



## Recommendation 1144 (1991)<sup>1</sup>

# Situation of frontier populations and workers

Parliamentary Assembly

1. With the twelve European Community member states on the verge of full integration and the frontiers which formerly separated us from the countries of Central and Eastern Europe now open, a single pan-European area is a geopolitical reality in the foreseeable future.
2. Nevertheless, it must be admitted that the situation of frontier workers and other citizens living in frontier areas still raises many problems and has scarcely improved despite the work carried out within the framework of both the Council of Europe and the European Communities.
3. In some regions, frontier workers are seen merely as manpower necessary for keeping the economy running smoothly, an attitude which makes it difficult for them to take part in the host society and impedes good community relations.
4. Learning the language and culture of the neighbouring area is an essential part of transfrontier co-operation.
5. Incompatibilities and contradictions between the different administrative systems persist and sometimes have far-reaching consequences for people living in frontier regions and crossing their national borders to work.
6. These problems relate to two specific fields : social protection and fiscal legislation, as well as to employment and working conditions, information and training.
7. It regrets above all that the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, adopted in Madrid in May 1980 and currently ratified by fifteen states, has no direct impact on the existing difficulties.
8. The Assembly also believes that it is urgent for the Council of Europe, bearing in mind the extension of its role on the European political scene, to seize the initiative once more in the matter of transfrontier co-operation, especially since disparities between border regions will be particularly felt along what used to be the dividing line between Western Europe on the one hand, and its Central and Eastern parts on the other.
9. It therefore requests the Committee of Ministers :
  - a. to lend fresh momentum to transfrontier co-operation within the Council of Europe and to give it suitable prominence in the intergovernmental programme ;
  - b. to analyse the problems which the advent of the Single Market in 1993 will pose to countries not members of the European Community, and more particularly those problems peculiar to frontier communities ;

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1. Assembly debate on 1 February 1991 (26th Sitting) (see [Doc. 6350](#), report of the Committee on the Environment, Regional Planning and Local Authorities, Rapporteur : Mr Cuatrecasas ; [Doc. 6368](#), opinion of the Committee on Economic Affairs and Development, Rapporteur : Mr Eicher ; [Doc. 6353](#), opinion of the Social, Health and Family Affairs Committee, Rapporteur : Mr Pini ; and [Doc. 6362](#), opinion of the Committee on Migration, Refugees and Demography, Rapporteur : Mr Grussenmeyer). Text adopted by the Assembly on 1 February 1991 (26th Sitting).



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- c. to incorporate in appropriate legal instruments the principles set out in Appendices I and II below relating to social security and fiscal measures, or to promote specific measures which would ensure that the said principles are put into practical effect in existing legal provisions ;
- d. to adopt, in pursuance of Article 3, paragraph 1, of the Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, the draft model agreement in Appendix III relating to lifelong training and equality in matters of working conditions, employment and information ;
- e. to instruct the Council of Europe Secretariat's documentation and information unit on transfrontier co-operation to carry out a more detailed analysis of the daily problems encountered by frontier communities ;
- f. to instruct it to draw up a programme of specialist assistance to help frontier communities with the problems of location in a border area.

## Appendix 1

### List of principles to be applied to social security

1. If a household living in a frontier area receives earnings in two different countries, it must be guaranteed the right to receive family allowances in one of the two countries.
2. If a frontier worker becomes eligible for an invalidity or retirement pension, it must be ensured that, after the deduction of any sums due in the country of residence, the final amount received is at least equal to the survival pension of other nationals.
3. A frontier worker who enjoys certain rights derived from his social cover - particularly in respect of old-age insurance, sickness insurance, unemployment benefit, accident and invalidity insurance - although resulting from occupational activities exercised in one of the states concerned, should be able to exercise the same rights equally in his country of residence and in his country of employment, both of which countries should safeguard these rights.
4. Social benefits cannot be refused on the grounds that a worker's residence or place of work is situated abroad.
5. If a person living in a frontier area works exclusively in one country, he should receive full social cover under the system of that country, without discrimination in comparison with national workers.
6. The social contributions of frontier-area residents working in two different countries should be calculated globally and full rights should be granted in one of the countries if they are not available in the other. Frontier workers should not suffer discrimination in comparison with their compatriots with regard to all benefits pertaining to social cover.
7. Frontier workers and members of their family should enjoy equal rights to medical assistance in both countries. A free choice of doctors and hospitals should be guaranteed to frontier workers and pensioners. Sickness insurance companies and funds should collaborate so that frontier dwellers are not at a disadvantage compared with nationals.
8. In the event of unemployment, frontier workers should have access, in accordance with their training, skills and the state of the labour market, to the official placement services in both the country of residence and the country where last employed. In all circumstances, frontier workers shall qualify for the unemployment insurance towards which they have contributed.
9. Joint labour offices - modelled on those in "Euregio" - should be set up in frontier regions in order to provide frontier workers access to the labour market throughout the frontier area.
10. The unemployment insurance bodies of both countries shall reach agreement on their respective spheres of competence. If it cannot be immediately established which agency has competence, the authority in the country of residence shall allocate a provisional benefit sufficient to guarantee the subsistence of the jobless frontier worker.
11. Frontier workers shall qualify for a pension in the event of total or partial incapacity. If a frontier worker has paid contributions exclusively in the country of employment, the payment of an invalidity pension on grounds of accident, illness or occupational disease shall be governed by the conditions of entitlement prevailing in the country of employment.
12. If a frontier worker has paid contributions in both countries, the conditions of entitlement of only one country should be applied. The calculation of benefits should be approved by the other state and all accessory benefits guaranteed.
13. If a frontier worker receives an early-retirement pension, the pension concerned should not be subject to taxes or other dues in contradiction with the entitlement.
14. Benefits allocated in the country of employment and of residence cannot be drawn twice. Nor can they be refused on the grounds that the place of residence or work is situated abroad. Frontier workers should at all events receive the social benefits to which they are entitled in one of the two countries. If a particular benefit (for example child, family or disablement allowance) is linked to residence in one state and to the place of work in the other state, steps must be taken to ensure that the benefit is paid in at least one of the two countries.

## **Appendix 2**

### **List of principles to be applied to taxation**

1. The taxation of frontier workers should be based on clear and equitable principles which take account of their earning capacity. The fiscal authorities of the states concerned should establish straightforward and comprehensible regulations.
2. Both the states concerned have a right to a share of the taxes levied on frontier workers, without the latter being obliged to pay taxes in both countries.
3. Residence for tax purposes should be established in the light of social security charges and currency conversion risks, so that frontier workers are not penalised in comparison with nationals.
4. Taxes on earnings in a third country The regional authorities or, subsidiarily, government authorities have defined the territory to be regarded as the "frontier area" as follows : ..... (definition).
5. Article 2
6. Frontier workers shall enjoy the same conditions of employment and work as national workers of the employing state.
7. Article 3
8. Frontier workers shall enjoy the same occupational mobility - at least within the limits of the frontier area - as workers who are nationals of the employing state.
9. Depending on the competence of the authorities concerned, jobless workers shall qualify for all job creation schemes.
10. Article 4
11. All institutions providing general and occupational training and all agencies providing lifelong occupational training, retraining, resettlement, etc. should be accessible to frontier populations and workers under the same conditions as for national populations and workers.
12. Article 5
13. A system will be set up for the recognition of occupational qualifications and certificates issued by institutions within the frontier area, in order to guarantee equality of treatment for people living in the frontier area of one party who wish to work or undergo further training or study in the other or one of the other party(ies).
14. In order to ensure equal conditions, steps should be taken to promote knowledge of the language and culture of the neighbouring border region.
15. Article 6
16. Each party shall acknowledge the capacity of the other party(ies) to issue certificates and other documents whose legal validity it shall undertake to recognise.
17. Article 7
18. The competent administrative authorities of frontier regions shall enter into agreements to update the provisions of the present inter-state agreement.