

Position of the Mission Opérationnelle Transfrontalière (MOT) DG REGIO online consultation: Overcoming cross-border obstacles

Additionnel information to the online questionnaire: Answers to section 6 - questions 6.1 and 6.2

6. SECTION - Further comments and recommendations

6.1 Would you like to provide any further comments or recommendations to the European Commission considering its current and future support to cross-border regions?

BORDERS AT THE HEART OF TOMORROW'S EUROPE

The European Union is at a turning point. At a time where the world is going through an unprecedented health, economic, social and political crisis, with the risk of a breakdown of cooperation between States and between peoples, the renewed European institutions following the May 2019 elections must adopt the budget and make political choices for the 2021/2027 period, which will be deeply affected. Faced with the crisis and the rise of nationalism, they will have to prove to the citizens the added value of the European Union and of cooperation.

The crisis reveals the symmetrical impasses of hyper-globalisation leading to financial, climatic or health disasters, and of regressive nationalism or localism. It challenges our inter-state relations, and also our relations with our neighbours, from territory to territory. The solution lies in reintegrating economic and social life into relevant functional and solidarity-based areas, from Europe to the living spaces of daily life, mobilising our States and communities in territorial cooperation around common goods such as health, education, mobility, the environment, climate, energy... It forces us to accelerate and to better anticipate the different transitions (demographic, economic, digital, energy, climate...) we have to face. It obligates us to respond to them locally, by inventing new models of economic and ecological development (sustainable mobility, circular economy, zero-emission territories...).

The response to the crisis must be European (common policies, including new ones: public health; European own resources; fiscal coordination), intergovernmental (cooperation between neighbouring countries, especially border countries) and cross-border. Above all, it must be built on the involvement of citizens.

Border territories represent 30% of the European population; 2 million commuters cross a border in order to go to work. They are at the heart of the transitions at work. They present both a largely under-exploited potential for 360° development, and a handicap resulting from the fact that public policies at different levels do not sufficiently take into account this border specificity. Some borders are non-EU internal borders, sometimes recently with Brexit; the overseas territories present specific challenges of disadvantaged neighbourhoods, and regional integration.

At the beginning of 2020, the crisis first caused uncoordinated border closures, or even uncooperative actions by both public and private actors, which may have undermined public services or the economy of border regions, or even the health of cross-border citizens; but it also led to multiple forms of cooperation. It has thus revealed the cross-border interdependencies and the solidarity that can be mobilised. But such solidarity must be organised and strengthened in order to match the cross-border integration that is already taking place.

Cross-border territories, as laboratories for territorial cohesion, are in the front line in mobilising the opportunities that open borders offer to their inhabitants and businesses, on the condition that European and national public policies take full account of their particular reality. There are encouraging signs in this direction:

Following the cross-border review and the 2017 Communication, the European Commission made ambitious proposals in May 2018 for the post-2020 period: an Interreg regulation that is more focused on the needs of cross-border territories (integrated territorial development objective (governance of cooperation objective); an ECBM regulation¹ providing for a process to resolve obstacles to integration; border orientation papers (BOPs) sent to the managing authorities of Interreg programmes, initiating a dialogue on cross-border spatial planning strategy before programming.

The post-2020 programming, in the broader framework of the Green Pact for Europe, is a remarkable opportunity to take cross-border issues into account.

The ministers in charge of territorial cohesion are about to approve a new Territorial Agenda at the end of 2020, under the German Presidency, which will commit them to a fairer Europe for its inhabitants and territories (balanced territorial development, taking into account functional regions and cross-border integration), and a greener Europe, engaged in transitions.

The Governance Committee of the Congress of Local and Regional Authorities (CLRA) of the Council of Europe has adopted a resolution² calling for a fair distribution of tax wealth in cross-border territories, putting the issue of cross-border co-development on the agenda.

In January 2019, Germany and France adopted the Treaty of Aachen (TALC), defining priorities and a method for cooperation at their common border, thus prefiguring the ECBM tool. They are strongly oriented towards stronger European integration, offering this perspective to their neighbours on other borders.

In this pre-programming period, the border communities are mobilising to build their own cross-border cooperation strategy, in order to participate in the dialogue with the other communities on both sides of the border, with cross-border groupings and with the managing authorities. The different territorial, local and regional institutions have each their own role to play according to the functional scales, and undertake to cooperate with each other, horizontally and vertically, according to the principles of inter-territoriality and multi-level governance.

The MOT is actively involved in many of these policies:

- At the local level in support of cooperation actors,
- At the national level in support of ministries and parliaments,
- On the different borders,
- At the European level by supporting cross-border territories vis à vis the European institutions and by supporting them.

¹ Proposal for a Regulation of May 2018 on the creation of a "mechanism for the removal of legal and administrative barriers in a cross-border context": http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/WG_Innovative_Solutions/budget-may2018-cross-border-mechanism-en.pdf

² Report CG37(2019)10final 29 October 2019: Fair Distribution of Tax in Cross-Border Areas - Potential Conflicts and Opportunities for Compromise: <https://rm.coe.int/fair-distribution-of-taxes-in-transfrontier-areas-potential-conflicts-/168097f09d>

The MOT addresses the European and national authorities, requesting that the decisions to be taken in the coming months confirm the above-mentioned orientations.

We are also addressing cross-border territories throughout Europe, proposing convergent approaches.

Border authorities wish to have appropriate powers, dedicated resources and accelerated procedures for themselves and their cross-border groupings in order to overcome the obstacles to the implementation of their cross-border projects, in compliance with European legislation and the constitutions of the States³.

They are committed to involve citizens on both sides of the border in the development of a common vision and common projects. These cross-border citizens' initiatives will contribute to the conference on the Future of Europe, and should continue beyond its deadline in 2022.

Cross-border territories need the action of States to support their own action:

- On each national border, through mechanisms such as a "cross-border cooperation committee (CCT)"⁴ coordinating cross-border observation and defining a common strategy for choosing priority projects, monitoring the difficulties encountered in order to remedy them and to bring them up at national level.
- Within each State, through interministerial co-ordination and between territorial levels.
- At the level of regional entities such as the Nordic Council.
- At the European level, via the process of implementing EU policies (notably cohesion policy), but also the intergovernmental process (Territorial and Urban Agendas).

The ECBM regulation proposal, through its innovative mechanism, making these actions coherent, allows:

- at the local level, to find solutions at higher levels⁵,
- at State level, to implement this process of resolving obstacles through a European network of national or regional contact points, while retaining their sovereign prerogatives,
- at the European Commission level, via its border contact point, to moderate this approach.

The MOT calls upon the European Parliament, the Council and the European Commission to complete the negotiations on the proposed ECBM Regulation and to ensure its adoption. We also call upon them to adopt a similar approach on extra-European borders.

- **The MOT is committed** to continue its support of the intergovernmental Working Group on Innovative Solutions to cross-border obstacles, including ECBM, in order to achieve them.

The MOT calls on the European Parliament, the Council and the European Commission, under the follow-up of the European Committee of the Regions, to act in the interests of cross-border territories in the post-2020 negotiations, in particular to ensure an adequate budget for European Territorial Cooperation (ETC), and more generally to implement European policies that take into account cross-border territories, including with non-EU countries.

The MOT calls on European Territorial Cooperation actors (European Commission, States, programme managing authorities) to ensure that cross-border programmes contribute to the resolution of obstacles on borders, the development of cross-border territories, public services for citizens, and the establishment of governance of cross-border territories involving civil society, based on territorial observation and engineering (e.g. via cross-border agencies, ...) at the service of strategies and projects shared by citizens⁶.

³ Following the terms of the Treaty of Aachen (TALC).

⁴ As set up by the TALC between France and Germany.

⁵ Consisting in the application in one State of certain legal rules of another State where the application of the rules of the first State constitutes a legal obstacle to the execution of a common project.

⁶ In particular through the mobilisation of the specific objective of cooperation governance.

We also ask them to capitalise on these local actions at national and European level via the network of cross-border contact points, with the financial support of national and European technical assistance (in particular the objective governance of cooperation) and network programmes (Interact, Urbact, ESPON...).

Cross-border observation, in particular, will be developed at local, national and European level, building on the dynamic initiated by Germany and France⁷.

The MOT calls on the States to coordinate within the framework of the intergovernmental process (Territorial Agenda; Urban Agenda) in order to promote the challenges of territorial cooperation. We support the Bucharest declaration, asking to align the 2 agendas and to face territorial and social fragmentation within the framework of functional urban regions. In particular, we call on Germany and France to take the lead, in the framework of their forthcoming EU presidencies, by coordinating their efforts to promote the approach defined by the TALC, and in particular by setting up joint pilot projects.

The MOT calls on the European Investment Bank (EIB) and national public investment banks (such as Caisse des Dépôts/Banque des territoires in France) to jointly set up, within the framework of the InvestEU programme, financing and advisory tools adapted to projects in cross-border territories.

Furthermore, we are aware of the complex debates on taxation issues. While respecting the principle of the fiscal sovereignty of States, we share the orientations of the Congress of Local and Regional Authorities (CLRA) resolution and ask States to take them into account: promotion of cross-border integration; need for a fair distribution of tax revenues from cross-border workers, in order to finance the necessary cross-border infrastructure and public services; progressive search for a common European approach, in particular in terms of fiscal and social convergence; without delay, search for shared knowledge (data, indicators) and sustainable strategies for cross-border co-development.

With this in mind, the MOT calls for studies on the opportunities of setting up co-development zones to enable economic activity to be better distributed on both sides of the border.

- **We are committed to objectify** this problematic on the borders where they intervene, in relation with the authorities and territories concerned.
- **We are committed to support all actors** in the setting-up and in the implementation of these policies.
- **We are committed to support** the setting up of intergroups on cross-border cooperation within national parliaments.

European territories are at the heart of transitions. They are the indicators of crises, but also the resource for overcoming them, and for inventing the Europe of tomorrow.

On the condition that the territories cooperate, vertically from the municipalities to Europe and horizontally across borders.

In cross-border territories the living together and the European citizenship are built.

This is where the cohesion of Europe is at stake!

⁷ Cross-border Strategic Committee on observation (CST), Memorandum for a European Network for Cross-border Monitoring (BBSR), Brochure "France-Germany cross-border observation at the heart of Europe":

http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/EN_crossborder_fr_de_observation_2019.pdf

6.2 Do you have any publications about border obstacles that might be relevant to this consultation? These may include written positions of your organisation.

- EN - Thematic guides "The energy transition and cross-border cooperation" (2019): http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/Cahiers/MOT_Guide_10_EN.pdf
FR - Cahiers thématiques « Transition énergétique et coopération transfrontalière » (2019) : http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/Cahiers/Cahiers_de_la_Mot_10_FR.pdf
- EN - Brochure "Cross-border territories: Europe's laboratory" (2017): http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/EN_brochure_cb_territories_MOT.pdf
FR Brochure « Les territoires transfrontaliers : La fabrique de l'Europe » (2017) : http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/Europe/Positions_MOT/Position_post2020_FR_brochure_territoires_tf_MOT.pdf
- EN - Position of MOT – questionnaire "Revision of the Territorial - Agenda 2020 of the EU Agenda territorial" (2020) http://www.espaces-transfrontaliers.org/fileadmin/user_upload/documents/Documents_MOT/Europe/Positions_MOT/EN_CONTRIBUTION_MOT_questionnaire_Territorial_Agenda_2020.pdf
- FR - Rapport of the MOT « La crise du Covid-19 aux frontières françaises » (2020) (translation: "The crisis of Covid-19 at French borders"): <http://www.espaces-transfrontaliers.org/actualites/news/news/show/publication-de-la-mot-la-crise-du-covid-19-aux-frontieres-francaises/>



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