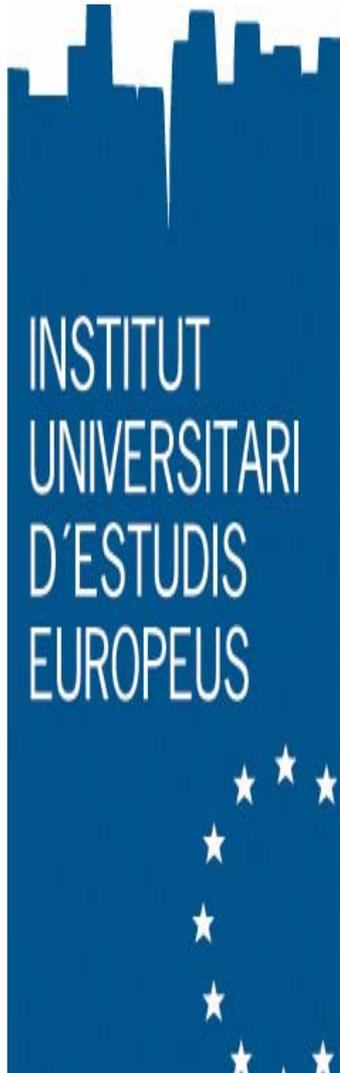


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Working Paper

**Cross-Border Co-operation
in Europe**

Jens Gabbe
Secretary General of AEBR

Universitat Autònoma de Barcelona
Edifici E-1
08193 Bellaterra
Barcelona (Espanya)

Dear Chairman, ladies and gentlemen,

First of all I would like to thank you very much for having invited me to this important seminar. From 1972 to 1988, I had worked with the oldest EUREGIO, which has invented this name. From there, the system of Euroregions and similar structures snowballed through Europe.

In 1987, I became Secretary General of the Association of European Border Regions (AEBR), which has been founded in 1971. AEBR is one of the 6 large European regional organisations, which are regularly heard by the European Commission, the European Parliament and the Committee of the Regions.

AEBR has developed its theories out of its practical experience. Thus, we can prove that everything that I tell you today is realisable. In this respect, one of the aims of this seminar should be to make use of experiences and not to “reinvent the wheel”.

1. General Principles of cross-border cooperation

Since the late 1980s and early 1990s, Europe has been experiencing trends which continue today:

- the gradual dismantling of the internal borders within the EU since 1 January 1993. This process has been accompanied by a shift of previous national state borders to the EU's present external borders with other countries and it gained new strength with the accession of Austria, Sweden and Finland to the EU;
- efforts to establish contacts across the new external borders to facilitate intellectual, political and economic exchanges with third countries such as Switzerland, Norway and the countries of Central and Eastern Europe and the Mediterranean; and
- the fact that as new members join the EU its present external borders become new internal borders whilst the previous borders in Central and Eastern Europe become new external borders of the EU.

These processes have a direct effect on all border regions on the current and future internal and external borders of the EU. They have led to a substantial geographic expansion and intensification of cross-border co-operation.

This cooperation takes the form of inter-governmental commissions and commissions for spatial planning or, at regional and local level, the form of cross-border euroregions or "associations" having a similar structure. They can be organised with or without formal inter-state agreements. Structures can be formed at both national/regional and regional/local level.

These trends have presented new challenges, as well as the need to emphasise the "philosophy" from which cross-border cooperation emerged almost 40 years ago.

To be effective now and in future, cross-border cooperation has to be more wide-ranging and characterised by joint activities from the beginning:

- all aspects of daily life in the border regions should be included: economy, work, leisure, culture, social affairs, housing, planning, etc.;
- it has to take place on a daily and regular basis, and involve partners from all areas and on both sides of the border from the beginning;
- it should be conducted on all levels: national, regional and local;
- It is part of the European internal policies, not only of national foreign policies.

Consequently, cross-border co-operation does not mean that neighbouring border regions first of all develop their individual programmes, priorities or projects independently of each other at national border level and only later contact their partners on the other side of the border in order to have them become involved. It is not enough to simply co-ordinate national plans or add a few project proposals and call this a cross-border programme or project. Nor should cross-border cooperation take place merely because external sources of funding are available, although this will naturally act as a significant incentive and stimulus to cooperation.

There is a need for exchange of best practise at European level. But the question is if best practises have really been taken into account, for example at European level? The EU-evaluation of the INTERREG programme clearly shows that smaller INTERREG programmes, linked to cross-border euroregions or similar structures, have achieved the best results. But the Commission is more and more in favour of bigger programmes covering a whole border. Let me give you another example: euroregions and similar structures are most successful because they act at regional/local level. The scope of cooperation is broader than INTERREG. But what can we see in reality? More and more euroregions and similar structures have been created with a focus on INTERREG and the European money only. Most of them will collapse as soon as European financial support will be finished.

There is one general rule creating cross-border structures: First of all, you have to define the tasks as a common basis for cooperation. It is not sufficient to say: „We want to cooperate“, “There was something in our history”, “Cross-border cooperation contributes to European ideals” or “EU funds are available”. First of all, you have to define the common interests of a cross-border area in the fields of infrastructure, economy, social cultural cooperation, tourism, environment and so forth. So first of all, you have to define the tasks and then you can look for suitable structures.

Cross-border cooperation is most successful at regional/local level due to:

- participation of citizens
- involvement of all politicians (local, regional, national, European)
- partnership and subsidiarity
- existence of a cross-border structure and own financial resources
- acting with a joint secretariat.

These are key elements, which can be found throughout Europe in well-running euroregions or similar structures. These key elements have been adopted and transferred to regional-specific needs and conditions.

2. Factors Facilitating or Hindering the Development of Cross-border Structures

Advancing cross-border cooperation requires permanent and “binding” cross-border structures. Experience shows that cooperation comes first and structures follow, usually through a gradual process of adaptation and finding pragmatic solutions to a multitude of legal, administrative and political problems. This process should not be aimed at creating a new, cross-border level of administration. It should, instead, be regarded as the cross-border “interface” or “exchange” between the relevant levels of administration, which exist on either side of the border.

The term “cross-border structure” does not always mean the creation of new organisations, let alone the establishment of separate legal entities. Quite often, it means a variety of arrangements involving adaptation, inter-linking and cooperation between existing bodies and a multitude of formal and informal agreements.

There are many factors that influence the emergence and development of cross-border structures, the most important of which are as follows:

- **Positive factors:**

- extensive experience in cross-border cooperation;
- specific-purpose agreements;
- framework agreements (e.g. international treaties);
- own financial resources;
- availability of funding programmes supporting cross-border actions.

- **Negative factors:**

- public law limitations on local/ regional authorities imposed by national legislation;
- differences in structures and powers of different levels of agreement and administration on either side of the border;

- lack of political will, especially at national level, to remove existing constraints, e.g. through new national legislation or bilateral treaties.

3. Types of Cooperation

3.1 Euroregions and similar structures

A number of cross-border structures are known as “Euroregion” or similar structures. Euroregions and similar structures have public authorities or public equivalent bodies as members. Most of them have created working groups in all fields of cross-border cooperation with the aim to involve all social partners. There is no parity in these working groups because the social partners from neighbouring states are too different. As the social partners are the main actors in the working group, the ideas for cross-border projects are developed there.

Although they are not identical with regard to their legal form or organisation, Euroregions and similar structures share many common characteristics, and especially they:

- are permanent;
- have a separate identity from their members;
- have their own administrative, technical and financial resources;
- have their own internal decision making.

The geographical area of a Euroregion is typically determined by the extent of socio-economic integration and not solely by administrative units. The cross-border Euroregion bodies are not a new tier of local or regional government but an interchange point for existing public and private sector bodies. Although they are the main bodies for all regional/local activities of a cross-border nature, the implementation of most of the actions included in cross-border plans and programmes is done by the competent authorities and other organisations according to national procedures (s. table “Euroregion” in annex).

Practically all Euroregions within the EU have been accorded an important role in INTERREG on both internal and external EU borders. Their geographical area has been designated as the eligible area for INTERREG IIA purposes, and their organisation

performs all or some of the functions required for the management of the implementation of the corresponding operational programme.

Most Euroregions or similar bodies are established on the borders of Germany with the Netherlands, Belgium, Switzerland, Austria, Poland, Czech Republic, France and Denmark. There are also Euroregions on the Italian/Austrian border (Euroregion Tyrol), Greek/Bulgarian border (Euroregion Nestos/Mesta) and the French/Spanish border (Euroregion Midi-Pyrénées, Languedoc-Roussillon, Catalunya). There is also a growing number of structures created on similar lines and using the term “Euroregion” in Central and Eastern European countries.

Moreover, the regional cross-border structures in the Nordic countries have considerable similarities with the Euroregions, especially in terms of identity, capacity, and role in INTERREG IIA.

In terms of the necessary steps for establishing a Euroregion-type structure can be summarized as follows (if there is no international cross-border cooperation treaty covering a particular border):

- associations of regional/local authorities (municipalities, counties, etc) are formed specifically for cross-border purposes on both sides of the border under national (public or private) law;
- the associations then enter into an agreement on cross-border co-operation (typically under private law), covering at least the following:
 - * equal representation on the governing body (council, committee);
 - * financial contributions of the associations to a common budget;
 - * common secretariat.
- if the above agreement is under public law allowing the participating public authorities to transfer responsibilities and liabilities but not constitutional rights to the cross-border body, the above agreement can also cover the management of INTERREG programmes and projects; otherwise, a separate INTERREG agreement will be required with the competent member state authorities being party to it.

Working communities and other bodies

In a large number of cases regional or local authorities, or other organisations have agreed to cooperate, e.g. by signing a protocol of cooperation or a legally non-binding agreement, and have created some sort of structure, typically without its own legal personality.

The commonest term used for such structures is “Association” (*communauté de travail*) and the commonest type of membership is that involving regional authorities. Examples include: Jura (F/CH), Pyrenees (E/F) and Extremadura/ Alentejo (E/P).

Another type is the *Regionalrat* (regional council) which brings together elected politicians from participating regional authorities from either side of the border (e.g. A/H established in 1993 which comprises the counties of Győr-Moson-Sopron and Vas, the cities of Győr, Sopron and Szombathely (H) and the Land of Burgenland (A). The *Regionalrat* is supported by thematic working groups. The cooperation between Austria and Hungary has the objective to create a Euroregion. The *Regionalrat* is a first step in this direction.

A variety of other names are also in use. For instance in the case of Ireland/UK (Northern Ireland) there are three cross-border “clusters” (informal associations) of local authorities (district councils from NI, and counties from Ireland), called: EBRC (East Border Regions Committee); ICBAN (Irish Central Border Network); and NWRCBG (North West Region Cross Border Group).

The main common features of such structures can be summarized as follows:

- they are permanent;
- they sometimes have a separate identity (e.g. ICBAN in IRL/NI) but they often retain the identity of their members (e.g. Association of Galicia and Norte in E/P);
- they rarely have separate capacity from the members, normally relying on a revolving chairmanship and secretariat; and committees/working groups of officials representing the members and meeting from time to time, and are without substantial financial and personnel resources of their own;

- they rarely have separate decision making from their members, maintaining an inter-organisational form of decision-making, i.e. participants in the committees, working groups etc of the cross-border structure acting as representatives of their own authority.

Typically these structures have focused on strategic planning activities (such as studies) and/or development of specific projects, and to date they have not been accorded a major role in INTERREG. An example, of limited involvement in INTERREG I was that of the establishment of a technical assistance bureau on the Spanish/ Portuguese border - the Gabinete de Iniciativas Trasfronterizas (GIT) by the Association of Extremadura/Alentejo. There is however, a tendency for the geographically smaller and more focused ones to increasingly play a role in INTERREG IIA for specific projects and functions, e.g. the three IRL/NI “clusters” and the Association of Galicia/Norte/Galicia (P/E).

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 cooperation, 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;
 - waste disposal;
 - tourism and leisure;
 - agricultural development;
 - innovation and technology transfer
 - schools and education;
 - social co-operation;
 - emergency services and disaster prevention;
 - communications;
 - public security.

4. Why Can no Other Body than the Cross-border Region / Structure Handle these Tasks More Efficiently?

Only Euroregions and similar structures:

- act across the border from morning to night
- maintain a particularly intensive partnership inwards and outwards
- identify and solve problems already in the preliminary stages
- eliminate psychological barriers
- elaborate jointly acceptable proposals because legal and other problems are avoided from the beginning
- do not make national proposals, which will be forwarded to the neighbours for approval (what usually leads to time consuming and controversial comments without a genuinely joint proposal and decision).

Euroregions / Euregios and similar structures do not form a new additional administrative level, but they are driving forces and focal points for all cross-border relationships. They ensure a **vertical and horizontal partnership**, whilst the cross-border partnership is the most difficult field at all as it requires at first nationally the realisation of a vertical partnership between the European, national, regional and local level on both sides of the borders! And then, all this has to be linked in a cross-border way.

By doing so, it can very quickly be realised that competencies and structures don't match with each other on both sides of the border. Therefore, an equalising level is necessary, which has so far successfully been realised by Euroregions only. Due to the fact that they are the cross-border "roof", which is equally staffed independently from size and inhabitants on both sides of the border. This cross-border roof is based on national associations or special purpose associations according to public law. These communities implement the decisions taken by the cross-border Euroregions etc. on the nationally usual way in co-operation with the authorities, which do already have the necessary competency. Only in this way, conflicts with regard to competence in cross-border co-operation can be avoided.

In addition, internal and external partnership is realised.

The Partnership outwards means the co-operation with the state, which for legal, political and financial reasons ensures the functioning of the whole. But the state can safely leave the cross-border co-operation to the regional / local level or a Euroregion, which forms the most appropriate level. Given that the state has always “one or more feet in the door“:

- The national programmes and plans on both sides of the border have to be considered,
- Co-financing is needed,
- Supervision and control are necessary.

In this way, the state has considerable influence on the cross-border co-operation of the regional / local level.

The partnership inwards means the mobilisation of all social partners (chambers, associations, unions, employers, culture organisations, tourism associations etc.). The task of the Euregios etc. is to engage these partners, to apply their knowledge for cross-border co-operation and not to establish a huge administration. Furthermore, the Euroregions etc. are responsible for joint development of programmes and projects with these partners and for the fundraising. A Euregio or a similar structure shouldn't appropriate the competences of the partners from the region, as in this case, conflicts with regard to the competence are unavoidable. Furthermore, it is far less expensive and better to use the knowledge available on both sides of the border. Thus, a sound basis for cross-border co-operation is created within the population.

Euroregions don't solely form a service point for their members and all institutions on both sides of the border. It would be good, if also national governments etc. used this service point and its knowledge.

Highly recommended would be as well a EU-legal instrument for decentralized cross-border co-operation guaranteeing co-operation at any time, in any place and on any subject.

5. Outlook: Cross-border Co-operation – a European Task and Political Objective

The **Association of European Border Regions**, under the auspices of which more than 150 border regions from all parts of Europe work together, was founded in 1971, making it the oldest regional organisation in Europe. AEBR proposes that:

"Cross-Border Cooperation" be incorporated into the treaties of the European Union and all areas of political activity as a European task and one of the EU's political objectives.

Argumentation

- Borders are the scars of history. We must not forget these scars, but we should not cultivate them when taking the decisions that will decide the future of Europe.
- Article 2 of the Amsterdam Treaty provides for the 'creation of an area without internal frontiers, through the strengthening of economic and social cohesion.'
- 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 (e.g. regional planning, economic support, media landscapes, etc.).
- 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 harmonization, particularly where this would result in the loss of Europe's diversity.
- 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.

- No state in Europe – inside or outside the EU – will alter its tried and trusted structures, systems 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.

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

- Bilateral or trilateral cross-border cooperation 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.

- 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 on European level.

Conclusion

Cross-border cooperation is a **key political task of the European Union** that needs to be **implemented regionally/locally** in partnership with the national authorities in each area. As a **concrete challenge on the spot** and a **European political objective**, cross-border cooperation will therefore become a touchstone for:

- "European integration" and "social cohesion";
- The peaceful coexistence of peoples, 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 cooperation;
- Reconciliation, tolerance and equality, in spite of the differences between partners;
- Social, cultural and economic links and cooperation, extending as far as cross-border integration, without undermining state sovereignty;
- A Europe of citizens in their own communities, regions and states.