

The Legal Instruments for Regulating Transregional Cooperation: The Experience and Trends of the Contemporary European Union*

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Abstract

The subject of the study is optimal models of legal regulation of transregional cooperation, which is an essential task from the perspective of new ways of realising national interests in international relations. The article aims to establish the peculiarities of the legal regulation of transregional cooperation, taking into account the experience of the EU. The study results showed that legal instruments can be bilateral or multilateral and define each party's obligations and rights within the cooperation framework. The differences in the legal systems of the participating countries may make the application and enforcement of agreements difficult. The aspiration to intensify integration and interaction between countries and regions is substantiated. Practical transregional cooperation can promote trade and economic growth, strengthen democratic institutions, protect human rights, and address shared challenges such as climate change and migration. The ability to fund projects to support civil society, human rights, and the rule of law, as well as strengthen democratic institutions in neighbouring countries, contributes to stability and development at the regional level. In addition, practical cross-border cooperation between the EU and its neighbouring countries requires a comprehensive approach. The role of EU cooperation with African countries must be adapted to each region's specific needs and characteristics. The standards of most successful models of transregional cooperation should be recognised as the models of cross-border cooperation of states located on the eastern and southern borders of the single European space.

Keywords: Transregional Cooperation; European Legislation; Neighbourhood Policy; Legal Regulation; Cross-Border Projects

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A. INTRODUCTION

Legal regulation of regional cooperation is an essential interdisciplinary problem. Contemporary Ukraine carries out reforms to advance to the European Union. In this regard, EU efforts to optimise interaction between the regions of different countries attract increased attention. The systematicity of law enforcement measures and practices ensures the growth of interregional exchanges of capital, technologies, human resources and cultural values. In the conditions of Russian aggression, the importance of those legal acts that facilitate Ukraine's interaction with its partners is increasing.

Building transparent and partnership relations between integration associations and regional groups of partner countries is relevant in the global dimension. Finding out the optimal models of legal regulation of transregional cooperation is an essential task from the point of view of new ways of realising national interests in international relations. It is also time to discover the potential of legal technologies for the functioning of state and private actors in the digital environment. Transregional cooperation has many nuances that necessitate the formation of specific legal relations at the intersection of international law and national legal systems. In this regard, the viewpoints of the European Union, as a supranational association, and neighbouring countries, which are stakeholders of this legislation, are relevant. The system of legal regulation of transregional cooperation at the European level requires attention from the point of view of facilitating access to the markets of EU countries, the implementation of partnership projects and the initiation of joint economic and financial initiatives.

Literature Review

Several modern analytical reviews and authors' developments are devoted to the legal regulation of transregional cooperation. The final Report on Interregional Cooperation summarises the results of a study or programme on interregional cooperation. It contains analysis and recommendations on collaboration between different regions and its impact on innovation policy ([EU-GRASP Deliverables, 2011](#)). The book of Foray ([2014](#)) explores the concept of smart specialisation and its potential opportunities and challenges for regional innovation policy. Gianelle and Kyriakou ([2016](#)) describe the practical aspects of implementing intelligent specialisation strategies in European regions. Kroll ([2017](#)) addresses the challenges that less favoured regions face when implementing intelligent specialisation strategies. Larosse *et al.* ([2020](#))

examine the relationship between the Green Deal and the concept of smart specialisation, and its implications for regional policy and innovation. Maggioni and Uberti (2009) explore knowledge networks in Europe and their impact on regional development, especially in the context of smart specialisation. Mariussen *et al.* (2016) arguably discuss the possibilities of growth through transnational cooperation and value chains within the framework of the concept of smart specialisation. Woolford (2021) and others look at the perspective of lagging regions against the backdrop of interregional cooperation and innovative specialisation strategies.

Among scholars' modern conceptual developments, it is worth highlighting the works of Saurugger and Terpan (2021), Reitel and Wassenberg (2020), and Reigner (2022). These studies analyse the transformations of the European legal system, create a critical dictionary on borders, cross-border cooperation, and European integration, and conduct an interdisciplinary analysis of the relevance and functions of regional law from a global and comparative perspective.

The publications by Petersmann (2021), Perskaya and Khomyakova (2021) examine the international legal order after the WTO under various possible scenarios and investigate global value chains, which are positioned as outcomes of the development of vertical cooperation among international, transnational, and multinational companies.

Karjalainen (2023) argues that EU communications leave partners with a limited role in participating in or controlling processes where values, norms, and connectivity standards are created. Furthermore, Lychenko *et al.* (2021) explore the direct influence of legal philosophy on the formation and development of a legal worldview, while Castryck-Naumann (2021) studies the historical aspects of transregional cooperation in Europe.

Decoville and Durand (2021) investigate cross-border spatial planning to strengthen territorial continuity between border regions. Meanwhile, Callanan and Tatham (2021) analyse how EU policies, legislation, and financing impact regional and local levels.

Blauberger and Van Hüllen (2021) outline the conditions for assessing institutional structures and provide a context for applying proposed conditions on the rule of law concerning EU funds, assessing their anticipated effectiveness. At the same time, researchers Bergmann and Furness (2023) analyse the EU's strategic approach to state instability, whose evolution is shaped by disputes over norms, actors, and practices in the EU's foreign and

development policies. Meanwhile, Ajevski ([2020](#)) examines the likelihood of a long-term status quo, the resurgence of the regionalisation of international relations, and the decline of transregional relations.

The article aims to establish the peculiarities of the legal regulation of transregional cooperation, considering the EU's experience. Its task is to identify successful models of normative support of transregional cooperation.

B. METHODS

The article's theoretical and methodological foundation consists of relevant specialised publications, educational manuals, monographs, materials from scientific conferences, dissertation studies, and the conclusions of contemporary scholars' theoretical-analytical and practical developments.

Several general scientific methods were utilised during the research, including analysis and synthesis, induction and deduction, formalisation, and concretisation. The inductive method formulated predictive directions for developing the studied process. The deductive method was applied during the study to identify priority areas for the legal regulation of transregional cooperation.

The synthetic-analytical method was applied to identify the basic legal instruments in the context of contemporary European trends. The specification enabled the demonstration of the effectiveness of innovative legal tools in regulating trans-regional cooperation. At the same time, formalisation was used to structure the object of the study.

C. RESULT AND DISCUSSION

In the current social environment, trans-regional interaction plays a significant role in ensuring sustainable development. Trans-regional interaction involves active national, regional, or continental engagement to achieve common goals in socio-economic fields, politics, ecology, and more. At the same time, effective development of interregional relations requires adequate regulatory and legal support for various aspects of cooperation.

Various bilateral and multilateral agreements, treaties, and conventions laid the foundation for the European strategy for interregional cooperation. These agreements define the rights and obligations of each party within the framework of cooperation. Examples of such contracts include trade

agreements, security agreements, or agreements to combat climate change jointly. The provisions of the European Parliament's regulations specify that agreements on cooperation, association, and other forms of relations with partner countries establish the general political basis for programming Community assistance in accordance with this Regulation. ([European Union, 2006](#))

However, existing legal regulations for transregional cooperation often face specific challenges and shortcomings. For example, differences in the legal systems of the participating countries may make the application and enforcement of agreements difficult. There are also problems with enforcing contracts and resolving disputes between participants. These problems can decrease the effectiveness of transregional cooperation and weaken trust between the parties.

Article 9 of the Council and European Parliament regulation defines the norms of cross-border cooperation within the framework of multi-annual programmes aimed at implementing the priorities of the Community—joint operational programmes based on strategic documents outlined in Article 7(3). ([European Union, 2006](#))

Several approaches can be proposed to improve the legal regulations of transregional cooperation. First, efforts must be directed toward harmonising legal standards and procedures between participating countries. This may include developing common regulations, standards, and methods that will be applied within the framework of transregional cooperation. Currently, the mechanisms for implementing control and resolving disputes regarding adherence to agreements require improvement. This can be achieved by developing effective dispute resolution mechanisms and establishing bodies authorised to make binding decisions. In addition, it would be advisable to strengthen monitoring through independent verification and evaluation mechanisms.

Protocol No. 3 defines norms for optimising the legal status of the Association of Euroregional Cooperation, the body responsible for such interaction. Furthermore, this document determines unified standardised approaches to the establishment, membership specifics, and activities' peculiarities, which are formed based on the legislative requirements of national law. ([Fetko, 2019](#))

The legal regulation system plays a significant role in ensuring sustainable and effective trans-regional cooperation. To achieve maximum

results in this area, it is necessary to continue improving these norms, taking into account the needs and challenges of the participants in deeper integration and intensified interaction between different regions.

Ukraine successfully ratified the European Framework Convention on Transfrontier Cooperation between Territorial Communities or Authorities, thereby committing to developing a legal and legislative foundation for implementing transboundary cooperation. These commitments will contribute to the swift and effective adaptation of Ukraine's legal framework to European legal standards. ([Fetko, 2019](#))

The process of promoting transboundary cooperation between the European Union and other countries is considered significant in ensuring stability and sustainable development in European countries and other participants in interregional interaction. This cooperation is practically expressed in promoting trade development, sustainable economic growth, strengthening democratic institutions, addressing global environmental challenges, and fostering social dynamics. Given this, it is deemed appropriate to integrate active methods for stimulating transboundary cooperation between European Community countries and neighbouring states.

For instance, establishing free trade zones or signing alternative trade agreements can effectively stimulate economic growth and regional development. This may include reducing customs duties, simplifying import-export procedures and facilitating market access. The processes of "softening" law norms must play a key role. As J. Rüländ claims, "soft law" and "soft institutionalisation" are a rational response of nation-states to an unfavourable opportunity governance cost ratio.

It is worth noting that the EU actively supports bilateral dialogue relations with the prominent members of the Asian side (Japan, China, South Korea). These countries have the potential to replace transregional forums in cases of their complete inefficiency. However, management costs in this regard are significant, as both sides face several substantial internal barriers to implementing binding agreements. ([Rüländ, 2001](#))

Financing and implementing joint infrastructure projects, such as constructing roads, railways, energy networks, and telecommunications systems, improves transport and energy integration between the EU and its neighbouring countries.

The organisation of exchange programmes for students, scientists, experts and entrepreneurs contributes to the transfer of knowledge and

experience between countries. This may include creating joint educational programs, research projects and internship programmes.

As J. Rüland highlights, the conclusions that can be drawn from the current situation of transregional cooperation between Europe and Asia indicate that the EU has played an exceptionally active role in establishing a new level of international politics. Furthermore, the prioritised role of the European community is reflected in transregional forums, marked by a significant balancing effect. This influence has also extended to the process of consolidating international institutions. ([Rüland, 2001](#))

Funding projects to support civil society, human rights, the rule of law, and the strengthening of democratic institutions in neighbouring countries contributes to stability and development at the regional level. J. Rüland argues that "the current state of global governance resembles, at best, a loose set of international political patches, characterised by their missing links and unnecessary overlaps."

Interregional and transregional dialogues, which have been successfully initiated with the participation of the EU, can serve as significant intermediaries in a multi-level global governance system that is equipped with a network of functional sectoral global institutions and regional organisations. ([Rüland, 2001](#))

Working together to tackle common challenges such as climate change, migration, terrorism, and organised crime helps strengthen security and stability in the EU and its neighbouring countries. As A. Litsegård and F. Mattheis suggested, the EU plays a key role in global interregionalism. This concept helps to prevent potential and address existing imbalances, integrate non-European actors, and foster the successful development of interregional interaction. ([Litsegård & Mattheis, 2023](#))

Promoting cultural exchange and organising cultural events, festivals, exhibitions, and other cultural programs helps to strengthen mutual understanding and respect between different peoples and cultures. A. Litsegård and F. Mattheis proposed typologies of interregionalism that are open to any region. At the same time, dependence on the EU results in a situation where non-European regionalisms are perceived as the passive, receptive end of interregionalism. ([Litsegård & Mattheis, 2023](#))

In general, practical cross-border cooperation between the European community and neighbouring states requires the development and implementation of a comprehensive strategy that integrates socio-economic,

political, and cultural aspects. Strengthening communication and cooperation can create a more stable and prosperous region.

A. Litsegård and F. Mattheis predict that tensions and contradictions between the EU and the AU (African Union) have positively influenced regional synergy. However, the EU has expressed concerns about the lack of political will on the part of African politicians. It is worth noting that interregionalism in addressing climate change and environmental issues could potentially consolidate regional action in Africa and Europe through both cooperation and antagonism. ([Litsegård & Mattheis, 2023](#))

Cooperation between the European Union (EU) and neighbouring African countries has its characteristics, considering geographical location, historical ties, and economic and socio-cultural factors. Here are some critical aspects of the specifics of EU cooperation with neighbouring African countries. A. Litsegård and F. Mattheis found out that, being a prime political and financial supporter of the operationalisation of regional security and environmental governance institutions in Africa, the EU is instrumental in fostering regional cooperation. Inter-regional summits have also influenced the social construction of European regionalism by promoting normative unity or division around European principles. An example is, in particular, the application of international sanctions during the summits. ([Litsegård & Mattheis, 2023](#))

Many African countries have historical ties to European countries in the form of a colonial past or other form of dependency. This may affect the dynamics of relations between the EU and African countries and the perception of cooperation. The African continent encompasses a diverse range of political systems, cultural and linguistic traditions, and socio-economic conditions. Given this diversity, the process of collaboration between European Community countries and African nations must be adapted to the specific characteristics of each region. Currently, particular importance is given to cooperation in the areas of investment, trade, and development.

The European Union is currently positioned as the largest trading partner and investor for many African countries. Additionally, the EU actively participates in development programmes and significantly contributes to transformations in education, healthcare, agriculture, and infrastructure. Evidently, these measures help to sustain development in developing regions and optimise socio-economic conditions.

EU interaction with African countries is also characterised by a focus on addressing a range of global challenges, including poverty, environmental degradation, climate change, terrorism, and uncontrolled migration. The overall development strategy of the European community aims to strengthen peaceful interactions, foster democratic institutions, and facilitate the management of migration flows. The development of the European community is distinguished by its focus on long-term strategic relationships centred on partnership, dialogue, and mutual respect. This includes the necessity for regular meetings and consultations, as well as the promotion of joint initiatives.

Successful cooperation requires attention to each region's specific needs and characteristics, and the building of mutually beneficial partnerships based on mutual respect and collaboration.

D. CONCLUSIONS

Thus, transregional cooperation is subject to legal regulation by several groups of subjects. In particular, the modern European Union and its institutions in the European Parliament and the European Council are trying to eliminate barriers to transregional cooperation within the Union as completely as possible. At the same time, the policy of the European neighbourhood requires a significant adjustment of national legislative systems. In particular, it is about determining the content of transregional cooperation, eliminating the discrepancy between departmental approaches, and updating the status of enterprise campaigns and public organisations that require a particular mode of cooperation. Recognition of the priority of transregional cooperation by the modern EU puts forward a high legal framework for national legal systems. EU member states cannot curtail transregional cooperation, even due to an unfavourable economic situation, due to the priority of European legislation over national legislation. The most successful models of transregional cooperation should be recognised as the models of cross-border cooperation of states located on the eastern and southern borders of the single European space. These legislative regimes ensure interregional interaction activities based on the specific goals of the border areas. At the same time, the interests of regions far from the EU border must also be stimulated and provided with favourable conditions. For modern Ukraine, the legislative framework of "Interreg" cooperation, proposed by the European Union, needs to be clarified, considering the military situation and recent events in Poland related to the dissatisfaction of Polish agricultural producers. Thus, the legal regulation of interregional cooperation within the EU and neighbouring countries creates a

unique legal situation in which the priority of national legislation changes and the vectors of the evolution of cross-border cooperation emerge. These directions will be the further objective dimensions of our research.

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