Art of cooperation conference
Budapest, 13-15 November 2024

J Peyrony

ECBM/FCBS and French bilateral agreements to facilitate the elimination of CB obstacles: The role of Mission opérationnelle transfrontalière

The multi-level approach to cross-border cooperation and the role of the MOT

The MOT, answers adapted to each level

LOCAL LEVEL: a network of 95+ members

FR BE LU DE NL CH IT MC AD ES

NATIONAL LEVEL: 5 institutional partners

MINISTÈRE DE LA TRANSITION ÉCOLOGIQUE ET DE LA COHÉSION DES TERRITOIRES
RÉPUBLIQUE FRANÇAISE
anct agence nationale de la cohésion des territoires
RÉPUBLIQUE FRANÇAISE
DGCL Direction générale des collectivités locales
MINISTÈRE DE L'EUROPE ET DES AFFAIRES ÉTRANGÈRES
BANQUE des TERRITOIRES

EUROPEAN LEVEL: a strategic partner

REGIO
mot
CESCI CENTRAL EUROPEAN SERVICE FOR CROSS-BORDER INITIATIVES
tein

European Commission

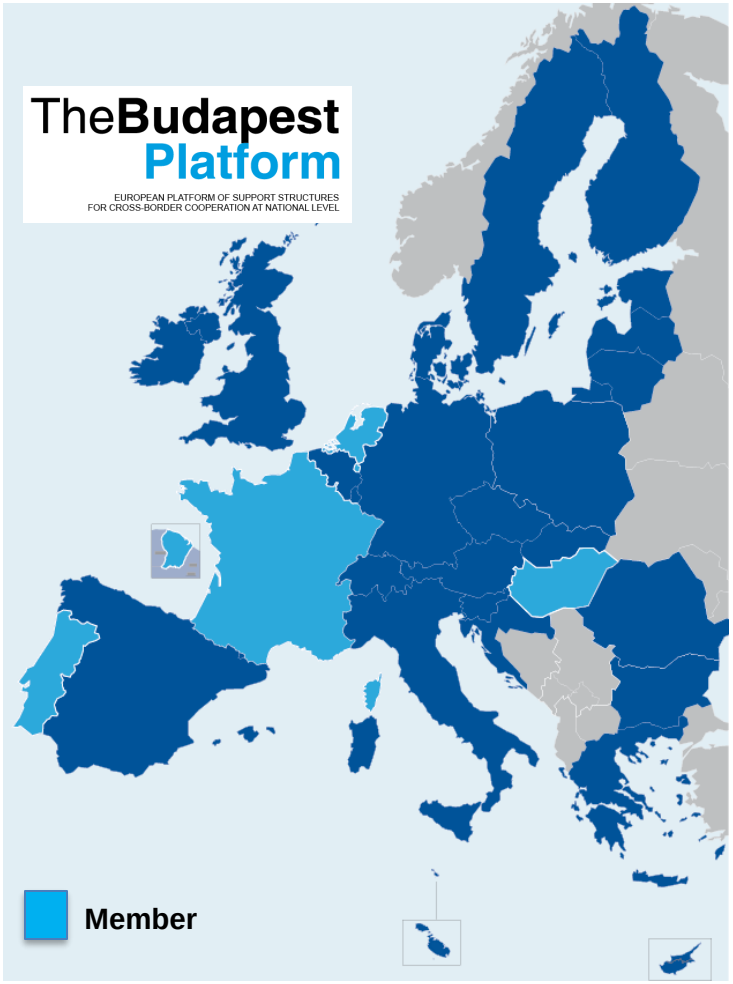
An example : BE FR border

- 2007 : Report of the BE FR parlementarian working group:
  - towards the creation of the 1st EGTC in 2008: Lille Kortrijk Tournai metropolis
  - Identifying 239 legal obstacles
- 2013-2014 : update

4 types of **solutions** identified:

1. *Develop CB information*
2. *Develop CB administrative coordination*
3. *Modify domestic legislation (FR, BE Flanders and Wallonia*
4. *Conclude new bilateral agreements*

National approach for cross-border cooperation



The Budapest Platform (2010/2015)

4 Members:

- France: MOT
- Hungary: CESCI
- Netherlands: Ministry of Home Affairs
- Portugal: Working Communities Galicia-Norte Portugal and Norte Portugal/Castilla y León

TheBudapest Platform

EUROPEAN PLATFORM OF SUPPORT STRUCTURES
FOR CROSS-BORDER COOPERATION AT NATIONAL LEVEL

The role of the states in supporting cross-border cooperation

Brussels, 2 July 2013

Agenda

14.15 **The Budapest Platform**

14.30-15.45 **Presentation of various experiences**

- The Dutch experience
- The Hungarian experience
- The French experience
- The German experience

Statements from other Member states

Reactions from EU institutions

- European Commission, DG REGIO
- Committee of the Regions, EGTC Platform

16.30-18.00 **Debate with the representatives of the Member states and the European institutions**

OPEN DAYS

12th European Week of Regions and Cities
Brussels
6 - 9 October 2014

NETWORKING EVENT OF THE BUDAPEST PLATFORM

Following Open Days Workshop 08C01

New generation of cross-border cooperation : support at national level to overcome obstacles

The Budapest Platform
EUROPEAN PLATFORM OF SUPPORT STRUCTURES FOR CROSS-BORDER COOPERATION AT NATIONAL LEVEL

8 October 2014

Growing together
Smart investment for people

A logic historical development

Interreg fostered enhanced cross–border mobility

→ CB pioneers encounter intangible border obstacles

→ They demand these obstacles to be removed

→ Removing them requires:

1. a systematic mapping of remaining border obstacles,
2. as far as possible, harmonisation of 'border-blind' national systems

Available legal tools at EU level?

- Internal Market kit can be used to its full potential (Art. 26, 352 TFEU)
- But taxation & social security remain outside EU competence
- Border areas have no outermost-like Treaty provision (Art. 349 TFEU)
- However common strategic planning requires no specific legal tool
- And the Treaty now offers a clear basis for enhanced cooperation (Art. 329-334 TFEU)

Where there is a will there is a way

- ✓ Initiative of the Trio & future Lux Presidency
- ✓ New generation of 'border conscious' MEPs
- ✓ New Commission determined to restore growth across the territory of the European Union
- ✓ This starts with stakeholders involvement 23 Oct. 3-4 pm #EUChatRegion @EU_Regional **#EUCB**

Mapping cross-border obstacles

(ISIG for CoE, 2013)

- Border
- Type of geographic area
- Level of solution (local, regional, national, EU)
- Perimeter of action (unilateral; bi/multi lateral)
- Topic (employment, transport,…)
- And nature of obstacles:

➢ **technic/administrative: functional dimension**
➢ **legal/institutional: political dimension**
➢ **economic**
➢ **cultural**
➢ **lack of knowledge: information dimension**
➢ **lack of propensity to cooperate: inter-individual dimension**

Mapping the cross border tool box:

Example of the Hospital of Cerdanya

- Funding tool: Interreg
- Governance tool: EGTC
- Obstacles linked with the specific activity of the hospital: many solved, not all

-> need of new tools.

How does a hospital work?
6 ISIG dimensions

- Functional (technical, administrative,…) dimension: health requires technics, care protocols
- Economic dimension: how to cover the cost of care? Role of market & public funding
- Political (institutional, legal) dimension: solidarity through social security; role of public authorities
- Information: opinions about health
- Cultural dimension (habits, ethics,…)
- Inter-individual dimension (propensity to cooperate): relations between nurses, doctors and patients

- Systemic nature of obstacles
- For a domestic hospital, a national frame exists to solve obstacles, build compromises between functional/ economic/ political/… logics
- In a CB context, such compromises are also possible, but there is no pre-existing framework: risk of delays, obstruction

What assessment of the CB hospital can we make so far ?

- It works, because patients want to live, nurses and doctors want to cure, and the ES/FR team is cohesive
- The hospital is a machine to solve obstacles
- **But too heavy “transaction costs” => idea of a new EU legal tool: ECBM**

From the European Cross-Border Convention (ECBC) to the European Cross-Border Mechanism (ECBM)

Overcoming cross-border obstacles

Thiemo W. Eser

Head of Division of International Affairs and European Territorial Cooperation

9th Annual meeting of the EGTC Platform

27 September 2019 in Palma

LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère de l'Énergie et de
l'Aménagement du territoire

Département de l'aménagement
du territoire

History

LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG

- November 2015: First reference to the ECBC in the "Presidency Conclusions" of the Informal Ministerial meeting on Territorial Cohesion in Luxembourg.
- June 2017: Publication of the Final report of the Working Group on Innovative Solutions to Cross-Border Obstacles co-chaired by LU+FR.
- September 2017: Publication of the European Commission's Communication "*Boosting growth and cohesion in EU border regions*" {SWD(2017) 307 final}.
- May 2018: Publication of the European Commission's *"Proposal for a Regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context (ECBM)"* {COM(2018) 373 final} as part of the Cohesion Policy package.
- October 2018: Council – Orientation debate in the Structural Measures Working Party.
- November 2018: Parliament – REGI Committee report tabled for plenary, 1st reading {A8-0414/2018}.
- February 2019: Parliament – Decision by plenary, 1st reading {T8-0118/2019}.
- Currently: Waiting for Opinion of Council Legal Service (regarding institutional balance, review of legality, choice of legal instrument, voluntary nature, proportionality and subsidiarity) and Council 1st reading position.

ECBM draft regulation : 2 aspects

- 1: allow local stakeholders to propose solutions to overcome the CB obstacles they meet

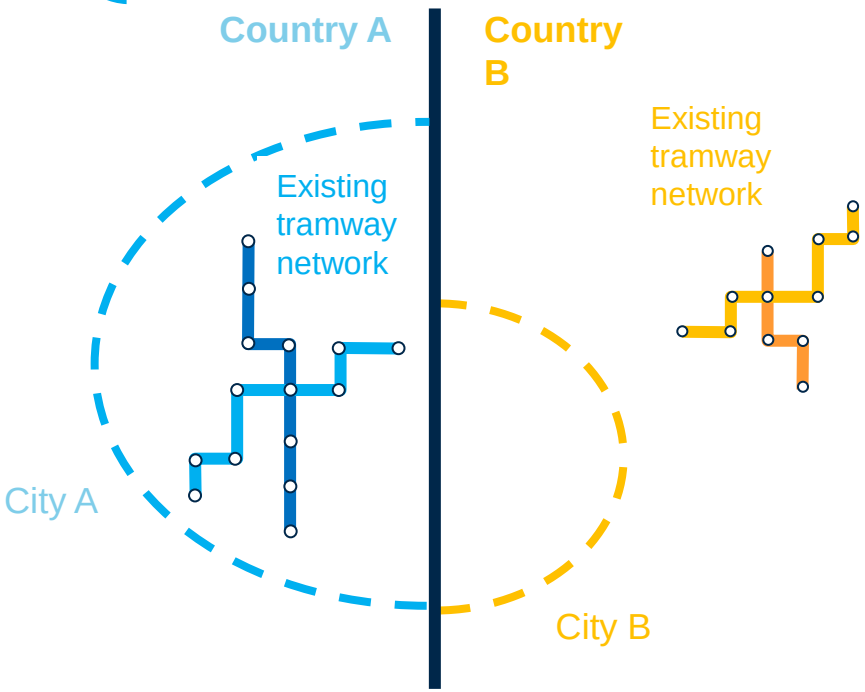
- 2: Create a multi level process to manage bottom-up proposals

National decision can be + or -, but should be explicit and taken in a reasonable delay

Obligation to set up national/regional border coordination points in all MS

acting within a network monitored by the EU border coordination point

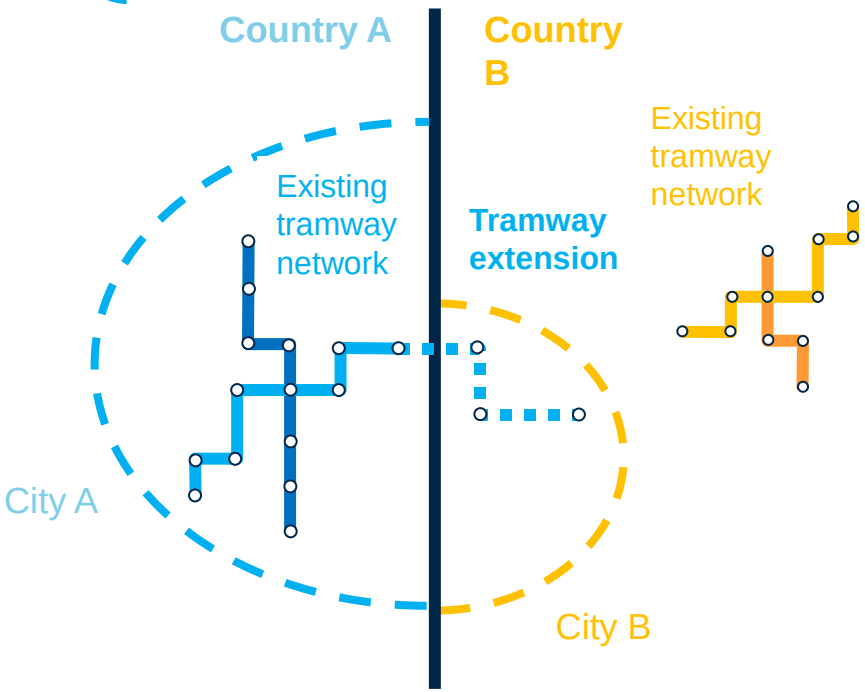
Example of ECBC in extending a tramway line



→ **Need to extend a tramway line across the border; different standards applying**

Standards A ≠ Standards B

Example of ECBC in extending a tramway line



Standards A ≠ Standards B

→ Need to extend a tramway line across the border; different standards applying

Suggestion to apply standards of country A in country B only for this specific cross-border line

Finding innovative solutions to CB obstacles:

towards a European multi level platform ?

Different organizations in several parts of Europe have a potential for coordination. They could be made inter-operable. This would allow to:

- Take **action at each border** in support of local/regional players
- **Exchange experiences** concerning the removal of obstacles **on different borders**
- Raise awareness of the remaining obstacles **at higher levels of government; support the national level; facilitate concertation between neighbouring countries**
- **Support the European level: manage an European database** of obstacles and solutions, fed by the network of organizations quoted above

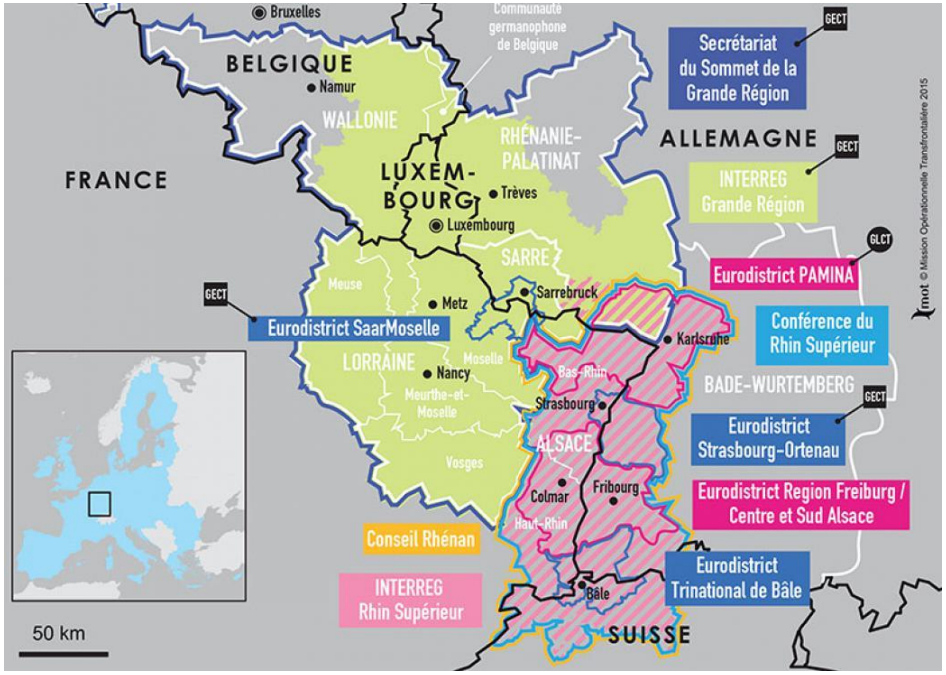
*Source : report of the **Working Group on innovative solutions to cross-border obstacles** http://www.espaces-transfrontaliers.org/en/activites-ue/obstacles-intergovernmental-group/*

The DE FR example (Aachen Treaty, 22 January 2019)

France and Germany agree to

- give « appropriate competences, dedicated resources and accelerated procedures to local authorities and Euro-districts »
- create a « Cross border Cooperation Committee» (CCC): States, Länder, Region, Départements, Strasbourg, MPs, Eurodistricts

« in charge of coordinating CB observation, drawing up a common strategy for identifying priority projects, monitoring obstacles and elaborate proposals to address them, analyse the impact of new legislation »



A model transposed on other borders : IT/FR (Quirinal Treaty, 26/11/21), ES/FR (Barcelone Treaty, 19/01/23)

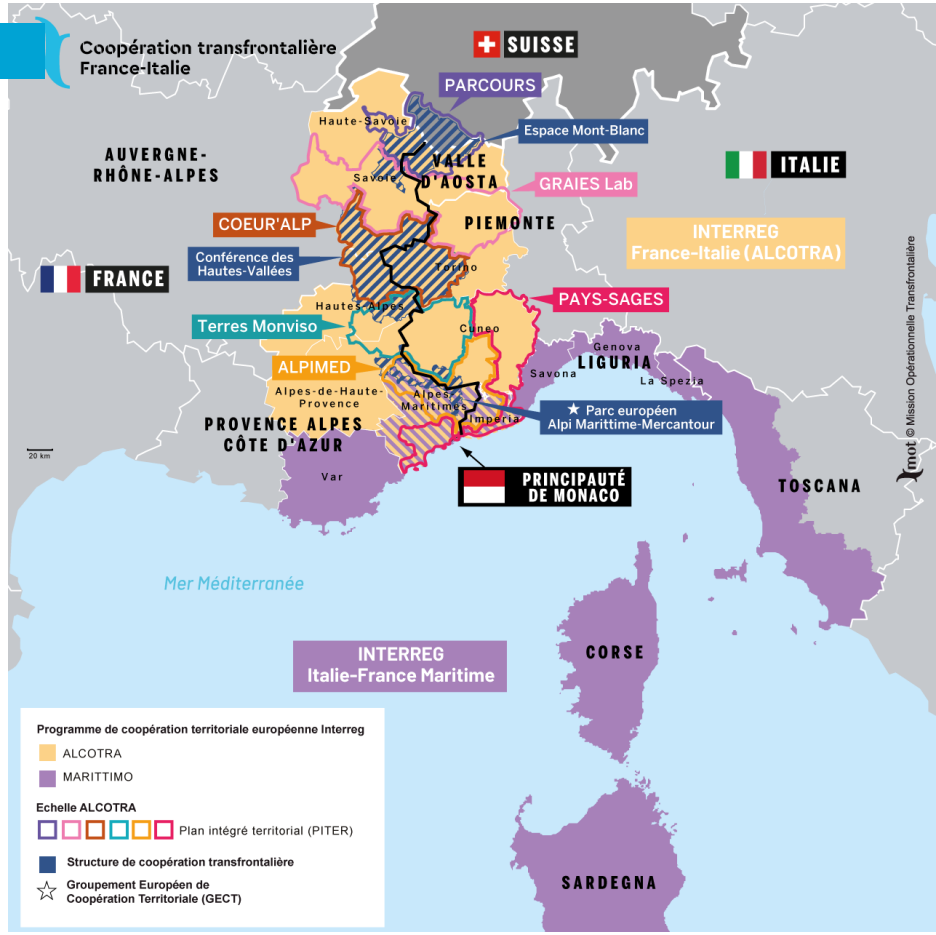
Sarrebruck, 21/10/24: France and Germany decided to test to check ex ante the effects of their legislations on the common border: declaration of **inter**dependence (A Faludi) !

INTERREG programmes contribute ! FR IT border

New projects supported by ISO 1

- **Alcotraité** (MOT with 5 Regions ALCOTRA) -> working groups, consultations, territorial workshops
- Equivalent project between regions in MARITTIMO
- **"Observ'Alp" :** CB monitoring in Southern Alps
- **"ProSATIF-GO"** : towards new legal provisions in the field of CB health
- Etc...

➢ **But need to coordinate also in Paris : toward an interministerial coordination on border issues (a long time request of MOT)**



The online consultation on border obstacles

- Two strands : 1. Citizens // 2. Local stakeholders

700
contributions received!

borders forum by mot

missiontransfrontier
opérationnelleoperational
transfrontalièremission

What if we DARED to make a "cross-border deal" ?

December 2nd & 3rd 2024

At the Cité Internationale Universitaire de Paris

With round table discussions, 10 workshops, keynote speeches, and more!
FOR MORE INFORMATION, EVENT PROGRAM, AND REGISTRATION:

HTTPS://BORDERSFORUM.EU

THANK YOU
FOR YOUR ATTENTION

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