

# The Territorial Dimension of the Cohesion Policy

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*This paper will focus on exploring the territorial dimension of the cohesion policy of the EU as it was stated in the Community Strategic Guidelines on Cohesion, as being the capacity of the cohesion policy to adapt to the particular needs and characteristics of specific geographical challenges and opportunities. In this respect, the main territorial disparities, which led the EU decision factors to promote the territorial guidelines of the cohesion, will be emphasized. Particular attention will be paid to the various policies with impact on the territorial cohesion, as well as to the place of the territorial development on the European Agenda, namely the European Spatial Development Perspective and the Territorial Agenda of the European Union. In the end, the Romanian approach of the territorial cohesion will be presented in the framework of the programming period 2007-2013.*

Key words: *territorial features, disparities, cohesion*

JEL classification code: *F15 – Economic integration*

## I. INTRODUCTION

### What is “territorial cohesion”?

Economic and social cohesion is an expression of solidarity between the Member States and the regions of the European Union. The cohesion represents both a development objective of the European Union as set as such in the Art. 2 of the EU Treaty and a European policy

with specific implementation instruments and clear guidelines, as they were defined for the period 2007-2013.

This status of cohesion is the result of a parallel evolution with the one of the European Union. It started with the identification of the need to “to promote economic and social cohesion and solidarity among the Member States” in the Art. 2 of the Rome Treaty and of the “aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas” in the Art. 158 of the same Treaty.

Based on these needs, the first steps were dedicated to the creation of social measures at European level, complementing the national ones, by instituting the European Social Fund, to the supporting of the population of rural areas, through the European Agricultural Guidance and Guarantee Fund (EAGGF), and later one, to addressing the specific structural problems of the regions, through the European Development Regional Fund (ERDF).

Thus, the regional policy has been defined with the aim at ensuring the balanced development throughout the European Union, reducing the structural disparities between regions and promoting equal opportunities for all citizens.

After being identified in the Single European Act (1986), the Treaty establishing the European Union promotes the *economic and social cohesion*, particularly the reduction of the disparities between the levels of development of the various regions and the backwardness of the least favoured regions or islands, including rural areas. In this regard, the Treaty states that both the national economic policies and European ones shall be conducted and coordinated in the way of strengthening the economic and social cohesion.

At the beginning, the economic and social cohesion has been built on the need of supporting the real convergence of the regional economies, as the most important territorial imbalance in the European Union is that between the less developed regions and the rest. Therefore,

the core of the cohesion was represented by the regional policy, which is focused mainly on the NUTS II regions<sup>1</sup>. Only the measures oriented towards the cross-border cooperation have implied measures at the level of NUTS III regions.

However, the designing of the intervention measures aiming at addressing the regional disparities should take into account the specific features of the different parts of the regions, the diversity of the territory not only the regional economic and social indicators. It has to be taken into account that the main purpose of the NUTS classification is a statistical one and does not reflect the internal divergence existing within the regions. In the Second Cohesion Report it is recognised that the *spatial disparities in the Union reflect a more complex reality than indicated by differences in income and employment between regions*<sup>2</sup>.

The upsurge in interest and work in the spatial planning field, intensified in the 1990s, has drawn attention on the importance of using spatial planning in achieving the cohesion objectives, by taking into account the diversity of the EU territory. The decision makers (namely the spatial planning ministers of the Member States) started an inter-governmental work which was aimed at designing a non-binding spatial framework to provide a guide for the public policy making with territorial impact at all spatial scales, from the Community level to the regional and local levels. The result of this initiative was the adoption of the European Spatial Development Perspective (ESDP), by the informal Council of Ministers responsible for spatial planning and regional policy in Potsdam in 1999. The ESDP sets out policy guidelines for all Member States, regions and local authorities as well as for the Commission.

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<sup>1</sup> According to the Regulation (EC) No 1059/2003 of the European Parliament and of the Council of 26 May 2003 on the establishment of a common classification of territorial units for statistics (NUTS), the size of NUTS II regions shall lie in the population threshold of 800,000 – 3,000,000.

<sup>2</sup> European Commission, *The Second Report on Economic and Social Cohesion*, 2001, pg. 5

Promoting the “territory” as a new dimension of the European policy, the ESDP identified three main aims regarding the territorial development: *a polycentric urban development and a new relationship between urban and rural areas; equal access for all European regions to infrastructure and know-how and prudent management of the natural and cultural heritage.*

The adoption of the ESDP represented the beginning of the debate surrounding the concept of territorial cohesion and the evolution of a spatial dimension to the policy-making of the EU. As a result, the territorial dimension of the cohesion was introduced in the reform of the cohesion policy for 2007-2013, in the Community Strategic Guidelines for Cohesion and a Territorial Agenda of the European Union has been agreed on the occasion of Informal Ministerial Meeting on Urban Development and Territorial Cohesion in Leipzig, May 2007.

## II. EUROPEAN TERRITORIAL DISPARITIES

Before analysing the policy solutions identified in the main EU strategic documents, it is important to highlight the territorial facts which have led to raise the awareness on the great diversity of the EU territory and on the disparities therefore induced. In this respect, of analysing the territorial disparities, one of the main recommendation of the ESDP was “*the institutionalisation of a “European Spatial Planning Observatory Network”*”(ESPON), which should facilitate the exchange of information between the spatial research institutes of the Member States and the political co-operation between national spatial development authorities and the Commission.

The ESPON and European Commission studies have provided the information on territorial divergences which have been highlighted in the Economic and Social Cohesion Reports and in the Interim Territorial Cohesion Report. The territorial imbalances emphasized in these

studies and presented below relates both to the European level itself and to the regional and local levels.

*Concentration of activity and population in Europe as core-periphery feature*

One of the traditional features of the EU territory is the high concentration of the economic activity in a core part of the Union, the so called “the traditional economic core” of Europe. Some studies refers to this area as being the “triangle”<sup>1</sup> extending from North Yorkshire in the UK to Franche-Comté in France and Hamburg in Germany, while others names it as being the so-called “pentagon”<sup>2</sup> delimited by London, Paris, Milan, Munich and Hamburg. Approximately 46,5% of the EU27 GDP is concentrated in this area, which covers only 14% of the territory and accounts about one third of EU citizens<sup>3</sup>.

However, one of the conclusion of the Forth Cohesion Report is that “the economic prosperity in the EU is becoming less geographically concentrated”, due to the emergence of new growth centres such as Dublin, Madrid, Helsinki, and Stockholm, but also Warsaw, Prague, Bratislava and Budapest.

If at the EU level, the status of the economic concentration starts to become a polycentric one, the core-periphery continues to manifest, however, at the level of the national territories of the EU Member States. The capital city regions concentrate the national economic activity throughout the regions, with the exception of Berlin and Dublin. According to the Forth Cohesion Report, the capital region’s share of national GDP increased by 9%, while their population grew by 2%, between 1995 and 2004. Moreover, in 2004, capital city regions produced on average 32% of the GDP in the country where they were situated, while they accounted for just 22% of population.

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<sup>1</sup> *The Second Report on Economic and Social Cohesion* (2001), pg. 24

<sup>2</sup> *The Third Report on Economic and Social Cohesion* (2004) and *The Interim Territorial Cohesion Report* (2004)

<sup>3</sup> *The Territorial State and Perspective of the European Union*, ESPON, 2006

*Urban areas as potential growth centres for regional competitiveness*

The role of urban areas as potential growth centres for regional competitiveness it is identified in the official documents as being one of the main territorial features of the EU territory. The metropolitan regions, cities and other urban areas play an important economic role, as localisation of the variety of activities, firms and institutes of higher education. Cities are home to change based innovation, spirit of enterprises and economic growth. Also, they are concentrating 80% of the European citizens and over 60% of the population in the European Union lives in urban areas of over 50 000 inhabitants<sup>1</sup>. In this respect, the urban areas are key driving forces for economic development as well as social cohesion and environmental improvement.

Taking into account the theory of urbanisation<sup>2</sup>, the urban system in Europe is characterised by two trends: suburbanisation (in 90% of urban agglomerations, population in the suburbs grew by more than in the core city, with few exceptions) – according to *the Fourth Cohesion Report* - and counter-urbanisation, i.e. a flow of people down the urban ladder from larger to smaller urban settings – according to the *Interim Report of the Territorial Cohesion*.

*Specific urban-rural relationship*

According to *The Territorial State and Perspective of the European Union*, up to 80% of the European territory can be characterised as rural or

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<sup>1</sup> Communication to the Council and Parliament ‘*Cohesion Policy and cities: the urban contribution to growth and jobs in the regions*’.

<sup>2</sup> According to the theory of urbanisation differential, all city systems ideally undergo various phases in their development, passing through a complete cycle of urbanization (polarisation), polarisation reversal and counter-urbanisation. These various stages of urbanisation have been conceptualised in terms of urbanisation (population increase of the city’s core), suburbanisation (increase of the ring, decrease of the core), disurbanisation (decrease of core and ring), and re-urbanisation (increase of core, decrease of ring).

semi-rural, if it is considered the low influence of cities in these areas and the more rural land-use and low population density.

The urban-rural relationship differs widely throughout EU, with the effect of a growing urban-rural interdependence. The most frequently urban-rural relationships are as follows:

- rural areas situated near urban areas and tend to become part of the urban system due to the suburbanisation process and the boundaries tend to become blurred, the relationship being dynamic and complex; R&D activities are increasingly located in attractive semi-rural/semi-urban environments in the proximity of large towns;
- cities and towns located in urban areas represents development poles in these areas by valorisation of local assets while using the modern technologies; agriculture is carried out in an increasingly industrialised fashion, which means that traditional environmental values connected to rural environments are disappearing and the industries are relocating from urban to rural settings on a large and global scale;
- rural areas, especially in remote areas, facing demographic challenges as population ageing and loss of working-age people, especially better-educated younger people.

*Regions with geographic handicaps and other constraints*

Islands and archipelagos, mountain and peripheral areas - including the 'outermost' regions - are an important part of the Union and share many common physical and geo-morphological characteristics and economic disadvantages. These regions generally suffer accessibility problems which make their economic integration with the rest of the Union more of a challenge.

Border regions present another category of territorial issues, often suffering from problems of accessibility and lack of economic opportuni-

ties because of the fracture created by an international frontier. With the creation of the single market, backed by cross-border cooperation programmes supported by European funds, for the most part, existing internal border regions no longer show significant differences in income per head and unemployment compared to the Union as a whole, the main problem areas being in the east along frontiers with third countries.

#### *Other European territorial features*

The above presented disparities are only the most important and visible features which characterises the EU territory, being the traditional issues raised when the territorial development comes into discussion. The analyses produced under the EPSON and EC initiatives underpinning the new *EU Territorial Agenda* reveal a wider range of factors which influence the structure of the EU territory. The new approaches and developments highlight as territorial issues: innovation and R&D activities (concentration of R&D expenditure in large metropolitan areas, in the core of Europe and the Nordic Countries); risk management (dealing with both technological and natural hazards – floods, droughts, fires, climate change or accidents); Information and Communication Technologies; transport and energy (different accessibility degrees throughout the EU territory and by transport mode, with the concentration of road and rail accessibility in the core of Europe, while the air accessibility shows a more polycentric development, need of stable energy supply and different import dependencies between the Member States, high sensitivity to energy price in the New Member States), environment, nature and culture.

#### **Policies with Territorial Impact**

In most cases, the objectives of EU policies - as defined in the Treaties – do not have a spatial character. Yet they have a significant im-

pact on the territory of the EU. The spatial impact depends on the specific method of intervention - whether it is of a financial (e.g. income support, regional and horizontal structural measures, sectoral measures such as research programme financing), legislative (e.g. competition rules, market liberalisation, environmental legislation, market-based instruments) or planning (e.g. trans-European transport and energy networks) nature. EU planning directives, for instance the directive for the establishment of a coherent integrated biological network, intervene in land use. In addition, a number of Community policies directly influence the behaviour of economic players. Moreover, their actions are partly determined by market forces, which are in turn reinforced by the Single Market.

The spatial effects of Community policies do not automatically complement each other, in line with a more balanced regional development. Nor do they automatically correspond to the development concepts of regions and cities. Without a reciprocal fine-tuning process, they can unintentionally aggravate disparities in regional development if they are exclusively geared towards specific sectoral objectives.

The following are the most important treaty headings providing the European Commission with the basis for action with implications for spatial development in the EU: EU cohesion policy, the Common Agricultural Policy (CAP), Community Competition Policy; Trans-European Networks (TEN); environment policy; Research and Development policy; energy policy, fishery policy.

### **III. EU POLICY SOLUTIONS TO ADDRESS THE TERRITORIAL IMBALANCES**

As mentioned in the *Introduction*, the result of the territorial debates concluded in highlighting and promoting the territorial dimension of the cohesion in the Community Strategic Guidelines for Cohesion 2007-2013 and a in the adoption of the Territorial Agenda of the European Union in Leipzig, May 2007.

Based on the highlights of the *Third Cohesion Report* regarding the territorial disparities, the *Community Strategic Guidelines for Cohesion 2007-2013 (CSG)* tries to address the territorial imbalances in order to promote the harmonious development of the EU regions.

The Cohesion Policy for 2007-2013 can be characterised through a more developed territorial orientation of the interventions, as it has been before, by promoting the territorial dimension of cohesion in the CSG, the indicative framework for the intervention of Structural and Cohesion Funds and through establishing a special objective under this policy – “The European Territorial Cooperation”.

Taking on board the territorial dimension, the CSG promotes the importance of geographical circumstances in concentrating financing resources and will help to develop sustainable communities and to prevent uneven regional development from reducing overall growth potential. It will also represent a part of the effort to attract the European territory to contribute to the growth and jobs agenda.

Such an approach also requires that the specific problems and opportunities of urban and rural areas may need to be addressed as well as those of particular territories such as cross-border and broader transnational areas, or regions suffering from other handicaps due to their insularity, remoteness (such as the outermost or Arctic regions), sparse population or mountainous character.

After a short and scarce description of some territorial problems, the CSG establishes the guidelines which should be promoted in order to enhance the territorial cohesion. These guidelines cover the following issues:

- The contribution of cities to growth and jobs;
- Support the economic diversification of rural areas, fisheries areas and areas with natural handicaps;
- Territorial cooperation – cross-border cooperation, transnational cooperation, interregional cooperation.

The last guideline represent the essence of the newly creates objective – *the European Territorial Cooperation (ETC) objective*. Therefore, the aim is to promote the strengthening of *cross-border cooperation* through joint local and regional initiatives, strengthening *transnational cooperation* by means of actions conducive to integrated territorial development linked to the Community priorities, and *strengthening interregional cooperation* and exchange of experience at the appropriate territorial level. The ETC objective is financed from ERDF, while the cooperation along the external borders of the Community will entail the additional use of the instruments of the Community's external assistance, in particular a European Neighbourhood and Partnership Instrument (ENPI) and the Instrument for Pre-Accession (IPA). Thus, the cohesion policy is not the single tool used to achieve the territorial cohesion, and the European neighbourhood policy and the enlargement policy.

This objective is not something innovative at the European level, even if represents a new approach of the cohesion policy. The cooperation as policy option was promoted within the ESDP: “In applying the policy options, Member State government and administrative agencies as well as EU services should consider, at an early stage, sectoral and spatial conflicts and timing difficulties and set the right priorities. This requires new ways of cooperation, which according to the ESDP’s principles should be on a voluntary basis. [...] The ESDP recommends three levels for spatial cooperation: the Community level, the transnational/national level, the regional/local level.”<sup>1</sup>

Overall resources for the ETC objective amount to 2,52 % of the total resources allocated under Cohesion Policy (approximately EUR 7.750 billion in 2004 prices) and this amount is distributed as follows between its three types of intervention: 73.86% for the financing of *cross-border cooperation*; 20.95% for the financing of *transnational cooperation*; 5.19% for the financing of *interregional cooperation*, cooperation networks and exchange of experience between regions.

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<sup>1</sup>*European Spatial Development Perspective*, pg. 35

### **Territorial Agenda of the European Union**

After agreeing on the ESDP as being a policy framework for the Member States in 1999, without establishing any new responsibilities as the Community level, the decision makers felt the need of more pragmatic cooperation framework in the field of spatial development. Taking into account the impact of enlargement and the challenge of achieving the Lisbon objective in such wide variety of territorial imbalances, the ministers responsible for spatial planning and development, together with the European Commission, presents the *Territorial Agenda of the European Union – Towards a More Competitive and Sustainable Europe of Diverse Regions*, which represents an action-oriented political framework for future cooperation of the Member States , having as future task: strengthening territorial cohesion.

The spatial development decision makers have agreed on the following priorities to be promoted in order to achieve the territorial development of the EU territory:

1. Strengthening the polycentric development and innovation through networking of city regions and cities
2. Promotion of new forms of partnership and territorial governance between rural and urban areas
3. Promotion of regional clusters of competition and innovation in Europe
4. Strengthening and extension of Trans-European Networks
5. Promotion of trans-European risk management including the impacts of climate change
6. Strengthening of ecological structures and cultural resources as the added value for development

In addition to the ESDP, the Territorial Agenda is provided with a special chapter referring to the implementation of the Territorial Agenda. This chapter foresees actions and responsibilities for the European institutions and the EU Member States, as well as specific

activities for the ministers themselves. A special attention it is paid to the programmes promoted under the ETC objective of the cohesion policy, emphasising the importance of those facilitating analyses and studies referring to territorial cohesion (ESPON 2013 and URBACT II). The ministers commit themselves to integrate the political priorities of the Territorial Agenda and the territorial aspects of the CSG 2007-2013 in the national, regional and local development policies.

#### IV. TERRITORIAL COHESION IN ROMANIA

Romania, as Member State, is benefiting of an important allocation of the Structural and Cohesion Funds for the period 2007-2013. In this respect, a strategy for the implementation of the cohesion policy in Romania has been developed in the National Strategic Reference Framework (NSRF), based on the guidelines established by the European Commission in the *Community Strategic Guidelines for Cohesion*.

Under the NSRF, four thematic priorities and a territorial priority have been identified, based on the analysis of the current situation performed by the national authorities. The territorial development priority responds both to the Convergence and Territorial Cooperation objectives, and is meant to address the territorial disparities identified at the level of the Romanian territory.

Until recently, Romania's land and urban planning policy has been somehow separated from the economic planning but the prospect of EU accession has fostered an integrated approach of the development process. In October 2005, the Romanian Government initiated and approved the guidelines of the *Strategic Concept of Spatial Development and Integration into the European Spatial Structures 2007-2025 (SCSD)*.

The guiding lines of the SCSD focus on the orientation of national efforts towards creating a Romania capable of defining and taking responsibility for its future development and the role it can play in the EU and globally. Having in mind the ESDP, the Lisbon Agenda and

the Gothenburg Strategy, the SCSD facilitates the valorisation of Romania's potential at regional, inter-regional, national, cross-border and trans-national levels, based on polycentric development, balanced accessibility to physical and knowledge infrastructures, new urban-rural relationships and the proper management of natural and cultural patrimony.

An important dimension of the planning and implementation of the national and regional development policy is the territorial dimension. For Romania, an efficient spatial and land use planning is an important factor for ensuring sustainable development and integration into the European economic development structures.

The key regional disparities issues identified within the socio-economic analysis of the National Development Plan 2007-2013 are: increasing development disparities between Bucharest-Ilfov Region and the other Regions; unbalanced development between the eastern and the western parts of the country; concentration of chronic underdevelopment in the East, on the border with Moldova and in the South, along the River Danube; existence of important intra-regional disparities that reflect a mosaic pattern of the economic development and within some regions the coexistence of underdeveloped areas with relatively developed areas; decline of the small and medium-sized towns, especially of the mono industrial towns, generated by the industrial restructuring; socio-economic decline of many large urban centres and the diminishing of their role they have on the development of adjacent areas; insufficient local experience in the management of the regional/local development programmes.

The territorial strategy of the NSRF responds to the territorial development needs of Romania and aims to ensure the coherence of the investments and strategic actions planned, as well as to achieve the highest impact in terms of economic and social development.

Thus, the NSRF will seek to contribute to stopping and hopefully reversing the widening trend of regional development disparities in line

with the National Strategy for Regional Development and the development strategies of the eight NUTS II Regions, by improving infrastructural conditions, business environment and the human capital for facilitating economic growth. In the process, a special attention will be given to the development and valorisation of the local and regional capital and to maximizing the competitive advantages of the regions.

The strategy will have a polycentric approach by targeting the development of the national urban network. Urban areas act as engines of economic growth for regions and sub-regions, and especially for the surrounding rural areas. Therefore, the strategy seeks to provide the necessary conditions for tapping the urban potential and enhancing the contribution of cities to growth, jobs and social cohesion in the regions.

Within this framework, the NSRF strategy will target development of existing or emerging growth poles/corridors. It will seek to create the conditions for concentration of development in areas around the poles/corridors as well as an efficient connection network at regional, national and trans-European level. The dynamic regional poles will be reinforced through improved accessibility and interconnectivity, better conditions for living and for business development, more efficient use of the human resources and better governance.

According to the Romanian NSRF, the territorial cohesion in Romania will be promoted by orienting the financial intervention towards the following priorities:

- *Regional cohesion*, by stimulating the areas with growth potential and helping the lagging behind ones, including rural areas. In this context, the strategy will give high importance to promoting a polycentric approach to development and to enhancing the role of urban centres as regional drivers.
- *Sustainable urban development*. Within the polycentric approach of development, the role of the urban centres will be reinforced, by promoting the investment in physical regeneration, environment

and social services and the support for improvement of entrepreneurship in the urban centres, but be also a special attention will paid to the revitalization of suburbs and some neighbourhoods (districts) with socio-economic and environmental problems.

- *Sustainable Rural Development*<sup>1</sup>. The overall national strategy aims to apply a multifunctional model for the agricultural and rural development by promoting a balanced development of both the agricultural and non-agricultural functions of the rural areas.
- *Promote European Territorial Cooperation*, which respond to the ETC objective. The general principles of the strategy for the ETC programmes are to ensure effective social and economic integration in the border areas and increased activity and accessibility to the Romanian regions within Europe. In this respect, the strategy will focus the resources as follows:
  - *Cross-border Cooperation*. Under this sub-priority, Romania will participate, jointly with its neighbours, to the following operational programmes:
    - on the internal borders (CBC Hungary–Romania Operational Programme (OP) and CBC Romania- Bulgaria OP)
    - on the external borders (IPA CBC Romania – Serbia OP, ENPI CBC Romania – Ukraine – Moldova OP, ENPI CBC Hungary – Slovakia – Romania – Ukraine OP, ENPI CBC Black Sea Basin OP)
  - *Transnational Cooperation*. Romania is participating to the South East European Space (SEES) Transnational Cooperation OP, next to other seven Member States (Austria, Bulgaria, Greece, Italy, Slovenia, Slovakia and Hungary) and

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<sup>1</sup> This strategy will be supported mainly through the interventions of the European Agricultural Fund for Rural Development (EAFRD) and European Fisheries Fund (EFF), as well as through the Structural and Cohesion Funds, under a coordinated approach.

eight non-Member States (Albania, Bosnia&Hertegovina, Croatia, Moldova, Montenegro, Serbia, Ukraine). The general objective is to strengthen cohesion, competitiveness and stability by enhancing cooperation and improving integration by ensuring sustainable development in SEES.

- *Interregional Cooperation.* Romania will participate as partner or Lead-partner in joint projects proposed within all four new programmes promoted under this sub objective: 1. *The Interregional cooperation programme (INTERREG IV C) - Contributing to the "Regions for Economic Changes"* intends to link regions and cities with comparable problems and opportunities with the end to promote the transfer of know-how and the exchange of experience among government and regional agencies and equivalent. 2. *The URBACT II Programme – Integrated urban development transnational exchange* is an European network for exchange of experience on key urban policy fields for the achievement of the European strategy aims and will allow European cities to learn from each other. 3. *The ESPON 2013 Programme* aims to support the reinforcement of regional policy with studies, data and observations of development trends and to build a European scientific community in the field of territorial development. 4. *The INTERACT II Programme - INTERREG Animation Cooperation and Transfer* has a wide geographical scope covering the 27 Member States and neighbouring countries involved in the ETC Objective programmes. The core mission of the INTERACT II Programme is to identify, to describe and to spread good governance approaches and practices of cross-border, trans-national and interregional cooperation across the EU.

## V. CONCLUSIONS

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The territorial cohesion has become one of the subjects which are most frequently used by the European officials and in the official documents. This happened in the context of enlargement which made the EU territory more diverse than ever, with more imbalances which need to be addressed through specific measures.

After the adoption of the ESDP and institutionalisation of ESPON, the various studies and analyses underpinned the strategic approach of the territorial cohesion which has been further developed. The recognition of the importance of this dimension of the cohesion has led the high representatives of the EU to add the territorial cohesion to the economic and social cohesion in the draft EU Constitutional Treaty in 2004 and to take it over in the new *Draft Treaty amending the Treaty on European Union and the Treaty establishing the European Community*.

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