

**PROTOCOL NO. 2 TO THE EUROPEAN OUTLINE CONVENTION ON
TRANSFRONTIER CO-OPERATION BETWEEN TERRITORIAL
COMMUNITIES OR AUTHORITIES CONCERNING
INTERTERRITORIAL CO-OPERATION, STRASBOURG, 5.V.1998**

Preamble

The member States of the Council of Europe signatory to this Protocol No. 2 to the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities,

Considering the conclusion, on 9 November 1995, of the Additional Protocol to the Outline Convention, concerning the legal effects of acts performed within the framework of transfrontier co-operation and of the legal status of any co-operation bodies to be set up by transfrontier cooperation agreements;

Considering that, in order to perform their functions effectively, territorial communities or authorities are increasingly co-operating not only with neighbouring authorities of other States (transfrontier co-operation), but also with foreign non-neighbouring authorities having common interests (interterritorial co-operation), and are doing so not only within the framework of transfrontier co-operation bodies and associations of territorial communities or authorities but also at bilateral level;

Bearing in mind the Vienna Declaration of 1993 of the heads of State and government of the member States, which recognised the role of the Council of Europe in the creation of a tolerant and prosperous Europe through transfrontier co-operation of territorial communities or authorities;

Noting that in the field of interterritorial co-operation there is no instrument comparable to the Outline Convention;

Wishing to give interterritorial co-operation an international legal framework,

Have agreed the following provisions:

Article 1

For the purpose of this Protocol, "interterritorial co-operation" shall mean any concerted action designed to establish relations between territorial communities or authorities of two or more Contracting Parties, other than relations of transfrontier co-operation of neighbouring authorities, including the conclusion of co-operation agreements with territorial communities or authorities of other States.

Article 2

1)

Each Contracting Party shall recognise and respect the right of territorial communities or authorities within its jurisdiction, and referred to in Articles 1 and 2 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (hereinafter referred to as "the Outline Convention"), to

engage in discussions and to draw up, within common fields of responsibility, interterritorial co-operation agreements, in accordance with the procedures laid down in their statutes, in conformity with national law and insofar as such agreements are in keeping with the Contracting Party's international commitments.

2)

An interterritorial co-operation agreement shall entail only the responsibilities of the territorial communities or authorities which have concluded it.

Article 3

The Contracting Parties to this Protocol shall apply, *mutatis mutandis*, the Outline Convention to interterritorial co-operation.

Article 4

The Contracting Parties to this Protocol, which are also Contracting Parties to the Additional Protocol to the Outline Convention (hereinafter referred to as "the Additional Protocol"), shall apply, *mutatis mutandis*, the aforesaid Protocol to interterritorial co-operation.

Article 5

For the purpose of the present Protocol, "*mutatis mutandis*" means that in the Outline Convention and the Additional Protocol the term "transfrontier co-operation" shall be read as "interterritorial co-operation" and that the articles of the Outline Convention and of the Additional Protocol shall apply unless otherwise provided by the present Protocol.

Article 6

1)

Each Contracting Party to the Outline Convention and to the Additional Protocol shall declare, when signing this Protocol, or when depositing its instrument of ratification, acceptance or approval, whether it will apply, pursuant to Article 4 of this Protocol, the provisions of Articles 4 and 5 of the Additional Protocol or one of those articles only.

2)

Such a declaration can be modified at any subsequent time by a declaration addressed to the Secretary General of the Council of Europe.

Article 7

No reservations to the provisions of this Protocol shall be allowed.

Article 8

1)

This Protocol shall be open for signature by the States which have signed the Outline Convention, which may express their consent to be bound by either:

- a) signature without reservation as to ratification, acceptance or approval; or
- b) signature subject to ratification, acceptance or approval, followed by ratification, acceptance or approval.

2)

A member State of the Council of Europe may not sign this Protocol without reservation as to ratification, acceptance or approval, nor deposit an instrument of ratification, acceptance or approval, unless it has already deposited or simultaneously deposits an instrument of ratification, acceptance or approval of the Outline Convention.

3)

The instruments of ratification, acceptance or approval shall be deposited with the Secretary General of the Council of Europe.

Article 9

1)

This Protocol shall come into force three months after the date on which four member States of the Council of Europe have expressed their consent to be bound by this Protocol in accordance with Article 8.

2)

In respect of any member State which subsequently expresses its consent to be bound by this Protocol, it shall come into force three months after the date of its signature or the deposit of the instrument of its ratification, acceptance or approval.

Article 10

1)

After the entry into force of this Protocol, any State which has acceded to the Outline Convention may also accede to this Protocol.

2)

Accession shall be effected by the deposit, with the Secretary General of the Council of Europe, of an instrument of accession which shall take effect three months after the date of its deposit.

Article 11

1)

Any Contracting Party may, at any time, denounce this Protocol by means of notification addressed to the Secretary General of the Council of Europe.

2)

Such denunciation shall become effective six months after the date of receipt of the notification by the Secretary General of the Council of Europe.

Article 12

The Secretary General of the Council of Europe shall notify the member States of the Council of Europe and any State which has acceded to this Protocol of:

- a) any declarations submitted by a Contracting Party in conformity with Article 6;
- b) any signature of this Protocol;
- c) the deposit of any instrument of ratification, acceptance, approval or accession;
- d) any date of entry into force of this Protocol in Accordance with Article 9 and Article 10;
- e) any other measure, notification or communication relating to this Protocol.

In witness whereof, the undersigned, being duly authorised thereto, have signed this Protocol.

Done at Strasbourg, this 5th day of May 1998, in English and in French, both texts being equally authentic, in a single copy which shall be deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each member State of the Council of Europe and to any State invited to accede to this Protocol.

Quelle: Council of Europe, European Treaty Series – No. 196.