

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)

Article 4

Establishment of an EGTC

1 The decision to establish an EGTC shall be taken at the initiative of its prospective members.

2 Each prospective member shall:

- a notify the Member State under whose law it has been formed of its intention to participate in an EGTC; and
- b send that Member State a copy of the proposed convention and statutes referred to in Articles 8 and 9.

[^{F13} Following notification under paragraph 2 by a prospective member, the Member State which has received that notification shall, taking into account its constitutional structure, approve the prospective member's participation in the EGTC and the convention, unless that Member State considers that:

- a such participation or the convention is not in conformity with any of the following:
 - (i) this Regulation;
 - (ii) other Union law concerning the acts and activities of the EGTC;
 - (iii) national law relating to the powers and competences of the prospective member;
- b such participation is not justified for reasons of public interest or of public policy of that Member State; or
- c the statutes are inconsistent with the convention.

In the event of non-approval, the Member State shall state its reasons for withholding approval and shall, where appropriate, suggest the necessary amendments to the convention.

The Member State shall reach its decision, with regard to approval, within a period of six months from the date of receipt of a notification in accordance with paragraph 2. If the Member State which has received the notification, does not raise an objection within that period, the participation of the prospective member and the convention shall be deemed to be approved. However, the Member State where the proposed registered office of the EGTC is to be located shall formally approve the convention in order to allow the EGTC to be established.

Any request for additional information from the Member State to a prospective member shall interrupt the deadline referred to in the third subparagraph. The period of interruption shall start from the day following the date on which the Member State has sent its observations to the prospective member and shall last until the prospective member has responded to the observations.

Changes to legislation: There are outstanding changes not yet made to Regulation (EC) No 1082/2006 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

However, an interruption of the deadline referred to in the third subparagraph shall not occur if the prospective member submits a reply to the observations by the Member State within ten working days of the start of the period of interruption.

In deciding on a prospective member's participation in an EGTC, Member States may apply their national rules.]

[^{F2}3a In the case of an EGTC with prospective members from one or more third countries the Member State where the proposed registered office of the EGTC is to be located shall, in consultation with the other Member States concerned, satisfy itself that the conditions laid down in Article 3a are fulfilled and that each third country has approved the prospective members' participation in accordance with either:

- a equivalent conditions and procedures to those laid down in this Regulation; or
- b an agreement concluded between at least one Member State under whose law a prospective member is established and that third country.]

4 Member States shall designate the competent authorities to receive the notifications and documents as set out in paragraph 2.

[^{F1}5 The members shall agree on the convention referred to in Article 8 while ensuring consistency with the approval in accordance with paragraph 3 of this Article.

6 Any amendment to the convention or to the statutes shall be notified by the EGTC to the Member States under whose law the EGTC's members are established. Any amendment to the convention, except solely in the event of accession of a new member under point (a) of paragraph 6a, shall be approved by those Member States in accordance with the procedure set out in this Article.]

[^{F2}6a The following provisions shall apply in the event of accession of new members to an existing EGTC:

- a in the event of accession of a new member from a Member State that has already approved the convention, such accession shall be approved only 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 the event of 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 event of accession of a new member from a third country to an existing EGTC, such accession shall be subject to examination by the Member State where the EGTC has its registered office in accordance with the procedure set out in paragraph 3a.]

Textual Amendments

- F1** Substituted by [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.](#)
- F2** Inserted by [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.](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- Regulation revoked by [S.I. 2021/153 Sch. Table 1](#)