



Report of the 5th Meeting of the Working Group on Innovative Solutions to Cross-Border Obstacles

Brussels, 30 May 2017

Purpose of the Meeting: Finalizing the Draft Report and the Draft Background Report so that it could be presented to the European Commission.

Need to **consolidate bases, terminology and case studies** relating to the new tool and its background.

Idea underlined by DG Regio, Luxembourg, France and MOT: Solutions to resolve obstacles to cross-border cooperation already exist; the **ECBC is a new process to find solution**, but ways to do so are different.

Mrs. Katharina Erdmenger, Germany: The **ECBC** could be **linked to the cohesion policy** as it aims at bringing people together. This could make people aware of what has gone on the other side of the border. The objective is to improve the knowledge of the CB issues. **For CESCO it is also a mission for the European multilevel platform to come.**

The **Tram Strasbourg-Kehl case study** has been positively received by the WG. It was mainly preferred among presented case studies as easier case to understand. (Mr. Chybalski from Poland thinks other case studies are not relevant).

Moreover, it could be European Agreement over the CB tram section.

For example, two CB territories could make **spatial planning** together/ apply the same spatial planning. Through a CB consultation on planning launched at the UE level, we could achieve a common agreement enabling a State to apply the neighbor spatial planning. But this would give rise to the **“exportation” of the whole spatial planning regulation** such as all technical, legal and administrative standards. Time and area would be limited. However, in this example, some questions remain: purposes? Level for action? Competent authorities?

Mr. Dirk Peters, DG Regio: Concerning the case studies, we need physical projects such as the tram case. E.g., **school trips raise many legal issues.**

Also, time and area limitations are not always consistent for CB obstacles solutions. Some solutions are case-by-case solutions.

Mr. Thiemo Eser, Luxembourg: The instrument has not be “limited” but “defined” in territory and time.

Mrs. Margarita Golovko, Estonia: **The convention has to be a sort of fast track solution** (idea supported by the EIB representative who has asked for clear ECBC timeline and framework).

The current proposal seems to be applying long and bureaucratic legal procedures needed in almost all European countries to modify existing legislation. What we should actually be asking ourselves is: what are we looking to avoid?

Moreover, **talk about legal change relates to a broader solution that the only CB area.**

Mr. Thiemo Eser, Luxembourg: We should remain open and flexible, it all depends on the competent authority and on the feasibility of the fast track solution.

Mrs. Katharina Erdmenger, Germany: **By mutual recognition, we already create law at the local level.**

For **Dirk Peters**, in the tram case study, it is not about mutual recognition. So let us be cautious about the terminology.

Mr. Philippe Voiry, France: we need **examples in the health, culture and employment fields.**

An idea of **two-level proceedings:**

- 1) A local scale of negotiation: necessary mutual recognition at the local level;
- 2) Another scale of negotiation/ implementation, such as the Great region, Eurodistricts or other equivalent structures.

The negotiation should be decentralized, because issues and solutions are different at each border. A consolidation has than to be done at each State national level. The European Regulation should develop local solutions.

Mr. Filip Chybalski, Poland: We need to consider different solutions (there is no one existing).

Medical certificates are not specific for CB issues.

We need local examples, since they do not require legal changes, but **only rules adaptations.**

Mr. Dirk Peters, DG Regio: The tool have to take into account the daily life of citizens and to include **links/ references to Single Market, citizens and their rights.**

Relationships between initiators and competent authorities, as well as their own functions should be clarified.

Initiators must act so that competent authorities commit to finding a **solution (on a case-by-case basis** because no one fits all problems).

Mr. Frederick-Christoph Richters, Luxembourg: Perhaps, “fast track” solution (until a permanent decision would be reached) would be more appropriate term than “transitional” solution.

Nathalie Verschelde, DG Regio: European Commission communication to come, proposals:

-solution should not be sector based, but rather horizontal, about the mechanism/ the process (instead of “territorial”, the term “better regulation package” has been retained);

- the transposition of the EU acts is a key issue: the point is to find how far the European Commission can lead its recommendations necessary to enhance transposition;
- need for a more institutional cooperation and coordination;
- need to increase knowledge and understanding (e.g., through language learning and exchanges, fostering opportunities, etc.);
- promoting the mutualisation of public services, mostly in healthcare, transport, etc. Many competencies reside actually in the UE institutions;
- proposals concerning eGovernment action (not specific to border regions). The purpose is to make eGovernment action at least well known and more accessible;
- an evaluation is necessary for more legal tools to be created (ECBC shall be included in that proposal).

Mr. Dirk Peters, DG Regio:

Idea: We need a better regulation to avoid future obstacles from occurring, i.e. also **preventive approach**.

Mrs. Katharina Erdmenger, Germany: Important to provide citizens with information.

Need to well identify the occurred issue (level, type...).

The Regulation should **force States to find a solution**, to give an answer. States would have to qualify the issue and to sign an agreement.

Perhaps, to show the added value of the ECBC, we should insist on its place of **probable missing link within the puzzle of CB instruments**.

Mrs. Rossella Rusca, Italy: The ECBC process is an opportunity for UE to see how integrated it should be tomorrow, to get its future face designed. What are the fields to be used to advance, to harmonize more and better at the European level?

We should find its best place within the multilevel exchanges.

We need to introduce an **obligation** to talk to each other (the first purpose of Interreg), **to exchange**, at least to be informed. Perhaps, CB regions should be compelled to exchange.

Mr. Filip Chybalski, Poland: “**Convention**” is an international law term that should **not be used** for the process currently discussed. Under the polish law, an international “convention” requires complex adoption procedure involving Parliament.

Proposal: To strength cohesion policy dimension of the tool, we need to **link it to the implementation of the ETC programs**, since they contain specific provisions for CB issues (for DG Regio a mention to the future European funding is enough; **Mr. Dirk Peters** stressed the non-appropriate character of regional programs to local specificities. These programs are laid down on a European rather than regional basis; yet, territories, borders and solutions are quite different, so that the support they are proposed has to be adapted to its particular stage of development and to its needs).

In any case, **a link to the cohesion policy is required** so as to get into account CB strategies (Also German position; For **Mrs. Erdmenger** a link to the cohesion policy package will take attention away from a common thinking that what makes communities work together is the searching for finance).

Mr. René Laurent BALLAGUY, EIB: Let think about the way to sell the idea. It's a real marketing issue.

Also, if the “**platform**” term is used (which does **not** seem **appropriate** to him), than we need to ensure that it presents same objectives that existing similar platforms. **Estonian representative** has explained that there's **no other existing platform** facilitating exchanges and connection on various practices ongoing for CB issues. **MOT and CESCO representatives** have underlined the importance of a European multilevel platform.

2 suggestions:

- 1) Exploring **financial obstacles** and **financial instruments** for CB projects;
- 2) Start with **territorial impact assessment for some major projects in general** (not only in CB area), **prior to testing their value for CB regions** (Mr. Gyula Ocskay supports that approach).

Mrs. Katharina Erdmenger, Germany: The new European multilevel platform should be a bottom up platform. It also should support the ECBC and stakeholders engaged in a ECBC signature process.

Mr. Thiemo Eser from Luxembourg concluded the meeting by noting that it remains necessary to clarify the complementarity between tools (ECBC, Interreg, cohesion policy) in order to understand how they could enhance each other.