

## VIEWPOINT

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**What is going to change in concrete terms in the relations between the French and Belgian partners? In what sense are we moving towards the establishment of cross-border governance?**

The Brussels agreement between France and Belgium, which came into force on 1 July 2005, provided the possibility of creating legal instruments for cooperation such as the LCCG (local cross-border cooperation grouping).

The "Lille French-Belgian Eurometropolis" LCCG, established in Lille on 1 June 2006, enables a change from an association governed by French law, the COPIT (which the Flemish partners could not join) to a mutually-recognized public structure.

This legal transformation enables our partnership, initiated in 1991, to continue and strengthens our determination to act and make decisions together.

It is also much more appropriate for our territory and its 2 million inhabitants, forming the largest cross-border metropolitan area in Europe.

**What additional contribution is made by the establishment of a Eurodistrict?**

The Eurodistrict is a governance structure on the scale of the Lille metropolitan area. In addition to the municipalities and inter-municipal structures, which are the driving forces of cooperation at present within COPIT, it includes all the French and Belgian political levels involved in cross-border cooperation.

The Eurodistrict was established on 12 June 2006 by the French-Belgian parliamentary working group, one of the tasks of which was to propose a framework for following up cross-border projects and new legal instruments for the Eurodistrict.

The parliamentary working group has proposed the establishment of a constituent committee with the task of drafting a cooperation agreement and the articles of association of the Eurodistrict and drawing up its first budget within six months. The Eurodistrict will supersede the "Lille French-Belgian Eurometropolis" LCCG.

## "Lille French-Belgian Eurometropolis" prepares for 2007-2013

*The agreement establishing the first French-Belgian local cross-border cooperation grouping (LCCG) since the Brussels agreement came into force in July 2005 was signed in Lille on 1 June 2006. In parallel, a process of discussions and proposals to give the French-Belgian metropolitan area a system of governance including all the public authorities concerned by cross-border cooperation was undertaken and a proposal for a Eurodistrict was adopted on 12 June 2006.*

These developments are evidence of the determination of the French-Belgian metropolitan area to overhaul its institutional and operational framework and thus commit itself fully to the new 2007-2013 European programming period.

The French-Belgian metropolitan area encompasses the Lille *Métropole* (metropolitan area) and the districts organized around Tournai, Mouscron, Courtrai, Ypres and Roulers. The new LCCG, named "Lille Eurométropole franco-belge" (Lille French-Belgian Eurometropolis), is intended to supersede the COPIT and brings together that association's partners\*. This new public structure, recognized by the two countries, will be open to the municipalities and higher-level public authorities. Appropriate for the tasks for which a cross-border metropolitan area is responsible, this new LCCG will be able to define priorities and undertake actions in structuring areas such as economic development and employment, transport and the environment. Its status means that it can also act as contracting authority for cross-border projects.

### Towards a French-Belgian Eurodistrict

Stipulated by the Brussels agreement, a parliamentary working group was inaugurated in November 2005. Consisting of six French members of parliament and six Belgian members of parliament, its tasks include the final drafting of "an institutional organization proposal" for the Lille



Courtrai town square in Belgium

French-Belgian metropolitan area. A concrete proposal for the establishment of a Eurodistrict was thus adopted on 12 June.

A Eurodistrict constituent committee will be set up this summer. Its members will include LCCG representatives, the various institutional levels involved and two members of the parliamentary working group. The area covered encompasses Lille urban community, the Belgian districts of Tournai, Mouscron, Courtrai, Ypres, Roulers, Tielt and Ath and the municipalities of Silly, Enghien and Lessines.

Its role will be to promote, support and coordinate cross-border cooperation:

- by providing a forum for political debate and for interfacing between institutions bringing together all the necessary competencies (it will not generate any transfer of competency),
- by producing cross-border cohesion on the scale of not only the metropolitan area but also a cross-border conurbation of European rank,
- finally, by facilitating and realizing joint projects.

\* COPIT is an association set up by a partnership initiated in 1991 between the Lille urban community and the four Belgian inter-municipal bodies (IDETA, WVI, LEIEDAL, IEG).

## First French-Swiss cross-border housing forum

*Under the aegis of the Comité Régional Franco-Genevois, a cross-border housing forum was held on 15 June 2006 in Divonne-les-Bains, attended by all the representatives of the states and authorities involved in the France-Vaud-Geneva conurbation project. The stakes were high, since the aim was to lay the foundations of a cross-border housing master plan intended to become the "housing" strand of the overall cross-border conurbation project.*

The need to deal with this issue at cross-border level was asserted by all the speakers. The France-Vaud-Geneva conurbation is experiencing very high population growth and an unparalleled shortage of land compared to other borders. The very low availability of building land on the Geneva side, coupled with unbalanced growth (80% of the jobs and 65% of the housing are in Switzerland, and 15% to 20% of the active population on the French side are border workers), provides a partial explanation

for the situation. This is characterized by shortage of land, transfer of demand and urbanization to the French side (urban sprawl) and an uncontrollable rise in property prices. In this context, local authorities are finding it increasingly difficult to build subsidized housing.

The forum made substantial progress on sharing the diagnosis, and several convergent challenges for housing in the conurbation were identified:

- a target of building 50,000 dwellings in 10 years;
- a need to rebalance the distribution of housing between Swiss and French territory;
- a need for affordable and diverse housing over the entire conurbation;
- a determination to ensure better linkage between urbanization and transport;
- an objective to promote quality housing.

## CONSEIL D'ÉTAT

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## The French legal framework for the external action of local authorities

*The purpose of this study, completed by the French Conseil d'État in July 2005 and published<sup>1</sup> in June 2006, was to assess, at the request of the prime minister, the pertinence of the national, international and European legal framework for decentralized cooperation, placing the emphasis on the particular issues concerning the development of cross-border relations.*

In its introduction, the report makes a distinction between “two very different subjects” in decentralized cooperation: development aid and “North-North” cooperation on one hand and cross-border cooperation on the other.

Although cross-border cooperation benefits from a stable legal framework (part 1), the report identifies issues that remain unresolved and puts forward proposals for dealing with them (part 2).

The starting point for the report is the observation that “the law has always lagged behind practice where decentralized cooperation is concerned”. The report restates the basis of cross-border cooperation actions: “dealing with practical problems together”. It also notes that the development of a legal framework has led to a larger number of instruments to meet the specific needs of cross-border cooperation. It also refers to the role of the MOT, to its partnership and to its expertise, and emphasizes “that it plays a major role in terms of looking forward and rendering the various cross-border cooperation instruments consistent”.

Analyzing cross-border cooperation practice, the *Conseil d'État* observes a “multiplication of initiatives”, but notes that these call upon existing legal structures only to a limited extent, despite their “proliferation” and the transition from cross-border “project communities” to “living communities”.

It calls for a new step forward in the external action of local authorities through the “securing of existing mechanisms” and the continuation of “the joint commitment of the state and the local authorities”. For cross-border cooperation this legal “securing” requires the application of a right to experimentation, but also amendments of the French general code for local authorities (CGCT), in order to:

- extend to France's mainland borders the existing mechanism for French overseas departments enabling the executive branches of local authorities or their groupings to negotiate and sign (in the name of the state, and with its prior authorization) agreements with another border state in their joint areas of competency;

- ensure consistency with the future European community regulations (EGCC), by amending the CGCT to allow association of the state with the future EGCCs and define the “rules governing its operation”, not defined in the regulations;

- to obtain a better definition of the notion of local interest in decentralized cooperation, following a legal precedent<sup>2</sup> linking the purpose of such external actions to the response to a need of the population of the local authority involved. The report recommends mandatory inclusion in the agreement of “the purpose of the planned actions” and the “predicted amount of the financial commitments”, and replacement of the notion of “foreign territorial authorities” by that of “foreign local authorities”.

With regard to the commitment of the state, the *Conseil d'État* reviews the role of the prefectures and the need to improve the quality of their monitoring of legality, which should contribute to “facilitating cross-border cooperation when it meets the day-to-day needs of public service”.

<sup>1</sup> The report can be ordered on the site <http://www.ladocumentationfrancaise.fr>

<sup>2</sup> Poitiers administrative court (TA), 18 11 04, Mr Charbonneau, and Cergy-Pontoise TA, 25 11 04, Prefect of Seine-Saint-Denis

### ■ Conference-discussion on cross-border projects in the 2007-2013 French and European programming

The MOT organized this conference-discussion in liaison with Mulhouse town council on 14 June 2006 in the context of its 2006 General Assembly. The proceedings, which brought together all the levels concerned (local, national and European community), will be the subject of a report which will soon be available on line at [www.espaces-transfrontaliers.eu](http://www.espaces-transfrontaliers.eu).

### ■ Cross-border public passenger transport

This topic was the subject of a study conducted by the MOT and commissioned by the ministry of infrastructure. Accompanied by a summary, it is now available on line at [www.espaces-transfrontaliers.eu](http://www.espaces-transfrontaliers.eu).

The proceedings of the seminar organized in January 2006 following this study will soon be available.

### ■ European Grouping of Territorial Cooperation

The regulation on the European Grouping of Territorial Cooperation (EGTC) should be published in the Official Journal of the European Communities on 20 July 2006. Its application will be immediate. This new European legal instrument is intended to allow the local authorities of different countries to cooperate in a more autonomous manner. Following agreement by the Council of ministers on 5 May 2006, the initial version of the draft regulation was amended to give states additional prerogatives in the operation of the structure. **The MOT is organising a seminar on the subject of EGTC in the autumn.**

## Press review

### ■ 2007-2013: cross-border protagonists in battle order, *Le Moniteur*, 9 June 2006

“Reassured by the increased financial resources announced by the European Union, cross-border cooperation protagonists are positioning themselves in battle order. The Mission Opérationnelle Transfrontalière will provide evidence of this on 14 June in Mulhouse, at a round table...”

### ■ The Longwy-Belgium line on the right track, *Le Républicain lorrain*, 8 June

“The authorities of the Longwy conurbation had tracked the programme, which is close to being implemented: a passenger line to Luxembourg along the Belgian border...”

### ■ Prefect Lemas on the Esch-Belval front, *Le Républicain lorrain*, 18 May

“Yesterday the prefect of Lorraine obtained an idea of the full extent of the Esch-Belval site rehabilitation project...”

### ■ A French-German monitoring unit, *Dernières Nouvelles d'Alsace*, 3 June

“With state aid, the Bas-Rhin chamber of commerce and industry is going to set up a French-German trade monitoring unit...”

### ■ Meeting of the conurbation conference - Clarifying cross-border structures, *Dernières Nouvelles d'Alsace*, 21 May

“Basle Trinational Conurbation, Conurbation Conference, Infobest Palmrain, Regio TriRhena, ... the cross-border cooperation structures in the south of the Haut-Rhin department line up and overlap without managing to acquire their own identities in the minds of the public. A survey [...] has shown that, even among the institutional and economic decision-makers of the three countries, the role and sometimes the very existence of the entities remains relatively unclear, if not simply unknown...”

### ■ 750,000 inhabitants in the cross-border conurbation, *Vox Rhône-Alpes International*, 15 June

“At the end of the 1990s, 720,000 inhabitants (now almost 750,000), 300,000 households, including 115,000 persons living alone and 23,000 single-parent families; 300,000 primary residences of which one quarter were single-family houses and 94,000 owner-occupied dwellings: these are some of the key figures given by the cross-border statistics unit on the Geneva cross-border conurbation in two summary fact sheets...”