

MOT Working Group on Innovative Solutions to Cross Border obstacles Luxembourg Presidency of the EU follow-up (9th meeting of the working group; 18th December 2018)

The potential of the ECBM in the Euregio Meuse-Rhine

1) Short presentation of the Euregio Meuse-Rhine (7 minutes)

The Euregio Meuse-Rhine (EMR) represents somehow **Europe in miniature** as it covers the territories in Belgium of the Province of Liège, of East Belgium (the German speaking Community of Belgium), the Province of Limburg; in the Netherlands the southern part of the Province of Limburg; and in Germany the region around Aachen. There are thus five partner regions within this structure of European cross-border cooperation. Three languages are spoken in the EMR: Dutch, German and French.

The Euregio Meuse-Rhine counts about 4 million inhabitants and covers an area of around 11 000 km². There are more or less 250 000 companies, 5 universities, 19 graduate schools, 300 research institutes, 110 000 students, harbours, airports, high-speed railway stations... thousands of persons cross every day the border in the EMR for work, shopping or leisure.

The EMR has been **created in 1976** and represents one of the oldest Euregio's of Europe. Whereas the EMR is currently a Foundation, we are in the **process of becoming a EGTC** (European Grouping of Territorial Cooperation). The purpose of this reform is twofold: the cross-border cooperation should be eased, simplifying the structures; structures which should be moreover enriched through the dynamism gained by including more closely the local, municipal level (giving us eventually a better access to the needs of citizens).

Our EMR office is constituted of representatives put at disposal from each partner region who assume somehow the institutional cooperation.

The Euregio Meuse-Rhine is actually more than this as over time a whole range of services and networks were set-up which focus on the cross-border cooperation within specific topics. Stakeholders from both side of the border are connected and encouraged to develop common projects and activities.

The Euregio Meuse-Rhine has also elaborated its **own strategy EMR2020**, providing guidelines and objectives for the cross-border cooperation in function of specific topics.

2) Methodology (5 minutes)

We were asked to present projects or services which as these were implemented could have taken benefit from this ECBM, the European Cross-Border Mechanism. The first question crucial being asked to our regard is if a specific project or service would have been eligible or could have been considered as such for the ECBM. We made therefore an assessment going through several projects and services, picking out these ones who correspond (according to our understanding) to a **joint project as an item of infrastructure with impact** in a given cross-border region or **any service of general economic interest** provided in a given cross-border region. Once such project or service identified, we are going to elucidate the legal and administrative obstacles these projects or services encountered and for which such a mechanism would have been of benefit.

3) Services of general economic interest

Labour market, education and training:

a. Cross-border employment services (SGA)

Within the EURODE Business Parc (located immediately along the German-Dutch border) as well as in the Ceramic Centre in Maastricht, a cross-border employment service has been set up between Germany and the Netherlands. Job seekers find here information at one spot about offers in Germany and the Netherlands.

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

Legal and administrative obstacles rendered it impossible to create a common public employment-seeking system including Dutch offers as well as German offers in the database. The person has to consult both systems in parallel.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

A common database would ease the employment search and allow a better comparison of the offers. The German regulations could as for instance be used in order to set up a common public search engine.

b. Cross-border workers

Several problems were identified almost a decade ago for cross-border workers due to the circumstances of living in one Member State and working in another one. The assessment revealed a need for more comprehensive information to be provided to these workers. In this regard, the GrenzInfoPunkte (GIP) were set up as one-stop shop where advice and help is provided for all kind of legal and administrative obstacles and problems encountered for cross-border workers (social security, taxation, etc.).

*Identification as a **service of general economic interest** provided in a given cross-border region*



*Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning > **no obstacles encountered as to the implementation of the service***

Security:a. Crisis intervention and emergency management

EMRIC represents the Euregio Meuse-Rhine Incident control and Crisis management. Its mission is to guarantee the collaboration between public services responsible for public safety, involving fire services, technical assistance and emergency medical care in their respective territories. There is a mutual cross-border support and assistance of emergency services in case of an accident as to provide if needed vital help rapidly.

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

Foreign ambulances and fire brigades are by law not allowed to operate on the national territory of a Member State. A special approval needs each time to be requested although there is urgency for intervention.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

A formal commitment allowing the application of a Member States law on a foreign territory and in this regard the intervention of emergency services of one country within the other one is of absolute need in the case of crises.

b. Police cooperation

There is a formal police cooperation in the EMR via EPICC (Euregional Police Information and Cooperation Centre). Police officers cooperate in this centre directly in the fight against cross-border crime and its prevention. For this purpose a lot of information about criminals are to be exchanged between these police officers of different Member States.

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

Data provided through the ANPR system (Automatic Number Plate Recognition) to be seen along highways could officially not be exchanged. This had as consequence that criminals were only followed within the territory inside the national borders and could easily escape across the border.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

A specific contract was signed between Member States so to allow cross-border tracing via this ANPR tool. The European Cross Border Mechanism could have eased and unblocked this situation more easily.



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

The restricted radio network for police officers or emergency services stops working once the border are crossed.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

Enhancing the functioning of such specific restricted radio network for police officers and emergency services, rendering it operational also on another Member State territory, means to provide legal provisions from one Member State into another one.

Health care

a. Common data base of medical prescriptions

There are currently no common data bases as to the medical prescriptions for patients. This has led to the situation that Dutch patients consult physicians in Belgium who are going to prescribe them drugs which would they would be refused to in their own country. A common database would avoid such abuses (potential service).

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

As we are dealing here with confidential personal data, there is a legal obstacle to be expected as such data is not easily to be exchanged with the corresponding services of another Member State.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

The application of a Member State's legal provisions within another Member State would in this case allow the exchange and consultation of data so to avoid "foreign drug shopping".

Mobility and infrastructure:

a. Cross-border public transport

There are numerous busses and trains passing the borders within the territory of the Euregio Meuse-Rhine. This service of public transport is put at disposal to citizens.

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

Disabled persons recognized as such through a pass are allowed to use public transport for free in Germany. Insofar as the bus line for instance crosses the border (such as line 350), the pass loses its validity. The person in question would then have to pay a ticket.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

The application of German law as to the recognition of a disabled person's pass on a cross-border bus as well as a train line would allow the disabled person to use the public transport without complications.



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning.

Students are sometimes exempted from payment of public transport or are eligible for specific prices and tickets. There are different regulations in Member States such as Germany and the Netherlands. The student ticket in the Netherlands is for instance restricted to graduates of Dutch nationality or to such able to prove being employed in the Netherlands. There are many students who everyday cross the border to follow their courses either in a German or a Dutch educational institution. There is thus an important cross-border commuting flow of students. The validity of the student ticket stops however at the border. Many efforts were therefore conducted to conceive even a new product in order to address the need of this specific target group. A satisfying solution could however not been found due to legal obstacles.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

There has been some progress as to this issue as since a few days ago: a German ticket, the "Aachener RWTH-Semesterticket" becomes valid also on the cross-border public transport lines from the Netherlands to Germany. The Dutch student ticket is however still bound to persons of Dutch nationality or with an occupation in the Netherlands. German students in Enschede had therefore the idea to set up a foundation of German students which maintains a partnership with the university and allows therefore students to benefit of the ticket. A similar foundation is planned by German students in Maastricht. This solution means however long administrative procedures. The application of Dutch law on German territory would allow German students to benefit of the public transport such as their classmates.

b. Cross-border building project ARION

The Dutch healthcare innovation company ARION built a plant in the Dutch-German AVANTIS Business Park in order to get a feet into the German market. The company attracts German as well as Dutch employees. The factory is built exactly on the Dutch-German border and possesses a German as well as a Dutch address. It comprises a production area, an office space and a logistics' platform.

*Identification as a **service of general economic interest** provided in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning

As the building was located immediately on the border line, some parts were in Germany and others in the Netherlands, the factory had to comply at the same time to German as well as Dutch building regulations.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

Difficult building procedures had to be fulfilled for this particular site. A lot of consultations needed to be conducted with the respective administration, almost making the building project fail. The ECBM would have facilitated the construction of this plant.

4) Joint projects as an item of infrastructure

Mobility and infrastructure:

a. Cross-border public transport

As it comes to infrastructure and mobility, numerous cross-border projects face the problem that the technical norms and structures are not compatible in between two different Member States. A specific project focused on the set-up of electronic busses, a cross-border eBUS. Another project dealt with the cross-border train connections.

*Identification as a **joint project as an item of infrastructure** with impact in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning

An administrative obstacle was faced in the implementation and/ or functioning of the joint project as there are different systems of charging electronic busses within two Member States.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

A solution was found as one system had been chosen. The European Cross Border Mechanism would however have eased to find a solution in a more formal manner.



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning

The train connection RE18 between Aachen, Heerlen and Maastricht can not go further to Liège due to the Belgian law which specifies different brake systems.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

Allowing an exception through applying legal technical standards of one Member State on the territory of another Member State would allow to pursue the train connection from Germany, crossing the Netherlands, to Belgium. The European Cross Border Mechanism would allow to do so.

b. Road signage system

There are streets crossing the border where a coherent road sign systems needed to be found.

*Identification as a **joint project as an item of infrastructure** with impact in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning

Different standards were of application in the Member States. A common solution was found on a bilateral basis.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

Applying a nation's legal provisions on another territory would have offered a more formal solution.

Public procurement

a. Cross-border joint projects

Stimulating the cross-border cooperation, a lot of joint projects set up in the framework of the INTERREG programme include public procurements.

*Identification as a **joint project as an item of infrastructure** with impact in a given cross-border region*



Legal or administrative obstacle encountered for the implementation of the service as to its planning, development, staffing, financing and functioning

Taking into account the nature of a joint project, the question often arises which rules are to be applied for these public procurements. These rules differ between Member States. Up till now, the common practice is to follow the standards of the Member State which are considered as the "strongest" rules, avoiding in this sense administrative problems in any of the different Member States.

Application in one Member State of the legal provisions from another Member State (with regard to a cross-border region), limited to the strict minimum with regard to both the territory it covers and its duration.

The application of the legal provisions of one Member State in another one is going to provide more flexibility for the implementation of the joint project.

5) Concluding remarks

The Euregio Meuse-Rhine demonstrates a relatively advanced cross-border integration. The multitude of services and networks acting on their own represents a proof of this. As there is a more closer and closer cooperation, small administrative and legal hurdles rise up which need to be faced in order to progress in the set-up of services needed in a region with open borders or in the achievement of projects facilitating the cross-border mobility. These obstacles were up till now overcome by either bilateral agreements or by exceptions which however often corresponded to complex legal constructions. The **European Cross Border Mechanism represents in our point of view a useful tool as to handle such situations more efficiently.**