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European Parliament and Council Regulation (EC) No 1082/2006 on a European Grouping of Territorial Cooperation (EGTC) Implementation Act

Passed 05.06.2008

Amended by the following acts

| Passed | Published | Entry into force |
|------------|---------------------|----------------------------------|
| 04.06.2014 | RT I, 21.06.2014, 1 | 01.07.2014 |
| 11.06.2015 | RT I, 30.06.2015, 4 | 01.09.2015, partially 01.07.2015 |

§ 1. Provisions applicable to European grouping of territorial cooperation

(1) This Act regulates the legal status of a European grouping of territorial cooperation (hereinafter *EGTC*) registered in Estonia and the participation of the Estonian-based members in an EGTC established on the territory of another state, which is not regulated by Regulation (EC) No 1082/2006 of the European Parliament and of the Council on a European grouping of territorial cooperation (EGTC) (OJ L 210, 31.07.2006, p. 19–24) (hereinafter *Regulation*).

(2) This Act and other national legislation apply to an EGTC if, pursuant to the Regulation, the provisions of national law apply or if the Regulation provides an opportunity to govern certain areas based on the national law.

(3) The Commercial Associations Act applies to an EGTC unless otherwise provided by the Regulation or this Act.

§ 2. Members

(1) Pursuant to Article 3 of the Regulation, the Estonian-based members who may participate in an EGTC include the state through county governments, local governments or associations of local governments, bodies governed by public law specified in Article 3(1)(d) of the Regulation or associations consisting of the above persons.
[RT I, 21.06.2014, 1 - entry into force 01.07.2014]

(2) If an EGTC performs, pursuant to Regulation (EU) No 1303/2013 of the European Parliament and of the Council laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320–469), and Regulation (EU) No 1299/2013 of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L 347, 20.12.2013, p. 259–280), the functions of the managing authority, the certifying authority, the audit authority or the joint secretariat of the programmes specified in Article 8 of the latter Regulation, the Estonian-based member who may participate in an EGTC is exclusively the state through the Ministry of Finance.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

§ 3. Competent authorities

(1) The competent authority specified in Article 4(3) of the Regulation shall be the Government of the Republic. To make the decision specified in Article 4(3) of the Regulation, the proposal to the Government of the Republic shall be submitted by the Ministry of Finance.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) The competent authority specified in Article 4(4) of the Regulation shall be the Ministry of Finance.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(3) The competent authority specified in Article 6 of the Regulation shall be the Ministry of Finance. If necessary, the Ministry of Finance shall submit the information pursuant to Article 6(5) of the Regulation to the Member States concerned.

(4) The competent authority specified in Article 13 of the Regulation shall be the Government of the Republic. To make the decision specified in Article 13 of the Regulation, the proposal to the Government of the Republic shall be submitted by the Ministry of Finance.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

§ 4. Business name

The business name of an EGTC shall contain the appendage *Euroopa territoriaalse koostöö rühmitus*[European grouping of territorial cooperation] or the abbreviation *ETKR*[EGTC]. The appendage and abbreviation shall only be used at the beginning or end of a business name.

§ 5. Entry in commercial register

(1) An EGTC shall be entered in the commercial register pursuant to the provisions of the Commercial Associations Act concerning the entry of a commercial association in the commercial register.

(2) When entering an EGTC in the register, the consent of the Member State specified in Article 4(3) of the Regulation concerning the prospective member's participation in the EGTC shall be submitted to the registrar in addition to the documents specified in subsection 7 (1) of the Commercial Associations Act.

§ 6. Convention and statutes

(1) The convention and the statutes approved on the basis thereof shall be notarised.

(2) The provisions of § 48 of the Commercial Associations Act apply to the amendment of the convention and the statutes.

(3) When entering any amendments to the convention and any amendments to the statutes in the commercial register, the consent of the Member State for making the corresponding amendment pursuant to Article 4(3) and 4(6) of the Regulation shall also be submitted to the registrar.

§ 7. Compulsory dissolution of EGTC

(1) The resolution specified in Article 14 of the Regulation shall be adopted by the court based on the request of the Government of the Republic. The Government of the Republic shall submit the request at the proposal of the Ministry of Finance.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

(2) If necessary, the Ministry of Finance shall submit the information specified in Article 14(1) of the Regulation to the Member States concerned.
[RT I, 30.06.2015, 4 - entry into force 01.09.2015]

Ene ERGMA
President of the Riigikogu