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PUBLIC CROSS BORDER COOPERATION INSTITUTIONS ON THE POLISH-CZECH BORDERLAND

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Abstract. The primary goals of this study are to create an institutional map of the cross-border cooperation between the Republic of Poland and the Czech Republic states, as well as to identify best practices for public institutions' interactions with one another.

The multilevel governance and border studies interdisciplinary theories serve as the research's methodological foundation. The empirical data is gathered by analyzing the official websites of Euroregions, the European Groupings of the Territorial Cooperation that function along the Polish-Czech border.

From the 1990s until now, Polish-Czech borderland communes have been the most significant administrative-territorial level for cooperation, and the Euroregions are the most effective public institutions for cross-border cooperation in this field, according to the research findings.

Public cross-border cooperation institutions that have a long history of fostering ties between the borderland's residents and effectively distribute and managing EU funding to the CBC are prime examples of best practices.

Key words: cross border cooperation, borderland, Euroregions, European Groupings of the Territorial Cooperation, public institutions, sub-national authorities, self-government, Republic of Poland, the Czech Republic.

Introduction. European integration for many inhabitants of the «old continent» is associated with the disappearance or reduction of barriers and obstacles created by borders. In particular, the free movement across borders, the formation of areas for social understanding and interaction, good governance, and economic cooperation is a «idea fix» for residents of bordering areas of European Union (EU) countries. Communities located along interstate lines often retain memories of the historical experience of cohabitation with regions on the other side of the border and require joint spatial planning and the use of social, communication, and economic infrastructure to ensure their socio-economic well-being.

These circumstances led to the establishment of the first institutions of such cooperation between regions and communities – Euroregions – on the borders of Germany, France, and the Benelux countries in the 1960s, the positive effects of which were regulated and recommended by the Council of Europe (CoE) in the format of the European Online Convention on Transfrontier Co-operation between Territorial Communities or Authorities (European online convention, 1980).

Since the end of the 1980s, thanks to the INTERREG program, cross-border cooperation (CBC) has become one of the priorities of regional policy (later cohesion policy) of the EU (History of the policy, 2024). The legal regulation of CBC, initiated by the CoE and later by the European Commission of the EU, has led to the emergence of various institutions of cross-border cooperation, including **public cross-border cooperation institutions**, whose proliferation was also determined by their managerial effectiveness in various national contexts.

The development and emergence of new EU policies (Cohesion policy, Territorial cooperation policy), corresponding financial instruments, as well as the reform of the public administration sys-

tem, and the socio-political development of European countries have influenced the expansion of the variety of public CBC institutions. Since the mid-1990s, attempts have been made to use the format of cross-border cooperation to address the following tasks predominantly:

- 1) to reduce negative stereotypes regarding the inhabitants of the neighboring state along the border, stemming from previous historical traumas, and to prevent the emergence of new conflict lines;
- 2) to accelerate the integration processes into a common European market, customs, and other common spaces of the EU;
- 3) to disseminate best practices in public administration and economic innovations;
- 4) to more efficiently attract and utilise funds from EU programs and funds.

These priorities have been crucial for developing cooperation processes at the Polish-Czech border following the democratization of political regimes at the end of the 1980s and the beginning of the 1990s, as well as the subsequent initiation of integration processes into the EU. In this region, there has been an opportunity to lessen the negative societal consequences of historical conflicts (the military conflicts over Cieszyn Silesia in 1919–1920, 1938) (Hojka, 2023, 258–239), share experiences of implementing eurointegration policies, disseminate effective governance models, and attract EU financial resources. Starting in the 1990s, local and regional governments and other public entities in the Czech Republic and the Republic of Poland experimented with various public CBC institutions previously used at the borders of various EU states.

Some researchers believe that the Polish-Czech cross-border area is the most integrated similar area along the borders of the Republic of Poland (Böhm, Boháč, Nowak-Zóły, Szafrńska, 2023). Therefore, the study of forms of implementation of cross-border cooperation initiatives, developed on the Polish-Czech border, is useful for generalization of the possible public CBC institutional types, and the definition of the most effective.

Purpose of the article. The formation of an institutional map of CBC between these two states, the identification of best practices for interaction between public institutions are the main tasks of this research.

The first research question we seek to answer is as follows: *Has a dominant type of institution for cross-border cooperation between Republic of Poland and the Czech Republic been formed during the 1990s to 2020s?*

The second research question can be formulated as follows: *What best practices for interaction between public structures can be identified in the Polish-Czech cross-border area?*

Materials and methods. Over the past twenty years, the interdisciplinary field of *border studies* has already transformed the way that research on the interactions between two states' communities and surrounding areas is carried out. After the start of post-communist democratization, borders in Central Europe were no longer perceived only as political and legal lines that separate sovereign states, but instead as a system of demarcations – including visible natural boundaries and invisible social, cultural, linguistic, and interfaith boundaries – the purpose of which is to mark the division between *us* and *them*. One of the main notions used within border studies is the concept of *borderland*. These zones are, in essence, areas around state borders that are not as developed economically and technologically as the centers of the state and are therefore selectively interested in cross-border cooperation, according to researchers (Lendel, Rishko, 2023, 466).

We deliberately avoid listing every possible definition of *cross-border cooperation* and maintain that it refers to the process of building and maintaining relationships between public officials and other interested actors on both sides of the border to resolve and avoid common problems and support the peaceful development of nearby communities, districts, and regions (Del Bianco, Jackson, (Council of Europe), 2012).

Developed in Western Europe since the late 1950s, cross-border cooperation can be considered a secondary aspect of foreign policy (also known as *«paradiplomacy»*), which occasionally plays a

significant role in contemporary international relations (Böhm, 2021, 490). The concept of secondary foreign policy acknowledges the autonomy of subnational; public and explores cross-border cooperation from a «bottom-up» perspective, as well as recognising the possibility of forming so-called «cross-border regionalism».

The experts from the CoE, recognized for their role in creating international legal frameworks that facilitate cross-border cooperation and for systematizing successful institutional forms and practices, contend that this process is fundamentally devoid of power politics. It does not seek to effectuate a transfer of authority from national to subnational public institutions situated near border areas. Rather, its mission is to enhance the capabilities of subnational levels of government in fulfilling their responsibilities related to the socio-economic development of borderland. This includes delivering quality services to citizens and addressing their cultural needs, particularly within an inter-ethnic context. The overarching objective of these efforts is to counteract the impacts of peripherality, which can result in various negative consequences, including reduced levels of democratic participation among citizens, partially attributable to the limited institutional effectiveness of governmental entities.

Since the 1990s, the concept of *multilevel governance* has been utilized to analyze the institutional framework of cross-border cooperation, which is the focus of this discussion. This concept characterizes a governance network operating outside the jurisdictions of national states to implement collaborative cross-border initiatives, taking into account the diverse interests of various stakeholders, as well as other informal vertical and horizontal networks.

The most natural, from a legal and resource perspective, are subnational authorities, i.e. public administrative institutions of communes, counties, and regions, according to the typologies of actors of CBC compiled in my earlier publications (Lendel, 2024. 198).

Official and informal contacts, joint cross-border events, and the signing and execution of *bilateral or multilateral agreements* are all examples of CBC between public institutions, mostly subnational authorities. Nonetheless, our research focuses on long-term public CBC institutions, which could be referred to as organizations.

In the contemporary period, public institutions, of European countries (mainly public administrations of regions, counties, communes) apply or could apply the following **advanced institutional CBC formats**:

1. **Euroregions** as associations of subnational authorities, sometimes with the participation of national governments.

2. **European Groupings of Territorial Cooperation (EGTC)** as a single legal entity with full legal responsibility established by public institutions (communal, county and regional self-governments, regional/local development agencies), public enterprises, universities and other public law entities) from different states. EGTC has to be registered on the territory of the EU member state.

3. **Euroregional Cooperation Grouping (ECG)**, similar to EGTC, is a type of CBC cooperation; however, ECG is a Council of Europe tool, while EGTC is an instrument of the European Union. Like EGTC, ECG is a legally recognized organization and is subject to the national law of the state in which it is registered as a nonprofit. ECC must be registered on the CoE member state's territory. As of yet, no working ECG is present.

Euroregions are the most common form of cross-border cooperation. Euroregions are not a single legal entity (as in case of EGTC, ECG) but associations of legal entities – local/county/regional public authorities – that operate under the «umbrella» of the national part of the euroregion. These CBC institutions do not possess political authority but instead deal with the practical facilitation of cross-border activities and projects, including providing consulting services to the public authorities that are their founders. Despite the lack of agreed operational understanding the essence of the Euroregion research group headed by A. Noferini suggests that this term refers to all organizations that:

- 1) operate in the cross-border territory;
- 2) are founded on the basis of cooperation intentions, which in the future acquire an institutional dimension in the form of an agreement between subjects of public law;
- 3) carry out joint cross-border activities in areas of mutual interest, in particular, implement joint strategy and/or policies;
- 4) attract financing thanks to joint projects.

Given such a broad approach to understanding the essence of euroregions, the authors mentioned above this term unites so called «classic» Euroregions, as well as *Eurodistricts* and *Eurocities* (Noferini, Berzi, Camonita, Durà, 2019).

Following the initiation of the INTERREG programme in the late 1980s, some researchers believe that the use of its resources is a primary function of Euroregions, particularly regarding the initiation, promotion, and implementation of cross-border projects, thereby engaging a large number of people in this activity (Scott, 2000).

The other researchers' theoretical foundation and the clearly stated research questions suggest the use of some **research methods**. Primarily, this involves desk research, particularly analysing:

- the legislation of both countries regarding cross-border cooperation, the competencies of various public authorities concerning international activities;
- the official websites of public cross-border cooperation institutions;
- the findings of research conducted by other scholars.

An institutional map of public CBC institutions will be created as a result, showing the frequency of various types in the Polish-Czech cross-border region and determining which is the most effective.

Results and discussion. The first research question we will seek to answer is as follows: *Has a dominant type of public cross-border cooperation institution formed between Poland and the Czech Republic during the years 1990 to 2020?*

The legal possibilities for cross-border cooperation between subnational authorities in the **Republic of Poland** are determined not only by adherence to international legal norms formulated by CoE and the EU institutions but also by its international treaties with neighbouring countries and domestic legislation regarding the international activities of public institutions.

According to the Constitution of the Republic of Poland (Article 172 (2)) communes (*gmina*), counties (*powiat*), and regions (*województwo*) as the units of local government have the right to join international associations of local and regional communities as well as cooperate with local and regional communities of other states (The Constitution of the Republic of Poland of 2nd April, 1997).

Województwo (the voivodeship) is designated as the primary administrative-territorial level for managing resources from EU funds and programmes directed towards supporting cross-border projects, as its public authorities are responsible for the economic and spatial development of the territory. The executive, headed by the marshal (*marszałek województwa*) has the right to sign agreements with self-governing authorities in other states, initiate cross-border initiatives, projects, and programmes, and delegate their implementation to non-governmental organisations and economic entities. The offices of the marshal also supervise the cross-border activities of chambers of commerce and regional development agencies, as they are their co-founders.

At the same time, according to the Act of 15 September 2000 on Accession of local and regional self-government units to international associations of local and regional communities, the Ministry of Foreign Affairs of the Republic of Poland grants permission for the activity by communes and counties after considering the position of the *voivode*, that is, the representative of the national government in the region (Report on Local and Regional Democracy in Poland. 2012).

Powiats (counties) can join international associations; however, unlike *gmina*, this type of self-governing authorities can only undertake cooperation at the local level, but have no competence to join

regional forms of CBC cooperation as the international cooperation is not included among the own duties of the counties.

In contrast to counties, *gmina* (communes), have the right to cooperate with local and regional authorities in other states and to join relevant international associations. Local self-government of communes has the right to conclude agreements on CBC with legal entities operating not only under public but also by and private law (Comparative analysis on the competencies. 2021).

The legal possibilities for cross-border cooperation among local and regional administrations in the **Czech Republic** were formulated, similarly to the Republic of Poland, in addition to international legal norms, by national legislation regulating the activities of local and regional self-governments.

The competences of local and regional authorities regarding cross-border activities were also defined in the relevant laws in 2000. According to the Act on Municipalities (Establishment of Municipalities) (128/2000) and the Act on Regions (Establishment of Regions) (129/2000) *obec* (municipality, commune) and *kraj* (region) may:

- 1) cooperate with similar public authorities from other countries and participate in international associations of local self governments;
- 2) conclude cooperation agreements with partners from other countries, just as associations of local governments may do within their competences;
- 3) in the agreements, the legal addresses of the signatories, the subject of cooperation, and the sources of its financing, as well as the governing bodies of the cooperation and the duration of the agreement, must be recorded.

The legislation provides for the possibility of creating single legal entity, but contingent upon the existence of a relevant international treaty ratified by the national parliament of Czech Republic. In other cases, it is necessary to consult with the Ministry of Foreign Affairs and obtain the consent of the Ministry of the Interior of the country.

The legal requirement that the Ministry of Regional Development of the Czech Republic be in charge of registering and approving public authorities' and other public institutions' participation in European Groupings of Territorial Cooperation presents an additional obstacle to CBC's institutional development (Bohm, Drapela, 2021).

Between 1990 and 2000, subnational authorities in the Republic of Poland and the Czech Republic effectively employed their administrative competencies to establish several Euroregions along the shared border. During this period, six Euroregions were created as a collaborative effort involving various entities from both states. Notably, in two of these Euroregions, local authorities from Slovakia and Germany participated as well (*Table 1*) (Bohm, Drapela, 2021).

Because the Czech Republic lacked regions and a corresponding degree of self-government in the 1990s, there were no Czech co-founders of Euroregions from these kinds of public institutions. After the establishment of the mentioned above level of governance, some *kraj* (regions) were invited to participate in the activities of Euroregions as observers; however, such cooperation was not effective

Table 1

The list of Euroregions established on the Polish-Czech borderland

Name of euroregion	Year	States who subnational authorities are co-founders of euroregions	Number of com-munes
Nisa/Nysa/Neisse	1991	Republic of Poland, the Czech Republic, Germany	129
Glacensis	1996	Republic of Poland, the Czech Republic	107
Těšín/Cieszyn Silesia	1998	Republic of Poland, the Czech Republic	43
Silesia	1998	Republic of Poland, the Czech Republic	53
Praděd/Pradziad	1998	Republic of Poland, the Czech Republic	67
Beskydy	2000	Republic of Poland, the Czech Republic, the Slovak Republic	63

due to competition regarding cross-border activities and the varying political configurations of public administrations of communes and regions.

In terms of legal status, the Euroregions operating in this area are 'mirror' non-profit associations of municipalities, registered on the territory of the participating states and connected by an agreement to establish a Euroregion, its statutes, and governing bodies.

By the end of 1990s the Polish-Czech Euroregions gained the opportunity to attract EU funding reliably through a straightforward procedure and in conditions of low competition (initially within the framework of the PHARE CBC programme (1994-2004), then INTERREG. In particular, Euroregions became responsible for managing and distributing funds to support small and micro-projects under the INTERREG Czechia-Poland programme (hereinafter INTERREG Cz-PL), which constitutes 20% of all its financial resources. As a rule, such projects are aimed at supporting measures of paradiplomacy – «people to people» (Interreg Czechia – Poland).

Since almost all Euroregions were established before the creation of regions as self-governing administrative units in the Czech Republic, they are, therefore, overseen by the public authorities of communes. Their effectiveness particularly depends on the efficiency of local politicians involved in the governing bodies of Euroregions (Bohm, Bohac, Wroblewski, 2023).

Most Euroregions also have created permanently operating cross-border working groups or commissions consisting of volunteer experts from different sides of the border. At the same time, they are not clearly institutionalised: information about their exact membership, names, and composition is difficult to find on official websites. For example, in the Euroregion «Nisa», there are 15 groups focusing on issues such as rail and road transport, tourism, the environment, and others. This format is also employed by the Euroregion «Těšín/Cieszyn Silesia», «Silesia». Some Euroregions create working groups only on an ad hoc basis: «Silesia», «Beskydy», «Praděd/Pradziad» – in the case of the latter, only on Polish territory. After the formation of *kraj* as the territorial level of administration in the Czech Republic in 2000, as well as the inclusion of the EGTC format into national legislation after 2006, some regions took this opportunity to establish this institutional type of CBC.

As of 2024, according to the register of EGTCs administered by the Committee of the Regions, there were only 2 EGTCs involving public institutions from the Republic of Poland and Czech Republic, and none of them were registered in the Czech Republic (List of EFTC, 2024). EGTC TRITIA involves also public institutions from Slovakia (Table 2). Both EGTC are committed to advancing international collaboration in every way they can from a legislative perspective.

Therefore, we have all the arguments to state that Euroregions became the dominant form of public cross-border cooperation institutions on the Polish-Czech borderland during the more than thirty years that went on after the fall of the socialist system in Central Europe.

The second research question can be formulated as follows: *What best practices for interaction between public structures can be identified in the Polish-Czech cross-border area?*

First and foremost, the focus will be on the best practices for resolving cross-border issues and responding to opportunities and challenges encountered by Euroregion institutions operating on the Polish-Czech border.

Table 2

European Groupings of Territorial Cooperation with the participation of public institutions from the Republic of Poland and the Czech Republic

Name of EGTS €OTC	Year of Establishment	States who subnational authorities are co-founders of euroregions	Official website
TRITIA limited	2013	Republic of Poland, the Czech Republic, the Slovak Republic	egttritia.eu
NOVUM limited	2015	Republic of Poland, the Czech Republic	euwt-novum.eu

With impressive outcomes and impactful initiatives, the Euroregion «Tessin/Cieszyn Silesia» (founded in 1998) stands out as a prime example of public cross-border cooperation institutions (Bohm, Bohac, Wroblewski, 2023). The area of this borderland has the densest and highest quality CBC contacts, which can be explained, among other things, by historical reasons. Prior to World War I, this cross-border region was a part of the Austria-Hungarian monarchy. Despite having a large number of representatives from the Polish ethnic group, this region was split between the newly established Czechoslovak and Polish republics after the military conflicts over Cieszyn Silesia in 1919–1920.

Therefore, the uniqueness of the Euroregion «Tessin/Cieszyn Silesia», compared to other Polish-Czech Euroregions, lies in the presence of a significant Polish ethnic minority in the Czech part of this cross-border area. Currently this CBC institution serves as an example of best practices in executing para-diplomatic activities, particularly as a tool for reconciliation and neutralising the traumatic aspects of historical memory. This was achieved by the support of the “people to people” actions by the means of the micro projects fund of the INTERREG Cz-PL programme that is administered by the Euroregion (Euroregion «Tessin/Cieszyn Silesia». 2024).

The Euroregion «Glasensis», which is the second oldest similar entity functioning in the Polish-Czech border (was established in 1996 after first Euroregion «Nisa/Nysa/Neisse» that was founded in 1991), can be regarded as one that possesses best practices in managing funds of the INTERREG Cz-PL program. We refer to a small project fund with a maximum grant amount of 200,000 euros that supports travel and «people to people» initiatives. Management is carried out by both secretariats located in the Polish (Kłodzko) and, respectively, Czech (Rychnov nad Kněžnou) sides of the state border (Euroregion Glasensis).

According to the young people who live in the «Praděd/Pradziad» and «Beskid» Euroregions, which are thought to be less effective than the two previously mentioned, subnational authorities ought to have more freedom to choose the locations and institutional structures for collaboration along the Polish-Czech border.

At the same time, the national governments should provide financial support for these initiatives¹. The lack of information on best practices in Polish-Czech cooperation and the lack of road and rail connectivity between border towns are the main obstacles to the development of the CBC, according to young people. They also suggested that cross-border initiatives could be implemented in an institutional format of cooperation between public and other types of institutions (business, educational, civil society), including in the fields of entrepreneurship, technological and innovation development, education, culture, sports, and recreation (Łangowska-Marcinowska, 2022).

Another institutional form that we would like to review for its best practices on the Polish-Czech border is European Grouping of Territorial Cooperation. EGTC «TRITIA» was established in 2013 by regional public administrations of the Moravian-Silesian *Kraj* of the Czech Republic, Silesian and Opole *Województwo* of Poland, and the Žilina self-governing *Kraj* of Slovakia. The attempt by neighboring regions to obtain administrative status from the EU for at least one INTERREG programs, akin to the Polish-Czech Euroregions, was the main driving force behind the establishment of this CBC institution. In particular, inspired by the success of the «Greater Region» in the cross-border cooperation of France, Belgium, the Netherlands, and Germany, TRITIA aimed to obtain the status of a managing authority for its own separate trilateral INTERREG programme for 2014–2020. Despite preliminary support from the European Commission, national governments, with the backing of the Euroregions, blocked this initiative. The fact that the EGTC did not obtain the status of a managing authority for a separate territorial cooperation programme was the main reason for the departure of the Opole Voivodeship from its founders in 2018 (Bohm, Drapela, 2022).

¹ The survey was conducted in the first half of 2020 by the Higher School of Management and Administration in Opole (Republic of Poland) and the Higher School of Social Policy in Havířov (Czech Republic). The sample consisted of: 325 high school students and 215 students residing in Opole Voivodeship, as well as 290 high school students and 280 students from the Moravian-Silesian Region..

Since, according to Polish legislation, its public institutions can only establish EGTC that are registered as legal entities on its territory, the TRITIA secretariat is located in the town of Cieszyn, Poland. The main priorities identified for the activities include transport; economy; tourism; and energy, with a particular emphasis on renewable energy (TRITIA, 2024). However, the current success of the EGTC consists solely of the implementation of several cross-border projects financed through INTERREG. The same results are attained by other EGTC operating on Polish-Czech borderland and that is NOVUM (NOVUM, 2024).

Conclusions. Since the 1990s, the Polish-Czech borderland communes have emerged as the most significant administrative-territorial level for cooperation, while the six Euroregions are the leading public institutions for cross-border cooperation.

Several factors contributed to the formation of this institutional picture.

1. The legislation of the Czech Republic is more favourable for the establishment of institutions of cross-border cooperation, which operate based on bilateral or multilateral agreements between subnational authorities within existing interstate agreements, the framework legislation of the CoE, and do not require the creation of a single legal entity as demanded by the format of the EGTC.

2. The legal framework in Poland permits subnational authorities to participate in international cooperation and to join associations of self-governments; however, permission must be granted by the Ministry of Foreign Affairs following recommendations from the relevant *Województwo* governor. At the same time, according to legislation regarding associations of territorial cooperation, public institutions can be co-founders of an EGTC only if they are registered on the territory of the Republic of Poland.

3. By the late 1990s, Euroregions had already gained the opportunity, through a straightforward procedure and a low level of competition, to attract EU funding (initially under the PHARE pre-accession programme, then INTERREG Cz-Pl programme), which contributed to the sustainability of their functioning and, therefore, did not compel local self-governments of communes to seek other institutional formats of cooperation at the Polish-Czech border.

4. Both EGTC operating in the Polish-Czech borderland – «TRITIA» and «NOVUM» – have managed to implement several projects mostly funded by the INTERREG Cz-Pl programme. However, they have not succeeded in becoming its administrator of the small or micro-project funds, similar to the Euroregions. And this situation, along with the previously listed legislative obstacles, could be considered one of the reasons why Polish and Czech public institutions are cautious about the formation of the EGTC.

The best practices are demonstrated by public cross-border cooperation institutions that have historical linkages between the people of the borderland and efficiently allocate and manage EU funds to the CBC.

1. In light of the Polish minority's presence on the Czech part of its territory, the Euroregion «Tessin/Cieszyn Silesia» has emerged as a key player in paradiplomacy between two countries, establishing a cooperative civic climate in the area that has historically been the scene of conflicts.

2. The Euroregions «Tessin/Cieszyn Silesia» and «Glasensis» are the best examples of obtaining permission from the European Commission on the management of the small and microproject funds within the INTERREG Cz-PL program and carrying out this function with excellence.

3. TRITIA and NOVUM, two EGTCs that operate on the Polish-Czech border, are currently only looking for a special role in fostering CBC because they have not been granted permission by the European Commission to manage INTERREG funds and may only be project beneficiaries.

Future studies will look more closely at the concrete factors that go into the creation of specific public CBC institutions. We will also look at how their unique internal management systems contribute to the effectiveness of their CBC actors' operations.

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