



A tool for the improvement of cross- border cooperation

European Expert Working Group

28 April 2016



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère du Développement durable
et des Infrastructures

Département de l'aménagement
du territoire

- **Presidency Trio IT-LV-LU key question:** how was Territorial Cohesion strengthened since having been considered in the Treaty in 2009?
- Territorial cohesion is a **major challenge in particular in border regions:** big potential as well as big threat;
- **Strengthening of cross border cooperation** and contributing by this way to territorial cohesion;
- Create a **specific tool to overcome legal obstacles** in cross-border cooperation to the benefit of projects and strategies;
- Give more **legal certainty** in cross-border regions .

Objective of this new tool

- To **overcome impediments of a legal nature** (“legal” comprises legal and regulatory as well as technical standards stipulated by regulations),
- To offer an instrument with an **important bottom-up dimension for tailor-made application**;
- **Never** to be used **against citizens** or other **territories**;
- In search of the **win-win situations**;
- Not to touch the Structural Funds Regulation for Interreg programs, but to **help implementing of Interreg projects** and to contribute to the achievement of better results.

- **Legal framework** means the applicable laws, regulations and other **rules that apply** at a certain moment in a certain territory on each side of the border.
- **“Tool for the attribution and application of specific provisions in cross-border regions”** or simply **“tool”**: describes, in a general manner, **all components** belong to the implementing provisions as described further down.
- **Regulation**: The EU level would set up a **“Regulation on a European Cross-border Convention on specific provisions in cross-border regions”** (ECBC), The European regulation would give Member States the framework to voluntarily agree on specific provisions; the European regulation would neither create these provisions nor specify them.

- **Convention:** The potential beneficiaries draft a “**European Cross-border Convention on specific provisions in cross-border regions**” (ECBC). The Convention contains the specific provisions applicable in the cross-border region.
- The **specific provisions** under an ECBC **determine the application and implementation of the kind of rules in cross-border regions:** existing laws and regulations, as well as different kind of soft legislation.

Important points to be considered

- **Beneficiaries** must have the **competencies** for the matters, to which the they request specific legal provisions;
- The approbation process of the ECBC **inspired by that of the EGTC.**
- An ECBC does not replace an EGTC; it shall **be complementary** and apply **where EGTC or Interreg financial incentives are touching their limits;**

EGTC does **not change any legislation**, it has just the choice what legislation to apply for its organizational set-up. The EGTC regulation has no impact on rules to apply in the implementation of its activities.

- Rather **limited territorial range.**

- The application shall be **voluntary**;
- Local and regional authorities **shall not legislate** > “pull legislation over the border”;
- MS have to agree, so **sovereignty** is fully **safeguarded**;
- The tool shall **not replace bilateral intergovernmental agreements**;
- The instruments must **not create new barriers**;
- How to assess the tool, and to define **exit strategies**?
- How to address **third countries** and outermost regions?