



Working Group on Innovative Solutions to Cross-Border Obstacles

***Towards the Final Report of the
Working Group***



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

Département de l'aménagement
du territoire



- On initiative of **LU+FR endorsed by the DG meeting in Amsterdam** in May 2016 setting up the Working Group with support of MOT
- **Consultations** with EU, (trans-)national & cross-border institutions
- Original **timing adapted to the process of the COM** regarding the preparation of an official Communication on its Cross-Border Review
- Evidence and elements compiled to draft a **report and background report**
- **First draft of the reports** discussed at the last WG meeting
- **Revision of the drafts on-going** within the WG
- **Submission of a draft final report to the attention of the DGs** at their meeting in April 2017 (in time for the COM's Communication)

Why investigating cross-border obstacles ?



- The **development potential of cross-border areas is not fully exploited** due to obstacles caused by the border situation:
 - The **Single Market is not completed**, in particular the free movement of workers (e.g. cross-border commuters) and of services
 - Citizens in border areas do **not have full access to nearest infrastructure and services of general interest**
 - In territorial terms, obstacles to cross-border activities and cooperation **reinforce the core-periphery divide** in many countries by preventing that the full potential of integrated cross-border areas is used
- Over-coming cross-border obstacles **supports territorial cohesion** in Europe

Types of obstacles and instruments to address them - completing the toolbox



Concrete example: Ambulances (FR-LU)



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- *Where:* FR-LU border, EGTC Alzette-Belval
- *Policy field:* Healthcare
- *Nature of obstacle:* Administrative
- *Problem:*
 - Accident (not emergency) on FR side: In general, FR ambulance will bring you to nearest hospital on FR side in Thionville – although hospital on LU side in Esch-sur-Alzette is much closer.
- *Current solution:*
 - A LU ambulance will only cross the border in emergency cases and if FR ambulance is “unavailable”.
 - No legal certainty: muddling through.
 - Intergovernmental framework agreement on cross-border healthcare (2016) covers ambulance transport, but only non-emergency cases.
 - Long negotiations (since 2011) and dependence on political will.

Proposals to overcome administrative and legal obstacles in cross border areas



- 1) Proposal to create a voluntarily applicable **new legal tool addressing** administrative and legal obstacles,

the **ECBC - European Cross-Border Convention**,

that would **allow local/regional authorities to initiate a procedure** for solving these obstacles and encourage the competent authority to address them.

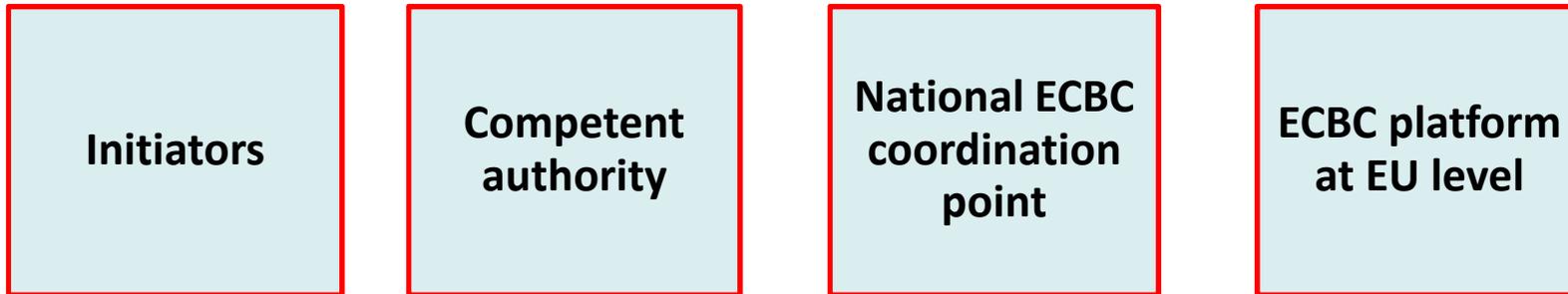
- 2) Proposal to set up a **European multilevel platform** to exchange problem-solving methods from different parts of Europe and foster the **exchange of experiences** and best practices.



- As a new European legal tool, **the ECBC would allow one country** – in the context of a particular obstacle to a cross-border activity or the delivery of a service – **to apply the administrative or legal rules and provisions** of another country in a **defined area and duration** of application along the border.

- **Rationale**
 - To **improve cross-border cooperation from the bottom up**: the local actors experiencing obstacles can propose tailor-made solution
 - To implement activities and projects **more quickly and more efficiently**
 - To provide **administrative and legal certainty**
 - To apply the **ECBC voluntarily**
 - To validate the use of the tool would by national the competent authority in charge in order to control the process and safeguard the outcome of the ECBC

Proposal 1: ECBC - Actors



Proposal 1: The Procedure



- **Step 1a: Identifying the obstacle** by the initiator, preparing an ECBC proposal (obstacle, rationale, draft specific provisions) to be proposed to Competent Authority.
- **Step 1b: Deciding on go/no-go** by the competent authority based on an analysis of the obstacle and the proposed solution in the proposal.
- **Step 2: Finding a solution** by the competent authority, considering account existing solutions or defining specific provisions in the framework of an ECBC.
- **Step 3: Approving the ECBC** by the competent authority, potentially together with the initiators.
- **Step 4: Applying the ECBC** by competent authority and the initiators.
- **Step 5: Following up** by the national ECBC coordination point by including the ECBC in a national database and send it to the ECBC platform.

Proposal 1: Scope and establishment



- In contrast to the ECBC, the EGTC Regulation allows public authorities to set up an institutional structure with a set of tasks and objectives, but **regulatory and policy-making powers CANNOT be the subject of an EGTC.**
- The **ECBC would offer a complementary procedure** to find solutions by allowing the competent authority to apply foreign rules and provisions.
- Parallels between the ECBC and the EGTC regulation can be drawn regarding the establishment of the **regulatory framework for the ECBC:**
 - a **legal framework defined at the EU level.**
 - the **application and implementation is left to national and regional authorities** defined by Member States.
 - the **initiative taken by the (local) actors concerned.**
 - **approval by the concerned competent authorities** in each country.

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 - Long negotiations (since 2011) and dependence on political will.
- *ECBC solution:* Initiators = EGTC members, competent authorities = health ministries. Convention that LU ambulances can always cross border to pick up patients.

Proposal 2: European multilevel platform



- Purpose is to **exchange problem-solving methods from different parts of Europe** and foster the exchange of experiences and best practices. This would:
 - Raise awareness about **synergies with ESI Funds** programmes
 - Raise **awareness of the remaining obstacles** at higher levels of government
 - Point at the need for **systematically dealing with and resolving obstacles at borders**
 - Support the **national level** (among others: competent authorities / national ECBC coordination points) in **finding solutions**
 - Facilitate **concertation between neighbouring countries**
 - Support the management of an **EU database on obstacles and solutions** across Europe



Thank you for your attention

Please send any feedback to

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