

EUROREGIONS AS A PART OF TRANS-BORDER COOPERATION OF BELARUS: LEGAL AND SOCIOLOGICAL ASPECTS

ALENA A. DASTANKA, VOLHA I. CHUPRYS¹

Belarusian State University (Republic of Belarus)

ABSTRACT

The article builds on the authors' research into the formation and activity of trans-border cooperation of Belarus as part of regional policy and part of cooperation with neighbouring EU countries, addressing questions that may also be relevant on a broader regional scale. Based on empirical findings, this article aims to discuss the effectiveness of trans-border cooperation in general and activities of the Euroregion in particular. How do national and local governments, the existing legal framework, the level of cohesion of Euroregions as an important organizational form of trans-border cooperation of the administrative-territorial units of the Republic of Belarus and neighbouring countries in sociocultural, economic, socio-political dimensions contribute to the capacity of those initiatives to be a part of foreign and domestic policies? We take five Euroregions "Dnepr" (Belarus, Russia, Ukraine), "Bug" (Poland, Ukraine, Belarus), "Belovezhskaya puscha" (Poland, Belarus), "Neman" (Kaliningrad region, Poland, Lithuania, Belarus) and "Ozer-ny krai" (Latvia, Lithuania, Belarus). The empirical data were collected through the analysis of current legal framework of trans-border cooperation in Belarus and through personal interviews with representatives of government, scientists involved in the Euroregion studies, as well as among representatives of public institutions and associations of the countries – participants of the Euroregions. We find that even though Belarus has a reduced level of relationship with the European Union a crucial feature for all Euroregions is the number of projects in framework of mainly the EU technical assistance programs. The paper, therefore, highlights that from one hand, the economic and social development in bordering regions could take place without Euroregions, from another – the prospective role of the Euroregions will be in development of "good neighbourhood belt" on the perimeter of external borders of Belarus in all its dimensions: military, political, cultural, informational, social and economic.

KEYWORDS: *regional policy, trans-border cooperation, euroregions and border cooperation, legal and sociological analysis.*

JEL CODES: F53, R11, R58

DOI: <http://dx.doi.org/10.15181/rfds.v13i2.821>

Introduction

In the European union the European Territorial Co-operation is carried out in framework of regional policy and covers three types of programmes: 53 cross-border co-operation programmes along internal EU borders; 13 transnational co-operation programmes cover larger areas of co-operation such as the Baltic Sea, Alpine and Mediterranean regions; the interregional co-operation programme providing a framework

¹ Alena A. Dastanka – Belarusian State University, Faculty of International Relations, Center for International Studies, Director, European integration, multilateral cooperation
Scientific interests: regions policy, law
E-mail: Dostanko@bsu.by, Dostanko@yahoo.com
Tel.: +375 17 209 5773
Volha I. Chuprys – Belarusian State University, Law Faculty, Deputy Dean
Scientific interests: regions policy, administrative law
E-mail: Chuprys@bsu.by
Tel.: +375 17 209 5989

for exchanging experience between regional and local bodies in different countries (European Territorial Cooperation, 2012; Regulation (EC) on EGTC, 2006), the European Charter for Border and Cross-Border Regions was revised (Association of European Border Region, 2011). In the Council of Europe the term “transfrontier cooperation” was introduced in the Madrid Outline Convention (Council of Europe, 1980) and then developed in Additional Protocols to that Convention. The Convention, Additional protocols to it and the mentioned European charter made the establishment of many Euroregions in Europe possible and the EU mechanism of European Grouping of Territorial Cooperation created new opportunities for European border regions. Various aspects of activities of Euroregions, border and cross-border cooperation have been the subject of research in the field of regionalism in 1990s (Ratti and Reichmann, 1993; Cappellin and Batey, 1993; Martinos and Gabbe, 1997), the impact and influence of regional and cross-border cooperation, its diversity, and specific examples of such initiatives has been studied in later works (Bellini and Hillpert, 2013; Medve-Bálintab and Svensson, 2013; De Sousa, 2012).

The trans-border cooperation is considered to be an important form of regional policy of neighboring countries and aims to develop and maintain cooperation and integration at the local level. In Belarus, the trans-border cooperation is carried out within the framework of bilateral treaties and agreements (interregional cooperation), five Euroregions (“Dnepr”, “Bug”, “Belovezhskaya puscha”, “Neman” and “Ozerny kraj”) as an organizational form of trans-border cooperation of the administrative-territorial units of the Republic of Belarus and neighboring countries, and border cooperation. Along with the overall positive effect it seems necessary to search for new mechanisms in Belarus to “revitalize” the Euroregions.

Problem. The effectiveness of trans-border cooperation in general and of the activities of Euroregions in particular is determined by: first, the interaction of government and local governments of Belarus and neighboring countries; secondly, legal framework; third, *the level of cohesion* of Euroregions could be measured in *sociocultural* (common identity, a common cultural heritage, language, common history, contacts between people living in the border areas), *economic* (the presence of a free economic zone, the tradition of economic cooperation, economic development difficulties, direct access to the consumer market of the EU/CIS, national parks), *sociopolitical dimensions* (cooperation between government authorities in various fields, bilateral agreements on cooperation between the districts of neighbouring states).

Purpose. To determine the effectiveness of trans-border cooperation and prospects through the results of Euroregions’ activities as an organizational form of trans-border cooperation of the administrative-territorial units of the Republic of Belarus and the neighbouring countries.

Object. Trans-border cooperation of the Republic of Belarus.

Tasks:

- determination of the quality and prospects of legal regulation of trans-border cooperation in the Republic of Belarus for legislation approximation with the European union law;
- determination of the degree of cohesion of the Euroregions in sociocultural, economic, socio-political dimension;
- identification of place and significance of Euroregions as actors of the domestic and foreign policy of the Republic of Belarus and the neighboring countries;
- identification of Euroregions’ actual problems in the legal, political and economic spheres, in the areas of finance and management;
- determination of the influence of the “development of border infrastructure” factor in Euroregions activities;
- Identification of factors that can contribute to improving the financing, management of Euroregions, their economic, political, legal development;
- identification of the most promising areas of cooperation in Euroregions.

Research methods. In this regard, together with the New Eurasia Establishment (Belarus), Faculty of Law and the Center for International Studies, Faculty of International Relations, Belarusian State University (Minsk) conducted a study of the legal, political, economic and socio-cultural issues and the effective-

ness of trans-border cooperation between Belarus and neighbouring states. The study was consisted of two interrelated parts:

1. Legal research aimed to improve the framework of trans-border cooperation in Euroregion model.
2. Sociological research “Euroregion as the organizational form of trans-border cooperation of the administrative-territorial units of the Republic of Belarus and neighbouring countries”, aimed to identify problems of Euroregions functioning in the legal, economic, political and administrative spheres.

The main method of the sociological survey was the expert interviews in qualitative sociological research paradigm. Selected method enables us to obtain comprehensive and unique information on the studied problems.

1. Legal and institutional arrangements to improve the framework of trans-border cooperation in Euroregions

The term of trans-border cooperation has various interpretations in international documents, national legislation and among scientists. As its synonym, or simultaneously with the terms “trans-border cooperation”, “inter-regional cooperation” are often used.

For accuracy we should use the term “trans-border cooperation”, which indicates the possibility of participation in the cooperation of all stakeholders at national, regional and local levels in order to reach the long-term goal of good neighbourly relations as one of the means of sustainable development (Anderson, 2003). However, based on the analysis of international legal regulation, it is possible to define trans-border cooperation as a partnership, in which a territorial border community is a compulsory participant from one country. The partner from another country could be also a territorial border community but not necessarily.

Trans-border cooperation in the Republic of Belarus covers various areas and is carried out in two major forms. The first of these forms is the implementation of the provisions of international treaties and agreements. The second form – the institutionalization of trans-border cooperation through joint working bodies and their functioning. Such cooperation is implemented through a special and most effective form of European trans-border cooperation – namely Euroregion. Euroregional structure demonstrates commitment of the regions belonging to different states to cooperate in the socio-economic, political and cultural spheres (Baturina, 2013).

The creation of Euroregions is important from a legal point of view, because it allows harmonizing the legislation of the various countries. The local authorities of the Republic of Belarus are seeking to improve the trans-border cooperation and to develop the functioning of Euroregions. However, the local authorities lack unity in the understanding of the importance and ways of development of Euroregions. Unsystematic and stippling legal regulation at the local level shows a rather narrow view of local authorities on the prospects of development of Euroregions. It is therefore important to have a national concept of the development of Euroregions, from which is possible to develop regional strategies for a specific Euroregion, approved at the local level.

Legal regulation of trans-border relations in the Republic of Belarus is carried out, as a rule, through bilateral and multilateral intergovernmental treaties and agreements, agreements of local authorities, which set the rules of trans-border cooperation in the light of the principles and provisions of the Madrid Outline Convention (Council of Europe, 1980). It could be general agreements on good neighbourhood (Договор о добрососедстве, 1992), mutual understanding and cooperation, containing provisions relating to trans-border cooperation as well as special agreements on trans-border cooperation (Пагадненне, 1992; Соглашение, 1998; Соглашение, 2006), and collaboration on specific trans-border issues (protection and development of natural sites, cultural ties, migration, customs issues, etc.) (Пагадненне, 1995; Соглашение, 2002). Belarus provides legal support of various international and national projects aimed at implementing the trans-border cooperation and activities within the Euroregions.

However, at present in the Republic of Belarus there is no specific legislation regulating trans-border co-

operation. Such legal acts are adopted in some neighbouring CIS countries. From our point of view adoption of the Law on the trans-border cooperation should be recognized as the best option. In developing such Law it should be taken into account the existing experience of legal regulation, as reflected in the Madrid Outline Convention, Concept of interregional and border cooperation of the states-members of the Commonwealth of Independent States (September 15, 2004), the Model Law "On Border cooperation" for states-participants of the CIS (October 31, 2007), as well as the experience of neighbouring states that have accepted the relevant acts of legislation on trans-border or border cooperation (Концепция, 2001; Закон, 2004).

Law on trans-border cooperation should fix: conceptual apparatus of cooperation; tasks and principles of cooperation; the basic forms of the cooperation; division of subjects between the republican bodies of state power and bodies of local government and self-government in the implementation of trans-border cooperation; creation of joint bodies on trans-border cooperation, the capacity of these bodies; range of public authorities responsible for supervising the activities of its members and the undertaking the current control measures.

In this Law a separate chapter on the status of Euroregion can be settled, including its bodies, forms of action and interaction with other bodies and organizations, the rules for financing their activities. Hence, the system of legal regulation of trans-border cooperation should include international and national levels, which are characterized by the following features:

Interstate-contractual level at which the legal regulation of trans-border co-operation is carried out by general international agreements on these topics, and by specific interstate and interregional agreements on border cooperation and/or creation of the Euroregion. The first category includes the Madrid Outline Convention with the Additional Protocols, by setting a standard on trans-border cooperation, but substantially free of the international legal obligations of participants in these documents to comply with them. The second category of international framework agreements constitute acts of 2 or more states on trans-border and/or border cooperation between specific regions that actually authorize the regional authorities to conclude the international agreements on certain issues, and contain provisions which fix the scope of the cooperation. The third category includes international agreements of certain administrative-territorial units on trans-border cooperation, including providing foundation for the establishment of joint bodies to address a range of issues.

National level, which includes domestic normative legal acts such as laws or acts of the President and other regulations in this area: Decision of the Council of Ministers, governmental bodies, as well as legal acts of local authorities.

Effective trans-border cooperation depends on the level of decentralization of power, the manifestations of civil initiatives, rational financing. In this regard, it is advisable to create a bank of initiatives with evaluation of economic, social and fiscal feasibility of special funding from the national budget. It could be the competitive selection of projects for co-financing from the national and local budgets. Simultaneously, it is possible to create an integrated database on trade, industrial, investment, scientific and technological potential of promising developments belarusian and bordering regions in order to establish constant information exchange.

Belarus has not yet formed a coherent system of regional development or regional policy. Functions of the coordination offices of the particular Euroregion are often carried out by public associations, institutions and commercial organizations operating in their respective territories. Efforts in coordination of organizational and legal issues of the Euroregion were undertaken by local governments in Belarus, but they were no longer succeeding. Systemic management of the Euroregions requires special structures and/or officials at each level of governance, including the national, with the development of different self-governing structures.

Central governmental authority (Ministry of Economy) can be assigned the function of regulation and coordination of trans-border cooperation in general and Euroregions, in particular. At the local level, similar functions executive committees can perform. Local representative bodies may specifically address the issues of development of Euroregions in the sessions when approving programs, budgets and review reports on their implementation. Advisable to consider the question of granting legal status to Euroregions as special

territorial entities having custom border, customs, tax, environmental regime. The need for these legal decisions is important in terms of overcoming the general economic problems that arise within Euroregional cooperation related to the fact that “small and medium businesses do not have sufficient working capital resources to implement export operations, which require a significant diversion of funds to the Value added tax (VAT), customs and currency declaration”. Trans-border cooperation is hampered by high transport costs, which are related to insufficient development of transport infrastructure and border crossing points, by excessively high rates of interstate and transit traffic (Vardomsky, 2005).

2. Findings and discussion

Sociological research “Euroregion as the organizational form of trans-border cooperation of the administrative-territorial units of the Republic of Belarus and neighboring countries” aimed to identifying problems of its functioning in the legal, economic, political and administrative spheres. Expert interviews as a research method were chosen, they were conducted among representatives of government, scientists involved in the Euroregion studies (the first group of respondents), as well as among representatives of public institutions and public associations of the countries-participants of the following Euroregions: “Dnepr”, “Bug”, “Belovezhskaya puscha”, “Neman” and “Ozerny krai” (the second group of respondents). The project was conducted from March 2013 to May 2013. The field phase of the study took place from March 15 to April 15, 2013.

Degree of cohesion the Euroregion in the sociocultural, economic and sociopolitical dimensions. The cohesion of the Euroregion in the sociocultural dimension is characterized by such features as a common identity, a common cultural heritage, language, common history. Most respondents in the first and second groups believe that it is impossible to talk about some common identity, a strong sense of unity of any of Euroregions, about those features that would highlight one Euroregion or another. However, common culture, language, heritage and history, in general, the lack of ethnic and cultural barriers (of the two groups of respondents – 67 %), and the view shared by an absolute majority of the respondents, that the Euroregions allowed to establish contacts between people of the border areas, are considered to be unifying features. This allows to conclude that the socio-cultural dimension is an important component, which led to a positive effect of Euroregion’s activities.

The cohesion in economic dimension could be measured by the presence of a free economic zone, the tradition of economic cooperation, economic development difficulties, direct access to the consumer market of the EU/CIS, national parks. Both groups of respondents (78 %) believe that the tradition of economic cooperation among the Euroregions help to consolidate the economic dimension. However, the creation of free economic zones, special conditions for companies-residents of the Euroregions on direct access to the consumer market of the EU / CIS, other measures may lead to an intensification of economic cooperation. Promoting of the economic cooperation among the Euroregions participants should become a fundamental factor for modernization agenda of Euroregions activities, primarily from the Belarusian side.

The level of cohesion in socio-political dimension is determined by cooperation between government authorities in various fields, bilateral agreements on cooperation between the districts of neighbouring states. The vast majority of respondents in the first and second groups believe that Euroregions have become an effective platform for the successful implementation of projects within European Union’ technical assistance programs (76 %), the second group of respondents (95 %) emphasized the importance of the introduction of Euroregions as an organizational form of trans-border cooperation for the development of cooperation between municipalities in different areas. However, Euroregions are really only a form of cooperation – 90 % of respondents in the first and second groups have noted the importance of bilateral cooperation agreements between the districts of neighboring states. Thus, a crucial feature that promotes cohesion in the socio-political dimension is the number of projects on technical assistance programs, primarily the EU.

The place and importance of Euroregions as participants in domestic and foreign policy of the Republic of Belarus and the neighboring countries. Respondents of the first and second groups evaluated the signifi-

cance of Euroregions as an organizational form of trans-border cooperation of Belarus in different ways. The first group of respondents (75 %) believes that the economic and social development can take place without Euroregions, their role in this development is minimal or even non-significant. In turn, the second group of respondents (85 %) believes that the Euroregions play an important role in trans-border political strategies of the European Union as mediator and facilitator of cooperation and funding.

Current problems in Euroregions activities in the legal, political and economic spheres, in the areas of finance and management. The most significant problem in the legal sphere, from the point of view of most respondents, is the absence of a common legal form in every country, which would correspond to the concept of “Euroregion” and the currently applicable legal form of Euroregion is not enough enshrined in the national legislation of the countries-participants of the Euroregions. It should be noted that respondents indicated differences in the mechanism of internal coordination of the Euroregions activities, almost “failure” of the national legislation for the development of cooperation in the framework of the Euroregions (from Belarusian side).

The first and second group of respondents pointed out the following problems in the political sphere: different priorities of bordering countries in the political strategies (52 %); both groups of respondents noted the high cost of visas (75 %), as well as the unwillingness of governments to real cooperation with civil society organizations, which could be partners to the authorities in the implementation of socially significant trans-border projects (45 %). In addition, the second group of respondents identified an underdeveloped tourist infrastructure in the border areas as a deterrent in the Euroregion cooperation.

Problems in the economic sphere are measured in different ways: the first group of respondents largely allocates economic asymmetry between the sides of the Euroregion, which reduces economic competitiveness and balance in matters of employment and production; the second group of respondents – unemployment and illegal migration. Thus, in general, different approaches of participating countries of the Euroregion towards implementation of its own policy reduce economic cooperation.

In the area of financing, both groups of respondents indicated that all identified problems (inequality issue in funding (35 %), sometimes incomplete implementation of financial resources allocated to the EU projects (35 %), the complexity of finding of co-financing of international projects (30 %), as well as complex financial reporting procedures, different project costs (25 %)) have a place in the activities of the Euroregions.

In the area of governance the second group of respondents (75 %) noted the extremely complicated process of registration of international projects in Belarus (although not all of the first group of experts agree with this); both groups of respondents emphasized the differences in the competence of the authorities (65 %) and the slow process of public decision-making on trans-border cooperation (57 %).

The degree of influence of the “border infrastructure” factor in the activities of the Euroregion. Assessing the development of border infrastructure and checkpoints capacity the first group of respondents gave a “good” mark, the second group of respondents (almost absolute majority) – “satisfactory” mark. And the first group of experts noted that it ruins the image of countries-participants of the Euroregions, in addition, often the work of border and customs control are not effective from both sides. In turn, the second group of respondents indicated that the state does not give priority to the development of the borderland in the broadest sense, and this leads to a lack of investment.

The extent to which the formation and development of the Euroregion “shared identity” is necessary. Economic cooperation should become the most important unifying factor of the Euroregions (both groups of respondents), to a lesser extent – the formation of a common identity, i.e., understanding, awareness of the population themselves as representatives of a certain unity, in this case – of a Euroregion.

To overcome negative stereotypes it is necessary to promote activities of the Euroregions through educational exchange programs (65 %), to simplify the issuing of visas for Belarusian citizens (both groups of respondents, 78 %), to introduce Interstate programs such as programs of the Union State of Belarus and Russia (the first group of respondents, 55 %). Sociocultural dimension, namely the implementation of joint environmental, trade, tourism and cultural projects contributes to the development of “shared identity” or

cohesion of the certain Euroregion. On the other hand, it is obvious that the formation, construction of a common identity as the most important feature of the Euroregion is likely not necessary, but the desire for this to some extent, can contribute to more effective participation of European regions in domestic and foreign policy of the state.

Factors that may contribute to improving the financing, management in the Euroregions, including their economic, political and legal development. Position of the respondent groups on ways to improve trans-border cooperation funding differ significantly: the first group of respondents considered important to attract primarily international financial resources for the implementation for development projects (65 %), providing loans for start-up development at low interest rates (55 %), and the need to make arrangements at the national level on co-financing projects in the Euroregions. Most of the representatives of the second group of respondents (55 %) indicate the need for a line in the national budget to address the problems of trans-border cooperation.

Creation of joint enterprises, institutions (eg, institutions of higher education, etc.), the removal of barriers in mutual trade will promote economic development of the Euroregions. Participation in competitions for financial assistance from the EU programs is by far the most effective tool for economic development, from the point of view of the first and second groups of respondents.

Political development of the Euroregions is possible only on the basis of equal partnership, facilitation of border crossing simplification is very important as well. The experts highlighted the need for greater inclusion of the issue of trans-border cooperation in the agenda of Ministry of Foreign Affairs (MFA) activities of Belarus and neighboring states, as well as restoration of full-scale dialogue between Belarus and the European Union.

In the legal sphere the development and implementation of legislative initiatives on trans-border cooperation is required (both groups of respondents), the second group of respondents called for the creation of a National (State) program on trans-border cooperation in the Republic of Belarus with finance from state budget (experts – no). In turn, the first group of respondents stressed the need for a new strategy (concept) on trans-border cooperation for Belarus.

The most promising areas of cooperation within the framework of the Euroregions. The most promising areas of cooperation in the Euroregion are border regional projects (76 %); economic cooperation (65 %); Culture, education and youth exchanges (65 %); environmental protection (65 %); cooperation between local authorities (60 %); projects for the development of transport infrastructure (55 %). Nevertheless, according to the distribution of responses for the two groups of respondents almost any area can be considered promising. To a lesser extent it concerns health and emergency medical assistance, planning and construction, energy policy, agriculture and food production.

Conclusions

The effectiveness of trans-border cooperation of the Republic of Belarus could be evaluated through activities of the Euroregions. Euroregions are considered to be one of the one of the most important areas of cooperation between Belarus and the European Union in framework of projects of technical assistance. The new approach towards trans-border cooperation should be based on the Law on the trans-border cooperation. In developing such a law it should be taken into account the existing experience of legal regulation, as reflected in the Madrid Outline Convention, Concept of interregional and border cooperation of the states-members of the Commonwealth of Independent States (September 15, 2004), the Model Law “On Border cooperation” for states – participants of the CIS (October 31, 2007), as well as the experience of neighbouring states that have accepted the relevant acts of legislation on trans-border or border cooperation.

The level of cohesion of Euroregions is generally medium. Factors that unite the Euroregion and create

a certain place in foreign and domestic policy are the following: a common cultural heritage and language (sociocultural dimension), the tradition of economic cooperation, difficulties of economic development (economic dimension), the platform for projects of the European Union' technical assistance projects, bilateral agreements on cooperation between the districts of neighbouring states) (socio-political dimension). Though the economic and social development in bordering regions could take place without Euroregions, their role in this development was minimal or even non-significant, the prospective role of the Euroregions will be in development of "good neighbourhood belt" on the perimeter of external borders of Belarus in all its dimensions: military, political, cultural, informational, social and economic.

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EUROREGIONAI, KAIP BALTARUSIJOS BENDRADARBIAVIMO PASIENIO REGIONE DALIS: TEISINIAI IR SOCIOLOGINIAI ASPEKTAI

ALENA A. DASTANKA, VOLHA I. CHUPRYS
Baltarusijos universitetas (Baltarusijos Respublika)

Santrauka

Straipsnis remiasi autorių tyrimu apie Baltarusijos bendradarbiavimo pasienio regione puoselėjimą ir veiklą, kaip regioninės politikos ir bendradarbiavimo su kaimyninėmis ES valstybėmis dalį. Nagrinėjami klausimai gali apimti platesnę regionų skalę. Remiantis empiriniais duomenimis, šio straipsnio tikslas – aptarti bendrą bendradarbiavimo pasienio regione, ypač euroregiono, veiklos veiksmingumą. Keliamas problematis klausimas: kaip nacionalinė ir vietos valdžia, esama teisinė struktūra, euroregionų sanglaudos lygis, svarbi bendradarbiavimo pasienio regione organizacinė forma, Baltarusijos administracinių-teritorinių padalinių ir kaimyninių valstybių sociokultūrinės, ekonominės, sociopolitinės dimensijos gali veikti ar koreguoti užsienio ir vidaus politiką? Straipsnyje nagrinėjami penki euroregionai: *Dnepr* (Baltarusija, Rusija, Ukraina), *Bug* (Lenkija, Ukraina, Baltarusija), *Belovezhskaja puscha* (Lenkija, Baltarusija), *Nemunas* (Kalinigrado regionas, Lenkija, Lietuva, Baltarusija) ir *Ozerny kraj* (Latvija, Lietuva, Baltarusija). Empiriniai duomenys rinkti analizuojant dabartinę teisinę Baltarusijos bendradarbiavimo pasienio regione struktūrą ir atliekant individualius interviu su valdžios atstovais, mokslininkais, kurie tyrinėja euroregionus, taip pat su viešųjų institucijų ir asociacijų atstovais iš Euroregiono šalių dalyvių.

Atlikus tyrimą nustatyta, kad susilpnėję Baltarusijos ryšiai su Europos Sąjunga gali būti traktuojami kaip tam tikra rizika visiems euroregionams, nes sumažino projektų, kurie susiję su ES techninės pagalbos programomis, skaičių. Viena vertus, šiame straipsnyje pabrėžiama, kad pasienio regionų ekonominis ir socialinis vystymasis gali būti plėtojamas be euroregionų. Kita vertus, teigiama, kad taip silpnėja bendradarbiavimas įvairiose srityse: karinėje, politinėje, kultūrinėje, informacinėje, socialinėje ir ekonominėje.

PAGRINDINIAI ŽODŽIAI: *regioninė politika, bendradarbiavimas pasienio regione, euroregionas ir pasienio bendradarbiavimas, teisinė ir sociologinė analizė.*

JEL KLASIFIKACIJA: F53, R11, R58