



Ir-Rappreżentant Permanenti

The Permanent Representative

Is-Sur Dirk Ahner
Direttur Ġenerali
Direttorat Ġenerali tal-Politika Reġjonali
Kummissjoni Ewropea
B-1049 Brussell
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PR46/11

12 ta' Jannar 2011

Għażiż Sur Ahner

Raggruppament Ewropew ta' kooperazzjoni territorjali (REKT)

Qed nirreferi għall-ittra tiegħek datata 9 ta' Diċembru 2010 dwar Regolament (KE) Nru 1082/2006 dwar raggruppament Ewropew ta' kooperazzjoni territorjali.

Ġentilment ninformak li d-dispożizzjonijiet nazzjonali biex tkun żgurata l-applikazzjoni effettiva tal-imsemmi Regolament (KE) Nru 1082/2006 ġew adottati minn Malta permezz ta' l-Ordni tal-2011 dwar ir-Raggruppament Ewropew ta' Kooperazzjoni Territorjali (AL8/11). Mehmuż għandek issib kopja tal-Ordni.

Nixtieq ukoll ngħarrfek li għall-fini tal-Artikolu 16(1) tal-imsemmi Regolament (KE) Nru 1082/2006, permezz ta' dan l-ittra Malta qegħda tinnotifika lill-iStati Membri l-oħrajn bl-imsemmija dispożizzjonijiet nazzjonali.

Dejjem tiegħek

Richard Caehra Caruana
Ambaxxatur
Rappreżentant Permanenti

Mehmuż: Ordni tal-2011 dwar ir-Raggruppament Ewropew ta' Kooperazzjoni Territorjali (AL8/11)

Kopja: Segretarju Permanenti (*Operations*), Uffiċċju tal-Prim Ministru
Direttur Ġenerali, Dipartiment għall-Ippjanar u Koordinament tal-Prioritajiet,
Uffiċċju tal-Prim Ministru
Rappreżentanti Permanenti tal-iStati Membri tal-Unjoni Ewropea

A.L. 8 tal-2011

**ATT DWAR L-UNJONI EWROPEA
(KAP. 460)**

**Ordni tal-2011 dwar ir-Raggruppament Ewropew
ta' Koperazzjoni Territorjali**

BIS-SAHHA tas-setgħat mogħtija lilu bl-artikolu 4(2) tal-Att
dwar l-Unjoni Ewropea, il-Prim Ministru għamel dan l-Ordni li ġej:

1. It-titolu ta' dan l-Ordni huwa l-Ordni tal-2011 dwar ir-
Raggruppament Ewropew ta' Koperazzjoni Territorjali. Titolu.

2. F'dan l-Ordni - Tifsir.

"ir-Regolament KE" tfisser ir-Regolament (KE) Nru 1082/2006
tal-Parlament Ewropew u tal-Kunsill fuq raggruppament Ewropew ta'
koperazzjoni territorjali hekk kif jista' jiġi emendat minn żmien għal
żmien;

"REKT" tfisser raggruppament Ewropew ta' koperazzjoni
territorjali magħmul taħt ir-Regolament KE;

"REKT ta' Malta" tfisser REKT li għandu l-uffiċċju registrat
tiegħu f'Malta;

"il-Ministru" tfisser il-Ministru responsabbli għall-finanzi;#

"statuti" tirreferi għall-istatuti ta' REKT ta' Malta.

3. (1) Raggruppament Ewropew ta' koperazzjoni
territorjali, hawn iżjed 'il quddiem imsejjaħ "REKT", jista' jiġi Għan.
stabbilit fuq territorju Komunitarju taħt il-kondizzjonijiet u soġġett
għall-arrangamenti mogħtija taħt ir-Regolament KE.

(2) L-għan ta' REKT ikun dak li jiffaċilita u jippromwovi
koperazzjoni transkonfini, transnazzjonali u, jew inter-reġjonali bejn
il-membri tiegħu kif stabbilit fl-Artikolu 3(1) tar-Regolament KE, bl-
iskop esklużiv li tiġi msaħħa l-koeżjoni ekonomika u soċjali.

(3) REKT għandu jkollu personalità ġuridika.

(4) F'kull wieħed mill-Istati Membri, REKT għandu jkollu l-
kapacità ġuridika l-aktar estensiva mogħtija lil persuni ġuridiċi taħt il-
liġi nazzjonali ta' dak l-Istat Membru. Huwa jista', b'mod partikolari,

jakkwista jew jiddisponi minn proprjetà mobbli u immobbli, jimpjega persunal u jkun parti fi proċedimenti legali.

Konvenzjoni.

4. (1) REKT ikun regolat minn konvenzjoni konkluża unanimament mill-membri tiegħu skond l-Artikolu 4 tar-Regolament KE.

(2) Il-konvenzjoni għandha tispeċifika:

(a) l-isem tar-REKT u l-uffiċċju registrat tiegħu, fil-kaz ta' REKT ta' Malta, li jkun jinsab f'Malta, li taħt il-ligijiet tagħha jkun iffurmat mill-inqas wiehed mill-membri;

(b) il-medda tat-territorju li fih ir-REKT jista' jeseqwixxi l-kompiti tiegħu;

(c) l-għan u l-kompiti speċifiċi tar-REKT, għal kemm żmien idum u l-kondizzjonijiet li jirregolaw ix-xoljiment tiegħu;

(d) il-lista tal-membri tar-REKT;

(e) il-ligi li tapplika għall-interpretazzjoni u l-infurzar tal-konvenzjoni, li għandha tkun il-ligi ta' Malta fil-kaz ta' REKT ta' Malta;

(f) l-arrangamenti adatti għal rikonoxximent reċiproku, inklużi dawk li għandhom l-għan ta' kontroll finanzjarju; u

(g) il-proċeduri biex tiġi emendata l-konvenzjoni, li għandhom ikunu konformi mal-obbligi stabbiliti fl-Artikoli 4 u 5 tar-Regolament KE.

Statuti.

5. (1) L-istatuti ta' REKT għandhom jiġu adottati abbażi tal-konvenzjoni mill-membri tiegħu li jaġixxu unanimament.

(2) L-istatuti ta' REKT għandhom mill-inqas ikun fihom id-dispożizzjonijiet kollha tal-konvenzjoni kif ukoll dawn li ġejjin:

(a) id-dispożizzjonijiet operattivi tal-organi tar-REKT u l-kompetenzi tagħhom, kif ukoll l-għadd ta' rappreżentanti tal-membri fl-organi rilevanti;

(b) il-proċeduri tat-teħid ta' deċiżjonijiet tar-REKT;

(c) il-lingwa jew lingwi li jintużaw;

(d) l-arrangamenti biex dan ikun jista' jaħdem, b'mod partikolari rigward l-amministrazzjoni tal-persunal, il-proċeduri

ta' reklutaġġ u x-xorta ta' kuntratti li jsiru mal-persunal;

(e) l-arrangamenti għall-kontributi finanzjarji tal-membri u r-regoli li japplikaw dwar il-kontabbiltà u l-istima finanzjarja, inklużi dawk il-kwistjonijiet finanzjarji, ta' kull wiehed mill-membri tar-REKT fir-rigward tiegħu;

(f) l-arrangamenti għar-responsabbiltà li għandhom il-membri skont l-Artikolu 12(2) tar-Regolament KE;

(g) l-awtoritajiet responsabbli għan-nomina ta' awdituri esterni indipendenti; u

(h) il-proċeduri biex jiġu emendati l-istatuti, li għandhom jikkonformaw mal-obbligi stabbiliti fl-Artikoli 4 u 5 tar-Regolament KE.

6. (1) Skont l-Artikolu 10 tar-Regolament KE, REKT għandu mill-inqas ikollu l-organi li ġejjin: Kif REKT jiġi organizzat.

(a) assemblea, li tkun magħmula minn rappreżentanti tal-membri tiegħu; u

(b) direttur, li jirrappreżenta lir-REKT u li jaġixxi f'ismu.

(2) L-istatuti jistgħu jkunu jipprovdu dwar organi addizzjonali b'setghat li jiġu definiti b'mod ċar.

(3) REKT għandu jkun responsabbli għall-atti tal-organi tiegħu fir-rigward ta' terzi, ukoll meta dawk l-atti ma jkunux jinkwadraw fil-kompiti tar-REKT.

7. (1) Għall-finijiet tal-Artikolu 5(1) tar-Regolament KE, l-istatuti u kull emenda sussegwenti relattiva għandhom jiġu reġistrati u, malli ssir dik ir-reġistrazzjoni, il-Ministru għandu kemm jista' jkun malajr jara li dik ir-reġistrazzjoni tiġi pubblikata b'avviz fil-Gazzetta. L-avviz għandu jinkludi l-isem shih tar-REKT ta' Malta, l-għanijiet, il-membri, id-data ta' formazzjoni u l-uffiċċju reġistrat tiegħu. Il-ksib ta' personalità ġuridika.

(2) Ir-REKT ta' Malta għandu jikseb personalità ġuridika fil-jum tar-reġistrazzjoni tiegħu jew tal-pubblikazzjoni, skont liema ssir l-ewwel.

(3) Ir-REKT ta' Malta għandu jiżgura li, fi żmien għaxart ijiem tax-xogħol mir-reġistrazzjoni tal-istatuti, tintbagħat talba lill-Uffiċċju għall-Pubblikazzjonijiet Uffiċjali tal-Komunitajiet Ewropej

għall-pubblikazzjoni ta' avviz fil-Gurnal Uffiċjali tal-Unjoni Ewropea li jhabbar it-twaqqif tar-REKT, bil-partikolarijiet tal-isem, l-għanijiet, il-membri u l-uffiċċju registrat tiegħu.

(4) REKT għandu jkun magħmul minn membri li jkunu jinsabu fit-territorju ta' mill-inqas żewġ Stati Membri, fil-kaz ta' REKT ta' Malta, li wiehed minnhom ikun Malta.

Awtorità kompetenti u qorti.

8. (1) Il-Ministru għandu jkun l-awtorità kompetenti għall-finjiet tan-notifika ta' avvizi u dokumenti taht l-Artikolu 4(4) tar-Regolament KE.

(2) Il-Ministru għandu jkun l-korp kompetenti għall-finjiet ta' projbizzjoni taht l-artikolu 13 tar-Regolament KE ta' kull attività li tkun qiegħda ssir f'Malta minn xi REKT meta dik l-attività tkun qiegħda tikser xi dispożizzjoni legali ta' xorta ta' politika pubblika jew ta' xi liġi li tkun tipprovdi għas-sigurezza pubblika, is-saħħa pubblika jew il-moralità pubblika, jew li tkun tikser l-interess pubbliku f'Malta.

(3) Il-Ministru jkun l-awtorità kompetenti għall-finjiet ta' rikorsi magħmulin taht l-Artikolu 14(1) tar-Regolament KE.

(4) Il-Prim'Awla tal-Qorti Civili għandha tkun il-qorti kompetenti għall-fini li tinghata ordni ta' stralè ta' REKT ta' Malta taht l-Artikolu 14(1) tar-Regolament KE.

Stima finanzjarja. Kap. 442.

9. (1) REKT ta' Malta għandu jkun konformi mad-dispożizzjonijiet tal-artikoli 45, 46, 47, 48, 49, 50 u 51 tal-Att dwar is-Socjetajiet Koperativi, li jkunu jirrigwardaw kontijiet u verifiki, u dawk id-dispożizzjonijiet għandhom ikunu japplikaw *mutatis mutandis* u għandhom jinqraw u jiftiehm u bhallikieku referenzi f'dawk l-artikoli għal "socjetà" kienu referenzi għal REKT, u referenzi għal "il-Bord" jinqraw u jiftiehm u bhala referenzi għall-Ministru taht dan l-Ordni, u b'dawk it-tibdiliet hekk kif ikun mehtieg minhabba fil-fatt li REKT mhux socjetà ko-operattiva.

Kap. 442.

(2) REKT ta' Malta għandu jahtar awditur, u dik il-hatra għandha ssir skond l-artikolu 45 l-Att dwar is-Socjetajiet Koperativi.

Kap. 386.

(3) L-awditur ta' REKT ta' Malta għandu jkun persuna li tista' tinhatar bhala awditur ta' kumpannija taht l-Att dwar il-Kumpanniji.

Insolvenza u stralè. Kap. 442.

10. Ix-xoljiment u l-istralè ta' REKT ta' Malta għandhom jigu regolati mid-dispożizzjonijiet tat-Taqsima IX tal-Att dwar is-Socjetajiet Koperativi, u dawk id-dispożizzjonijiet għandhom ikunu japplikaw *mutatis mutandis* u għandhom jinqraw bhallikieku -

(a) referenzi għal "il-Bord" kienu jinqraw u jiftiehm u bhala referenzi għall-Ministru taht dan l-Ordni;

(b) is-subartikoli (3) u (4) tal-artikolu 105 ma japplikawx; u

(c) ir-referenzi fl-artikolu 104 għal "rimbors fost il-patrunat" ma japplikawx.

11. Il-kompiti li REKT Malti jista' jwettaq mingħajr kontribuzzjoni finanzjarja tal-Komunità għandhom ikunu limitati għall-azzjonijiet ta' koperazzjoni kif hemm taht l-Artikolu 6 tar-Regolament (KE) Nru. 1080/2006.

Kompiti li jistghu jigu mwettaq mingħajr kontribuzzjoni finanzjarja tal-Komunità.

12. Ebda REKT ta' Malta m'ghandu jkollu membru b'responsabbiltà limitata.

Projbizzjoni ta' membri b'responsabbiltà limitata.

13. Terzi li jqisu li tkun saritilhom hsara bl-atti jew l-ommissjonijiet ta' REKT ikollhom id-dritt li jmexxu għad-drittijiet tagħhom bi procedimenti fil-qorti.

Gurisdizzjoni.

L.N. 8 of 2011

**EUROPEAN UNION ACT
(CAP. 460)**

European Grouping of Territorial Co-operation Order, 2011

IN exercise of the powers conferred upon him by article 4(2) of the European Union Act, the Prime Minister has made the following Order:

Citation. 1. The title of this Order is the European Grouping of Territorial Cooperation Order, 2011.

Interpretation. 2. In this Order -

"the EC Regulation" means Regulation (EC) No 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation as may be amended from time to time;

"EGTC" means a European grouping of territorial co-operation formed under the EC Regulation;

"Malta EGTC" means an EGTC which has its registered office in Malta;

"the Minister" means the Minister responsible for finance;

"statutes" refers to the statutes of a Malta EGTC.

Objective. 3. (1) A European grouping of territorial co-operation, hereinafter referred to as "EGTC", may be established on Community territory under the conditions and subject to the arrangements provided for by the EC Regulation.

(2) The objective of an EGTC shall be to facilitate and promote cross-border, transnational and, or inter-regional co-operation between its members as set out in Article 3(1) of the EC Regulation, with the exclusive aim of strengthening economic and social cohesion.

(3) An EGTC shall have legal personality.

(4) An EGTC shall have in each Member State the most extensive legal capacity accorded to legal persons under that Member State's national law. It may, in particular, acquire or dispose of

movable and immovable property, employ staff and may be a party to legal proceedings.

4. (1) An EGTC shall be governed by a convention Convention. concluded unanimously by its members in accordance with Article 4 of the EC Regulation.

(2) The convention shall specify:

(a) the name of the EGTC and its registered office, in the case of a Malta EGTC, which shall be located in Malta under whose laws at least one of the members is formed;

(b) the extent of the territory in which the EGTC may execute its tasks;

(c) the specific objective and tasks of the EGTC, its duration and the conditions governing its dissolution;

(d) the list of the EGTC's members;

(e) the law applicable to the interpretation and enforcement of the convention, which shall be the law of Malta in the case of a Maltese EGTC;

(f) the appropriate arrangements for mutual recognition, including for the purposes of financial control; and

(g) the procedures for amending the convention, which shall comply with the obligations set out in Articles 4 and 5 of the EC Regulation.

5. (1) The statutes of an EGTC shall be adopted on the Statutes. basis of the convention by its members acting unanimously.

(2) The statutes of an EGTC shall contain, as a minimum, all the provisions of the convention together with the following:

(a) the operating provisions of the EGTC's organs and their competencies, 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, notably concerning personnel management, recruitment procedures and the nature of personnel contracts;

(e) the arrangements for the members' financial contributions and the applicable accounting and budgetary rules, including on financial issues, of each of the members of the EGTC with respect to it;

(f) the arrangements for members' liability in accordance with Article 12(2) of the EC Regulation;

(g) the authorities responsible for the designation of independent external auditors; and

(h) the procedures for amending the statutes, which shall comply with the obligations set out in Articles 4 and 5 of the EC Regulation.

Organisation of
an EGTC.

6. (1) In accordance with Article 10 of the EC Regulation, an EGTC shall have at least the following organs:

(a) an assembly, which is made up of representatives of its members; and

(b) a director, who represents the EGTC and acts on its behalf.

(2) The statutes may provide for additional organs with clearly defined powers.

(3) An EGTC shall be liable for the acts of its organs as regards third parties, even where such acts do not fall within the tasks of the EGTC.

Acquisition of
legal
personality.

7. (1) For the purposes of Article 5(1) of the EC Regulation, the statutes and any subsequent amendments shall be registered and upon such registration, the Minister shall as soon as possible cause the fact of registration to be published by notice in the Gazette. The notice shall include the full name of the Malta EGTC, the objectives, members, date of constitution and registered office.

(2) The Malta EGTC shall acquire legal personality on the day of registration or publication, whichever occurs first.

(3) The Malta EGTC shall ensure that, within ten working days from registration of the statutes, a request is sent to the Office for Official Publications of the European Communities for publication of a notice in the Official Journal of the European Union announcing the establishment of the EGTC, with details of its name, objectives, members and registered office.

(4) An EGTC shall be made up of members located on the territory of at least two Member States, in the case of a Malta EGTC, one of which being Malta.

8. (1) The Minister shall be the competent authority for the purpose of receiving the notifications and documents under Article 4(4) of the EC Regulation. Competent authority and court.

(2) The Minister shall be the competent body for the purpose of prohibiting, under Article 13 of the EC Regulation, any activity carried on in Malta by an EGTC where such an activity is in contravention of any legal provisions of a public policy nature or of any law providing for public security, public health or public morality, or is in contravention of the public interest in Malta.

(3) The Minister shall be the competent authority for the purpose of making an application under Article 14(1) of the EC Regulation.

(4) The Civil Court, First Hall, shall be the competent court for the purpose of ordering the winding up of a Malta EGTC under Article 14(1) of the EC Regulation.

9. (1) A Malta EGTC shall comply with the provisions of articles 45, 46, 47, 48, 49, 50 and 51 of the Co-operative Societies Act, regarding accounts and audit, which provisions shall apply *mutatis mutandis* and shall be read and construed as if references in those articles to "society" were references to an EGTC, and references to "the Board" were read and construed as references to the Minister under this Order, and with such modifications as are necessary to accommodate the fact that an EGTC is not a co-operative society. Budget.
Cap. 442.

(2) A Malta EGTC shall appoint an auditor, which appointment shall be made in accordance with article 45 of the Co-operatives Societies Act. Cap. 442.

(3) The auditor of a Malta EGTC shall be a person eligible for appointment as a company auditor under the Companies Act. Cap. 386.

10. The dissolution and winding up of a Malta EGTC shall be regulated by the provisions of Part IX of the Co-operatives Societies Act, whose provisions shall apply *mutatis mutandis* and shall be read as if - Insolvency and winding up.
Cap. 442.

(a) references to "the Board" were read and construed as references to the Minister under this Order;

(b) sub-articles (3) and (4) of article 105 shall not apply; and

(c) references in article 104 to "patronage refund" shall not apply.

Tasks that can be carried out without a Community financial contribution.

11. The tasks which a Malta EGTC may carry out without a Community financial contribution shall be limited to the co-operation actions listed under Article 6 of Regulation (EC) No 1080/2006.

Prohibition of members with limited liability.

12. A Malta EGTC shall not have any member with limited liability.

Jurisdiction.

13. Third parties who consider themselves wronged by the acts or omissions of an EGTC shall be entitled to pursue their claims by judicial process.
