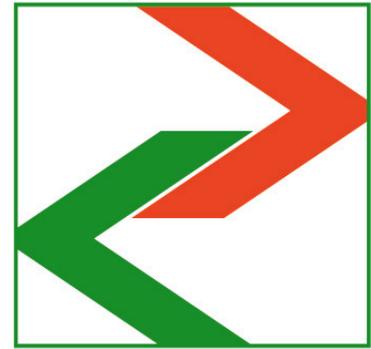


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Association of European Border Regions (AEBR)
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Stowarzyszenie Europejskich Regionów Granicznych (SERG)



Statement on the

questionnaire on

removing obstacles and promoting good practices

on cross-border cooperation

of the Council of Europe

Association of European Border Regions
(AEBR)

13 April 2011

Identification of the respondent

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The questionnaire was sent directly by the Council of Europe.

Nature of the respondent

The Association of European Border Regions (AEBR), founded in 1971, is the only international organisation dealing with regional cross-border cooperation on a European-wide basis. Our more than 100 members are representing more than 200 border and cross-border regions. The members of our partners are regional and local authorities from all member states of the EU as well as from the neighbouring states Moldova, Ukraine Belorussia, and Russia.

Introduction

The questionnaire addresses mainly the border regions themselves. So, the AEBR as platform for the European border and cross-border regions can only answer the questions from a European point of view. The answers are based on decades of intensive cooperation with the members and friends of the AEBR, so that a European comprehensive view is ensured.

This statement is only short and summarising. In the **annex** a well elaborated paper on barriers, problems, measures, etc. as well as proposals/recommendations for solutions can be found.

General remarks:

- Referring to or disputes on competences could avoid any cross-border cooperation.
- Comparing national structures and competences not helpful, as they will not change.
- The famous sentence "(...) regional/local authorities may act in the framework of their national competences (...)" means nothing else than that a cooperation is only possible on the lowest common level. If you replace "competences" by "tasks" this allows another dimension and an overall cooperation becomes possible.

A. Areas for cross-border cooperation

In cross-border cooperation mostly functional areas (based on joint cultural, economic, social, and infrastructural interests) teamed up.

To define the geographical scope for each area of cooperation is not going to create added value to cross-border cooperation. Similar to a national region or town, a cross-border structure

is dealing with all fields of daily life. This is easy within the geographical scope, if it goes beyond that, partners and alliances has to be found in order to deliver reasonable statements or to establish a potential lobby to succeed.

A.1 Mobility and transport

Generally, Euroregions and similar structures have established own working groups, especially in the field of mobility and transport. The focus is on cross-border links on roads, railways and related networks. New considerations are following the practical experiences (along the Dutch-German border and the latest recommendations of TEN of the EU) first to build the border crossings and in doing so raising the pressure to realise the cross-border infrastructure as a whole as soon as possible.

Also public transport exists (e.g. EUREGIO, Berchtesgaden-Salzburger Land, Euregio Scheldemond, Euroregion Neisse-Nisa-Nysa, and the area around Genève (F)).

Who wants to accomplish something in the field of cross-border transport and infrastructure should not focus on individual roads or railways, but has to think and act in networks (and closing gaps in the net) like the ministries do on national level. Otherwise, there will hardly be a chance to realise cross-border links in due time, especially if it is about peripheral and rural border areas.

A.2 Health care

Already years ago, far developed Euroregions or similar structures established working groups in health care, one of the most complicated fields. Cross-border systems in this field are installed especially along Dutch-German border and along the Upper Rhine and in Scandinavia:

- Admission of patients in hospitals in the neighbouring country,
- pilot projects including services from health insurances and recognition of diplomas,
- joint health care facilities (like the projected cross-border hospital Cerdagne, joint blood banks, cross-border treatment of cancer patients),

In the framework of an INTERREG IV A project “EUREGIO II” more than 150 cross-border “best-practice” projects all over Europe have been identified. One of the main problems in cross-border health care is to mobilise the insurances to cooperate.

A.3 Education and training

In mainly all border regions this field is of great importance. The Euroregions are serving as platform to pool the actors and as level for a political lobby if difficulties occur.

A.4 Labour market

Euroregions and similar structures have working groups where employers, trade unions, job centres and educational institutions are cooperating and elaborate proposals for solution and concrete projects.

A.6 Crime prevention and criminal investigation

Within the EU, a far reaching cooperation of the police exists along the borders with exchange of information, joint radio frequencies, and administrative cooperation.

Joint police teams are still an exception; hitherto they are established along the Dutch-German and German-France border.

A.7 Environment

Almost every Euroregion or similar structure has a working group dealing with cross-border problems in this field. The concrete results have to be retrieved in the individual border regions.

A.8 Co-financing EU funds

The rules for co-financing are commonly known. The national governments have to guarantee the co-financing, if they submit programmes to the EU. Problems arise if the national governments are not allocating the already ensured funds, delegate the necessary co-financing exclusively to the regional/local level and contrariwise insist to play a major role in implementing the programmes.

B. Obstacles to cross-border cooperation

There are general obstacles for cross-border cooperation that are not listed in this questionnaire:

1. Geographical barriers like mountains, rivers, seas, and lakes. These barriers cannot always be overcome.
2. Cultural obstacles like language, different mentalities and ways of life, minorities.
3. Social obstacles: Besides the different social systems also different living standards (GDP per capita, income, currency). This especially applies to the new external border and the former external border of the EU with third countries.
4. Infrastructural barriers: Especially peripheral and rural areas are affected if infrastructure like highways, railways, airports, and ports is missing – a precondition for successful cross-border cooperation.
5. Administrative barriers: They will continue to exist because no member state will and can change its well established structures and competences **only** on behalf of border regions. Even if it is wanted, in practice they cannot be overcome. As a state like Poland, the Czech Republic, Germany or Belgium want to harmonise its competences and structures with one neighbouring country that does not mean that this is harmonised with all the other neighbours: So, for the next decade these barriers will remain. The only way

to overcome them is a bilateral/trilateral cooperation in Euroregions and similar structures. There practical solutions can be found, tailored to the respective bilateral situation along a border.

6. Legal obstacles: Here the same applies. They cannot be solved with 3-5 neighbouring countries. Even in federal states like Germany, Belgium or Austria, "Länder", regions or provinces with a legislative power will not succeed, because there is no exclusive competence on their level (e.g. social laws, taxation, etc.).

If "regional diversity" is one of the strengths of the EU, we have to accept and to strengthen this diversity (despite the remaining difficulties). An overall harmonisation is going to destroy this regional diversity and will lead to an overall responsibility of the EU that will not and should not be accepted by the member states. And the citizens will never accept a harmonisation of every detail in their daily life at EU-level. So, we should not waste time and energy trying to harmonise things that does not have to or cannot be harmonised.

The **political will** to overcome the obstacles with practical solutions is **much more important** (see **annex**).

Further domains and obstacles in addition to those listed in the questionnaire can be stated in the field of spatial planning, research & development/innovation, and electronic communication.

Impact assessment of new laws and regulations for border regions could be helpful, but in practice this does not seem to work in a cross-border way. It happens mainly on one side of the border. As explained before, it is impossible to make a prior impact assessment involving all neighbouring countries. If it is stated that a law or regulation has an impact on border regions, it is **more important to allow exceptions** in favour of border regions.

One concrete example: National ministers met in Brussels and decided that cross-border vocational training should be favoured. The same ministers did not adapt the respective national law in their countries regarding the financial support of vocational training in other countries. So, vocational training is limited to the national territory and not applicable for cross-border training.

Interdepartmental coordination of policy actions and policy planning would be useful in the fields of spatial planning, the better coordination of infrastructural and the respective financial plans.

Changing the attribution of competences and responsibilities makes no sense, as it is not possible in practice (see above).

In all types of cross-border cooperation obstacles can be overcome by a bilateral cooperation from the very beginning. That is the only way to develop joint documents, solutions, etc., where the problems caused by different laws, competences, structures, mentalities, etc. are already taken into account or eliminated. The levels of competence on mutual side of the border are not important.

The cooperation takes place on the level of Euroregions or similar structures. They involve in a formal or informal way all actors and different levels on both sides of the border, look for joint solutions and take joint decisions. These decisions are going to be implemented on both sides

of the border within the existing national competences and structures. There is no other way to implement cross-border recommendations, improvements or decisions.

The EU-level should remain limited to the responsibilities given to the EU in the Lisbon Treaty.

Obstacles that can be removed by international cooperation are especially:

- Rescue services,
- Disaster prevention,
- Water protection
- Legal forms of cross-border cooperation (Euroregions and similar structures working in an EGTC or based on the Madrid Outline Convention),

In 1984 the Council of Europe presented a report of a Swiss rapporteur which highlighted the basic elements of successful cross-border cooperation that are still valid today:

- involvement of all citizens from both sides of the border,
- involvement of all politicians (European, national, regional, and local) from both sides of the border,
- involvement of all stakeholders, NGO's, etc. from both sides of the border,
- joint cross-border structure, joint decision making body, joint secretariat, and joint funding.

(See **annex**: "Working structure of a Euroregion or similar structure". This paper includes also the tasks that can be implemented through a joint cross-border structure. All this is possible, if the term "competence" is avoided and instead the term "tasks" is used).

Euroregions and similar structures have proved that they can overcome barriers/difficulties in partnership with national authorities (external partnership) as well as with stakeholders and NGO's in a cross-border region (internal partnership) (Scandinavian countries, especially Oresund, along the Upper Rhine, B/NL, NL/D, PL/CZ/D, and AU/D. That corresponds to the evaluation of all INTERREG programmes that stated that the best programmes are implemented in these areas).

It should be up to each cross-border structure in which way it want to work: a high-level committee, an ad-hoc person, etc.

Regional/local democracy, a major and successful task of the Council of Europe, is closely connected with successful cross-border cooperation (the decentralised level is the best one and delivering the best results). But regional/local democracy is lacking especially in some new member states and the neighbouring countries of the EU and affects cross-border cooperation in these areas.

As pointed out before, from the AEBR's point of view it makes sense to work within functional areas and to look for suitable partners, if a problem is affecting more than only their territory.

A proactive measure is a decentralised cross-border development strategy for a Euroregion or similar structure. It has proved to be the most important instrument for sustainable and successful cross-border cooperation. Unfortunately, it exists only in some areas like along the Upper Rhine, the Dutch-German and the Dutch-Belgian border and in the Oresund. That is why

the AEBR helps to implement the ESPON-project “ULYSSES” that is dealing with decentralised cross-border spatial development concepts all over Europe.

Regarding joint decision making it is referred to the points mentioned above.

It is recommended that in the future the Council of Europe should use it's already for decades existing knowledge (e.g. several conferences on cross-border cooperation, two guides to cross-border cooperation, showing obstacles and offering solutions on this). This will offer the opportunity to develop questionnaires focussing even more on the needs and expectations of the partners addressed.

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