

LAW No 3613 – 23/11/2007

Article 22

European Grouping of Territorial Cooperation (EGTC)

1. The title of article 221 of the Law 3463/2006 (FEK 114 A') is being replaced as follows:

“Contracts within the framework of mutual bonding - European Grouping of Territorial Cooperation”

2. In article 221 of Law 3463/2006 paragraph 4 is being added as follows:

“4.a. Municipalities, Communities, Prefecture Self-governments and Organizations of Public Law according to the meaning of the second line of paragraph 9 of article 1 of the Directive 2004/18 of the European Parliament and of the Council of the 31st of March 2004, regarding the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts, can participate in a European Grouping of Territorial Cooperation, called from now onwards “EGTC”, according to the provisions of Regulation (EC) No 1082/2006 of the European Parliament and the Council of the 5th July of 2006. Members of the EGTC can also become Unions of Institutions, which belong to one or more from the above-mentioned categories, as well as the Greek Public Authorities, Regions included.

b. The participation of the institutions of this paragraph in an EGTC is approved by a decision of the Minister of Interior, after the consent of the Committee of paragraph 3 of article 219, in which a representative of the Ministry of Economy and Finance is also participating. This Committee is nominated as the responsible authority, according to the provisions of paragraph 4 of article 4 of the Regulation (EC) No 1082/2006 of the European Parliament and of the Council of the 5th July of 2006. The Minister of Interior is responsible for the application of articles 13 and 14 of the Regulation 1082/2006, after the proposal of the above-mentioned Committee.

c. An EGTC that has its statutory seat in Greece is organized as a company of non-profit making character, which operates according to the legislation in force and the provisions of the Regulation.

d. Regarding the needs for the fulfillment of the duties of EGTC, personnel can be detached, that are employed with any working contract to institutions of the greater public sector of article 1 paragraphs 2 and 3 of Law 2000/1991 (FEK 206 A), if, according to the relevant legislation in force, a relevant footnote or reference is made to it, in line with paragraph 3 of article 11 of Law 3049/2002 (FEK 212 A). The detachment is conducted by a decision of the Minister of Interior and of the relevant authorized Minister, after the request by the EGTC, the consent of the managing body of the relevant body and the written consent of the employee who is to be detached. The incomes

of the employees that are detached for the needs of the EGTC are borne by the institution from which they are detached.

e. Existing unions of institutions, city networks and other forms of cooperation regardless of any legal personality they are operating under, that are seeking aims similar to those of EGTC and have their statutory seat in Greece, can be transformed into EGTC, after the decision of their managing body and the approval of the Minister of Interior according to the above-mentioned provisions, if they adjust their statutes to the provisions of the Regulation 1082/2006 of the European Parliament and of the Council of the 5th July of 2006 and of the present article.

f. A decision of the Ministers of Interior, Foreign Affairs and Economy & Finance regulates all the issues that are required for the reassurance and effective implementation of the Regulation (EC) No 1082/2006 of the European Parliament and of the Council of the 5th July of 2006, according to the provisions of line 1 of paragraph 1 of article 16 of the Regulation."