

Arbeitsgemeinschaft Europäischer Grenzregionen (AGEG)
Asociación de Regiones Fronterizas Europeas (ARFE)
Association des régions frontalières européennes (ARFE)
Association of European Border Regions (AEBR)
Comunità di lavoro delle regioni europee di confine (AGEG)
Europæiske grænseregioners Arbejdsfællesskab (AGEG)
Werkgemeinschaft van Europese grensgebieden (WVEG)
Associação das Regiões Fronteiriças Europeias (ARFE)
Σύνδεσμος Ευρωπαϊκών Συνοριακών Περιφερειών (ΣΕΣΠ)
Stowarzyszenie Europejskich Regionów Granicznych (SERG)



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EUROPEAN CHARTER

FOR

BORDER AND CROSS-BORDER

REGIONS

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I. Preamble

Already in 1981, the Association of European Border Regions (AEBR) published the European Charter for Border and Cross-Border Regions. This Charter was updated by AEBR members in 1995 and in 2004 in Szczecin, Euroregion Pomerania (DE/PL), and now it is the time to review this document again, to open it for debate amongst European border and cross-border regions, and to publish a version according to the new situation. In 2011 the AEBR celebrates its 40th Anniversary and many things happened since its foundation. The European Union has 27 Member States today, adding many new internal borders where cross-border cooperation (CBC) is a growing reality. On the other hand, new external borders also show an extraordinary development of their activities and new structures are being constituted all the time. From single cooperation actions in some Western European border areas during the fifties, sixties and seventies, the Madrid Outline Convention "on *Transfrontier* Cooperation between Territorial Communities or Authorities" (Council of Europe, 21 May 1980) made possible the establishment of many Euroregions across European borders. Today, different Additional Protocols to that Convention have updated the possibilities for European border regions. But probably the most important hit has been the creation in 2006 of an EU-wide instrument, within public law, for cross-border (as well as interregional and transnational) cooperation: the European Grouping of Territorial Cooperation (EGTC). Since its entry into force, all EU Member States have implemented the EGTC regulation in their national corpuses, and many EGTCs have been constituted in different parts of Europe. Many success stories lie behind all of these structures; many strategies, programmes and projects have been implemented; and thousands of public authorities, experts, universities, enterprises and citizens have been somehow involved in the development of CBC across European boundaries.

Robert Schuman said that the borders are the "scars of history". Cross-border cooperation helps to mitigate the disadvantages of these borders, overcome the peripheral status of the border regions in their country, and improve the living conditions of the population. It encompasses all cultural, social, economic and infrastructural spheres of life. Having both knowledge and an understanding of a neighbour's distinctive social, cultural, linguistic and economic characteristics - ultimately the wellspring of mutual trust - is a prerequisite for any successful cross-border cooperation.

The wide range of problems and opportunities on both sides of borders in Europe makes cross-border cooperation indispensable. It helps to realise the principles of international law in a regionally limited area across national boundaries. Because cross-border cooperation on regional/local level, involving various social partners and segments of the population across international borders, promotes peace, freedom, security and safeguarding of human rights and encourages the protection of ethnic and national minorities. Border and cross-border regions are thus building blocks and bridges in the process of European unification, on behalf of the coexistence of European populations, including minorities. At least, some 32% of the population in more than 40% of the territory comprising the enlarged EU live in border regions. European policies make allowance for this fact through including border areas in the Lisbon Treaty and acknowledging and funding all border regions at the internal and external borders as a European priority.

Subsidiarity and partnership amongst local, regional, national and European levels are

also, more indispensable for cross-border cooperation than ever before. The positive experience gained through practical, grass-roots cross-border cooperation should be used for the cooperation with and between the new member states of the EU as well as across the EU's new external borders with its neighbours outside Europe to the East and the South.

This Charter is consistent with the values and objectives of the treaties on the European Union.

II. Historical and political background

1. Historical background

Europe today is characterised by its shared culture and history. Until the 17th century in particular, a patchwork of historical landscapes was formed. The 18th century, with its dynamic development in industry and politics, formulated concepts like the rule of law, human rights, basic rights and free enterprise. In the 19th and 20th centuries, the nation state developed as the predominant entity in the context of tensions between regions. Many of the new borders of these nation states, often the result of wars, became 'scars of history' that cut through Europe's historical landscapes with their regions and ethnic groups, whereas the latter never ceased to exist.

2. Political background

The traditional concept of national border often developed out of a protective function. From a legal standpoint, borders represent a line where the sovereignty of states ends.

Border strips of varying width arose in the era of nation states and their military conflicts, and also out of fear of military incursions. These typically had a peripheral status in many of their nation's spheres: the economy, transport, culture and population density often declined as one moved from the centres of a state to the border. With a few exceptions, this turned the border regions into structurally weak areas with non-existent or inadequate development in terms of roads or railways and economy.

Culture, economy, society and policy were largely determined by national way of thinking. Fostered by the growing communication possibilities, there was an almost inevitable gravitation towards national centres and political ideas. This trend has become particularly evident in Europe's border regions. This led to losses of identity particularly where populations have shared cultural, linguistic, demographic and historical ties for centuries, despite new national borders.

As a result, from Southern through Central and Eastern Europe to Scandinavia and Ireland we find an abundance of typical border regions which in principle are often afflicted with the same problems. Generally they lie next to a border region in the neighbouring country which is similarly burdened with problems.

After the Second World War, Europe's municipalities, regions and countries set about

unscrambling these problems, which had evolved in the course of history but were often unjustified in cultural terms. The Council of Europe and the European Union grew into platforms for seeking understanding. Until the end of the 1980s the countries and regions situated in the eastern part of Europe remained shut off from this political development by the Iron Curtain. Until then, many borders with and between the countries of Central and Eastern Europe served to warn about their almost impermeable barrier function (hence the term Iron Curtain) because of political reasons.

Since late 1989 and 1990, various processes were under way in Europe. At first sight they appear to differ, but they were in fact closely related in terms of their content, politics and economics, and include:

- the dismantling of the "old" EU-internal borders with the realisation of the European Single Market;
- the shifting of EU-internal borders right up to the European Union's external borders, and thus to the external borders with third countries;
- efforts to establish intellectual, political and economic contacts beyond the EU's new external borders with non-EU countries, such as Switzerland or Norway, the accession countries to the EU, or non-Member States in the East, the Balkans and the Mediterranean;
- the fact that following the accession of 10 new Member States to the EU on 1 May 2004, most of the former external borders and borders between the accession candidates became new internal borders of the EU and new external borders appeared, mainly in Eastern Europe but also in the Mediterranean.

All border regions in Europe are directly affected by all of these developments, both on the EU's internal borders and on its external frontiers, where they are having to come to terms with a wide range of new tasks.

Today's borders have largely lost their previous function of blocking off nation states from each other, even though massive and clear economic, infrastructural, social and legal differences remain in the borders within the European Union and at the external borders to Eastern Europe and the Mediterranean, which make cooperation much more difficult.

In many border and cross-border regions the empty spaces created around borders continue to exist. They are often still areas that serve as brakes to European integration. It must also be borne in mind that many border regions in Europe are not only separated by a national border, but often also face special problems due to additional geographical features like rivers, seas, oceans and mountains.

The previous national peripheral status of many border regions can only be transformed into a favourable situation within Europe when all economic, social, cultural, business, infrastructural and legal barriers are removed and Europe becomes integrated into an entity with regional diversity. Border areas on the periphery of Europe can also be freed from their isolation by establishing better connections. Border and cross-border regions thus assume a bridge function and become touchstones of European unification and of a viable neighbourhood on the Union's external borders.

3. *Economic background*

The growing exchange of goods over a large area and the free movement of people, labour, services, capital and knowledge, both between EU Member States and worldwide, are particularly affecting European border and cross-border regions.

Throughout Europe, the peripheral location of border regions within their respective country, and sometimes also in Europe, frequently leads to imbalances in comparison with the degree of economic concentration in central regions and urban areas. Sometimes such imbalances (e.g. in gross domestic product and income) are flagrant, as it is the case in Southern, Central and Eastern Europe, or at the EU's external borders. In other cases, they only become clear after closer inspection (for example in Western European border regions that are grappling with the consequences of previous one-sided structural and industrial development, or the continuing lack of economic trade extending beyond a border).

The growing concentration tendencies of labour, services and capital in European industrial centres must be counteracted through coordinated European and national policies, in particular through European spatial development, regional and transport and territorial cohesion policies.

The situation of border and cross-border regions in Europe remains characterised by a wide range of economic barriers and imbalances on the internal and external borders of the European Union and in Eastern Europe itself. These regions are especially threatened by demographic change and migration.

Economic centres in border areas are often cut off from part of their natural hinterland across the border, which effectively distorts the possible structure of trade and services. For decades, the transport infrastructure in border areas has suffered from inadequate area-wide connections. Where major infrastructure is being created today in border areas, in most cases this is happening decades later than in comparable areas in the interior of the same country. Where such infrastructure is still lacking, there is also a lack of physical prerequisites for cooperation and for future-oriented cross-border development.

As a result, border and cross-border regions still frequently have to struggle with a shortage of alternative and high-quality jobs and of national and cross-border educational facilities, and face disadvantages when taking up work in the neighbouring country, and a non-transparent cross-border labour market.

Companies in border areas frequently lack adequate knowledge of market possibilities, export opportunities and marketing resources across the border. They complain about the limited possibilities for exploiting research and development on the other side of the border and crowding-out effects due to better competitive conditions in the neighbouring country. Furthermore, access to public contracts and research and development programmes as well as health centres across the border is frequently limited. At the same time, it must be noted that these problems vary in intensity from one border region to another, and that

some of them are tackling and counteracting these problems in sub-sectors, albeit with varying degrees of success.

The public primarily expects the border and cross-border regions to provide solutions to all these problems, but these regions are not primarily responsible for their causes. As a result, the problems that still exist in Europe continue to be concentrated at its borders, with particularly clear differences arising from, for example:

- different administrative structures and competences;
- dissimilar fiscal and social legislation;
- the fact that it is hard to establish cooperation amongst small and medium-sized enterprises, which lack cross-border supplier and sales markets that have developed over time;
- different spatial planning and planning laws;
- varying environmental and waste legislation;
- unresolved everyday border problems and absurdities;
- currency disparities (especially on the EU's external borders!);
- different transport systems, which are not geared to the requirements of the cross-border internal market;
- diverging labour markets, wage structures and social systems at external borders, which threaten to become sources of conflict and turn into explosive issues;
- a loss of security through opening borders (cross-border police cooperation has not been assured in the past in legal and organisational terms);
- growing cross-border tourism in conflict with nature conservation and protection of the environment;
- existing and future misinvestments in the service sector and social sphere due to inadequate cross-border trading areas and legal and financial barriers;
- difficulties in cross-border vocational training, which creates a lasting barrier to an open European internal market and a cross-border labour market;
- prejudices, stereotypes, and inadequate empathy and understanding of the different characteristics of the own neighbours.
- Loss of security by opening of borders (cross-border cooperation of police forces, up to now not assured from the legal and organisational points of view.

III. Objectives of cross-border cooperation

1. The new quality of borders: meeting spaces

The 'human face' of European policy can show itself to its best advantage in places where the will to cooperate is vitally necessary and is put into practice, namely in border regions. Here, a 'back-to-back' existence must be transformed into a 'face-to-face' relationship by dismantling barriers and impediments at the borders.

Nowhere is the need to overcome obstacles and barriers created by borders, which can then reoccur due to national laws despite the existence of the EU, more apparent than in the border regions of neighbouring countries. Something that is 'European theory' for someone living in the interior of a country often represents daily practical experience for

citizens living in a border area who suffer the consequences of the existence of the border and therefore want to see the causes of those difficulties removed. The willingness of citizens, communities and regions to seek cross-border solutions together does not entail any intention to shift borders or do away with nation states' sovereignty. The sole aims are to heal the 'scars of history', enable the population in the vicinity of borders to cooperate more effectively in all areas of life, improve living conditions for border residents and realise 'a citizens' Europe'.

Consequently, the goal of cooperation in border and cross-border regions is not to create a new administrative level, but instead to develop cooperative structures, procedures and instruments that facilitate the removal of obstacles and foster the elimination of divisive factors. The ultimate objective is to transcend borders and reduce their importance to mere administrative boundaries. In the context of ongoing European integration and stronger area-wide economic cooperation in the 'new' Europe, people in border regions will then also be able to assert their right to equal living conditions, free movement and improved mobility at the de facto interfaces of European integration. Apart from treaties, EU regulations, funding programs, and co-operation structures, the political will is essential for the success of cross-border co-operation on national as well as on regional/local level.

Cross-border cooperation can be considered a success story in the European Union. In this sense, the European Commission is including territorial aspects in its strategic partnerships with third countries, particularly with Latin America and Africa, as it means a strong step forward to achieve a territorial cohesion there. The European experience has taken decades to develop and Latin American and African stakeholders wish to use all of this unique set of experiences in order to take profit of the best practise to develop real cross-border cooperation amongst most of the countries involved.

2. Smoothing out the interfaces of European spatial development policy

Spatial development today is considered synonymous with the deliberate organisation of the relationship between mankind and his environment. In border and cross-border regions, it includes the guiding principles of the sustainable arrangement and development of space and allocation of funds, to achieve this in countries and regions on both sides of a border. The spatial development policy of the member countries of the Council of Europe and the EU Member States must continue to attach a high importance to cross-border cooperation (through the European Regional Development Charter, European Spatial Development Plan (ESDP), and the Territorial Agenda). The inclusion of territorial cohesion in future EU policies presents significant opportunities for implementation, especially in border regions.

3. Overcoming border-related disadvantages and exploiting opportunities

3.1 Improving infrastructure

For border and cross-border regions that still have to suffer as a result of their peripheral location in their country, and often in Europe as well, the construction and expansion of

roads, railway links, airports, shipping routes and ports is vitally important. These create the necessary preconditions for cross-border cooperation. Within the context of the Trans-European Networks, new and improved international and national connections must endow border and cross-border regions with region-specific links and enable them to use area-wide infrastructure, particularly with a view to eliminating border-related bottlenecks and at the same time contributing to the internal development of border areas and their connection to national centres. Future European transport projects should focus on realising border crossings.

But international connections must not turn border and cross-border regions into mere transit zones. When transport infrastructure is built or expanded, consideration must be given to the interests of the people affected and the requirements associated with protecting the environment, nature and landscapes. Consequently, transport infrastructure projects may only be carried out with the equal participation of the affected border and cross-border regions.

For the future development of border and cross-border regions at the EU external borders and particularly in Central and Eastern Europe, the development of telematics and communications offer these border regions some ground-breaking opportunities to escape their national (and sometimes also European) peripheral status and wipe out the traditional disadvantages due to their marginal location.

3.2 Promoting locational quality and common economic development

In the framework of Europe-wide disparities and, in addition to territorial cohesion, cross-border cooperation is helping in particular to eliminate economic imbalances and obstacles in neighbouring border regions in a regionally manageable framework, in partnership with national governments and European authorities.

Whereas cross-border infrastructure frequently does no more than create the preconditions for economic cooperation, a coordinated economic and labour market policy must directly improve regional and economic development on a cross-border basis.

Consequently, regional economic policy in border and cross-border regions should promote a removal of border-related differences in development and be integrated into the basic goals of national and European policies (for example, agricultural, structural, economic, spatial planning, regional and social policy objectives, and so forth). Multi-annual 'regional cross-border development concepts' and 'operational programmes' must be drawn up and updated **by** the border and cross-border regions as the bases for their joint development and then supported by national governments and the EU.

Cross-border strategies/programmes must serve to achieve concrete measures and projects that improve the cross-border cooperation of small and medium-sized enterprises, develop new cross-border relationships between producers and suppliers, eliminate border-related competitive disadvantages (as seen in public and private tendering procedures, administrative barriers and social dumping), promote cross-border vocational training and the mutual recognition of respective national qualifications, and enable a

genuine cross-border labour market, cross-border research & development, the operation of cross-border enterprise zones and the creation of cross-border supply and waste disposal facilities (for example, for rubbish and water) as well as of cross-border health care.

4. *Improvement of cross-border protection of the environment and nature*

Air, water and natural development do not stop at borders. As a result, effective environmental protection and nature conservation extending beyond borders is needed, and they have to be incorporated within any cross-border spatial planning model. Active landscape design in border and cross-border regions requires a joint approach just as much as the elimination of cross-border problems related with air and water pollution, waste reduction, recycling and clearance, noise abatement, and flood-prone river basins. In doing so, attention must be paid to the substantial differences in environmental protection and nature conservation as well as the resultant priorities in individual border and cross-border regions.

5. *Promotion of cross-border cultural cooperation*

Overcoming mistrust and developing mutual confidence and grass-roots connections are key elements in any cross-border cooperation. Cross-border cultural cooperation is vitally important as an essential prerequisite for any further confidence-building measures and economic cooperation. Knowledge of the entire cross-border region and its geographical, structural, economic, socio-cultural and historical features is a precondition for the active involvement of citizens and all other partners. It is also closely related to social and cultural encounters across borders.

6. *Implementation of subsidiarity and partnership*

Europe is characterised above all by its regional diversity. This should be seen as an advantage. Its unique, regionally evolved features and structures must be taken into account, preserved and developed further as we build the common European house and engage in growing cross-border cooperation in all domains.

Regional identity within countries and Europe can be considered a building block of a European Union at regional level too. Along Europe's frontiers, border and cross-border regions serve a valuable bridging function, and because they touch on people's daily lives they offer promising opportunities for development. As a result, they should be supported and promoted by all national and European institutions and political forces even more than before.

The border and cross-border regions are willing and able to make an important contribution to the broadest and most intensive possible familiarisation and integration for the purpose

of the European unification process, whilst preserving their rich cultural diversity. Cross-border cultural cooperation also promotes understanding for ethnic and national minorities and the necessity of finding solutions to their problems. It thus makes an important contribution to tolerance and international understanding. Political and administrative authorities and the press, radio and television must create the conditions required for good relations between neighbours and help to break down prejudices.

Building on the plans and measures of municipalities and on the terms of reference of state planning and European concepts of development, border and cross-border regions are driving forces of cross-border development.

Achieving partnership and subsidiarity through improved coordination and intensive cooperation amongst local, regional, national and European decision-makers is indispensable for resolving the problems of the border and cross-border regions and exploiting existing opportunities in an optimal manner.

As a result, what we need are cross-border networks at regional and local level that not only enable economic and infrastructure cooperation, but also promote socio-cultural cooperation by dismantling barriers; for example, in the social sector, in education, in language training, in daily border problems and in cultural understanding, thereby building up mutual trust.

Consequently, in all parts of Europe, cross-border cooperation is an urgent task for the future, that must be tackled with an equal measure of caution and energy. Sustained solidarity with the particularly disadvantaged border and cross-border regions of Europe is absolutely indispensable in this context.

IV. The added value of cross-border cooperation

European added value arises from the fact that in the light of past experience, people who are living together in neighbouring border regions want to cooperate and thereby make a valuable contribution to the promotion of peace, freedom, security and the observance of human rights.

Political added value involves making a substantial contribution towards:

- the development of Europe and European integration;
- getting to know each other, getting on together, understanding each other and building trust;
- the implementation of subsidiarity and partnership;
- increased economic and social cohesion and cooperation;
- preparing for the accession of new members;
- using EU funding to secure cross-border cooperation via multiannual programmes, and ensuring that the necessary national and regional co-financing is committed in the long term.

Institutional added value entails:

- active involvement by the citizens, authorities, political and social groups on both sides of the border;
- secure knowledge about one's neighbour (regional authorities, social partners, etc.);
- long-term cross-border cooperation in structures that are capable of working efficiently:
 - as a vertically and horizontally functioning partnership, despite having different structures and areas of responsibility;
 - as a legally accepted target of aid and a working partner, receiving and administering funds;
- joint drafting, implementation and financing of cross-border programmes and projects.

Experience gained throughout Europe shows that jointly developed cross-border programmes and projects can be most effectively implemented and realised if the regional and local partners play a considerable role.

The **socio-economic added value** becomes apparent in the respective regions, albeit in different ways, through:

- the mobilisation of endogenous potential by strengthening the regional and local levels as partners for and initiators of cross-border cooperation;
- the participation of actors from the economic and social sectors (for example, chambers of commerce, associations, companies, trade unions, cultural and social institutions, environmental organisations and tourism agencies);
- the opening up of the labour market and harmonisation of professional qualifications;
- additional development, e.g. in the fields of infrastructure, transport, tourism, the environment, education, research and cooperation between small and medium-sized enterprises, and also the creation of more jobs in these areas;
- lasting improvements in the planning of spatial development and regional policy (including the environment);
- the improvement of cross-border transport infrastructure.

Socio-cultural added value is reflected in:

- lasting, repeated dissemination of knowledge about the geographical, structural, economic, socio-cultural and historical situation of a cross-border region (including with the media's help);
- the overview of a cross-border region afforded in maps, publications, teaching material, and so on;
- the development of a circle of committed experts (multipliers), such as churches, schools, youth and adult educational establishments, the conservation authorities, cultural associations, libraries, museums, and so forth;
- equal opportunities and extensive knowledge of the language of the neighbouring country or of dialects as a component of cross-border regional development and a

prerequisite for communication.

In this way, cultural cross-border cooperation becomes a constituent element of regional development. Only if socio-cultural cooperation takes place is a workable cross-border environment for business, trade and services established.

V. Cross-border cooperation as a European task and one of the EU's political objectives

Borders are the scars of history. We must not forget these scars, but we should not cultivate them with designing Europe's future in mind.

The diversity of Europe is regarded as an asset. It is an asset that should be cultivated and promoted. This diversity is reflected in the social, cultural, and economic life of all states and regions of Europe. Over the centuries these various cultures and social systems have led to the formation of certain administrative structures and competences, fiscal and social legislation, and many other different areas of political activity (e.g. spatial planning, economic support, media landscapes, etc.).

Our citizens have grown up in these different social and cultural environments. They will not always wish to sacrifice aspects of their everyday lives for the cause of European harmonisation, particularly where this would result in the loss of Europe's diversity.

Despite the reduction of barriers along the EU's internal and external borders, these different social and cultural environments (including the various administrative structures and systems) will continue to exist for many decades to come, and will encounter each other at borders.

No state in Europe – inside or outside the EU – will alter its tried and trusted structures, competencies and powers on account of the problems that arise in border regions. Furthermore, no state is able to draft its laws in such a way that they harmonise with all the neighbouring states on its borders.

The consequences will be felt for a long time: economic, social and legal problems, and obstructions to cooperation affecting the population on either side of each border.

Bilateral or trilateral cross-border cooperation at regional/local level will therefore remain a necessity over the long term, not just in order to prevent cross-border conflicts and overcome psychological barriers, but, above all, in order to facilitate partnerships that will balance and reconcile these differences, through Euroregions and similar structures. Partnerships of this kind need to be cultivated within regions, with all the often very different social partners on either side of each border, and externally, with national governments.

The sovereignty of the state ends at its borders. However, the differences and problems at these borders continue to exist, and require sustainable solutions that should be supported nationally and on European level. The Lisbon Treaty and the European

Cohesion Policy make allowance for this fact through regarding the cross-border co-operation as one of the three European political priorities.

Cross-border cooperation is therefore first and foremost a **European task** and **political objective of the European Union** that needs to be implemented regionally/locally in partnership with the national authorities on the spot.

VI. Outlook

The Charter on European Border and Cross-Border Regions reflects an awareness of the historical background and of the responsibility for the future of a Europe that is growing closer together and in which border and cross-border regions play a decisive role. They are becoming touchstones for:

- peaceful human coexistence, including respect for diversity and the rights of minorities;
- respect for the principles of partnership and subsidiarity;
- the active participation of citizens, politicians, authorities and social groups in cross-border cooperation;
- reconciliation, tolerance and equality, in spite of any differences between the respective partners;
- a new neighbourhood on the EU's external borders;
- social, cultural and economic interwoven cooperation, extending as far as cross-border integration, without undermining state sovereignty;
- a citizens' Europe where people feel at home in their regional diversity.

To travel down this road towards a 'Europe without borders' in the 21st century, joint action by the European Union, the Council of Europe, the OSCE, national governments, regions and the local level is every bit as essential as mutual solidarity between border and cross-border regions. This Charter addresses all the partners who are participating in shaping this process of the future, so it is particularly aimed at the border and cross-border regions themselves, as driving forces behind such development.

Adopted on:

20 November 1981, EUREGIO, Germany/Netherlands (authors: Jens Gabbe, Dr Viktor von Malchus)

amended on 1 December 1995, Szczecin, Euroregion Pomerania, Poland/Germany

amended on 7 October 2004, Szczecin, Euroregion Pomerania, Poland/Germany

(a new review is to be opened on 21 September 2011, Kursk, Russia, and will finish by December 2011)

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