

TRANSPOSITION NOTE FOR (EU) NO 1082/2006 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON A EUROPEAN GROUPING OF TERRITORIAL COOPERATION

<i>Article of the EGTC Regulations</i>	<i>Objective</i>	<i>Implementation</i>	<i>Responsibility</i>
Article 4(3)	Requirement for a Member State to formally approve the convention of a UK EGTC, where the registered office of that EGTC will be in the United Kingdom.	Regulation 3 (Establishment of an EGTC) of the 2015 Regulations sets out which bodies can be EGTC members and provides that a body cannot participate in the activities of an EGTC until their membership has been approved by the Secretary of State.	Secretary of State
Article 4(4)	Requirement for Member States to designate the competent authorities to receive notifications of intention to participate in an EGTC.	Regulation 5(1) of the European Grouping of Territorial Cooperation Regulations 2015 (“the 2015 Regulations”) designates the Secretary of State as the competent authority to receive notifications of an intention to participate in an EGTC.	Secretary of State
Article 5(1)	EGTC Statutes and Convention and any subsequent amendments thereto must be registered and/or published in accordance with the applicable law in the Member State where the EGTC has its registered	Regulation 4 (acquisition of legal personality) of the 2015 Regulations requires the Statutes and Convention of an EGTC to be registered, published or both in the London, Edinburgh or Belfast Gazette, as appropriate.	Members of an EGTC

Article of the EGTC Regulations	Objective	Implementation	Responsibility
Article 6(1)	Control of an EGTC's management of public funds to be organised by the competent authorities of the Member State where the EGTC has its registered office.	<p>No specific provision.</p> <p>Before the Secretary of State can formally approve the establishment of a UK EGTC tasked with administering public funds the EGTC or one of its members has to already be designated as the competent authority for administering those public funds.</p> <p>This decision will depend upon the nature of the funding concerned.</p>	Secretary of State

Article of the EGTC Regulations	Objective	Implementation	Responsibility
Article 6(2)	Where required under the national legislation of the other Member States concerned, the authorities in the state where an EGTC has its registered office will arrange for the authorities in the other Member States concerned to carry out controls on their territory for those acts of the EGTC which are performed in those other Member States	No specific provision. The arrangements that need to be made will depend on the requirements set out in the national legislation of the Member States concerned.	Secretary of State
Article 7(3)	Member States may limit the tasks that an EGTC may carry out without a Union financial contribution.	Member State option not exercised.	

Article of the EGTC Regulations	Objective	Implementation	Responsibility
Article 11(2)	<p>The preparation of an EGTC's accounts, including, where required the accompanying annual report, and the auditing and publication of those accounts, will be governed by the laws of the Member State where the EGTC has its registered office.</p>	<p>Regulation 7 (budget) of the 2015 Regulations applies Part 7 of the Companies Act 1985 (accounts and audit) to an EGTC with its registered office in the UK as if it were a small company within the meaning of section 247 of that Act which was not ineligible under section 247A.</p> <p>This regulation also:</p> <ul style="list-style-type: none"> • requires such an EGTC to make its accounts available for inspection (because it is exempt from the requirement in the 1985 Act to deliver accounts to its registrar); and • makes provision for the appointment of an auditor. 	Members of an EGTC

Article of the EGTC Regulations	Objective	Implementation	Responsibility
Article 12(1)	<p>Insolvency of an EGTC will be governed by the national legislation of the Member State in which an EGTC has its registered office.</p>	<p>Regulation 8 (insolvency and winding up) of the 2015 Regulations applies to an EGTC with its registered office in the UK:</p> <ul style="list-style-type: none"> • Part 5 of the Insolvency Act 1986 (or Part 6 of the Insolvency (Northern Ireland) Order 1989 as the case may be) and; • the relevant Insolvency Rules. 	<p>For making the Rules England and Wales: The Lord Chancellor with the concurrence of the Secretary of State and, where the rules involve court procedure, the Lord Chief Justice.</p> <p>Scotland: The Secretary of State</p> <p>Northern Ireland: The Lord Chancellor with the concurrence of the Department of Enterprise, Trade and Investment in Northern Ireland.</p>
Article 12(2) (sub-paragraph 7)	<p>A Member State may prohibit the registration on its territory of an EGTC whose members have limited liability</p>	<p>The UK has exercised this Member State option (see regulation 9 (prohibition on members with limited liability) of the 2015 Regulations.</p>	

Article of the EGTC Regulations	Objective	Implementation	Responsibility
Article 13	Activities by an EGTC which are contrary to a Member State's provisions on public policy etc may be prohibited by a competent authority of that Member State.	Regulation 5(2) of the 2015 Regulations designates the Secretary of State as the competent authority.	Secretary of State
Article 14(1)	Power of the competent court or authority of the Member State where an EGTC fails to comply with the requirements in Article 1(2) or 7.	Regulation 5(3) of the 2015 Regulations designates the High Court (or in Scotland, the Court of Session) as the competent court.	High Court of England and Wales High Court of Northern Ireland Court of Session in Scotland

<i>Article of the EGTC Regulations</i>	<i>Objective</i>	<i>Implementation</i>	<i>Responsibility</i>
Article 14(1)	Any competent authority with a legitimate interest may apply for the winding up of an EGTC under Article 14(1)	No specific provision needed. The UK does not wish to limit those who can apply to the court, beyond the limitation in Regulation (EU) 1302/2013 which requires such persons to have a “legitimate interest”. The courts will decide the issue of whether a person has a legitimate interest or not.	High Court of England and Wales High Court of Northern Ireland Court of Session in Scotland
Article 16(2)	Member States may provide for the payment of fees in connection with the registration of an EGTC’s convention and Statutes	Member State option not exercised.	