The BENELUX framework
Benelux framework

Population
28.5 million
5.6% total EU population

Land area
72,650 km²
1.7% total EU land area

GDP
36,000€ per capita
8.0% total EU GDP
**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

**Treaty 2008**

**Art. 350 TFEU**

International Conference
CROSS-BORDER COOPERATION IN EUROPE
25 May 2018 | Dubrovnik, Croatia
Our first objective ... how to implement it?

Aim: a toolbox

- EXPAND CROSS-BORDER COOPERATION (BETWEEN BENELUX AND WITH OTHER STATES & ENTITIES)

Purpose

- To jointly handle/solve questions which can be tackled via a common approach
- To carry out tasks more efficiently
- Avoiding creating new layers of governance
- To increase the scope/capacity/range of individual partners

Added-value to EU

Not replace but complement

as such not compulsory

Various stakeholders

blueprint, draft, model

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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
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** Scheldemond
  - **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
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
Specific instrument: triggering effect


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: 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