



Governance and cross-border co-operation

Speech

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1. NECESSITY OF A „NEW GOVERNANCE“

When speaking about „**new governance**“ in the EU, i.e. about a form of governance and management that is appropriate for the enlarged EU and that complies with the new constitution, it means that there must be something “old” that isn’t appropriate anymore. It has overwhelmingly been spoken about „top-down“- or „bottom-up“-systems so far. Apparently, these both systems alone are no more sufficient.

The process of globalisation, enlargement of the EU and the new European Constitutional Treaty are named as reasons for the „new governance“. In particular the new constitution envisages on the one hand clearly divided competences between the European, national and regional / local levels and on the other hand mixed competences. The latter ones are not easily to handle.

I'd like to add that with its genuine implementation of the principles of partnership and subsidiarity the networking taking place throughout Europe makes this new kind of governance necessary. Primarily the cross-border co-operation, but also the interregional and transnational co-operation does only work if administrative levels with different structures and competences co-operate across the borders. This co-operation became ordinary as it not only goes beyond the exchange of experiences but it also genuinely takes place. It's no more a matter of the national foreign policy but of the European domestic policy. There isn't no more the question “if we should co-operate” but just “how we can co-operate”.

Accordingly, a new form of governance has generally become necessary in the EU, in particular in connection with the decentralised implementation of EU programmes with due regard for partnership and subsidiarity. The EU regards the question of governance primarily in the context of the implementation of its programmes. I think however that it in general goes about the question, how the different levels will interact in the future.

2. CROSS-BORDER CO-OPERATION – TOUCHSTONE OF THE EUROPEAN INTEGRATION

In fact only states become members of the EU. Therefore, the EU implements its programmes and effects the payments through the member states. They are liable to the EU. Accordingly, when decentralising something national, the state must be certain that up from the bottom, i.e. on the regional / local level the liability is warranted. In the case of cross-border co-operation this mostly requires a legal form of the respective structure.

The subject „governance and cross-border co-operation“ includes a totally different element as well as the cross-border co-operation substantially contributes to the European integration, to implementing the Lisbon Strategy and brings the EU policies closer to the

people. On the other hand, cross-border co-operation usually doesn't represent a national priority (confirmed by a letter of the Dutch minister of interior). Therefore, it constitutes above all a European task and a political objective of the EU. The functioning of the European integration is of great interest for the EU. It requires however a successful integration on the borders. The failure of the integration on the borders, where it's of crucial interest, would bring at risk the overall integration of the EU.

For that reason cross-border co-operation represents one of the three European priorities (territorial co-operation) considered in the new EU regulations on cohesion and regional policy and has become an integral part of the European Constitution Treaty (III – 220).

3. NEW QUALITY OF CROSS-BORDER CO-OPERATION

Cross-border co-operation must come up to this European priority through:

- Its methods of work („governance“) and
- Its contents and results (improved programmes and projects).

Methods of work

3.1 Diversity in Europe and its consequences for the cross-border co-operation

The regional diversity in Europe is regarded as richness. Richness should be cared for and should be increased. But this diversity has also led to very different laws, systems, structures and competences in all member states. They will persist over the next centuries and will come up against one another on the borders, because neither the member states nor particularly the citizens want, that the EU „everything harmonises“. Furthermore, this would lead to the lost of diversity.

The EU is not able to solve the problem of the different structures and competences. Neither the state can solve it, as it mostly has several neighbours. Harmonising something with a neighbour by far doesn't mean that the remaining neighbours can accept it as well. But the state can't pass five different bills, regulations etc. with regard to just one matter only for the aim of harmonising with all neighbours. On the other hand no state would modify its competences and structures just because of the border regions.

Accordingly, we must be aware that only the bilateral / trilateral co-operation at the regional / local level across the borders provides the practical opportunity for acting as an equalizing and stimulating level between these different competences and structures. Hereby, co-operation structures as Euroregions and similar structures are appropriate. They proved that they apply the best methods across the border.

Accordingly, we have to remind us, what does the cross-border co-operation mean:

Co-operation of neighbour regions along a border covering all actors in all areas of

the daily life.

The above-mentioned definition means that at all levels: national, regional and local cross-border acting is necessary. This in turn requires a co-ordinated and concerted action of all levels, as otherwise conflicts with regard to competence are unavoidable.

3.2 Current forms of cross-border co-operation

There are different forms of cross-border co-operation:

- national / regional: primarily through government and regional development commissions (mostly recommendations and proposals, but no binding decisions),
- regional / local: through Euregios and similar structures, which work very precisely with decision mechanisms that are binding for their members (but not for outsiders).

In few cases the regional / local co-operation takes place under public law, but mostly it is rooted not in the public (but in the private) law.

Furthermore, it's important to distinguish between the acting as border and as cross-border region.

A border region co-operates in individual cases and mostly when co-operation is required.

A cross-border region acts consistently and long-term. Its sole task is the cross-border co-operation that must be successfully pursued by the region. Otherwise the region would become redundant. The work is based on long-term joint strategies including analysis of the strengths and weaknesses. Consequently, fields of action and projects are developed (the community initiative INTERREG copied this concept from the cross-border regions existing long before and not vice versa).

3.3 Regional / local co-operation most successful as far

Cross-border co-operation at regional / local level has been the most successful form of co-operation including the socio-cultural as well as the economic co-operation so far. It forms the most intensive network beyond the borders. EU-programmes are important, but they primarily conduce to the achievement of the aims of the own strategy.

Why is the regional / local level the most successful one?

Because it ensures four basic elements of successful co-operation:

- Citizens' participation,
- Involvement of politicians (at the European, national, regional and local level): because everyone who is engaged in politics, needs politicians,
- Partnership inwards and outwards,
- Cross-border structures and ensurance of own funds (organisation not as the end in itself, but due to the considerable diversity of cross-border tasks they have to be

handled by one body and nobody can handle them better).

Why no other body beside the cross-border region / structure can handle these tasks more efficiently?

- “From morning to night“ they solely act across the border.
- They maintain a particularly intensive partnership inwards and outwards.
- Problems can be identified and solved in the preliminary stages already.
- Psychological barriers are eliminated.
- Agreements in the preliminary stages lead to joint acceptable proposals: legal and other problems are “so to say resected“.
- There is no national proposal, which must be forwarded to the neighbours for approval (what usually leads to time consuming and controversial comments without a genuinely joint proposal and decision).

Due to own experiences with the SWGs and this RFO all participants of this conference understand, why joint co-operation from the beginning on is more successful than in the case someone makes a proposal and the partners comment on it.

3.4 Euroregions / Euregios and similar structures

Euroregions etc. don't form an additional administrative level, but they are driving forces and a focal point for all cross-border relationships. They ensure a **vertical and horizontal partnership**, whilst the cross-border partnership is the most difficult field at all as it requires at first nationally the realisation of a vertical partnership between the European, national, regional and local level on both sides of the borders! And then, the whole has to be linked in a cross-border way.

By doing so, it can be very quickly realised that on both sides of the border competencies and structures don't match with each other. Therefore, an equalising level is necessary, which has been only by Euroregions successfully realised as far. Because they are the cross-border “roof”, which is equally staffed independently from size and inhabitants on both sides of the border. This cross-border roof is based on national associations or special purpose associations according to public law. These communities implement the decisions taken by the cross-border Euroregions etc. on the nationally usual way in co-operation with the authorities, which do already have the necessary competency. Only in this way, conflicts with regard to competence in cross-border co-operation can be avoided.

In addition, internal and external partnership is realised.

The Partnership outwards means the co-operation with the state, which for legal, political and financial reasons ensures the functioning of the whole. But the state can safely leave the cross-border co-operation to the regional / local level or a Euroregion, which forms the

most appropriate level. Because the state has always “one or more feet in the door”:

- The national programmes and plans on both sides of the border have to be considered,
- Co-financing is needed,
- Supervision and control are necessary.

In this way the state has considerable influence on the cross-border co-operation of the regional / local level.

The partnership inwards means the mobilisation of all social partners (chambers, associations, unions, employers, culture organisations, tourism associations etc.). The task of the Euregios etc. is to engage these partners and apply their knowledge for cross-border co-operation and not to establish a huge administration. Furthermore, the Euroregions etc. are responsible for joint development of programmes and projects with these partners and for the fundraising. A Euregio or a similar structure shouldn't appropriate the competences of the partners from the region. Because then conflicts with regard to the competence are unavoidable. Furthermore, it is by far less expensive and better to use the knowledge available on both sides of the border and by doing so to create a sound base for cross-border co-operation within the population.

Euroregions don't solely form a service point for their members and all institutions on both sides of the border. It would be good, if also national governments etc. used this service point and its knowledge.

Highly recommended would be as well a EU-legal instrument for decentralized cross-border co-operation guaranteeing co-operation at any time, in any place and on any subject.

EUROREGIONS

Organisation

- amalgamation of regional and local authorities from both sides of the national border, sometimes with a parliamentary assembly;
- cross-border organisations with a permanent secretariat and experts and administrative staff;
- according to private law based on national associations or foundations from both sides of the border according to the respective public law;
- according to public law based on international treaties which also regulate the membership of regional authorities.

Method of working

- development and strategic-oriented co-operation, no measures based on individual cases,
- always cross-border-oriented, not as national border region, no new administrative level,
- hub for cross-border relations; citizens, politicians, institutions, economy, social partners, organisers of cultural events etc.,
- balancing between different structures and powers on both sides of the border and with regard to psychological issues,
- partnership co-operation, vertically (European, governmental, regional, local) as well as horizontally beyond the border
- implementation of cross-border decisions at national level and according to procedures applicable on both sides of the border (avoidance of competence and structural power conflicts),
- cross-border participation of citizens, institutions and social partners in programmes, projects and decision-making processes,
- direct initiatives and the use of own resources as preconditions for help and support of third parties,

Content of cross-border co-operation

- definition of fields of action according to joint interests (e.g. infrastructure, economy, culture),
- co-operation in all areas of life: living, work, leisure time, culture etc.,
- equal emphasis on social-cultural co-operation as on economic-infrastructure co-operation,
- implementation of treaties and agreements and concluded at European level between countries to achieve cross-border practice,
- advice, assistance and co-ordination of cross-border co-operation, particularly in the following fields:

Economic development
 Transport and traffic
 Regional development
 Environmental protection
 and nature conservation
 Culture and sports
 Health affairs
 Energy
 Communications

Tourism and leisure
 Agricultural development
 Innovation and technology transfer
 Schools and education

Social co-operation
 Emergency services and disaster prevention
 Waste disposal
 and Public security.

Contents:

3.5 Cross-border quality of the previous EU-programmes and projects

As the content criticism aimed at INTERREG A derives from the fact, that generally programmes and criteria are good, but considerable weaknesses emerged with regard to the implementation (primarily with reference to the genuine cross-border character of the programmes, structures, funds and projects) additional qualitative criteria (with multipliers) seem urgently necessary:

- Quality of the long-term integrated programmes, i.e. common analysis of strengths and weaknesses as well as joint fields for action etc. and cross-border character of the programmes,
- Involvement of all regional and local, public and private actors from both sides of the border (in development of the programme and the projects; participation in Monitoring / Steering Committee is not necessary),
- Impacts on the labour market, the economic structure and the advantage of the location,
- Links (not dependence on!) to national support programmes and to European aims,
- Joint cross-border criteria and indicators as well as definition of the common eligibility.

Furthermore, it showed during the development and implementation of INTERREG-programmes that:

- Multilateral and / or large programmes covering several borders or a long border section aren't very efficient nor successful:
(How in large programmes decisions can reasonably and jointly be made (e.g. North Italy/ Austria with the Alps and North Italy / Slovenia with the coastal regions)?
- One programme per border with sub-programmes causes too much bureaucracy.

3.6 Requirements with regard to the EU-programmes 2007-2013

The improvement of the implementation of INTERREG A after 2007 requires the abandonment of often not necessary and restricting detailed formulations in an EU-communication on cross-border co-operation. Rather, important preconditions shouldn't be only named by the EU-Commission (as in the past), but to some degree the Commission should also define them:

- A genuine cross-border programme with genuine joint costs projection and budget plan,
- Responsibility of genuine joint co-operation structures,
- Genuine joint bank account for the EU-funds (without ex post division in national sub-

accounts) and if possible also for the national co-financing, as only in this way „automatically“ genuine cross-border projects are guaranteed,

- Cross-border project, e.g. involvement of partners from both sides of the border: in the content work, in the organisation, with regard to the staff and primarily with regard to the financing,
- Allocation of funds per border / per programme and not per member state.

Consequently, „governance“ and „cross-border co-operation“ are closely linked to each other. Others could surely benefit from the methods of work and contents applied in the cross-border co-operation.