:

(a) In paragraph 1 the following subparagraph is added:

“An EGTC shall be liable for all its debts.”

(b) Paragraph 2 is replaced by the following:

"2. *Notwithstanding* paragraph 3, to the extent that the assets of an EGTC are insufficient to meet its liabilities, its members shall be liable for the debts of the EGTC of whatever nature, each member's share being fixed in proportion to its financial contribution. The arrangements for financial contributions shall be fixed in the statutes.

The members may provide in the statutes that they will be liable, after they have ceased to be members of an EGTC, for obligations arising out of activities of the EGTC during their membership.

2a. If the liability of at least one member of an EGTC is limited *or excluded* as a result of the national law under which it is established, the other members may also limit their liability in the convention.

The name of an EGTC whose members have limited liability shall include the word "limited".

The requirements for the publicity of the convention, statutes and accounts of an EGTC whose members have limited liability shall be at least equal to *those* required for other legal entities with limited liability *of their members established* under the laws of the Member State where that EGTC has its registered office.

In case of an EGTC whose members have limited liability, *the* Member *States* may require that the EGTC shall take appropriate insurance to cover the risks specific to the activities of the EGTC.”

(a) In paragraph 1 the following subparagraph is added:

"An EGTC shall be liable for all its debts."

(b) Paragraph 2 is replaced by the following:

"2. *Without prejudice to* paragraph 3, to the extent that the assets of an EGTC are insufficient to meet its liabilities, its members shall be liable for the debts of the EGTC of whatever nature, each member's share being fixed in proportion to its financial contribution. The arrangements for financial contributions shall be fixed in the statutes.

The members may provide in the statutes that they will be liable, after they have ceased to be members of an EGTC, for obligations arising out of activities of the EGTC during their membership.

2a. If the liability of at least one member of an EGTC *from a Member State* is limited as a result of the national law under which it is established, the other members may also limit their liability in the convention *where the national law implementing this Regulation enables them to do so*.

The name of an EGTC whose members have limited liability shall include the word "limited".

The requirements for the publicity of the convention, statutes and accounts of an EGTC whose members have limited liability shall be at least equal to *that* required for other legal entities with limited liability under the laws of the Member State where that EGTC has its registered office.

In case of an EGTC whose members have limited liability, *any* Member *State concerned* may require that the EGTC shall take appropriate insurance *or that it shall be subject to a guarantee provided by a bank or other financial institution*

established in a Member State or be covered by a facility provided as a guarantee by a public entity or by the Member State to cover the risks specific to the activities of the EGTC."

Or. en

Amendment 17

Proposal for a regulation

Article 1 – point 14

Regulation (EC) No 1082/2006

Article 16 – paragraph 1 – subparagraph 1

Text proposed by the Commission

"1. Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation.

Amendment

"1. Member States shall make such provisions as are appropriate to ensure the effective application of this Regulation, ***including the determination of the competent authorities responsible for the approval in accordance with their legal and administrative arrangements.***

Or. en

Amendment 18

Proposal for a regulation

Article 1 – point 15

Regulation (EC) No 1082/2006

Article 17

Text proposed by the Commission

Article 17 is replaced by the following:

"By ***mid-2018*** the Commission shall forward to the European Parliament, the Council and the Committee of the Regions ***an evaluation*** report on the application, effectiveness, efficiency, relevance, European added value and scope for

Amendment

Article 17 shall be replaced by the following:

"By ***1 August 2018*** the Commission shall forward to the European Parliament, the Council and the Committee of the Regions ***a*** report on the application ***of this Regulation, evaluating, based on indicators, its*** effectiveness, efficiency,

simplification *of this Regulation*.

The evaluation reports shall be based on indicators the Commission shall adopt *by* delegated acts in accordance with Article 17a."

relevance, European added value and scope for simplification/.

The Commission shall *be empowered to* adopt delegated acts, in accordance with Article 17a, *laying down the list of indicators referred to in the first subparagraph*."

Or. en

Amendment 19

Proposal for a regulation

Article 1 – point 16

Regulation (EC) No 1082/2006

Article 17a

Text proposed by the Commission

The following Article 17a is inserted:

"Article 17a

Exercise of the delegation

1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.
2. The delegations of power referred to in *this Regulation* shall be conferred for *an indeterminate* period of *time* from the date of entry into force of this Regulation.

3. The delegations of power referred to in Article 17 may be revoked at any time by the European Parliament or by the Council.

A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously

Amendment

The following Article 17a shall be inserted:

"Article 17a

Exercise of the delegation

1. The powers to adopt delegated acts are conferred on the Commission subject to the conditions laid down in this Article.
2. The delegations of power referred to in *Article 17* shall be conferred *on the Commission* for *a* period of *5 years* from the date of entry into force of this Regulation.

3. The delegations of power referred to in Article 17 may be revoked at any time by the European Parliament or by the Council.

A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously

to the European Parliament and to the Council.

5. *The* delegated *acts* shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **2** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **2** months at the initiative of the European Parliament or the Council.

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

If the European Parliament or the Council objects to a delegated act, the act shall not enter into force. The institution that objects to the delegated act shall state the reasons for its objections."

to the European Parliament and to the Council.

5. *A* delegated *act adopted pursuant to Article 17* shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **3** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **3** months at the initiative of the European Parliament or the Council.

If, on expiry of that period, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the Official Journal of the European Union and shall enter into force at the date stated therein.

The delegated act may be published in the Official Journal of the European Union and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

If the European Parliament or the Council objects to a delegated act, the act shall not enter into force. The institution that objects to the delegated act shall state the reasons for its objections."

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