



LE GOUVERNEMENT
DU GRAND-DUCHÉ DE LUXEMBOURG
Ministère du Développement durable
et des Infrastructures

Département de l'aménagement
du territoire



Invitation to join a Working Group on innovative solutions to cross-border obstacles

1. Context

Luxembourg Presidency 2015: Proposal for a new European legal tool

Within the framework of its presidency of the Council of the European Union in the second half of 2015, Luxembourg proposed actions to facilitate cross-border cooperation. One of these, elaborated with the technical assistance of the MOT, concerns the creation of a new legal, voluntarily applicable tool based on an EU Regulation. This tool would allow local authorities, facing a legal obstacle while undertaking a cross-border project, to propose to their respective national authorities a legal framework specific to the functioning of the project concerned. For example, the extension of a tramway line to the other side of a border could be regulated on both sides of the border by the norms of only one of the two countries. In summary, the states could recognise the local application of norms and regulations originating from the legal framework of a neighbouring country, in order to facilitate the implementation and functioning of a specific cross-border project. The Presidency conclusions of the Luxembourg Presidency recommend “a follow-up by the incoming Presidency Trio to further explore the existing opportunities for the efficient cooperation in border areas in Europe and to further analyse the necessity for developing adequate and complementary tools together with the European Commission, to be considered separately or in the framework of the preparation of the legislative package for Cohesion policy post-2020.”

European Commission: Cross-border Review; state of the art in April 2016

The identification of border obstacles is also one of the priorities of DG REGIO (European Commission) within the context of its “Cross-border Review”. In 2015 DG REGIO launched a consultation on border obstacles, a study on the subject conducted by a group of consultants, and an expert group; on this basis, DG REGIO will issue a number of reports and papers, useful to identify and systematise border obstacles and potential solutions to overcome them. However, the experience at borders, including where cooperation is well established, shows that even if solutions can be found they are often subject to very long processes of adjustment and approval, which may delay their implementation indefinitely. The tool proposed by Luxembourg, bottom-up and voluntarily applicable, is intended to facilitate these local approaches, by creating a faster legal process, without calling into question the prerogatives and responsibilities of national governments.

2. Necessity of ensuring a follow-up on innovative solutions to cross-border obstacles

The questions posed by certain national governments, and the time-scale relating to the Commission’s calendar make apparent the need to continue the discussion about cross-border obstacles and solutions among interested Member and Partner States, and with the Commission.

Within the context resulting from the Luxembourg Presidency and the Commission's Cross-border Review, a working group may bring together national governments, in consultation with the European Commission, the European Investment Bank, the European Parliament, the Committee of the Regions, the European Economic and Social Committee and other EU stakeholders, sharing the goal of facilitating cross-border cooperation. It would allow continuing the discussion about cross-border obstacles and solutions, in particular about the relevance of the tool proposed by Luxembourg.

The initiative is presented to Member and Partner States during the meeting of DGs in charge of Territorial Cohesion on May 11th 2016 and of DGs in charge of Urban Matters on May 12th 2016 in Amsterdam connected with an invitation to join the working group.

3. Proposed organisation of a Working Group

Mission

The expert working group should be an intergovernmental platform – in a structured dialogue with the EU institutions – dealing with obstacles to cross-border cooperation and solutions to overcome these, with a particular focus on the added value, feasibility and design of the legal tool presented under the Luxembourg Presidency. If the approach proves to be appropriate the result should be an input and starting point for a legislative process at the EU level at the end of 2017.

Objectives

- Build on the results of the European Commission's Cross-Border Review and similar exercises at the national and cross-border level, but avoid duplication.
- Identify innovative solutions to cross-border obstacles, with a focus on obstacles related to different standards and norms.
- In that context, further develop the tool and address the open questions, including the legal aspects such as feasibility, identified in the input paper for the Informal Ministerial Meeting.¹
- Define the appropriate legislative framework for the legal tool at the EU level.
- Find opportunities for structured dialogue and exchange with the EU institutions.

Potential Members

- National authorities in charge of monitoring cross-border matters
- Intergovernmental/transnational organisations: Nordic Council, Benelux Union, Upper Rhine Conference, Summit of the Greater Region, etc.
- Stakeholders working on cross-border cooperation: Mission Opérationnelle Transfrontalière (MOT), Association of European Border Regions (AEBR), Central European Service for Cross-Border Initiatives (CESCI), etc.
- Working in consultation with the European Commission, the European Investment Bank, the European Parliament, the Committee of the Regions, the European Economic and Social Committee and other EU stakeholders.

¹ <http://goo.gl/VglGEh>

Working method

- The lead will be assured by Luxembourg in collaboration with France.
- The MOT will act as the technical secretariat for the expert group.
- The expert group will ensure a close collaboration with the presidency and meetings will, where possible, take place back-to-back with meetings organized by the presidency or in Brussels.
- The work of the expert group could be presented and discussed at other meetings and public events, such as the OPEN DAYS.
- The first meeting of the expert working group could be foreseen for the first week of July in conjunction with the NTCCP meeting under the Slovak Presidency.

First step

The initiative is presented to Member and Partner States connected with an invitation to join the working group during the meeting of DGs in charge of Territorial Cohesion on May 11th 2016 and of DGs in charge of Urban Matters on May 12th 2016 in Amsterdam.