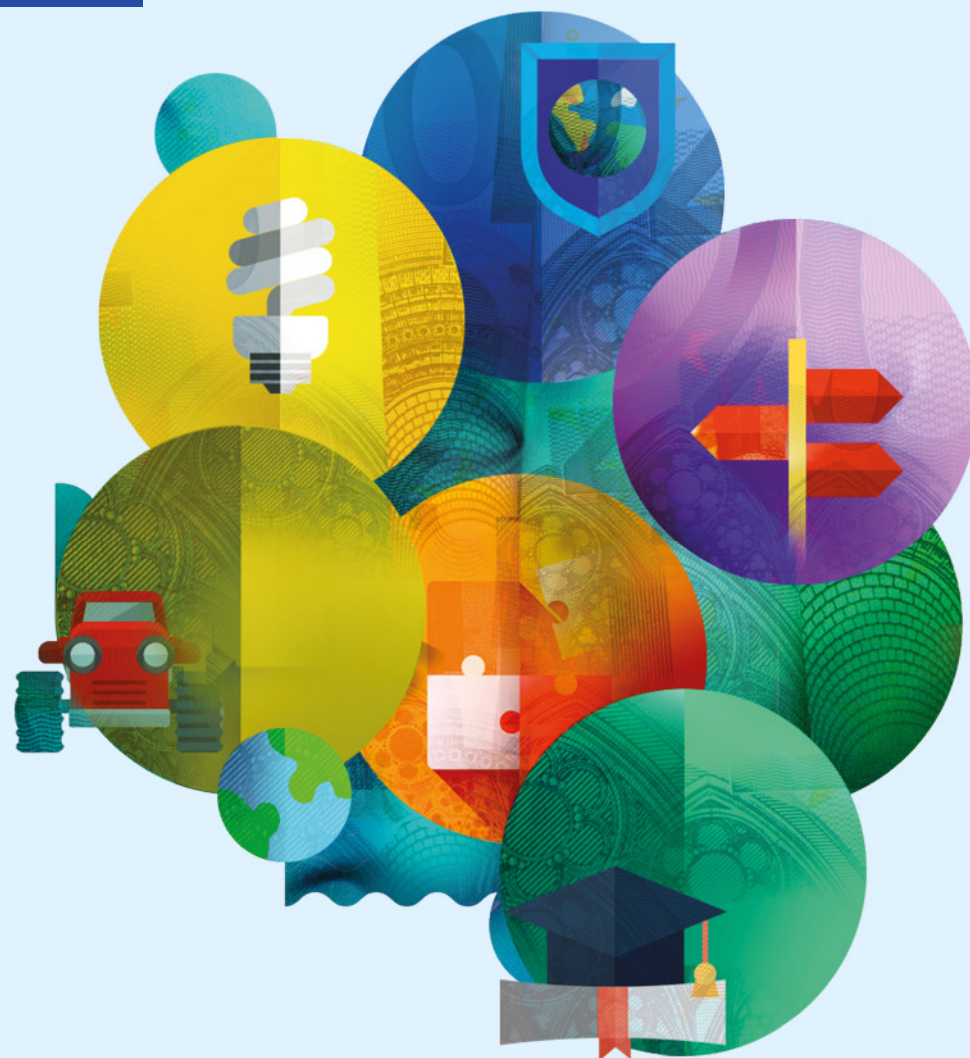


EU Budget for the future

ECBM

What it is?
and what it is not?

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What is it?

- *A legal mechanism to overcome legal obstacles that hamper stronger cross-border interaction*
- *The framework to establish case by case agreements (Commitments ECBC; or Statements ECBS) to overcome existing obstacles*
- *ECBC and ECBS apply in the limits of a well-defined case/project*
- *Within those limits, allows for the application in one MS of the legal provisions from another MS*

What it is not

- *A revision of, or a new form of EGTC*
(it is not aimed at creating new legal persons)
- *Mandatory*
(MS may opt to keep other "existing ways to solve legal obstacles")
- *A mere support for INTERREG*
(it aims at overcoming obstacles, even when EU funding is not involved)
- *A way to bypass national legislative powers*
(When a ECBS is agreed, it only commits authorities to present proposals to the respective legislative bodies)
- *Applicable everywhere*
(Scope defined as cross-border regions = NUTS3)

EU Budget for the future

ECBM

Why is it needed?

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Why is it needed?

- *Article 174 of Treaty FEU: "particular attention to ...cross-border...regions"*
- *In spite of the Single Market legal and administrative obstacles still hamper cross-border interactions in the EU.*
- *"If only 20% of existing obstacles were removed border regions would still gain 2% in GDP."*

(Com(2017)534, data from Politecnico de Milano)

What kind of obstacles?

- *Legal or administrative provisions with regards to the planning, development, staffing, financing or functioning of a joint project*
- *Many possible causes:*
 - . *Not compatible administrative procedures;*
 - . *Planning not considering the neighbour;*
 - . *Incompatible transpositions of a Directive;*
 - . *Different applicable technical standards;*
 - . *...*
- *Some illustrations???*

Extension of Strasbourg (FR) tram line to Kehl (DE)



Strasbourg – Kehl tram... Obstacles e.g.:

Adaptation of the equipment of a tram (light, wheels, extincor..)

Mixing of signalisation for road and tram traffic

Installation of travel ticket machines with mixed systems

Circulation of a French tram in a foreign country

Statute of equipment: bridge, tram platform, ticket machines..

Recognition of travel tickets

Responsibilities for **security matters** during CB travels

Conditionality of the financial support through ministries

Separate tarification and travel tickets

Distribution of tickets

Coordination of public certification for the circulation of trams

... led to a too long process



Obstacles in emergency services

- Firefighters and ambulances are in many cases prevented to intervene as legal restrictions impede them from crossing the border*



13/5/2000

Major explosion in firework factory in Enschede (NL) on DE border;

Police cars were already allowed to cross the border with their signals, but not the ambulances! An on-the-spot solution had to be found: one police car with the siren on ran in front of an (silent) ambulance which followed at the same speed.

Cross-border triathlon



Les participants ne résidant pas en France sont tenus de fournir un **certificat médical de non contre-indication à la pratique de l'athlétisme ou de la course à pied en compétition**, même s'ils sont détenteurs d'une licence compétition émis par une fédération affiliée à l'IAAF [International Association of Athletics Federations] (article II-A-4 de la réglementation des manifestations pédestres hors-stade).

Cross-border headquarters

we are moving

As of the **5th of september** our Headquarters will be located at business park Avantis. Our brand new office has literally been built on the **Dutch-German border**.



“Because the building has to meet German as well as Dutch strictest requirements, it is so sturdy that it might even resist wind force 12.”

<https://www.arion-group.com/en/video.html>

... and the examples could continue

- *Different legal provisions hamper cross-border traineeships*
- *Lengthy and costly cross-border mail delivery*
- *Lack of legal certainty for medical practitioners in hospital across the border*
- *Restricted supervision of PhD students from neighbouring countries*
- ...

EU Budget for the future

ECBM

How does it work?

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Two levels decision

1st – Will the MS apply the EU Mechanism (art 4)?

- Reflection at national level
- Decision taken once, border by border
- If there is another "existing way to resolve legal obstacles..." → MS may opt-out of EU Mechanism
- Otherwise EU Mechanism applies to that border

2nd – For borders where EU Mechanism will apply:

- MS creates CB Coordination Point
- ... then processes for Commitments or Statements addressing specific obstacles can be triggered

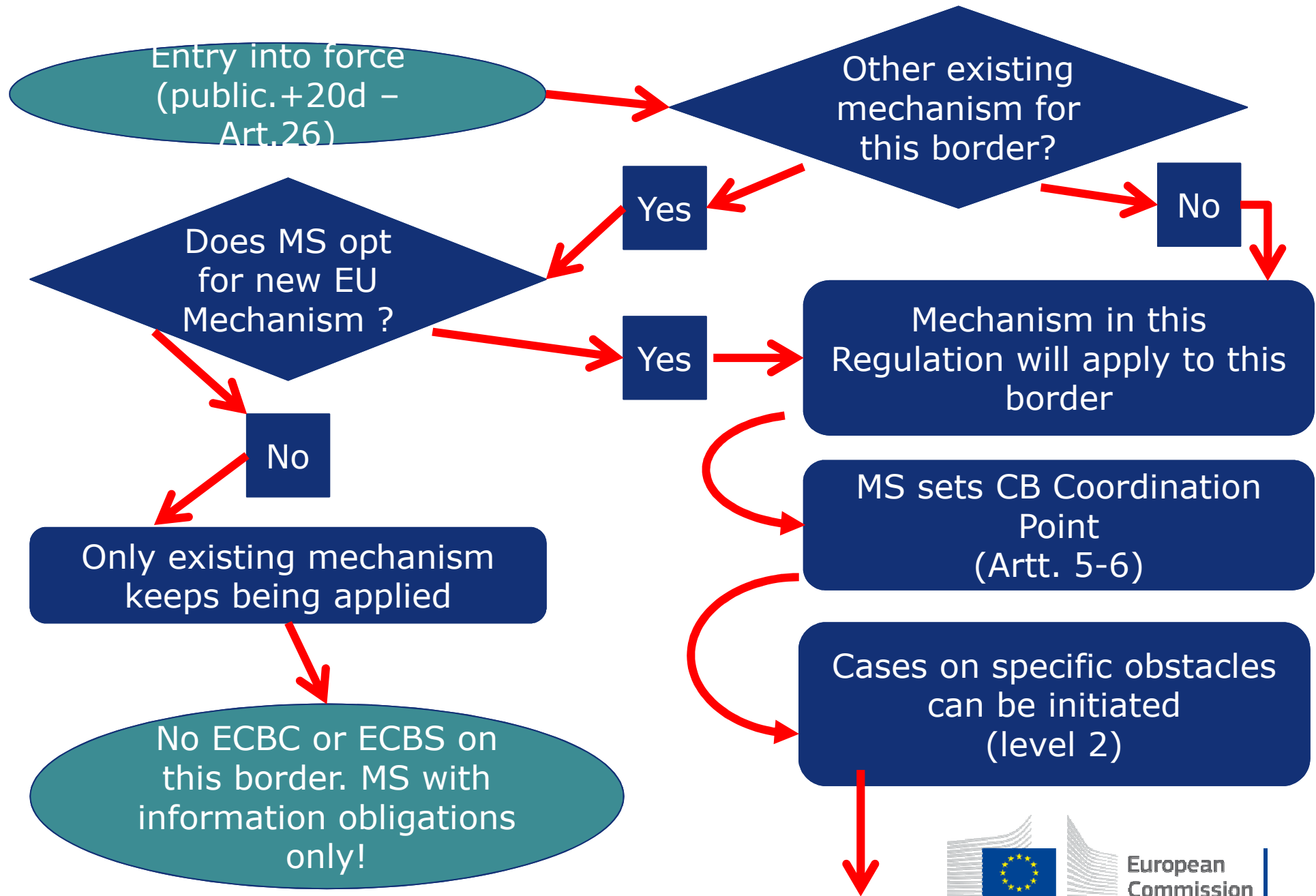
Not to confuse:

- 1 - Mechanism (ECBM): a procedure to overcome cross-border legal obstacles. The process is set out in the Regulation.
- 2 – Commitment (ECMC) or Statement (ECBS): a specific solution found for a specific cross-border legal obstacle. One solution per case.

Other used acronyms:

CBCP = Cross-Border Coordination Points, to be set at national/regional level

First level (single decision per border – Art. 4)



Second level (one decision per obstacle Artt. 8-20)

