



**European Committee
of the Regions**

COTER–VII/025

19th commission meeting, 22 and 23 June 2023

DRAFT OPINION

Commission for Territorial Cohesion Policy and EU Budget

European Cross-Border Mechanism 2.0

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This document will be discussed at the meeting of the **Commission for Territorial Cohesion Policy and EU Budget** to be held from **8.30 a.m. to 12.30 p.m. on Friday 23 June 2023**. To allow time for translation, any amendments must be submitted through the online tool for tabling amendments (available on the Members' Portal: <https://memportal.cor.europa.eu/>) no later than **3 p.m. (Brussels time) on Monday 12 June 2023**. A user guide is available at <https://memportal.cor.europa.eu/>.

Draft opinion of the Commission for Territorial Cohesion Policy and EU Budget – European Cross-border Mechanism 2.0

I. POLICY RECOMMENDATIONS

THE EUROPEAN COMMITTEE OF THE REGIONS

Border barriers limit the development of border regions and the well-being of their inhabitants

1. underlines that previous studies carried out by the European Commission show the considerable loss in potential growth in the EU's border regions that is the direct result of legal and administrative obstacles. These create considerable administrative burdens, hindering the cross-border activities of citizens and businesses. This is all the more important since a significant proportion of the EU population lives in border regions, 30% according to some estimates¹;
2. stresses that the same obstacles prevent local and regional authorities and cross-border entities from working together on joint projects such as cross-border public services². Experience has shown that more complex cross-border projects, in particular those relating to infrastructure, require much more funding and take much longer than similar projects carried out within a single Member State;
3. stresses that these border barriers are in conflict with the idea of European unity. After 70 years of integration, such barriers should not exist, and indeed, new obstacles should not be created, as it regrettably still the case. Article 174 TFEU on economic, social and territorial cohesion stipulates that particular attention should be paid to cross-border regions. The European Union and its Member States should take steps to remove or at least reduce these barriers, in order to implement the European single market, create jobs and growth and improve citizens' quality of life. Cross-border regions are at the heart of European integration and territorial cohesion priorities;
4. notes that many problems encountered by citizens and businesses in border regions on a daily basis - which are unimaginable in other parts of Europe and often not understood by the capitals of the Member States - mean that they suffer discrimination vis-à-vis other EU citizens. People in border regions must be able to access jobs, goods, services and relationships on the other side of the border, and thus live "360°" lives, as in other regions;
5. points out that the COVID-19 pandemic has further highlighted this problem. In cross-border regions, where residents cross borders on a daily basis for work, shopping, access to services or to meet relatives, the abrupt closure was particularly inappropriate. Some border regions had to

¹ Communication from the Commission to the Council and the European Parliament *Boosting growth and cohesion in EU border regions*, COM(2017) 534 final.

² *Cross-Border Public Services in Europe*, rapporteur: Pavel BRANDA (CZ/ECR) COTER-VII/005.

cope with an almost total collapse of their health systems, but they could not benefit from cross-border assistance as, in the absence of cross-border or European coordination, national legislation did not allow patients, medical staff or emergency services to cross borders;

6. draws attention to the numerous border barrier analyses that have been carried out by the European Commission and the Association of European Border Regions under the *b-solutions* programme since the 2015 cross-border review. These have repeatedly highlighted obstacles at borders and the existence of solutions through *ad hoc* provisions and regulatory or legislative changes, depending on the case. They have shown the need for forums allowing local and regional authorities to remove cross-border barriers with the support of the Member States. Such cross-border governance tools exist or need to be put in place in an operational manner [Nordic Council; committees on cross-border cooperation at the FR/DE (Aachen Treaty), FR/IT (Quirinal Treaty), FR/ES (Barcelona Treaty)] borders;
7. stresses that it is unacceptable that, in today's European Union, not all border regions have cross-border governance tools to effectively report legal and administrative obstacles to the governments of their Member States or to the EU institutions, leaving these regions in a deadlock that limits their growth and prosperity. Each border region should have these cross-border governance tools at its disposal;
8. states that the European Commission must coordinate these cross-border governance tools in order to pool best practices and identify, where appropriate, opportunities to legislate at European level. As European citizens, people in border regions expect the EU to solve their problems. Unfulfilled expectations fuel negative feelings towards the European Union. A European legislative tool is therefore needed;

Revising the draft ECBM Regulation would remove barriers at borders

9. therefore reiterates its support for the ECBM Regulation proposed by the Commission in 2018, aimed at removing legal and administrative obstacles in a cross-border context, which would allow for derogations and possibly legislative changes in order to provide quicker solutions that would benefit public authorities, citizens and businesses in border regions;
10. recalls that, in its opinion on the ECBM adopted in 2018, the CoR stressed, that this is a very effective tool which would produce far-reaching positive effects on cross-border cooperation and life in border regions; notes that the real situation in these regions is often not well known; recognises the potential of such a mechanism and regrets that the Member States decided to suspend discussions on the Regulation;
11. acknowledges that, on the basis of the relevant remarks made by some Member States, a new approach to the Regulation should be adopted to overcome the deadlock. The CoR believes that the reservations expressed by the Member States can be resolved by means of an in-depth discussion and an amended proposal. In a spirit of openness and dialogue, the Member States, the European Commission, the Parliament and the CoR should organise working meetings to find a viable solution to the deadlock, leading to an amended proposal acceptable to all parties. The CoR, as a neutral actor, is the ideal body to organise such meetings;

12. welcomes the draft report with recommendations to the Commission for the amendment of the draft ECBM Regulation³ published by the REGI Committee of the European Parliament on 27 April 2023;
13. calls on the European Commission to address the Member States' concerns by rewriting the Regulation in order to simplify it and clearly explain the voluntary nature of the solutions to be implemented, while retaining its main aspects, such as cross-border coordination points in each Member State, or in regions with legislative powers, and the obligation for Member States to have an effective barrier resolution mechanism in place if they choose not to apply the one proposed by the Regulation;
14. calls on the European Commission, in order to avoid misunderstandings in the application of this Regulation, to clarify and simplify the procedures described therein, while leaving sufficient flexibility to each Member State;
15. points out that the Regulation has no budgetary implications; the additional administrative burden should be limited and much lower than those resulting from barriers in border regions. Cross-border barriers limit EU integration and the success of projects funded at European and national level, such as cross-border infrastructure or public services. The Regulation is being proposed in order to strengthen the cohesion of the European Union in the areas where it is most needed and visible. It proposes that this be achieved by means other than financial means, as this will have a strong positive impact on the reduction of real costs and overall cross-border cooperation;
16. stresses points out that it is essential to set up cross-border coordination points in all Member States, or in regions with legislative powers where these exist, even in Member States that will ultimately choose to apply their own tool rather than that proposed by the Regulation. These coordination points, which should be integrated into an appropriate ministry in each Member State or region with legislative powers, into existing organisations such as the Nordic Council, or established as independent bodies, should be visible and allow the relevant authorities to receive notifications from their border regions, their citizens and businesses, to process these notifications and to propose solutions;
17. stresses that cross-border coordination points, when working to remove obstacles at borders, should act as a network at each border, consulting their counterparts in neighbouring Member States where necessary, and at European level, in order to share their experience and collaborate on common solutions, while at the same time benefiting from the support of the European Commission in their work, notably through the European cross-border coordination point set up within DG REGIO. The resolution of a cross-border barrier, initially identified in a border region, can have a wider impact, even at European level;

³ *Draft report with recommendations to the Commission on amending the proposed mechanism to resolve legal and administrative obstacles in a cross-border context* [2022/2194 (INL)].

18. proposes that cross-border coordination points also play a watchdog role in order to avoid the creation of new legal and administrative barriers that could result from new national legislation, as well as from the uncoordinated transposition of EU directives into national law, and raise awareness among legislators of their cross-border impact;
19. strongly suggests that Member States should be able to choose to apply the ECBM or a national tool on a project-by-project basis, instead of opting for a particular tool per border as in the original proposal;
20. stresses that the amended Regulation should specify what alternative mechanisms could be used and also the minimal requirements for the national mechanism or a multi-national mechanism (Benelux, Nordic Council, Visegrad Group, bilateral treaties etc.) to allow exemption from the ECBM;
21. follows up on the previous CoR opinion in asking the Commission to specify the potential contextual scope of the ECBM – the situations (joint projects, services of general interest or others) in which it could be implemented. The CoR suggests that the European Commission clearly define what types of barriers could be considered eligible for this mechanism to be applied. Such clarifications would undoubtedly resolve certain concerns;
22. calls for the Regulation to specify its geographical scope. Its purpose is to remove border barriers for the benefit of NUTS 3 border regions. The solution must be adopted on a case-by-case basis, within the functional perimeter resulting from each barrier. The initiator of the request may be based in an area larger than a NUTS 3 region, depending on the division of powers affected by the barrier in each Member State;
23. stresses that the mechanism is most useful for land borders within the European Union, but calls for the Regulation to provide for the possibility of applying it to maritime borders;

Brussels, ...

II. PROCEDURE

Title	European Cross-Border Mechanism 2.0
Reference(s)	Not applicable
Legal basis	Rule 41(b)(ii) of the Rules of Procedure
Procedural basis	Article 307(4) TFEU
Date of Council/EP referral/Date of Commission letter	Not applicable
Date of Bureau/President's decision	Not applicable
Commission responsible	Commission for Territorial Cohesion Policy and EU Budget
Rapporteur	Magali ALTOUNIAN (FR/RE), Member of the Provence-Alpes-Côte-d'Azur Regional Council
Discussed in commission	Not applicable
Date adopted by commission	Scheduled for 23 June 2023
Result of the vote in commission (majority, unanimity)	
Date adopted in plenary	Scheduled for 9-11 October 2023
Previous Committee opinions	
Subsidiarity reference	
