



Report on the Expert Working Group on innovative solutions to cross-border obstacles

led by Luxembourg and France with the technical support of the MOT

DG meeting on Territorial Coheison,
3 October 2016 in Bratislava



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

Département de l'aménagement
du territoire



- The expert working group is an **intergovernmental platform** – in a **structured dialogue with the EU institutions** – dealing with obstacles to cross-border cooperation and solutions to overcome these, with a particular focus on the added value, **feasibility and design of the legal tool presented under the Luxembourg Presidency**. If the **approach proves to be appropriate** the result should be an **input and starting point for a legislative process** at the EU level at the end of 2017.



- Czech Republic
- Estonia
- France
- Germany
- Greece
- Hungary
- Latvia
- Luxembourg
- Netherlands
- Poland
- Slovakia
- Slovenia
- ❖ Switzerland
- ❖ Association of European Border Regions (AEBR)
- ❖ Central-European Service for Cross-Border Initiatives (CESCI)
- ❖ Mission Opérationnelle Transfrontalière (MOT)



➤ First meeting 05/07/2016 in Vienna

- Follow up of the LU presidency: Introduction
- Luxembourg's proposal for the design of the legal tool (LU)
- State of the art in the field of legal framework for cross-border cooperation (MOT)
- Obstacles and solutions at the French borders: launch of a French inter-ministerial working group based on the analysis of the French contributions to the EC consultation (CGET France)
- Roundtable discussion experiences and expectations
- Towards a working group: missions and objectives; working method and schedule



- Establishing and mapping a toolbox of cross-border solutions
- Concrete examples of cross-border obstacles and their solutions to show the value added of the proposed tool
- Framing, detailing and clarifying of the legal aspects of the proposed tool

Working method implemented at the meeting of 28 September 2016 at the CoR



- In-depth consultation with stakeholders of cross-border cooperation projects (the hospital of Puigcerda)
- Description of existing procedures on overcoming cross-border obstacles (Nordic Council - Procedure of the Freedom of Movement Council)
- Feedback on the cases studies and the solutions proposed by the Cross-Border Review of the European Commission

- Consultation with the EU institutions:
 - European Commission
 - European Parliament (not yet)
 - Committee of the Regions (not yet)



General observations regarding the nature of cross-border obstacles

- Trust and understanding
- Physical accessibility
- Legal and administrative differences

Once established:

- Increasing integration of the areas regarding mobility of workers/goods, (private, public) services or services of general interest across the

→ Awareness about legal and administrative obstacles is linked to the depth of the cooperation and exchanges at the border. As a consequence of increasing integration: increasing awareness about legal and administrative obstacles and burden

- Language as a on-going obstacle



3 ways to deal with obstacles identified

1. “Somehow” national / regional or local authorities or political bodies recognise (e.g. via stakeholders/lobby) an obstacle and react to find a principle or ad-hoc solution
2. Via public supported cross-border project (e.g. hospital), which brings with it a number of issues that need to be solved “in one way or the other”
3. Obstacle can be registered (e.g. Nordic Council) via defined procedures / channels where affected individuals or bodies can demand the registration of a cross-border obstacle and further on a formal treatment of the obstacle.

→ In the cases of 1 and 2 the principle approach seems to be a sort of “muddling through” without a result guaranteed, lacking of both continuity and legal certainty



Towards a toolbox for solving cross-border obstacles

1. Solutions to overcome obstacles which can be solved by financial incentive or support only: Interreg ✓
2. Solutions for cross-border institutions to implement activities across borders:
 - Private sector: EEIG ✓
 - Public sector: EGTC ✓ (However, potential and limits of EGTC might not be fully explored)
 - Other forms of conventions
3. Solutions to over-come legislative, administrative obstacle as well as a mismatch of norms and rules:
 - General: change/adaptation of the general rule (European, national, regional or local legislation (prevalent approach of the Nordic Council))
 - Individual: solution for a specific area, specific time and specific project (the approach of the cross border tool discussed under LU Presidency)

→ In the case 3: the way from the obstacle to the solution is normally not clear, time-consuming and depends on sector-specific institutional factors, ad-hoc circumstances, political constellations, personal constellations



Principle main steps to find cross-border solutions

1. Identify an obstacle for any activity as a cross-border specific obstacle;
2. Register the obstacle as an issue which should be treated
3. Decision to officially treat the obstacle in order to find a solution;
4. Find / decided on (a) a solution to solve the obstacle or (b) to notify that no solution can be found.

→ Access point for any tool to cross-border solution: - to define a procedure which can be voluntarily applied in well defined conditions.



Towards a tool supporting the search for solutions to cross-border obstacles – some working hypothesis

1. Definition of a procedure (voluntary applicable) leading through the process of find a solution (open end – if a solution is found or not) initiated bottom up by a specific project or an initiative by stakeholders;
2. If the procedure is taken up (who decides?), ensure the commitment of concerned competent authorities (national, regional, local level) to treat the search for an solution with a positive attitude;
3. Define frame conditions for any solutions found under the tool in terms of a limited application in scope (e.g. related to only a specific project , time and space) without creating new borders ;
4. The solution itself has to remain in the hands of the competent authorities to (as standard case) mutually recognise the practice of the other side of the border or (as a special case) find and agree on a common third approach (tailor-made).



- By mid December 2016 next meeting envisaged (14 December 2016 (tbc) the day before the EGTCUM) in Brussels:
 - Further preparation of a mapping of the cross-border toolbox (obstacles and matching solutions)
 - Refinement of the proposal of tool proposed under Luxembourg Presidency in the context of other tools such as Interreg, EGTC etc.
 - Further consultation with EU institutions in order to calibrate the approach in complementarity with other initiatives such as the Cross-border review of the European Commission

- Proposal to give a short progress report at the NTCCP meeting 2 March 2017 in Malta (tbc)

Thank you for your attention ...
and I am happy to answer any question