

***5th meeting of the Working Group
on Innovative Solutions to Cross-Border Obstacles***

CASE STUDIES

Brussels, 30 May 2017



Case Study: Building wind turbines at the FR-BE border



CASE STUDY: Legal obstacle to the building of wind turbines at the FR-BE border 1/4

- Concerned border: FR-BE
- Type of territory: urban-rural
- Policy field: Energy
- Nature of the obstacle: legal obstacle



Wind turbine built in Menin (BE) at 250m from French houses of Halluin (FR)

Source : La Voix du Nord



CASE STUDY: Legal obstacle to the building of wind turbines at the FR-BE border 2/4

- **Legal basis:**

- French Law on energy transition and green growth, 2014: wind turbines have to be built at a minimum distance of 500m to housing
- Reference Framework for building wind turbines in the Walloon Region, 2013: wind turbines have to be built at a minimum distance of housing, equal to 4 times their height (wind turbines between 1 and 190m high).
- Reference unknown for the Flemish Region

- **Description of the obstacle:**

The consultation process between Belgium and France regarding the erection of wind turbines at the border is not satisfying, due to diverging national laws regulating the distance between wind turbines and houses. It happened that wind turbines have been built on Belgian territory at 200m of French houses, when the French regulations forbids it under a 500m distance, causing tensions among the citizens towards the Belgian municipalities.



Case study: Legal obstacle to the building of wind turbines at the FR-BE border 3/4

- **Who is affected by the obstacle:** French citizens
- **Level of the competent authorities to deal with the obstacle in the respective countries:** Municipalities, which give the permit to build the wind turbines according to urban planning
- **Existing tool, mechanism that could be or has already been applied:**
The European Commission gives the possibility to MS to « create a common structure in charge of consultations in the case of a cross-border project » but it is a facultative option and has not been applied.
- **Level at which action will be taken to solve the obstacle:**
Ministry of Environment in France (national level) ; Ministry of Environment of the Walloon/Flemish Region (regional level)



Case study: Legal obstacle

to the building of wind turbines at the FR-BE border 4/4

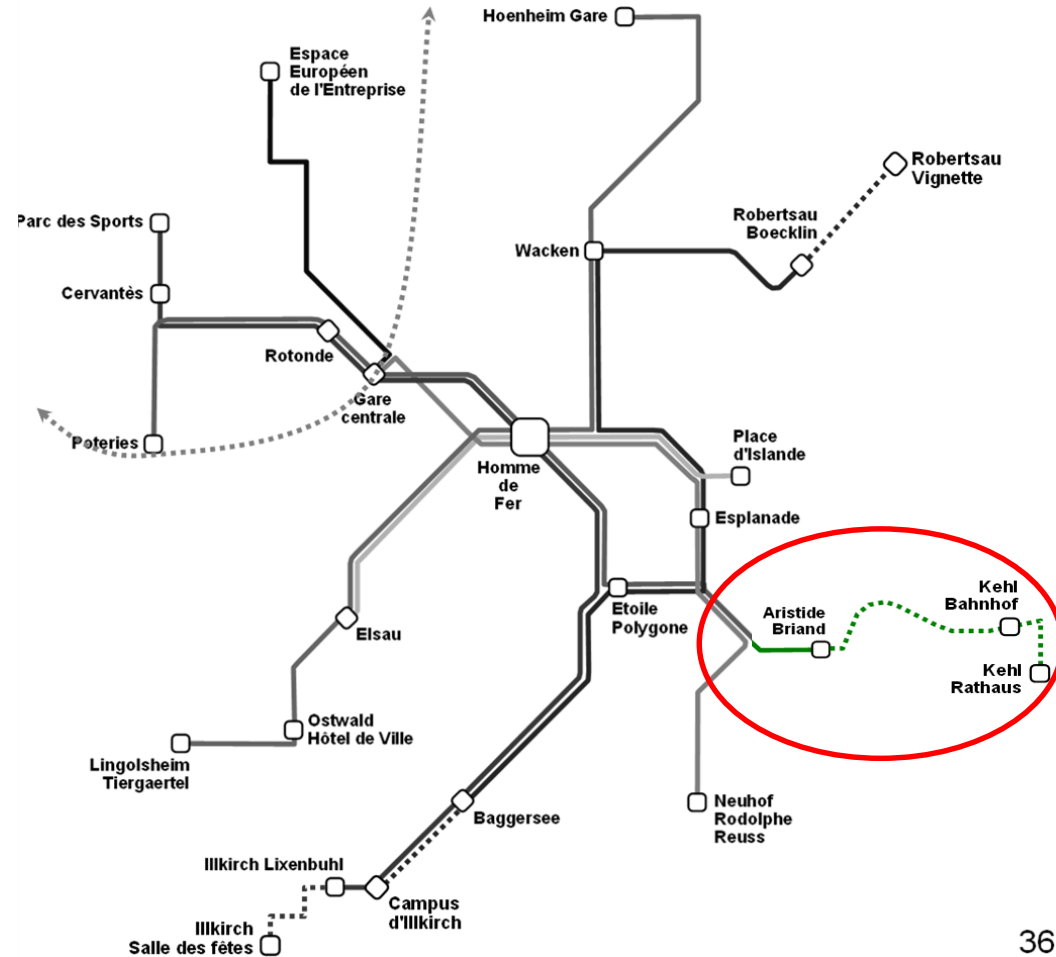
- **Type of action required to solve the obstacle:**
 - The Walloon and Flemish Regions agree to respect the French legislation on the project territory (since we are dealing with a minimal distance, it can be increased)
 - The Ministries of Environment of France and of the Belgian Regions establish a structure for consultation over cross-border energy projects involving local authorities
- **Feasibility and added-value of the ECBC:** the launching of an ECBC procedure over a project of wind turbine would allow the Walloon/Flemish Region and the French national level to agree on a consultation process involving the stakeholders and to sign a convention, defining that the Walloon/Flemish Region is accepting to use French norms on the project territory. Therefore, the use of the ECBC prevents the delay in erecting the wind turbine because of law suits against the project, and increases citizen participation and acceptance of the wind turbine project.
- **Link with ETC Programs:** Renewables are covered by the Thematic Objective 6, which is the most often addressed in ETC Programs. Thus, facilitating CB energy projects contributes to ETC.

Case Study: Transborder extension of Strasbourg tramline D to Kehl



1. The cross-border tram project

2,7 km of transborder extension
from the station “Aristide Briand”
in Strasbourg to the Kehl train
station





2. Legal obstacle of different technical standards relating to the rolling stock equipment

2.1. Description of the obstacle

Different technical standards relating to the Rolling stock Equipment in France and Germany
The Rolling stock that shall be used for the cross-border line is the French tram Citadis in use in Strasbourg

2.2. Legal basis

- French Code des transports and Decree on the Security of track-guided public transports (STPG)
- German Federal Law on standards, technical characteristics and characteristics of rolling stock integration, infrastructure and operation (Verordnung über den Bau und Betrieb der Strassenbahnen (BOStrab))



3. Actual solution: the harmonization of the rolling stock

3.1. Level of the competent authorities to deal with the obstacle in the respective countries: Municipalities, public transport authorities in the field of urban transports

3.2. Level at which action will be taken to solve the obstacle:
National level in France (Ministry of Environment) and in Germany (Federal Ministry of Transport)

3.3. Solution (action to solve the obstacle): France agreed to equip Citadis train in line with the German regulation requirements, since it crosses the border (FR-DE).

Ex. A third light situated high on the train

Ex. Retro-reflectors positioned on the entire length of the trains



4. Added-value of the ECBC

- **Statement:** long and costly process of negotiations. It is not an optimal solution.
- **Feasibility and added-value of the ECBC:** the launching of an ECBC procedure by the German local authority over a project of transborder extension of the French tramline would allow the border Municipalities and the German Federal level to agree on the “exportation” of the French standards on the German side, only for this tramway line.



Thank you for your attention

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