



“Cross-border territories: Day-to-day Europe”



EUROPEAN CONFERENCE
8/9 NOV. 2007

Workshop 11 “Environment”

- ❖ **Presidents**
Hugues GEIGER, Vice-President of the Strasbourg urban community with responsibility for the environment (FR) and Heidi GOETZ, First Officer of the Land for the District of Ortenau (DE)
- ❖ **Debate animated by**
Gilles MULHAUSER, Nature and landscape director at the Territory Department, Republic and Canton of Geneva (CH)
- ❖ **Presentation of the framing memorandum**
Gilles MULHAUSER
- ❖ **Project 1: Crisis management (FR-IT)**
Jean-Pierre GAUTIER, Head of section Natural risks, Regional Council Provence-Alpes-Côte d’Azur (FR)
- ❖ **Projects 2 and 3: River (FR/ES and FR/BE)**
Fabienne SANS, SMEAG (Garonne research and planning agency) (FR) and Jérôme LOBET, Coordinator of the Interreg III Semois-Semoy basin project (BE)
- ❖ **Project 4: The Körös/Crisuri border basin (HU-RO)**
Corina BOSCORNEA, National Administration “Apele Române” (RO)
- ❖ **Project 5: Cross-border consultations of the authorities and the public on projects with significant environmental impact in the Upper Rhine space (FR-DE-CH)**
Michael UMHEY, Specialist collaborator, Presidential office of the government at Freiburg (DE)
- ❖ **Presentation of the recommendations**
Gilles MULHAUSER
- ❖ **Discussion with the floor**
- ❖ **Rapporteur**
Daniel DÜRR, University of Lyon 2 (FR)



Background

In 2001 the Gothenburg European Council added an environmental strand to the Lisbon strategy, giving the European Union a sustainable development strategy. Of course, taking the environment into account, "taking care of our common territory", must not be seen as contradicting the competitiveness objectives of the Lisbon strategy; on the contrary, the quality of the environment is a factor in the attractiveness and competitiveness of territories.

The environment does not recognise any borders; cross-border territories are already or must become spaces of responsibility for and joint management of habitats, pooling resources on topics such as:

- pollution control (air, groundwater, watercourses and coasts, etc.),
- natural (e.g. flooding) and technological hazard prevention and management,
- waste management,
- natural spaces and biodiversity, etc.

This naturally applies to specific cross-border spaces such as mountain ranges, maritime or river basins and protected spaces. It also applies to cross-border urban areas, as stated in the "thematic strategy on the urban environment" (European Council, June 2006).

Responsibility for territories, in particular cross-border territories, goes beyond thematic aspects to include a cross-cutting dimension, that of sustainable territorial development.

Although on some borders the common environment can be a factor making communications more difficult (the case of mountain ranges) or the subject of cross-border disputes (water, classified facilities in border areas, etc.), if covered by cross-border cooperation, it can on the contrary encourage joint awareness-raising, overcome divergences on either side of the border, and become a factor of policy convergence, peace and stability.

Challenges, difficulties and successes

❖ **The challenge of sectoral cooperation projects on the environment**

The challenge regarding the cross-border environment is, first of all, to set up cooperation projects in order to preserve and develop the common heritage.

There are many examples of cross-border cooperation on the environment:

- **Watercourses:**
 - o SMEAG (cross-border Garonne) (ES/FR) (refer to project sheet *Establishment of a cross-border monitoring unit for the Garonne as part of Interreg III A project "The Garonne valley, a cross-border territory"* and website www.garona-i-garonne.com)
 - o Semois/Semoy river contract (BE/FR) (refer to article *The Semois-Semoy cross-border river contract between Belgium (Wallonia) and France* and website www.semois-semoy.org)
 - o Körös/Crisuri cross-border basin (HU/RO) (refer to project sheet *Transboundary River Basin Management of the Körös/Crisuri River* and website http://www.icpdr.org/icpdr-pages/projects_programmes.htm)
 - o Upper Rhine conference (river and groundwater) (DE/FR/CH)
- **Sanitation:**
 - o Geneva: LGTC (CH/FR)
 - o Lille (BE/FR)
 - o Bourg Madame (ES/FR)
- **Urban** (cooperation between the Zweckverband Abfallbehandlung Kahlenberg and the CUS (Strasbourg) (DE/FR)), **agricultural and industrial waste management**
- **Energy:** Geneva (wood) (CH/FR)
- **Biodiversity:** Living Pyrenees (ES/FR); Geneva: ecological corridors (CH/FR)
- **Landscape:** Lille Métropole natural space (BE/FR); Geneva green-blue plan (CH/FR)
- **Natural hazards management:** Roya basin (refer to project sheet *RIVES; hazards in mountains*) (FR/IT)
- **Industrial hazards management:** establishment of a cross-border committee within the Strasbourg conurbation permanent secretariat for the prevention of industrial pollutions (S3PI) (DE/FR); transport of dangerous substances (BE/FR)

It is of primary importance to encourage local initiatives and management (political, financial) by local stakeholders. Hazard management, for example, is more effective and more reactive at local level.

Nevertheless, even though cross-border cooperation on the environment is, as in all other areas of cooperation, a win-win game, the cross-border dimension is, at least initially, a factor of complexity and additional costs:

- lack or heterogeneity of statistical data, absence of cross-border studies,
- mutual lack of knowledge of the entities involved, legislation and management procedures,
- disparity of competencies,
- lack of benchmarks and consultation mechanisms, and of collective management tools,
- superimposition of different systems which risk neutralising each other (for example on the Danube, with the coexistence of the International Commission and bilateral agreements).

Many questions have answers in national but not cross-border contexts (legal liability (liability in the case of pollution, for example), funding procedures, tax (VAT), etc.).

There are several types of solution to such difficulties:

- structuring of knowledge-sharing: observation and monitoring (e.g. biomonitoring of dioxin fallout), to be conducted locally with support from higher levels (including European, refer to data such as CORINE Landcover, INSPIRE directive, etc.) (e.g. GIS pilot project on the river Tisza; SMEAG),
- structuring of consultation, joint planning, ensuring consistency of projects (e.g. cross-border water management scheme (SAGE)),
- pooling of public funding on either side of the border,
- cross-border management structures (e.g. Geneva sanitation LGTC (CH/FR)).

Moreover, local environmental actors (local authorities, associations, etc.) are often limited in terms of legal, human or financial resources. It is therefore important that higher-level actors are able to help them with funding and with technical and legal resources:

- regions (and decentralised departments of the state if appropriate), which have a role to play in the structuring of cross-border cooperation and in involvement alongside local actors in certain projects
- territorial cooperation programmes (Interreg); the function of Interreg is to facilitate the action of project holders and capitalise the successes, with the aim of sustaining cooperation
- states and European institutions, where regulatory and legislative aspects are concerned.

This last point covers various questions.

Regulations and laws must take account of the particular characteristics of the cross-border situation (for example establish or improve the legal instruments employed to hold projects: conventions, joint institutions using national legal supports, resulting from bi- or multi-lateral treaties (LGTC, etc.); European instruments (EGTC) (refer to the legal workshop).

Even though the development of a European standard, particularly with regard to the environment, is in theory a factor facilitating cross-border cooperation, the application of acts and regulations remains different on either side of borders (for example: differences in implementation of Natura 2000; the German and French air pollution control plans, put into effect on their respective sides of the border, are the consequence of European legislation but do not take account of the cross-border space), making coordination between states or harmonisation of legislations indispensable; whence the importance of

establishing coordination mechanisms on each border (e.g. the French-Genevan regional committee; the system set up following the work of the French-Belgian parliamentary working group for the Lille-Kortrijk-Tournai metropolis) involving the states and regions while bringing local actors on board.

Lastly, cross-border work on these environmental matters generates dialogue on differing environmental perceptions, resulting in broadening of the views of participants on either side of the border. Cross-border cooperation is seen to be a laboratory of innovation and European integration.

❖ **The challenge of the territorial approach: sustainable development of the cross-border territory**

Going beyond the sectoral cooperation projects mentioned above, the preservation and development of the environment necessitate an overall approach on the scale of the territories (control of mobility through coordinated urban planning and transport policies; conciliation of economic development and preservation of resources: sustainable tourism, etc.).

Such an approach necessitates full involvement of the citizens, who must be made aware, informed or trained, and involved in the management of the joint space, its costs and its benefits, directly and through the joint action of their elected representatives.

Here again there is a specific cross-border aspect, since national systems on either side of the border must be linked, a cross-border dialogue must be established and developed between elected representatives, citizens, civil society, etc., and a cross-border environmental citizenship must be adopted, a component of a cross-border and European citizenship.

Other than the difficulties listed above for projects, one problem, encountered in all territories, is more pronounced in the cross-border context: lack of participation of the population ("What's it got to do with us?") and lack of interest of elected representatives. Moreover, the cost of awareness-raising and consultation actions is also increased by the cross-border dimension (linguistic issues, etc.).

Legislation on environmental impact is relatively developed, but its implementation is still often a formality, and the transition to genuine citizen involvement remains an issue (for example, consider the process of strategic environmental assessment of 2007-2013 European cohesion policy programmes). In this respect the cross-border consultation mechanism introduced by the Upper Rhine conference is an interesting step forward (refer to project sheet *Procedures for cross-border consultation of authorities and the public on projects with significant environmental impact*).

How can cross-border territories, through an integrated strategy and on their scale, contribute to sustainable development (for example by means of local agenda 21 programmes)? How can they adapt to climate change (floods, drought, etc.) for example, or contribute to its mitigation?

How can they respond to the needs of their citizens and involve them in responsibility for territorial management? In this context the following points can be covered:

- the different uses of the environment (for example for water, domestic use (drinking water, sanitation), economic development (agriculture, etc.), recreational uses, etc.)
- the issue of hazards: the citizens want to be protected, benefit from emergency services; but some level of risk must be accepted (e.g. on flood plains).

Different types of cross-border territory are concerned, where this cross-border environmental governance must take different forms:

- urban and periurban territories: Lille Metropolis natural space: green areas and watercourses) (BE/FR); Canton of Geneva: green-blue plan (CH/FR) (refer also to the cross-border conurbation workshop)
- rural territories
- natural territories such as forests and mountains

(refer also to the cross-border natural and rural territories workshop)

- maritime basins (refer to the maritime cooperation workshop)
- watercourses: Semoy/Semois, Garonne, Roya, Körös/Crisuri.

The case of watercourses is particularly illustrative: within the framework of national legislations, the need to manage them has led to the establishment of new “territories” (catchment agencies in France). How can this be transposed to the cross-border case? In the EU context? With non-EU-member countries? Over and above the functional necessities involved in their management, watercourses have a strong symbolic dimension favourable to ownership by the inhabitants, to the feeling of belonging to a given territory; they federate local development. Cross-border rivers are links (e.g. Jardin des 2 rives (J2R) between Strasbourg and Kehl (DE/FR)), crossing points between the territories located either side of borders. This makes them vectors for bringing populations together, for building cross-border solidarity.

Proposal for recommendations

Local level

❖ **Recommendation 1: Towards joint management of the cross-border environment in the various sectors concerned**

Establish cross-border ownership for joint management of projects, sponsored by local authorities and local actors, with a legal structure (e.g. convention, structure such as the EGTC); identify mechanisms for funding cross-border investments, and back them with regional, national and European co-funding (ERDF, Life +, etc.).

❖ **Recommendation 2: The environment, component of sustainable development of cross-border territories**

Develop environmental governance of the different types of cross-border territory (urban, rural, basins, mountains, etc.) by developing:

- shared observation (e.g. GIS);
- information sharing between local authorities, for example with regard to regulatory and technical frameworks;
- coordination and planning at local cross-border level (cross-border agenda 21 programmes);
- involvement of elected representatives, awareness-raising and participation of citizens and businesses.

Regional/national level

❖ Recommendation 3: Towards multi-level governance of the cross-border environment

- Support local authorities, particularly at the regional level, in the exercise of their competences regarding the cross-border environment.
- Organise coordination by border at the higher levels (regional, national) within the framework of bi-/multi-lateral agreements, with participation by local authorities.
- Coordinate, adapt and harmonise the national and regional legal and technical environmental legislations and regulations according to the needs of the cross-border territories.

European level

❖ Recommendation 4: For European support for the cross-border environment, a factor of European integration

- Adapt the European framework (Community legislations and initiatives relating to the environment) to the specific cross-border situation (e.g. amend the water framework directive to provide for cross-border sub-basin plans).
- Develop methodologies and harmonise data (Inspire, etc.).
- Continue support for cross-border cooperation (cohesion policy).
- Facilitate the capitalisation and transfer of experience on the environment between cross-border territories.