



ANNEX

b-solutions:
**Solving Border
Obstacles**

A Compendium
of 43 Cases



IMPRINT

Printed by DigitalReproDruck GmbH in Germany
Graphic Design: Anna Landskron, www.surfacegrafik.de

Manuscript completed in March, 2020

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Luxembourg: Publications Office of the European Union, 2020

Print ISBN 978-92-76-13303-2 DOI 10.2776/89895 KN-03-19-913-EN-C
PDF ISBN 978-92-76-13302-5 DOI 10.2776/36819 KN-03-19-913-EN-N

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Introduction to the annex

The present volume is a compendium of the summaries of reports produced by actors of cross-border cooperation and legal experts in the framework of the European Commission's and AEBR's initiative *b-solutions*. This publication is an annex to the first volume *b-solutions: Solving Border Obstacles – A Compendium of 43 Cases*, which includes a detailed methodology, an overview of the proposed solutions per thematic area and main conclusions.

The pilot initiative *b-solutions* is promoted by the European Commission's Directorate General for Regional and Urban Policy (DG REGIO) and managed by the Association of European Border Regions (AEBR) ensuing from the Communication *Boosting Growth and Cohesion in European Border Regions* (COM(2017)534)¹ adopted by the European Commission in 2017. Its objective is to identify and promote sustainable methods of resolving border obstacles of a legal and/or administrative nature along EU internal land borders, including neighbouring EFTA countries. To achieve this goal, public authorities from border regions and cross-border structures had the possibility of exploring effective ways of overcoming the hindrances that continue preventing a full-fledged cooperation across the borders.

Through two calls for proposals launched in 2018 and 2019, AEBR has collected information on real and documented obstacles hindering cross-border cooperation in border regions throughout the European Union. The successful applicants have pointed out possible solutions to overcome such hindrances, although with different formats.

The first call for proposals, launched in 2018, aimed to identify a maximum of 20 specific solutions addressing concrete legal and administrative obstacles, tested and based on case-studies, detected in any of the following thematic areas addressed by the European Commission in its Communication on border regions: Employment, Transport, Health, Multilingualism, and Institutional Cooperation. As a result of this call, ten pilot actions have been implemented to devise innovative and sustainable solutions to legal or administrative obstacles hampering cross-border cooperation.

AEBR opened a second call for proposals in 2019. Its objective was to document and analyse further cases of legal or administrative obstacles hindering cooperation. To better assist local actors and practitioners of cross-border cooperation, successful candidates were assigned support in the form of expert's services providing legal consultation to define and document the identified obstacle. Legal experts with knowledge in cooperation helped identify possible solutions after making a clear reference to the legal and administrative provisions causing the impediment. The obstacles were categorised according to the thematic areas proposed in the Communication on border regions of the Commission – all of them in this case: Employment, Transport, Health, Multilingualism, Institutional Cooperation, Information Services, eGovernment and Evidence & Data. Thirty-three advice cases have been selected and received legal advice.

In this annex, detailed information for each pilot action and each advice case is displayed and made available to allow for mutual learning and capacity building. Specifically, for the pilot actions selected within the call opened in 2018 and developed in the course of the project, the information sheets present the obstacles and the proposed solutions, the process to achieve such proposed solutions and the final outcomes, including some remarks.

In regards to the advice cases selected within the call launched in 2019, the information sheets pinpoint the nature of the obstacles and the legal or administrative frameworks which generate them, and outline potential solutions suggested by the experts advising every case.

Where possible, reference is made to the potential impact of the new legal instrument proposed by the European Commission, the European Cross-Border Mechanism (ECBM)². The compendium serves also as a repository of instances to assess the role such tool could eventually have in solving obstacles of a legal or administrative nature that are yet hindering smooth policymaking in cross-border contexts.

The information sheets are derived by the reports submitted by the actors involved in *b-solutions*: the participants who have developed the pilot actions and the legal experts who have consulted on the advice cases. As such, the analyses of the hindrances and the solutions suggested presented for each case reflect the opinion of the project promoter or of the legal expert and do not represent a position of the European Commission or of AEBR.


The present publication is linked to the first volume containing an analysis of the obstacles and the solutions showcased here. Lessons learned and resulting policy recommendations are also to be found there. Both parts of the compendium are available on the website of the *b-solutions* initiative³. The full report of each advice case and updates on the pilot actions can be found on the online platform of the European Commission *Boosting EU Border Regions*⁴.

1 http://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions.

2 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2018%3A373%3AFIN>.

3 <https://www.b-solutionsproject.com/>.

4 <https://ec.europa.eu/futurium/en/border-regions>.



**10
pilot actions
to tackle
cross-border
obstacles**



Employment

#Apprenticeships

Cross-border mobility in dual education in the Eurometropolis

PARTNERS

European grouping of territorial cooperation Eurometropolis Lille-Kortrijk-Tournai EGTC, FR-BE

The Hauts-de-France Region, FR

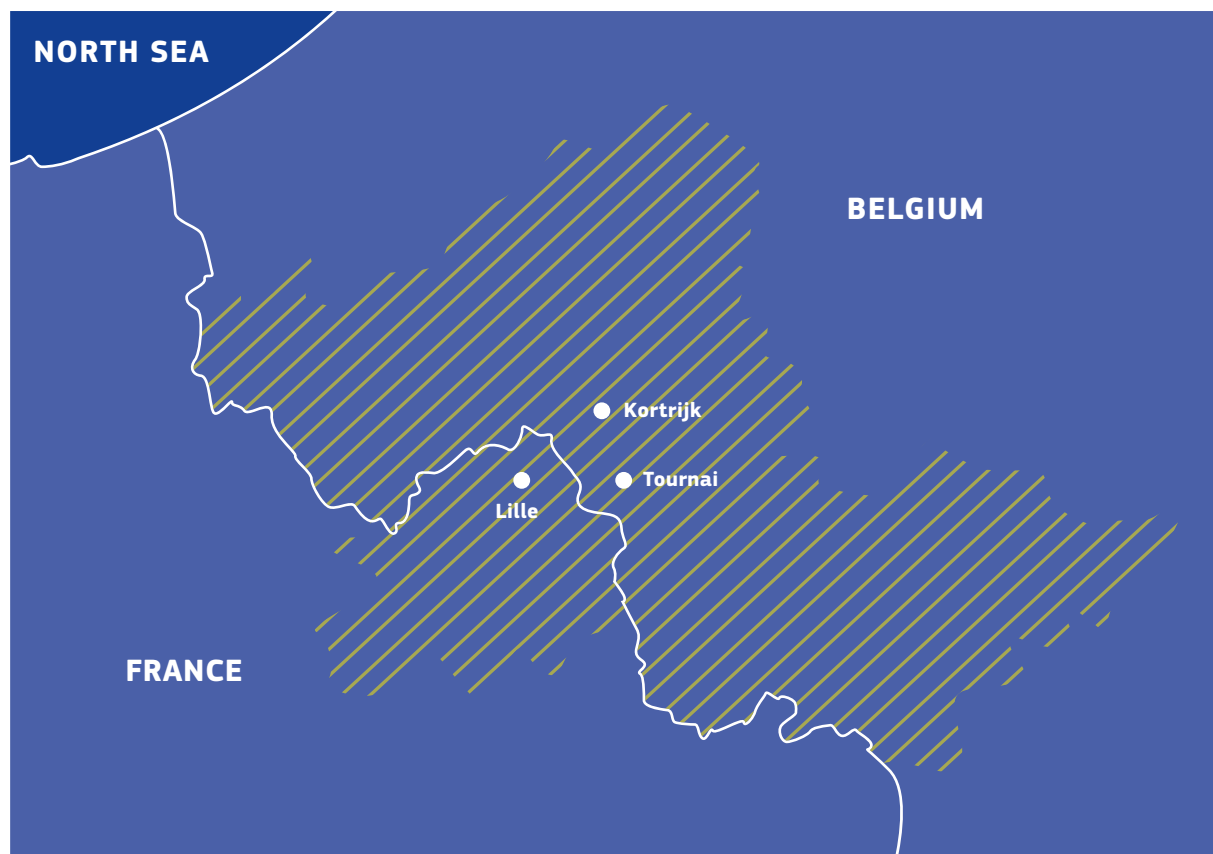
The Walloon Region, BE

The Wallonia-Brussels Federation, BE

The Flemish Region / the Flemish Community, FR

EUROMÉTROPOLE EUROMETROPOOL

LILLE • KORTRIJK • TOURNAI



THE OBSTACLE

The lack of harmonisation in the field of education at European level makes it difficult to develop the concept of cross-border apprenticeships. Many obstacles found in terms of cross-border mobility of French and Belgian apprentices, including **linguistic barriers** and **variations in age limits**, different **financial arrangements** and a weak mobilisation of stakeholders due to a **lack of information** for apprentices and companies. Furthermore, **diverging legal frameworks** envisage different arrangements in terms of contracts, remuneration, social security and financial support.

THE PROPOSED SOLUTION

The solution was identified in the necessity to carry out an in-depth **analysis** of the **practices** stemming from the different laws applicable within the territory of the Eurometropolis. Within the framework of *b-solutions*, a detailed diagnosis of the cross-border obstacles was proposed to determine an appropriate solution by means of a **derogation** or a **system of equivalence**. It was envisaged that this should lead to a framework **agreement** feasible for all competent authorities of the territory. Secondly, in order to test the cooperation formula resulting from the diagnosis, the Eurometropolis Lille-Kortrijk-Tournai intended to implement a **field experiment** to test the cross-border apprenticeship contract, allowing some apprentices to perform their apprenticeship on both sides of the border.

THE PROCESS

The Eurometropolis Lille-Kortrijk-Tournai and its partners implemented the following procedures to align the regulation of apprenticeship in the cross-border area:

- establishment of a **pilot committee** composed of a network of representatives of competent authorities and cooperation bodies concerned with dual education;
- identification of the **principles shared** by the competent authorities from all countries/ regions involved concerning dual education and aimed at promoting the cross-border mobility of apprentices in the cross-border region;
- implementation of a detailed **diagnosis** of the cross-border obstacles in order to identify an appropriate solution for each problem by means of a derogation from a national law or a system of equivalence;
- creation of a **framework agreement** feasible for all competent authorities of the territory;
- identification of **stakeholders** such as training operators from the cross-border region who agree to be involved in the pilot project;
- implementation of a small-scale **field experiment** in the cross-border area in order to test the cooperation formula resulting from the diagnosis, in order to test the cross-border apprenticeship contract.

Relevant outputs in the course of the implementation for the specific case were:

- a comparative **legal-administrative study** of the legislations applicable in the cross-border territory. This compares relevant aspects of the regulations of apprenticeships in the cross-border region, such as: definition of “apprenticeship” in the respective regulations, educational references, role of the stakeholders, source of funding, target groups, duration, degree or certification obtained, anticipated remuneration, the educational content and other key issues.
- a proposal for a project to conduct a **field test** to operationalise the cross-border mobility of the apprentices. The selected implementation method consists in testing, in collaboration with the operators of dual education centres, the consistency and the adaptability of a draft cross-border agreement derogating from the new French law and from the Walloon and Flemish decrees that were subjected to detailed prior analysis.

OUTCOMES OF THE SOLUTION

The Eurometropolis Lille-Kortrijk-Tournai and its partners have been able to involve many further strategic partners from the cross-border region on different administrative levels. This contributed to **raising awareness** on this issue with multiple stakeholders and to secure their interest.

In the course of the project, the partners, led by the Eurometropolis Lille-Kortrijk-Tournai, have been able to confirm the legal obstacles previously identified thanks to the **comparative analysis** of the three laws on “work-linked training”.

The partners will continue to work together beyond the scope of *b-solutions* to implement the test phase, demonstrating the importance of the issue for local stakeholders, and also the strength of the partnership built.

RECOMMENDATIONS AND REMARKS

A full solution of the obstacle would encompass the overcoming of related difficulties such as language barriers and mobility. **Better connections** throughout the cross-border regions and the improvement of **language competences** in a multilingual context would facilitate the success of cross-border uptake of apprenticeships.

The support of the **European branding** to this project has helped to raise awareness among stakeholders and to bring this action further.

The pilot committee decided to continue the work started in the framework of *b-solutions* with an **Interreg** project to ensure the sustainability of the results achieved so far. The Interreg project is principally aimed at the implementation of a pilot project among twelve beneficiaries of dual education (aged between 18 and 25), selected in training centres that are active in the three regions of the Eurometropolis. Beneficiaries will be selected from those professional areas which have a sufficiently similar training programme in Belgium (Flanders or Wallonia) and France to obtain accredited certification in both countries where dual education is provided. The objective of this pilot project is to test the validity of the above-referenced framework agreement drawn up in June 2018, and to adapt its stipulations if required and appropriate.

WHAT'S NEXT

- The Eurometropolis LKT will establish a **pilot committee** composed of a network of representatives of competent authorities and cooperation bodies concerned with dual education;
- The development of the **small-scale field experiment** on dual-education within the Interreg framework will take place starting from September 2020.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/facilitating-cross-border-mobility-within-scope-dual-education-eurometropolis-lille>

Cross-border mobility in dual education in the Eurometropolis
(#Apprenticeships)



#LabourTaxation

XBORDER-WORK: tackling administrative issues that hinder free movement of workers

PARTNERS

Region Friuli Venezia Giulia, IT

Employment Service of the Republic of Slovenia, SI





XBORDER-WORK: tackling administrative issues that hinder free movement of workers (#LabourTaxation)



THE OBSTACLE

In the border region between Italy and Slovenia there are approximately 2 million inhabitants. Of these, about 10,000 citizens commute, i.e. they live and work across the border.

Those who reside in one country but work in the other one have to deal with **over-taxation** and limitations concerning access to **social security benefits**. Also, cross-border commuters often do not know the legislation of the other Member State and think they are operating correctly by applying the rules of their state of residence. Furthermore, **language barriers** create further misunderstandings.

This situation also constitutes a problem for companies with branches in both countries which employ personnel from both sides of the border.

THE PROPOSED SOLUTION

The project partners proposed to introduce a **common bilingual paper form** through which a company could provide the relevant personal information and income details of a cross-border worker.

A subsequent **analysis** of the Italian and Slovenian relevant legislation and terminology would be carried out by an external legal expert. This would help to identify **how procedures work** in both countries and the major legal issues that had to be considered before implementing the above-mentioned form.

The **form** would be tested for a period of seven months by the district offices in Trieste (Italy) and Koper (Slovenia) in cooperation with at least thirty Italian and Slovenian companies. The personal data of the individuals involved would be collected and treated in full accordance with EU Reg. 2016/679 on privacy.

Finally, the findings would be summed up and one of the partners would draft a “**Recommendations paper**” for legislators on the adoption of the identified solution as standard practice.

THE PROCESS

The project partners implemented the following actions in order to achieve the proposed solution:

- Elaboration of a **comparative analysis** of the Italian and Slovenian legislation on income taxes with specific focus on the regulations impacting cross-border commuters.
- Draft of a **bilingual paper form** for employers concerning withholding taxes and social security contributions.
- **Testing** the effectiveness of the bilingual paper form in the cross-border region. 30 companies were selected to participate in the tax form testing phase: eleven Slovenian companies employing Italian workers, and nineteen Italian companies with Slovenian employees.
- **Disseminating** the results of the analysis conducted.

A relevant output in the course of the implementation for this specific case is the analysis of the legal framework which has enabled reduction of the difficulties faced by those crossing the border to work. Four main aspects have been identified: different timing for tax payments; tax credit should be attested as “final” by each single tax authority, in order to be recognised; different treatments of some income items (e.g. travel expenses); lack of understanding as regards which type of documents from one country must be taken into consideration also in the other country.

OUTCOMES OF THE SOLUTION

The creation of a bilingual module for tax declaration to be delivered by the employers to the income earners has facilitated the correct fulfilment of fiscal obligations, **making the contents clear** to the workers with no need for further translations. Final check of the data included in the form is required from competent authorities, but the margin of error is believed to be low.

The module was positively received by the 30 companies who participated in the testing phase, making clear that having all the necessary information available in two languages was useful for both parties involved. This leads to the subsequent consideration that some issues faced by frontier workers could be probably avoided if local offices of the tax agencies located in the proximity of the border were to have permanent **bilingual information desks**.

Great interest arose following the presentation of the project's results; and discussions about the possibility of using the module concretely and on a larger scale for the next tax return in 2020 were started.

RECOMMENDATIONS AND REMARKS

The formal adoption of such tools would need a **proper legislation** framework, preferably at **EU level** first. XBORDER-WORK proves that the use of a bilingual form is feasible and a viable solution that bypasses potential issues related to sharing of data via ICT systems. However, this form as it is now constitutes a "workaround", which could provide much better results if countries would mutually accept it.

WHAT'S NEXT

Relevant actors will foster the use of the bilingual module in the cross-border area for the next tax return in 2020.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/results-xborderwork-project-presented>

#ProfessionalQualifications

Roadmap for recognition of qualifications for highly demanded professions

PARTNERS

Province of Limburg, NL | Ministry of Labor, Health and Social Affairs of North Rhine-Westphalia, DE | Ministry of Education, Culture and Science, NL | EUREGIO, DE-NL | Euregio Rhein-Waal, DE-NL | Euregio Rhine-Meuse-North, DE-NL | Region Ems Dollard (EDR), DE-NL | Euregio Meuse-Rhine, BE-DE-NL | Province Oost-Vlaanderen & Euregio Scheldemond, BE-NL

in samenwerking met

provincie limburg



PILOT ACTIONS

THE OBSTACLE

Citizens as well as first line supporters are often faced with a **lack of clarity** as regards the recognition of qualifications for regulated professions. The **Professional Qualifications Directive (PQD)** is the EU legal instrument applicable to those individuals seeking to work in regulated professions in other Member States. Whereas automatic recognition exists for some professions – mainly in the field of medicine, industry, commerce and crafts – most professionals obtain recognition under the directive’s General System. This leaves ample discretion to the competent authorities of the **Member States** and often leads to **non-transparent, complex** and **time-consuming procedures** that discourage the **mobility of workers**, especially in cross-border regions.

THE PROPOSED SOLUTION

In order to foster the transparency of procedures for the recognition of qualifications of highly demanded professions and to boost cross-border mobility and employability, the proposed solution was the creation of **roadmaps and factsheets** through a **common approach**. This consisted in identifying and selecting highly demanded professions in the area under analysis and in creating a roadmap and some factsheets per profession as **practical guidance** documents.

THE PROCESS

ITEM, on behalf of the province of Limburg (NL), implemented the following strategy in order to achieve the proposed solution:

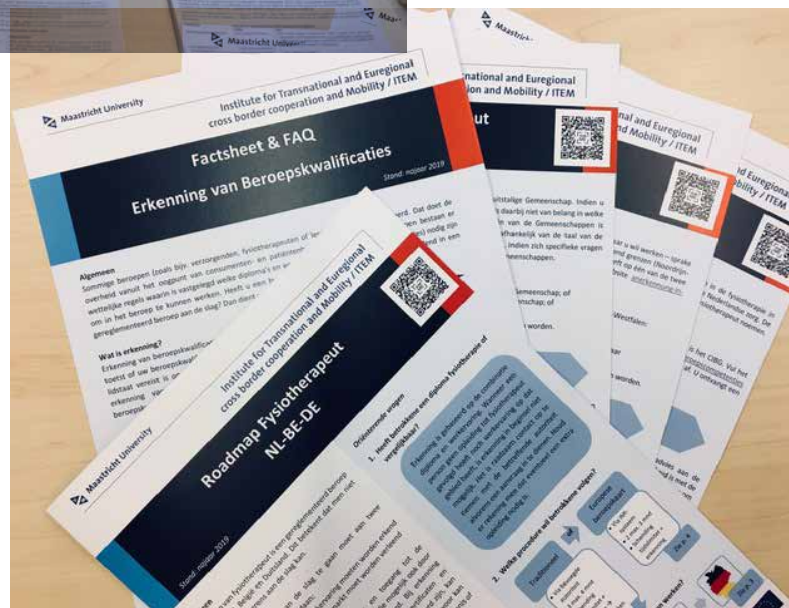
- Selecting three highly demanded professions. National and regional overviews of highly demanded professions were consulted to **compile one list** of possible options for the border region of the Netherlands with Belgium (i.e. the three Communities) and Germany (i.e. North Rhine-Westphalia and Lower Saxony). The following professions were selected: second level nurse, physiotherapist, and secondary school teacher.
- Identifying and contacting the **competent authorities** responsible for the recognition of qualifications for the three professions in the border region of the Netherlands with Belgium and Germany.
- Developing roadmaps and factsheets for the selected professions. This phase started with contacting the competent authorities responsible for the recognition of qualifications for the three professions in the border region of the Netherlands with Belgium and Germany to investigate **procedures for recognition**. Ten authorities accepted to be interviewed after which roadmaps and factsheets were developed for the selected professions.
- Documenting the implemented approach and collecting conclusions and remarks on a **study report**.

Relevant outputs in the course of the implementation for this pilot case were:

- a **study report** documenting the selection process of the professions;
- a **factsheet** containing general indications on all professions for citizens and first line support services, including general information on recognition of qualifications and how to identify the relevant competent authority;
- a **profession-specific roadmap** for first-line support services and relative factsheets for citizens, to better inform them and enhance transparency of recognition procedures;
- a **final report** taking readers through the different steps completed by ITEM to develop first roadmaps and factsheets. The final report also includes general findings and sample interview questions are provided, as well as a checklist for the type of information that could be taken up in future roadmaps and factsheets.



Roadmap for recognition of qualifications for highly demanded professions (#ProfessionalQualifications)
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OUTCOMES OF THE SOLUTION

Roadmaps and factsheets have been proposed as a **tool** that could help better inform citizens of the procedures they have to follow, the duration of such procedures, and possible additional measures necessary to gain access to cross-border labour markets. By providing such information **systematically**, the roadmaps and factsheets not only enhance transparency of the recognition procedure by showing how authorities assess qualifications, but also provide clarification on who is the competent authority, what type of documentation is required and where it can be obtained. This way, roadmaps and factsheets deal with concerns related to complexity and are also able to better manage citizens' expectations. Additionally, citizens can gain **awareness** on how their qualifications will be assessed before undertaking any step across the border.

The documents were made available in **four languages**: Dutch, French, German, and English. Whereas the first three languages are those spoken in the border region of the Netherlands with Belgium and Germany, it was also decided to make the documents available in English because roadmaps and factsheets may also be relevant to a person coming from another EU Member State to the Netherlands, Belgium, or Germany to exercise any of the selected professions. The developed roadmaps and factsheets are expected to have a positive impact on recognition procedures in the border region and beyond it.

RECOMMENDATIONS AND REMARKS

The approach adopted by the ITEM project team to develop the first roadmaps and factsheets has led to a tool that can be employed not only in any border region, but also between any EU Member State experiencing increased mobility and for any regulated profession. As such, the project's solutions have the potential to add value at considerable scale across many border regions.

WHAT'S NEXT

ITEM Expertise Centre intends to further develop this roadmaps and factsheets initiative in co-operation with other partners.

TO KNOW MORE



<https://itemcrossborderportal.maastrichtuniversity.nl/p/homepage>

Roadmap for recognition of qualifications for highly demanded professions
(#ProfessionalQualifications)
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Public Transport of Passengers

#IntegratedMobility

CB PUMP – cross-border public urban mobility plan

PARTNERS

European Grouping of Territorial Cooperation of the Municipalities of Gorizia, Nova Gorica and Šempeter-Vrtojba EGTC GO, IT-SI



THE OBSTACLE

The European Grouping of Territorial Cooperation of the Municipalities of Gorizia (IT), Nova Gorica (SI) and Šempeter-Vrtojba (SI), on the Italian-Slovenian border, covers an area of 46,7 square kilometres, and includes a population of approximately 75,000 inhabitants. The territory is characterised by the presence of only one active international bus line which does not meet the **needs of the local citizens**. The restrictions on **cabotage** operations included in the Article 15c of the EC Regulation 1073/2009 on *Common rules for access to the international market for coach and bus services*, the different pricing systems, and the difficulties caused by the presence of information in **two languages** all prevent the creation of a new **integrated** public transportation network.

THE PROPOSED SOLUTION

The EGTC GO aimed at formulating a joint **bilateral agreement** between the competent Italian and Slovenian authorities through a coordinated adaptation of national legislations. A closer cooperation and the setting up of an ad-hoc legislative framework would allow the planning, the organisation and financing of a cross-border public and local service which matches the actual needs of the local population.

THE PROCESS

The EGTC GO implemented the following strategy in order to achieve the proposed solution:

- contacting the transport operators (APT Gorizia and Nomago) to highlight the main obstacles in the field of public transport and to define the **state of the art** of the two networks operating in the cross-border territory concerning the pricing systems and the information provided;
- **gathering information** on cross-border mobility flows in the area encompassing the three cities of Gorizia (Italy), Nova Gorica e Šempeter-Vrtojba (Slovenia);
- **analysing current regulations** on public transports in cross-border areas at European, national, regional and local level.

Relevant outputs in the course of the implementation for this pilot case were:

- a full **analysis of mobility** within the territory of the EGTC GO, elaborated in close cooperation with the transport operators of the two countries. The data collected allowed for development of a proposal for the setting up of new bus lines to the local context;
- the **identification of a legal framework** under which an agreement could be signed by the competent authorities for the removal of the legal obstacle identified in art. 15 of the EC Regulation 1073/2009;
- a draft **bilateral agreement** to be signed by the two competent authorities, the Ministry of Infrastructure of the Republic of Slovenia and the Transport department of the Region Friuli Venezia Giulia.

OUTCOMES OF THE SOLUTION

From the outset of the project proposal preparation, it was clear that the intervention had to focus on the **removal of restrictions** for cabotage operations in the international carriage of passengers contained in the Article 15c of EC Regulation 1073/2009. This was a necessary first step in order to be able to proceed with the removal of the other administrative obstacles identified.

Thus, the project EGTC GO CB P.U.M.P. fostered the final solution through the **mobilisation** of the relevant **actors** at local, regional and national level – in particular the Ministry of Infrastructure of the Republic of Slovenia and the Italian Region Friuli Venezia Giulia.

A draft bilateral cooperation **agreement** was carried out by means of Article 25 of the same EC Regulation 1073/2009 – which provides for Member States “to conclude agreements on the further liberalisation of international passenger services, in particular as regards the authorisation system and the simplification or abolition of control documents, especially in border regions”.

Such an agreement would enable the transport operators to set up new cross-border bus lines within the target area and to conceive the territory shared by the three cities as a **single urban system**, aligning prices and adapting the relative information.

RECOMMENDATIONS AND REMARKS

A **joint committee** (Italy-Slovenia Integrated Public Transport Committee) composed of representatives of the contracting parties must be convened in order to guarantee the management and correct application of the Agreement.

The committee would make **recommendations** and take **decisions** in the cases provided by the Agreement.

WHAT'S NEXT

- A **bilateral cooperation agreement** between the Ministry of Infrastructure of the Republic of Slovenia and the Italian Region Friuli Venezia Giulia on the further liberalisation of international passenger services will be signed.
- The outcomes of *b-solutions'* project CB PUMP are expected to be further developed within the framework of the **Interreg** V-A Italy-Slovenia programme.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/transport/agreement-creation-cross-border-urban-public-transport-system-between-friuli-venezia>





Health, Including Healthcare Emergency Services

#EmergencyIntervention

When EMS (emergency medical systems) erase borders

PARTNERS

Consortium of the Working Community of the Pyrenees, ES
Cerdanya Hospital EGTC, ES
Health Regional Agency – Occitanie, FR
Health Regional Agency – Aquitaine, FR
Public Basque Health Service (emergency medical service) – Euskadi, ES
Extra-hospital Emergency Service, Navarra ES
Urgency and Health Emergency 061 – Aragon, ES
Trans-Pyrenean Medical Association, ES-FR



THE OBSTACLE

The area of the Consortium of the Working Community of the Pyrenees stretches on the Spanish-French-Andorran border for 656 km with a total of 24 million inhabitants. Due to the territorial proximity, it happens frequently that a French healthcare professional is the **closest doctor** to an injured person in the Spanish territory – or vice versa. However, without their **registration** by the official medical or nurses' association of the neighbouring country, these professionals are not authorised to intervene anywhere except on the territory where the **diploma** was obtained.

When EMS (emergency medical systems) erase borders
(#EmergencyIntervention)
© Cerdanya Hospital EGTC



THE PROPOSED SOLUTION

The aim of this project was to achieve **collaboration agreements** among the French State and the Spanish Autonomous Communities (those with full competences on healthcare) with the consequent aim of signing a convention to enable cross-border emergency health intervention. Furthermore, technical collaboration agreements between the different Medical Professional bodies would be secured, in order to allow the **temporary registration** of emergency doctors in the neighbouring country. The final phase of the project would be dedicated to the setting up of a **technical pilot cooperation** between the emergency services of two hospitals (Perpignan in France and Puigcerdá in Spain), in order to understand how to optimise existing resources and provide cross-border emergency and unscheduled care.

THE PROCESS

The Consortium of the Working Community of the Pyrenees implemented the following strategy in order to achieve the proposed solution:

- Organisation of meetings involving the French Ministry of Health regional representatives (ARS-Health Regional Agencies), the Spanish regional institutions of Health and the Trans-Pyrenean Medical Association (AMT), and **analysing** existing cross-border health **agreements** between France and its neighbours to identify possible common traits.
- Elaboration of drafts of a **bilateral agreement** between the French Ministry of Health regional representatives (ARS-Health Regional Agencies) and Spanish regional Institutions of Health and making it as inclusive as possible – including regulations concerning also paramedics and nurses – to allow emergency doctors from the neighbouring country to intervene without a requirement for professional title approval or a registration in the official medical association of the neighbouring department or province.
- Extension of the scope of the bilateral agreement to all competent **local authorities** along the French-Spanish border.
- **Analysis** of the existence of **other potential obstacles** for cooperation across the French-Spanish border.

Relevant outputs in the course of the implementation for this specific case were:

- A proposal of a **bilateral agreement** regulating the intervention of emergency doctors, paramedics and nurses. The draft agreement included the **regional representatives** (ARS-Health Regional Agencies) of the French Ministry of Health and the Spanish **regional healthcare institutions**. Throughout the process of preparing the draft agreement the Trans-Pyrenean Medical Association (AMT) and their respective official medical associations have also been involved.
- A **memorandum** to seal the proposed solution to the obstacle was signed in Brussels by the EU Commissioners for Regional Policy Ms Corina Crețu and for Health and Food Safety Mr Vytenis Andriukaitis.
- The inclusion of the **technical pilot** between the emergency services of two hospitals (Perpignan in France and Puigcerdá in Spain) under the EGAL-URG project: *Creation of an operational network of cross-border cooperation in emergency medical and disaster services allowing equal access for population to emergency care*, programmed within the framework of the third call of the Spain-France-Andorra cross-border programme.

OUTCOMES OF THE SOLUTION

In conclusion of the implementation phase of the pilot action, the Consortium of the Working Community of the Pyrenees and its partners have achieved the creation of a **new legal framework** enabling cross-border emergency care interventions. In the implementation phase, five draft bilateral agreements between French and Spanish authorities have been prepared and submitted to the competent authorities for ratification: three for ARS (Health Regional Agency)

of Nouvelle Aquitaine with the Public Basque Health Services (*Osakidetza Euskadi*) and the Regional Ministries of Health (*Consejería de Salud*) of Navarre and Aragon, and two for ARS of Occitanie with the Regional Ministry of Health of Aragón and with CatSalut (the Catalan Health Service). The agreement between the Regional Ministry of Health of Aragon and ARS Nouvelle Aquitaine has been signed on 27 November 2019.

Moreover, this legal framework has raised **further opportunities** to strengthen cooperation between the two countries beyond this specific case. In this sense, to keep working on solutions to other obstacles hindering cooperation in this region, a second application under the *b-solutions* initiative was submitted by the Cross-border Hospital of Cerdanya, focused on finding a similar recognition of diplomas.

The administrative complexities causing the obstacle derive from the **incongruences in the procedures** of recognition of professional diplomas in the countries involved and from the differences in the division of competences in Spain and France. Therefore, a considerable amount of time was spent in developing the bilateral agreements, which included a **co-designed iterative process** which involved their respective legal departments. However, all of them were finalised and sent to competent national Ministries for approval, as envisaged by the Cross-border Health Agreement signed by Spain and France in 2008.

RECOMMENDATIONS AND REMARKS

In this kind of cooperation, it is not just a matter of funding – it is a question of **human will, patience, and perseverance**.

It is useful to refer to existing agreements and to draw some inspiration from them. The **assistance of experts** in cross-border cooperation who might advise the competent authorities on these matters is essential.

The **commitment** and buy-in of competent authorities at senior level is fundamental to deliver positive outcomes.

To solve the obstacles efficiently, the **preparation phase is crucial**, as it is the creation of a competent **partnership** and a consistent **action plan**.

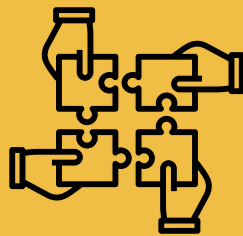
WHAT'S NEXT

- The remaining bilateral agreements between Spanish and French authorities will be signed by the competent Health Authorities.
- Finding a solution to reach a similar recognition of medical diplomas between Spain and France.
- Further discussions will take place on how to build a territorial strategic plan for the Hospital of Cerdanya for the future 2021-2027 programme.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/new-legal-framework-ambulances-crossing-french-and-spanish-border-0>



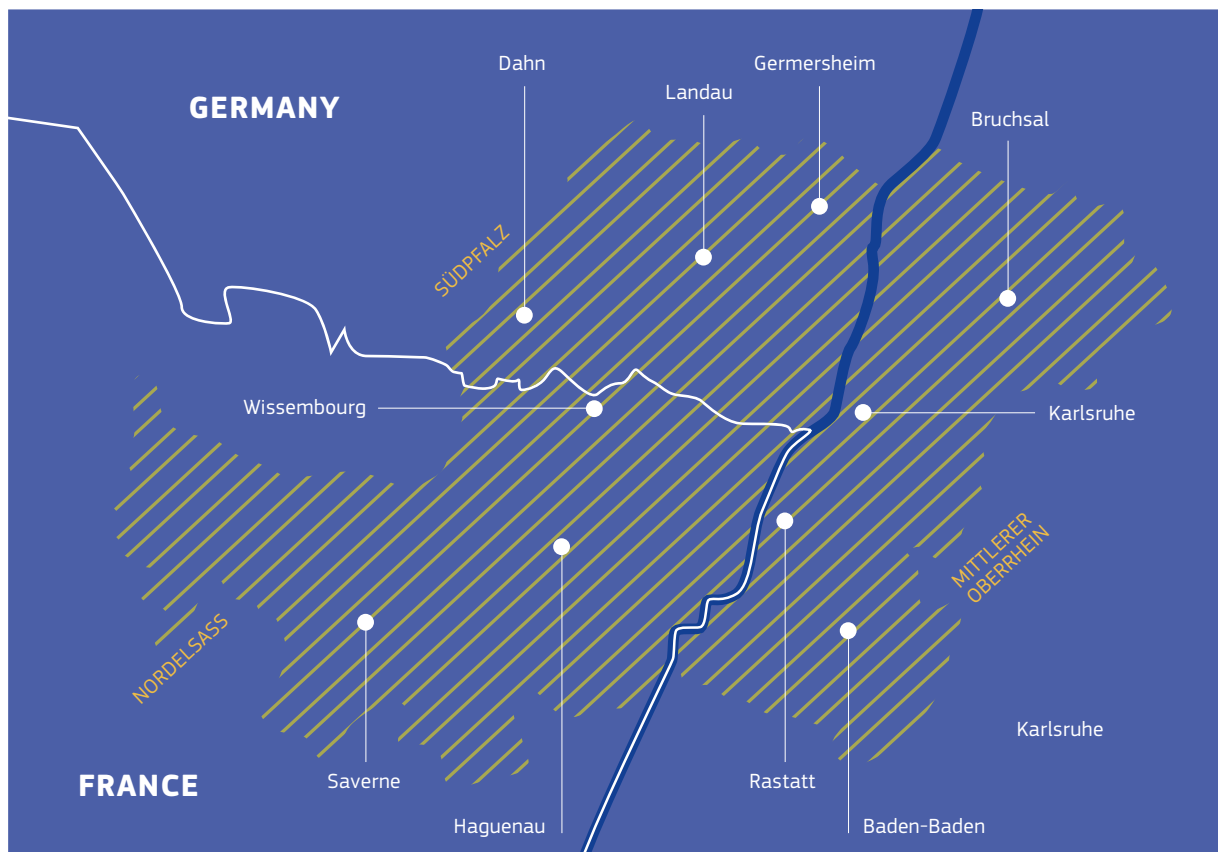
Institutional Cooperation

#HealthInsurance

Cooperation protocol on administrative procedures on health insurance for frontier workers

PARTNERS

European Grouping of Territorial Cooperation – Eurodistrict PAMINA EGTC, FR-DE
INFOBEST Network: INFOBEST PAMINA, INFOBEST Kehl-Strasbourg,
INFOBEST Vogelgrun-Breisach, INFOBEST PALMRAIN, FR-DE



THE OBSTACLE

Frontier workers and other commuters between France and Germany experience major problems when they need to make use of their health insurance. A number of **administrative difficulties** contribute to making mobility a negative experience: these include slowness of health insurance registration procedures, round trips of identical documents, difficulties in obtaining reimbursements, and insufficient and sometimes contradictory information which is often not available in the language of the commuter and not adapted to cross-border situations. This often has **financial consequences** for frontier workers or other persons being insured in one country and benefiting from health services in another one and has the ultimate effect of restricting cross-border mobility.

THE PROPOSED SOLUTION

INFOBEST organised extensive **direct consultations** with citizens and collected feedback from employees of health insurance funds in each country. The solution was primarily aimed at improving administrative procedures in a cross-border context through **examining the possibility of changes** or modifications in administrative provisions.

The solution consisted of three steps:

- **lobbying administrations** with the objective of simplifying procedures for citizens;
- creating an **inventory of administrative obstacles** faced by border residents and their discussion with the competent administrative authorities;
- drawing up an **action protocol** between French and German health insurance funds with the support of **legal experts**.

THE PROCESS

To ensure the fulfilment of the proposed solution the following measures were undertaken:

- a **steering group** comprised of representatives of the stakeholders involved in the pilot action was established. Actors involved were the EGTC Eurodistrict PAMINA, the four INFOBEST offices in the Upper Rhine and the Centre for the European Consumer Protection in Kehl. TRISAN, the tri-national competency centre of the Euro-Institute for cross-border cooperation in the healthcare field, was also associated as expert and service provider;
- **data** on commuters and also cross-border (frontier) workers was collected in order to create a relevant evidence base. This also included the analysis of specific case studies;
- actions to **seek political support** at all levels were undertaken;
- relevant **stakeholders** at the national level were involved. Representatives of the health insurance funds and other competent bodies in France (Région Grand Est, Departments of Bas-Rhin and Haut-Rhin) and, in Germany, the federal regions of Baden Württemberg and Rhineland-Palatinate have been invited to participate in the action.

Relevant outputs in the course of the implementation for this specific case were:

- a general **working document**, written in both languages, describing and classifying problematic cases and identifying possible solutions. This document also indicated the **administrative or political level** at which action is required;
- an **action protocol** showcasing the solutions identified by the partners in the course of the implementation of this pilot action, in order for these to be shared with other relevant actors.

OUTCOMES OF THE SOLUTION

The EGCT Eurodistrict PAMINA and its partners have identified the specific obstacles in the field of cross-border healthcare access, reviewing **twelve problem cases**. It became clear that the existing obstacles do not only concern frontier workers, but also other residents of the border

region who want or have to use healthcare services in the neighbouring country. It was possible also to pinpoint the **different kinds of obstacles**. Frontier workers have to deal primarily with **problems of registration** in the health insurance system. Regarding the second group, the issues concern mostly **the access to healthcare** services on the other side of the border and reimbursement of costs.

The **analysis** conducted has allowed the **identification** of three categories of problem that people face when applying for healthcare in the cross-border context: **lack of information; administrative obstacles** and absence of cross-border procedures; and **legal incompatibility** between national rules and/or European regulation. This knowledge can inform and enable the most effective approaches to the different obstacles.

The action protocol contains information on which **type of solutions** were found and through which **milestones** they were reached in relation to all the obstacles identified. For each of them, a list of stakeholders in charge is provided.

This information serves as a **guideline** to overcome cumbersome procedures, and to facilitate access to and use of healthcare services in the border region.

RECOMMENDATIONS AND REMARKS

Solutions must be developed at the **local level**, taking into account the specific circumstances in each border region (i.e. existing institutions/structures for cross-border cooperation, willingness at the state level).

It is essential to secure involvement in the project from the **relevant stakeholders** at national or European level, especially when it comes to legislative matters.

EU-funded projects can considerably facilitate such initiatives, as they can bring together interlocutors who would otherwise be difficult to reach.

Employees of health insurance funds and medical doctors in border regions should receive **further training** and **information** on the issue in order to fill the lack of information on this regard.

WHAT'S NEXT

- All the competent authorities – especially those who did not participate in *b-solutions* – will be informed about the outcome of the project.
- To ensure the development of the results achieved so far, the entitled actors will apply for further funding – most likely under **Interreg** programmes.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/simplify-cross-border-administrative-procedures-health-insurance-sector-reports>



Cooperation protocol on administrative procedures on health insurance for frontier workers
(#HealthInsurance)
© Eurodistrict PAMINA EGTC

#GroundwaterManagement

Lithuanian-Latvian institutional cooperation on cross-border groundwater management

PARTNERS

Latvian Environment, Geology and Meteorology Centre, LV

Lithuanian Geological Survey under the Ministry of Environment, LT



THE OBSTACLE

Because groundwater is not limited to national borders, **common action** and **management** is needed to improve and preserve the water quality and conservation across the borders. Before developing a joint action to improve or maintain the quality and quantity of groundwater in the long period, the **harmonisation of data** and methodologies is required in order to determine the hydrogeological processes occurring on site.

THE PROPOSED SOLUTION

The objective of the pilot action in the field of institutional cooperation on cross-border groundwater management was to identify, promote and exercise **methods** of cross-border groundwater management to improve the administration of joint groundwater resources in accordance with EU water policies.

In order to sustainably manage joint groundwater resources in the cross-border area between Latvia and Lithuania, it was necessary to **exchange data** which is **accessible** and **understandable** to stakeholders from both countries. This data would allow the creation of unified databases and the design of maps showing hydro-geological elements present in the cross-border area, as well as it would help assess the need for cohesive groundwater objects.

The proposed solutions envisioned the creation of a **foundation** to interpret hydrogeological conditions. This would facilitate the assessment of existing risks and the implementation of a long-term monitoring plan resulting from data collected in both countries. Ultimately, this would lead to a preliminary transboundary river management plan.

THE PROCESS

To achieve the creation of a common foundation and a cross-border management plan for the river, Latvian Environment, Geology and Meteorology Centre undertook the following steps:

- Development of **maps** of areas affected by the karst process to describe common geographic characteristics in the cross-border area.
- Drafting of local stratigraphic unit comparison, the development of a geological cross-section and an aquifer prevalence map to merge data. As a result, transboundary groundwater body groups were agreed and delineated.
- Creation of a **database** and **platform** for cross-border monitoring data as an integrated repository of data to support future exchange.
- **Agreement** on groundwater body **delineation principles** in both countries and on data for exchange processes.
- **Involvement** of main **target groups** such as national policymakers responsible for groundwater management.

A relevant output of this case in the course of its implementation was a **report** outlining the knowledge gathered about national groundwater body delineation approaches. This helped understand how to group nationally delineated groundwater bodies into cross-border groundwater groups in a harmonised way.

OUTCOMES OF THE SOLUTION

The Latvian Environment, Geology and Meteorology Centre and the Lithuanian Geological Survey have succeeded in setting up a **unified database** between Latvia and Lithuania, gathering the agreement of stakeholders on groundwater boundaries and harmonising data and methods.



Lithuanian-Latvian institutional cooperation on cross-border groundwater management
(#GroundwaterManagement)
© Latvian Environment, Geology and Meteorology Centre

The partners produced relevant **recommendations** for future research and cooperation possibilities to further improve harmonisation in the cross-border region.

The solution has **raised awareness** and the interest of national policymakers responsible for groundwater management and for the implementation of EU policies in Latvia and Lithuania, such as the Ministry of Environmental Protection and Regional Development in Latvia, and the Ministry of Environment in Lithuania. Therefore, the project has boosted cooperation in this field between the two neighbouring countries.

Moreover, both countries have committed to utilise the project findings and solutions in order to further progress a shared and mutually beneficial approach to **implementing the requirements of EU water policy** (the binding requirements of Water Framework (Directive 2000/60/EC) and Groundwater Directive (2006/118/EC)). The pilot action supported by *b-solutions* has therefore achieved significant policy impact already.

RECOMMENDATIONS AND REMARKS

More **detailed assessment** is necessary to add confidence level to the results, thus **continued co-operation** in groundwater assessment and management in transboundary areas is strongly encouraged.

Interreg funding has been identified as a possible source to continue cooperation in monitoring in the cross-border area.

The monitoring of themes which have been investigated in only one side of the border should be developed jointly, making use of the long-term experience and results already achieved by one partner to carry out efficient investigations in transboundary areas.

The support of the **European branding** to this project has helped raise awareness among stakeholders and bring this action further.

WHAT'S NEXT

- A **strategic plan** to foster new concerted actions between relevant actors has been discussed and elaborated and has to be put into practice in the upcoming months.
- Both countries will apply for further joint **EU funding** to improve karst processes monitoring and management.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/b-solution-project-lithuanian-geological-survey-and-latvian-environment-geology-and-2>

#GeodataHarmonisation

GeoConnectGR

PARTNERS

European Grouping of Territorial Cooperation Summit Secretariat of the Greater Region EGTC, LU-FR-BE-DE
Cadastre and Topography Administration (ACT), LU

Interregional Direction North Est (IGN), FR

National Geographical Institute, BE

State Office for Surveying, Geographic Information and Land Development of Saarland, DE

State Office for Surveying and Geospatial Base Information Rhineland-Palatinate – Central Office for Geodata
Infrastructure Rhineland-Palatinate, DE

Ministry of Sustainable Development and Infrastructure, LU



www.granderegion.net / www.grossregion.net



THE OBSTACLE

At a European level, EuroGeographics produces harmonised spatial data. However, the scale of the data on the hydrographic network produced by EuroGeographics is not sufficiently detailed and therefore not suitable for the fine-grained analyses required for environmental assessments. The INSPIRE Directive 2007/2/EC⁵ introduced provision concerning the standardisation of spatial data but in some cases the necessary implementations have not been yet fulfilled. In the Greater Region, the agencies responsible for producing cartographic data do not only work independently, but also according to **different legal, organisational and technical principles**.

THE PROPOSED SOLUTION

The action proposed within the framework of *b-solutions* aimed to help evaluate, reprise and develop the geometric border harmonisation approaches that were applied for each border area. The objective was to **harmonise** the topographic reference datasets and create a **comparable reference digital terrain model (DTM)** of all the partners in order to eliminate all gaps and overlaps. An interoperable format would have made this available through a **centralised platform**, in line with the indications included in the Directive 2007/2/EC.

THE PROCESS

The partners of the Greater Region organised the procedure to implement the solution in three phases:

- in the first phase the partners achieved the **harmonisation** of the geometry of **hydrographic data** at the borders, the primary aim being to ensure connectivity of the hydrographic features;
- in the second phase, partners produced a continuous hydrographic **dataset** in the required format;
- finally, an **agreement** between the project partners establishing a licence for non-commercial use by any user was prepared.

Relevant outputs in the course of the implementation for this pilot action were:

- an international official **dataset** compliant with the INSPIRE Directive, based on the pragmatic approach proposed by EuroGeographics (EG), i.e. by using the Core Reference Data approach developed within the United Nations UNGGIM;
- a **data agreement**, based on the well-known *Creative Commons, By Non Commercial licence*. The agreement covers the cooperation of the partners within this project and the use of its outcomes, but also the future use of the data layer and the future evolution of the project.

OUTCOMES OF THE SOLUTION

The solution is up and running: **hydrographic data** from Luxembourg, France, Germany and (partially) Belgium have been **harmonised**, a **common dataset** has been produced and a **data agreement** reached.

These results pave the way for **future versions** which will gradually be improved towards finer precision of the harmonised data.

The partners have created a network of actors involved in the project which has reached out and cooperated with other cross-border stakeholders, **raising awareness** about the importance of producing interoperable data which are applicable in a cross-border area.

5 Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 *establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)*.

Another important step forward was made in ensuring a **better connectivity** of hydrographic features in border zones. The support shown for the GeoConnectGR project demonstrates the intention to continue to work to harmonise the data of the hydrographic theme with the concept of Core Reference Data (CRD).

RRECOMMENDATIONS AND REMARKS

As legal, organisational and technical principles still vary between mapping agencies and result in discontinuity of the data (the hydrographic network is one example), in lack of interoperability and in limited availability under open licence and costly acquisition operations, essential efforts should be made **to improve the national source data** and their **coordination**. This implies necessary agreements on the international boundaries and connecting features, the definition of selection criteria and the inclusion of further attributes.

There is also an urgent need for the EU to **create an authority** in charge of the coordination of all relevant initiatives in the field of geoinformation.

WHAT'S NEXT

- Updated versions of the dataset will be implemented, which will gradually meet users' requirements and needs;
- A short-term solution for the insertion of the missing toponyms in the Belgian data will be elaborated.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/geoconnect-grs-final-phase-step-forward-future-cross-border-and-pan-european-data>

GeoConnectGR
(#GeodataHarmonisation)
© EGTC Grand Region – Summit Secretariat



#LocalProducts

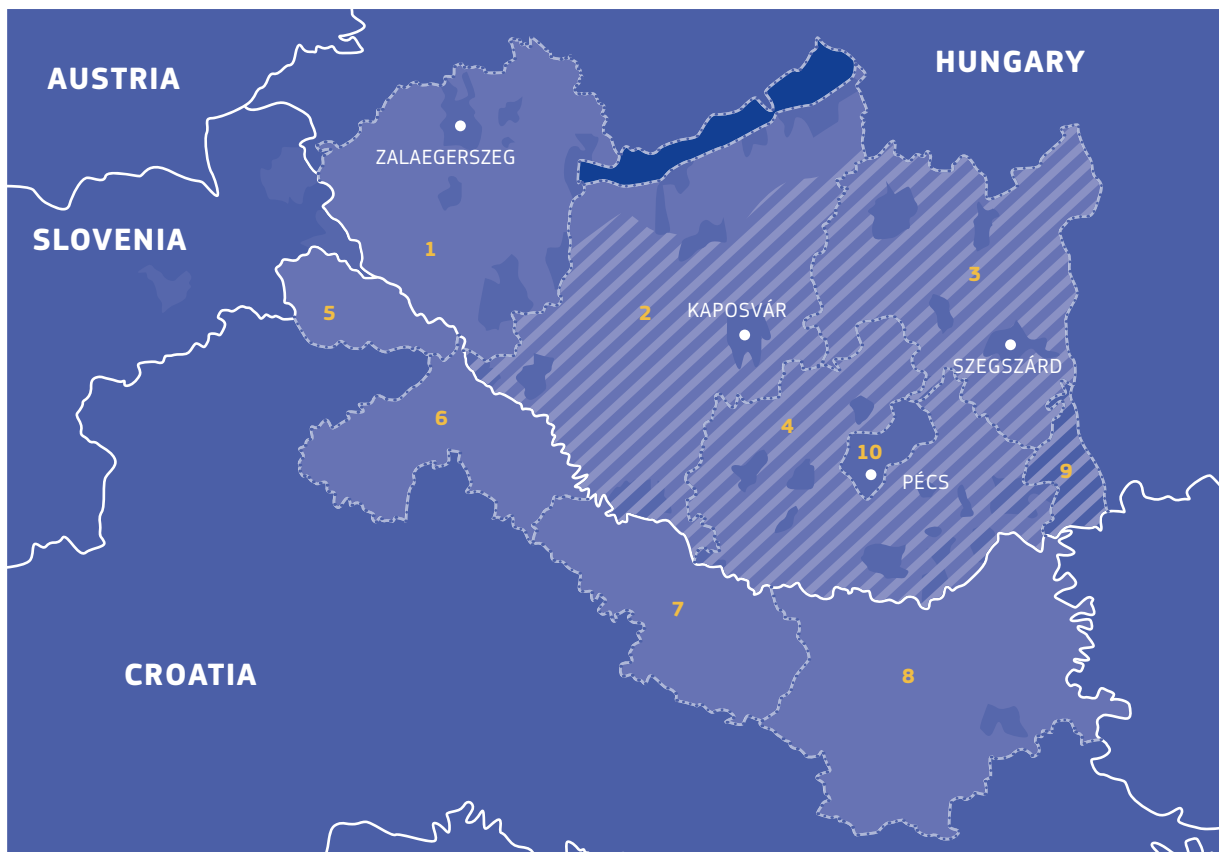
CrossMarkets – enhance cross-border selling at local farmers' markets

PARTNERS

European Grouping of Territorial Cooperation Pannon EGTC Ltd, HU-HR-SI



- 1 Zala megye
- 2 Somogy megye
- 3 Tolna megye
- 4 Baranya megye
- 5 Međimurska županija
- 6 Koprivničko-križevačke županije
- 7 Virovitičko-podravске županije
- 8 Osječko-baranjska županija
- 9 Duna-Dráva Nemzeti Park
- 10 Pécsi Tudományegyetem



THE OBSTACLE

Pannon EGTC was established as an association of Croatian, Slovenian and Hungarian settlements. However, the target area of the project was narrowed to the Croatian-Hungarian relation.

The territory of the Pannon European Grouping of Territorial Cooperation includes more than 60 local and county-level municipalities along the Croatian-Hungarian border. This rural area is mostly characterised by small villages and the role of agriculture is significantly higher than the national or EU averages, both in terms of economic performance and employment. However, different Hungarian and Croatian regulations present a list of barriers to the cross-border trade of local products, such as **tax differences** and **non-harmonised procedures** for trading permits. Furthermore, additional administrative obstacles, such as a general **lack of information** and the presence of **language knowledge gaps**, contribute to further prevent cooperation among farmers and other market players.

THE PROPOSED SOLUTION

Pannon EGTC intended to overcome the above-mentioned obstacles through an **analysis of the needs** and expectations of local farmers, as well as the difficulties they experience in relation to the trade of their goods at cross-border level. The **comparison** of these findings with the actual **regulatory and administrative framework** would enable the identification of the main legislative and administrative areas that had to be addressed. Furthermore, a number of **focused intervention areas** could be identified to support the cross-border selling of local products. Based on these results, **targeted policy recommendations** and solutions would be developed.

THE PROCESS

Pannon EGTC implemented the following actions in order to achieve the proposed solution:

- Gathering relevant stakeholders, local producers and market operators on both sides of the border in order **to investigate practical problems** and necessities.
- Elaboration of a paper based and digital format questionnaire to facilitate the collection of relevant **data**.
- Making an **analysis** of relevant legislation and administrative procedures having an impact on the cross-border local market.
- Formulating consequent policy **recommendations** to share with political actors.

Relevant outputs in the course of the implementation for this specific case were:

- a **bilingual information package** (online and offline) containing practical instructions ranging from the location of markets across the border to country-specific tax information;
- a handy **information brochure** in Hungarian-English and Croatian-English summarising the most relevant information included in the information package;
- a **set of measures** to be undertaken and a list of **policy recommendations**.

OUTCOMES OF THE SOLUTION

The project examined the cross-border sales possibilities of local products in the border region of Hungary and Croatia by **comparing** the present legal and administrative frameworks with the producers' demands and expectations. It succeeded in proposing **measures** aimed at facilitating cross-border sales opportunities for local products.

An important lesson learned while implementing the project is that encouraging cross-border sales by local producers requires a **complex approach and support**. Thus, project studies were carried out within a **multi-level** and **multi-factor framework**. Furthermore, it was observed that, essential to the creation of a stable cross-border market for local producers, is the improvement of the domestic conditions on both sides of the border.



A **set of possible solutions** to the administrative and legal obstacles identified was elaborated with the aim of catching the attention of relevant policymakers. Policy recommendations were presented to relevant stakeholders on the occasion of the Croatian-Hungarian producers' exhibition fair in Nedelesce.

Solutions provided range from the removal of the obstacles through the improvement of inter-governmental cooperation, to the creation and application of a single/joint legislation on food sale conditions along the border and the provision of financial aid to strengthen cross-border selling. Each of them was accompanied by a list of possible measures to undertake in order to ensure successful results.

RECOMMENDATIONS AND REMARKS

Organising **workshops** and events involving actors from both sides on a stable and long-term basis could serve as a tool to keep **fostering the dialogue** and the communication between local producers, and to create better and more market opportunities in the future.

To prevent potential scepticism amongst some of the relevant actors, it is essential to keep **raising awareness** and providing clearer **information** on the benefits of cross-border cooperation in the long run.

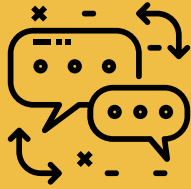
WHAT'S NEXT

- The measures discussed to ease or remove the administrative obstacles in the framework of inter-governmental cooperation will be put into practice, ensuring bilingualism and providing training to affected authorities.
- An in-depth **change of the legislative environment** to facilitate the cross-border sale of agrarian products will be fostered.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/results-crossmarkets-institutional-cooperation-enhance-cross-border-selling-local>



Multilingualism

#PrimaryEducation

Bilingualism in the tri-border region AT-HU-SK

PARTNERS

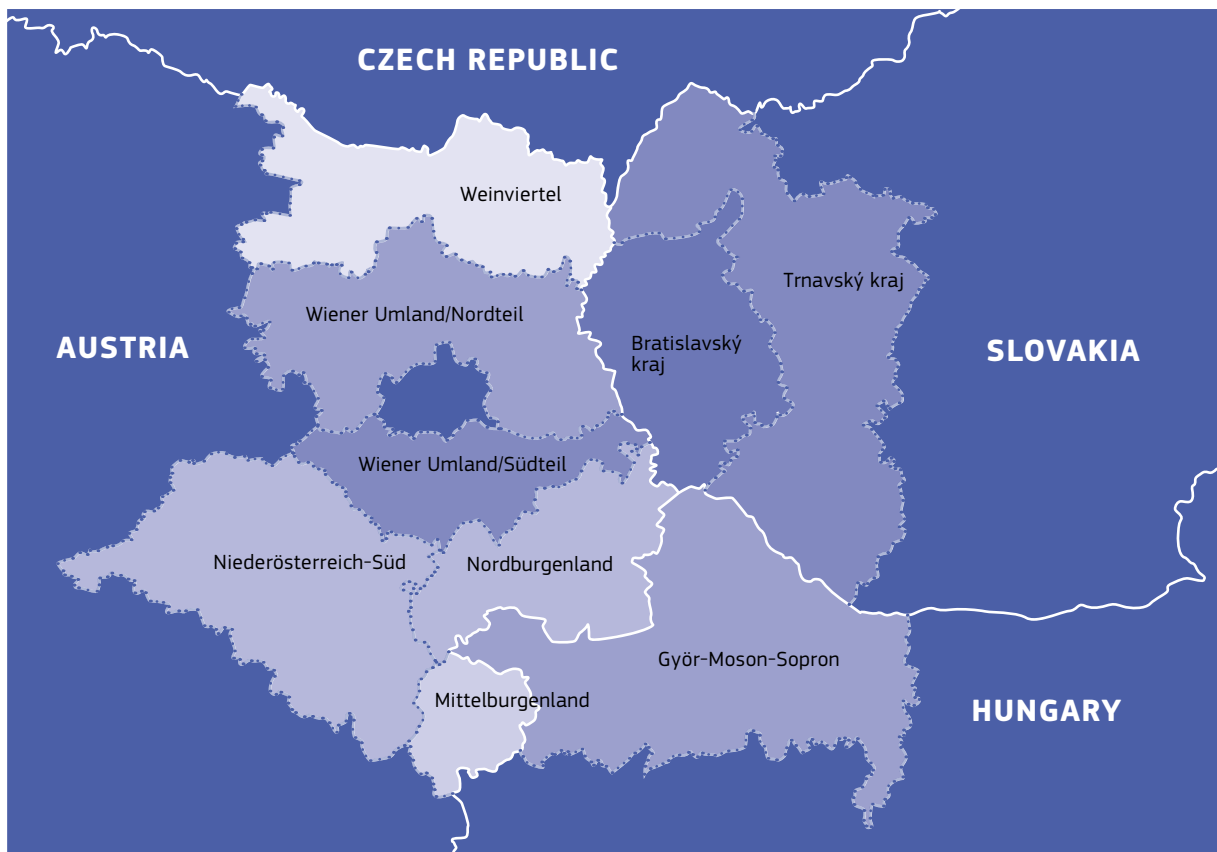
Lower Austrian Government, Department of Pre-Schools/Kindergartens and Schools, AT

Lower-Austria's Board of Education, AT

Burgenland's Board of Education, AT

Local Government of County Győr-Moson-Sopron, HU

District of Bratislava-Nové Mesto, SK



THE OBSTACLE

In the border regions between Austria, Hungary and Slovakia, pupils cannot attend kindergartens and primary schools⁶ in the neighbouring country. Legal obstacles regarding the **insurance, financing** of school places and the inter-administrative **recognition** of the educational pathway/school career currently prevent children from being accepted in educational institutions in another country.

The **lack of continuity** of language teaching is an additional obstacle to multilingualism.

THE PROPOSED SOLUTION

Through an **analysis** of the legal framework regulating kindergarten and school attendance in the border region, the Department of Pre-Schools/Kindergartens and Schools of the Lower Austrian Government aimed to identify **legal options**⁷ facilitating the change and improvement of the current situation, to promote multilingualism in the border region and to **raise awareness** of the issue with the respective **authorities** in each Member State.

THE PROCESS

The Department of Pre-Schools/Kindergartens and Schools of Lower Austrian Government implemented the following strategy in order to achieve its proposed solution:

- establishment of an initial meeting with the partners involved to adopt a **common strategy**, define the stakeholders jointly and outline a shared **action plan**;
- distribution of a **questionnaire** among the stakeholders to map potential demand for cross border kindergarten and school attendance in order to provide an evidence base for a qualified assessment of the situation;
- involvement of **key stakeholders** from the countries participating in the project to make them aware of the key messages and problems;
- agreement as to the **level of decision making** among relevant actors at which the obstacles would be dealt with.

Relevant outputs in the course of the implementation of this pilot case were:

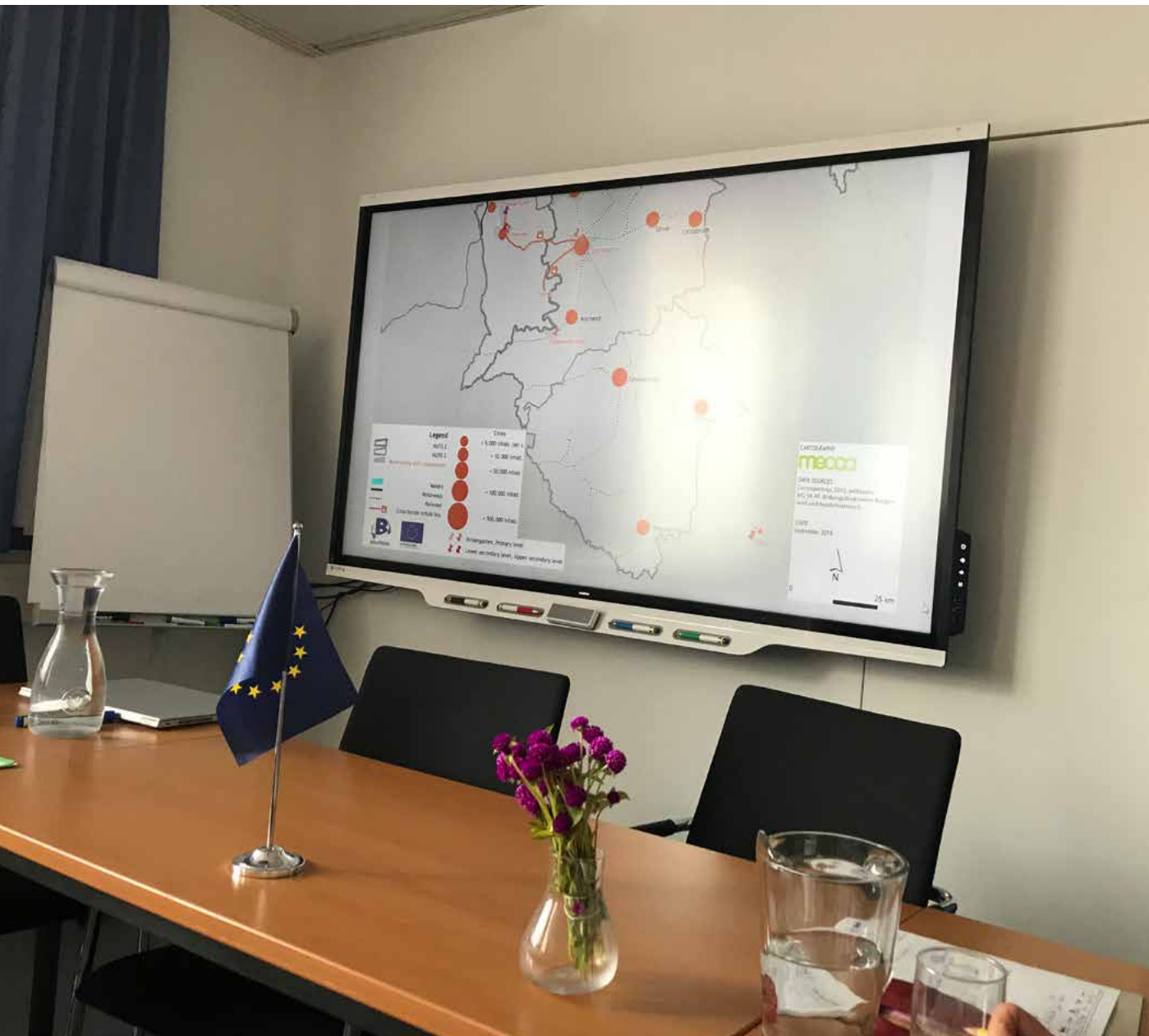
- an **analysis** of the current **legal framework** in the respective areas and of the obstacles for the attendance of schools and kindergarten in the border region;
- a stakeholder **survey** on issues related to cross-border school attendance, which indicated where the demand and interest in working together is very high. This has clarified where investment in bilingualism and language teaching should take place, and has also indicated how cross-border activities are closely connected to the availability of public transport;
- a **regional analysis** of the administrative and demographic situation in the border region;
- a **regional analysis** of existing cooperation.

OUTCOMES OF THE SOLUTION

The Department of Pre-Schools/Kindergartens and Schools of Lower Austrian Government and its partners have made **stakeholders aware** of the obstacle at all levels of policy-making and in all countries involved, and have made **recommendations** as to legal adaptations to be undertaken.

6 This affirmation has been proven to be incorrect: they can attend kindergartens, but Law is very vague in this respect. It is, however, definitely forbidden for schools.

7 There are no legal options at the moment. The current aim is to find other solutions till the awareness of the problem has increased and the respective authorities are ready to work on legal solutions. Other ways of financing bilingualism are through promoting school partnerships and applying for grants, like Erasmus+, for assistants and exchanges.



Bilingualism in the tri-border region AT-HU-SK
 (#PrimaryEducation)
 © Raidl, Abteilung Kindergärten

Legal obstacles such as the mutual recognition of qualifications of teachers from the neighbouring countries can be overcome and the partners have brought them to the attention of the relevant authorities. Stakeholders agreed to raise the matter with the Ministry of Education in Vienna.

In the meantime, to achieve results quickly and promote multilingualism, the partners of the pilot action are examining **existing cooperation** efforts between educational institutions to which they currently offer support with a view to boosting these. Additionally, the partners are actively examining **other potential ways** to finance bilingualism and teach Hungarian and Slovak in Austria.

As far as funding is concerned it is recognised that there is an opportunity to make use of the many options already provided which can facilitate teacher exchanges, pupil mobility and school partnerships, through **Erasmus+** and other initiatives. The members of the steering groups are all involved in European initiatives and will translate these opportunities to apply them to the respective educational institutions in the target area.

To overcome the absence of a legal framework enabling children to attend kindergartens and schools across the borders, **other solutions** to enable funding of bilingual teaching in the target area are proposed, looking at other similar cases in other border regions.

RECOMMENDATIONS AND REMARKS

- It is necessary to **raise awareness** of the importance of neighbour languages in everyday life.
- Additional language courses should be offered (for example, within the framework of **Interreg**).
- **Continuity** is of particular importance for efficient language learning. Language courses should be offered at all stages in school: kindergarten, primary and secondary school.
- The focus should be put on **municipalities** where there are already offers for learning Hungarian and/or Slovak language in Austria and German in Hungary/Slovakia.
- Concepts should be explored for bilingual kindergartens and primary schools (based on the example of the bilingual primary school of Wiener Neustadt) with permanent staff in **co-teaching arrangements** with native speakers, exchange of teachers, multi-week internships, and job sharing as some of the possibilities.
- Cooperation does not arise by itself. **Motivation** and **resources** are needed for the teaching staff.
- The support of the **European branding** to this project has helped raise awareness among stakeholders and progressed the action further.


WHAT'S NEXT

- In order to ensure the continuation of the cooperation process started through *b-solutions*, the competent authorities will apply for **further funding** – most likely under **Interreg** programmes.
- The work of the steering group will be planned on a **long-term basis**.
- The network of schools involved in a possible new analysis will be **enlarged**, including educational institutions from lower and upper secondary level.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/bilingualism-functional-tri-border-region-hu-sk-final-presentation>



33
advice cases
to investigate
further cross-
border obstacles



Employment

#IncomeTaxation

183 days rule obstructing cross-border mobility

ADVISED ENTITY Oost-Vlaanderen Province – Euregio Scheldemond, BE-NL

EXPERT Martin Unfried



THE CONTEXT

The cross-border North Sea Port is a top facility in North-Western Europe and a substantial player in the world trade. Because of the **complexity of the rules** concerning income taxation and social insurance standards in Belgium and in the Netherlands, the company managing the port faces restrictions to the employment of cross-border workers.

DESCRIPTION OF THE OBSTACLES

The obstacle identified is twofold. On the one hand, it lies in the **complex provisions** regulating income taxation for cross-border workers included in the Belgian-Netherlands Tax Treaty (2001). On the other hand, a **lack of coordination** is observed between the rules therein contained and the standards set by the current EU legal framework relative to social security rules.



Article 15(2) of Belgian-Netherlands Tax Treaty (2001), following the Model Tax Convention of the Organisation for Economic Co-operation and Development (OECD), states that income is taxable in the employee's state of residence only if the employment activities carried out abroad do not exceed 183 days in a period of 12 months (183 days rule).

In light of this, cross-border workers are confronted with a **high administrative burden** as they constantly have to keep track of the time spent in a state different from the one of residence. These difficulties are even more exacerbated in the case of workers who have to cross the border several times per day. In addition, no clear criteria are set to regulate situations in which cross-border businesses have seats on both sides of the border, leading to confusion in determining the state in which the taxation should be levied.

An additional obstacle is identified in the lack of coordination between rules for taxation and those regulating social security standards. In accordance with EU Regulation 883/2004 on the coordination of social security systems⁸, in case of employees working in more than one Member State, the social security legislation of the state of residence applies for a maximum of 24 months and only if a substantial part of the work is carried out there (Art. 13a).

This clearly leads to **overlapping and non-coordinated rules** for fiscal purposes and social security matters, in which the different provisions are even calculated on the basis of two different time frames (12 months and 24 months). In this context, it could even happen that a worker would be subjected to income taxation in one country while benefiting from social security coverage in another one.

OUTLINE OF POSSIBLE SOLUTIONS

Solutions to both obstacles could be provided by **introducing amendments** to the current Belgian-Dutch Tax Treaty.

A **special regime** could be introduced for the taxation of income from employment on a cross-border industrial site and through which the national border passes, following the example of the Dutch-German 2012 Tax Treaty (Art. 14.3). To do so, the North Sea Port could firstly be recognised officially as a “cross-border industrial site” through a joint declaration of the two states.

In the amendment, the taxation rights may be clearly assigned to the Member State of residence of the cross-border worker carrying out activities in the industrial site. A further **exception** can be included for the cases in which employees are now subjected to the social security rules of the neighbouring state, pursuant to the EU Regulation 883/2004. This would allow both the taxation and the levying of social security contributions to take place in the same state and to keep the administrative burden at a minimum level.

Finally, to **harmonise** the different time frames for taxation (12 months) and social security standards (24 months) a possibility is already set by EU Regulation 883/2004 itself. In accordance with articles 8.2 and 16, Member States can conclude new conventions or derogate from the rules on applicable legislation, where this is in the interest of certain persons or groups of persons.

This could serve as a **legal basis** to include a consequent additional amendment within the Belgian-Dutch Tax Treaty.

Another possibility to solve the practical problems regarding the 183-day rule is a provision comparable to the provision mentioned in the **Belgium-Luxembourg agreement**. In

⁸ See Art. 12 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 *on the coordination of social security systems*.

accordance with this agreement, an employee is allowed to stay outside the state of work for a maximum of 24 days. The limited stay outside the state of work does not affect the fact that the wage of the employee is taxable in the state of work.

WHAT'S NEXT

Following the roadmap suggested by the expert, the Province of Oost-Vlaanderen and Euregio Scheldemond will keep stressing the importance of a **revision of the bi-lateral tax treaty** between Belgium and the Netherlands. Due to the extensive contact which has already taken place between the applicant and the Dutch Ministry of Finances, the relevant decision-makers are already aware of the necessity to introduce a **protocol** regarding the North Sea Port management within the current Treaty.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/183-days-rule-obstructing-cross-border-mobility>

183 days rule obstructing cross-border mobility
(#IncomeTaxation)
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#BusinessOpportunities

Juridical obstacles in establishment and financing of trans-national business incubator

ADVISED ENTITY Lazdijai District Municipality, LT

EXPERT Marcin Krzymuski



THE CONTEXT

Lack of local business activities and a high unemployment rate are the main causes of youth emigration from the border region stretching between Poland and Lithuania. To counterbalance this tendency, the self-government of the Lazdijai District Municipality aims at establishing a cross-border business incubator involving both Lithuanian and Polish local authorities.

Within the current legal framework there is **no clear indication** on how to proceed, especially with regard to the aspects of financing across the border.



DESCRIPTION OF THE OBSTACLES

The obstacle arises from the **lack of proper indications** within the current legal framework of the two countries.

In both countries, the support to economic development falls within the **competences of local authorities**⁹. The Lithuanian Law on Local Self-Governments (Art. 16 (2) point 42) theoretically allows municipal councils to join international associations of local governments but there is no indication whether the municipal budget can be used to finance related activities. Furthermore, the Law on the Management, Use and Disposal of State and Municipal Assets (1998) at Art. 22 allows municipalities to create international entities if foreseen by other laws, but at the moment there are no laws regulating this possibility.

The Polish Act on Municipal Self-Government allows for the creation of the so-called inter-communal associations (Art. 64) and of private-law associations (Art. 84), but they can only be established between Polish local government units and there is no right to transfer public funds abroad. This is further confirmed by the 2009 Polish Act on Public Finance (Art. 220 and Art. 221) which excludes the granting of targeted subsidies by the Polish Government to foreign entities.

OUTLINE OF POSSIBLE SOLUTIONS

A first solution would be to **change the interpretation** of national provisions in a spirit of cooperation. In the application of financial law, for example, this could allow for granting subsidies to foreign self-governments for the implementation of public tasks. This could be supported by **already existing international treaties** – e.g. the Polish-Lithuanian Agreement of 1996, in which both states have committed themselves to facilitating and fostering cross-border co-operation – .

A second option would be the creation of a **joint legal entity** under an **intergovernmental agreement** in accordance with the Polish-Lithuanian Agreement of 1996. Its provisions allow regional and local authorities to conclude, within the limits of their competences, civil-law and other agreements on cross-border cooperation¹⁰. The agreements in question may in particular concern the creation of joint ventures, companies, societies, foundations and other associations. In addition, local and regional authorities may set up joint coordination bodies for cross-border cooperation¹¹.

Two further solutions envisage the adoption of EU legal tools which might be appropriate to support the economic development of the cross-border area. One would be the establishment of a **European Grouping of Territorial Cooperation (EGTC)**. However, as envisaged by EU Regulation (EC) No 1082/2006¹² (Art.3) this could only involve public bodies from several Member States to facilitate the joint implementation of projects, excluding the participation of private companies which could have a primary role in a business incubator.

A more comprehensive possibility would be, instead, the creation of a **European Economic Interest Grouping (EEIG)** in accordance with the Council Regulation (EEC) No 2137/85¹³ which would allow also for the involvement of private companies. Members shall contribute to the financing of the EEIG through annual membership fees.

9 Art. 6 of Polish Act on Municipal Self-Government (1990), and Art. 6 no. 38 of Lithuanian Act on Local Self Government (1994).

10 Arts. 1 and 4 of the Agreement.

11 Art. 6 (2) of the Agreement.

12 EU Regulation (EC) No 1082/2006 of 5 July 2006 *on the establishment of a European grouping of territorial cooperation (EGTC)* amended by Regulation (Eu) No 1302/2013 of 17 December 2013 as regards the *clarification, simplification and improvement of the establishment and functioning of such groupings*.

13 Council Regulation (EEC) No 2137/85 of 25 July 1985 on the *European Economic Interest Grouping (EEIG)*.



Juridical obstacles in establishment and financing of trans-national business incubator
(#BusinessOpportunities)
© Marcin Krzymuski

The proposed **European Cross-Border Mechanism (ECBM)** would be an alternative solution if subjecting the functioning of an incubator to one of the two legal orders but with the provision that assistance is granted also to entities located on the other side of the border. It would be necessary, indeed, to establish that the neighbouring country honours the disposal of public funds contributed to the incubator, in accordance with the law of the country in which the business incubator is located.

WHAT'S NEXT

The Lazdijai District Municipality is planning to inform and involve the local SME associations, in order to foster the creation of a tangible **action plan** that would allow the joint financing of concrete measures.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/juridical-obstacles-establishment-and-financing-trans-national-business-incubator>

#TalentWithoutBorders

Dutch-German cross-border employment of students originally from outside the EU

ADVISED ENTITY The Economic Board Arnhem-Nijmegen, DE

EXPERT Peter Hansen



THE CONTEXT

In the Rhein-Waal region, across the German-Dutch border, the number of students from non-EU states studying technical subjects is growing – especially due to a high demand for technical professionals within the local labour market. The Economic Board of Nijmegen, the Hochschule Rhein-Waal and Euregio Rhein-Waal would like to improve the **free movement of non-EU students** seeking for access to internship and job opportunities across the border.



DESCRIPTION OF THE OBSTACLES¹⁴

The obstacle identified arises because of **overcomplicated national administrative requirements** and the **lack of provisions** regulating specific cases in cross-border areas.

Conditions regulating cases of non-EU nationals who have to undertake mandatory internships in the Netherlands are laid down in the Regulations on the Foreign Nationals Employment Act Implementation of 2014. However, no proper indications are provided for non-EU nationals willing to voluntarily search for internships or side-jobs on the Dutch territory.

In the case of mandatory internships, when a non-EU citizen is selected for an internship, the employer must apply for a **work permit** at the responsible Dutch Labour Authority. The permit has a validity of 18 months and the internship must be completed within this period of time. However, if the intern is resident in Germany, he/she cannot live abroad for more than 6 months as his/her **residence permit** would automatically expire. In the light of this, the employer must request a residence permit in the Netherlands for internships longer than 6 months.

In accordance with what is indicated in the current Dutch legal framework, graduates from a non-European country who have successfully completed their university studies in Germany can apply for jobs in the Netherlands and be hired only upon having successfully passed a so-called “**priority test**” proving that their skills match the needs of the local labour market, or if a public tender has been unsuccessful for three months and no suitable EU candidate was found. In addition, the Directive 2016/801 regulating entry and residence of third-country nationals for studies¹⁵ does not envisage other provisions that can facilitate voluntarily internships for non-EU nationals who studied in one EU country but want to seek employment opportunities in the neighbouring one. As such, students or former students who developed their skills in a cross-border academic context are prevented by the law from seeking opportunities within the cross-border employment market.

OUTLINE OF POSSIBLE SOLUTIONS

The result of the examination and the proposed solution is divided into two specific measures. First, the players, together with the Dutch employment authority, can **simplify and accelerate** the so-called priority test by placing the degrees of the courses attended by non-EU citizens on a so-called “**positive list**”.

Secondly, the general mobility of non-EU nationals should be tackled through the development and implementation of a **joint action plan** to coordinate the issuing of working permits involving all the relevant actors placed on the German-Dutch border. In this regard, the cooperation of the Euroregions, the Border Info-points, the Eures Partnership and the cross-border employment administrations (SGA) is essential.

The action plan could serve as a preliminary basis for a **subsequent bilateral agreement** between the two states to facilitate the obtaining of a work permit on the basis of the permission already granted by the neighbouring country.

Finally, an **expansion of Directive 2016/801’s** scope is needed in order to also regulate voluntary internships and side jobs for non-EU citizens at a European level.

¹⁴ The information here included refers to an analysis of the Dutch legislative framework only.

¹⁶ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 *on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.*



Title
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Dutch-German cross-border employment of students originally from outside the EU
(#TalentWithoutBorders)
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WHAT'S NEXT

- The Economic Board Arnhem-Nijmegen will organise a **task force** to coordinate the actions recommended by the expert.
- The potential participation into an **Interreg** project scheme will be discussed with relevant actors.

TO KNOW MORE



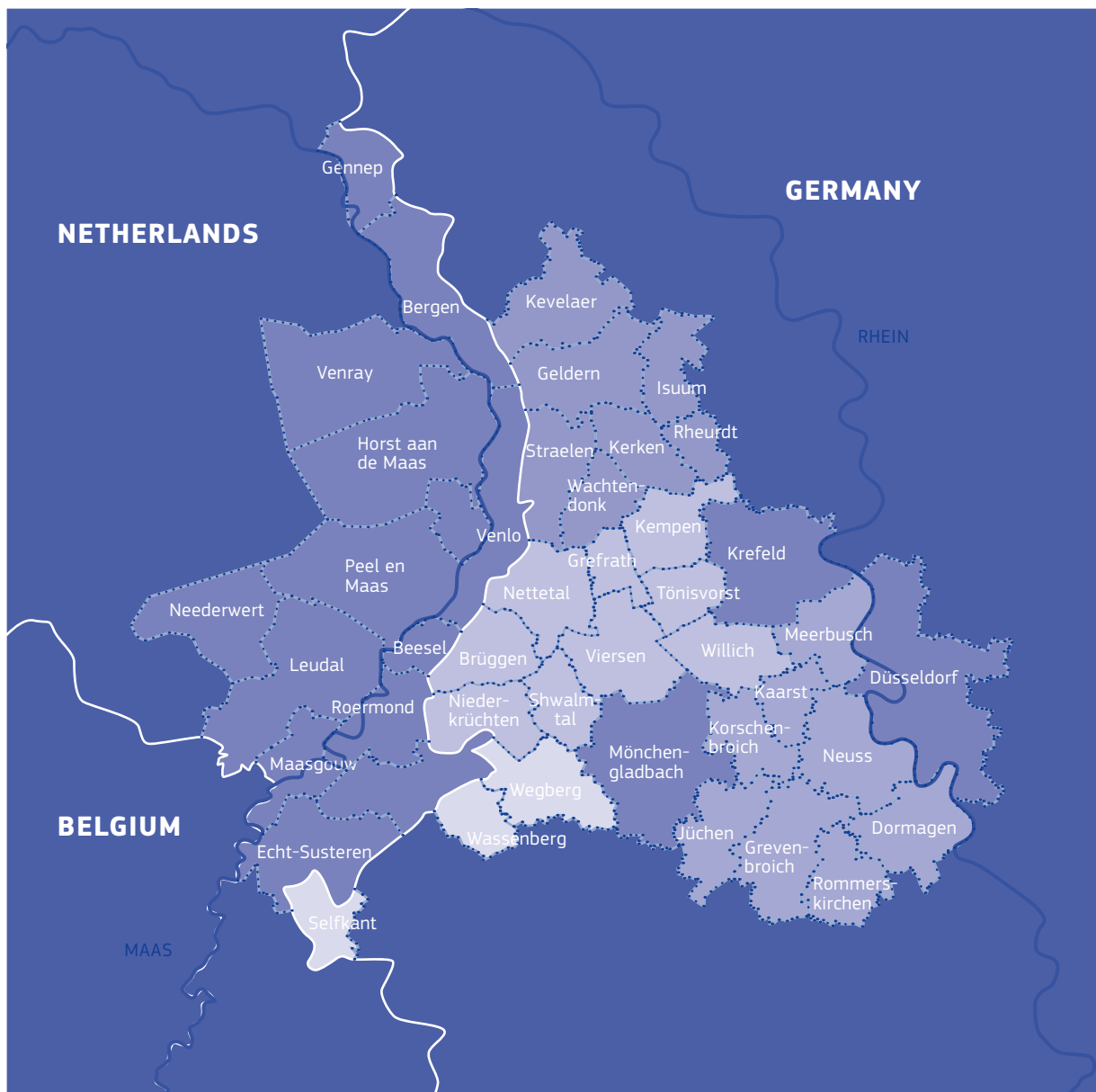
<https://ec.europa.eu/futurium/en/pilot-projects/dutch-german-cross-border-employment-students-originally-outside-eu>

#WorkPermits

Cross-border work for non-EU citizens

ADVISED ENTITY Euregio Rhein-Maas-North, DE-NL

EXPERT Peter Hansen



THE CONTEXT

In the territory of the Euroregion Rhine-Maas-North (DE-NL) an increasing number of non-EU citizens wish to work in key sectors, for example in logistics. However, because of the cross-border setting, they need a variety of permits in order to qualify for work. This results in **time-consuming procedures** and prevents local employers from hiring qualified professionals from outside the EU.

DESCRIPTION OF THE OBSTACLES

The Directive (EC) 2003/109¹⁷ regulates the status of third-country nationals who are long-term residents in the European Union and it includes provisions concerning the issuance of **work-permits** upon a so-called **priority test** aiming at proving the skills and competences of the job-seeker. Rules relative to the priority tests have been properly transposed in the national legislation of both countries but they appear to be **overcomplicated** when applied to non-EU citizens resident in border regions – such as those along the Dutch-German border.

One example is the situation faced by long-term residents who already possess a valid work permit in one of the two countries, but they also need to apply for a new permit in the other country when seeking jobs in the neighbouring state.

The necessity to undergo again the same administrative procedures just few kilometres away deters most people from applying for positions in the neighbouring country, resulting in negative outcomes for the cross-border employment and mobility.

OUTLINE OF POSSIBLE SOLUTIONS

First of all, it is to be noted that similar conditions are observed also in other parts of the German-Dutch border. For this reason, it would be advisable to deal with the issue of mobility of non-EU citizens within the framework of a **broader-based initiative** with a **multi-level governance** strategy.

In this context, one possibility is to draw up and implement an **action plan** jointly with players from Euregio Rhein-Waal to establish objectives for the improvement of the freedom of movement for non-EU nationals at local, regional and national level. Decision-makers and all employer and employee organisations, economic development institutions and employment authorities active along the border should be involved. This could serve as a preliminary basis to reach a **bilateral agreement** between the two states to facilitate a shared objective – namely the necessary mobility of non-EU workers as key assets to the regional economy on both sides of the border.

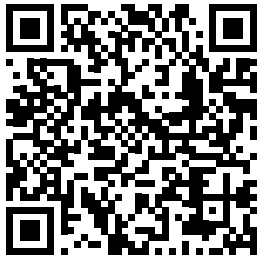
On the grounds of such an agreement, the previous existence of a work permit from the country of residence, for example, could form the basis for an easy issuance of a new work permit in the neighbouring state, thus **easing the administrative procedures** currently needed.

WHAT'S NEXT

- The Euregio Rhein-Maas-North will promote a **bilateral agreement** between Germany and The Netherlands in cooperation with all the interested parties and the other Euroregions placed at the border between the two countries.
- The participation of Border Info-points, the Eures Partnership and the cross-border employment administration (SGA) will also be encouraged.

¹⁷ Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-work-non-eu-citizens>

Cross-border work for non-EU citizens
(#WorkPermits)
© Euregio Rhein-Maas-nord



#SocialWelfare

Current social and health insurance regulations as problem for borderland inhabitants working on both sides of the border at the same time

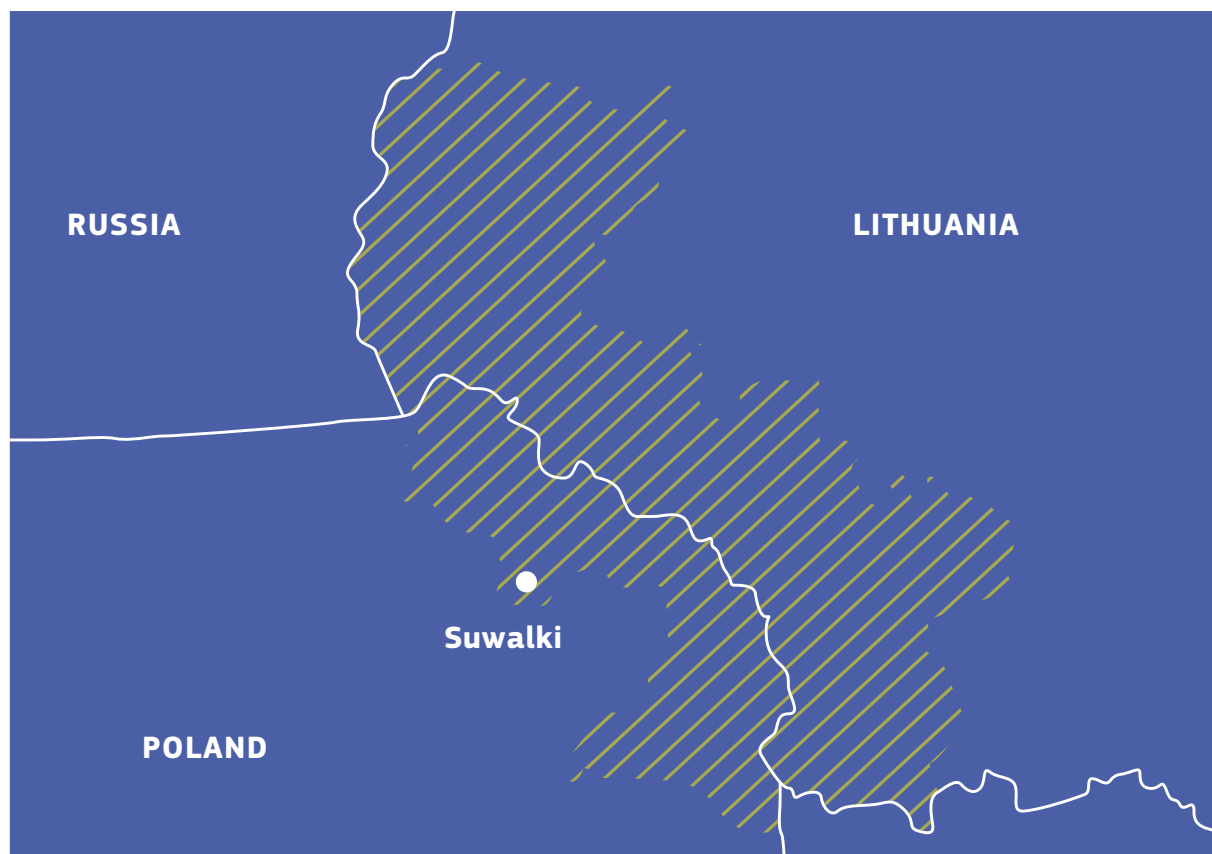
ADVISED ENTITY Borderland Association Nasza Suwalszczyzna (NGO), PL

EXPERT Marcin Krzymuski



THE CONTEXT

Cross-border workers in the neighbouring regions between Lithuania and Poland face multiple administrative challenges. The main obstacle in the border region is the fact that the **legal systems** of Poland and Lithuania are completely independent and feature **significant differences** from each other. Cross-border workers therefore move in a complex legal space or interface, comprising two social security systems, each of which can be applied, in an appropriate configuration. There is no single or bespoke system for cross-border workers.



DESCRIPTION OF THE OBSTACLES

The obstacle lies in the fact that the national Polish and Lithuanian social security systems operate on **diverging principles**.

Member States have a high degree of discretionality in setting the rules relative to social security, as at European level Regulation 883/2004¹⁸ and Regulation 987/2009¹⁹ provide only general indications, leaving every country to implement its systems at own discretion.

Therefore, the problem arises because current Polish²⁰ and Lithuanian²¹ legislations set their own internal provisions but do not include indications, for example, on how to regulate paid employment and self-employment activities across the border and related social security provisions.

Furthermore, social security aspects appear to be regulated in both countries in a way that is completely detached from other relevant issues (e.g. health services, applicable tax law, etc.), and therefore it is not possible to provide a comprehensive package of clear and useful indications to cross-border workers.

OUTLINE OF POSSIBLE SOLUTIONS

The first possible solution would be the creation of an **ad hoc bilateral agreement** between Poland and Lithuania to lay down specific **coordination rules** to be applied in a cross-border context. This could be done on the basis of Article 16(1) of Regulation (EC) No 883/2004, which allows Member States to conclude agreements if it is in the interest of certain persons or categories of persons.

This additional agreement would complement previous bilateral agreements²² signed by competent ministries to facilitate cooperation in the fields of labour and social policy, health care and taxation. A direct agreement should focus on **removing barriers** and providing **more simplification** for employers and employees. This would **create special regulations** applicable only to the situation of cross-border commuters with no need to standard legal solutions in the respective countries.

A second solution would be the **creation of an independent social security system** exclusively for cross-border workers, separated from the legal systems of both Member States, following the model of the **Joint Sickness Insurance Scheme (JSIS)** of the European Union. This scheme is based on Article 72 of the EU Staff Regulations (Council Regulation) and on the Protocol on the Privileges and Immunities of the European Communities (PPI), and covers medical costs at a reimbursement rate of 80-85%. However, this would require the creation of an appropriate legal entity (for example of a European Grouping of Territorial Cooperation) that would manage the financial resources to achieve such a solution.

Finally, the organisation of **training activities** on cross-border employment issues to be delivered by competent institutions through the establishment of **Border Information Points** would be beneficial for workers and employers.

18 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

19 Regulation (EC) 987/2009 of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.

20 Primarily: Act of 13 October 1998 on the Social Insurance System.

21 Primarily: Law of 21 May 1991 on State Social Insurance of the Republic of Lithuania.

22 Agreement between the Minister of Labour and Social Policy of the Republic of Poland and the Minister of Social Policy and Labour of the Republic of Lithuania (2008); and Agreement between the Ministries of Health of both countries (2018).



Current social and health insurance regulations as problem for borderland inhabitants working on both sides of the border at the same time (#SocialWelfare)
© Marcin Krzymuski

WHAT'S NEXT

As the obstacles lie in the differences existing within national legal provisions, the Borderland Association Nasza Suwalszczyzna will focus on drawing the attention of the competent actors on the need for more flexibility in this sense, in order to facilitate cooperation at cross-border level.

TO KNOW MORE



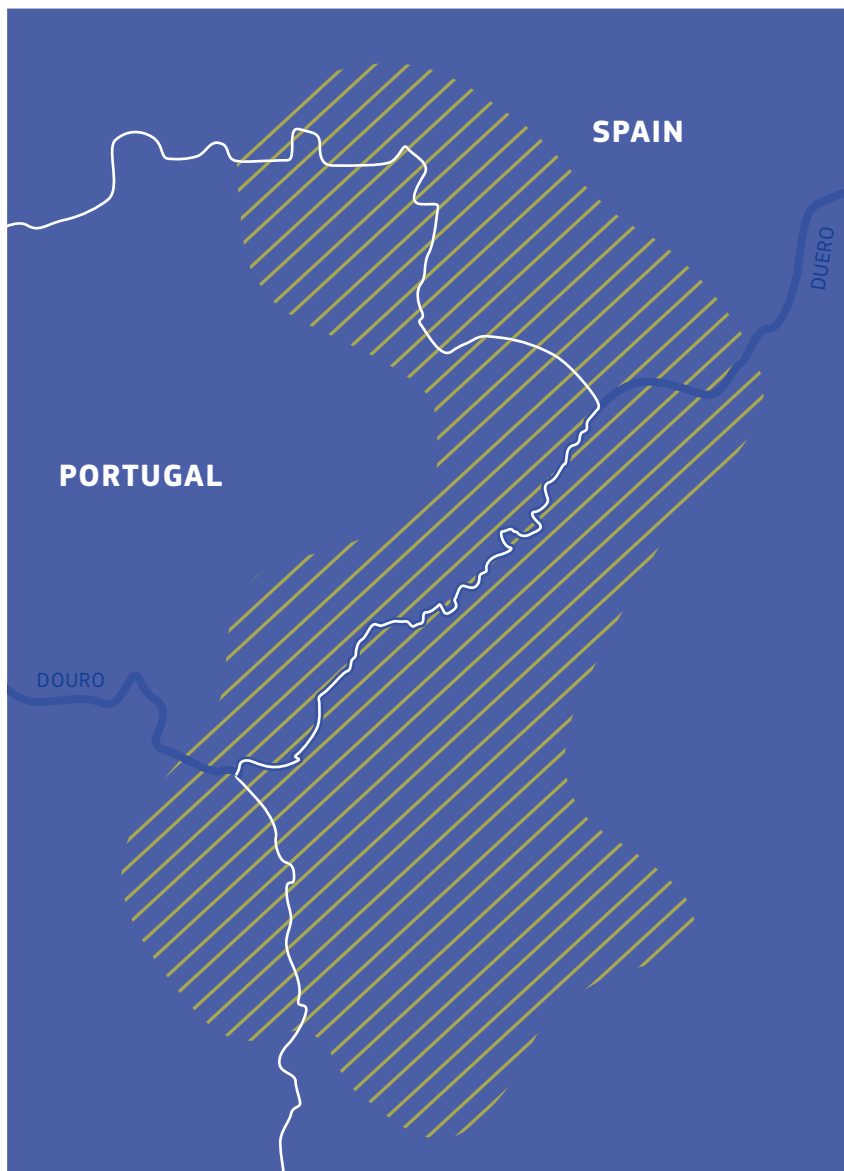
<https://ec.europa.eu/futurium/en/pilot-projects/current-social-and-health-insurance-regulations-problem-borderland-inhabitants>

#CommutersResidence

Double personality is a single reality: working in Portugal and paying taxes in Spain due to legal and/or administrative impediments

ADVISED ENTITY European Grouping of Territorial Organisation Duero-Douro EGTC, ES-PT

EXPERT Teresa González Ventín



THE CONTEXT

The European Grouping of Territorial Cooperation Duero-Douro is located in Trabanca (ES) and includes 188 Spanish and Portuguese municipalities at the Spanish-Portuguese cross-border area. Its objective is to strengthen the economic and social cohesion of the surrounding area.

As this EGTC is located in Spain, Spanish national law applies when formalising the hiring of professionals. In particular, the **place of residence** of the cross-border workers poses various obstacles concerning the applicability of **taxation** and **social security rules**.

DESCRIPTION OF THE OBSTACLES

The obstacles identified are multiple and due to different causes. Some arise because of **lack of administrative coordination** among competent bodies. Some others have roots in **EU Regulations** concerning social security systems.

First of all, EU citizens who wish to work in Spain can technically choose whether to establish their residence in Spain or continue living in their country of origin (or any other one). EU citizens who work in Spain but keep their residence abroad – as in the case of Portuguese employees of the EGTC Duero-Douro – are issued a Foreigner Identification Number (NIE) by the Directorate General of Police or one of its local offices (police stations)²³.

However, the observed procedures and requested documents to obtain the NIE seem to be applied incoherently by local police offices and its function is misinterpreted by issuing institutions. This creates **confusion** on the actual status of the workers and impacts the application of rules on the income taxation, as different provisions are envisaged for residents²⁴ and non-residents²⁵.

The determination of the **place of residence** of an employee has also significant implications with respect to benefits relative to the Social Security system in the place of residence – pursuant to Regulation (EC) No 883/04 on the coordination of social security systems. In the case of cross-border workers the legislation of the Member State in which a person works is applicable²⁶. As a consequence, non-resident cross-border workers should be registered under the social security system of the country of work. The existing confusion about the workers' place of residence leads to the fact that some types of social security benefits (i.e. sickness, maternity and paternity leave) would be received in the country of residence (Art. 17) but on account of the neighbouring country.

One last obstacle is identified again **within the Regulation (EC) No 987/2009**²⁷ (Art. 21), which requires the EGTC to apply for a Portuguese taxpayer number to register within the national Social Security System when hiring Portuguese nationals, despite being already registered in Spain. This implies that when the EGTC benefits of an economic subsidy under the identification of one of the two numbers, it cannot impute any expenditure made under the other one.

OUTLINE OF POSSIBLE SOLUTIONS

Solutions to the identified obstacles would require:

- formal engagement of the Directorate General of Police in Spain and its local offices (police stations) in order to **clarify and standardise** all the procedures to obtain the Foreigner Identification Number (NIE), in accordance with what is already envisaged by the law;

23 Organic Law 4/2000, of 11 January, *on rights and freedoms of foreigners in Spain and their social integration*, and Royal Decree 557/2011, of 20 April, which approves the Regulation of Organic Law 4/2000 – Title 13. Chapter I. Article 206.

24 Law 35/2006, of 28 November 2006 on *Income Tax for Residents*.

25 Legislative Royal Decree 5/2004 of 5 March, which approves the consolidated text of the Law on Income Tax of Non-Residents and Royal Decree 1776/2004, of 30 July, which approves the Regulation on Income Tax of Non-Residents.

26 See Art. 1.f and Art. 11.3.a of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 *on the coordination of social security systems*.

27 Regulation (EC) No 987/2009 *laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems*.

- the activation of such procedures also in **border municipalities** with the highest number of cross-border workers where the service is not yet available to facilitate employment;
- making the **data** held by the Social Security of both countries **available** to the entities providing benefits with respect to cross-border insured persons. In addition, a correct determination of the worker's place of residence is essential for the adequate attribution of Social Security benefits;
- making the recommendation that the **European Commission acknowledges** and **facilitates** the fact that EGTCs can operate on both sides of a border in terms of financial expenditure for projects, and can be represented by two different taxpayer numbers for the purposes of vouching expenditure;
- **changing** the Portuguese Social Security **legislation** for EGTCs, in accordance with the Regulation (EC) 1082/2006 on the *European Grouping of Territorial Cooperation* (Arts. 1.3-1.4), introducing the possibility to request only one social security account number in the country without necessarily attributing the EGTC an additional taxpayer number.

WHAT'S NEXT

As a first step, Duero-Douro EGTC will establish formal contacts with the Directorate General of Police, a department of the Spanish Ministry of Interior, in order to **clarify the administrative procedures** concerning the mobility of professionals across the border.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/double-personality-single-reality-working-portugal-and-paying-taxes-spain-due-legal>

Double personality is a single reality: working in Portugal and paying taxes in Spain due to legal and/or administrative impediments
 #CommutersResidence
 © Duero-Douro EGTC



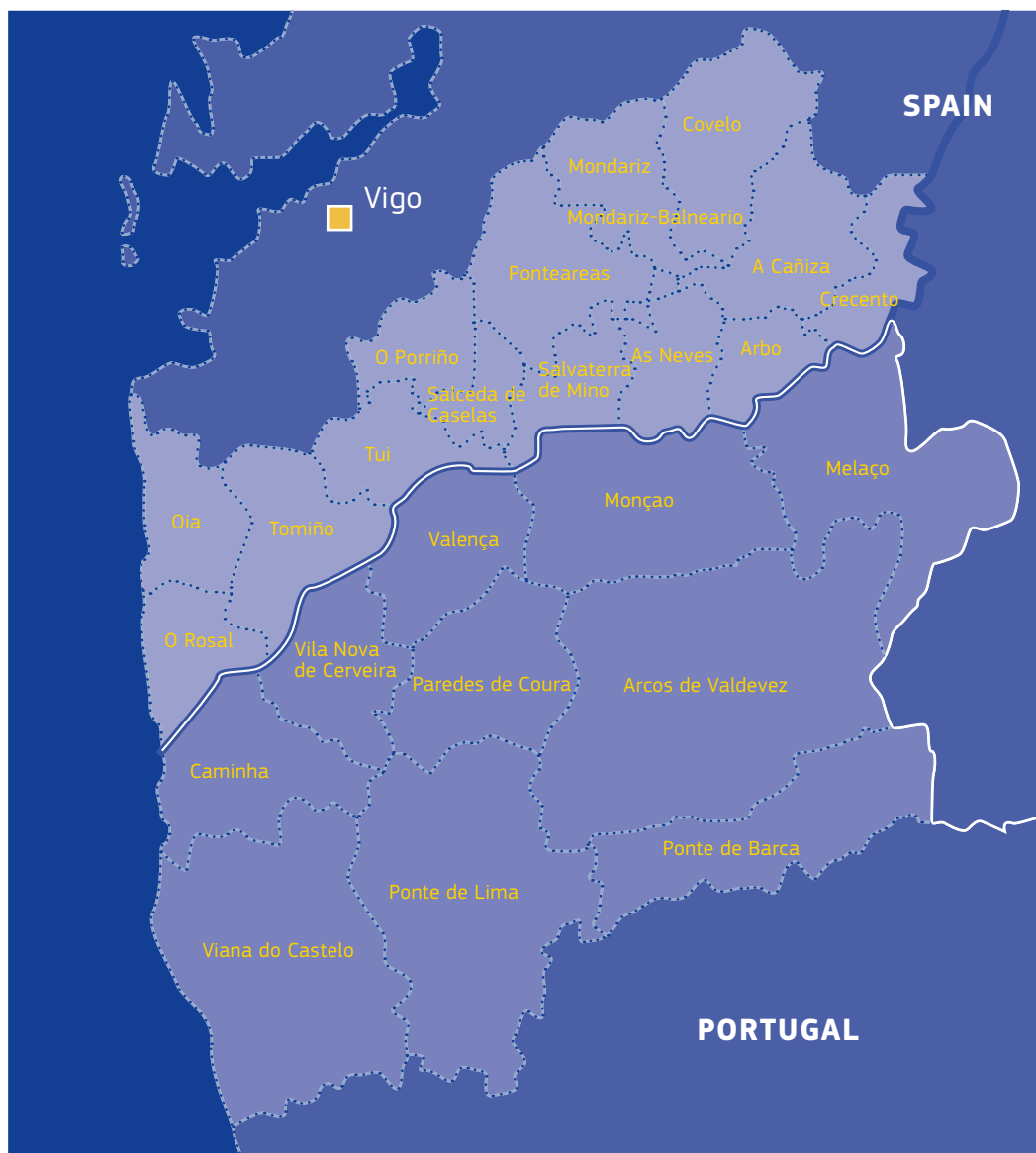


Public Transport of Passengers

#UrbanLines

MOBITRANS – boosting Minho river crossborder mobility

ADVISED ENTITY European Grouping of Territorial Cooperation River Minho EGTC, PT-ES
EXPERT Maria Garayo Maiztegui



THE CONTEXT

The European Grouping of Territorial Cooperation River Minho is located between the North of Portugal and Galicia Euro-Region and includes 26 municipalities. The EGTC drew up a public transport plan for the Minho cross-border area, MOBITRANS, to **enhance connectivity** among the municipalities.

DESCRIPTION OF THE OBSTACLES

The cross-border extension of transport lines would present a **legal obstacle** only if it included the performance of urban **cabotage services**. In this case, the hindrance would lie at the European level, given that cabotage services are governed by **Regulation (EC) 1073/2009**. This regulation forbids cabotage operations in urban centres or conurbations, or transport needs between it and the surrounding areas (Article 15(c)), unless a bilateral or multilateral agreement on further liberalisation of the service is concluded between Member States.

Additional difficulties encountered in the course of the planning phase to draw up MOBITRANS are due to the **complexity of the legal framework** to be applied. This cross-border intervention requires the coordination of legal procedures set out at local, regional, and national level, in Spain and in Portugal. The main hindrance lies in the **variety of actors** with a remit for the management of public transports on both sides of the border, which results in an **asymmetry of competences** and consequent lack of coordination at the administrative level.

In Portugal the management of public transport is delegated to municipalities or to intermunicipal communities (CIM), while in Spain the autonomous regions have exclusive competence for the development of transport provision in their territories. At present, there are no joint mechanisms or practices to support cross-border cooperation or coordination in relation to the planning and/or provision of regular passenger services at cross-border level.

In addition, an assimilation of cross-border transport with international transport has been observed in the administrative bodies on both sides of this border. This is a result of **insufficient and inadequate European and national legal provisions** to establish a specific regime for local cross-border passenger transport.

OUTLINE OF POSSIBLE SOLUTIONS

The extension of certain regular passenger transport services beyond the border may become operational by **disentangling the complexity** that arises from the concurrence of administrative procedures. A prerequisite is the signing of a **cross-border cooperation agreement** between the transport authorities. The agreement would allow the attribution of authorisations for the provision of regular international transport services to transport operators by the competent State entities. It would also allow the amendment of any public contracts relating to the transport lines affected by the extension. This would integrate three different legal frameworks on the legal status and procurement of public passenger transport services: the cross-border cooperation framework between territorial entities of Spain and Portugal, the “community” (regional) and national (Spanish and Portuguese) legislative framework, and both European and national legislations.

The proposed roadmap could be implemented in the following three phases:

- definition, coordination and legal formalisation of a project for the cross-border extension of regular transport services across the border, and agreement on cross-border cooperation between the **competent transport authorities** to be concluded by the **local authorities** and validated at the **national level**;
- **adaptation** of the cross-border initiative to international passenger transport regulations in accordance with Regulation 1073/2009, Law 16/1987 in Spain and Decree Law 3/2001 in Portugal;



MOBITRANS – boosting Minho river crossborder mobility
(#UrbanLines)
© River Minho EGTC

- **amendment of the public contracts** relating to the transport lines affected by the plan in order to enable the cross-border extension of transport routes.

Finally, in the case of **cabotage operations**, Article 25 of Regulation 1073/2009 provides that Member States may conclude bilateral or multilateral agreements for the further liberalisation of international services, in particular in relation to the authorisation regime, simplification or waiving of control documents, in particular in border regions.

In light of this, it must be noted that a proposal COM (2017) 647 to **amend Regulation 1073/2009** has been presented to solve identified problems such as hampering the development of intercity bus services in the Member States.

The proposal removes the requirement for cabotage operations to be carried out independently from the international services (Amendment 70).

WHAT'S NEXT

- The River Minho EGTC will promote **technical meetings** between the Galician and Alto Minho transport authorities to identify the cross-border public transport lines that will be included in the terms of their concession plan;
- it will also encourage the drafting of a new **agreement** in accordance with the provisions of the Treaty of Valencia on cross-border cooperation between the territorial entities of Spain and Portugal (2003). This Treaty sets legal indications on how to articulate the development of institutionalised cooperation actions between the territorial actors of the two Countries.

TO KNOW MORE

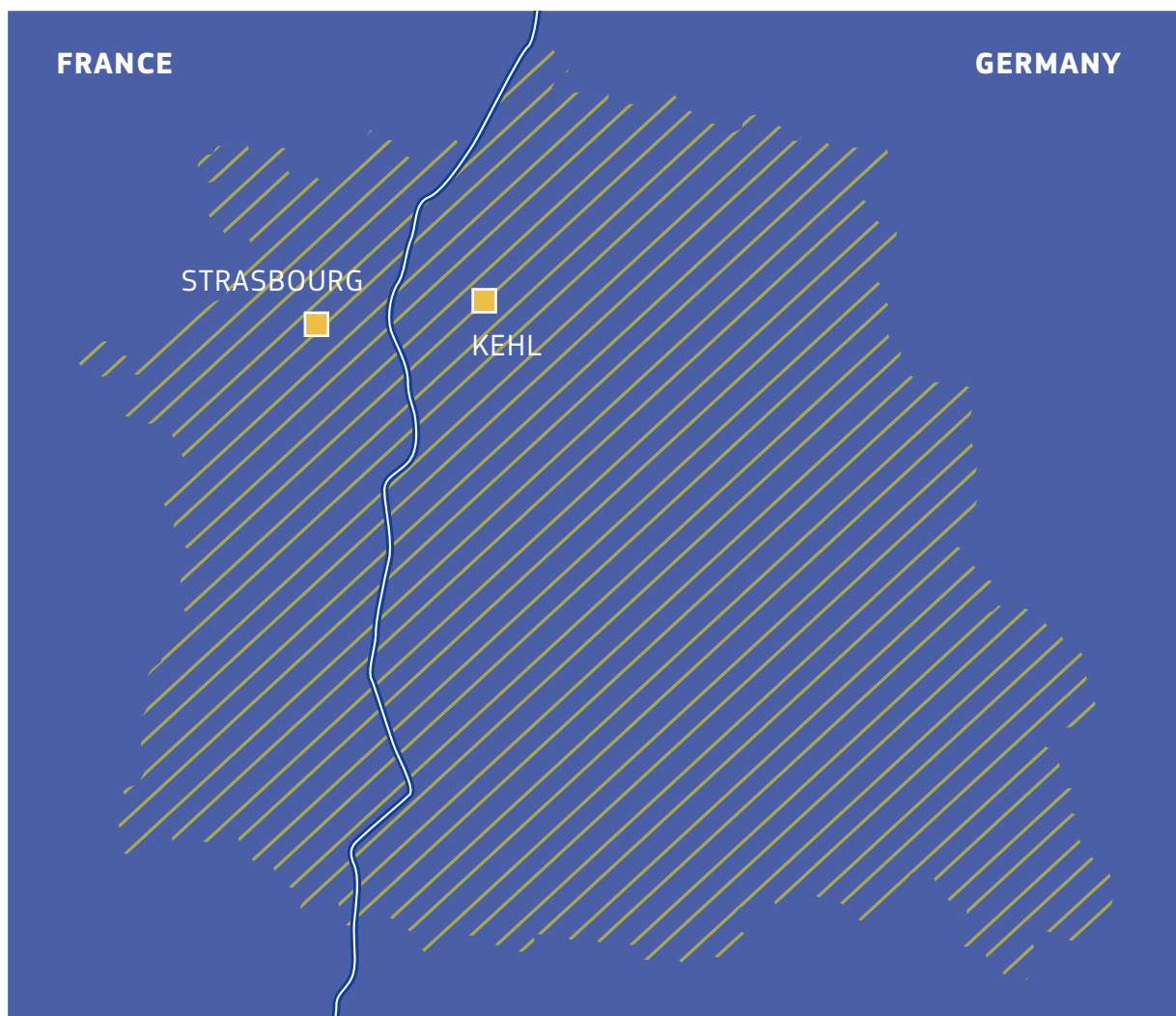


<https://ec.europa.eu/futurium/en/pilot-projects/mobitrans-boosting-minho-river-cross-border-mobility>

#EmissionsControl

European solution for a vignette for air pollution control

ADVISED ENTITY European Grouping of Territorial Cooperation Eurodistrict Strasbourg-Ortenau EGTC, FR-DE
EXPERT Michael Frey



THE CONTEXT

The Eurodistrict Strasbourg-Ortenau is a European Grouping of Territorial Cooperation supporting sustainable development in the cross-border region. Its objective is the **harmonisation of environmental policies** across the German-French border.

The regulation of **emissions** in the cross-border region is problematic because **different standards** apply in each member state. For instance, citizens residing in this area must apply multiple **air quality certificates** on their vehicles because emission standards in France and Germany differ. This discrepancy hinders free movement of cars and people in the territory of the Eurodistrict Strasbourg-Ortenau.

DESCRIPTION OF THE OBSTACLES

European countries are entitled to define their own European emission standards indicating the exhaust emissions of vehicles. These are marked with Air Quality Certificates, also referred to as “**vignettes**”, coloured stickers which indicate a vehicle’s environmental class according to its emissions of air pollutants.

In Upper-Rhine cross-border-region the **non-congruent transposition** of the EU Clean Air Directives results in a contrasting differentiation of the vignettes in France and Germany. At present, there is **no mutual recognition** of the vignettes of other Member States.

The transposition of the Clean Air Directives (2008/50/EC, Dir. 96/62/EC, Dir. 1999/30/EC) into national law in Germany envisages the categorisation up to vehicles classified as “Euro 4”, after which the “Euro 5 and 6” have a simply and standardized (green) vignette (see (§ 47 BImSchG).

Even the criteria for the vignettes 1 to 4 are different between the German and the French systems but most relevant is the fact that the French national law introduces much more differentiated criteria for the “Euro 5 and 6 categories” (see R. 318-2 du code de la route).

The certificates limit vehicles’ circulation in environmental zones. The zones are administered by **national law** in Germany, whereby administrative authorities²⁸ at the **State level** are responsible for setting up the clean air plans (§ 6 (2) ImSchZuVO in the State of Baden-Württemberg, object of this analysis). In France, environmental zones are administered under the **competence of the municipality** (legal base is Art. L 223-4-1, *Code général des collectivités*). It is ultimately at these levels that decisions on traffic ban depending on the vehicles’ vignette are enforced.

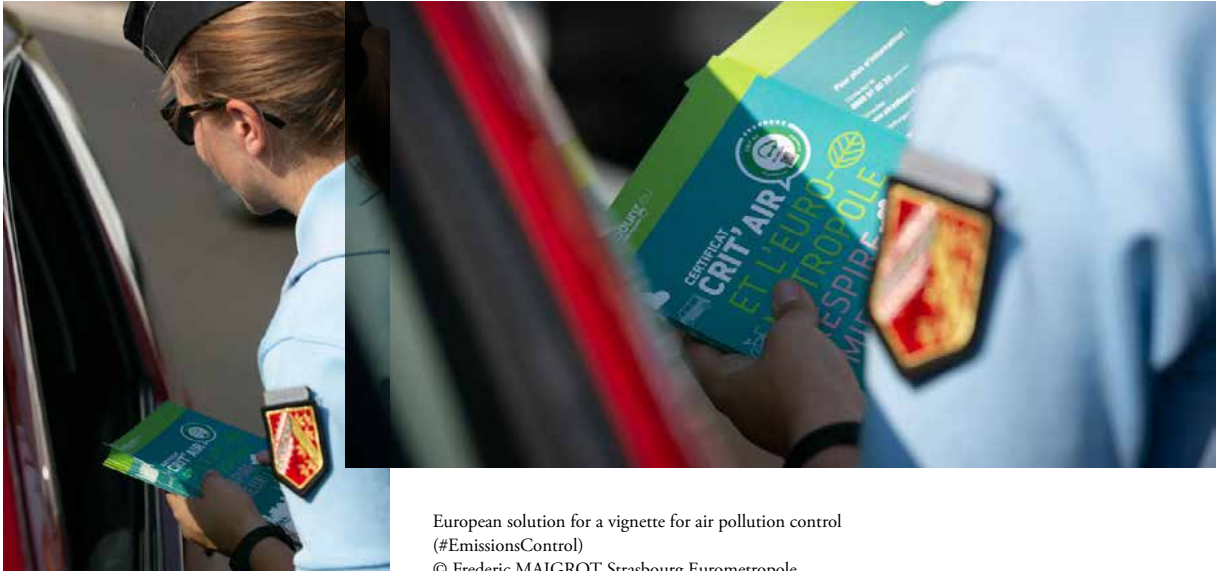
OUTLINE OF POSSIBLE SOLUTIONS

Solutions to the obstacles and issues set out above appear to be possible **at European, binational or multinational level**, and at the **cross-border level**.

At European level the recent “**fitness check**” of the **Clean Air Directives** – a test to evaluate the performance of Directives and to verify whether they continue to provide the appropriate legislative framework – could be a relevant starting point for **refinement of the legal provisions**, in order to require member states to develop coherent vignette systems strictly based on the **Euro-emission norms** or even a coherent automatic control system.

On a bilateral or multilateral level, a possible solution could be the development of a **common vignette legal framework**. Competent entities are the interested member states, who would need to modify their national legal frameworks to introduce mutual recognition.

28 Regierungspräsidenten.



European solution for a vignette for air pollution control
 (#EmissionsControl)
 © Frederic MAIGROT Strasbourg Eurometropole

An intermediate solution on a cross border level could be the **mutual recognition of vignettes** by allowing for specific cross-border exceptions. In this case, **amendments of national laws** might be necessary if the competence lies at national level.

The latter solutions depend on political and administrative **will of Member States** to both recognize and address this problem and its relevance for cross border movement in general and for cross-border functional economic areas in particular. This could be done through the **introduction of an exemption clause** for cross border areas in order to increase the legal certainty of mutual recognition.

The proposed **European Cross-Border Mechanism (ECBM)** could be considered as an alternative to provide a binding solution based on this analysis. At present there is currently no other cross border mechanism applicable in the area, except for the French-German Cross Border Cooperation Institutions (i.e. the Upper-Rhine Conference and the Franco-German-Swiss Intergovernmental commission), whose previous attempts to solve the obstacle led to outcomes which were ineffective.

WHAT'S NEXT

The Eurodistrict Strasbourg-Ortenau EGTC will present the analysis to the members of their Council, to the Upper Rhine Conference and to different German and French politicians, so that they can jointly develop a **strategy** for local experimental solutions, convince the national level and inform about the advised solutions in the frame of the **revision of the Clean Air Directive**.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/european-solution-vignette-air-pollution-control>

#MaritimeCommuting

Seaflix cross-border mobility

ADVISED ENTITY French Riviera Chamber of Commerce – CCINCA, FR

EXPERT Michele Vellano



THE CONTEXT

In the cross-border area «Franco-Italian-Monegasque riviera» **commuting** is very frequent. The Principality of Monaco is particularly attractive for a cross-border labour market, and high inflow of French and Italian workers generates congestion. The French Riviera Chamber of Commerce aims at finding a **collaborative and alternative solution** by setting up a **public maritime transport service** on a coastal section that goes from Cannes to Menton (France) passing through Monaco (Principauté de Monaco) and, possibly in the future, up to Ventimiglia (Italy).

DESCRIPTION OF THE OBSTACLES

The project put forward by the French Riviera Chamber of Commerce in agreement with French local authorities requires a complex legal framework to accommodate **different requirements**



from various legal systems. Because the plan presents multiple potential routes, different legal obstacles arise depending on the extension of the line, according to distinct possible scenarios²⁹.

Scenario 2: Cannes, Antibes, Nice, Monaco, Menton or Nice, Monaco, Menton (French-Monegasque line)

This scenario poses some legal problems pertaining to the French domestic law regarding the administrative and **legislative competence** of the local territorial bodies.

The main obstacle lies within the fact that the current French legislative system (Art. 1231-1 and Art. 1231-2, Code de transports) does not contemplate the possibility that local authorities – in this case, Région Sud, Metropole de Nice, Villes de Cannes, Antibes et Menton – may deal with coastal maritime transport outside their territorial area of competence, even less if the landfall is in the territory of a third state. This **uncertain situation** has led to a **lack of action** by French local territorial actors and the *de facto* prevention of the start of the project.

Scenario 3: Cannes, Antibes, Nice, Monaco, Menton, Ventimiglia (French-Monegasque-Italian line)

This scenario is confronted not only with the obstacles mentioned in the previous case, but also with the fact that the current internal arrangements do not facilitate direct co-ordination by the involved local territorial bodies of two EU Member States (in this case, France and Italy) and a **non-Member State** (here the Principality of Monaco), without executing a specific international agreement.

Reaching an agreement among the three states does not seem to be feasible in a reasonable period of time and this has prevented the start of the project.

OUTLINE OF POSSIBLE SOLUTIONS

In both scenarios, the obstacles identified could be solved through the creation of a **European Grouping of Territorial Cooperation (EGTC)** involving a **non-EU State** (Monaco) following Regulation (EC) N° 1302/2013. Furthermore, it is suggested to use the new 2021-27 programming period to activate **direct financing** to initiatives aimed at strengthening the facilitation of maritime transport in terms of environmental sustainability and technological innovation.

Amendments to the current French legislation are also necessary. In particular, amendments should be included in:

- the internal legislation concerning the **competence** on the regulation of coastal maritime transport and/or transport in general – *Code de transports*³⁰;
- the possibility of establishing a contractual association of legal persons under public law aiming at awarding contracts through single procurement procedures – which could involve not only other Member States but also the Principality of Monaco in the *Code de la commande publique*³¹; and
- the legislation contained in the *Code général des collectivités territoriales (CGCT)*³² in the sense of expressly **extending the competence** of the French regions and cities to regulate, manage through assignment, and finance a cross-border coastal maritime transport service.

In the case of the French-Monegasque-Italian line, no particular modification or integration would be necessary by the Italian legislator as the current regional and national legislation is already appropriate³³.

29 Of the three scenarios presented in the report prepared by the expert, the two cases with greater relevance to cross-border contexts are taken here into account.

30 Art. 1231-1 and Art. 1231-2 *Code of Transports*.

31 Art. 2113-8 and Art. 3112-3 *Public order Code*.

32 Art. 1114-4-1 and 1115-4 *General Code of Local and Regional Authorities*.

33 Regional law – Liguria Region – 7 November 2013, n. 33, *Reform of the regional and local public transport system and the National Legislative Decree* 19.11.1997, n. 422.

Finally, the establishment of the **European Cross-Border Mechanism (ECBM)** constitutes an excellent opportunity to create the best conditions for the French border territorial bodies to carry out the project in question. In particular, it would be appropriate to introduce the legislative changes mentioned above.

WHAT'S NEXT

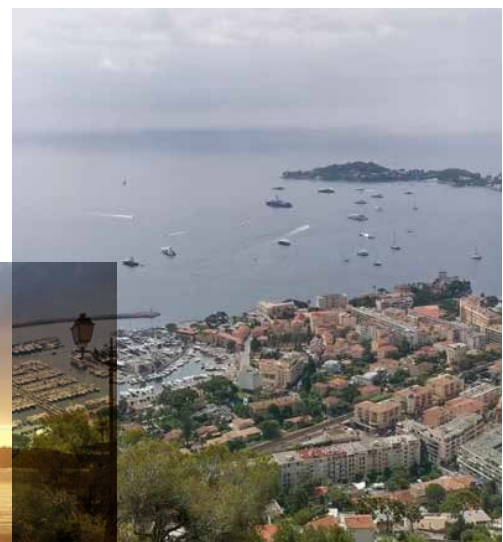
The scenarios elaborated by the expert will be analysed by all local stakeholders. The Region Sud will be especially involved to ensure an **inclusion of the project** within the financial axis for the next **2021-2027 EU programming period**.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/seaflixcross-border-mobility>

Seaflix cross-border mobility
(#MaritimeCommuting)
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#SustainableMobility

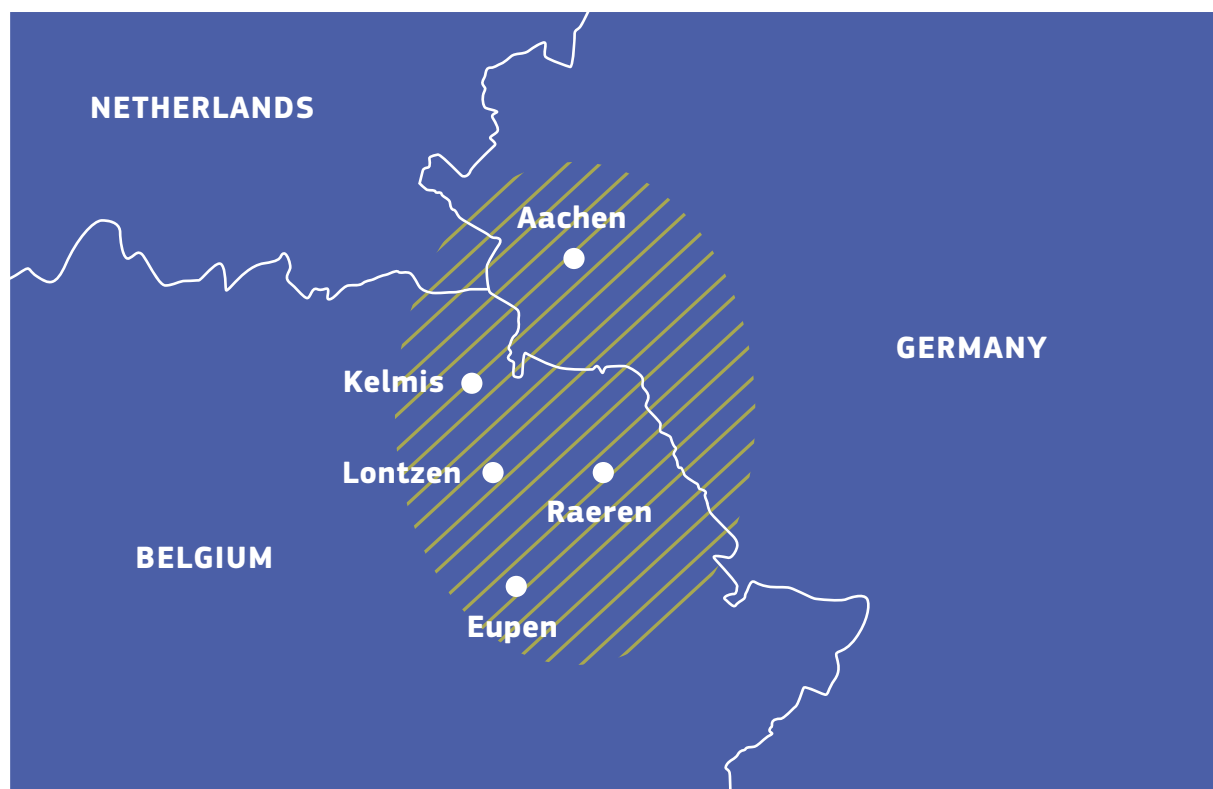
Tackling cross-border obstacles regarding e-bike sharing infrastructure

ADVISED ENTITY Ministry of the German-speaking Community, BE
EXPERT Jan Oostenbrink

Ostbelgien 

THE CONTEXT

In the border area between Belgium, Germany and Luxembourg cars are by far the most widely used mode of transport. The Ministry of the German-speaking Community would like to improve new **sustainable modes** in 4 municipalities – Eupen, Raeren, Kelmis and Lontzen. Although there have been already some exchanges with *Velocity*, a German e-bike sharing operator which has already stations in Aachen (DE), **it is not quite clear** how to deliver an effectively functioning cross-border e-bike system.



DESCRIPTION OF THE OBSTACLES

Various issues challenge the developing and delivering of a cross-border inter-municipality e-bike sharing infrastructure, such as the **area characteristics**, the **type of cooperation**, and the involvement and **communication** between the competent authorities. Additionally, **private laws** differ from one EU country to another and this leads to the situation that the German e-bike sharing infrastructure cannot be introduced without further **analysis** and adaptations in the neighbouring country, Belgium. This is viewed as a cross-border obstacle.

Other issues impeding the set-up of the infrastructure have to do with the relatively large travel distances in the area in question, the irregular frequency of buses, the necessary improvement of bicycle infrastructure, and safety standards for cyclists. Finally and importantly, a **change in mentality**, a new attitude towards the mode of transport, is needed: from “owner-of-a-car” to “someone who has a car or bicycle (on call) available”.

These issues arise since inter-municipal cooperation on mobility needs is at an early stage and requires further development.

OUTLINE OF POSSIBLE SOLUTIONS

An **intensified communication** between the main parties involved may offer an initial solution for the municipalities interested in participating in the project. There are already concrete plans for 22 bicycle stations, but the realization of these implies all kind of spatial planning operations and private law regulations. Additionally, the company *Velocity Belgium*, in accordance with Belgian laws, must be established and such procedure has already started.

Furthermore, an **inventory** and **analysis** of the mobility potential of the overall catchment population should be carried out and for an optimal use and accessibility, a region-wide network of e-bike stations using secondary roads would be needed.

The initiatives within the German-speaking Community of Belgium on Business Mobility Management (*betriebliches Mobilitätsmanagement*) and car-sharing can play a role towards a possible solution. In addition, the German-speaking Community of Belgium’s Energy and Climate Plan can set both **incentives** and provide **policy drivers**.

Finally, before proceeding, matters concerning accidents and liability and related insurance questions must be examined and clarified. When the four municipalities join their forces, they should be able to formulate and implement their **priorities** as partners, as the German-speaking Community of Belgium and the municipality of Aachen. It is important for municipalities to become more involved with regional mobility issues and to look beyond the municipal boundaries (including across borders), in searching for solutions, as local issues can often be solved on a regional basis which adds value to the local one. This however is, above all, a matter of political will and communication and not a cross-border legal obstacle.

It should also be noted that the proposal to set up such an e-bike sharing network on the example of Velocity in Germany follows a model which is more appropriate for regular **internationalisation** rather than one which is specifically appropriate to the needs of a cross-border area. This does illustrate that cross-border regions face higher complexity, when internationalisation tools are required to implement a project at a local/region level.

WHAT’S NEXT

- The Ministry of the German-speaking Community will ensure the continuation of the **negotiations** with Velocity and other relevant stakeholders;
- The topic will be presented during the next Mobility in East-Belgium **steering group**.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/tackling-cross-border-obstacles-regarding-e-bike-sharing-infrastructure>



Tackling cross-border obstacles regarding e-bike sharing infrastructure (#SustainableMobility)
© Velocity Aachen

#RailInteroperability

Cross border rail connectivity for the Port of Strasbourg

ADVISED ENTITY Autonomous Port of Strasbourg, FR

EXPERT Clarisse Kauber and team, Euroinstitut

PAS

PORT AUTONOME DE STRASBOURG

THE CONTEXT

The Independent Port of Strasbourg is an inland harbour located on the River Rhine at the French-German border. Equipped with the biggest freight station of the Grand Est region (FR) and three container terminals, it acts as a multimodal commercial **transportation hub** in the region. The current German-French railway link connects Kehl am Rhein (DE) and Strasbourg (FR), passing by the station of Strasbourg Neudorf (FR) and the Port (FR).



However, today German freight trains decline to use the Port's station because of the absence of a real **rail interoperability** between Germany and France caused by current **diverging national regulations**. There are three types of legal and administrative obstacles: non-recognition of the national safety certificate, language skills and training requirements, and different rear signalisation on trains.

DESCRIPTION OF THE OBSTACLES

Three main obstacles due to **diverging laws** at the **national level** prevent operability:

- **national safety certificates** are not mutually recognised. The German Rail Law *Allgemeines Eisenbahn Gesetz* (AEG) requires a single safety certificate, accompanied by a German safety certificate dedicated to the journeys made; Article 89 of the new French decree n° 2019-525³⁴ recognises the single safety certificate without an extension of the area of operations for rail undertakings from another State providing services on a so-called “border section” on national territory. However, the port is not in the “border section”, so the decree does not apply.
- **language skills** and **training requirements** do not match: the French decree No. 2019-525, in application of Directive 2007/59/EC, confirms the mandatory holding of a certificate of technical and linguistic skills of train drivers in addition to the licence (article 110). The German Railways Act (AEG) requires staff to be trained in procedures, signalling, route and emergency procedures on the lines concerned (Paragraph 7e).
- **technical requirements** (safety, power...) in both countries can only be respected by expensive interoperable locomotives, and rear signalisation on trains differs. In Germany, railway regulation³⁵ and the French ministerial decree of 19 March 2012³⁶ require different signalisation to the rear of trains. German trains have to add rear lanterns on the last wagon to run in France. Actually the national rules are different but not contradictory and the requirements for rear signalisation are precised in the local common instruction for the border section Kehl-Strasbourg.

OUTLINE OF POSSIBLE SOLUTIONS

Directive (UE) 2016/797 on the interoperability of the rail system within the European Union and Directive (UE) 2016/798 on railway safety both aim to provide technical specifications to develop and improve the safety of the European railway systems.

However, these Directives have not been yet implemented in Germany, while their transpositions in France (French decree n° 2019-525) did not envisage the inclusion of the Port of Strasbourg within the so-called “border section”.

Therefore, a **wider interpretation** of “border section” in the **transposition of the EU Directives** in France could help, facilitating the recognition of national safety certificates on the other side of the border.

An additional solution would be **integrating** the issue of rail freight into future French-German **cross-border agreements**, including **exemptions** about language skills and adaptation of trainings. To do so, the competent authorities at the national or regional levels should be involved: the regional Ministry of Transport (*Ministerium für Verkehr*) of the German federal state of Baden-Württemberg in Germany and the Ministry for Ecological and Solidary Transition (*Ministère de la transition écologique et solidaire*) of France.

As a quicker and interim solution in order to achieve the required language standards, Franco-German specialised **tandems** and **rail-specialised testing** of language skills might be organised,

³⁴ Decree n° 2019-525 of 27 May 2019 relating to the safety and interoperability of the rail system and modifying or repealing certain regulatory provisions.

³⁵ Art.3 of the of the Railway Signaling Ordinance (ESO) 07.10.1959 amended by Art 498 of the Ordinance of 31 October 2006.

³⁶ Order of March 19, 2012 setting the safety objectives, methods, indicators and technical safety and interoperability regulations applicable on the national rail network.



Cross border rail connectivity for the Port of Strasbourg
(#RailInteroperability)
© Port autonome de Strasbourg

as well as accelerated **trainings** for drivers with a European licence on the Kehl-Strasbourg-Neudorf-Port section. However, also this solution would require the approval by the authorities at the sub-national level (*Ministerium für Verkehr Baden-Württemberg* in Germany and *Région Grand Est* in France), along with cooperation efforts from the companies managing the port (DB Netz + SNCF Réseau).

Finally, an **agreement** that would facilitate the recognition of German rear train lights in Strasbourg in a common instruction could be a solution to avoid the use of a shuttle service. Validation of the exemption authorisation applicable in France would fall within the competency and remit of the company managing the port in France (SNCF Réseau), following coordination with the German partner (DB Netz) and an opinion of the French safety authority (EPSF).

The proposed **European Cross-Border Mechanism (ECBM)** could also be considered on some specific points, for instance to provide for the recognition of simplified training, and potentially the organisation of joint training courses with a common exam giving access to a certificate specific for the equipment and the route.

WHAT'S NEXT

As a first step, the Port of Strasbourg plans to **draw the attention of relevant actors** in order to start organizing German language and technical **trainings** for French drivers.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-rail-connectivity-port-strasbourg>

#ConstructionPermits

Trilateral bridge in Euroregion Neisse-Nisa-Nysa

ADVISED ENTITY Euroregion Nisa, CZ-DE-PL

EXPERT Hynek Böhm





Trilateral bridge in Euroregion Neisse-Nisa-Nysa
(#ConstructionPermits)
© Euroregion Nisa

THE CONTEXT

The territory of the Euroregion Nisa is crossed by the river Nisa, where the borders of Czech Republic, Poland and Germany meet. Discussions on the construction of a common footbridge uniting the three countries were initiated in 2004, but the construction itself has not yet commenced. The project's partners are **uncertain** on how to obtain **building permits** in all the three sides, a necessary requisite to allow to apply for **Interreg** subsidies to co-finance the expensive project.

DESCRIPTION OF THE OBSTACLES

The main obstacle is in the need to obtain three individual national construction permits for one piece of cross-border infrastructure to be built. This is further complicated by the fact that **procedures** for obtaining construction permission **differ** significantly in all three countries.

The technical documentation necessary to request the authorisation for construction was previously submitted on behalf of the project partners by a team of Polish engineers to all competent authorities in the three countries. However, the Czech authority has denied authorisation as the Polish professionals were not registered to the Czech Chamber of Chartered Engineers, as required in the *Czech Authorisations Act*³⁷.

The project partners must find a new way to proceed with the construction works, taking into account **non-mutual recognition of diplomas** and **specific procedure** in each country.

³⁷ See section 30a(4) Act No. 18/2004 Coll. of the Czech Guideline on the recognition of professional qualifications of established persons in the civic construction and on the verification of professional qualifications of visiting persons, concerning the recognition of professional qualifications and other capacities of nationals of EU Member States and certain nationals of other countries, and on Act No. 360/1992 Coll., on the pursuit of the chartered architect profession and the chartered engineer and technician active in construction profession.

OUTLINE OF POSSIBLE SOLUTIONS

The quickest and most feasible way to obtain three different construction permits would be to **enlarge the team** of civil engineers and to involve Czech and German professionals. Engineers could then apply for the authorisations in their respective countries (if they don't possess them already), provided that they are already in possession of recognised diplomas.

This case illustrates how much more cumbersome and costly cross-border projects are. The need to triple the engineering team is unproportioned when compared to similar infrastructure projects not crossing a border. The lack of automatic recognition of qualifications across the border appears as the administrative obstacles hampering the project.

As the whole process has already lasted for more than 15 years without tangible results, it might be worth to conclude a **trilateral intergovernmental agreement** to facilitate the speed of the whole project.

Finally, the application of the **European Cross-Border Mechanism (ECBM)** could be an ideal solution to allow a team of engineers to obtain permissions from the other countries, regardless of the country issuing their diploma. Applying one legislation on the territory of the neighbouring countries which are part of trilateral region for the single purpose of boosting a cross-border facility would substantially ease the pre-construction works, as well as the issuance of building permits upon recognition of professional qualifications.

WHAT'S NEXT

Euroregion Nisa will continue assisting involved stakeholders in the project by providing further analytical **support** in light of the expert's analysis. The Euroregion will also try to influence the future architecture of **Interreg** programmes in the area with the purpose of enabling the gradual financing of the bridge, preferably under the status of **pilot project**.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/trilateral-bridge-euroregion-neisse-nisa-nysa>

#CrossBorder Bus4EUcitizens

Launch of a regular passenger transport, with cabotage, between Chaves and Verín

ADVISED ENTITY Municipalities of Chaves and Verín, PT-ES

EXPERT Maria Garayo Maiztegui



THE CONTEXT

Located on the border between Spain and Portugal, the Eurocity Chaves-Verín includes two medium-sized border municipalities. In the last ten years, with the aim of improving cross-border mobility, the Eurocity Chaves-Verín has had the aim of delivering a regular passenger transport service. The **complex coordination effort** required to start the implementation of a bus service between the cities of Chaves and Verín has prevented its realisation so far. The asymmetry in the areas of competence of local promoters, the **absence of coordination** across the border and **lack of clarity** on an applicable legal framework for cross-border cooperation in public transport have prevented the Eurocity from delivering this aim.

DESCRIPTION OF THE OBSTACLES

Several obstacles were identified in this case, and these are of an **administrative nature**. The promoters of the cross-border project, namely the municipalities of Verín and Chaves, and the Chaves-Verín Eurocity EGTC, do not currently hold **competence** or a remit for public passenger transport provision within the cross-border area. To permit the provision of the passenger transport service, the endorsement of the competent state authority is required (*Instituto da Mobilidade e dos Transportes* in Portugal and the *Dirección General de Transporte Terrestre* in Spain).

The absence of a concept of cross-border transport in the national law of both countries also hinders the readiness of a solution.

A legal impediment to the launch of a regular public service with **cabotage** lies in the Article 15 of **Regulation (EC) No 1073/2009** *establishing common rules for access to the international market for coach and bus services*, which excludes cabotage: “exception of transport services meeting the needs of an urban centre or conurbation, or transport needs between it and the surrounding areas”. The exception envisaged in article 25 of the Regulation to allow for the cabotage of international transport services in border regions³⁸ requires a **disproportionate concurrence of public authorities** (local/regional) and administrative procedures. As conditions, these have an inhibiting effect.

Finally, **insufficient knowledge** within the administration of the legal framework for cross-border cooperation – and its potential in relation to the management of public services by local and regional authorities – contributes to increased difficulties in the implementation of joint actions.

OUTLINE OF POSSIBLE SOLUTIONS

The following roadmap is proposed for the creation of a regular public transport service between Chaves and Verín **without cabotage**.

The possible solution consists of two phases:

- Phase 1. Definition, agreement and legal formalisation of the cross-border project by the relevant transport authorities. In particular, the key is the **definition of the technical arrangements** for the extension and/or connection and coordination between public services, on the economic cost (investment and/or operation), and on the coordination of the procedural arrangements for implementation. A **cross-border cooperation agreement** should be drawn up in accordance with already existing provisions, in this case the Treaty of Valencia between the Portuguese Republic and the Kingdom of Spain on *cross-border cooperation of territorial entities and authorities* (3 October 2002). Ultimately, this should be communicated for control to the national competent authorities of both states and finally be validated.

³⁸ See full text of Art. 25 of Regulation (EC) No 1073/2009: “Member States may conclude bilateral and multilateral agreements on the further liberalisation of the services covered by this Regulation, in particular as regards the authorisation system and the simplification or abolition of control documents, especially in border regions”.

- Phase 2. **Adaptation** of the project to international passenger transport regulations. The cross-border project must be brought into line with international road transport regulations for bus travel. To this end, the transport companies operating the line(s) affected by the cross-border project, on both Portuguese and Spanish sides, must apply to the competent state entities (*Dirección General de Transporte Terrestre del Ministerio de Fomento* in Spain and *Instituto da Mobilidade e dos Transportes (IMT, I.P.)* in Portugal), for the mandatory authorisation provided for in Regulation 1073/2009.

WHAT'S NEXT

The Chaves Verín Eurocity EGTC will act as an interlocutor between the competent entities of each country, **facilitating** their **coordination** and ensuring the successful implementation of the solution proposed by the expert – starting with the **definition of a possible agreement** in the context of the Valencia Treaty on cross-border cooperation between Spain and Portugal.

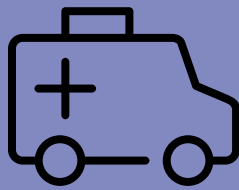
TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/launch-regular-passenger-transport-cabotage-between-chaves-and-verin>



Launch of a regular passenger transport, with cabotage, between Chaves and Verín (#CrossBorderBus4EUcitizens)
© Eurocity Chaves-Verin, EGTC



Health, Including Healthcare Emergency Services

#FirstAidMobility

Ambulances without borders: towards sustainable cooperation between emergency services

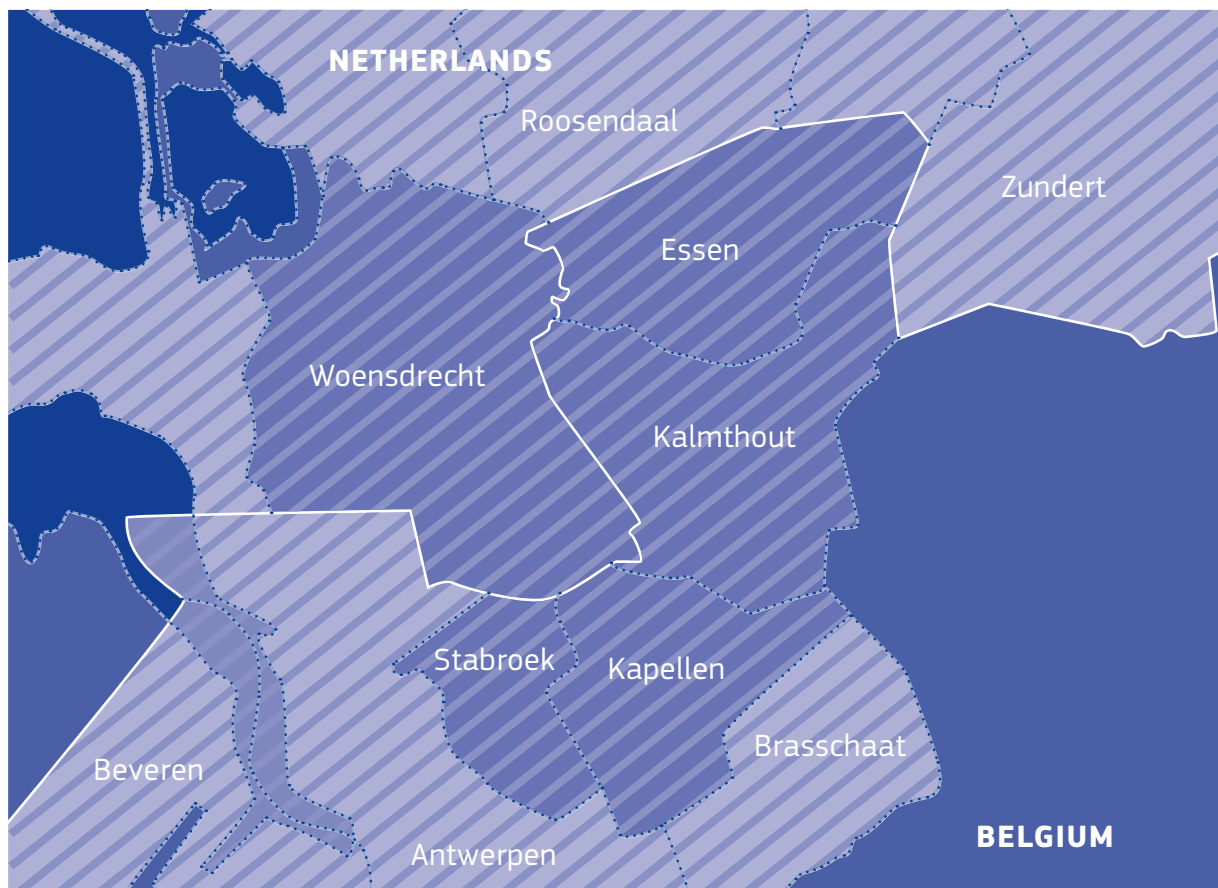
ADVISED ENTITY Municipality of Woensdrecht, NL

EXPERT Martin Unfried



THE CONTEXT

Citizens of the municipalities of Woensdrecht (NL), Essen (BE), Kalmthout (BE), Kapellen (BE) and Stabroek (BE) face significant challenges in **accessing emergency services** as at the moment there is no formally structured cross-border intervention of ambulance services. Limitations due to **diverging standards** concerning patients' **reimbursements**, **technical requirements** (lights and signal) of the ambulances, recognition of medical staff's **diplomas** and access to **specialised hospitals** are described as daily problems by the inhabitants residing in this area.





Ambulances without borders: towards sustainable cooperation between emergency services
(#FirstAidMobility)
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DESCRIPTION OF THE OBSTACLES

The obstacles described by the advised entity lie mainly in the **lack of knowledge** of existing legal tools which could facilitate a solution.

It is an established fact that emergency medical services are possible on both sides of the Dutch-Belgian border due to *Decision M (2009)8 – revised by Decision M (2014)1 – on cross-border emergency ambulance traffic*³⁹ of the Benelux Treaty (article 19, 29 and 30).

Furthermore, reimbursement procedures for the provision of emergency medical services are regulated under articles 3 and 4 and a general letter was produced in 2014 to describe procedures and tariffs with respect to various scenarios (*Benelux Omzendbrief VI nr 2014/216 van 23 mei 2014*).

The presence of different technical requirements is **mutually accepted** under articles 5 and 11 of the Decision, where it is stated that an ambulance fulfilling the legal requirements of the sending state is regarded as equivalent to an ambulance of the host state and that existing light and acoustic signals apply in the host country.

The recognition of medical staff qualifications is regulated in articles 6 and 7 and emergency teams of both sides are entitled to carry out the activities accepted in their own country also on the other side of the border. As a result there is **no conflict arising** from differences in legal frameworks.

However, some **uncertainties** persist in relation to the recognition of specialised Dutch hospitals among the network that qualify for emergency medical services in Belgium as there is no legal or administrative provision yet regulating this aspect.

³⁹ Decision M (2009) 8 of the Benelux Committee of Ministers with regard to the cross-border emergency transport of ambulance, as amended by Decision M (2014) 1, 8.

OUTLINE OF POSSIBLE SOLUTIONS

The recognition of Dutch hospitals among the Belgian network can be introduced simply through a **tailor-made amendment** to the current Benelux decision, upon agreement of all the relevant stakeholders.

Furthermore, to **create awareness** and foster the joint action of the actors involved in accordance with the already existing legal provisions, it is recommended that a permanent cross-border **ambulance coordination office** be created. This could be integrated with the creation of a new **cooperation committee**, bringing together the responsible directors and medical managers of the services and dispatch centres who are responsible for ambulance services and medical emergency departments (hospitals) in the given territory.

Representatives of different municipalities could also join in order to contribute to the territorial **needs-analysis** and to give constant feed-back with respect to the perspective of citizens.

Finally, the proposed **European Cross-Border Mechanism (ECBM)** would provide the two Member States with an alternative to find further agreements based on the mutual acceptance of certain legal provision of the neighbouring country, so to **fill the gaps** existing in the current Benelux Decision.

WHAT'S NEXT

- The Municipality of Woensdrecht will organise a meeting to gather **key municipalities** and inform them about the expert's findings and the feasibility of the proposed solution;
- A **conference** with a wider range of partners is planned in early 2020.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/ambulances-without-borders-towards-sustainable-cooperation-between-emergency-services>

#HealthcareTwinning

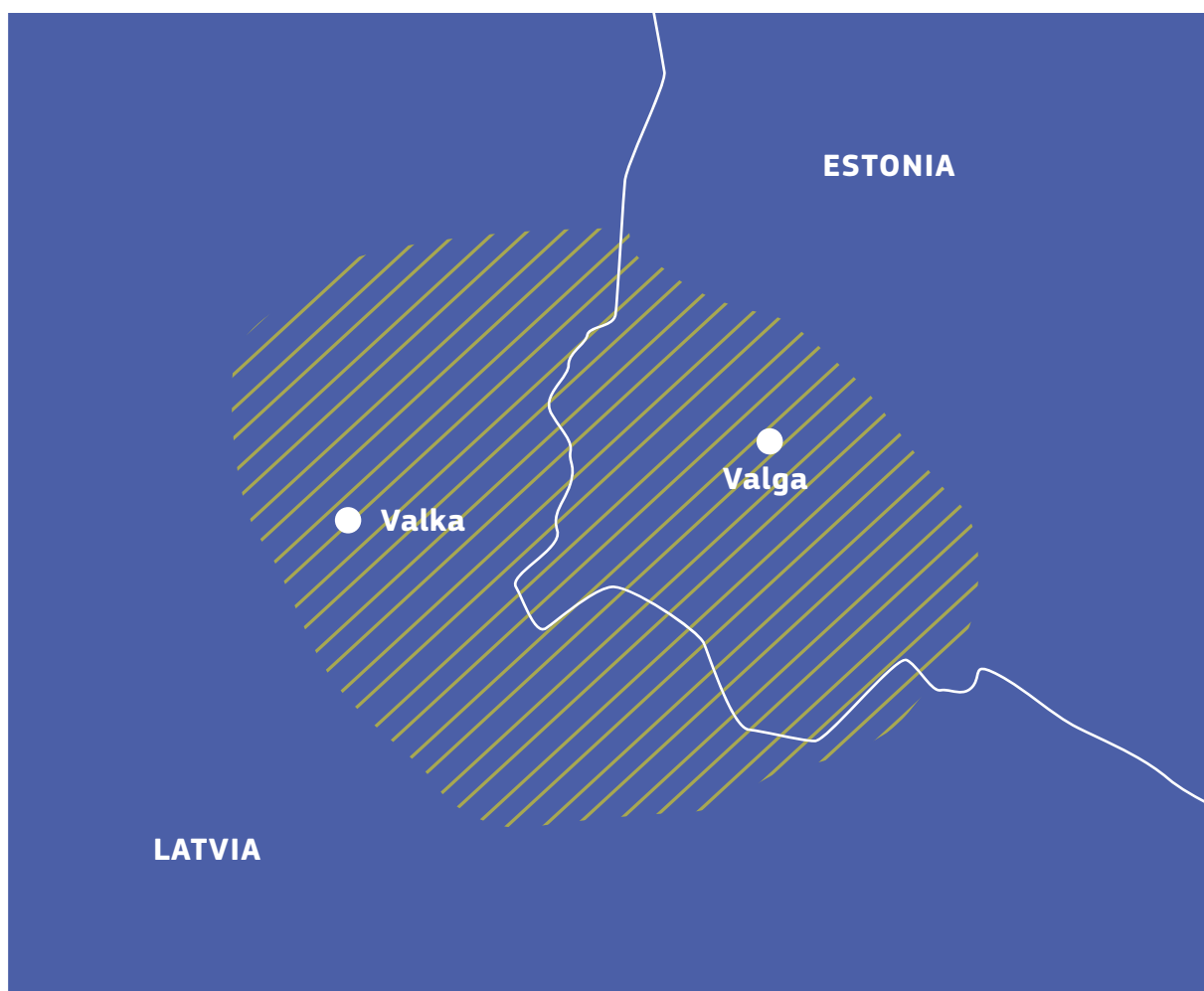
Cross-border healthcare between the twin cities of Valga-Valka

ADVISED ENTITY Valga Municipality, EE

EXPERT Annika Jaansoo



Valga Haigla



THE CONTEXT

The Valga Hospital – a public company comprising only two Estonian stakeholders – is located in the Estonian part of the twin city Valga (Estonia) and Valka (Latvia). Its patient catchment area is, therefore, a cross-border one. However, **diverse management systems** and differences between the governments concerning the **reimbursement of the costs** for medical services for Latvians restricts a full access of Latvian patients to the hospital.

DESCRIPTION OF THE OBSTACLES

The obstacle identified is due to a **lack of administrative coordination** between the competent authorities in the two countries.

Even though the method of calculating the costs for health care services is the same in both countries, prices differ significantly.

The Latvian Health Insurance Fund reimburses the Latvian patients accessing care in Estonia on the basis of the national price list for healthcare services, whose quotations are up to 30% lower than those envisaged on the other side of the border.

In light of this, a Latvian citizen treated in the Valga Hospital can only be reimbursed partially and in accordance with the Latvian prices.

Additional administrative obstacles arise due to the lack of services' provision in both national languages and from **differences in the levels of digitalization** and the compatibility of these systems: these include, for example, **different formats** used for the release of medical receipts which are mostly paper-based in Latvia and fully digitalised in Estonia; and paper-based patient history record-keeping in Latvia while there is a fully digitalized and cross-referenced system in Estonia.

OUTLINE OF POSSIBLE SOLUTIONS

The Directive 2011/24/EU on patients' rights in cross border regions has been transposed correctly in both countries, meaning that the current national provisions have the potential to **facilitate coordination** at administrative levels between the competent authorities in Latvia and Estonia.

In particular, current national laws on patient rights allow the National Health Funds of both states to conduct agreements with hospitals from other countries (see Estonian Health Fund Law and Latvian Law of Funding of Healthcare).

In light of this, both the Estonian and Latvian National Health Fund should sign an **agreement** with the Valga Hospital to **adapt** the systems of reimbursements to the **actual needs** of the local citizens.

In general, in order to foster administrative coordination and provide a fully comprehensive and accessible range of cross-border medical services, Latvian partners should be included within the decision-making process of the **governance** of the Valga Hospital, as this currently includes Estonian actors only.

Finally, to allow a more **facilitative form of financial modelling** and resourcing of the provision of cross-border healthcare services, it is necessary to give a special status⁴⁰ to the Valga Hospital, in accordance with the legal framework for healthcare provision of both countries.

⁴⁰ In Estonia and Latvia hospitals are financed based on the service provision. However, there is a possibility of affording a hospital special status, which would mean that the hospital can be financed on a lump sum basis.

This will ease the adoption of new **creative approaches** to deal with patient **information exchange** and **language accessibility**, as currently already happens in other cross-border healthcare structures.

WHAT'S NEXT

- The Valga Municipality will support the implementation of an **intergovernmental approach** between Estonian and Latvian National Health Insurance Funds and the Valga Hospital;
- The Municipality will make sure that the interests of the Latvian side are secured when concluding a cooperation agreement concerning the Hospital in order to guarantee a well-balanced and real cross-border management of the structure.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-healthcare-between-twin-cities-valga-and-valka>

Cross-border healthcare between the twin cities of Valga-Valka
(#HealthcareTwinning)
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#HealthcareWorkers

Speedy mutual recognition of qualifications for healthcare professionals

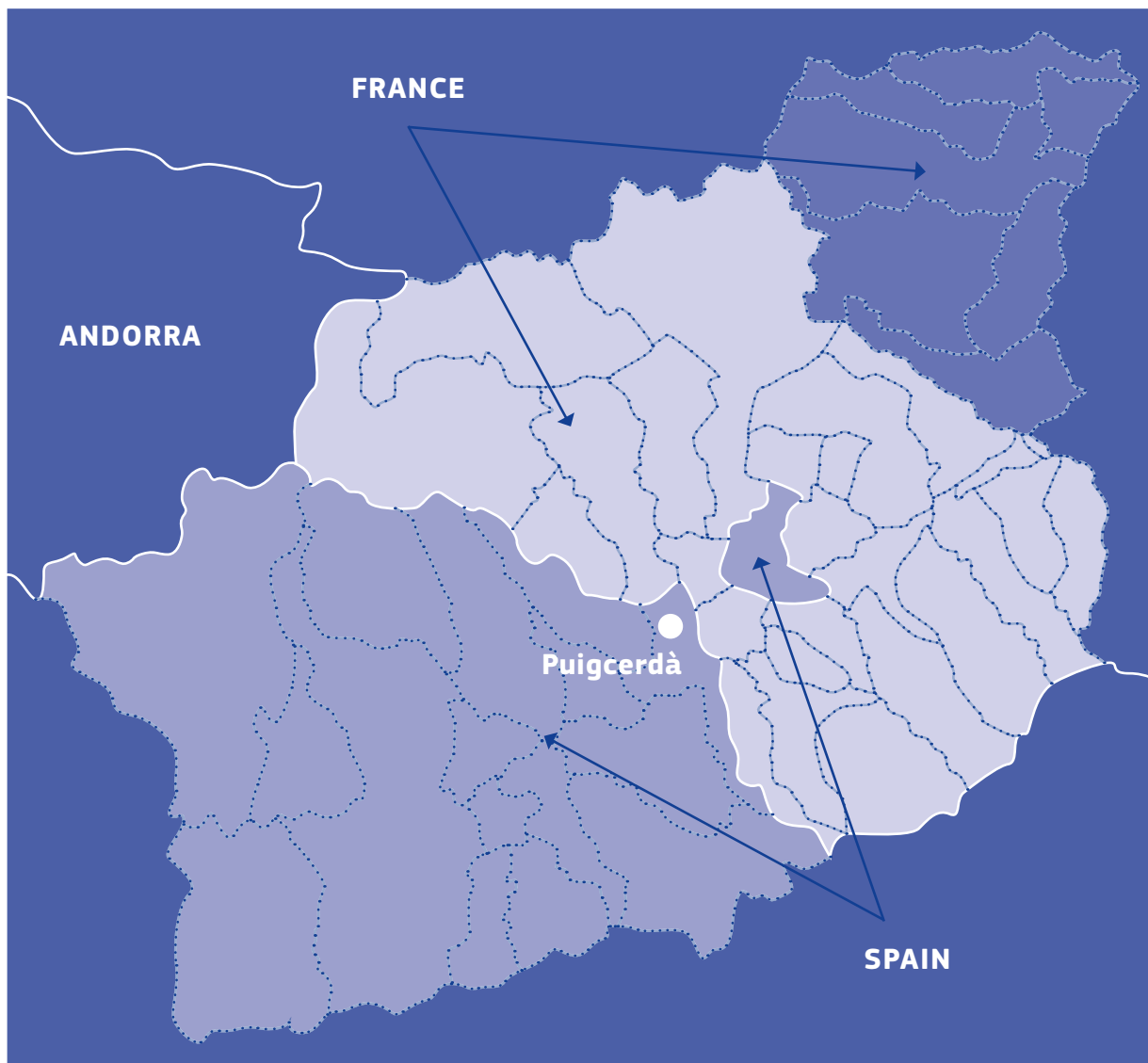
ADVISED ENTITY European Grouping of Territorial Organisation Cerdanya Hospital EGTC, ES-FR
EXPERT Aurélien Biscout and team, Mission Opérationnelle Transfrontalière (MOT)



HOSPITAL DE Cerdanya / HÔPITAL DE Cerdagne
EGTC - European Grouping of Territorial Organisation

THE CONTEXT

The Cerdanya Hospital EGTC is to date the only example of a cross-border hospital in Europe and it operates on a hybrid mode, integrating the health systems of France and Spain and hiring personnel from both sides of the border, to offer the same conditions of care to patients from the two countries.



Being the hospital located in Spain, the so-called **free service provision model** is adopted for the employment of French doctors, as it allows for the recognition of a temporary practice in another country without requiring any registration to a Spanish official medical association.

This model can be adopted only upon recognition of the qualifications of the healthcare professionals willing to operate at the Hospital but the procedures envisaged involve **several actors**, are **complex**, and are **time-consuming**.

DESCRIPTION OF THE OBSTACLES

The obstacle does not lie in any specific legal constraint, but it is rather due to **complexities** envisaged by the Spanish administrative system.

The Directive 2005/36/EC – amended by Directive 2013/55/EU – on the recognition of professional qualifications was incorporated into the Spanish law by the Royal Decree 581/2017.

In accordance with the Decree, the competent authority for the recognition of foreign diplomas is the Spanish Ministry of Education and Vocational Training (Art.76), while the legal department of the Cerdanya Hospital is responsible for facilitating, consolidating and submitting the documents requested to French doctors in order to proceed with their accreditation (Art. 80).

Once the French doctor has received a notification by the Ministry, they are automatically granted certification from the Catalonian Medical Association in Girona permitting their activity at the Hospital.

However, the response from the Ministry is issued in a period of time which varies from less than one month to more than 6 months, leading in the latter case not only to **uncertainty** but also to **potential disorganisation** of the hospital.

OUTLINE OF POSSIBLE SOLUTIONS

Potential solutions to speed up the recognition of qualifications require an **evolution of procedures at national level**, and in this case, it is appropriate to request a resolution through the next Franco-Spanish Summit.

One of the potential solutions would be a change to the Spanish procedural framework involving the **introduction of a “non-response period”**. This could be done by incorporating the procedures in force on the French side (Article R4112-9-1 of the Public Health Code) where it is envisaged that “*In the absence of a response from the National Council of the Order (national medical association) within the time limits set (...) [1 month], the provision of services may begin*”.

For the Spanish Ministry of Education, this approach to a solution would have the advantage of ensuring that it would have full control over the accreditation procedures while the establishment of a time limit would also make it possible to prioritise responses to applications for accreditation, depending on the complete or incomplete status of the files.

Another way to expedite mutual recognition would be to **delegate** – due to special circumstances – the statutory function for the specific recognition of diplomas in the exceptional case of the Cerdanya Cross-border Hospital to the Girona Medical Association (the *Col·legi Oficial de Metges de Girona*).

As a European grouping and public operator, the EGTC would thus be responsible, in line with its current tasks, for collecting all the supporting documentation necessary for French doctors to exercise the freedom to provide services; while the Catalonian Medical Association in the province of Girona would be competent to recognise their qualifications, as diplomas will

be obtained and already accredited by the Agence Régionale de Santé Occitanie, namely the French counterpart.

A further possibility for speeding up the procedures could be the **secondment** of an official from the Ministry of Education to the Cerdanya Hospital, thus allowing for the Ministry to directly certify the conformity of qualifications of French doctors, on the spot.

The **European Cross-Border Mechanism (ECBM)** would also provide an appropriate **tool** for speeding up the recognition of diplomas for hospitals. An application of French legislation, recognising diplomas acquired or certified in France and for the specific case of this hospital structure, would enable direct and immediate validation of the performance of the services provided by French doctors. It also does not imply a loss of sovereignty for the Spanish State, since it remains the guarantor of the control and execution of the mechanism.

WHAT'S NEXT

The Cerdanya Hospital EGTC considers the delegation of the diplomas' recognition procedures to the Official Medical Association in Girona as the most effective and feasible solution. As this should be agreed between the two national administrations, the EGTC is already working to find appropriate diplomatic channels to **raise awareness** on the issue during the next Franco-Spanish bilateral summit.

OTHER RELEVANT ASPECTS TO THIS CASE

It is worth noting that a **partnership agreement** was concluded on 18 April 2018 between the EGTC Hospital of Cerdanya and the French *Groupement Hospitalier de territoire Aude-Pyrénées*. It could be relevant to use this convention as a **basis** for facilitating the implementation of an exceptional arrangement for the Hospital of Cerdanya to promote the acceleration of the recognition of diplomas.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/speedy-mutual-recognition-qualifications-healthcare-professionals>

Speedy mutual recognition of
qualifications for healthcare professionals
(#HealthcareWorkers)
© Cerdanya Hospital EGTC



#ResourcesSharing

Development of a trans-border water supply network

ADVISED ENTITY Kalvarija Municipality, LT

EXPERT Gintaras Skamaročius



THE CONTEXT

The municipalities of Kalvarija, Lazdijai and Vilkaviškis in Lithuania and of Giby, Punszk, Rutka-Tartak, Sejny, Szypliszki and Wizajny in Poland have poor access to effective **drinking water networks**.

According to the data, only about 55% of the inhabitants of Kalvarija (Lithuania) have access to centralized networks and the infrastructures connected to the administrative units on the Polish side are outdated and in need of renovation.



The municipalities in the border area are seeking to build a cross-border network but current **national legislations do not provide a legal framework** in this regard.

DESCRIPTION OF THE OBSTACLES

The obstacle lies in the **absence of a legal framework** foreseeing this type of service with a cross-border nature.

In Lithuania, drinking water supply services are provided in accordance with the Law on Drinking Water Supply and Wastewater Management (200 No X-764). Water provision is considered a public service under the responsibility of the state and municipalities and the law does not include any indication that subscribers/water buyers could be foreign private persons, agencies or branches of a legal entity not registered in Lithuania.

The supply of drinking water in Poland is regulated by the Law on General Water Supply and Sewage Disposal (2001), indicating that competence in this matter lies with the communes, which are the entities which can authorise the construction of new wells and the exploitation of subterranean resources in coordination with the Polish State Enterprise of Poland waters (Gospodarki wodnej). Also in this case, the law does not make reference to the possible involvement of suppliers nor buyers residing in a foreign country.

OUTLINE OF POSSIBLE SOLUTIONS

The lack of indications on the possibility for foreign companies to supply drinking water infrastructures leads to uncertainties as for ways to cooperate with municipalities or companies of the neighbouring country.

In the view of the advisor, border municipalities and communes should sign **bilateral agreements** to develop joint territorial networks. As entities entitled to undertake the development and management of water infrastructures in both countries, municipalities and communes can thus allow for the realisation of the relevant cross-border infrastructure. Those agreements should include aspects such as the provision of permits for a neighbouring municipality to develop licensed activities in its territory, including drinking water supply.

Neighbouring municipalities could physically build or connect their drinking water networks in dozens of places throughout the border, letting the water enter the neighbouring country through the passages already existing within proximity of cross-border routes.

The construction costs can easily be calculated and divided, as the landscape and soil characteristics are similar in either side of the border.

It is also recommended that the existing Euroregions and other cross-border institutions of the two countries take an **active and supporting technical role**.

WHAT'S NEXT

The municipality of Kalvarija is arranging meetings with neighbouring municipalities in order to start building a **strong cross-border partnership** to tackle the issue.



Development of a trans-border
water supply network
(#ResourcesSharing)
© Kalvarija Municipality

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/development-trans-border-water-supply-network>

#EmergencyVehicles

Cross-border emergency medical services

ADVISED ENTITY French Regional Health Agency Grand Est, FR

EXPERT Petia Tzvetanova and team, Mission Opérationnelle Transfrontalière (MOT)



THE CONTEXT

In 2007 the France-Belgium Convention on Cross-border emergency medical services (EMS) was signed by the French Ministry of Health and Solidarity and the Ministry of Social Affairs and Health of the Kingdom of Belgium. The Regional Health Agency Grand Est is a public establishment of the French State, under the supervision of the Ministry of Health, in charge of implementing health policy in the region.



Thanks to the France-Belgium Convention on Cross-border emergency medical services (EMS), the **medical emergency services** of both states are allowed to intervene on the territory of the other country if they can be there faster than the national services in an emergency situation.

However, **different categorisation** of the types of **vehicles** that are allowed to cross the border poses an obstacle to the full implementation of a joint emergency service.

DESCRIPTION OF THE OBSTACLES

The obstacle lies within the **France-Belgium Convention on Cross-border emergency medical services** (EMS) itself.

The agreement governs the crossing of so-called Urgency and Resuscitation Mobile Service (*Service Mobile d'Urgence et de Réanimation* in French, referred to as *SMURs*) on both sides. However, the term *SMURs* differs in the two countries: in France it refers to ambulances as such, namely vehicles equipped to transport a patient in a life-threatening emergency (Article D6124-2, *Code de la santé publique*) while on the Belgian side it concerns only light vehicles transporting doctors (Article 4 and Article 4bis, *Loi relative à l'aide médicale urgente* du 8 juillet 1964).

Because of this **differentiation**, Belgian 112 ambulances are not allowed to cross the border. By the same token, in accordance to the Financial Annex of the Convention, compensation provided to the patients is limited to the interventions of *SMURs*. Should a vehicle other than *SMURs* be used for the transportation of the patient, the Financial Annex of the Convention is not applicable.

OUTLINE OF POSSIBLE SOLUTIONS

The solution in this case would be either to **amend** the 2007 Convention and **broaden** its scope to the crossing border of other medical vehicles than *SMURs* (such as Belgian *ambulances*) or to conclude and implement a completely **new Convention**.

It would be necessary to allow regular Belgian 112 ambulances transporting patients to operate in coordination with their *SMURs*, therefore ensuring it would be possible for both doctors and patients to cross the border.

No specific changes are required by France within a new or amended Convention, provided that a French *SMUR* already has a crew consisting of a doctor and an ambulance driver able to transport patients as well as the required equipment.

The Financial annex of the Convention would also need to be amended to cover the financial costs of Belgian ambulances crossing the border.

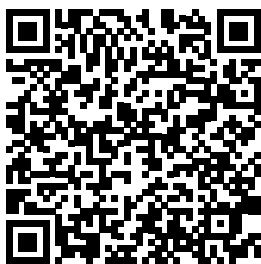
It would be recommended that the scheduling of compulsory biannual French-Belgian **health authorities** and **stakeholders' meetings** be included in the Convention.

The case would partially be resolved by applying the **European Cross-Border Mechanism (ECBM)** by specifying that Belgian 112 ambulances crossing the border act in accordance with the laws/practices of their State/region of origin.

WHAT'S NEXT

The expert's report will be presented at the next annual meeting of the Convention in February 2020. As all the most relevant **stakeholders** will attend the event, it will be an opportunity to draw their attention to findings and to pursue reflection on the necessity for either amending the Convention or concluding a more inclusive one following the suggested indications.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-emergency-medical-services>

Cross-border emergency medical services
(#EmergencyVehicles)
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#PatientsReimbursements

Cross-border healthcare

ADVISED ENTITY Euroregion Nisa, regional association, CZ-DE-PL

EXPERT Hynek Böhm

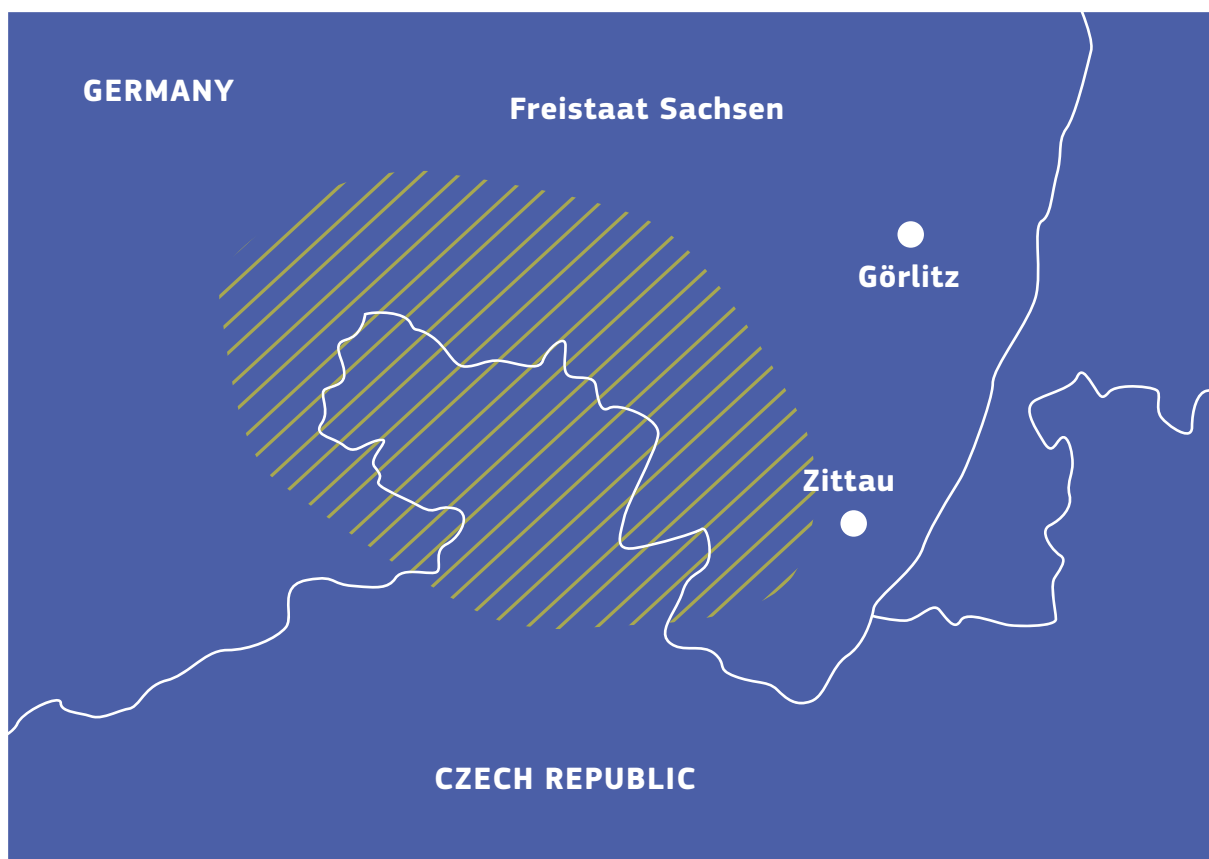


THE CONTEXT

The Šluknov Hook is the most northern edge of the Czech Republic which is separated from the rest of the Czech Republic by mountains and it is surrounded by Germany on three sides. In this area there is one Czech general hospital and two nearby hospitals in Saxony (Germany) that would be easily accessible from Czech Republic, in case patients reside closer to this side of the border. Yet, **differences in the reimbursements** of planned medical care costs prevent the Czech citizens benefitting from the services provided by the German hospitals.

DESCRIPTION OF THE OBSTACLES

The main obstacle identified lies in the **incompatibility** between the Czech and the German national legislation. Directive 2011/24 on patients' rights in cross-border healthcare states that Member States are free to regulate the reimbursement costs for planned medical care in accordance with their own national price lists unless different indications are provided.



The Czech legislation regulating the reimbursement of medical care (Public Health Insurance Act No. 48/1997 and the Health Services Act No. 372/2011 Coll.) does not contain any provision for Czech citizens benefitting from medical services abroad.

In light of this, the amount reimbursed for healthcare services provided abroad does not differ from the one calculated for the same medical services provided in the Czech Republic.

Given that prices in Germany (Saxony) are substantially higher, Czech citizens willing to access the hospitals on the other side of the border are automatically disadvantaged – unless a prior authorisation from the Czech insurance fund – allowing for full reimbursement – is provided. Finally, due to their proximity, it is essential for Czech citizens to access care provided by the German hospitals in case of urgent and life-threatening situations.

However, both EU and **national legislation lack provisions** on how to promptly identify and reimburse patients in the case of urgent situations.

OUTLINE OF POSSIBLE SOLUTIONS

A possible solution would involve considering **amendment** of the existing Czech legislation on health insurance and services, to **include provisions** for regulating reimbursements for medical care abroad. This should be done jointly with measures based on **multi-level governance** structures and **bilateral agreements** which involve the relevant stakeholders from Germany. The Directive offers an instrument to do so with the tool of Prior Authorisation.

Life-threatening and emergency situations could be regulated easily through the introduction of small technical facilitative measures to promptly inform the national healthcare companies when a patient is in need of access to the closest hospital that is located on the other side of the border (i.e. a via a dedicated smartphone app or a telephone hotline).

Provisions concerning the reimbursements for such situations should be included in the amendments to the national laws.

However, in general, a more systemic solution for Šluknov Hook and the surrounding border region is required.

Reference is made to the situation of Gmünd/České Velenice at the Austrian-Czech border, which is identified as a successful story in the field of healthcare at cross-border level.

Based on their experience, the following actions are recommended:

- **identifying leaders and key actors.** It seems that the prominent role should be played at the level of local actors in co-operation with the hospitals in both parts of the cross-border region, which could lead to the creation of a “**functional region** of cross-border healthcare”;
- involving relevant stakeholders and institutionalising the co-operation and the application of a **multi-level governance arrangement**, for example through the establishment of an **European Grouping of Territorial Cooperation (EGTC)** and **Interreg** funding.

The application of the **European Cross Border Mechanism (ECBM)** could be an additional appropriate solution. As the current status quo of healthcare service provision is based on an interplay of the EU legislation and bilateral/multilateral agreements, its adoption would provide further possibilities for creating more functional shared or joint healthcare services.

WHAT'S NEXT

- The Euroregion Nisa is planning to develop a new **methodology** for the calculation of medical care prices in order to include it within the possible amendments to the current legal provisions. This will be carried out with the support of a grant from the Czech Ministry of Health.
- Furthermore, the scope of healthcare provisions based on population needs in the cross-border region will be analysed, and a **project idea** for co-financing the price differences envisaged by the two countries will be elaborated, in order to access **Interreg** funding.

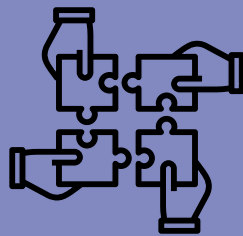
TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-healthcare>



Cross-border healthcare
(#PatientsReimbursements)
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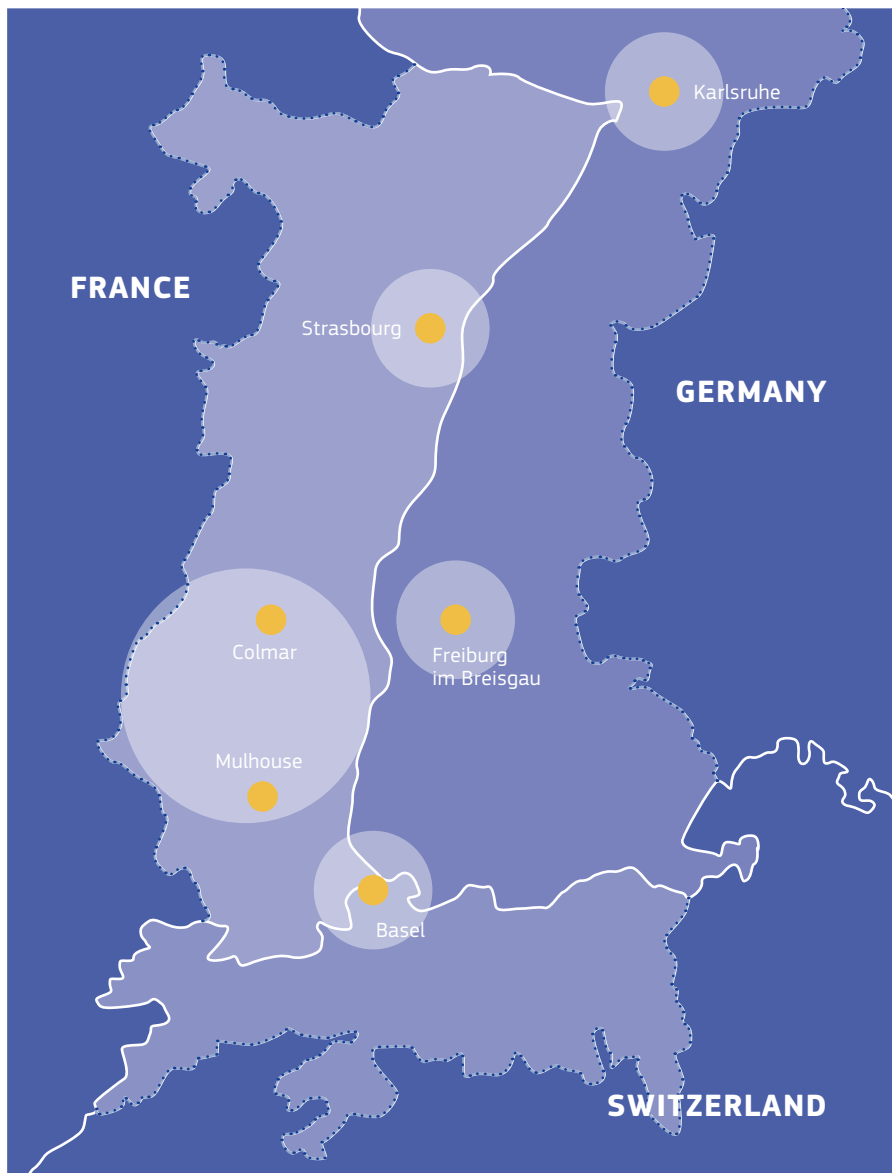


Institutional Cooperation

#StaffProvision

Making EGTCs more powerful: legal certainty for provision of personnel to the EGTC

ADVISED ENTITY European Grouping of Territorial Cooperation Eucor – The European Campus EGTC, DE-CH-FR
EXPERT Oliver Stein



THE CONTEXT

The European Grouping of Territorial Cooperation Eucor – The European Campus is an association of five universities from three different countries aiming at promoting transnational cooperation between academic institutions. It includes the Universities of Basel (CH), Freiburg im Breisgau (DE), Strasbourg (FR), Haute-Alsace (FR) and the Karlsruhe Institute of Technology (DE).

To facilitate the creation and the development of joint courses of study, Eucor has two administrative offices, in Freiburg and Strasbourg, whose personnel is seconded by the two local academic institutions.

Because the EGTC has two offices, one in Germany and one in France, the EGTC is confronted with a potentially **different assessment** by two different **tax administrations**, the German and the French ones, with regard to the **provision of staff**.

DESCRIPTION OF THE OBSTACLES

The obstacle is represented by **uncertainty** in administrating a complex situation in which **multiple systems** meet.

However, the VAT Directive helps clarify which legislation applies in this case and offers a solution to the complex legislative framework.

The VAT law in the Member States of the European Union is harmonised by Council Directive 2006/112/EC *on the common system of value-added tax* (VAT Directive). The provisions resulting from its transposition into the German (*Umsatzsteuergesetz* UStG, 1 Abs. 1 Nr 1, 2 Abs. 1, 2b Abs. 1) and French (*Code général des impôts* (CGI) Article 206-I, Article 256 A, Article 256 B) legal systems are identical on the points which are essential for the legal assessment of the administration of the EGTC.

Therefore, there is **no conflict** between the different **national provisions**.

OUTLINE OF POSSIBLE SOLUTIONS

The solution to the complexity of the case lies in **Council Directive 2006/112/EC** itself.

Pursuant to Article 132 (1) (i), services such as those provided by Eucor – The European Campus should be considered as closely related to university education activities and therefore, as such, exempt from VAT payment.

WHAT'S NEXT

The Eucor will approach the authorizing public bodies in France and Germany (Prefecture, Regierungspräsidium) in order to **share the findings** supporting the VAT exemption as indicated by the principles included in the Directive 2006/112/EC.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/making-egtcs-more-powerful-legal-certainty-provision-personnel-egtc>

Making EGTCs more powerful: legal certainty for provision of personnel to the EGTC (#StaffProvision)
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Making EGTCs more powerful: legal certainty for provision of personnel to the EGTC (#StaffProvision)
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#BorderlessTourism

Cross-border tourism package

ADVISED ENTITY QuattroPole e. V. – Luxembourg, Metz, Saarbrücken, Trier, LU, DE, FR

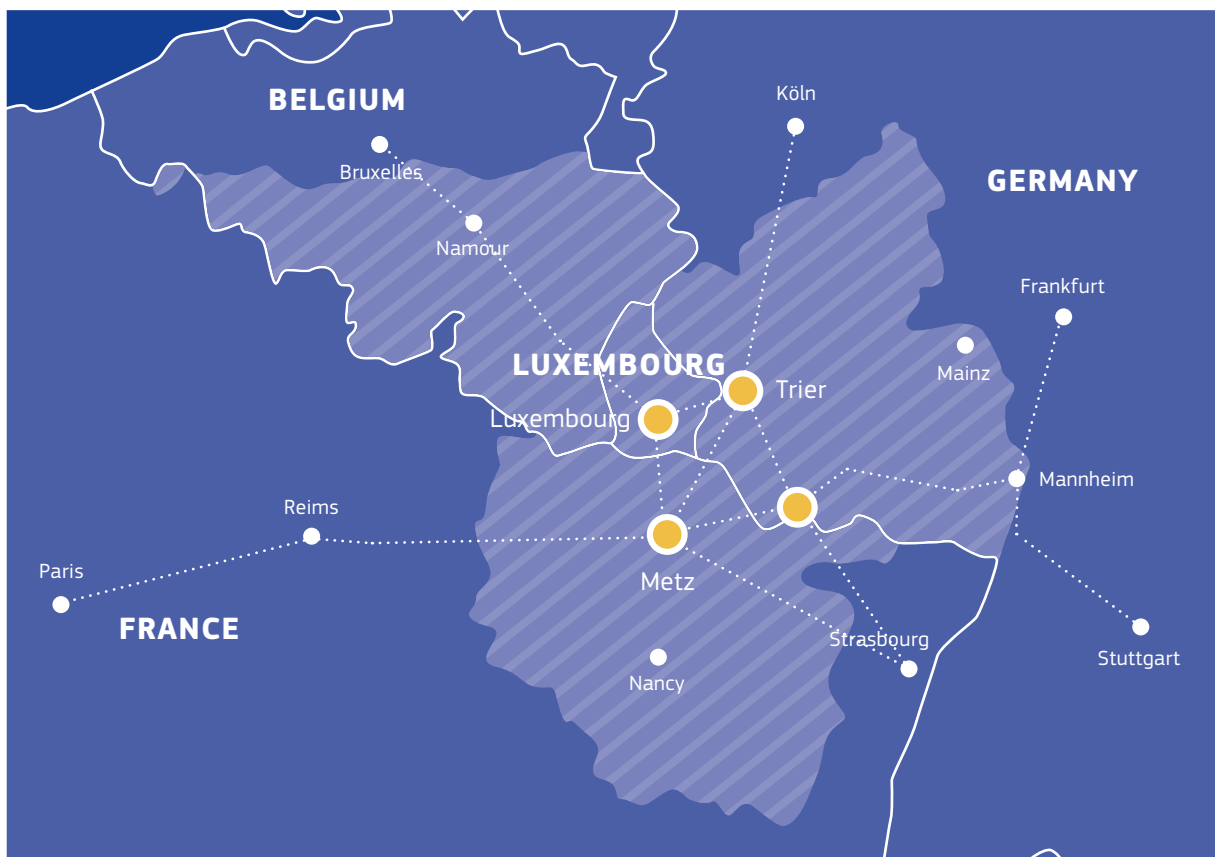
EXPERT Esther Rippel, Celine Laforsch



THE CONTEXT

QuattroPole e. V. is an institution for cross border cooperation involving a network of four municipalities located at the border between Luxembourg, France and Germany. Objectives of QuattroPole include the enhancement of the shared **tourism offering** of the four cities through cross-border packages, which allow tourists to book a variety of services delivered on either side of the borders.

As the European Union Directive 2015/2302 concerning the package travel and linked travel arrangements has become applicable, some of the local agencies signalled that through the implementation of this Directive into national laws a new legal obstacle has been created.



The comprehensive information requirements and high liability risks pertaining to the new provisions may not be sustained by the tourism agencies since the four local tourism agencies retailing the “cross-border package” come under three **different national legal frameworks**.

DESCRIPTION OF THE OBSTACLES

The obstacle arises from the significant effort to coordinate work between three national legal frameworks in order to retail the “cross-border package” in the countries involved in the project. In order to act lawfully in all three countries, the local tourism agencies must ensure compliance with the German, the French and the Luxembourg law on the specific matter. From the legal analysis of the new laws regulating travel packages in the three countries involved, it emerges that the national provisions in the territories of Quattropole e. V. are almost identical. Therefore, no conflict is observed in terms of the interface between the three different legal frameworks.

The Directive (EU) 2015/2302 on *package travel and linked travel arrangements* of 25 November 2015 has been transposed in France into order no. 2017-1717 of 20 December 2017⁴¹, decree no. 2017-1871 of 29 December 2017⁴² and order of 1 March 2018⁴³ modifying French tourism code; in Luxembourg by a law of 25 April 2018⁴⁴; and in Germany by the *third law to amend travel regulations and implement the new EU Package Travel Directive* of 17 July 2017⁴⁵.

OUTLINE OF POSSIBLE SOLUTIONS

The solution to the complexity of the case is not linked to the cross-border nature of the project and in this light, there is **no legal obstacle** to be solved.

The main goal of the Directive (EU) 2015/2302 – and, therefore, of its transpositions at national level – is in fact to facilitate the internal EU market.

However, there is a huge barrier to working with contracting partners across the border due to the **need to coordinate** stakeholders and **inform** them **about the three legal frameworks**. In consideration of this, the creation of **cross-border coordination points** which would **provide relevant information** for providers and which would allow for a clearer interpretation of the existing provisions is regarded as necessary.

WHAT'S NEXT

- Quattropole e. V. will strive to reduce the identified lack of institutional knowledge of the different law systems, in particular that concerning issues of liability.
- To do so, the possibility of creating a permanent cross-border institution (cross-border coordination point), aimed at informing the relevant stakeholders on existing law provisions in the area, will be evaluated.

41 Ordinance No. 2017-1717 of 20 December 2017 transposing Directive (EU) 2015/2302 of the European Parliament and of the Council of 25 November 2015 *on package travel and linked travel arrangements*.

42 Decree No. 2017-1871 of December 29, 2017 issued for the application of Order No. 2017-1717 of December 20, 2017 transposing Directive (EU) 2015/2302 of the European Parliament and of the Council of November 25, 2015 *relating to package travel and linked travel arrangements*.

43 Order of March 1, 2018 *setting the model of information form for the sale of trips and stays*.

44 Law of 25 April 2018 amending the Consumer Code *with regard to package travel and linked travel arrangements*, and amending the amended law of 2 September 2011 *regulating access to the professions of craftsman, trader, manufacturer, as well as certain liberal professions*.

45 Third Law amending Travel Regulation.



Cross-border tourism package
(#BorderlessTourism)
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TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-tourism-package>

#JointRescueServices

Cooperation protocol aimed at simplifying LT-PL cross-border institutional cooperation in emergency management

ADVISED ENTITY Vilkaviskis District Municipality, LT

EXPERT Šarūnas Radvilavičius



THE CONTEXT

In the border area included between the Vilkaviskis District Municipality in Lithuania and the Municipalities of Wizajny and Rutk-Tartak (County of Suwalki) on the Polish side, the **fire and rescue services** are not developed in a cross-border perspective. At present, in case of a major accident on the Lithuanian side it would take up to 40 minutes for the nearest Lithuanian fire brigade to reach the location, while the closest Polish fire-rescue unit could be deployed in 10-15 minutes. Without a **legal basis and common administrative procedures** in this field the teams are not able to cooperate and to develop a joint emergencies management plan.



DESCRIPTION OF THE OBSTACLES

The obstacle to cooperation lies mainly in the **uncertainty** of the stakeholders on the ground on **how to act lawfully** in an exceptional case such as the cross-border context. The local administrations are not aware of the rules regulating cross border emergency assistance.

In fact, there already is a legal framework at the national level to allow cooperation of the fire and rescues services of Poland and Lithuania.

A **bilateral agreement** between the Government of the Republic of Lithuania and the Government of the Republic of Poland *on mutual support in the event of natural calamities and large-scale accidents* was signed on 4 April 2000.

An additional document was adopted in 2005, namely the *Methodical instruction for rescue services of the Republic of Lithuania and the Republic of Poland providing mutual support*. This was especially designed to **regulate order of actions** and **concrete procedures** between the parties during an incident, including detailing of the relevant institutions to be involved in both countries, the internal procedures to be followed, and other technical elements (i.e. line of command, system of signs, radio signal channels, etc.).

Annexes to the *Instruction* contain detailed contact information at different administrative levels, technical description of the most common equipment used in both countries, a Lithuanian-Polish glossary of key terms, templates of relevant documents in two languages, and detailed maps.

Therefore, there is already a **sound legal basis** upon which further stages of bilateral cooperation can be implemented.

OUTLINE OF POSSIBLE SOLUTIONS

It is important to emphasise that both the *Agreement* and the *Instruction* were signed before Lithuania and Poland joined the Schengen Treaty (2007), therefore they would need to be **updated** and **adapted** to the current needs.

In particular, they should include more **specific provisions** on the following matters:

- **insurance** for firefighters (both professionals and volunteers) and for their equipment;
- development of a proper **flow of information** between national Emergency Response Centres and clear line of command for all levels of services involved;
- management of the **financial compensations** between the parties.

Furthermore, in order to create greater awareness, a proper **system of dissemination** of the agreed procedures at all levels of state, municipal and voluntary fire services should be put in place.

This could be done by organising **joint training** and exercises involving all relevant stakeholders (national, county, municipal level and volunteers).

Finally, the Polish-Lithuanian cross-border cooperation bodies could initiate **new projects** resourced under the **Interreg** Programme in order to increase the capacity of rescue services and their working conditions and equipment in a cross-border context.

WHAT'S NEXT

The Vilkaviskis District Municipality is planning to organise a **joint meeting** between relevant Polish and Lithuanian actors to draw their attention on the necessity to foster an **update** of the **current legal framework** in consideration of the cross-border perspective.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cooperation-protocol-aimed-simplifying-lt-pl-cross-border-institutional-cooperation>



Cooperation protocol aimed at simplifying
LT-PL cross-border institutional cooperation
in emergency management
(#JointRescueServices)
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#MinorsMobility

Simplifying cross-border mobility of minors to carry out cultural or educational exchanges

ADVISED ENTITY European Grouping of Territorial Organisation Galicia-Norte de Portugal EGTC, ES-PT
EXPERT José Manuel Sobrino Heredia



THE CONTEXT

The Eurocity Cerveira (PT)-Tomiño (ES) is located within the territory of the Euroregion Galicia-Norte de Portugal. Local citizens move very frequently across the border to make use of existing infrastructure and services for educational, sport and leisure opportunities on either side of the border.

However, the **administrative requirements** envisaged by the Spanish and Portuguese national laws on the protection of unaccompanied minors limit the **free movement** of underage citizens and are not suitable to school exchanges in a cross-border context.

DESCRIPTION OF THE OBSTACLES

The obstacle arises due to the **complexity** of the Portuguese and Spanish national legal and administrative requirements. Their general aim of protecting the interests of minors abroad, does not take into consideration the **particularities** of **school exchanges** in a cross-border context.

The Spanish Law on the Protection of Citizen Security (LO 4/2015) and Foreigners (LO 4/2000) and the administrative Instruction 10/2019 of the Secretary of State for Security regulate the procedures for granting minors travel permissions outside the national territory. They prescribe a **mandatory authorisation**, to be signed by one of the parents or a legal guardian, and to be presented at the corresponding National Police or Civil Guard Station every time an unaccompanied Spanish minor needs to cross the border.

In Portugal, regulations of entry, permanence, exit and expulsion of foreigners in national territory are included within Law 23/2007 and DL 83/2007 on granting and issuance of passports. Further indications are also contained in the administrative guidelines for study visits abroad provided by the Office of the Secretary of State for Education.

In accordance with these guidelines, minors willing to cross the border require an authorisation signed by both parents or a legal guardian, who must be physically present, and duly certified by an official authority. The document can be issued only upon payment of a certification fee ranging from 15 to 30 Euros and has a limited duration.

These requirements are exacerbated in the case of study trips organised by schools for which the authorisation of the Ministry of Education and of the Foreign Affairs are required.

OUTLINE OF POSSIBLE SOLUTIONS

In order to overcome the situation, the **national provisions** need to be **adapted** to cater for the exceptional context of a cross-border area.

A possible solution could consist in the **simplification** of the administrative indications put forward by the main legislative provisions (i.e. Instruction 10/2019 of the Spanish Secretary of State for Security and the Guidelines of the Portuguese Office of the Secretary of State for Education). This can be introduced in a short period of time upon agreement of the relevant national and local actors of both countries.

Such a simplification could be accompanied by the creation of a cost free cross-border **pilot authorisation model** with a strictly defined geographical scope (the cross-border region), which has a longer duration and which allows for multiple entries.

That model could still require the legal certification from the State of residence but also a declaration from the educational, cultural or sports centre where the minors would carry out their activities, providing an even more efficient coordination between the national and local actors.

In the case of study or group trips, a model could be proposed whereby parental authorisation and interaction with authorities in relation to groups of children is co-ordinated via schools. This could be planned in advance at the beginning of the school year so to have enough time for the competent border control and educational authorities to fulfil the bureaucratic procedures.

In order to highlight the issue with the general administrations, it would be useful to present the topic at the next Iberian Summit, an annual meeting between the two central governments during which relevant issues also concerning cross-border cooperation are discussed.

Finally, the implementation of the **European Cross Border Mechanism (ECBM)** could facilitate finding a solution. Through the **signing of a commitment**, for example, competent authorities of the two States could adopt provisions that establish **exceptions** to the applicable national norms. This could be done simply through an administrative act.

Another possibility would be a **joint declaration** to formally modify the current applicable national standards in order to allow an explicit exception at the legislative level.

WHAT'S NEXT

- The Galicia-Norte de Portugal EGTC will focus on the **dissemination** of the expert's analysis following two different paths, envisaging, on the one hand the involvement of the Spanish and Portuguese **general administrations** and on the other hand the relevant **regional and local actors**;
- The issue will be presented during the next Iberian Summit and also in occasion of the upcoming plenary session of the Galicia North Portugal Working Community in order to foster the discussion on the topic both at a national and local level.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/simplifying-cross-border-mobility-minors-carry-out-cultural-or-educational-exchanges>



Simplifying cross-border mobility of minors to carry out cultural or educational exchanges (#MinorsMobility)
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#CircularEconomy

Administrative common barriers blocking real implementation of environmental management system

ADVISED ENTITY Galician Food Quality Agency – AGACAL, ES

EXPERT Alexandra Aragão

AGACAL
AXENCIA GALEGA
DA CALIDADE ALIMENTARIA



THE CONTEXT

Wetwine is an **Interreg** project involving partners from Spain, Portugal and France. The main aim of the project is the rational re-use of water and sludge to fertilise vineyards, limiting the amount of waste and following the principles of **circular economy**. Initial methodological toolkits have been developed in Spain, but questions arise as of whether the French and Portuguese administrative and legal frameworks allow for their technical implementation across the borders.

DESCRIPTION OF THE OBSTACLES

Uncertainties are due in particular to the fact that regulations on wastewater management and re-use at national level are currently **undergoing many changes** to adapt to the latest EU legal provisions. Moreover, in a “circular” water management system such as the one developed with the Wetwine project, the wine producers become waste management operators and, as a consequence, all the legal requirements scale up quite impressively.

In Portugal, the recently approved Decree-Law 119/2019 of 21 August and Decree 266/2019 seem to allow for the application of the methodology developed by the project partners in Spain. However, no actual request to reuse wastewaters following the Wetwine methodology has been forwarded. Therefore, it is not possible to determine the transferability of the methodology in the Portuguese legal framework in practice.

In France, the regulation on wastewater laid out in the Environmental code and its operationalising decree is insufficient and outdated for ensuring a proper management of wastewater in accordance with the methodologies prescribed by the project Wetwine.

In consequence of the conflict between the Spanish and the French national regulations on the treatment of wastewaters, the implementation of the Wetwine’s methodology in the French territory is hindered.

OUTLINE OF POSSIBLE SOLUTIONS

Concerning the Portuguese legal framework, the expert is positive about the existence of the support guide accompanying decrees 119/2019 and 266/2019, which could serve as a tool to sustain an environmentally friendly interpretation of the norms also in a cross-border perspective. Therefore, no obstacle would arise when implementing the project across the Spanish-Portuguese border.

To solve the legal hindrance and allow for the transferability of the project’s outcomes in France, instead, a **revision and update** of the current legislation is necessary. Requirements for the re-use of wastewater in agriculture must be established.

Questions have been already posed at the national Senate and further indications will be provided by upcoming EU regulations, as there is an ongoing discussion around the adoption of new rules on wastewater and reuse and the establishment of minimum requirements to be adopted by the Member States.

As the entry into force of the new European rules is still uncertain, it is suggested to the French legislator to start modifying the current provisions following the example of Portugal.

There are advantages in establishing **cross-border coordination points** to make sure that the legal amendments, the changes in administrative practices and the bureaucratic adjustments aimed at achieving a higher level of environmental protection do not distort competition between similar activities on both sides of the border.

WHAT'S NEXT

AGACAL will submit an application for a new project in the course of the fourth call for proposals of the **Interreg** SUDOE programme. Among other aspects, it will focus on efficient irrigation strategies and reuse of treated wastewater. In particular, one of the Work Packages envisages the analysis of the legislative barriers preventing the reuse of water in viticulture in order to provide useful information to the local producers. This task will be greatly facilitated by the information provided by the expert within the *b-solutions* initiative.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/administrative-common-barriers-blocking-real-implementation-environmental-management>



Administrative common barriers blocking real implementation of environmental management system
(#CircularEconomy)
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#MunicipalManagement

Cross-border share of municipal management services

ADVISED ENTITY European Grouping of Territorial Cooperation Arrabona EGTC, HU-SK
EXPERT Gyula Ocskay and team, Central European Service for Cross-Border Initiatives (CESCI)



THE CONTEXT

The Arrabona EGTC includes 33 local settlements located across the western section of the Hungarian-Slovak border. Its members are considering setting up the joint procurement of machines for maintaining public spaces (i.e. branching machines) and of tractors to transport them across the border within the framework of the **Interreg** project Builcogreen. However, potential obstacles relating to legal and administrative conditions for the operation of the machines were addressed by the members of the EGTC. Different traffic regulations apply in the two countries, and **different standards** have the potential to create confusion in case of police and security controls.

DESCRIPTION OF THE OBSTACLES

In Hungary, Decree 5/1990 (IV. 12.)⁴⁶, Decree No 6/1990⁴⁷ and the Government Decree 326/2011. (XII. 28.)⁴⁸ order that registration plates for working machines are written in red letters on a white background and they are placed both in front and at the rear of the vehicles. In Slovakia, indications included in the Government Decree 106/2018⁴⁹, the Ministry of Interior's Decree 9/2009⁵⁰ and the Ministry of Transport and Construction's Decree 132/2018⁵¹ prescribe a green registration plate to be placed at the rear of the vehicle only.

Moreover, these national provisions also limit the movement of tractor drivers, necessary to transport the machines to the national territory across the border. The required driving license to drive a tractor is specific for each country.

Furthermore, being the Arrabona EGTC composed by members of two different nationalities, Regulation (EC) No 1082/2006 on European grouping of territorial cooperation does not clarify which legal system has to be applied with regard to the machines ownership's contracts and their operating rights, nor with regard to the matter of the EGTC's financial clearance.

OUTLINE OF POSSIBLE SOLUTIONS

The **current EU legal framework** offers solutions to the cross-border context: the differences observed within the national regulations can be overcome with **European directives** already in place which address these issues.

In particular, the Directive 1999/37/EC *on the registration documents for vehicles* indicates that valid registration traffic certificates showing appropriate vehicles' serial number should be mutually accepted by all Member States, even in the presence of different registration plates. Along with registration plates, driving licences issued by Member States are also mutually recognised. Should the tractors require a specific licence, Directive 2006/126/EC on driving licences sets out standards for an international category of licences recognised in all EU Member States.

In light of this, it would be recommended that **management meetings** and regular **conferences** are organized in order to **facilitate a better coordination** between the two national police authorities with a view to harmonising the traffic enforcement practices of both countries in the cross-border area.

⁴⁶ Decree 5/1990 (IV. 12.) *on roadworthiness tests for road vehicles*.

⁴⁷ Decree No 6/1990 of the KÖHÉM *on the technical requirements for entry into service and keeping in service of road transport vehicles*.

⁴⁸ Government Decree 326/2011. (XII. 28.) *on road traffic administration tasks and the issue and withdrawal of road traffic documents*.

⁴⁹ Government Decree 106/2018 *106/2018 Act on the traffic of vehicles in road traffic*.

⁵⁰ Ministerial Decree No. 9/2009 Decree of the Ministry of the Interior of the Slovak Republic *on implementing the Act on Road Traffic and on Amendment to Certain Acts*.

⁵¹ Ministerial Decree No. 132/2018 Decree of the Ministry of Transport and Construction of the Slovak Republic *establishing the details of technical requirements for certain vehicles, systems, components and separate technical units for approval*.



Cross-border share of municipal management services (#MunicipalManagement) © Agroinform.hu



Cross-border share of municipal management services (#MunicipalManagement) © Arrabona EGTC

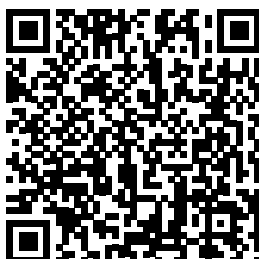
With regard to the operation of the machines, operating rights and financial clearance depend on the rules of the tender. Contract types and financial clearance will essentially depend on which organisation will operate the machines and at which cost, as well as on the rights and obligations of the project partner that temporarily uses the machines.

This would require an appropriate internal discussion among the EGTC's members.

WHAT'S NEXT

The Arrabona EGTC intends to purchase the working machines from tender financial resources (i.e. Interreg). To do so, a **preliminary analysis** of the rules concerning the ownership and the operation of the vehicles will be carried out to facilitate access to the tender, as suggested by the expert.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-share-municipal-management-services>

#CrossBorderYouthCare

Improvement of cross-border communication and care for cross-border children and young people

ADVISED ENTITY Winterswijk Municipality, NL

EXPERT Sonja Adamsky



THE CONTEXT

The municipality of Winterswijk on the Dutch-German border denounces **lack of communication** and **coordination** between the Dutch and German authorities in the field of social and medical care of children and young people in the cross-border context. The inadequate **division of responsibilities** prevents an effective management of difficult cases involving vulnerable young people and families, especially when children live on one side of the border and go to school on the other side.

DESCRIPTION OF THE OBSTACLES

The management of youth welfare and health care (in particular psychological treatment) is structured on **multiple levels** both in Germany and in the Netherlands. The general conditions are regulated at the national level⁵² but implemented by multiple actors ensuring the responsibility of local authorities.

Additionally, youth welfare is regulated on the international level by the *Hague Convention on Parental Responsibility and Protection of Children*. Germany and the Netherlands are signatories of the convention, which therefore provides a legal basis for cooperation and the exchange of information in matters of youth welfare. However, **coordination on the ground** is missing. Healthcare is provided for in both countries, but it depends on the residence of the child's parents. For children whose parents work in the neighbouring country, reimbursement measures and access to the service are complex due to the different regulations applied⁵³.

OUTLINE OF POSSIBLE SOLUTIONS

Cross-border agreements to foster communication and cooperation on youth welfare between the competent authorities could be drafted on the basis of the indications included, for example, in the Hague Convention.

Another tool which could provide legal basis for further agreements concerning social and medical care of children and young people is the the Anholt Treaty of 1991 between Germany and the Netherlands. The Treaty serves as legal framework for cross-border cooperation between the two countries and enables public bodies to enter into cross-border public-law agreements. With regard to the compensation of costs for psychological treatment, a dedicated cooperation agreement could help to **simplify** the way to achieve this arrangement. This would enable the responsible service provider (for example German health insurance funds) to conclude contracts with foreign care providers (Dutch psychologists) on the direct provision of services in accordance with the law of the insuring member state.

Besides the legal provisions, communication and cooperation on cross-border youth welfare could also be strengthened through projects (i.e. **Interreg**), and the numerous international networks operating in this field could provide access to **learning** and **best practices**.

⁵² The German Social Code, Book VIII – Child and Youth Services and the Dutch Youth Act.

⁵³ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 *on the coordination of social security systems* and Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 *laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems*, as well as the Dutch and the German health insurance's provisions.

WHAT'S NEXT

The Winterswijk Municipality will promote the creation of a **co-working group** in order to foster the **communication** and **coordination** among the relevant actors and competent authorities present in the cross-border area. Furthermore, **informational meetings** will be organised to bring together all the parties involved on both sides of the border.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/improvement-cross-border-communication-and-care-cross-border-children-and-young>

Improvement of cross-border communication and care for cross-border children and young people
(#CrossBorderYouthCare)
© Winterswijk Municipality



#CO2Transport

Cross-border transport of CO2 as a resource for industrial processes

ADVISED ENTITY Provincie Oost-Vlaanderen – Euregio Scheldemond, BE-NL

EXPERT Martin Unfried



THE CONTEXT

The cross-border North Sea Port is a multimodal harbour with maritime and inland accesses jointly managed by Belgian and Dutch authorities. Companies located at the Port would like to experiment the so-called ‘**carbon capture usage**’ (CCU) scheme which allows the CO₂ or CO discarded by one firm to be transformed into another chemical product (i.e. naphtha) and then to be transported and made available for production purposes to another company. To do so, the construction of **cross-border pipelines** connecting companies in the two countries is necessary. However, the Netherlands and Belgium have **different standards** for the planning and permissions for pipelines.

DESCRIPTION OF THE OBSTACLES

The obstacle lies within the national legislations which taken together constitute respectively **divergent spatial standards** for the planning and the construction of pipelines transporting CO₂.

In accordance with the Dutch External Safety of Pipelines Decree (Bevb.), the planning of pipelines under certain standards in terms of dimension and capacities is delegated to the municipalities and provinces in the Netherlands. Their planning should be included within the development plan of the Municipal Councils and the relative construction permit (Wabo) is granted by the College of Mayors and Councillors.

In Belgium, in accordance with the guidelines on underground pipelines, the competence to construct pipeline infrastructure depends on the scale of the project: a spatial implementation plan can be developed at regional and/or at municipal/provincial level respectively, depending on its spatial impact.

The fact that national legislation in both countries delegates the spatial planning to actors at different levels leads to **diverging criteria** concerning the use of land at **different scales** (municipal, provincial, regional).

This creates **difficulties in the coordination** between stakeholders and actors when the planning has to be implemented across the border.

OUTLINE OF POSSIBLE SOLUTIONS

A solution could be the **introduction of amendments** to the *Guide for cross-border planning consultations between Flanders and the Netherlands* (2012) to enable coordination on this particular issue. The guideline is a tool of the Benelux Union introduced to facilitate mandatory cross-border consultations among the Benelux members.

The idea behind is that a structurally organised consultation of new plans can ensure that everyone across the border gets access to the planning process, and that cross-border awareness should lead to better plans. This is certainly relevant for any new infrastructure that will be built across the border, as ad-hoc development plans could be conceived specifically for the area taken in consideration.

In order for this to happen, a **consortium of key actors** from both sides of the border should be created to discuss a detailed needs-analysis for the area of the North Sea Port. This should consist of relevant national institutions, municipalities and provinces in the Netherlands, and regions, provinces and municipalities in Flanders.

On 11 June 2018, the Benelux Ministers of Energy signed a declaration on regional cooperation on the development of integrated national energy and climate plans which envisages the creation of a working group (ambtelijk, technische werkgroep) composed of members from the authorities responsible for climate and energy.

This could serve as a further support to the implementation of the “carbon capture usage” (CCU) scheme by the North Sea Port, as its high potential in terms of CO₂-reduction will have a positive impact on climate and environment.

Furthermore, as the implementation of the CCU scheme needs to be considered as a long-term project which would require the involvement of many actors, there would be the necessity to test **new governance solutions**.

Therefore, it would be recommended to apply for a special “governance” project within the framework of next **Interreg** programming period.

Finally, the **European Cross Border Mechanism (ECBM)** could also be an interesting extra tool in the course of the bilateral coordination of the different planning procedures, impact assessments and permission processes, in the event that questions related to different technical standards arise. The initiator of the pipeline project could ask the Member State in question whether the standard set by the neighbouring country could be accepted with respect to the clearly defined territory of the North Sea Port.

WHAT'S NEXT

- The Provincie Oost-Vlaanderen will actively stimulate the debate on the establishment of the above-mentioned consortium, approaching **competent authorities at different levels** both in The Netherlands and in Belgium.
- It will also promote the idea of developing an **Interreg** project under the new programming period on *Innovative Cross-border governance* with respect to CO₂ reduction infrastructure in the North Sea Port.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-transport-co2-resource-industrial-processes>

Cross-border transport of CO₂ as a resource for industrial processes
(#CO2Transport)
© North Sea Port/T. d Haenens



#WEEEManagement

Consolidation of the circular economy concerning the WEEE

ADVISED ENTITY Pontevedra Province, ES

EXPERT Alexandra Aragão



THE CONTEXT

The **Interreg** project ESTRAEE (Cross-border sustainable strategy for the management of WEEE, in English) aims to create a secondary raw material market favoring the implementation of a **circular economy** for waste of electrical and electronic equipment (WEEE) in the cross-border area between Spain and Portugal.



The Province of Pontevedra, one of the project partners, reported obstacles⁵⁴ when treating the electrical and electronic equipment because of the **absence of unified** environmental management **criteria** for the waste of electrical and electronic equipment.

DESCRIPTION OF THE OBSTACLES

In particular, difficulties arose because the project partners applied **separate contracting procedures** for the implementation of reception centres for WEEE, which required contracts for engineering projects, civil works and acquisitions of equipment. Reasons for the double contracting procedures were: the **non-harmonised and cumbersome rules** on public procurement; **negative advice** from the legal departments of one project partner which considered joint contracting between Portugal and Spain to be legally impossible; and differences in the necessary works to be carried out in each country. As a consequence of the two contracting processes, the **bureaucracy doubled**, and the total implementation time expanded.

However, the obstacle arises due to a **lack of knowledge** of the current facilitative nature of the EU and national legal frameworks which led to a consequent absence of coordination between the parties involved. There are multiple European directives facilitating cross-border contracting⁵⁵. Article 39 of the Directive 2014/24/EU has been correctly and similarly transposed into national law⁵⁶.

A second obstacle lies in the **different technical solutions** and layout options for the collection centres identified in the two countries. The different characteristics pose a limit to joint processing of the electric and electronic equipment waste: the waste management results (recycling and reuse rates) will be harder to compare as the outcome of the recovery activities also depends on the physical conditions of the installation. In accordance with Article 27 of the *Waste Framework Directive*⁵⁷, the adoption of minimal standards should be implemented whenever it brings benefit in terms of the protection of human health and the environment. However, Spain and Portugal have opted for an **update** of the traditional waste reception systems rather than applying a new system.

OUTLINE OF POSSIBLE SOLUTIONS

Notwithstanding that legal frameworks allow for joint public procurement; this option was not chosen by the partners. This again demonstrates that normative harmonisation was not sufficient to stimulate the convergence of the contracting parties in two Member States involved in the execution of a common project such as ESTRAEE.

As mentioned above, **Directives 2014/24/EU, 2006/123/EC** and **Decision 2011/130/EU** offer a wide range of **tools** facilitating joint contracting procedures between Member States. Dedicated **trainings** could be organized by bilingual legal support centres to facilitate the simultaneous fulfilment of legal procurement obligations in both countries. For instance, the Portuguese electronic public procurement platform (www.base.gov.pt) could be used to award the simultaneous construction of the reception centres in Portugal and Spain.

To **harmonise requirements** for collection centers and the technical solutions to be implemented, it is recommended that **Interreg** funds be used to promote the standardization of the technical options for collection centres. The presence of the same design and functioning

⁵⁴ Of the six obstacles presented in the full report prepared by the expert, here are taken into account the two which have greater relevance in cross-border contexts. Other obstacles and related solutions can be consulted in the full report via the QR code at the section *To Know More*.

⁵⁵ Article 39 of the Directive 2014/24/EU allows for joint public procurement procedures to involve contracting authorities from different Member States; Directive 2006/123/EC *on services in the internal market*; and Decision 2011/130/EU *establishing minimum requirements for the cross-border processing of documents signed electronically by competent authorities*.

⁵⁶ Portuguese decree-law 18/2008 of 29 January (Art. 39 n.7, last amended in 2019 by decree-law 170/2019 of 4 December) and Spanish law 9/2017, of 8 November, on Public Sector Contracts (Art.31 n.2).

⁵⁷ Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 *on waste and repealing certain Directives*.

rules would indeed facilitate the work of the staff involved, resulting in higher rates of material treated and re-used. tional networks operating in this field could provide access to **learning** and **best practices**.

WHAT'S NEXT

The Province of Pontevedra will keep cooperating with the stakeholders involved in the project, with the aim of **informing the national or regional administrative authorities** competent for supervising WEEE about the benefits of the adoption of joint standards for collection centres, and on the already existing possibility of establishing cross-border contracting procedures within the framework of the project.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/consolidation-circular-economy-concerning-weee>

Consolidation of the circular economy concerning the WEEE (#WEEManagement)
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#HigherEducation

Bulgarian-Romanian institutional cooperation constraint – BRICC

ADVISED ENTITY University of Ruse Angel Kanchev – BRIE, BG
EXPERT Plamen Slavov



THE CONTEXT

The Bulgarian-Romanian Interuniversity Europe Centre (BRIE) at the University of Ruse Angel Kanchev is a higher education and research centre managed by the governments of both neighbouring states. Since 2002, in accordance with the Bologna process standards, it has provided **joint master's programmes** for international students, who have been admitted on the basis of jointly agreed prerequisites.

National reforms in higher education in both countries, however, have resulted in **legal incongruences** that have adversely affected student enrolment.



DESCRIPTION OF THE OBSTACLES

The obstacle results from **divergence** in the implementation of the standards introduced by the Bologna process within the national laws.

The provisions contained in the Bulgarian Higher Education Act/2004 (Art. 42) indicate that the first level of higher education should have a duration of 4 years (240 ECTS – European Credit Transfer System).

The Romanian Law of National Education (Art. 31), instead, envisages only 3-year bachelor's degrees for a total of 180 ECTS.

Being the Bulgarian-Romanian Interuniversity Europe Centre (BRIE) located in Bulgaria, the related national provisions apply when setting the eligibility criteria for the students' enrolment, therefore, applicants are considered eligible only if they have previously accumulated 240 ECTS during the first cycle of higher education.

In light of this, students in possession of a Romanian degree are denied access to master programmes provided by the Bulgarian-Romanian Interuniversity Europe Centre (BRIE).

OUTLINE OF POSSIBLE SOLUTIONS

A solution would be the introduction by the Bulgarian-Romanian Interuniversity Europe Centre (BRIE) of an additional and **compensatory training activity** during the master's course for those students holding a 3-years-bachelor's Degree. This would allow them to collect the required 300 ECTS by the end of the master.

Furthermore, as the Bulgarian Higher Education Act (Art. 42, Para. 6) currently allows for students who have graduated from a 3-year bachelor education to pursue a master's degree only in the same professional field, a minor **amendment** should be introduced to broaden the range of possibilities for interested students.

An additional solution would be a **broader interpretation** of Art.42 of the Bulgarian Higher Education Act, assuming the indication therein included not as barriers to the admission to master level's courses but simply as provisions guaranteeing that all master level graduates meet the standard of at least 5 years of study.

An additional tool to implement such a solution could be the adoption of the **European Cross-Border Mechanism (ECBM)**, through which a programme document or a draft legislative act might be drawn up to regulate the opportunities for such longer (2-year) compensatory master's trainings.

WHAT'S NEXT

The University of Ruse Angel Kanchev – BRIE is planning to set up an **experimental process** of admission for the current year, recognising and compensating the prior undergraduate education from Romania within the master's programme in Bulgaria. The monitoring of the Ministries of Education of both countries would be necessary. The goals are: (1) to introduce the cooperation constraint to their attention, (2) to assure joint interpretation of Art. 42 through the lenses of cross-border cooperation.

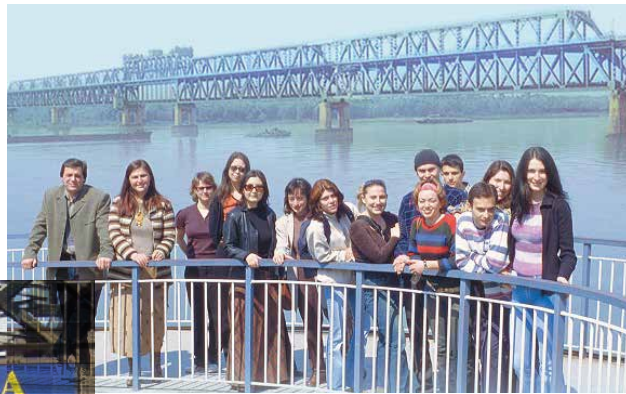
TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/bulgarian-romanian-institutional-cooperation-constraint-bricc>

Bulgarian-Romanian institutional
cooperation constraint – BRICC
(#HigherEducation)

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#Kindergartens

Shared cross-border public services: French-German crèches

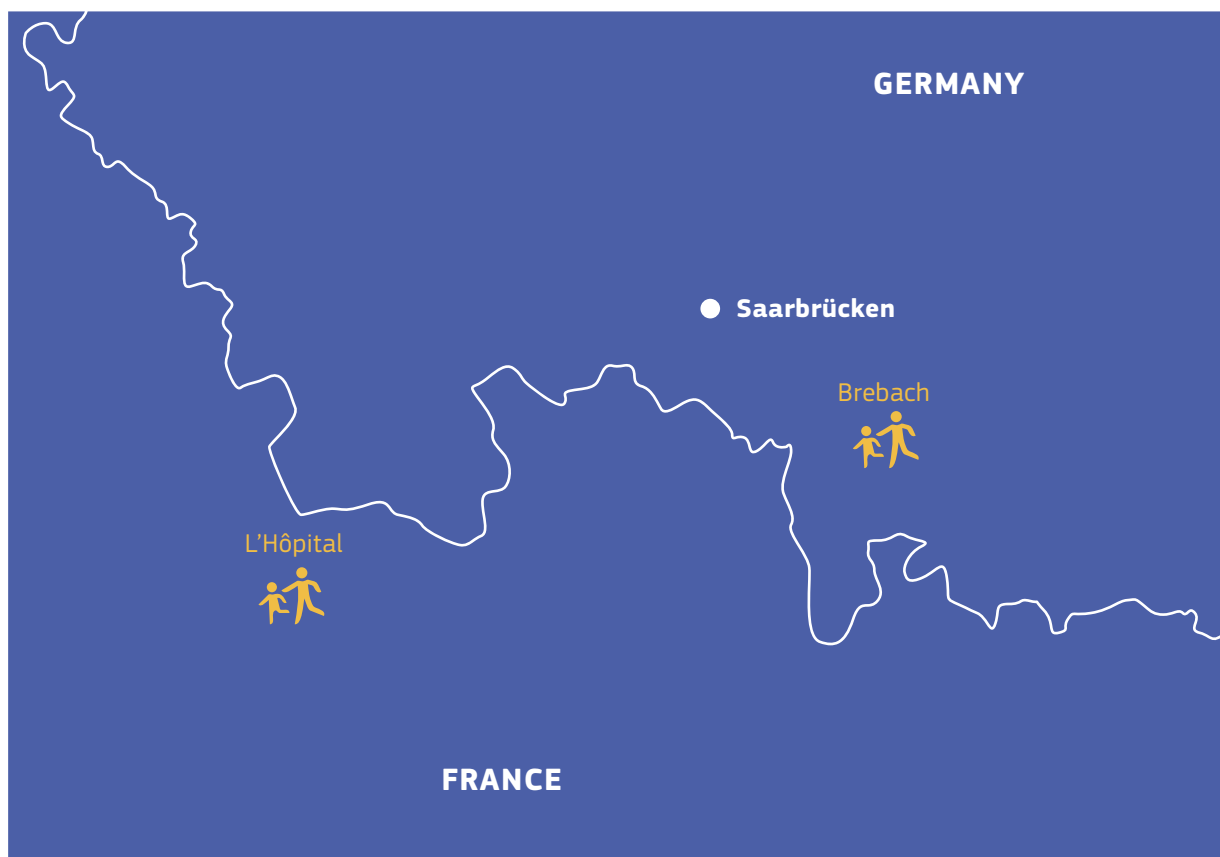
ADVISED ENTITY European Grouping of Territorial Organisation Eurodistrict SaarMoselle EGTC, FR-DE
EXPERT Margot Bonnafous and team, Euroinstitut



THE CONTEXT

The Eurodistrict SaarMoselle EGTC is partner of an Interreg project co-financing the development and construction of two **cross-border crèches** (nurseries) – one in Germany and the other in France – to encourage everyday contacts between cross-border families and develop bilingualism from early years onwards.

The German crèche will be based in Saarbrücken. One third of the nursery will be co-financed by French partners, and two thirds by German ones. However, technical questions arise in relation to **co-financing of running costs**, **tax implications** (property tax, VAT), **staff qualifications** and **safety rules**, as **different standards** apply in the two countries.



DESCRIPTION OF THE OBSTACLES

The obstacles identified are multiple and lie within the **diverging national legal frameworks**. In particular, the obstacles are detailed as follows:

- in accordance with the French *Circulaire 2014-009*⁵⁸, the French Family Allowance Fund (CAF) pays for crèches in France the so called PSU (*Prestation de Service Unique* = operating aid to crèches) which is calculated on the basis of the number of places available for children. These are allocated pursuant to the so-called “principle of optimisation” (e.g. one child is attending early in the morning and leaves at 12, a second arrives only in the afternoon). In Germany this practice does not apply and consequently the PSU cannot be paid to the crèche in Saarbrücken even if French children are involved;
- as VAT will be part of the total amount of construction and equipment costs, the French partner will have to pay it proportionately in accordance with the German law on VAT (*Umsatzsteuergesetz 2018*). Because the same construction in France would be exempted from VAT payment, this will result in additional costs of 19% for the French partner;
- according to the procedure of equivalent recognition for persons with French non-academic qualifications as child carers or educators⁵⁹ provided by the Saarland Ministry of Education and Culture, staff who have qualified in France have to undertake mandatory additional trainings in methodology and didactics in order to be employed in Germany;
- the French law on public health⁶⁰ includes stricter rules concerning vaccination requirements than those provided by the German legal framework⁶¹;
- different provisions concerning fire safety, equipment and operating permits are included in the French Law on public health⁶², in comparison to the German accident insurance and Code of social law VIII – child and youth welfare⁶³.

OUTLINE OF POSSIBLE SOLUTIONS

First of all, since two crèches will be built on both sides of the border under the Interreg scheme, the project partners will share responsibilities and costs accordingly. A **special regime for cross-border institutions** can be introduced regarding the payment of the *Prestation de service Unique (PSU)*. However, this special regime can only be applied for five years.

Art. 13 (2) of the **Franco-German Treaty of Aachen** could already serve as a **solid basis** to solve the VAT implications as it allows both States to introduce relevant new legislation in border regions and to apply specific derogations when considered necessary. In light of this, **an exemption** could be introduced to avoid the VAT payment by the French partner.

In relation to the recognition of staff qualifications, article 3 (2) of the Saarland Childcare and Education Act (SKBBG⁶⁴) stipulates that the responsible body of the day care centre is in charge of the design and implementation of the educational mission. This means that the responsible body that manages the crèche has a certain scope of action and that a common design is possible.

Local medical/public health authorities should be consulted on the differences about childhood vaccination to discuss whether the co-existence of both regulations is possible, while a compromise within the current legal scope should be found with regard to the safety equipment.

58 Circular 2014-009 of March 6, 2014 on the Single Service Provision (PSU).

59 *Verfahren der Äquivalenzanerkennung bei Personen mit französischen nichtakademischen Abschlüssen als Kinderpfleger*in bzw. Erzieher*in Kindertageseinrichtungen*.

60 *Public Health Code (2019)* – articles L3111-2 and L3111-1.

61 Law for the *Prevention and Control of Infectious Diseases in Humans – Infection Protection Act – IfSG* – Section 34 Paragraph 10a / 2000.

62 *Public Health Code (2019)* – article R2324-18.

63 DGUV Rule 102-002 and Social Code (SGB) – Eighth Book (VIII) – Child and Youth Welfare – Law of June 26, 1990, Federal Law Gazette I p. 1163, §45, Art. 1.

64 Gesetz Nr. 1649 Saarländisches Ausführungsgesetz nach § 26 des Achten Buches Sozialgesetzbuch Saarländisches Kinderbetreuungs- und -bildungsgesetz (SKBBG).



Shared cross-border public services:
French-German crèches
(#Kindergartens)
© Mairie de L'Hopital

Shared cross-border public services:
French-German crèches
(#Kindergartens)
© Radio MÇlodie



Cooperation with the local fire department is considered essential from a health and safety point of view; so it is suggested that the local standards on fire protection be applied.

Finally, the **European Cross-Border Mechanism (ECBM)** can be an additional solution to optimise the regulation of co-financing standards and harmonise the differences in tax legislations in the cross-border region.

WHAT'S NEXT

The Eurodistrict SaarMoselle EGTC will share the analysis of the expert with all the project's partners, **setting a strategy** to draw the attention of the relevant authorities to the issue, in order to proceed with the necessary amendments and derogations.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/shared-cross-border-public-services-french-german-creches>

#ChildrenProtection

Joint to protect children

ADVISED ENTITY Elvas Municipality, PT

EXPERT Rosalia Perera Gutiérrez



THE CONTEXT

The border municipality of Elvas (PT) together with Badajoz (ES) and Campo Maior (PT) form the Eurocity EUROBEC.

In this area, the recurring movement of families across the border leads to challenges in delivery and management of the social services to support vulnerable children. This is due to a **lack of coordinated procedures** between competent administrative bodies and social services on each side of the border. In particular, the competent authorities have raised as challenges the **inability to share information** about minors due to necessary data protection requirements.

DESCRIPTION OF THE OBSTACLES

The obstacle to cross-border cooperation in the field of children's welfare seem to be twofold. Sharing sensitive data about the minors with the administration of the neighbouring country may be possible under current legislation framework. The **EU Regulation (EU) 2016/679 (GDPR)**⁶⁵ contains specific indications allowing for exceptions to the general rules for data protection for matters of public order. European public bodies have permission to share essential and necessary data, such as the location of a minor in a situation of risk or special vulnerability, using an adequate channel and with due guarantees.

As concerns communication between the competent authorities, administrative complexities result in a **lack of coordination and communication** between relevant **actors on multiple levels**. The statutory competence for managing child-protection lies with the regional Ministry of Health and Social Policies of the Junta of Extremadura in Spain and with the National Commission for the Promotion of Rights and the Protection of Children and Young People in Portugal. Spanish authorities, however, delegate their mandate and their statutory responsibility to the municipalities. Therefore, there is a **gap** between the **authorizing competent bodies** and the **organisations** delivering the function at an **operational level**. Considering this, the cross-border execution of supervision tasks regarding minors is almost impossible.

OUTLINE OF POSSIBLE SOLUTIONS

The proposed solution is to task a **cross border joint committee** including all the relevant actors, ranging from those at Ministerial level to those at Municipal level, with the drafting of an action protocol aiming at fostering the necessary cooperation and at easing the exchange of information in specific circumstances.

Such a committee could also promote **training** and specialised advice for the technical staff and practitioners of the respective administrations. Likewise, and to avoid undue delays in cases of extreme urgency, the creation of a **joint digital platform** that would serve as an agile tool for consultation would be needed.

Finally, it is recommended that the Spanish and Portuguese Data Protection Agencies supervise the Committee's work to provide quality assurance in terms of data protection compliance issues.

The proposed **European Cross Border Mechanism (ECBM)** could be considered as an optimal alternative solution. Although there is no strict legal impediment, the obstacle is of an administrative procedural nature and presents an obvious need to arbitrate and develop mechanisms for cross-border collaboration.

⁶⁵ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).



Joint to protect children
 (#ChildrenProtection)
 © Elvas Municipality



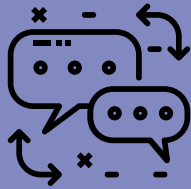
WHAT'S NEXT

The Municipality of Elvas will draw the issue to the attention of all the relevant administrative bodies in order to foster the creation of a **joint committee** for drafting the **action protocol** suggested by the expert. The process will include **multi-level actors** stretching from the national level to the local authorities and other stakeholders active in the field of child protection and welfare.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/joint-protect-children>



Multilingualism

#AudioVisualContents

Stop geo-blocking! Overcoming discrimination and developing intercultural competences by providing access to online content across borders

ADVISED ENTITY European Grouping of Territorial Cooperation Euregio Meuse-Rhine EGTC, BE-NL-DE
EXPERT Hildegard Schneider and Saskia Marks



THE CONTEXT

The Euregio Meuse-Rhine EGTC is a cross-border structure whose members belong to three different countries: Belgium, the Netherlands and Germany. Despite the high level of integration of the communities residing in this area, some hurdles still prevent the development of citizens' comprehensive **intercultural and multilingual competences**.

In particular, **geo-blocking** – the blocking of access to online audio-visual contents based upon the user's geographical location – has discriminatory outcomes, for example in the German-Speaking Community of Belgium, where the **online retransmission** of North Rhine-Westphalian television programmes is prevented.

DESCRIPTION OF THE OBSTACLES

The obstacle lies in the existence of **territorial copyright licenses** of which geo-blocking is only an additional aspect.

Copyrights and related rights are granted to ensure that those who have created or invested in audio-visual contents can determine how they can be used and how to receive remuneration for them. They also include the so-called “economic rights” which enable right holders to control the use of their works through licenses.

The rights are commonly used in licensing agreements and are often limited by restrictions on the geographic area in which the digital content provider can offer the product. Geographical areas mainly correspond to nation states and **licenses** are limited by **national boundaries**.

At the European level, EEC Directive 93/83⁶⁶ on the coordination of copyright establishes the **country of origin principle**, according to which the copyright-relevant act should take place in the country of origin of the broadcast. The *Fourth Act amending Copyright Laws (1998)* in Germany and the *Law on Copyright and related rights*⁶⁷ in Belgium regulate the licenses separately in the two states and prevent retransmission of contents on the other side, in accordance to the directive they transpose.

On account of this, the technology of geo-blocking should be intended only as an additional and secondary mean to further enforce the existing territorial /national copyright licenses by encrypting the broadcasting of some contents.

OUTLINE OF POSSIBLE SOLUTIONS

Being this field in constant evolution due to the introduction of new means and technologies, and also to the change of consumers' habits, **new legal tools** are currently under discussion at **European level**.

A first solution to this case could be found within the scope of the new *Directive 2019/789*⁶⁸, whose aim is to facilitate the clearance of copyright and related rights of radio and certain TV contents for cross-border digital broadcast, and retransmissions through an extension of the so-called “country of origin” principle. As the Directive has not been transposed yet in national laws (the deadline set is 2021), a possibility would be for the government of the German-Speaking Community to **draw the attention of relevant authorities** in North Rhine-Westphalia and ask them to take into account the position of the German-Speaking Community of Belgium when drafting new national provisions.

⁶⁶ EEC Directive 93/83 on the coordination of certain rules concerning copyright and rights related to copyright applicable to satellite broadcasting and cable retransmission.

⁶⁷ Law of 06/30/1994 relating to copyright and related rights, Justice, Dossier n. 1994-0.

⁶⁸ EU Directive 2019/789 2019 laying down rules on the exercise of copyright and related rights applicable to certain online transmissions of broadcasting organisations and retransmissions of television and radio programmes.

A second solution would be for the government of the German-Speaking Community to **purchase a copyright license** allowing the online retransmissions of North Rhine-Westphalian television relevant content in the German-speaking Community of Belgium. An essential step in this solution would be to enter negotiations with the copyright holders in North Rhine-Westphalia and the television channels that broadcast these transmissions on the internet.

Finally, concerning the technology of geo-blocking, relevant authorities should take into consideration the *Case law of the Court of Justice of the European Union (CJEU) – Football Association Premier League v Karen Murphy*⁶⁹ in which a type of technology similar to **geo-blocking** was considered unnecessary and **contrary to EU law**.

WHAT'S NEXT

- The Parliament of the German-Speaking Community has initiated a **resolution** regarding the **prohibition of geoblocking** for audio-visual content at both the European and the National Level;
- Euregio Meuse-Rhine EGTC will keep **mobilising institutional stakeholders** to collect additional information. This will enable negotiation to begin with relevant political authorities on a bilateral basis (German-Speaking Community of Belgium and North Rhine-Westphalian Government), in order to define a joint solution which will take in consideration linguistic minorities and consumers rights.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/stop-geo-blocking-overcoming-discrimination-and-developing-intercultural-competences>



Stop geo-blocking! Overcoming discrimination and developing intercultural competences by providing access to online content across borders (#AudioVisualContents)
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⁶⁹ Joined Cases C-403/08 and C-429/08, *Football Association Premier League v Karen Murphy*, ECLI:EU:C:2011:631.



eGovernment

#eProcurementPlatforms

Cross-border e-procurement

ADVISED ENTITY European Grouping of Territorial Cooperation of the Municipalities of Gorizia, Nova Gorica and Šempeter-Vrtojba – EGTC GO, IT-SI

EXPERT Ozbič Mitja



THE CONTEXT

The EGTC GO is located on the Slovenian-Italian border and manages two Integrated Territorial Investments (ITI) projects that have a high impact on both sides of the border. However, when inviting tenders for the projects' implementation the EGTC faces difficulties because of **diverging national e-procurement platforms** utilised in the two countries. Due to the presence of platforms with different IT standards, language barriers and complicated input and data entry mechanisms, the economic operators are able to apply only to the national platform of the country where their business is located, preventing the creation of an integrated and fully competitive cross-border market.



DESCRIPTION OF THE OBSTACLES

The obstacles derive from the **transposition of the EU directive 2014/24/EU** on public procurement into diverging national laws.

In particular, Art. 22 of the directive envisaging the creation of mandatory national or regional e-procurement platforms has been regulated at a national level by the Italian Procurement Code⁷⁰ and the Slovenian Public Procurement Act⁷¹. The provisions therein included led to the creation of e-platforms with **different IT standards** and **diverging designs** for data entry (i.e. different length identification codes, letters of the Slovenian alphabet not recognised by the Italian system, request for specific type of electronic signatures, etc.) which currently prevent economic actors to apply to tenders in the neighbouring country.

An additional obstacle is identified in the **different thresholds** set at a national level for the participation into tendering procedures and consequently included within the e-platforms. The Italian Law 145/2018 obligates the public entities to use e-procurement procedures for tendering equal to or over €5,000 for goods and services⁷². The Article 22 of the Slovenian Public Procurement Act and the second paragraph of Article 7 of the Public Procurement Act in the field of defence and security⁷³ set the thresholds for goods and services at €20,000 and €40,000 for construction works and €80,000 for safety measures.

This discrepancy prevents an effective competition for the delivery of services and goods requested by the EGTC.

OUTLINE OF POSSIBLE SOLUTIONS

For its case, the EGTC GO partially resolved the problem internally at the corporate level by using **privately purchased e-procurement software**.

In general, the optimal solution would be the **draft of a new EU Regulation** which would not envisage executive provisions at a national level.

Alternatively, **amendments** to articles 22, 39.4 and 39.5 of the EU Directive 2014/24 should be considered. Introducing compulsory provisions on the formulation of the public calls and programming/design of the e-procurement platforms would oblige the member states to adapt the implementation of the national platform accordingly.

In the short term, the improvement of the systems designed by the software providers in cooperation with the competent national authorities could also be possible by using some **dedicated EU tools**. These could include the call for proposals *2019-2 CEF Telecom Call: Digital Skills and Jobs Platform*, granting funds to implement e-tendering interfaces, or the European Commission's collaborative platform *Joinup*, which offers several services aiming at helping e-Government professionals to develop and implement interoperability solutions.

Furthermore, a **broader implementation** of the EGTC Regulation 1302/2013/EU would solve the obstacle concerning the existence of different national threshold for tendering procedures.

By amending articles 2 and 8 and introducing the possibility of using different national laws in the same administrative procedure, the EGTC could articulate ad hoc solutions for every specific case without discriminating against economic actors on either side of the border.

70 Legislative Decree 18 April 2016, n. 50.

71 Public Procurement Act (ZJN-3), Official Gazette of the RS, No. 91/15.

72 Modifying the art. 1 par. 450 of the Law no. 296/2006.

73 *Public Procurement Act* (ZJNPOV), Official Gazette of the RS, No 91/15, 90/12 and 90/14 - ZDU-II.



Cross-border e-procurement
(#eProcurementPlatforms)
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Finally, as the obstacles examined in this report are mostly an example of a nonconforming execution of European and/or national dispositions, the proposed **European Cross-Border Mechanism (ECBM)** could serve as an additional solution. In particular, the Mechanism would allow the EGTC to opt for the most suitable law to be applied on a case by case basis.

WHAT'S NEXT

A **new EU general regulation** which would not envisage executive provisions at a national level is considered as the optimal solution. However, in the short term, the EGTC GO will try to **draw the attention of the national ministries** to the issue in order to discuss the possibility of not using e-procurement procedures for small tenders from €5,000 to €20,000, in order to temporarily overcome the currently discriminatory national requirements.

TO KNOW MORE



<https://ec.europa.eu/futurium/en/pilot-projects/cross-border-e-procurement>

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Citizens living in European border regions still face many obstacles when they cooperate with their neighbours.

To ease cross-boundary interactions, the *b-solutions* initiative offers practitioners the possibility to test new, alternative and sustainable solutions to remove legal and administrative obstacles along the EU internal land borders.

Actors and practitioners at regional, national and European level can find in this compendium hints and inspiration to improve cross-border cooperation in their territories.

The first volume provides an analysis of 43 different hurdles and relative solutions accompanied by a set of systematic lessons learned and policy recommendations for the future.

The annex shows detailed information on each of the obstacles considered, with indication of potential solutions, including features and relevant information on the territories and the cross-border entities involved in the initiative.

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Print ISBN 978-92-76-13303-2 DOI 10.2776/89895 KN-03-19-913-EN-C
PDF ISBN 978-92-76-13302-5 DOI 10.2776/36819 KN-03-19-913-EN-N