

Working Group on Innovative Solutions to Cross Border obstacles

State of the art in the field of legal framework for CBC

Vienna, 5 July 2016

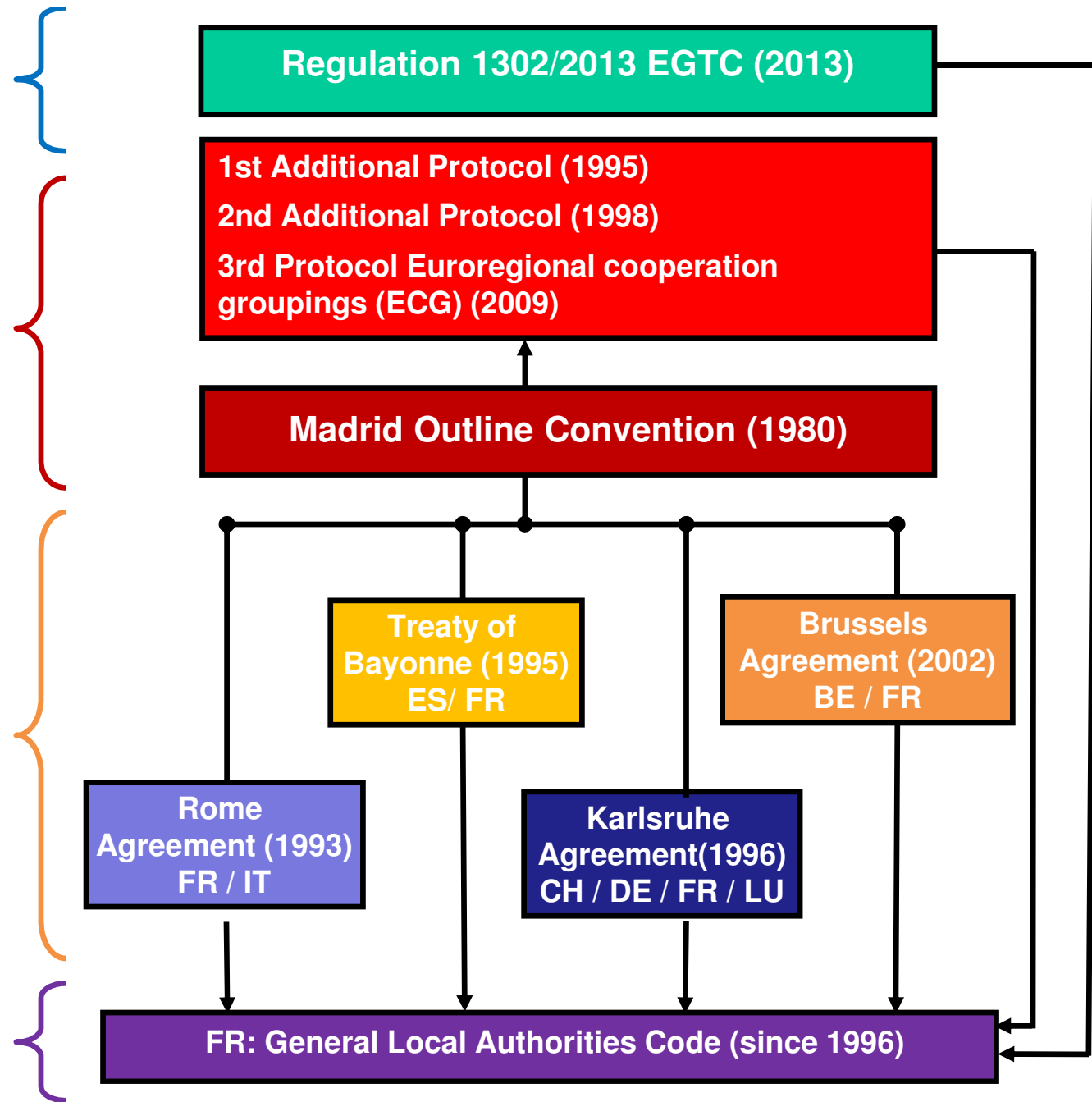


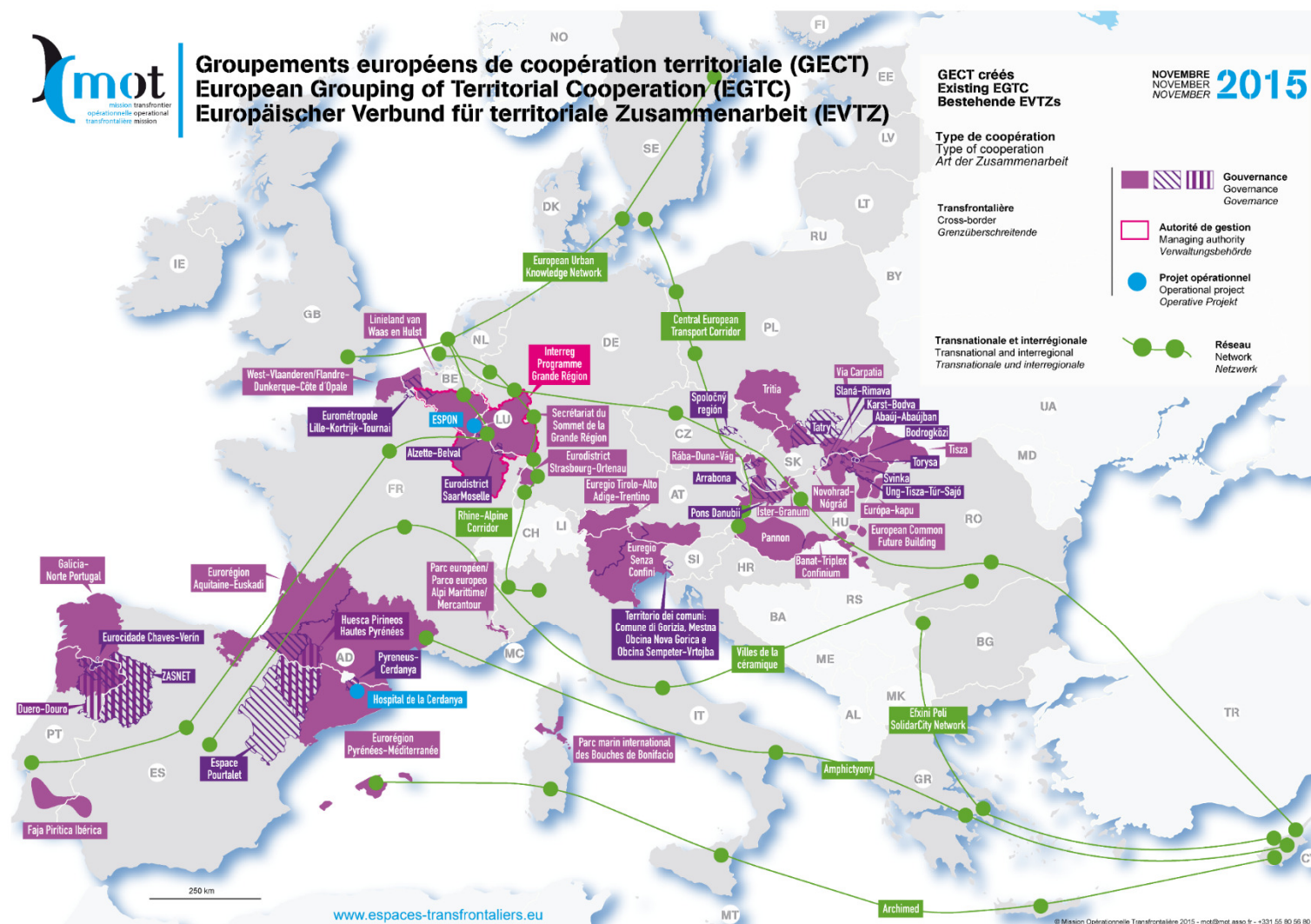
European Union

Council of Europe

Bilateral agreements
between neighbouring
states

Domestic law







An example : the EGTC Hospital of Cerdanya

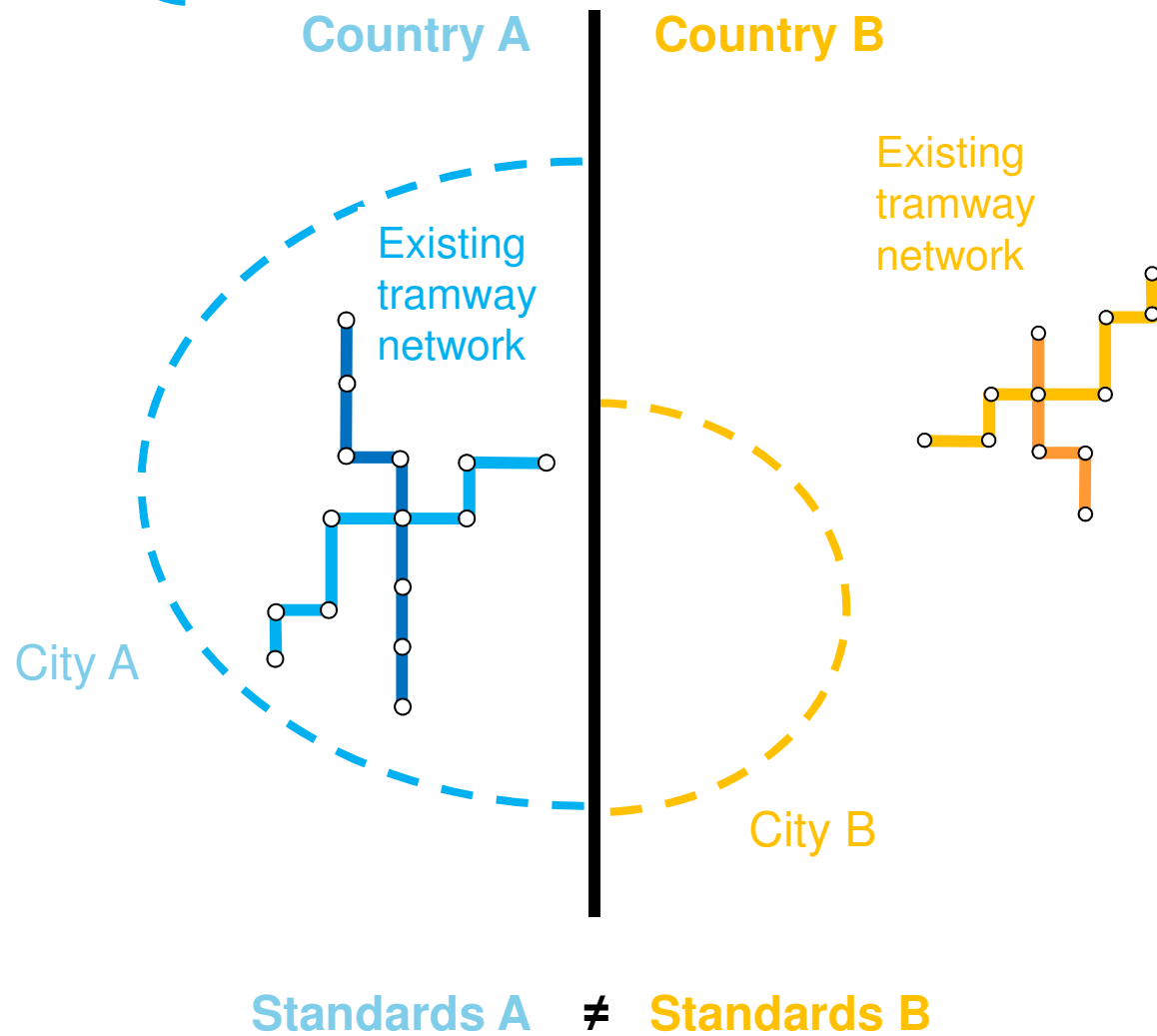


Possible typologies of CBC obstacles:

- Policy fields: health, employment, transport,...
- Nature of obstacles: institutional, administrative, economic, cultural, lack of knowledge, lack of propensity to cooperate (ISIG for CoE)
- Level of resolution:
 - > local: develop CB consultations; new administrative arrangements across the border
 - > national: change domestic laws; make intergovernmental agreements
 - > macro regional (Nordic Council...)
 - > EU: coordination inter DGs; new legislation: sectoral; specific for CBC: EGTC; ECBC proposed by LU...



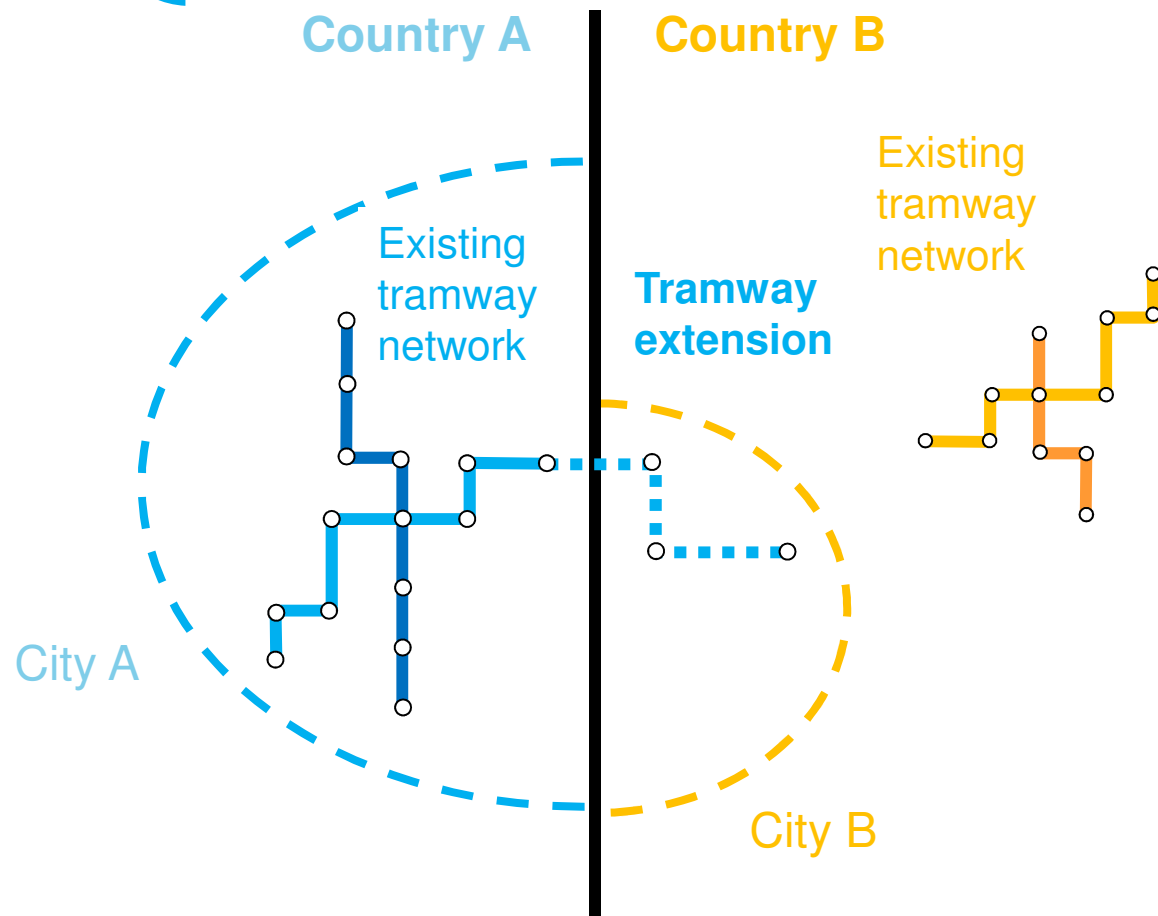
Example of ECBC in extending a tramway line



→ Need to extend a tramway line across the border; different standards applying



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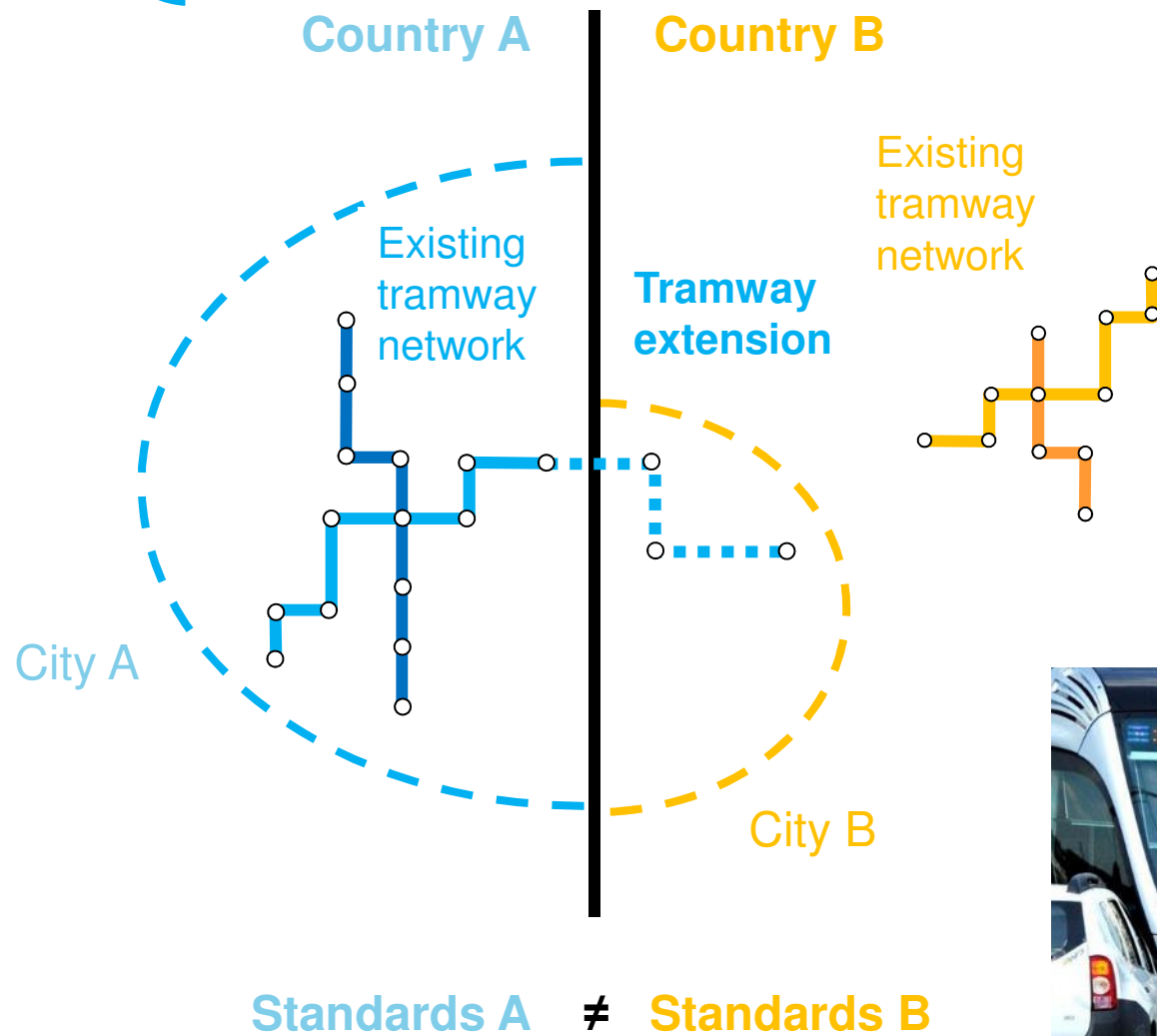


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Suggestion to apply standards of country A in country B only for this specific cross-border line



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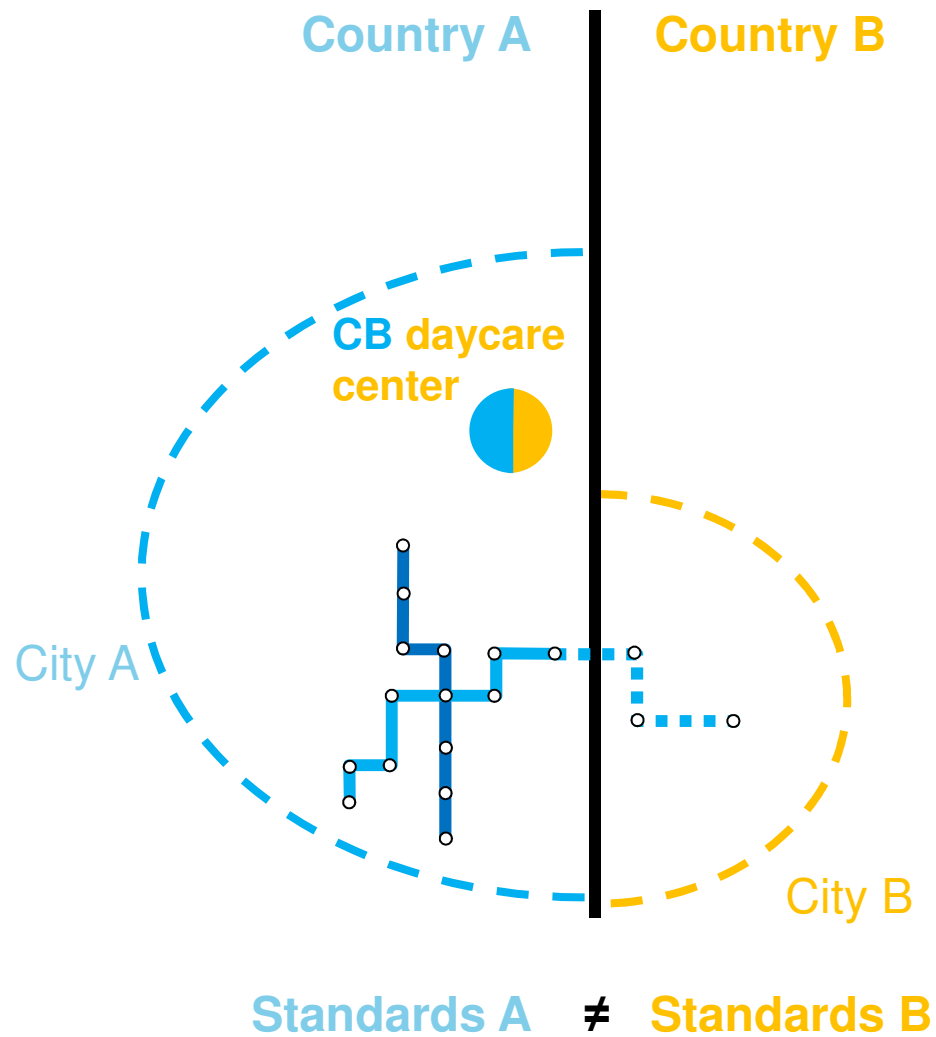
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Adaptation of standards to respect local specificity





Example of ECBC to build and run a cross-border daycare center for children



→ Scale economy in building a common equipment

Suggestion to apply some rules of country B in country A to run the daycare center (and only for this specific project)



Providing legal certainty to existing ad-hoc solutions: what ECBC would bring to the Hospital of Cerdanya





The ECBC Tool – Highlights

- A tool to solve some legal problems still hampering cross-border cooperation, completing already existing tools (EGTC, Madrid Outline Convention) ;
- A tool which is only used on a voluntary basis by border collectivities, EGTCs, or national public administrations, to give a legal framework applicable to cross-border projects they have competency to implement;
- A legal framework composed of existing law(s) of states involved (not a new law) and which applies only for a specific cross-border project (**mutual recognition**);
- A legal framework which has to be approved (or not) by involved states, with possible amendments;
- A tool to foster cross-border cooperation and territorial cohesion, controlled by concerned states in its implementation.