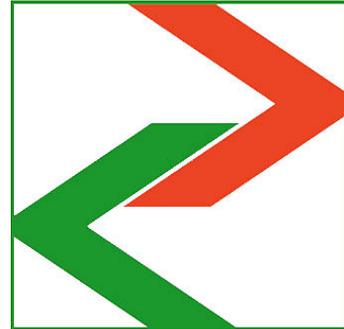


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STATEMENT

on the

PROPOSAL FOR A

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL**

**on specific provisions for the support from the European Regional
Development Fund to
the European territorial cooperation goal**

{SEC(2011) 1138 final}

{SEC(2011) 1139 final}

4 November 2011

1. General

The Association of European Border Regions (AEBR) welcomes the proposal of the EU-Commission for a regulation with special provisions for strengthening the goal “European Territorial Cooperation” in the framework of the ERDF.

The AEBR appreciates especially the permanent dialogue with the European Parliament, the European Commission, and the Committee of the Regions, established in 2007. Over this long period there were intensive discussions about the possibilities to improve territorial cooperation, especially the cross-border cooperation. Based on these discussions, the AEBR could **submit practical oriented and concrete recommendations and proposals** that – as well as the evaluation of the INTERREG III programmes – were adopted in several points in the proposal for the new regulation.

The AEBR underlines the substantial **contribution** of cross-border cooperation to **territorial integration and territorial cohesion (cement of the European house)** as well as the high European, political, institutional, economical and socio-cultural **added value** it creates.

According to the Lisbon Treaty border regions belong to especially disadvantaged areas. Consequential funding for **all border regions** has to be continued. Moreover, a **separate regulation** is still necessary, as the programmes affect more than one member state and for those special provisions are needed to achieve the targeted results. Some of the present **weaknesses** of the cross-border programmes (see Barca Report, INTERREG ex-post evaluation as well as several statements of the AEBR) are due to an often lacking bottom-up approach and overall strategic framework, too many priority topics, insufficient real cross-border character of projects, a not defined joint eligibility as well as the description of the management, and the participation of the stakeholders that needs improvement. In addition, improvements and simplifications in the programme implementation and monitoring are necessary.

The proposal for the **new regulation** takes up many of these points and offers **several improvements** as well as **practical oriented formulations**. They concern especially the need for specific provisions, more coordination and strategic focus, concentration on a limited number of priorities, better linking to convergence and competitiveness, as well as harmonisation and simplification of applicable rules.

However, the following **important aspects were not taken into consideration** up to now:

- Rules for **more decentralisation** of the INTERREG A programmes (see Barca Report, INTERREG evaluation, and proposals of the AEBR for operational programmes with mainly autonomous sub-programmes (see additional document to this one)).
- Allocation of EU-funds not first to the member states, but directly to the cross-border programmes (like in 1990 and later repealed on request of the member states).
- Regarding the **Technical Assistance** within individual cross-border programmes, financing of **advice/consultation** (bi- and trilateral, assistance of the AEBR possible) by advanced Euroregions **for less advanced** ones should be allowed in order to close knowledge and capacity gaps or, at least, not let them grow further (e.g. like in the cross-border field of development strategy, healthcare, research/development & innovation, EGTC).

Moreover, it is recommended to mention once again in the **regulation for territorial cooperation** the **investment priorities** listed in **article 5 in the ERDF regulation**. In doing so, while reading possible misunderstandings of the citizens which, according to the EU are as well addressed, could be avoided. Article 6 “investment priorities” in Chapter II is hardly understandable without having the ERDF regulation with the other detailed investment priorities at hand.

2. Remarks/proposals to individual points of the proposal

ad 4. „Effects to the budget“

In principle, **raising the EU-funds** for territorial cooperation is appreciated, particularly the **distribution by percentage** to the individual strands of cooperation and the extra allocation of funds for outermost and sparsely populated regions.

However, it is pointed out that it is about **comparably small funds** and that according to the last INTERREG evaluation **considerably more EU-funds** are necessary to achieve the objectives by using especially the until now hardly utilised cross-border potentials.

The **„Connection Europe Facility for transport, energy and ICT“** will be supported if it is **linked with** the objectives of **TEN** that are focussing on cross-border links (especially realisation of border crossings). But it has to be not only about transeuropean links, within the transport network also **regional connections** have to be fostered. Otherwise border areas will become only transit zones without profiting the advantages for mobilisation and labour market by improved regional transport connections (to the transeuropean networks).

ad 5. „Summary of the contents of the regulation“

The general approach for a better **strategic focus** of the programmes, the **results orientation**, the **intended thematic concentration** as well as the funding of **genuinely joint operations** are welcomed.

However, in thematic concentration **sufficient flexibility** has to be ensured to meet especially the **regional specificities** in cross-border cooperation and to allow the up to now missing **bottom-up approach**.

The formulation in the summary (...) *“The proposal sets out the financial resources available for each strand and the criteria for their allocation to Member States”* (...) is difficult to harmonise with article 25 [(...) *„payment to a joint bank account without national sub-accounts“* (...)].

Transferring **financial resources for cooperation activities at the external borders** in connection with the European Neighbourhood and Partnership Instrument and the instrument for Pre-Accession Assistance is necessary and right. But it has to be kept in mind that this was originally closely linked with the request of the European Parliament and the European Commission that it has to happen following the **rules and positive experiences of INTERREG**. This could **not be achieved** to date and needs immediate improvement, particularly as regards genuinely joint programmes and projects, a genuinely joint bank account (that is not split up any more), involvement of the regional/local level and the stakeholders of both sides of the border as well as the joint and simultaneous decision on projects and their respective financing and implementation.

A **separate regulation** like the one for territorial cooperation would be **necessary** as the general regulations for these two instruments (ENPI and IPA) are containing many rather foreign policy elements. Such a separate regulation is not foreseen until now. The European Parliament and the Committee of the Regions, particularly the two regional policy Committees, should hitherto take more care of this issue. Regions at the external borders may not run the risk to be treated inferior as the regions at the internal borders in the field of territorial cooperation.

Pointing out possible **overlapping of macro regions, sea-basins and transnational programme areas** is emphatically favoured.

Besides all necessary support to **coastal regions** it has to be taken into account that in total (taking into account the programmes for territorial cooperation and ENPI) they already have **more funding possibilities** at their disposal as border **regions along land borders**.

The **simplification of the implementation modalities** with a detailed definition of tasks and responsibilities, joint indicators, harmonisation of rules with eligibility rules and the joint approach for carrying out management verifications and audits corresponds to the numerous proposals and requests, also from the AEER, in different hearings and consultations.

However, the AEER points out that these **improvements** especially concern the **programme level**. For the **implementation at project level**, in the individual programmes for cross-border cooperation clear arrangements regarding joint eligibility (which can be very different on national level, e.g. real estate, automobiles, etc.), project selection, audit periods have to be made as well.

This should be a **precondition for an approval of every programme**. Even better would be the **conclusion of an INTERREG agreement** per programme, regulating all these issues and being obligatory signed by all partners before the start of the programme.

ad (9)

A potential **adaption of the programme areas** to the needs is going to be supported, also the possibility to enlarge the **number of programmes**. This could enhance the desired bottom-up approach, and also offer regions in border triangles the chance of having autonomous programmes.

ad (16)

The **limitation of the thematic objectives** should be handled with flexibility enough corresponding to the respective conditions of a cross-border region (prerequisite is a comprehensible justification).

As the last INTERREG evaluation has revealed, **soft measures like “people to people” projects or small project funds are creating verifiable cross-border added value**. They support the cooperation in legal and administrative subjects as well as between citizens and institutions. In doing so, they become the motor of cooperation in questions related to economy, labour-market, research/development & innovation, etc.

If only a **limited number** of thematic objectives remains possible – instead an own priority axis for **“people to people” actions** – it should be possible to implement such actions within every priority axis. They can be merged as **horizontal task** of the programme in **small project funds**.

ad (25)

Joint eligibility rules have to be **obligatory** to avoid unnecessary and long-lasting arguments. It cannot be that in a project some things are eligible on one side of the border and on the other side not. In the Dutch/German border area, the Benelux-area and along the Upper Rhine between France/Germany/Switzerland this is possible for nearly 20 years despite very different national regulations. This is defined in an INTERREG agreement.

ad (29)

A **pro-active role of the secretariat** (also of an EGTC that ideally can be assigned to this) is emphatically supported.

ad (30-35)

The proposed **rules** (regarding managing authority, audit authority, liability, etc.) are going to bring **substantial improvements** and **simplifications** as well as **transparency** in the processes. But the AEBR reserves the right to **comment some points in detail**, as in these issues the response of the individual border regions with their special experiences is very important.

ad article 3

The **NUTS III level has to be kept** linked with some flexibility regarding the eligibility of NUTS III areas that are not directly connected to a border.

The **150 kilometres limit for coastal regions** needs **no enlargement** (see results of the INTERREG evaluation).

ad article 6

The investment priorities of the ERDF regulation should be repeated in this article (for explanation see above).

ad article 11, paragraph 5

It is important that now **all four criteria for a cross-border project** become **obligatory**. Especially **joint financing** of actions is a prerequisite for a real cross-border project.

ad article 23

The proposal to install **one audit authority, and a supporting group of auditors**, will cause substantial progress. But to date the definition of the **audit period** is missing. This is necessary to assure that the project partners will get their pre-financed expenditures within a reliable period (waiting times of more than one year in cases of national directed audits, as the EU-programmes receiving substantially more funds than territorial cooperation are audited first).

ad article 25

Paying to **one single bank account without national sub-accounts** will bring substantial **improvements**.

Even **better** would be to **allocate the funds directly per programme** without detour via the national Member States (see conclusion in chapter 5 “summary”, paragraph 3 of the regulation). That way, the national rates remain as known factor part of possible considerations and decisions

Summary

The proposal for a new and separate regulation for the objective “European Territorial Cooperation” is a great progress, especially in those fields that cross-border cooperation is complicated or real cross-border results are hampered to date.

Until the final adoption, improvements (particularly bottom-up approach, INTERREG agreement) are possible. This statement offers concrete proposals for this.

Points and articles that are not specially mentioned or commented meet approval or are discussed in point 1 “General”.

DECENTRALISATION OF FUTURE INTERREG PROGRAMMES:

OPERATIONAL PROGRAMMES WITH SUB-PROGRAMMES

**(Additional document to the AEBR Statement on the proposed regulation on
the support of the ERDF to the European Territorial Cooperation goal)**

Association of European Border Regions
(AEBR)

5 December 2010

1. General

Aim of this additional paper is to discuss some ideas regarding improving decentralisation for future INTERREG A programmes. If these meet general approval, details like e.g. concrete distribution of tasks, can be further elaborated.

Our proposals are based on best-practice in Europe in the field of cross-border cooperation, which are to a large extent in line with the evaluations of programme A by the DG REGIO.

Both have shown that region-specific, decentralised managed INTERREG A programmes achieve the best cross-border results. With regard to the eligible number of programmes, in INTERREG A the European Commission tends to approve one programme per border, or trilateral programmes.

This causes that since 1990 the programme areas became larger. With the on-going increase of EU-funds for cross-border cooperation, especially in the last 10 years, this caused a decrease of the aimed decentralisation. The national governments more and more appropriate INTERREG A programmes and take decisions often from a national perspective and not from a cross-border point of view.

2. Proposal for solution

The principle “one programme per border” (or trilateral programmes) will be retained. But in the case of a big programme per border, sub-programmes are going to be introduced, especially if this is requested by functional cross-border structures. Also, the sub-programmes receive own funds on the basis of an allocation system defined after programme approval.

One **Managing- and Paying Authority** per programme and border will remain; there should be also only one **Monitoring Committee**. But for each sub-programme independent Steering Committees are going to operate together with a joint secretariat. One of these secretariats will also carry out the work for the Monitoring Committee.

The sub-programmes with Steering Committees have a high degree of independence in the implementation of the sub-programmes up to project selection and approval.

3. Model for a programme with sub-programmes

3.1 programme development and INTERREG agreement

The elaboration of an INTERREG A programme is done by a cross-border partnership, consisting of representatives of the respective national governments and the regional/local level (e.g. Euroregions, etc.). This allows a place-based approach. For the areas covered by the sub-programmes, cross-border programmatic issues with priority measures are going to be developed, which are summarised in the main programme per border. The sub-programmes are oriented on the NUTS III level according to the future guidelines for INTERREG A programmes.

The cross-border partnership acting in the preparatory phase has to elaborate also a strategic framework for the management of the programme with sub-programmes and the finances.

Best practice would be an INTERREG agreement previously signed by all partners regulating all relevant details in order to avoid problems in the programme implementation as it is often the case today.

Main issues of such an agreement are for instance:

- Modalities of an INTERREG A programme also applying to the sub-programmes.
- Specification of common monitoring, selection and control procedures.
- Provision of the co-financing.
- Commitment on a common bank account, to which preferably also the national co-financing has to be transferred, even for the sub-programmes.
- Definition of the liability.
- Right to control the other partners.
- Common eligible measures.
- Obligatory definition and interpretation of a cross-border project.

3.1 Programme structure

- The **Monitoring Committee** is responsible for (to be defined in the INTERREG agreement):
 - the strategic orientation , monitoring and evaluation of the programme,
 - the composition of the programme,
 - the proceedings and frequency of the meetings (proposal: bi-annual meetings),
 - all aspects concerning the procedures in the Monitoring Committee.
- A **Steering-Committee** and a **joint secretariat** carrying out the **operational management** for each **sub-programme**. The Steering-Committee is responsible for:
 - management and implementation of the sub-programme,
 - the final decision on project selection and approval,
 - decisions based on the principle of equality of the partners from both sides of the border (unanimity),
 - the frequency of the meetings (circa every 3 month), depending on the number of ongoing submitted projects (no call for proposals!).
- The common secretariat has to fulfil the following tasks:
 - Administrative support of the Steering Committee and other important infrastructure of the sub-programme.
 - Permanent information and concrete support for potential applicants.
 - Receipt of the projects application and eligibility check.
 - Execution of all administrative tasks connected with submission, selection and approval of the projects.
 - Public relation and publication.

In each sub-programme several working groups are established with representatives of the NGOs, social partners, etc.

SUMMARY OF PROGRAMME MANAGEMENT MODELS	
TYPE 1	TYPE 2
Interreg Partnership for the development and management of programme (regional/local cross-border partnership) comprising regional/local authorities and other authorities/bodies co-financing the programme (eg national-level Member State authorities)	
Interreg Agreement between the partnership members (to be presented to the European Commission)	
Programme(s)	
<i>for each national border or part of a long border</i> One programme With autonomous (in management terms), sub-programmes, each covering a cross-border region	<i>With autonomous (in management terms)</i> sub-programmes, each covering a cross-border region
Operational Management	
<i>for the Programme:</i> a Managing Authority and a joint Secretariat ('secretariat-général') <i>for each sub-programme:</i> <ul style="list-style-type: none"> • a Steering Committee • a joint Secretariat • sectoral working groups, etc, as appropriate 	<i>for each programme:</i> <ul style="list-style-type: none"> • a Steering Committee • a Managing Authority • a joint Secretariat • sectoral working groups, etc., as appropriate
Strategic Management	
A Monitoring Committee for the programme	A Monitoring Committee for each programme
Contact points for the European Commission	
<i>for each programme</i> <ul style="list-style-type: none"> • one authority/body designated as 'Managing Authority' and acting as general/coordinating secretariat for all sub-programmes (could be combined with the 'Paying Authority' and the 'joint secretariat') • one body designated as 'Paying Authority' for the programme • an EU contribution (with distinctive amounts for each sub-programme) payable to a single bank account of the 'Paying Authority' (which is then transferred to separate accounts for each sub-programme) 	<i>for each programme</i> <ul style="list-style-type: none"> • one authority/body designated as 'Managing Authority' (could be combined with the 'Paying Authority' and the 'joint secretariat') • one body designated as 'Paying Authority' for the programme • an EU contribution payable to a single bank account of the 'Paying Authority'

PROGRAMME MANAGEMENT SCHEME FOR A PROGRAMME WITH AUTONOMOUS SUB-PROGRAMMES

