

COTER-001

Brussels, 26 March 2002

OPINION

of the Committee of the Regions

of 13 March 2002

on

**Strategies for promoting cross-border and inter-regional cooperation
in an enlarged EU - a basic document setting out guidelines for the future**

The Committee of the Regions,

HAVING REGARD TO the obligation incumbent on the European Commission and the Council under Article 265 of the Treaty to consult the Committee of the Regions on cross-border and inter-regional cooperation;

HAVING REGARD TO the many comments and recommendations on cross-border and inter-regional cooperation made in numerous Committee of the Regions opinions, and particularly opinion CdR 145/98 fin¹ on *Cross-border and transnational cooperation between local authorities* (rapporteur: **Mr Niederbremer**) and opinion CdR 269/2001 fin on *the employment policy aspects of EU enlargement* (rapporteur: **Mr Volker Schimpff**);

HAVING REGARD TO the Council of Europe Resolution of February 1974 on cooperation between local and regional authorities in Europe and the decisions of the 1999 European Council in Berlin;

HAVING REGARD TO the General Regulation on the Structural Funds (No. 1260/1999) and the INTERREG III guidelines which emphasise the importance of cooperation efforts along external borders, especially with the accession countries;

HAVING REGARD TO the Communication from the Commission on the impact of enlargement on regions bordering candidate countries adopted on 25 July 2001 (COM(2001) 437 final) which proposes a series of actions based on a better coordination of existing policies and the creation of

new measures and the allocation of additional financial support to the external border regions;

HAVING REGARD TO the results of the survey carried out by the Association of European Border Regions on behalf of the Committee of the Regions;

HAVING REGARD TO the draft opinion (CdR 181/2000 rev. 2) adopted by the Commission for Regional Policy, Structural Funds, Economic and Social Cohesion and Cross-border and Inter-regional Cooperation on 18 January 2002 (rapporteurs: **Mr Rombouts**, Mayor of 's-Hertogenbosch (NL/EPP), and **Mr Kauppinen**, Mayor of Kuhmo (FIN/ELDR));

WHEREAS it is desirable, in terms of the future of European integration, and especially enlargement, to present a comprehensive strategy on cross-border, inter-territorial and transnational cooperation, that takes into account the growing need for the regional and local authorities to enter new, broad, structured forms of cooperation, with enlargement in mind;

adopted unanimously the following opinion at its 43rd plenary session of 13 and 14 March 2002 (meeting of 13 March).

I. GENERAL

1. Cross-border, inter-territorial and transnational cooperation is a top priority for the EU as it strives to achieve integration and to curb the economic and social fragmentation brought about by national frontiers. This goal is reaffirmed in the Second Cohesion Report.

2. This applies to cooperation between:

a) non-central authorities of the current Member States;

b) non-central authorities of the current Member States and non-central authorities of the applicant countries;

c) non-central authorities of the current Member States, applicant countries and countries bordering on the enlarged EU to the east and south.

Special attention needs to be paid to the situation of island regions, upland regions and peripheral regions as well as to the regions at the present borders of the EU with the accession candidates.

3. Cross-border, inter-territorial and transnational cooperation contributes to the creation of a "Citizens' Europe", a Europe in which people learn to know one another and to understand and respect their diversity, "se connaître pour se comprendre". The most important goal is not to bring states together but to bring people together.

4. In order to ensure better distribution of information, greater visibility and good coordination of Member States' and the Commission's actions, the European Commission has also invited the Member States to establish the INTERACT programme, which shall cover a wide range of activities to support the implementation of the three INTERREG Strands and benefit the border areas with accession countries and other external neighbours. The INTERACT programme is specifically focused upon the immediate needs of the INTERREG initiative and aims directly at the support of the INTERREG programmes and the involved actors and projects. The INTERREG Community Initiative is split in three strands and a large number of individual programmes. Thus accompanying actions are of high importance in order to

safeguard the added value of cross-border, inter-regional and trans-national cooperation.

5. As a result of the European integration process which has been taking place in recent years and the increase in EU action in almost all areas falling within the remit of territorial authorities, EU territorial authorities have had to contend with a situation in which policy-making has become ever more complex. Within this broader context, authorities have become more dependent on strategic interaction with other local and regional authorities in the EU; they have thus become an essential part of the European "multi-level governance model".
6. Cross-border, inter-territorial and transnational cooperation occurs above all in cases where all the parties involved stand to gain advantages in the administrative, social, economic, cultural, infrastructural or technological fields. Lasting cooperation therefore has a chance of success only if it has a popular basis and if cooperation takes place between all the parties involved.
7. Various definitions have been employed for "cross-border, inter-territorial and transnational cooperation". The Committee of the Regions proposes that the definitions set out below be used as a starting point. All forms of cooperation, taken together, are referred to as "trans-European cooperation". Distinctions may be drawn between the following forms of cooperation:
 - "cross-border cooperation" implies bi-, tri- or multilateral cooperation between local and regional authorities (semi-public and private players may also be involved in this context) operating in geographically contiguous areas. This applies also in the case of areas separated by sea;
 - "inter-territorial cooperation" implies bi, tri- or multilateral cooperation between local and regional authorities (semi-public and private players may also be involved in this context) operating in non-contiguous areas;
 - "transnational cooperation" implies cooperation between national, regional and local authorities in respect of programmes or projects. This form of cooperation covers larger contiguous areas and involves players from at least two EU Member States and/or non-EU states.
8. Such cooperation is even more difficult to get started with regions of third countries than within the European Union. Regions at external borders face the complexity of cross-border and trans-national cooperation with tools, that are very little compatible (INTERREG and PHARE, TACIS, MEDA). This is particularly irksome, especially for cooperation with the accession candidates, with whom intensified cooperation is particularly urgent in view of their forthcoming accession to the EU. With accession of new Member States the external border will change and new regions will be involved in INTERREG-programmes at the external border. However, especially at the external borders with Russia and the NIS there is a very high difference in the living standard and a great need in developing joint mechanisms and instruments.

II. CROSS-BORDER COOPERATION

9. The most important goal of cross-border cooperation between local and regional authorities in the EU is to bring about the integration of areas divided by national frontiers and having to face common problems which require common solutions.
10. Factors which promote cross-border cooperation:
 - there is a long tradition and a large amount of experience of cross-border cooperation;
 - mutual confidence and reciprocal cooperation, based on the principles of partnership and subsidiarity;
 - the existence of appropriate common structures for cross-border cooperation between local and regional authorities at strategic and programme level;
 - the existence of a cross-border development blueprint or programme;
 - the availability of adequate funding.
11. Factors standing in the way of cross-border cooperation:
 - legal restrictions imposed by national and EU legislation;
 - differences as regards the structure and responsibilities of the various levels of administration on either side of the respective frontiers;
 - lack of political will, particularly at national level, to remove existing barriers by introducing new laws or establishing bilateral agreements;
 - limited experience of programme-development and programme-management on the part of local or regional authorities;
 - problems in coordinating the various sources of funding (e.g. lack of interoperability between Interreg III C, Phare/CBC and TACIS/CBC; principle of territoriality in the ERDF);
 - cultural differences and existence of language barriers.
 - legislation at EU level, which does not correspond to the conditions (e.g. Regulations on Phare/CBC, TACIS/CBC and ERDF regarding Interreg III A).

III. INTER-TERRITORIAL COOPERATION

12. The main goals of inter-territorial cooperation, after that of enabling the parties to get to know each other, are to enable the parties to learn from each other and to find joint solutions to joint problems.

Other fundamental goals of inter-regional cooperation include:

- improving the effectiveness of policies and instruments for regional development and cohesion, in particular in regions lagging behind in development, regions with structural weaknesses and regions in the throes of restructuring;
- encouraging cooperation in specific areas defined by the Commission (e.g. RTD and SMEs;

the information society; tourism, culture and employment; business and the environment, etc.).

13. Factors which promote inter-territorial cooperation:

- the availability of strong political support;
- the existence of strong partnerships for the purpose of cooperation;
- well-defined common goals and priorities in respect of joint action;
- the existence of appropriate, specific structures for managing cooperation and implementing specific projects.

14. Factors standing in the way of inter-territorial cooperation:

- this form of cooperation is a matter of temporary and selective importance and is associated with the achievement of short-term objectives;
- a lack of tradition as regards cooperation;
- a lack of funding and staff and the existence of language barriers;
- absence of remits to engage in cooperation;
- the absence of a general legal instrument.

IV. TRANSNATIONAL COOPERATION

15. Transnational cooperation between all levels of authorities within the Member States is currently of importance above all in the fields of spatial development and spatial planning, where the aim is to achieve the integrated development of large areas spreading over at least two Member States.

16. Factors which promote transnational cooperation:

- experience in the field of spatial planning and the existence of a European vision of cooperation;
- a decentralised approach with a strong local/regional basis and a high level of involvement of decentralised authorities;
- cooperation in a well-run common structure at a strategic level;
- an efficient network structure involving all the parties to given programmes;
- close linkage between strategic programme objectives and individual transnational cooperation projects.

17. Factors standing in the way of transnational cooperation:

- low level of involvement of local and regional authorities in this form of cooperation;
- differences in the approaches to spatial planning pursued by the parties to cooperation;
- lack of strong transnational partnerships in respect of programmes and projects;
- highly complex transnational decision-making processes;

- lack of clear allocation of responsibilities and formal structures;
- inadequate project management;
- lack of financial instruments and lack of linkage between financial instruments, in particular with regard to non-EU countries;
- conflicting or excessively complex administrative requirements emanating from the EU.

V. CONCLUSIONS AND RECOMMENDATIONS

18. The Committee of the Regions attaches considerable importance to the use of unambiguous definitions in respect of cross-border, transnational and inter-territorial cooperation and recommends the Commission, the Council and the European Parliament to use the definitions set out in this opinion as a starting point.
19. In view of the importance of cross-border, inter-territorial, and transnational cooperation for the European integration process and cohesion within the European Union, the Committee recommends that the EU, the Member States and local and regional authorities should continue the existing policy and intensify it in a number of respects.
20. These forms of cooperation are important for the EU as a whole, but in the next few years must be given to cooperation with the candidate states. Islands and upland and peripheral regions deserve special attention, as do the less developed regions and those with structural insufficiencies.
21. The European Union should thus have a longer and expansive view to develop all the border regions of the EU. In the near future, many of the candidate countries will be EU Member States. Because not all border regions in third countries have drawn up development plans, cooperation could at the outset be limited to countries with Phare CBC and Tacis CBC programmes. Later there would need to be a specific all-inclusive common strategy on common development actions in all regions of the European Union which border on third countries.
22. Mutual understanding and internal development through external cooperation should be the guiding principles of cooperation.
23. In principle, cooperation should be a "bottom-up" process. The role of "higher authorities" must be primarily that of creating the preconditions (legal and financial) for cooperation.
24. The Committee of the Regions basically welcomes the measures taken by the European Union and the European Commission with regard to border regions. It takes the view that every Commission action in this field is worthy of support. The Committee does, in this respect, welcome the Commission's intention to provide border regions with substantial assistance under the action programme which it adopted in July 2001. The Committee, however, still considers the contents of the relevant Commission communication insufficient and welcomes the improvements in the promotion of competitiveness in border regions decided in the budget for 2002 and - to a lesser extent - for 2003. It calls upon the Commission to report regularly on the development of the situation in the border regions and also to make proposals for improving the promotion of competitiveness in the border regions after 2002. However, the complex administrative rules for implementing the INTERREG/Structural Funds regulations contribute to a substantial obstruction of cross-border cooperation. Therefore the Committee of the Regions asks the Commission to make the administration of Structural Funds programmes less bureaucratic and more user-friendly in line with the Commission reform. Especially, a very important common action is to

coordinate all the common efforts to support the development of border regions on both sides of the border of the EU. Especially INTERREG-, MEDA-, TACIS-, PHARE-, TEN- and ISPA- instruments and programmes should compose more compact and coordinated support systems. It should also be considered whether a new type of common cooperation programme should be developed instead of two different programmes, i.e. TACIS/PHARE and INTERREG, on the border regions.

25. To promote the implementation of different programmes it is also important to further develop and build up Euroregions with the regions of third countries. In this context the idea of creating specific "European Cooperation Areas" (ECA), launched by the AEBR, should be thoroughly investigated. Local and regional authorities should anyhow get more power and liability to develop their own border areas.
26. This opinion sets out a series of factors which have a positive or negative impact on cross-border, inter-territorial and transnational cooperation. It is proposed that the following measures be taken to promote the abovementioned forms of cooperation:

a) At **national level**, legal provisions and rules must be adapted in such a way that cross-border **cooperation can take place on a legal basis** (and particularly a public-law basis).

b) A "**border-area clause**" must be included in new national legislation which may hamper cross-border inter-territorial and transnational cooperation, to the effect that no worsening of cooperation in border areas as a result of new legislation can be allowed, and that cross-border entities with legal personality, comprising territorial authorities from both sides of a border, can be set up.

c) The legal framework within which cross-border cooperation between territorial bodies is pursued must guarantee and facilitate participation by those levels of authorities that have the necessary powers to carry out such cooperation.

d) The **European Union** must check its own administrative regulations to see whether they obstruct cross-border cooperation. It must also stimulate the adaptation of national legislation. The process of such adaptations should be **periodically assessed**.

e) The **European Union** should take the **initiative** in carrying out appraisals of existing **legal instruments** for trans-European cooperation and in **improving** these instruments.

f) The **European Commission** should also take the initiative in formulating **framework legislation** on cross-border, inter-territorial and transnational cooperation, in the form of a **framework regulation** covering areas of European cooperation. The recommendations put forward in the study published by the Committee of the Regions on trans-European cooperation could provide a starting point for such a regulation.

g) When adjustments are next made to the **Treaty** establishing the European Community, the importance of trans-European cooperation can be demonstrated by making the following **adjustments** to a number of articles in the Treaty:

- an article on trans-European cooperation should be included, along the lines of Article 151 on cultural cooperation;
- the first paragraph of Article 158 should be amended to read as follows:

*" In order to promote its overall harmonious development **and to encourage balanced and sustainable development of the territory of the European Union**, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion."*

- the first paragraph of Article 159 (third sentence) could be amended to read as follows:

*" The Community shall also support the achievement of these objectives by the action it takes through the Structural Funds ... the European Investment Bank, **other existing financial instruments, the Community Initiatives and the establishment of a legal instrument for creating 'European cooperation areas'**."*

- a second paragraph, worded as follows, could be added to Article 160:

" The Community Initiatives have the aim of promoting trans-European cooperation. The European Regional Development Fund shall also pursue this goal which is to be achieved, in particular, through participation in joint measures in support of the harmonious, balanced and sustainable development of areas involved in cross-border, inter-territorial and transnational cooperation."

h) In view of the importance of trans-European cooperation to the European integration process, **adequate funding** should also continue to be made available in the future. On the occasion of the next review of the Structural Funds – or even earlier - a substantial part of the available resources must be earmarked for these forms of cooperation. In this context consideration should be given initially to cooperation with the candidate states and non-EU states. Trans-European cooperation does, however, also remain an important instrument in the integration process in respect of the existing Member States. In this context, particular attention must be paid to those regions which currently constitute the border regions with the candidate states.

i) In order to ensure optimal effectiveness and efficiency in the use of funding, the various **sources of funding** should be better **coordinated**. Especially the Interreg- MEDA-, Tacis-, Phare-, TEN- and ISPA- instruments and programmes should compose a more compact and better coordinated set of support systems.

j) Member States and the European Union must encourage the setting-up in every Member State of **information centres** where citizens, public authorities and companies can put questions about obstacles to cross-border, inter-territorial and transnational cooperation.

k) The Committee of the Regions calls upon the European Commission to issue within two years a **White Paper** on trans-European cooperation, in which the recommendations made in this opinion and in the survey are further developed and synthesised as a cohesive policy. This White Paper could be drawn up by a European Commission working party, made up of representatives from the DGs involved, the Member States, the Committee of the Regions and the representative European associations of non-central authorities.

27. The Committee of the Regions asks the Council of Ministers, the European Commission and the European Parliament to take account of the recommendations set out in this opinion when further fleshing out the policy on trans-European cooperation.

Brussels, 13 March 2002

The President

of the

Committee of the Regions

The Secretary-General

of the

Committee of the Regions

Albert Bore

Vincenzo Falcone

¹ OJ C 51 of 22 February 1999, p.21

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