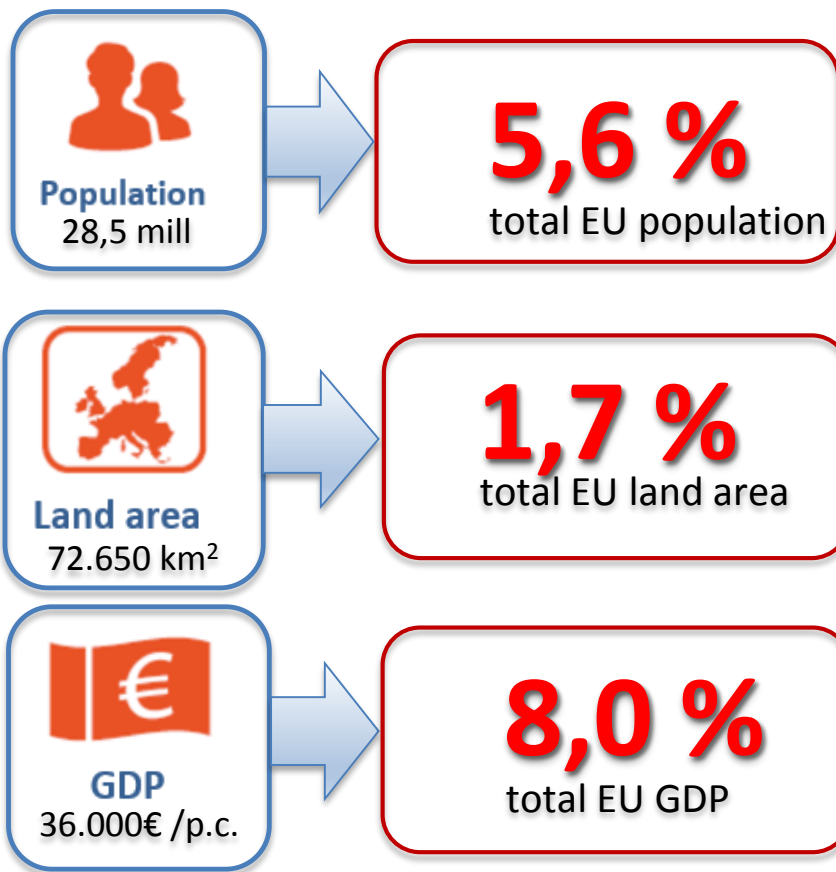




Benelux framework





Benelux framework



3 THEMES

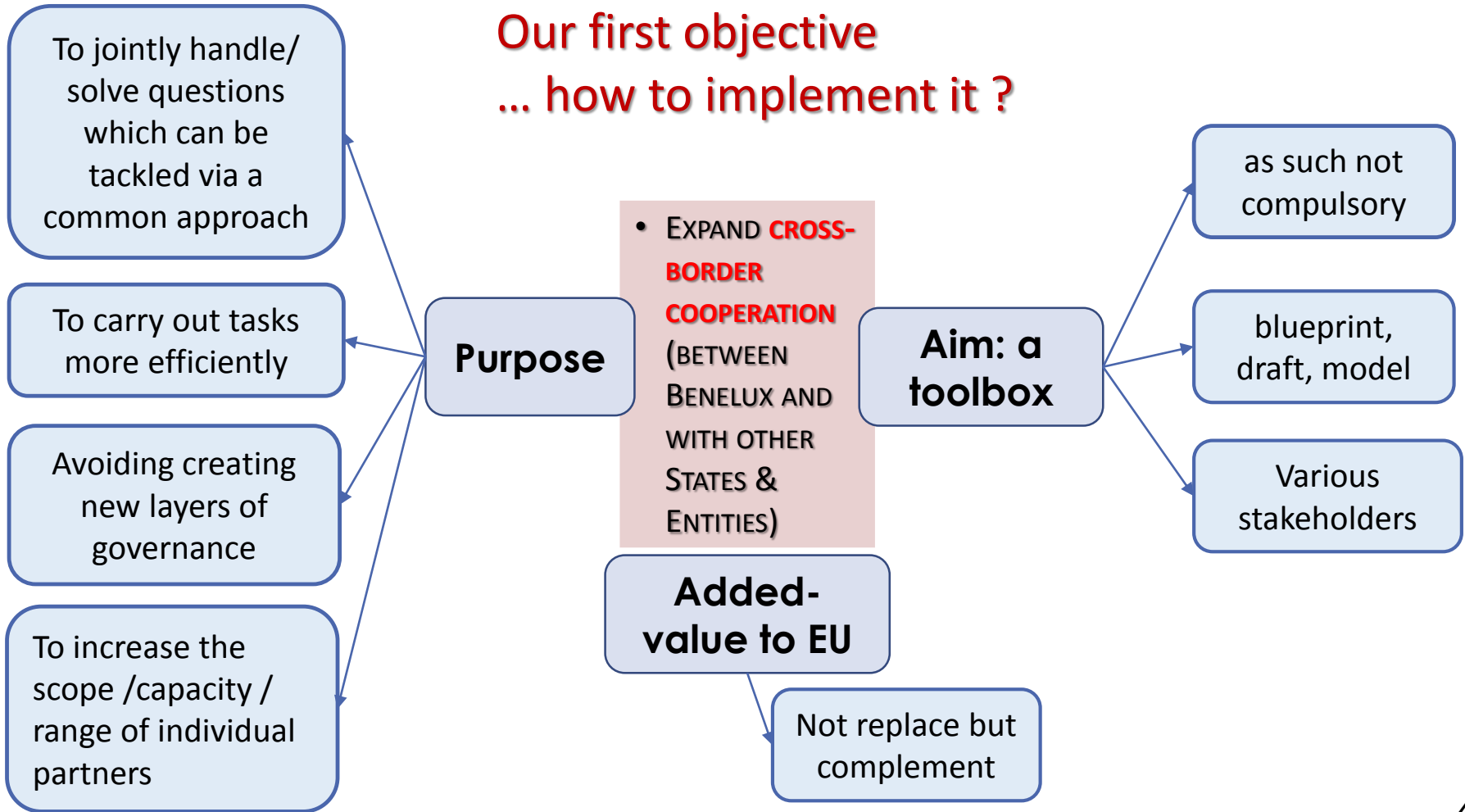
- INTERNAL MARKET & ECONOMIC UNION
- SUSTAINABLE DEVELOPMENT
- SECURITY (JUSTICE & HOME AFFAIRS)

2 OBJECTIVES

- EXPAND **CROSS-BORDER COOPERATION** (BETWEEN BENELUX AND WITH OTHER STATES & ENTITIES)
- PURSUE & DEEPEN BENELUX COOPERATION AS **LABORATORY** WITHIN THE EU

Art. 350 TFEU

Our first objective ... how to implement it ?



As to the legal Framework for Trans-border Cooperation

The toolbox: **BENELUX UNION** has put in place **a set of instruments**

- ✓ Base: the BENELUX treaty (note: *538 decisions adopted at ministerial level since 1958*)
- ✓ In most cases framework agreements
- ✓ Relying (if necessary) on the (existing) institutional framework
- ✓ Supported by the expertise of the Benelux Secretariat general
- ✓ Some allowing for legally binding decisions (without parliamentary ratification)
- ✓ With little bureaucratic red tape to formalise
- ✓ And very flexible: bottom-up or top-down approach
- ✓ ... of various nature :
 - (1) based on the treaty on cross-border and interterritorial cooperation
 - (2) based on specific instruments



(1)

From 1986 to 2014 :

The Benelux Convention on Trans-border and Inter-territorial Cooperation

- ✓ Three possible forms of cooperation (administrative agreement, common body, BGTC)
- ✓ A flexible and easy setting-up of cooperation (without prior authorisation of central government/no need to appoint a director)
- ✓ A wide range of possible cooperations (culture, healthcare, police, crisis-management ..) that are important and/or have a direct impact on citizens
- ✓ For municipal and territorial authorities, central and federal entities as well as others, like civil society actors
- ✓ Possibility of cooperation with the 3 neighbouring countries of the Benelux (Germany, France, United Kingdom)



(a) The lightest form: the **Administrative Agreement**

- Agree through a written document who shall assume which tasks in the execution of cross-border projects,
- Legally speaking: a contract between local or territorial entities, with cross-border aspects
- Examples :
 - **Assistance Agreement** Baarle Nassau and Hoogstraten
 - **Joint Waste Facility** Baarle
 - **Disaster Management** Scheldemonde
 - **Joint Fire Fighting** Lanaken
 - **Library cooperation** Baarle
 - **Provincial road diversion** Baarle
 - **Joint Water management** Rambrouch - Martelange
 - Other examples include among others: the construction of a cross-border **bicycle path**, common cross-border **environmental impact measurement, drainage, ...**



(b) The intermediate form: a **Common body**

- A forum or organ (with a General Assembly and an Executive Board) is set up to allow for cross-border consultations, to serve the purpose of exchanging information and practices, making proposals, bringing people or experts together or launching studies of common interest
- Agree through a written document who shall assume which tasks in the execution of cross-border projects
- No legal personality and no binding decisions
- Examples :
 - **Cross-border consultation** Zeeuwsch-Oost-Vlaanderen (2 NL + 3 BE municipalities)
 - **Regional park** Kempen-Zeeland (1 NL + 3 BE municipalities)
 - **Cross-border Common Body** Baarle (1 NL+ 3 BE municipalities)
 - **Euregio** Scheldemond (1 NL + 2 BE provinces)

(c) The most comprehensive form: the BGTS
(Benelux Grouping of territorial cooperation)

- The grouping – public body – has legal personality and within this cooperation decisions can be taken that are binding for participating entities and citizens
- The BGTS can manage financial resources and hire personnel, and has a great flexibility as regards the location of its headquarter
- Examples:
 - **BENEGO** (14 NL + 12 BE municipalities) : cooperation on **general issues** with various projects (ambulance, disaster-assistance & cultural projects)
 - **Joint Senior Care** (1 NL and 3 BE municipalities)
 - **Muziekacademie “De Noorderkempen”** (1 NL + 6 BE municipalities)
 - **Kanaalzone** (1 NL + 3 BE municipalities) : management of cross-border **port area**
 - **Groote Heide** (4 NL + 2 BE municipalities): management of cross-border **nature park**

(2)

Specific instrument: spill-over effect

Decision “ALBERTKNOOP” - M(2017)15
*Reduction of noise pollution from companies
established in the cross-border industrial zone*

- ✓ Based on a treaty on the protection of nature and landscapes
- ✓ in order to deal with **local circumstances**, i.e. to make arrangements that do not concern the three countries as a whole, but **only a part of two of the three countries**
- ✓ Commitment to apply specific conditions (“inward noise zoning”) to realize a commonly determined goal
- ✓ Model to tackle similar challenges in other border areas

Based on the same legal base:

- ✓ Decisions “groundwater extraction” adopted to deal with regulatory differences along the border between BE and NL and BE and LU



(2)

Specific instrument: triggering effect

“Ambulance” Decisions - M(2009)8 and M(2012)5
*Urgent cross-border ambulance transport
between BE and NL, resp. BE and LU*

- ✓ Difference in legislation had to be dealt with, ex: use of priority signals, driving licenses, legislative requirements, ...
- ✓ Allowed for further decisions, for instance Grad: transport for organ transplantation (decision M(2016)8 complementing the existing decision M(2012)5)

Other interesting instruments

- Some are particularly relevant for border regions even though they apply to the three Benelux countries as a whole
- Some instruments are meant to pave the way for (treaty-based) cooperation with (neighbouring) EU member-states (cf. [Schengen](#))
 - ✓ Decision on the [mutual automatic recognition of higher education diplomas](#); and ongoing negotiations relating to professional qualifications,
 - ✓ The [Police cooperation treaty](#) (Senningen Police treaty 2004),
 - ✓ The Treaty of Liège authorising cross-border cooperation and controls relating to [road freight inspections](#),
 - ✓ [International \(cross-border\) transport](#) by taxi or rental car,
 - ✓ Integration of [rail passenger services system](#) for domestic and cross border services



Benelux framework

**GRENDOERSCHRIJDEND
SAMENWERKEN IN DE BENELUX**

**LA COOPÉRATION TRANSFRONTALIÈRE
DANS LE BENELUX**

**GRENZÜBERSCHREITENDE
ZUSAMMENARBEIT IN DER BENELUX**

**CROSS-BORDER COOPERATION
IN THE BENELUX**

Benelux
SECRETARIAAT-GENERAAL
SECRETARIAT GÉNÉRAL



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