

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 270 (2009)¹ Transfrontier co-operation in Europe

1. Transfrontier co-operation between local and regional authorities is an important part of the Council of Europe's work to promote democratic stability and good neighbourliness among states and regions and thus the Organisation's values of democracy, the rule of law, respect for human rights, including minorities' rights, and the safeguard of cultural diversity. It is a key political task for the Council of Europe that needs to be implemented at regional and local level in partnership with the national bodies in each area.

2. Since the Congress' last report on the subject,² the state of transfrontier co-operation in Europe has changed decisively. Efforts towards cross-border co-operation have been intensified considerably; the Committee of Ministers adopted Recommendation Rec(2005)2 on good practices in and reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities; the Matching Opportunities for Regions in Europe (MORE) project was set up to assist local and regional authorities in their transfrontier co-operation; the Parliamentary Assembly of the Council of Europe adopted Recommendation 1829 (2008) on transfrontier co-operation; the Congress launched two euroregions.

3. The face of Europe has evolved over the years. Borders between the European Union member states have come down and, following its enlargement, new European Union external borders have come into being. An increased number of Council of Europe member states are now part of this European Union borderless space but political borders still exist between many others.

4. Organised and implemented by local and regional authorities or communities, transfrontier co-operation is exercised by these organisations, which are closest to the citizens, in full respect of the principles of subsidiarity and partnership. Thanks to this proximity, co-operation is centred around the preoccupations of the communities, citizens and structures in those areas and can deal with the specific issues encountered by border regions.

5. The specific knowledge and competencies of other local actors, such as non-governmental organisations, local businesses, trades unions and other structures, are the foundations for transfrontier co-operation. They contribute to the socio-cultural and economic development of border regions, for example through the setting up of business parks, the exchange of innovative ideas and jointly funded research.

6. Borders can divide areas with a common culture just as they can divide areas with different cultures. Where cultures are different, transfrontier co-operation can bring these

together within border areas giving rise to exchanges between groups with different ethnic, cultural, religious and linguistic backgrounds thus contributing to social and cultural integration, mutual trust and the development of a culture of tolerance which can only be beneficial in the prevention of conflicts.

7. Transfrontier co-operation thus contributes to greater social, economic and territorial cohesion in Europe.

8. Different funding programmes from the European Union, such as the Interreg Programme, the European Neighbourhood and Partnership Instrument (ENPI) and the Instrument for Pre-Accession Assistance (IPA), make an important contribution to the successful implementation of cross-border co-operation programmes.

9. For its part, the Congress is convinced of the contribution transfrontier co-operation can make to European integration, to the economic development of European regions, to strengthening social and territorial cohesion, to promoting the active participation of all citizens, and to intercultural dialogue.

10. Moreover, the Congress notes the successful results of cross-border co-operation programmes and projects which deal with problems specific to border regions, and the long-standing co-operation between other cross-border structures, such as in the Upper Rhine area. The Congress has itself launched its own euroregional initiatives, namely the Adriatic Euroregion and the Black Sea Euroregion. The Congress also notes other transfrontier co-operation initiatives such as the European Union strategy for the development of the Danube regions, and its strategy for the Baltic Sea region.

11. The Congress welcomes the ongoing commitment of the Parliamentary Assembly to transfrontier co-operation (Recommendation 1829 (2008)).

12. Consequently, the Congress invites the Committee of Ministers to:

a. include, in its intergovernmental programme of activities, consideration of the difficulties encountered by border regions in day-to-day affairs which are specific to those regions by virtue of their position at national borders, for example the provision of cross-border health care, the status of transfrontier workers and their social security cover, and emergency response mechanisms;

b. support exchanges between experts and exchange of advice in line with the report's recommendations.

13. The Congress invites the governments of Council of Europe member states to:

a. promote the conclusion of bilateral or trilateral agreements and arrangements, as foreseen in Article 1 of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Outline Convention – ETS No. 106), and provide financial instruments conducive to the setting up of transfrontier co-operation projects;

b. support the setting up of legal entities, based on international law, between regional and local government authorities in border regions; such entities can contribute to solving cross-border problems while operating according to the law of their respective countries;

c. support euroregions or similar structures as successful tools for transfrontier co-operation;

d. actively promote transfrontier co-operation and encourage and enable local and regional authorities to enter into agreements where the need arises, in particular by reducing obstacles in accordance with Recommendation Rec(2005)2 of the Committee of Ministers to member states on good practices in and reducing obstacles to transfrontier and inter-territorial co-operation between territorial communities or authorities;

e. work towards generally facilitating border crossing by local citizens, transfrontier workers, business representatives and others who are required to regularly cross borders in their daily activities. This can be done by such measures as, for example, allowing a more flexible allocation of visas (long-term or multiple); visa delivery outside of capital cities (as, for example, is the case in Strasbourg, which is entrusted to issue identity cards and passports thanks to an agreement with the French state authorities); additional checkpoints accessible to people living and working near borders; accelerated customs clearance procedures; or single shared buildings at checkpoints;

f. be aware that issues tackled at national level can take on a specificity of their own at cross-border level (for

example the situation of minorities, provision of health-care services, employment, transport and infrastructure) and, where feasible, formulate national policies in these fields in co-ordination with the local and regional authorities concerned;

g. sign and ratify Protocol No. 3 to the Madrid Outline Convention on euroregional co-operation groupings;

h. guarantee national part-funding of transfrontier co-operation projects.

14. The Congress urges the European ministers responsible for local and regional government, who will meet in Utrecht (Netherlands) in November 2009, to reflect on ways of furthering and supporting transfrontier co-operation through the conclusion of inter-state agreements, the setting up of legal and administrative frameworks and the provision of funding.

15. The Congress requests the European Commission to explore the possibility of implementing joint co-operation between the Council of Europe and the European Union to support transfrontier co-operation projects through the European Union's Interreg Programme, the ENPI and the IPA. This approach should be integrated, from the outset, into the concept of the future territorial cohesion policy.

1. Debated and adopted by the Congress on 13 October 2009, 1st Sitting (see Document CG(17)5, explanatory memorandum presented by K.-H. Lambertz, Belgium (R, SOC), rapporteur)
2. Promoting transfrontier co-operation: an important factor of democratic stability in Europe, rapporteur: H. M. Tschudi, 2002.