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The state of transfrontier co-operation in Europe

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1. Introduction

1. As a European organisation covering almost the whole of the European continent,¹ the Council of Europe has been dealing with cross border co-operation since the mid 60s, in particular spatial development, regional policy and the consolidation of a democratic Europe. The past 40 years have also seen intensive co-operation with the Association of European Border Regions (AEBR), a non governmental association established with the support of the Council of Europe in 1971.

2. Based on 2 Council of Europe texts, the European Charter of Local Self-Government and the Framework Convention for the Protection of National Minorities, the AEBR has drafted a Charter of European Border and Cross Border Regions.²

3. Due to the advancing integration process and the extension of its competencies, the European Union (EU) became politically and financially actively involved in cross border co-operation in the mid 80s.

4. The Council of Europe has contributed substantially to this development thanks in particular to 8 conferences of border regions. In 2002, Hans-Martin TSCHUDI, former Congress rapporteur on transfrontier co-operation, drafted a report entitled "Promoting transfrontier co-operation: an important factor of democratic stability in Europe" and made several recommendations for promoting transfrontier co-operation in Council of Europe member states.³ Compared to Mr Tschudi's report, the added value of a new report in 2008 on cross border co-operation in Europe lies in the following:

- since that time, 12 states, most of them advised by the Council of Europe in the pre-accession phase, acceded to the EU in 2004 and 2007;
- many new internal borders in the new enlarged EU came into being, but so did numerous new external frontiers;
- outside the EU, efforts towards cross border co-operation have been intensified considerably;
- new legal instruments for co-operation are available, be they agreements to be approved and ratified under the second protocol to the Council of Europe European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (Madrid Convention) (see § 3.2.) (although states so inclined may already conclude bilateral agreements in this spirit) or the European Grouping for Territorial Co-operation (EGTC) (also applicable at EU external borders and as a model in non member states);
- the Council of Europe and EU instruments facilitating cross border co-operation have changed decisively.⁴

2. The current state of affairs

2.1. General remarks

5. All these processes have a direct effect on all border/cross border regions on the current internal and external borders of the EU, within the Council of Europe member states (especially in Russia, Ukraine and Moldova but also now in the Caucasus) and beyond (ie Belarus). They have led to a substantial geographic expansion and intensification of cross border co-operation in Europe (see Appendix 1).

¹ Belarus is not a member state and its special guest status has been suspended.

² Charter drafted in 1981, amended in 1995 and 2004.

³ Recommendation 117 (2002) and Resolution 143 (2002).

⁴ Green Paper on Territorial Cohesion Turning territorial diversity into strength, COM(2008)616, 6 October 2008, European Commission.

6. Cross border co-operation is one of the major items on the political agenda in Europe (Council of Europe and EU) for the following reasons⁵:

- it contributes substantially to European integration on all internal and external borders of the EU and beyond;
- within the EU, cross border co-operation represents an indispensable component of European internal policy;
- at the external frontiers of the EU, co-operation must be made possible despite Schengen and visa procedures so as not to imperil the process commenced under the Phare and Tacis programmes;
- in the new EU member states and outside the EU, many new Euroregions and similar structures have emerged and their number is increasing;
- decentralisation, especially in the new EU member states and outside the EU, is the foundation for successful co-operation, but in that respect there is still room for improvement;
- despite an abundance of best practice and applications at European level, a strong tendency towards more centralisation is unfortunately still discernible;
- cross border co-operation is most successful at regional/local level and therefore closely linked to the situation of regional/local democracy in individual countries, particularly in neighbouring states;
- the Council of Europe, with its experience and campaigning on behalf of local/regional democracy, can perform a decisive role in conjunction with its own programmes and especially those of the EU (which has considerably more financial resources) and the Europe wide specialist experience of the AEBR in cross border co-operation;
- cross border co-operation is becoming more and more a political objective within EU policies (with substantial and growing financial resources like EFRE/INTERREG A, but also in other sectoral policies);
- new solutions need to be sought to the new generation of invisible problems and obstacles which has arisen due to the increased mobility on current former internal borders. These problems are due in part to significant differences in tax and social laws, in labour legislation, and so on.

2.2. Terminology

7. In the Council of Europe, a different terminology is used to that in the EU, making understanding more difficult for non EU members especially (eg “transfrontier” instead of “cross border”, “inter-regional/international” and “transnational/trans-European” with a different context).

8. EU definitions⁶ are as follows:

cross border:	co-operation between neighbouring regions along a border (bi-, maximum trilateral);
transnational:	in broader coherent areas between several states (eg Baltic States, Mediterranean);
inter-regional:	exchange of experience and best practice (bilateral between regions over longer distances or networking between several regions).

9. There is also a significantly broader application of the name Euregio/Euroregion by the Council of Europe when initiating new foundations (eg Adriatic Euroregion, Black Sea Euroregion). In the EU, these bodies are called Working Communities (eg ARGE Alp, Arge Donauländer, Arge Alpen Adria, Pyrenees, CTP). There are certainly liberties in the concept, but Euregio/Euroregion is linked with an expectative stance among the active players and the population with a view to concrete cross border results. If this aspiration cannot be fulfilled owing to the lack or the impossibility of direct neighbourly relations, frustration or manifestations of disintegration may result.

⁵ European Regional Policy 2007-2013, Jens Gabbe, Chernivtsi (Ukraine) May 2006.

⁶ See regulations and the “Practical Guide to Cross border Co-operation” published by the EU and the AEBR in 2000 regarding the definition of a Euregio/Euroregion (Appendix 2).

10. Thus, it is strongly recommended to adopt a common terminology in the future to avoid misunderstandings, especially along the external borders of the EU and outside the EU.

2.3. Types of co-operation

11. Experience has shown that the following are the key factors in the development of cross border co-operation⁷:

- joint structures which should only be set up in response to a need for more extensive and deeper co-operation. They are not a first step within the framework of co-operation;
- a practical solution, tailored to a region's needs, which must be sought for each different form of co-operation and often also for every geographical situation.

12. Cross border structures do not constitute an additional administrative level. They are rather a cross border interface or exchange to enhance the cross border efficiency of co-operation between regional/local and national bodies on either side of a border. They implement necessary cross border tasks and take responsibility, while competencies remain with the national states. This is true of all cross border co-operation structures including an EGTC.

13. Efficient and effective co-operation among border regions is often difficult to accomplish. This can be due to different legislative systems and administrative and political structures. It can also be due to different ways of sharing competencies between the various layers of governance (ie local, national and European) operational both within and above the regions co-operating across borders. Cross border co-operation poses even more of a challenge to the partners in complex regions as these consist of a high number of cross border regional entities which are organised differently from a politico-administrative perspective and have a very different cultural and socio-economic structure.

14. Cross border co-operation frequently builds on historical and/or cultural links and often reflects strong common territorial interests that exist in co-operation areas. Today, cross border co-operation between local and regional authorities occurs along the internal borders of the EU (**internal cross border co-operation**) as well as along the external EU borders and along borders between third countries (**external cross border co-operation**) which are internal and external borders of the Council of Europe.

15. The politico-administrative organisation of a state influences the weight of different governance levels in cross border co-operation. In centralised and decentralised unitary countries, the *central governments* might still play a decision-making role in cross border co-operation. In regionalised and federalised states, cross border co-operation unfolds in a *decentralised manner*, ie the decision-making competency in cross border co-operation matters is left to the participant regional and local authorities.⁸

16. In the greater context of decentralised cross border co-operation, one can identify a number of dominant organisational sub-types that exist in practice:

- **ad hoc/on-off cross border activities/project-level** where two or more regions co-operate for specific purposes. This type of co-operation is functional and can cease the moment the problem addressed has been resolved;
- **long-term, strategic and development oriented co-operation.** This type of co-operation is also considered the most sustainable, it can flourish as a result of successful ad hoc cross border activities.

⁷ LACE (Linkage, Assistance and Co-operation for the European Border Regions) "Practical Guide to Cross border Co-operation", published by the EU and AEBR, 2000 and Conference "Network of Complex Border Regions", Eupen April 2008.

⁸ Conference "Network of Complex Border regions", Eupen 2008.

17. In the framework of strategic cross border co-operation, the most common organisational arrangements in practice are “Euroregions” and similar structures (often properly constituted legal entities, multi-purpose, often with extensive capacities), “Working Communities” (based on working agreements, limited capacities) and other formal or informal institutional arrangements set up for the management of INTERREG and other EU programmes, often without a precise legal status and ranging from more or less integrated structures.⁹

- **Euroregions and similar structures** (Appendix 2): these are permanent structures possessing an identity of their own and common task areas assigned to them by their members. They have their own decisional powers, often on a majority basis, as well as their own administrative and technical staff and financial resources.
- **Cross border working communities or government commissions**: in many cases these too are permanent co-operation arrangements although some are limited in time, and are seldom assigned functions of their own. Rather, the members expect to address specific ranges of issues in a cross border context. Work usually proceeds in working groups via delegates representing their respective administrations. Decisional powers, however, are seldom granted to them in their own right, and they also lack specific capabilities or resources as regards administration, technical matters, staff or finance.

18. However, the title of the co-operation structure is not important, at the end of the day, the results achieved are what is important to cross border co-operation.

3. Instruments for co-operation

3.1. General overview

19. Only a short overview can be given here:

- Council of Europe legal instruments (Madrid Convention and its Protocols);
- the EU European Grouping for Territorial Co-operation (EGTC);
- Council of Europe programmes;
- EU funding instruments (INTERREG A, European Neighbourhood and Partnership Instrument (ENPI) and Pre-Accession Instrument (IPA)):
 - EU long-term programmes also operate outside the EU and imply national co-financing over the same period. The rules for the ENPI and IPA should be consistent with those in the EU (genuine joint programmes and projects, common decision-making bodies, joint account, etc).
 - The ENPI is in fact primarily valid for co-operation at the EU’s external frontiers with neighbours but can also be applied to co-operation at borders between two or more non EU states. However, the national governments have to agree and approve resources from the ENPI. There is no additional EU money for the purpose.¹⁰

3.2. Main legal instruments¹¹

20. The elaboration and adoption by the Council of Europe of the **European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities** (ETS 106) (1980), otherwise known as the Madrid Convention, and its First Additional Protocol (ETS 159) (1998) were important steps forward in the process of creating an adequate legal framework for decentralised cross border co-operation. It was a catalyst for a Europe-wide process that consisted of legally “backing” cross border co-operation among regional and local authorities via the conclusion of additional treaties between states.

⁹ LACE “Practical Guide to Cross border Co-operation”, published by the EU and AEBR, 2000 and Cross-Border Cooperation between European Border Regions – Review and Perspectives, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

¹⁰ European Regional Policy 2007-2013, Jens Gabbe, Chernivtsi (Ukraine) May 2006.

¹¹ “Legal status of cross border co-operation structures – past, present and prospects”, Jens Gabbe, Vilnius 2006.

21. After the adoption of the **Madrid Convention** in 1980, a large number of inter-state agreements or treaties on decentralised cross border co-operation were concluded, eg between Austria/Italy; the Treaty of Rome between Italy/France (2000); the Treaty of Bayonne between France/Spain (1995); the “BENELUX Convention” between the Netherlands, Belgium and Luxembourg (1986); the “Karlsruhe Agreement” between Germany, France, Luxemburg and Switzerland (1996); the “Valencia Agreement” between Spain and Portugal (2002); and the “Isselburg-Anholt Agreement” between Germany and the Netherlands (1991).

22. But these agreements have hardly been used for the establishment of co-operation under public law or adequately for the development of cross border structures. The main reason is that the Madrid Convention leaves the states much scope for interpretation when implementing the Convention through bilateral/trilateral agreements, eg as regards the respective provisions on the location, majority situation, management and the tasks.

23. A need has been felt for a clearer uniform legal framework for the setting up and operation of cross border co-operation structures hence the Council of Europe started work on such a framework. Originally planned as a uniform law, the work currently being done at the level of the Committee of experts on local and regional government institutions and co-operation now focuses on a third protocol to the Madrid Convention which contains basic rules governing the setting up, powers, legal capacity and responsibilities of Euroregional Co-operation Groups (EGCs). The basic concept of this draft is that the law of the state in which the body is set up is applicable, subject to the minimum set of rules and guarantees for the setting up and operation of ECGs provided by the protocol.

24. Work on this protocol is on-going and it is expected that the final text will be ready for adoption by the European Committee on Local and Regional Democracy (CDLR) at its meeting in Spring 2009.

25. The European Commission also instituted a new instrument in order to reduce the significant difficulties encountered by member states and, in particular, by regional and local authorities. This new co-operation instrument at Community level is called the **European Grouping for Territorial Co-operation (EGTC)** (2006) or Regulation 1082. An EGTC is a legal entity, created through a convention, and has all related powers and obligations. The member states, regional or local authorities, associations or any other public body can become EGTC members.

3.2.1. Added value of a legal instrument¹²

26. A clear added value for a European legal instrument on co-operation across borders can be determined, because in practice a legal instrument for cross border co-operation means:

- a guarantee that decentralised co-operation can take place in the future at any time, in any place, on any topic and in any form (normally states are not involved with the exception of states without a regional level for example Luxembourg, Slovenia), although the regulation governing EGTCs excludes the exercise of powers conferred by public law or of duties whose object is to safeguard the general interests of the State or of other public authorities, such as police and regulatory powers, justice and foreign policy;
- that co-operation does not depend on changing majorities or opinions at governmental, political and/or administrative level;
- that there is full scope for long-term strategic co-operation;
- that regional and local authorities in joint structures are responsible for the democratic monitoring of the practical implementation of cross border co-operation;
- binding forms of co-operation involving social partners and citizens can be set up;
- joint binding decisions are taken by the co-operating parties, followed by their implementation;

¹² “Legal status of cross border co-operation structures – past, present and prospects”, Jens Gabbe, Vilnius 2006 and “Cross-Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

- that tasks/responsibilities may be delegated to local and/or regional forms of co-operation (the national state has competence at a different level);
- that the basis of co-operation is not the lowest common denominator (each participant can only work within the framework of their respective national authority), instead full co-operation is possible;
- that this full co-operation also includes the management of EU programmes;
- that the decentralisation of EU programmes becomes possible because regional and/or local co-operation structures have a basis in public law and can assume liability and undertake management tasks;
- that a common place of jurisdiction is possible, as are shared headquarters, joint finances and equal authority to appoint and dismiss staff, etc;
- that a structure for co-operation under public law is subject to supervision under that same public law.

27. Amongst other problems such a legal instrument should solve, above all, issues relating to:

- the implementation of sovereign rights on the other side of a border without impinging on national competencies;
- financial liability vis-à-vis external parties (eg national governments and the EU);
- liability vis-à-vis internal partners (liability for joint decisions and understandings);
- a single legal personality and authority to appoint and dismiss staff, of headquarters, place of jurisdiction and so forth.

3.2.2. The Madrid Convention and the EGTC¹³

28. Whilst the EGTC (directly applicable in all EU member states and under certain conditions also on the external borders) solves the issues of the financial liability vis-à-vis external and internal partners as well as legal personality, it has not addressed yet the first important point – the implementation of sovereign rights on the other side of a border without impinging on national competencies.

29. However, this problem has been solved in the Isselburg-Anholt Agreement and the Treaty of Karlsruhe (1996) based on the Madrid Convention. The implementation through bilateral interstate agreements in this case goes beyond the legal framework of “Madrid”. In this way, the Isselburg-Anholt Agreement enables members of a special purpose association to implement **joint decisions on behalf of and under the instruction of** that association or of a member on the other side of the border.

3.3. Council of Europe activities in the field of cross border co-operation

30. Cross border co-operation is an essential feature of the Council of Europe’s activities to promote democratic stability and mutual understanding between nations through enhanced dialogue, joint action and institution-building at local and cross border levels.

31. A detailed description of the Council of Europe sectors having responsibility for cross border co-operation was provided in the 2002 Congress report on transfrontier co-operation mentioned above. Since that time, the Committee of Advisers, set up in 1995 by the Committee of Ministers to provide guidance and advice to the Secretariat in planning and implementing activities aimed at promoting transfrontier co-operation between local authorities ceased meeting at the end of 2005 in view of the budgetary decisions taken by the Committee of Ministers.

32. From amongst the achievements over the past years of the Committee of Experts on Transfrontier Co-operation (LR-CT), a sub-committee of the Steering Committee on Local and Regional Democracy (CDLR), four in particular are worth mentioning.

¹³ “Legal status of cross border co-operation structures – past, present and prospects”, Jens Gabbe, Vilnius 2006 and “Cross Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

33. A survey was made of the legal framework for cross border co-operation in member states which led to the identification of a number of obstacles and difficulties that local authorities have to overcome in order to engage in effective cross border co-operation. The end result of this survey was a legal instrument, recommendation Rec(2005)2 of the Committee of Ministers, on good practices in and reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities.

34. A further response to the findings of the survey was the setting up of the project "Matching Opportunities for Regions in Europe - MORE". The project aims to provide local and regional authorities with practical support for their transfrontier co-operation and comprises three pillars: (i) a European database on cross border and inter-territorial co-operation between regions and other territorial authorities, (ii) facilitating access to training on transfrontier co-operation by establishing a network of research institutions and (iii) drawing up training modules in the field of cross border co-operation.

35. The MORE database allows local and regional authorities, their associations as well as research and training institutions to: make proposals for co-operation; share interesting co-operation experience and publicise international activities; and manage and develop co-operation projects. Work on the other two pillars is in progress.

36. The increase in cross border co-operation structures in recent years led to increased demands for legal assistance and for a clear identification of the rules applicable at domestic and international level. It was due to this increased demand that the decision was taken to start work on a new convention, later a third protocol to the Madrid Convention, described above.

37. Finally, a legal instrument, recommendation Rec(2005)3 of the Committee of Ministers on teaching neighbouring languages in border regions was adopted following the realisation during assistance activities that the different languages spoken in neighbouring countries could be a serious hindrance to cross border co-operation.

38. The Parliamentary Assembly of the Council of Europe continues to place importance on the issue of cross border co-operation and adopted, in January 2008, Recommendation 1829 (2008) on transfrontier co-operation.¹⁴

39. The Congress of Local and Regional Authorities of the Council of Europe created a Working Group on Inter-regional Co-operation in 2006 which is responsible for monitoring the Congress' inter-regional and transfrontier co-operation activities including supporting the implementation of instruments which provide the legal framework for inter-territorial co-operation and support to the Euroregions (see below).

3.4. Council of Europe Euroregions

40. The Congress of Local and Regional Authorities of the Council of Europe attaches particular importance to all aspects of the development and integration of the regions surrounding semi-closed seas, including the Adriatic Sea and the Black Sea. This concern was given concrete expression in the establishment of the Adriatic and Black Sea Euroregions.

41. At the International Conference held in Termoli, Italy, on 8 and 9 November 2004, representatives of international, national, regional and local institutions in Europe stressed the importance of these regions located along the Adriatic and Ionian coasts, and declared that various forms of transfrontier, transnational and interregional co-operation could promote the integration and enlargement of the European Union in south-eastern Europe.

42. The Adriatic Euroregion, which was launched in Venice on 6 February 2006, was officially inaugurated in Pula, Croatia, on 30 June. It covers 22 local and regional authorities from six countries with Adriatic coastlines, viz Italy, Slovenia, Croatia, Bosnia-Herzegovina, Montenegro and Albania, alongside the national governments and European institutions. The Adriatic Euroregion is therefore not confined to transfrontier co-operation between two or three countries sharing common borders, but

¹⁴ Doc 11475, report on transfrontier co-operation, Committee on the Environment, Agriculture and Local and Regional Affairs, Rapporteur: Mr Ivan POPESCU, Ukraine, Socialist Group.

involves different political and economic entities which are distant from each other geographically but are brought together by the Council of Europe. The Euroregion's geographical scope, covering the whole Adriatic basin, makes it a major factor for European integration and a frontline interlocutor for the European Union and the Council of Europe.

43. Protection of marine resources, intercultural dialogue and protection of migrants are the main challenges to regional development in the Adriatic Euroregion.

44. The International Conference on interregional co-operation in the Black Sea (Constanța, Romania, March 2006), the 2nd Conference on Co-operation in the Black Sea (Samsun, Turkey, November 2006) and the 3rd Conference on interregional co-operation in the Black Sea Basin (Odessa, Ukraine, June 2007) were major milestones in establishing the Black Sea Euroregion. At these meetings, the local and regional authorities voiced their interest in opening up the Black Sea basin to interregional co-operation as an essential instrument for development in this region. The accession of Romania and Bulgaria to the European Union in January 2007 created a new eastern EU border and new opportunities for co-operation, funded by European Union instruments. The creation of an institutional framework for local and regional authorities in these regions is helping promote regional development and improve the use of financial resources.

45. Fifteen municipalities from five countries signed the instrument setting up the Black Sea Euroregion and its Statutes in Varna, Bulgaria, on 26 September 2008.

46. The statutes of the Black Sea Euroregion Association define the following fields of activity:

- improving good governance practices;
- consolidating democratic stability;
- contributing to the sustainable development of the area with a view to safeguarding the sea and the main rivers of the Basin by protecting the environment, fishing and biodiversity and preventing oil-spills and waste water disposal;
- developing infrastructures, including energy systems, transport and communication networks;
- promoting investments in renewable energies;
- contributing to the monitoring of maritime transport risks and the needs of coastal areas;
- management of migration flows and integration of immigrants;
- supporting initiatives to promote sustainable tourism;
- launching multilateral programmes in the fields of culture, science, education, health, sport and youth;
- supporting economic initiatives.

47. The members of the Euroregion are committed to adopting a concerted and integrated approach to the problems facing the Black Sea basin. Close co-operation within this region facilitates common management of the regions and of these challenges, and could help foster a more responsible, sustainable utilisation of the basin's resources, while at the same time providing the local populations with stability, prosperity and the preconditions for lasting peace.

3.5. Influences on cross border co-operation¹⁵

48. Either there is a need to co-operate across a border or not. If there is a need, it has to be done in order to overcome the barriers in favour of the citizens – with or without European funding programmes. European funding only accelerates the process of cross border co-operation and the implementation of own regional cross border aims and strategies.

49. Furthermore, experience shows that socio-cultural co-operation is just as important as economic co-operation, indeed it is very often a pre-condition for successful economic co-operation. Cross border co-operation also depends on individual persons. They have to get acquainted with their neighbour, try to understand why s/he is different. On the basis of this understanding, they can build up trust and confidence. Without this trust and confidence, there will be no successful cross border co-operation.

¹⁵ LACE "Practical Guide to Cross border Co-operation", published by the EU and AEBR, 2000, further developed by Jens Gabbe and Charles Ricq, "Guideline to Cross Border Co-operation".

- *Aspects which hinder cross border co-operation:*
 - restrictions on local/regional bodies under public law in each national system;
 - legislation;
 - differences in structures and powers of the various levels participating in an agreement and administrations on either side of the frontier;
 - political unpreparedness, particularly at central government level, to remove existing restrictions by, for instance, adapting the existing laws or introducing new ones, or concluding bilateral agreements;
 - language barriers.

- *Aspects which enhance cross border co-operation:*
 - as close as possible to the citizens;
 - involvement of politicians at all levels and of all parties: cross border co-operation is a policy so politicians are needed;
 - a long-term development strategy (cross border spatial concept);
 - co-operation between local and regional authorities on both sides of the border: this vertical national co-operation along a border has to be linked in horizontally across borders which is very difficult because of the different competences and structures on both sides of the border;
 - partnership: **internal partnership** with all social partners, stakeholders, NGOs, etc on both sides of the border in order to make use of existing knowledge about cross border co-operation, this avoids the creation of a huge new cross border administration and conflicts of competences. Through the mobilisation of these multipliers, a sound basis for cross border co-operation will be established within the region; **external partnership** with national governments and the EU in order to take into account national programmes and plans and in view of a need for national co-funding and EU support;
 - a permanent cross border structure as a hub/turntable to enable cross border co-operation;
 - common liability, which is more and more important for managing EU programmes in a decentralised way;
 - own financial resources (as a basic element for receiving funding from outside, eg EU or national funds).

4. Added value of cross border co-operation¹⁶

50. There is a demonstrable added value in European, political, institutional, economic and socio-cultural terms:

51. The **European added value** stems from people's desire, founded on historical experience, to co-operate in adjacent border areas and thus make a valuable contribution to the promotion of peace, freedom, security and the protection of human rights.

52. The **political added value** lies in a substantial contribution to:

- the development of Europe and European integration;
- getting acquainted, understanding, insight and building of trust;
- implementing the subsidiarity principle and to setting up partnerships;
- reinforced economic and social cohesion and co-operation;
- preparations for the accession of new members;
- ensuring cross border co-operation through EU budgetary resources within long-term programmes as well as committing the necessary national and regional co-financing in the long term;
- exchanging experiences and best practices between cross border regions.

¹⁶ AEBR Annual Conference in Papenburg (Ems Dollart Regio) 2002 and Cross Border and Cross Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

53. The **institutional added value** is constituted by:

- the active involvement of citizens, authorities and political and social groupings on both sides of the border;
- an assured knowledge of one's neighbours (territorial authorities, social partners, etc);
- lasting cross border co-operation under workable arrangements:
 - as a partnership operating vertically and horizontally, the basis for all cross border co-operation in spite of different structures and competences;
 - as a legally accepted beneficiary of aid and a contracting party with full capacity, able to receive and administer financial resources;
- joint drafting, implementation and financing of cross border programmes and projects;
- the important role assumed by regions and local partners which, experience shows, leads to an effective implementation and conclusion of jointly developed programmes and projects.

54. The **socio-economic added value** is evident in the border regions involved, albeit in different ways, through:

- the mobilisation of endogenous potential through strengthening of the local and regional levels as partners and initiators of cross border co-operation;
- the participation of actors from the economic and social sphere (eg chambers of commerce, associations, enterprises, trade unions, cultural and social institutions, environmental leagues, tourist agencies);
- the opening up of the labour market and the harmonisation of professional qualifications;
- additional development, eg in the fields of infrastructure, transport, tourism, environment, education, research, co-operation between small and medium-sized enterprises, and the creation of additional jobs in those areas;
- sustainable improvements in spatial planning and regional policy (environment included);
- the improvement of cross border transport infrastructures.

55. The **socio-cultural added value** emerges from:

- the sustained and steady dissemination of knowledge about the geographical, structural, socio-cultural and historical conditions of a cross border region (also with media assistance);
- an overview of a cross border region through cartographic representations, publications, educational material, etc;
- the formation of a circle of committed experts (multipliers) such as churches, schools, cultural associations, libraries and museums;
- equal opportunities and widespread knowledge of the adjacent country's language or dialect as an aspect of regional development and a prerequisite for communication;
- the promotion of intercultural dialogue and good neighbourliness between states/regions.

56. Cross border cultural co-operation thus becomes a building block of regional development. Only through socio-cultural co-operation can there be a supportive cross border environment for economy, trade and delivery of services.

57. **The specific added value of cross border co-operation** derives from the fact that cross border co-operation always adds value to national measures. This added value results from¹⁷:

- additionality of cross border programmes and projects;
- synergies through cross border co-operation;
- joint research and innovation, health care, waste management, etc;
- cross border networking;

¹⁷ European Regional Policy 2007-2013, Jens Gabbe, Chernivtsi (Ukraine) May 2006 and Cross Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

- exchange of best practice and know-how;
- spin-off effects by overcoming borders;
- efficient cross border resource management.

58. For selected practical examples of the specific added value of cross border co-operation, see Appendix 3.

5. Typologies of border/cross border regions¹⁸

59. To date, a number of attempts have been made to elaborate typologies of the variety of existing border and cross border regions in Europe¹⁹. **In order to make progress towards elaborating a more uniform and comprehensive typology of European border and cross border regions** that integrates - in a balanced way - the various dimensions which characterise current cross border co-operation reality, the AEBR developed a new typology which is also used for evaluation purposes at EU level. Before we look at the degree of integration of border regions, however, it is worth mentioning several preliminary criteria that facilitate their classification and make it possible to address the great diversity of border regions.

5.1. Geopolitical classification

60. The first criterion is **size** - the geographical scope of the region. A distinction may be drawn between small regions (micro-regions), medium-sized regions (meso-regions) and large regions (meta-regions).

61. The **complexity** of the border region is a second typological criterion. The more countries, regions, languages and different levels of powers and responsibilities coexist within a border region, the greater its complexity.

62. A third criterion for classifying border and cross border regions is the characteristics of the border itself. The **type of border** greatly influences co-operation between regions. Where the border is synonymous with a scar, a distinction must be drawn between **natural borders**, which present a physical barrier to co-operation and communication between different countries (mountain chain, ocean or continental waters, semi-closed sea such as the Black Sea, the Baltic Sea and the Adriatic) and **legal frontiers**. These barriers, which are less visible but may be just as great a hindrance to transfrontier co-operation, are of two kinds: **peaceful** legal frontiers and those that are **conflictual** (minorities, religions, ethnic groups, etc).

63. In addition to the above-mentioned typology, border regions may be classified according to their **geographical location in relation to the European Union**:

1. regions bordering on the internal frontiers of the former 15-member European Union;
2. regions bordering on frontiers that have become internal frontiers following the last two EU enlargement operations;
3. regions bordering on the EU's current external borders with countries that are candidates for membership;
4. regions bordering on the EU's current external borders with countries that are not EU members and have no prospect of becoming so;
5. regions with no border with an EU country (eg Ukraine).

64. This classification makes it easier to understand the diversity, and in particular the specificity, of the challenges facing border regions.

¹⁸ Jens Gabbe/Thomas Stumm developed for the AEBR and Cross Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

¹⁹ ESPON “Enlargement of the EU and its polycentric spatial structure”; Perkmann, Markus “Cross border Regions in Europe”, 2003; LACE Guide – Practical Guide to Cross Border Co-operation, 1995, 1997, 2000; Committee of the Regions “Trans-European Co-operation between Territorial Authorities”, 2002; European Commission, GD Regio “Towards a new Community legal instrument...”, 2004

5.2. Qualitative classification

The AEBR typology completes this geopolitical typology with a qualitative approach to co-operation in border and cross border regions.

5.2.1 The overall aim of the new AEBR typology and an explanation of its underlying approach

65. The new and more comprehensive AEBR typology has the overall aim to classify existing border and cross border regions in Europe according to the respective **degree of cross border integration** achieved. The typology focuses on general cross border co-operation which means that European and national funding programmes are considered only as one part of all day-to-day cross border actions implemented in a given border/cross border area.

66. **Cross border integration** is mainly understood as a synonym for territorial integration and is the result of two closely inter-related aspects: **(1) socio-cultural and economic cohesion** and **(2) the intensity of cross border co-operation**. Each of these aspects is again the result of a complex process that is influenced by a number of more specific issues.

67. **Socio-cultural and economic cohesion** is mostly conditioned by the following issues:

- **socio-cultural cohesion** generally depends on the extent to which a shared identity/cross-regional consciousness or a feeling of belonging together exists (or not) in a given border/cross border area;
- **economic cohesion** generally depends on the intensity and quality of cross border economic contacts between the individual border areas and the extent to which a cross border labour market exists;
- the **basic nature of a given border** considerably shapes its degree of “openness” (or permeability) and strongly influences the extent to which socio-cultural and economic cohesion can be achieved in a cross border context. Borders can be (highly) permeable due to an absence of major physical barriers and the existence of a well-developed communication infrastructure network or the dismantling of internal EU border controls. Borders can also be characterised by a considerably reduced permeability which might be due to the influence of major geographic/physical barriers (ie mountain chain, larger maritime separation) and continuing shortcomings in cross border transport infrastructure links (ie bottlenecks and missing links) or the explicitly desired administrative “closeness” of a border (ie a situation that prevails at the external EU borders).

68. The **Intensity of cross border co-operation** is mostly conditioned by the following issues:

- the **degree of institutionalisation of cross border co-operation between local/regional authorities and the legal capacity of working methods/co-operation structures** strongly influences the overall cross border co-operation intensity;
- the overall co-operation intensity also strongly depends upon **the scope of actors involved in cross border co-operation and upon the range of themes covered by general cross border co-operation activities**. Cross border co-operation can focus either on one of the following themes that are strategic for the development of a cross border area (ie reducing/eliminating isolation, improving the productive fabric, improving the quality of life) or all of them;
- the increasing availability of EU support for cross border co-operation in the EU member states and the whole of central and eastern Europe over the past 15 years (eg INTERREG II/IIIA, PHARE-CBC/TACT-CBC, etc) has significantly helped to further expand and deepen cross border co-operation between regional/local public authorities and other actors in the cross border areas concerned. In the years to come, continued support at EU level will allow for the implementation of numerous cross border co-operation project activities and enable the setting up of new cross border co-operation structures and to consolidate and further develop existing cross border co-operation structures. Practice has shown that the general level of cross border co-operation intensity is further reinforced if existing cross border structures are directly involved in the management of EU cross border support programmes and if there is truly cross border co-operation in the context of EU-funded projects.

69. Any typology taking into consideration this wider reference framework requires the establishment of some kind of **ranking system** that allows the different border/cross border areas in Europe to be classified.

5.2.2 New AEBR Typology for border/cross border areas in Europe

Type 1: Integration forerunners	High degree of overall cross border integration: <ul style="list-style-type: none"> • A high level of socio-cultural/economic cohesion. • A high level of cross border co-operation intensity.
Type 2: Areas approaching integration forerunners	Medium-high degree of overall cross border integration: <ul style="list-style-type: none"> • High level for either socio-cultural/economic cohesion or cross border co-operation intensity. • Medium level for either socio-cultural/economic cohesion or cross border co-operation intensity.
Type 3: Integration candidates	Medium degree of overall cross border integration: <ul style="list-style-type: none"> • Medium level for socio-cultural/economic cohesion. • Medium level for cross border co-operation intensity.
Type 4: Areas approaching integration candidates	Medium-low degree of overall cross border integration: <ul style="list-style-type: none"> • Medium level for either socio-cultural/economic cohesion or cross border co-operation intensity. • Low level for either socio-cultural/economic cohesion or cross border co-operation intensity.
Type 5: Areas still searching for integration perspectives	Low degree of overall cross border integration: <ol style="list-style-type: none"> 1. A low level of socio-cultural/economic cohesion 2. A low level of cross border co-operation intensity.

70. This typology, which sets out to classify the existing border and cross border regions in Europe according to their respective degree of cross border integration as proposed by the AEBR, has the following advantages:

- general cross border co-operation is highlighted;
- it is valid for the whole of Europe, not just the EU;
- activities promoted by the Council of Europe and the EU are only part of the routine cross border co-operation carried on in each region located at or across a border.

5.2.3 Concluding remarks on the “usability” of the new AEBR typology

71. The theoretical concept developed by the AEBR for a more uniform and comprehensive typology of border/cross border areas as well as its practical testing clearly shows that the entire approach also bears significant potential for a further practical application. Improvements in cross border co-operation throughout Europe can be achieved by using the new AEBR typology at least in the following three dimensions:

- **As a “reference framework” for positioning border/cross border areas in a Europe-wide context:** due to the considerable diversity of contextual features and of aspects characterising day-to-day cross border co-operation, the new AEBR typology can be used as a benchmarking tool for determining the overall position of individual border/cross border areas in a Europe-wide context. It can also help those actively involved in cross border co-operation to pinpoint continuing weaknesses prevailing in the area concerned and to provide the necessary information to organise the support of politicians to prepare a move upwards to the next level of cross border

integration. Within this context, the typology could also be used by other organisations or actors (ie Council of Europe, European Union, national governments) to prepare strategic initiatives that aim to further promote/improve cross border co-operation in Europe.

- **As an “orientation framework” for establishing co-operation between European border/cross border areas:** due to the substantial multiplication of border/cross border areas as a result of the recent EU enlargements, the new AEBR typology can be used for establishing systematic exchanges of experience and good practice between border/cross border areas in Europe. Such a transfer of know-how and experience generates an important added value that helps speed up the quality and intensity of cross border co-operation. Appropriate schemes to establish such initiatives could be Europe-wide technical assistance programmes (ie the former LACE initiative or the Regional Capacity Building programmes), theme-specific co-operation projects submitted under the future Inter-regional Co-operation Programme (ie INTERREG IVC 2007-2013) and even the “twinning arrangements” promoted by the AEBR outside EU support programmes.
- **As a “conceptual framework” for guiding future research on and/or evaluation of practical cross border co-operation in Europe:** past experience clearly shows that research on cross border co-operation in Europe is carried out alongside very heterogeneous approaches that often do not reflect adequately the complex reality prevailing on the ground. In addition, the evaluation of EU programmes which support cross border co-operation often lacks a wider reference framework against which actual achievements can be judged. In both cases, the new AEBR typology can be used as a conceptual framework that allows an analysis of cross border co-operation alongside a more or less commonly accepted baseline standard. The entire process should however establish a “two-way-relationship”, ie findings of future in-depth research or evaluations should also be taken into consideration by the approach underlying the AEBR typology and/or lead to its further fine-tuning (eg by the development of issue-specific indicators).

72. In order to avoid that the new AEBR typology remains a purely static concept, the basic aspects/issues underlying the entire concept, as well as the practical self-evaluation exercise undertaken by individual border/cross border areas, should be reviewed and repeated at 3 year intervals in order to take into consideration ongoing changes and dynamic developments.

6. Outlook

6.1. Cross border co-operation - a European issue and a political objective

73. Cross border co-operation should be taken up as a European issue and a political objective for the Council of Europe and the European Union (in treaties and all policy areas).

6.1.1. Argumentation²⁰

74. Borders are the scars of history. We must not forget these scars but we should not cultivate them when taking decisions that will decide the future of Europe.

75. Article B of the Amsterdam Treaty provides for the "creation of an area without internal frontiers, through the strengthening of economic and social cohesion."

76. The diversity of Europe is regarded as an asset. It is an asset that should be cultivated and promoted. This diversity is reflected in the social and cultural life of all states and regions of Europe. Over the centuries, these various cultures and social systems have led to the formation of certain administrative structures and powers, fiscal and social legislation, and many other different areas of political activity (eg spatial planning, economic support, media landscapes, etc).

77. Our citizens have grown up in these different social and cultural environments. They will not always wish to sacrifice aspects of their everyday lives for the cause of European harmonisation, particularly where this would result in the loss of Europe's diversity/regional identity.

²⁰ Discussion paper developed on the future of cross border co-operation, Jens Gabbe, 2000 and “Cross Border Co-operation between European Border Regions – Review and Perspectives”, Jens Gabbe and Viktor van Malchus, Nomos Verlag 2008.

78. Despite the reduction of barriers along the EU's internal and external borders, these different social and cultural environments (including the various administrative structures and systems) will continue to exist for many decades to come and will encounter each other at borders.

79. No state in Europe – inside or outside the EU – will alter its tried and trusted structures, competencies and powers on account of the problems that arise in border regions. Furthermore, no state is able to draft its laws in such a way that they harmonise with all the neighbouring states on its borders.

80. The consequences will be felt for a long time: economic, social and legal problems and obstructions to co-operation affecting the population on either side of each border.

81. Bilateral or trilateral cross border co-operation at regional/local level will therefore remain a necessity over the long term, not just in order to prevent cross border conflicts and overcome psychological barriers, but, above all, in order to facilitate partnerships that will balance and reconcile these differences, through Euroregions and similar structures. Partnerships of this kind need to be cultivated within regions, with all the often very different social partners on either side of each border, and externally, with national governments.

82. The sovereignty of the state ends at its borders. However, the differences and problems at these borders continue to exist, and require sustainable solutions that should be supported nationally and at European level.

6.1.2. Conclusion

83. Cross border co-operation is a *key political task for the Council of Europe and the European Union* that needs to be *implemented at regional/local level* in partnership with the national bodies in each area. As a *concrete challenge on the spot* and a *European political objective*, cross border co-operation will thus become a touchstone for:

- European integration and social cohesion;
- peaceful coexistence of people, including respect for diversity and the rights of minorities;
- respect for the principles of partnership and subsidiarity;
- the active participation of citizens, politicians, authorities and social groups in cross border co-operation;
- reconciliation, tolerance and equality, in spite of any differences between the respective partners;
- social, cultural and economic interwoven co-operation, extending as far as cross border integration, without undermining state sovereignty;
- intercultural dialogue;
- a Europe for citizens in their communities, regions and countries.

84. To travel down this road towards a 'Europe without borders' in the 21st century, joint action by the Council of Europe, the European Union, the OSCE, national governments, regions and the local level is as essential as mutual solidarity between border and cross border regions.

6.2. Recommendations²¹

- There is a need for a new quality of borders that do not divide people but develop into areas where people come together (meeting place).
- Cross border co-operation is a key task for the future that requires both energy and caution.
- Decentralisation based on partnership and subsidiarity is required. The partnership should develop vertically and horizontally.
- Due to the competencies of the regional and local level and their close relation to ordinary people, the subsidiarity principle requires a bottom-up approach in cross border co-operation (co-operation at regional/local level is evidently the most successful form).
- More confidence in cross border co-operation at regional/local level from state authorities is indispensable. Co-operation at regional/local level that merely implements state agreements on cross border co-operation is the most successful co-operation form so far.
- Cross border co-operation should be more than European funding programmes, because there is a need along all borders to overcome the existing and (nearly daily) new barriers in favour of all citizens.
- Nevertheless, because cross border co-operation is not normally a national priority, there is a need for EU support programmes in the future: this is the only way to guarantee national co-funding for cross border co-operation over a longer time.
- Border/cross border regions should be aware of their border problems, but at the same time use the opportunities offered by a border (eg critical mass for common projects) and above all offer practical solutions (national departments do not have the knowledge to do this!).
- The implementation of the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities as well as its additional protocols requires the conclusion of bilateral and trilateral application agreements by national governments.
- The implementation of the EU legal instrument EGTC has to be improved taking into account the experiences of the Lille-Kortrijk-Tournai test project, the results of which must be included in the Commission's mid-term evaluation, as should the results of other projects.
- Euroregions and similar structures are an important and successful element in cross border co-operation, but especially in central and eastern Europe. They have to be strengthened by common bodies (no national delegations), common secretariats and financial resources.
- In order to smooth out the distinctions in European spatial development and to abolish economic and infrastructural obstacles, a sustainable cross border spatial and regional development policy must gain in importance, eg development of cross border strategies at regional level.
- The position of border and cross border regions in European competition must be improved (eg cross border transport infrastructure, telematics, supply and disposal system).
- Environment and nature protection is an important cross border issue that should be particularly considered with regard to cross border tourism and agriculture.
- Europe's diversity is visible in border regions. The specificity of the challenges these regions face depends on their typology and complexity.
- Daily border problems must be solved and cross border socio-cultural co-operation enhanced as a foundation for sustainable economic development.

²¹ Stand der grenzüberschreitenden Zusammenarbeit in Europa, Grundsatzreferat, Jens Gabbe, 2000 (further developed and continuously updated).

- Due to their often important role in neighbouring border areas, the maintenance of minorities' socio-cultural identity and their protection is a condition for peaceful cohabitation in cross border areas (implementation of both Council of Europe conventions).
- In future, a common terminology is strongly desirable.
- Within the Council of Europe, it could be useful to discuss whether incidental "political seminars" in one country are still effective or whether the introduction of one year practical training programmes along a border or in one country should be recommended in order to improve regional/local and NGOs' cross border capacities (experts from the Council of Europe in regional/local democracy and experts from the AEHR in cross border co-operation programmes/projects).
- The exchange of experts, support to local/regional partners (in particular in Eastern Europe) while strengthening democratic values, improving the administration and strengthening cross border co-operation) as well as technical assistance have to be financially ensured in all European programmes.
- The possibilities within the Schengen rules for easier border crossing should be used (see Appendix 4).²²
- On the external borders of the EU and the borders between east European states, the focus of cross border co-operation should be on:
 - strengthening regional/local democracies and co-operation structures;
 - upgrading infrastructure and improving or opening new border crossings as a precondition for co-operation (see Appendix 4);
 - regional specific economic development;
 - eliminating economic disparities;
 - improving environmental protection;
 - genuine cross border programmes and projects;
 - greater regional and local participation and responsibility in European programmes;
 - enhancing cross border mobility, without encouraging political or economic migration.

²² Contribution to the future of the external borders in the "Group of wise men" of the EU, GD-Relex, by Jens Gabbe, 2004.

APPENDIX 2: Definition of a Euroregion

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.

Source: Practical guide on cross border co-operation, 2000, published by the European Commission, GD Regio and GD Relex; and the AEBR.

APPENDIX 3

Selected practical examples of the specific added value of cross border co-operation²³

- cross border spatial and development concepts (ie border areas in Germany (Bavaria/Saxony) along the border with Austria or the Czech Republic, as well as in Austria along the borders with the Czech Republic/Slovakia/Hungary/Slovenia; Italian/French border; Polish/German border; sea protection areas between Corsica and Sardinia);
- the creation of necessary cross border infrastructures (also maritime) as an inevitable physical precondition for cross border co-operation with regard to creating growth and employment (eg Spain/France, Sweden/Finland/Norway, Alpine area, external borders of the EU, etc);
- further promotion of growth and economic development in addition to developments at national levels (ie cross border area Ireland/Northern Ireland; Germany/Belgium/Netherlands with new jobs; Spanish/Portuguese border with its risk capital fund or Bulgaria and Romania with a cross border business card);
- new cross border business relationships between producers and suppliers (ie network of the Chambers of Commerce in Northern Greece/Bulgaria and in the Czech Republic/Germany (Saxony); at the German/Danish border; the French/German border along the Upper Rhine; and the Hungarian/Austrian border);
- new co-operation and sales opportunities for small and medium-sized enterprises; these companies typically operate within a radius of some 200 km from their location which usually covers the geographic area of the neighbouring border region (ie Northern Greece with an entrepreneurship centre for the Balkan and Black Sea states; Finish/Norwegian/Swedish border with the Arctic Investors Network; Spanish/Portuguese border with the forum of entrepreneurs);
- establishment of a cross border labour market which offers additional new employment opportunities (ie France and Switzerland with adjustment payments for commuters that work in Switzerland; German/French border area along the Upper Rhine; Oresund with its specific labour market strategy which has led to an increase in commuters from 3,000 to 10,000);
- bilingual cross border professional training (ie German/Polish, Dutch/German and French/German border areas);
- establishment and improvement of cross border public transport links (buses, railways) for the benefit of citizens, commuters and tourists (ie Austrian/German border close to Salzburg and in the triangle Germany (Bavaria/Saxony)/Czech Republic with a cross border public transport system including a single tariff; Swedish/Danish border with a common public transport across the Oresund Bridge);
- cross border tourism concepts and projects (ie Lake Constance; Germany (Bavaria)/Austria, Poland/Lithuania with a joint Tourist Service Centre; Galicia/Norte with a tourist map for the Spanish/Portuguese area; Tatra (Poland/Slovakia) in the Carpathian Mountains); joint tourist marketing and promotion activities in Ireland/Northern Ireland and the Pyrenees (France/Spain); joint tourist strategies for Kent (GB) and North-Pas-de-Calais (F));
- greater catchment area for business activities and services on both sides of the border: in many cases, businesses and services, such as research facilities and universities, waste disposal, recycling and infrastructure facilities, would not yield a profit (critical mass) or be viable in border regions if there was no cross border co-operation (ie joint Research Institute for New Rehabilitation Techniques or the Centre for Microscopy and Spectroscopy with Electrons in the EUREGIO on the German/Dutch border; co-operation network of universities in Oresund, in the Danish/German border area and in the cross border region of South Tyrol (I)/Tyrol (A));

²³ Opinion of the European Economic and Social Committee on Euroregions (own-initiative opinion), ECO 179, 11 July 2007, appendix 3.

- a more efficient use (critical mass) of public funds (joint sewage plants on the Polish/German border; joint libraries in the Upper Rhine region, Saar/Lor/Lux area and on the Danish/German border; co-operation in the health sector between Greece and “the former Yugoslav Republic of Macedonia”, Spain and Portugal, Ireland and Northern Ireland);
- joint research and innovation (critical mass) generating additional synergies (ie co-operation in the field of technology in Extremadura/Alentejo; Technology and Business Park on the Austrian/Slovenian border);
- additional synergies and spin-off effects thanks to co-operation between universities, further education colleges and other educational institutions (ie co-operation between the universities of Strasbourg, Basel and Freiburg in the Upper Rhine region or in Lorraine/Saarland, as well as between the universities in the Friuli-Venezia Giulia region with their neighbours in Slovenia and Austria);
- sustainable cross border management with regard to the environment and environmental protection (Extremadura/Castilla y León/Portugal, Pyrenees, Germany (Bavaria)/Austria, Austria/Czech Republic, Poland/Ukraine/Belarus, Baltic States/Russia/Belarus, Belgium/Netherlands/Germany);
- cross border co-operation as a model for “new governance” (across Europe through Euroregions and similar structures which practice subsidiarity and partnership, networks, etc in spite of different structures, competencies and laws on both sides of the border).

APPENDIX 4

Recommendations for cross border security and co-operation on the future external borders of the EU, taking account of the Schengen Treaty

1. Security issues at the EU's future external borders

Europe's citizens and politicians are unwilling to compromise on security at the EU's future external borders, just as they were when the EU's internal borders were opened up and are today with respect to cross border co-operation at the Union's current external borders. However, at the same time the intention now - in spite of Schengen regulations - is to continue underpinning the co-operation between local communities and businesses that was set up and has now taken root at these borders after so many years of difficult relations. This can be done if we draw on the experience accumulated by border and cross border regions in overcoming old internal European borders and co-operating at today's external borders.

2. Checkpoints

Checkpoints should, as a matter of principle, be accommodated in a **single, shared building**.

Justification: Not only does this save on costs (being cheaper than having, say, two separate national checkpoints), but more importantly enables **intensive co-operation** between border guards, the police and customs officials, for any problems arising can be tackled directly on both sides of the border and resolved by acting in unison. This is virtually impossible to achieve when checkpoints are several hundred metres apart.

Practical experience with these proposals:

Not that long ago, before the completion of the internal market, there were similar problems to be solved at the present EU's old internal borders. But we can also draw on the positive experiences at former external EU borders (up to 2004/2007):

- Anywhere where joint customs clearance facilities were set up or gradually came to exist over a period of many years, the results included:
 - more efficiently co-ordinated duty rosters;
 - less problematic exports and imports of goods (e.g. joint veterinary inspections and so on);
 - practical solutions to passport and visa problems;
 - the easing of minor frontier traffic;
 - joint patrols;
 - improved security, ensured by fewer staff and a leaner administration;
 - enhanced language skills on both sides of the border, greater understanding for the different respective administrative systems and procedures, and faster clearance times;
 - border guards, police officers and customs officials in neighbouring, non-EU countries trained to a European standard.

Main reasons for having separate customs clearance facilities in the past:

National Planning and funding and subsidies provided by various EU programmes (EFRE / INTERREG, GD Relex (in former times, PHARE, TACIS, CARDS or MEDA), with each respective Directorate-General reaching its own decision on how to finance such institutions, mean that there are hardly any joint investment plans.

3. Acceleration of clearance procedures at check points with border crossing

Proposal: a separate lane should either be constructed or opened for the border inhabitants (to be identified e.g. by special badges on the cars).

4. Visa procedures at future external borders

The need for visas is not being called into question.

The main issue here is the development of **practical procedures** for issuing visas to local citizens and businesses in **border regions** along the EU's new external borders. These procedures must pave the way for the **flexible allocation of visas without any decrease in security or any constraints on necessary checks**. One major drawback for people living close to a border is the fact that visas are often issued in capitals or major cities (most of which are not located in border regions), for this prevents them from making essential trips across the border at short notice.

Consequently, **local** solutions have to be found for the population and businesses in the border regions, taking account of the main rules governing visa issuance.

Proposals:

Especially for businesses and the local population in border regions on both sides of the EU's new external borders:

- Issuance of visas valid for one year or at least for several months for people who can demonstrate professional or private reasons necessitating regular border crossings;
- issuance of multiple visas (e.g. valid for 10 or 15 border crossings) in accordance with professional or private requirements (if appropriate with the visa's validity limited to a certain period (e.g. 6 or 12 months)).
- issuance of one-day visas if need be.

Main prerequisites for these kinds of visa, if they are to be of real practical use:

- The establishment of offices issuing visas very close to the border or at official border crossings. There was an arrangement along these lines within the EU back in the 1970s and 1980s, and then in the 1990s at the EU's external borders. It should also be a practical proposition, provided that the staff in question is correspondingly trained and modern data readers are used.

Visa charges: Any such charges should remain **customer-friendly** and **moderate**, especially for businesses and the local populations in border areas, rather than being viewed primarily as a source of income for the State and therefore appearing prohibitive.

5. Entry possibilities for groups, schoolchildren, sports clubs, music ensembles and so forth

Proposal: Issuance of a group visa based on submitted, pre-checked lists, especially when entry and exit will take place within a specific, verifiable period (e.g. for a school trip, a sporting event, a musical happening in the neighbouring country, etc.) A **lump-sum price** would be charged for such a **list-based visa**.

Essential prerequisites: Visa issuance in places close to the border or directly **at customs clearance facilities**. This can be done without any problems provided that staff are properly trained and have modern data readers at their disposal.

6. Tourists

At the new external borders **extensive European and national funds are being pumped into promoting tourism**. However, this will only make sense if one **crucial element** of tourism in border areas is enabled, i.e. **visits to the neighbouring country**, without this entailing too much expense or administrative effort.

Proposals:

- Issuance of tourist visas for holidays or day trips. However, this only makes sense if visa applications do not have to be submitted in the respective capital city, and are instead issued locally, close to the border if need be (e.g. at border crossings). This can be done if the staff in question are properly trained and have modern data readers at their disposal.

2. Additional border crossings for people living on both sides of the border

In addition to the major, official border crossings, in the medium term co-operation between border guards, police and customs officials at regional and/or local level can be used as a basis for identifying **border crossings** that are suitable **for use by local residents and tourists without any loss of security** (hikers, cyclists, visits paid by neighbouring villages for musical events, and so forth).

Justification: Any border official can ascertain without much difficulty at such 'sensitive' border crossings, which are under surveillance anyway, whether persons approaching and attempting to cross the border are smugglers, refugees or harmless locals and tourists.

Locals or tourists should be able to cross the border at such points between sunrise and sunset, for example, provided that they are in possession of a valid passport (if need be with the requisite visa) and are not carrying any smuggled goods. So the aim is solely to ensure that these regularly monitored border crossings can be used by locals and tourists alike, without making them liable to persecution. In many instances these border crossings are either located along the shortest route between neighbouring communities and events or prove highly attractive to tourists.

Likewise, any existing minor roads that cross borders and are not yet open to traffic should be opened up for use by locals and tourists (cars, bicycles, pedestrians), and especially for shopping, paying visits to the neighbouring country, attending certain events, and so on. Border crossings of this kind are normally monitored anyway, so normal citizens and tourists (with passports and not smuggling anything) should be able to use them without any negative consequences.