

Tool 11 – Optional legal structures for TNC project implementation

A legal structure is not mandatory for a cooperation project. You can decide on your own if you would like to give the project a legal structure. There are several possibilities you could consider:

1. Diverse possibilities

a) European company

http://europa.eu/legislation_summaries/employment_and_social_policy/social_dialogue/l26016_en.htm

b) Non profit association

Example:

<http://www.ecta.be/public/content/Organisation/articles/docs/Statutes%20English.pdf>

c) European Economic Interest Grouping (EEIG)

http://europa.eu/legislation_summaries/internal_market/businesses/company_law/l26015_en.htm

d) European Grouping for Territorial Cooperation (EGTC)

http://ec.europa.eu/regional_policy/funds/gect/index_en.htm

2. Legal statuses of the structure

Writing statutes for the structure set-up within a cooperation project needs to be done through close coordination between the partners. Many exchanges will be required in order to:

- Define statutes which will match the legal requirements and constraints existing in the Member states of the different partners in order to avoid any future problem;
- Find the right balance between needs and actions the structure will have to implement and the minimum requirement for any international organisation: balanced representation of the different partners and areas involved, presidency of the structure representing the different partners (a presidency changing every year 'présidence tournante' is a common satisfactory solution), choice of a working language...;
- Enable for the common structure to be on and going within reasonable delay and leave a possibility for the structure to be modified over time (does the structure have a limited life period, can (and under which conditions) members of the structure step out of it or new members be included, etc.

It is not possible to cover here all the possibilities of structure statutes. Yet, we do propose a template for statutes, which can be seen as the 'minimum set' of requirements, which could then have to be adapted to the specificity of the project implemented and of the type of structure eventually chosen:

Proposal of minimum set to be included in the statutes of a common structure:

- the structures which compose the common structure and their legal form;
- its object and missions;
- its name and where it is located;

- its organisation (decisions making structure, persons involved and technical team), the different competencies, etc.;
- how members will be invited to the meetings;
- which 'representativity' rules will have to be respected (quorum);
- decision making processes;
- criteria for the participation of the members to the financial needs and budget rules;
- life span of the structure and way to end it if required.

This minimum set is, for many of its points, similar to the content of a cooperation agreement. The idea is, there again, to clearly define the roles and obligations of the different members of the structure and the rules for it is functioning (notably concerning the decision making processes).