

Working Group on Innovative Solutions to Cross Border obstacles Luxembourg Presidency of the EU follow up

1st meeting of the working group
5 July 2016 – Vienna (Austria)

REPORT

0. Welcome

Michael ROTH (AT) welcomes the participants in the name of the Federal Chancellery.

1. Introduction

Thiemo Eser (LU) introduces the meeting with a roundtable presentation of the participants. He explains that the European Commission (DG REGIO) is not part of the working group for formal reasons, but is interested to be informed and will be consulted (information about the on-going Cross-Border review etc.). The Committee of the Regions is part of the group, but couldn't come this day. The European Parliament (Pdt REGI Committee), who has expressed interest during the Interreg day in June, will be consulted. **T Eser** also recalls that the working group has been referred to in the SAWP. He recalls the state of play and presents Luxembourg's proposal for the design of the legal tool aiming at solving CB obstacles (*see ppt presentation*). He indicates that the WG should deliver proposals until the end of 2017.

Jean Peyrony (MOT) presents a state of the art in the field of legal framework for CB cooperation and develops an example of the added value of the tool proposed by LU (*see ppt presentation*).

Thiemo Eser insists that solutions have been already found for many CB obstacles, but that the new legal tool (European CB Convention, ECBC) is meant to decrease the "transaction costs" for finding solutions to CB obstacles. This means that in the case where solutions to overcome a specific obstacle were found, this could have been done in a more efficient way with the tool, and in the case where no solution was found, this tool would have made it possible or easier by offering a structured process (yet without a guarantee concerning the outcome). Thus one of the objectives of the WG is to demonstrate the added value of the tool.

Teresa Kuncova (CZ) asks how the consultations of local or regional authorities would be processed while implementing an ECBC. **J Peyrony** replies that this process might be similar to the one of EGTCs and it would have to be defined by national authorities in accordance with the existing political framework (federal/unitary, centralised/decentralised).

Martin Guillermo Ramirez (AEBR) expresses the support of his organization for the LU proposal and this WG. It would be good to have a new tool as the EGTC is not sufficient. The legal tool would not create new burdens, but on the contrary facilitate CB cooperation. He advises to establish a dialogue with CoR (EGTC platform) and DG REGIO. He adds that the tool calls for a political approach and its symbolic dimension (bottom-up and voluntary) adds value to arguments in favour of European integration.

Melanie Charlotte (FR) presents the issue of obstacles and solutions at the French borders, and the launch of a French inter-ministerial WG based on the analysis of the contributions to the EC consultation that would mirror the European WG (*see ppt presentation*). She insists on the need to have a common European matrix for the systematic analysis of obstacles and solutions, that could be used on French borders (by CGET and MOT) and on other borders (*see ppt presentation*). This would allow an EU capitalization. She also insists that the Interreg programmes should be involved in the process of solving obstacles.

2. Tour de table

Martin Guillermo Ramirez (AEBR) welcomes the French initiative, and also mentions German initiatives (MORO project on CBC). He also welcomes the idea of the common matrix and underlines the value that is created by people-to-people projects.

Peter Jung (DE) expresses the interest of Germany with regards to the LU proposal. He confirms the interest of several ministries in Berlin (spatial planning, in the ministry of transport; Interior; Foreign affairs); their support will become relevant at a later stage. There have also been discussions with the Länder on this matter (e.g. in the context of the Upper Rhine). He insists that different scales should be considered (e.g. the issue of transport mentioned by the Upper Rhine would concern the national level → what are the implications of this?). Obstacles may come from planning laws. He advises that the WG reports to the DGs, and involves the next MT presidency.

Milou van Mourik (NL) underlines that legal obstacles are not the only obstacles to CB cooperation, and that it is also a matter of culture and willingness. She refers to a project at the NL/Flanders border to stimulate economic opportunities and stresses that a project perspective is needed. Learning from other national approaches to CB cooperation is essential.

Kadri Jushkin (EE) gives examples of different forms of CB cooperation on borders with FI (not so many obstacles), RU (dealing with a third country), and LV (Intergovernmental commission). Some obstacles were solved (emergency services, healthcare provision), others not (bus line). Often the willingness to find a solution is the key problem.

Jūlija Jakovļeva (LV) refers to the problem of political commitment. She gives various examples of obstacles at specific borders (issue of funding LV students in EE vocational schools; taxes; commuting; spatial planning; labour market). Local and regional authorities are not always able to propose the right solutions.

Agneszka Gintowt-Dziewaltowska (PL) gives examples of obstacles on the border with DE (single bus tickets, harmonized timetable), and on external borders with third countries. She stresses that there are already too many regulations linked to ETC and it was very difficult to find agreement on the EGTC. It is time-consuming to reach agreement among Member States, and also within Member States due to the number of ministries concerned (3 in PL).

Gyula Ocskay (CESCI) presents this tool facilitating cooperation of local stakeholders at the HU borders. The political climate is not favourable to CB cooperation at the moment (border controls are back on some borders). He considers that the tool deals with sensitive issues (social security, healthcare). One problem is that the EGTC is still fragile. The main questions are: 1) Can one side use it? 2) If the application of the tool is territorially limited, what about the hinterland? 3) What is the value added with regards to bilateral agreements?

Tamara Matulikova (SK) mentions that different ministries are involved in CB cooperation. One example concerns the Bratislava-Vienna transport connections where the obstacles were solved. There is a study on CB cooperation at the SK-HU border.

Patricia Abaffy (HU) confirms what **G Ocskay** said. The arguments concerning the added value and the design of the tool are still a bit vague. One concern is about the confusion with existing tools. For instance, HU has not ratified the Madrid outline convention 3rd protocol in order to avoid confusion between EGTC and EGC. The problem is often the lack of political will and commitment. She anticipates difficulties, as even bilateral agreements are difficult to conclude.

Rea Orfanou (GR) expresses the support of GR for the WG, but cautions that it is a sensitive issue. She gives the example of a CB road project at the BU border, not implemented due to a problem linked with environmental legislation.

Tereza Kuncova (CZ) explains that there is only one ministry involved in CB cooperation. She approves the principle of the common matrix and gives the example of obstacles in the field of health tourism (delays).

Michael Roth (AT) recalls that AT is not partner of the group, but approves the spirit of the exercise. AT has doubts about the added value of the tool– many obstacles are solved through specific arrangements. Pulling legislation over the border is already a reality with regards to tax enclaves. As cases are too diverse and specific, a single tool may not be adequate. The main questions are: 1) What does “voluntary” mean? 2) What is the geography/territorial reach of the tool? 3) What is the added value?

Tom Leeuwestein (NL) explains that there can be a conflict between different legal frameworks, but that the success depends on the political will.

Sebastien Rieben (CH) confirms the interest of CH (as active in CB cooperation without being an EU member). CH participates in the Madrid convention and EGTCs. Swiss Cantons are in charge of CB cooperation and their interest in the tool has still to be clarified. The Confederation is generally willing to facilitate the action of local and regional communities in CBC. He confirms that the political climate is not favourable. CH wishes to be eligible for an ECBC regulation if confirmed.

3. Conclusions

Jean Peyrony states that the meeting is the opportunity for representatives of the national level to express a wide array of concerns about achievements and obstacles on borders. The WG should indeed be the opportunity to progress on a common understanding of obstacles and solutions (the matrix). On the other hand, the WG will not be able to address all these aspects; we will have to focus on a few realistic and concrete objectives. More specifically, some of the examples show obstacles that are not linked with legal and administrative aspects, but with a lack of political will, funding etc. It must be clear that these issues are beyond the remit of this group. The legal tool proposed by LU is not a magic solution; it should be a new tool in the tool box.

Michael Roth insists on the issue of language; in a CB context, like in the European context, people need to have access to valid legal texts in their language.

Mélanie Charlotte is aware of existing doubts about cooperation, they exist in every country. Border regions are often characterized by votes that are not favourable to European or cross border integration. We need to demonstrate the added value of CB cooperation, and political will is required.

Thiemo Eser concludes by stating the need to deepen the discussion of the tool and its added value with case studies. The aim of the WG is to officially propose the tool, until the end of 2017, not to finalize it. The WG will report to DGs, SAWP. He proposes 3 blocks for the work programme of the group (*see ppt presented in the NTCCP*):

- Mapping questions about obstacles;
- Inventory of solutions (such as those developed by Nordic Council), and of the added value of the tool, in particular compared to the possibilities and the opportunities already offered by the EGTC regulation
- Development of the tool, and assessment of its legal feasibility.

The working method should include the following elements:

- Consultation with the EU institutions (European Commission, European Parliament, Committee of the Regions) and stakeholders of CB cooperation projects
- Discuss the cases studies and the solutions proposed by the Cross-Border Review of the European Commission

- Invite the Nordic Council representative to describe examples of CB obstacles and how they were overcome

The next meeting may take place in Brussels at the end of September 2016 and shall include preparations regarding the mapping of the cross-border toolbox, the invitation of stakeholders to discuss obstacles and solutions on the basis of concrete examples and a first consultation with EU institutions.

LIST OF PARTICIPANTS

Last Name	First Name	Country	Structure
ABAFFY	Patrícia	Hungary	Ministry of Foreign Affairs and Trade
CHAROTTE	Mélanie	France	General Commission to the Territorial Equality (CGET)
ESER	Thiemo	Luxembourg	Ministry of Sustainable Development and Infrastructure
GINTOWT-DZIEWAŁTOWSKA	Agnieszka	Poland	Ministry of Economic Development of Poland
GUILLERMO-RAMIREZ	Martin	Stakeholder (Germany)	Association of European Border Regions
JAKOVĽEVA	Jūlija	Latvia	Ministry of Environmental Protection and Regional Development
JUNG	Peter	Germany	Federal Ministry of Transport and Digitale Infrastructure (BMVI)
JUSHKIN	Kadri	Estonia	Ministry of Finance
KUNCOVA	Tereza	Czech Republic	Ministry for Regional Development of the Czech Republic
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MATULIKOVA	Tamara	Slovakia	Ministry of Transport, Construction and Regional Development
MOURIK (van)	Milou	Netherlands	Ministry of Infrastructure and the Environment
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