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Transfrontier co-operation

Report
Committee on the Environment, Agriculture and Local and Regional Affairs
Rapporteur: Mr Ivan POPESCU, Ukraine

Summary

Transfrontier co-operation is a key aspect of the Council of Europe's work to promote democratic stability and mutual understanding between states and populations, including people from minorities, by strengthening partnership and dialogue between politicians and civil society. This co-operation remains essential to Europe's stability and continues to play a central role in promoting the values on which the Council of Europe is founded.

The report reviews the challenges of transfrontier co-operation, as well as its difficulties and opportunities, by analysing the legal and institutional framework of transfrontier co-operation, its financing as well as the structural particularities of cross-border territories. It draws the conclusion that the development of transfrontier co-operation goes hand in hand with a strengthening of the decentralisation process, reflecting the principle of subsidiarity, and is impossible without a public-private partnership between all politicians, socioeconomic players and civil society.

Appropriate recommendations are made to the Committee of Ministers, to the European Union and to the local and regional authorities on national borders.

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A. Draft recommendation

1. The Parliamentary Assembly considers transfrontier co-operation as a key aspect of the Council of Europe's work to promote democratic stability and mutual understanding between states and populations, including people from ethnic and national minorities, who often live in border regions.

2. The Assembly points out that such co-operation is conducted by strengthening public-private partnership and dialogue between politicians and civil society. This co-operation remains essential to Europe's stability and continues to play a central role in promoting the values on which the Council of Europe is founded: democracy, the rule of law and respect for human rights.

3. Recent decades have been marked by the signing of a great many co-operation agreements between countries and between local and regional authorities. Having appeared initially in the form of twinnings between municipalities, transfrontier co-operation has spread to new areas (labour market, development of cross-border transport, sharing of health facilities, formulation of consistent spatial planning policies, protection of the environment, etc.) and to new players (such as the regions). Integrated approaches of the "euroregion" and "eurodistrict" type have emerged.

4. The Assembly notes that European integration has led to growing needs in the transfrontier co-operation field: on the one hand, with the gradual disappearance of intra-European borders, there is a need to support the emergence of projects on borders that were closed for several decades and to turn border regions that were once highly marginalised into genuine protagonists of European integration. On the other hand, there is also a need to manage the new external borders of the European Union in such a way as to allow those taking an active part in transfrontier co-operation to meet the challenges arising from the new political, economic, social and cultural situations, while at the same time guaranteeing sufficient controls at the borders of the European Union.

5. The Council of Europe took the first steps towards establishing a specific legal framework for transfrontier co-operation by adopting the 1980 European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (the "Madrid Convention"), to which two protocols were added in 1995 and 1998 (ETS Nos. 106, 159 and 169). The Committee of Ministers subsequently adopted the 2002 Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe and the 2003 Chişinău Declaration on Transfrontier and Interterritorial Co-operation between States in South-Eastern Europe.

6. The Assembly draws attention to the principles set out in the European Charter of Local Self-Government (ETS No. 122), which serves as a reference for the establishment of genuine local democracy in member states, and Article 10 of the charter, on local authorities' right to associate, which states that they are "entitled, in exercising their powers, to co-operate and, within the framework of the law, to form consortia with other local authorities in order to carry out tasks of common interest".

7. The Council of Europe may therefore now be seen as a pan-European forum for dialogue and exchange of experience between transfrontier co-operation players and a source of political impetus. The Committee of Experts on Transfrontier Co-operation (LR-CT), comprising experts from the governments of the Council of Europe member states, has published a transfrontier co-operation handbook and a practical guide to transfrontier co-operation for local authorities in Europe. The 8th European Conference of Border Regions, which the Assembly and the Congress held in Lutsk (Ukraine) in September 2005, provided the opportunity to consider developments in transfrontier co-operation in Europe since 1972, the year of the first conference.

8. The Assembly also welcomes the creation of the Adriatic euroregion, at the initiative of the Congress of Local and Regional Authorities of the Council of Europe and with its support (as expressed in Resolution 1446 (2005) on co-operation and sustainable development in the Adriatic Basin), and the important steps taken towards establishing a Black Sea Euroregion, at the initiative of the Congress.

9. The Guiding Principles for Sustainable Spatial Development of the European Continent, adopted by the European Conference of Ministers responsible for Regional Planning (CEMAT), also draw attention to the territorial dimension of democracy and social cohesion policy and acknowledge the importance of transfrontier co-operation between the Council of Europe member states, their regions and their local authorities.

10. Above and beyond the legal and spatial planning aspects, emphasis should also be laid on the major role played by the European Union (EU) in providing financial support for transfrontier co-operation since the 1990s. The legal framework for transfrontier and inter-regional cooperation has recently been consolidated as

a result of the adoption of the EU Regulation on a European grouping of territorial co-operation (EGTC), which is a tool for setting up bodies to manage transfrontier and interterritorial co-operation projects and initiatives, which may benefit from EU funding.

11. The Assembly considers that if political will is to be implemented in the field, all the political organisations concerned – Council of Europe, European Union, central governments, regional and local authorities – must support existing schemes and the emergence of innovatory forms of co-operation by developing appropriate legal instruments, financial instruments and instruments of territorial expertise.

12. The Assembly, for its part, intends to continue its co-operation with the European regional institutions concerned and with the Congress of Local and Regional Authorities of the Council of Europe with a view to devising a common approach and exploit the considerable potential that transfrontier co-operation presents for tomorrow's Europe.

13. The Assembly therefore invites the Committee of Ministers to urge member states to:

13.1. engage in transfrontier co-operation among themselves and to involve their local and regional authorities in this process, particularly by means of appropriate, observation, planning research, training and networking tools;

13.2. assign to their local and regional authorities the powers and the financial resources required for transfrontier co-operation and to address the needs of transfrontier co-operation in their national legislation, in accordance with Recommendation Rec(2005)2 of the Committee of Ministers on good practices in and reducing obstacles to transfrontier and interterritorial co-operation between territorial communities or authorities;

13.3. co-ordinate among themselves their policies with regard to cross-border territories, in agreement with the local and regional authorities concerned;

13.4. do more to address the needs of the inhabitants of cross-border territories in all their policies, both area-based and sector-based (economy, employment, training, culture, transport, health, local development policies, infrastructure and public service policies);

13.5. ratify the Madrid Convention (ETS No. 106) and its two protocols, if they have not already done so;

13.6. grant special legal status to the euroregions;

13.7. encourage the development of transfrontier co-operation at the outermost borders of the geographical area covered by the Council of Europe, by sharing the principles of transfrontier co-operation with non-member states.

14. It also recommends that the Committee of Ministers:

14.1. invite the European Committee on Local and Regional Democracy (CDLR) to speed up, with a view to completing it, work on the third protocol to the Madrid Convention on Transfrontier Co-operation between Territorial Communities or Authorities, on Euroregional Co-operation Groupings, in co-operation with the European Commission;

14.2. instruct the sectors concerned, in particular the European and Mediterranean Major Hazards Agreement (EUR-OPA) and the European Conference of Ministers responsible for Regional Planning (CEMAT), to promote transfrontier co-operation in their work, particularly at the borders of the area covered by the Council of Europe.

15. The Assembly also invites local and regional authorities on national borders to:

15.1. use their powers and the legal tools available to structure integrated transfrontier co-operation projects of the Euroregion and Eurodistrict type;

15.2. join together in defining the appropriate form of governance for their transfrontier co-operation projects in their respective areas.

16. The Assembly also invites the Congress to pursue its commitment to transfrontier co-operation as a motivating factor for European integration and the socio-economic development of local and regional authorities in border areas.

17. The Assembly also urges the European Union to continue and to increase its financial support to projects concerning transfrontier co-operation between local and regional authorities, in particular through the operational programmes under the European Neighbourhood and Partnership Instrument (ENPI), and to involve the countries concerned in the management of the programmes, in particular at the external borders of the European Union.

B. Explanatory memorandum, by Mr Ivan Popescu

1. Introduction

1. Transfrontier co-operation is a key aspect of the Council of Europe's work to promote democratic stability and mutual understanding between states and populations, including people from ethnic and national minorities, by strengthening public-private partnership and dialogue between politicians and civil society. This co-operation remains essential to Europe's stability and continues to play a central role in promoting the values on which the Council of Europe is founded: democracy, the rule of law and respect for human rights.

2. The European integration implemented by the Council of Europe member states makes it possible for local and regional authorities in border areas to play a part in this process by building real "cross-border territories".

3. Cross-border configurations vary: a good many European borders are already "lived territories", living and employment areas characterised by the numerous flows and exchanges that pass through them.

4. These cross-border territories, which have a duty to meet the needs of their populations, are confronted on a daily basis with "border effects", which, depending on the situation, represent:

– a source of imbalance due to the fact that national political, administrative, legal and fiscal frameworks are unsuited to the reality of cross-border functioning;

– opportunities arising from the new "economies of agglomeration" related to the gradual opening of borders and the potential offered by linguistic and cultural diversity.

5. Recent decades have been marked by the signing of a great many co-operation agreements between states and local and regional authorities.[1]Having appeared initially in the form of twinnings between towns and villages, transfrontier co-operation has spread to new areas (labour market, development of cross-border transport, sharing of health facilities, formulation of coherent spatial planning policies, protection of the environment, etc.) and to new players (such as the regions). Integrated approaches of the "euroregion" and "eurodistrict" type have emerged.[2]

6. European integration has led to growing needs in the transfrontier co-operation field: on the one hand, with the gradual disappearance of intra-European borders, there is a need to support the emergence of projects on borders that were closed for several decades and to turn border regions that were once highly marginalised into genuine protagonists of European integration.[3]On the other hand, there is also a need to manage the new external borders of the European Union in such a way as to allow transfrontier co-operation players to face up to the challenges arising from the new political, economic, social and cultural realities, while at the same time guaranteeing sufficient controls at the borders of the European Union.[4]

7. To meet these needs, the Council of Europe, the European Union and their member states have undertaken numerous initiatives to foster the emergence and sustainability of cross-border projects on all borders by establishing an appropriate framework for action. With the enlargement of the European Union, closer co-operation between the two institutions has proved appropriate, as the Council of Europe can give these new border areas the benefit of its experience in order to mitigate any adverse effects that enlargement might have on transfrontier co-operation.[5]

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1. For example, the agreement between the municipality of Jubarkas in Lithuania and the voivodship of Konin in Poland in 1997 or the Protocol of Agreement signed in 1982 between the Palatinate park in Germany and the Vosges nature park in France.
2. For example, the DKMT (Danube-Kris-Mures-Tisa) euroregion between Hungary, Romania and Serbia, which has extended its areas of co-operation since it was established to include co-operation in the academic, disaster preparedness and infrastructure improvement fields.
3. Recommendation Rec(2002)1 of the Committee of Ministers to member states on the Guiding Principles for Sustainable Spatial Development of the European Continent, adopted on 30 January 2002, at the European Conference of Ministers responsible for Regional Planning (CEMAT).
4. Study by the Committee of the Regions on the European grouping of territorial co-operation (EGTC), January 2007.
5. Document entitled "Developing dialogue, co-operation and trust across European frontiers: the role and contribution of the Council of Europe", 2004.

8. The Council of Europe took the first steps towards establishing a specific legal framework for transfrontier co-operation by adopting the 1980 Madrid Convention, then, in 1995, its Additional Protocol. The Committee of Ministers subsequently adopted the 2002 Vilnius Declaration on Regional Co-operation and the Consolidation of Democratic Stability in Greater Europe and the 2003 Chişinău Political Declaration on Transfrontier and Interterritorial Co-operation between States in South-Eastern Europe.

9. The Council of Europe may be seen today as a pan-European forum for dialogue and exchange of experience between transfrontier co-operation players and a source of political impetus. In this connection, we should point out the existence of a committee of experts on transfrontier co-operation (LR-CT), composed of experts from the governments of the Council of Europe member states, which has published a transfrontier co-operation handbook and a practical guide to transfrontier co-operation for local authorities in Europe. The Committee of Advisers for the Development of Transfrontier Co-operation in Central and Eastern Europe has also played a key role in the process of ratification of the Madrid Convention and the setting-up of euroregions in this part of Europe.[6]

10. For their part, the Guiding Principles for Sustainable Spatial Development of the European Continent, adopted by the European Conference of Ministers responsible for Regional Planning (CEMAT), draw attention to the territorial dimension of democracy and social cohesion policy and acknowledge the role played by transfrontier co-operation between the Council of Europe member states, their regions and their local authorities.

11. In the European Union, the European Spatial Development Perspective (ESDP), approved in 1999, and the Territorial Agenda, approved in Leipzig in May 2007 by the member states and the European Commission, echo CEMAT's guiding principles. Above and beyond the legal and spatial planning aspects, emphasis should also be laid on the major role played by the European Union in providing financial support for transfrontier co-operation since the 1990s.

12. If all European territories – regions, metropolises, towns, rural areas, natural areas – are invited to contribute to the sustainable spatial development of the European continent, this applies even more to cross-border territories: from the economic standpoint (through wealth creation, via the development of competitiveness clusters, cross-border research and innovation networks, etc.), the social standpoint (through the emergence of dynamic cross-border labour markets) and the environmental standpoint (through the development of shared responsibility for the preservation of natural resources, biodiversity and risk management).

13. The Council of Europe member states are engaging in transfrontier co-operation on all borders. However, difficulties remain and political will needs to be implemented in the field. All the politicians and field workers concerned – Council of Europe, European Union, central governments, regional and local authorities – must support the continued existence of schemes and the emergence of innovatory forms of co-operation by developing legal instruments (Part 1), financial instruments (Part 2) and instruments of territorial expertise (Part 3).

2. Challenges of transfrontier co-operation: difficulties and opportunities

How can transfrontier co-operation be strengthened at European level?

14. The aim of achieving the sustainable integration of European territory has led states to recognise the need for transfrontier co-operation between local and regional authorities on both sides of borders. The development of an action framework tailored to the specific requirements of transfrontier co-operation helps to overcome the cultural, institutional, administrative and financial obstacles to the practical implementation of cross-border projects.

15. The emergence of innovative forms of co-operation and the sustainability of cross-border projects must be viewed from three related angles: first, a legal and institutional framework tailored to cross-border projects must be formulated. Secondly, because local and regional authorities are the leading players in transfrontier co-operation, as well as being permitted to exercise their powers and responsibilities in a transfrontier context, they must be given the financial capacity needed for real freedom of action. Lastly, it is important to meet the need for transfrontier expertise in order to give a structure to cross-border territories.

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6. The Congress of Local and Regional Authorities of the Council of Europe also launched the idea of an Adriatic euroregion as an instrument for co-operation and European integration for the countries of the Western Balkans.

2.1. Developing the legal and institutional framework of transfrontier co-operation

16. After being faced initially with a legal vacuum, transfrontier co-operation law has been gradually built up and fleshed out in order to meet the need for legal certainty and structured projects.

17. After reiterating the common principles of the legal framework of transfrontier co-operation, we shall describe the substance of transfrontier co-operation law as developed by the Council of Europe and the European Union, and we shall then put forward some recommendations for ways of meeting the new challenges.[7]

2.1.1. Common principles of transfrontier co-operation

18. These principles apply to all cross-border projects undertaken by the local and regional authorities of the Council of Europe member states, irrespective of whether states have signed the Madrid Convention.

19. The institutional capacity of local and regional authorities to co-operate with authorities or other entities in neighbouring countries depends on the existence of national legal provisions or international agreements authorising them to do so.

20. Local authorities can only co-operate with authorities in neighbouring countries to the extent that their national law permits. Transfrontier co-operation is not an additional power but a way of exercising the powers which authorities hold under their national law. It is the national laws by which local authorities are governed and, to a lesser extent, the international agreements relating to transfrontier co-operation which will determine how much room for manoeuvre they have.

21. Local and regional authorities co-operate within their common areas of competence, excluding police and regulatory powers, in accordance with the national legislation by which they are governed and while complying with the international commitments entered into by the states to which they belong.

22. In accordance with the principles established, local and regional authorities may conclude co-operation agreements enabling them to formalise co-operation schemes, conduct cross-border investment projects or set up transfrontier co-operation bodies with or without legal personality.

23. Conditioned by national legislation and confronted initially with a lack of suitable structures for transfrontier co-operation, local authorities borrowed the legal forms available in Community law and in their respective national laws in order to establish transfrontier co-operation bodies: European economic interest grouping (EEIG), association, foundation, etc.

2.1.2. European legal framework

24. In adopting the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities in 1980, the Council of Europe laid the cornerstone for transfrontier co-operation at European level. Under this instrument, each state “undertakes to facilitate and foster transfrontier co-operation between territorial communities or authorities within its jurisdiction and territorial communities or authorities within the jurisdiction of other Contracting Parties”, by supporting the conclusion of agreements between local authorities and, if necessary, inter-state agreements specifying the co-operation arrangements.[8]Lacking operational provisions, the Madrid Convention was supplemented by an Additional Protocol.[9]The purpose of this protocol is to strengthen the convention by explicitly recognising, subject to certain conditions: the right of local and regional authorities to conclude transfrontier co-operation agreements, a principle also set forth in the Charter of Local Self-Government (ETS No. 122),[10]as well as the legal force under national law of measures taken and decisions adopted under a transfrontier co-operation agreement and the legal entity status of any co-operation body set up under such an agreement.

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7. For further details, see the Council of Europe’s “Practical guide to transfrontier co-operation”, produced by the Mission Opérationnelle Transfrontalière (MOT), 2006: www.espaces-transfrontaliers.org.

8. According to the Council of Europe’s “Handbook on transfrontier co-operation – 2006 edition”, 33 states out of 46 had ratified the convention as of 30 June 2006.

9. According to the same source, this protocol had been ratified by 17 states and signed by another six as of 31 December 2005.

10. Article 10 of the Charter of Local Self-Government: “Local authorities shall be entitled, under such conditions as may be provided for by the law, to co-operate with their counterparts in other states”. The charter came into force in 1988.

25. In the absence of any legal oversight by the Council of Europe over the member states, due recognition should nevertheless be given to its role in the political promotion of transfrontier co-operation through the large number of inter-state agreements since 1980.

26. These inter-state agreements specify the co-operation arrangements in the border areas concerned on the basis of the principles contained in the Madrid Convention. The convention is the common legal instrument for all these agreements. Some of them allow foreign authorities to participate in bodies existing under national law[11] and others also make it possible to set up original transfrontier co-operation bodies, such as the local transfrontier co-operation grouping (GLCT) established by the Karlsruhe Agreement.[12]

27. These legal advances enabled many projects to be implemented. However, the limited geographical scope of each agreement and the different regulatory landscape on either side of the border called for an innovatory approach.

28. In July 2006 the European Union adopted a Regulation on a European Grouping of Territorial Co-operation (EGTC), the only instrument available in the 27-member European Union. The regulation recognises the "Council of Europe *acquis*". This transfrontier co-operation body vested with legal personality may be composed of local authorities and public-law bodies, but its real contribution lies in the participation of state authorities. This will open up new areas of co-operation and allow states to be protagonists in transfrontier co-operation and not merely its regulators. These groupings will be open to entities from third countries, including state authorities, but only under certain conditions. So, for example, given that an EGTC must comprise at least two European Union member states, bilateral co-operation arrangements involving a member state and a third country will not be covered by this new instrument. The EGTC should also contribute to a strengthening of the principles of multilevel governance in that it will bring together the protagonists of transfrontier co-operation at all levels.

29. The Council of Europe and the European Union are currently discussing the drawing up of a new convention establishing Euro-regional co-operation groupings. Among other things, this instrument could provide the legal basis allowing European Union non-member countries to participate in EGTCs. The Madrid Convention, which is the only Europe-wide reference instrument in this sphere, needs to be supplemented by a further protocol setting out rules applicable to all Council of Europe member states in respect of transfrontier co-operation bodies.

30. The Assembly has noted that work is under way and that it was approved by the European Ministers for Local and Regional Government at the 15th Session of their conference, in Budapest in 2005. It considers, given that Regulation 1082 has been in force since August 2007, that it is necessary to speed up completion of the work, while taking care, of course, that the solutions adopted by the Council of Europe are compatible with, and do not duplicate, the provisions concerning EGCTs. The European Commission could, moreover, be involved in the work, in the spirit of the Memorandum of Understanding between the European Union and the Council of Europe.

2.2. Ensuring appropriate and sustainable financing for transfrontier co-operation

31. It is not enough for local authorities to have the legal capacity to implement transfrontier co-operation projects effectively and sustainably. They must also have genuine financial capacity. This principle is set forth in the Charter of Local Self-Government (Article 9).

32. Transfrontier co-operation is usually funded from the own resources of local authorities in border areas, whose means are often limited and which therefore have to rely on co-financing, which may be public (Community, national or regional) or private (public-private partnership).

2.2.1. Community co-financing

33. Since the 1990s, the European Union has allocated large sums to local and regional authorities in the member states for transfrontier co-operation purposes. Community support for this type of arrangement originally went to pilot projects, but it has become more formalised and is henceforth intended to support more structuring projects. This co-operation has now been raised to the status of an objective of the European Union's cohesion policy for the period 2007-13. Hitherto supported by the INTERREG programme (covering

11. The Bayonne Agreement allows French and Spanish authorities to be members of a *consorcio*, a body existing under Spanish law.

12. Under the 1998 Karlsruhe Agreement, such groupings may be set up on the borders between France, Germany and Switzerland. The 2002 Brussels Agreement allows them to be set up on the Franco-Belgian border.

trans-European co-operation), transfrontier co-operation will henceforth be covered by the "Territorial co-operation" objective and will receive more funding (80% of the funds earmarked for "territorial co-operation", that is to say €5.9 billion).[13]

34. The European Union also provides for support for co-operation projects on the EU's external borders with entities in neighbouring states: the old PHARE, TACIS and CARD programmes and the external component of the INTERREG programme will be covered by two new instruments, namely the pre-accession instrument (PAI) and the new European neighbourhood and partnership instrument (ENPI).[14]Relations with the Russian Federation are the subject of a specific strategic partnership.

35. The PAI is designed to strengthen the stabilisation and association process for these countries in preparation for entry into the European Union. The transfrontier co-operation component is open to the candidate countries (Croatia, Turkey, "the former Yugoslav Republic of Macedonia") and the potential candidate countries (Albania, Bosnia and Herzegovina, Serbia and Montenegro), all of which are members of the Council of Europe.

36. With the ENPI, the Union is offering its immediate neighbours by land or sea, countries of eastern Europe, the Southern Caucasus and the southern Mediterranean,[15]a special relationship based on a mutual commitment to common values (democracy and human rights, the rule of law, good governance, market economy principles and sustainable development). These can be recognised as values shared by the Council of Europe. The ENPI concerns five Council of Europe member states: Armenia, Azerbaijan, Georgia, Moldova and Ukraine. The new ENPI has a component devoted to transfrontier co-operation with the following four objectives: promoting economic and social development in regions on both sides of common borders; addressing common challenges, in fields such as the environment, public health and the prevention of and the fight against organised crime; ensuring efficient and secure borders; and promoting local cross-border "people-to-people" action. The co-financing provided by the ENPI, amounting to a total of €583.28 million for the period 2007-10, represents a lever for transfrontier co-operation on the external borders of the European Union and shows how the activities undertaken by the European Union and the Council of Europe complement one another. Furthermore, while the European Union offers its partners financial support, they undertake to carry out reforms, particularly as regards democratisation and the rule of law, leading, among other things, to recognition of the institutional capacity of local and regional authorities in the European Union's partner countries to participate in transfrontier co-operation.

2.2.2. National and regional co-financing

37. There are also co-financing arrangements at national level. In Estonia, for example, a national programme has been set up to co-finance cross-border activities and research. In France, state-region project agreements can provide support for transfrontier co-operation.

38. Above and beyond the implementation of this political will through adoption of an appropriate legal framework and the deployment of sufficient financial resources, some real operational challenges arise. The major challenges to be addressed in the development of transfrontier co-operation fall within a number of fields.

2.3. Structuring cross-border territories

39. Proper recognition should be given to the importance of thematic and territorial engineering in providing essential support for the development of sustainable and integrated transfrontier co-operation schemes which require a whole range of tools depending on the themes covered and the specific characteristics of cross-border territories.

2.3.1. Territorial approach

40. Like all European territories, cross-border territories exhibit a wide variety of configurations: urban, rural, natural and maritime territories, which call for specific approaches.

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13. For purposes of comparison, 18.5% (€1.4 billion) is earmarked for transnational co-operation and 3.9% (€30 million) for the inter-regional component.

14. www.ec.europa.eu/world/enp/policy_en.htm.

15. The beneficiaries of the ENPI are: Algeria, Armenia, Azerbaijan, Belarus, Egypt, Georgia, Israel, Jordan, Lebanon, Libya, Moldova, Morocco, Palestinian Authority, Syria, Tunisia and Ukraine.

– *Cross-border conurbations*

41. Integrated cross-border conurbations[16](and, more generally, cross-border urban networks), whose urban characteristics are very distinctive, are the crucible of transfrontier co-operation. These cross-border "living areas" have hitherto received little attention as specific entities either from politicians or from European and national legislation. These conurbations have specific problems owing to the fact that their cross-border location adds to the complexity of the problems with which "national" conurbations may be faced: flow of workers towards cross-border industrial and business areas, saturation of the road network, interaction in terms of pressures on land and property, additional cost of nonconurbation areas (separate management of services and provision of common facilities), and cross-border institutional, administrative and legal disparities.

Examples of co-operation

42. However, some cross-border conurbations succeed in managing these "border effects". The Swiss city of Basle is an example of a segmented trinational conurbation involving Swiss, French and German authorities. It lies at the centre of an economic and cultural area with a total population of over 600 000. This European metropolis recently designated itself as the Basle Trinational Eurodistrict.[17]

43. For their part, the border towns of Haparanda (Sweden) and Tornio (Finland) have been working in synergy for many years thanks to the strong political will shown by elected representatives. The two municipalities have pooled their education and health services and their municipal amenities and jointly organise cultural and sports events. Residents also have a cross-border information centre at their disposal.

44. Lastly, the border towns of Gorizia (Italy) and Nova Gorica (Slovenia) have taken advantage of Slovenia's recent accession to the European Union to reconstitute a cross-border conurbation, symbolised by the laying out of a square (United Europe Square) as a new physical link between the two towns. Some of these conurbations or urban networks have metropolis stature (Copenhagen-Malmö, Vienna-Bratislava, Chernivtsi-Suceava, Lille, Basle, etc.); their cross-border nature represents an asset both for themselves and for European integration.

– *Cross-border rural and natural territories*

45. Transfrontier co-operation also concerns rural areas, which in fact outnumber all other types of territory on Europe's borders. These vast coastal, mountain or lowland areas, which are often sparsely populated, are subject to specific constraints related in particular to their limited financial, technical and human resources. For these areas, transfrontier co-operation represents a path of local development. This co-operation enables them not only to pool certain local assets, amenities and public services, but also to be identified more easily within a changing Europe.

46. At the cross-border level, protected areas, whose management illustrates the increasing attention paid to sustainable development (preservation of flora and fauna, but also of traditional landscapes and the typical skills of these areas), are the vehicle for a new type of economic development based on business, tourism projects and concerted planning.

47. A special feature of the mountain area straddling the border between Romania and Ukraine should be mentioned here, where communities of different ethnic origins (Ukrainians, Hutsuls, Russians, Romanians, Poles, Slovaks, Czechs and Hungarians), mostly small upland farmers, have traditionally lived together in harmony. They are faced with the same problems that are encountered in other mountain regions in Europe: low soil fertility, sloping terrain, a harsh climate, few jobs, low incomes, a high poverty rate among the rural population, poor road infrastructure, isolation, transportation difficulties, etc.

48. Farm producers in mountain regions are the most faithful custodians of valuable economic and multicultural traditions: they alone are able to ensure the continuity of economic, farming and forestry activities, the preservation of biodiversity, the provision of high-quality agri-food and tourism products and the utilisation of material and cultural mountain resources, having real opportunities in this area thanks to the development of rural tourism and mountain agritourism. An effective special policy designed to stimulate the preservation and motivation of this population category is becoming a prerequisite for sustainable development.

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16. In its study entitled "La gouvernance dans les agglomérations transfrontalières", the MOT identified over 60 cross-border conurbations: -transfrontaliers.org.
17. www.eurodistrictbasel.eu.

Example of co-operation

49. The Mont-Blanc Space,[18] on the borders between France, Italy and Switzerland, comprises 35 local authorities with a total area of 220 000 hectares and a population of 100 000. The project has four main aims: to support upland farming, preserve natural areas and landscapes, encourage soft tourism and reduce the impact of transport. It represents an example for the sustainable and integrated development of a cross-border territory.

50. A transfrontier co-operation project between Romania and Ukraine, supported by the European Union and the Romanian Government under the Phare 2004 CBC programme between Romania and Ukraine and focusing on the theme of "Education for sustainable development of rural and mountain areas through agritourism: 'the kiss of the mountains'", has been running successfully since December 2006 and is due to end in October 2008. The project has already yielded some practical benefits through transfers of experience between the mountain regions of the county of Suceava (Romania), in the Dorna River Basin, and the Storozhynetskyi, Vyzhnystkyi and Putylskyi districts (Ukraine), with prospects for continuation of the work and expansion in the years ahead. The project represents a good example of how economic and social development can be guided and encouraged and of how co-operative relations can be established on a permanent basis and intensified in such a unique multicultural area. The beneficiary of the project is the National Association for Sustainable Development of Mountain Areas (ROMONTANA), in partnership with the Forum Montan of Romania, the Training and Innovation Centre for Development in the Carpathians (CEFIDEC, Vatra Dornei), the Federation of Upland Farmers – Dorna, Suceava County Council (Romania), the City of Chernivtsi Community Organisation, the Bukovyna Partnership Agency (Chernivtsi), 15 associated local authorities, and mountain areas of Storozhynetskyi, Vyzhnystkyi and Putylskyi districts (Ukraine).

– *Local maritime co-operation*

51. Local maritime cross-border co-operation can be defined as relations between local communities or authorities on maritime borders, focusing on common activities. It comprises a strong "territorial" dimension in contrast to co-operation projects in larger maritime areas. There are many subjects of co-operation: maritime transport links, improvement of port and urban areas, economic development, tourism and co-operation on tourism and culture, conservation of the marine environment, integrated management of coastal areas, etc.

52. The sea represents at one and the same time a natural barrier and a link. This has a profound impact on transfrontier co-operation. The two main obstacles facing maritime areas concern accessibility and the lack of crossborder culture.

Example of co-operation

53. The project for an international marine park between Corsica (France) and Sardinia (Italy) seeks to make this site a "protected" area in order to optimise environmental management and the development of economic activities while complying with ecological requirements. The parties involved in the project have undertaken joint scientific monitoring assignments, joint cultural events based on the common natural heritage, etc.

2.3.2. "Operational tools" approach

54. Cross-border territories, whether urban, rural or maritime, have common needs in terms of territorial engineering: observation, planning and training in co-operation.

– *Observation and planning of cross-border territories*

55. Whether they are living and employment areas, functional urban areas, metropolitan areas or rural districts, these "lived territories" challenge traditional political and administrative arrangements.

56. Most cross-border territories currently lack relevant statistical indicators adapted to their size and configuration. Yet such indicators are essential for conducting a detailed and appropriate analysis of their functioning and their strengths and weaknesses, and for establishing diagnoses and shared sustainable development strategies on which common policies might be based.

18. http://espace-mont-blanc.com.

Example of co-operation

57. The European Development Pole (PED)based in Longwy forms a cross-border conurbation straddling the borders of France, Luxembourg and Germany. To put in place its development policy, the PED's cross-border association has relied since the 1990s on the territorial observation performed by the Urban Planning Observatory, now known as "Agape", the first trinational urban planning agency.

– *Training in cross-border co-operation skills*

58. The growing number of cross-border co-operation schemes means new needs in terms of skills. It is important therefore to identify the new practices involved in transfrontier co-operation which are likely to lead to the emergence of new professions.

Example of co-operation

59. The Euro-Institut in Kehl[19]is a Franco-German further training institution and a skills centre in the field of transfrontier co-operation and in specific fields. Its aim is to develop skills that can be transposed to other European regions. Activities take the form of binational seminars, working groups, staff exchanges, etc.

60. The Interform project,led by the Mission Opérationnelle Transfrontalière,[20]seeks to increase the professionalism of organisations and individuals involved in transfrontier co-operation by networking training institutions in border areas, setting up a documentation centre, conducting a survey of training institutions and designing training provision.

2.3.3. Thematic approach

– *The environment*

61. As the environment has no borders, co-operation between the organisations and individuals involved on either side of the border and increased responsibility on their part are essential to guarantee the preservation of cross-border areas, whether urban or natural (rural areas, river or maritime basins, mountain ranges, etc.).[21]This co-operation covers different areas of work: management of natural resources (fauna, flora, water, air, soil), including the prevention of pollution, the promotion of renewable energy sources, maritime safety, prevention and management of cross-border natural and technological hazards,[22]waste management, etc.

Example of co-operation

62. Faced with increased shipping on the Rhine, problems of pollution, the risk of chemical spills, etc., restoring the quality of the water of the Rhine and protecting flora and fauna emerged as priorities for the countries concerned – Germany, France, Luxembourg, the Netherlands and Switzerland – which set up the ICPR (International Commission for the Protection of the Rhine).[23]

– *Economic development*

63. Increased co-operation between local government players and business, training and research players is a key factor in harmonious and balanced territorial development. This co-operation need not be exclusively national, but can develop across borders in order to meet the needs of cross-border living areas. There are major obstacles to this co-operation: wage, price and tax differentials (which are matters of state sovereignty), linguistic, administrative and cultural differences, visa requirements, etc., are as many constraints or opportunities, depending on one's point of view, facing cross-border territories. The issue at stake is the need to move from a spirit of competition between territories to one of complementarity. Some Council of Europe member states are confronted with specific difficulties: on some borders – for example, between Azerbaijan

19. http://euroinstitut.org.
20. www.espaces-transfrontaliers.org.
21. Report of the 8th European Conference of Border Regions, September 2005.
22. Recommendation Rec(2002)3 of the Committee of Ministers of the Council of Europe on transfrontier co-operation in civil protection and mutual assistance in the event of natural and technological disasters occurring in frontier areas.
23. www.iksr.org.

and the Russian Federation or between Ukraine and the Republic of Moldova – the recent introduction of international borders is perceived as a serious hindrance to centuries-old commercial and economic co-operation between neighbouring communities.

– Employment and training

64. Employment represents a major challenge for the development of cross-border territories. Owing to the involvement of all the players concerned (employers, trade unions, public employment service), these territories are faced with specific difficulties due to the existence of borders: language and cultural barriers, administrative and regulatory problems, differences between employment systems and difficulties of co-ordination, disparities between tax and welfare systems, structural difficulties (infrastructure, mobility, etc.), socioeconomic and demographic differences, mismatch between training provision and needs, and differences in the systems for training and recognition of qualifications.

Example of co-operation

65. EURES (European Employment Service)[24]aims to facilitate the free movement of workers within the countries of the European Economic Area. There are currently over 20 EURES cross-border partnerships (EURES-T) spread geographically throughout Europe and involving more than 13 countries. These partnerships aim to meet the need for information and co-ordination connected with labour mobility in border regions. The EURES crossborder partnerships serve as valuable points of contact among employment administrations, both regional and national, and the social partners.

– Culture[25]

66. Heritage, architecture, museums, visual arts, books and reading, live performance, cinema and audiovisual productions, media, archives, etc. – cross-border cultural co-operation is characterised by a wide variety of projects and players.

67. Cultural co-operation projects are a decisive factor in people's identification with the cross-border territory where they live and in the emergence of a common crossborder identity. Such an identity lived by the population is essential for any planned cross-border territory to be established on a sound basis.

68. Furthermore, culture is an element in the cross-sectoral development of a territory and contributes, directly or indirectly, to the territory's enhancement. It thus represents a potential lever for other areas of co-operation such as tourism, economic development, the environment, etc.

69. Also, a better understanding and knowledge of the cultural references (history, heritage, artistic output, media, archives, language,[26]etc.) of the territories situated on the other side of the border facilitate co-operation projects in all fields and contribute greatly to their extension.

Example of co-operation

70. The Upper Rhine encounters project, on the borders between France, Germany and Switzerland, forms part of the 8th Tripartite Congress on Living Together in the Upper Rhine Area, whose aims are to put people at the centre of transfrontier co-operation, carry out joint projects to make everyday life easier in the cross-border area, and bring people together from both sides of the border. The project involves setting up a framework programme for funding micro-projects initiated directly by and for the citizens.

– Public transport

71. Cross-border public transport is central to the everyday life of cross-border living areas. It aids worker mobility in order to reduce road congestion on many borders and the related pollution and safety problems. However, the provision of cross-border transport, and particularly the creation of intermodal networks, is still at a low level in Europe. Its development comes up against major technical, legal and organisational difficulties:

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24. http://ec.europa.eu/eures.
25. Recommendation No. R (2000) 1 of the Committee of Ministers to member states on fostering transfrontier co-operation between territorial communities or authorities in the cultural field.
26. Council of Europe documents on the promotion of language learning: Recommendation Rec(2005)3 of the Committee of Ministers to member states on teaching neighbouring languages in border regions, and the 1992 European Charter for Regional or Minority Languages.

different regulations on either side of the border, technical differences between systems, great diversity of skill levels, etc. Another problem is the shortcomings in observation and knowledge of travel patterns in cross-border territories, which are highly detrimental to the pursuit of a development policy and effective planning of cross-border infrastructure.

Example of co-operation

72. The Egronet transport network is an integrated public transport network (bus, train, tram), with standard fares, offering an efficient and high-quality service to users in the *Länder* of Bavaria, Saxony and Thüringen (Germany) and the District of Karlovy Vary (Czech Republic).[27]

– Health[28]

73. Health issues are crucial to people living on European borders. Access to health care is an essential part of people's lives and takes on its full significance in a crossborder territory where local service provision is faced with obstacles related to the existence of a border: great diversity in public health administration and policies, in cultural approaches to health, in the players involved, the services provided, etc. Despite the signing of interstate framework agreements on cross-border health co-operation in the last few years, a major effort is required in this area.

Example of co-operation

74. The Cerdagne cross-border hospital projectis designed to provide this area between France and Spain with a medical facility capable of meeting the needs of an isolated mountain region with a population of around 30 000, rising to as much as 150 000 in the holiday season.

3. Conclusion

75. Transfrontier co-operation has grown significantly in Europe in the last thirty years. This phenomenon is likely to intensify in view of the increasing interest in such co-operation as a means of overcoming "border effects" in a European integration perspective, jointly managing shared problems and improving the quality of life of the inhabitants of cross-border territories.

76. The development of transfrontier co-operation goes hand in hand with a strengthening of the decentralisation process, reflecting the principle of subsidiarity, and is impossible without a public-private partnership between all politicians, socioeconomic players and civil society. It is an open-ended process based on experimentation, which should be addressed and embodied in concrete measures, as indicated in the recommendations made.

77. The difficulty of building common solutions at European level lies in the variety and complexity of transfrontier co-operation in Europe, in view of the many different political, social and cultural contexts. Nevertheless, territories that have been experimenting with co-operation for only a short time should be given the benefit of the experience of other cross-border territories at a more advanced stage in their co-operation projects.

Reporting committee: Committee on the Environment, Agriculture and Local and Regional Affairs.

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Draft recommendation unanimously adopted by the committee on 20 December 2007.

Members of the committee: Mr Walter **Schmied** (Chairperson), Mr Alan **Meale** (1st Vice-Chairperson), Mr Pasquale Nessa (2nd Vice-Chairperson), Mr Ruhi Açikgöz, Mr Milos Aligrudić, Mr Gerolf Annemans, Mr Ivo Banac, Mr Tommaso Barbato, Mr Rony Bargetze, Mr Paul Bradford (alternate: Mrs Cecilia **Keaveney**), Mr Ivan Brajović, Mr Mauro Chiaruzzi, Mrs Pikria Chikhradze, Mr Valeriu Cosarciuc, Mr Osman Coşkunoğlu, Mr Taulant Dedja, Mr Hubert **Deittert**, Mr Tomasz Dudziński Mr József Ékes, Mr Savo Erić, Mr Bill **Etherington**, Mr Nigel **Evans**, Mr Iván Farkas, Mr Adolfo **Fernández Aguilar**, Mr György Frunda, Ms Eva Garcia Pastor, Mr Konstantinos Gioulekas, Mr Peter Götz, Mr Vladimir **Grachev**, Mr Rafael Huseynov, Mr Stanisław Huskowski, Mr Jean **Huss**, Mr Fazail İbrahimlı, Mr Ilie **Ilaşcu**, Mr Mustafa Ilicali, Mrs Fatme

27. www.egronet.de.
28. Proceedings of the Seminar on Cross-border Health Co-operation, organised by the MOT in 2002.

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NB: The names of those members present at the meeting are printed in bold.

See 9th Sitting, 25 January 2008 (adoption of the draft recommendation); and Recommendation 1829.