



Easing legal and administrative obstacles in EU border regions

Final Report



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Executive Summary

This final report of the study on “Easing legal and administrative obstacles in EU border regions” is structured along four chapters, which represent the methodological approach and the main outputs from the research, namely the inventory of obstacles, the case studies, and a paper, which will present conclusions and recommendations.

Introduction and Methodology

The present study was part of a wider cross border review launched by the Commission services in 2015. This review also entailed the realisation of a public consultation addressed to European citizens and of a Eurobarometer survey on the perceptions of citizens living in border regions.

Three general categories of border obstacles emerging from local, regional national or EU legislation as well as from different administrative practices were tackled in this research:

- Legal obstacles caused by an absence of EU legislation in policy fields where an EU competence exists or by shortcomings in a transposition of EU legislation into national law;
- Legal obstacles caused by incoherent or inconsistent domestic laws of EU-Member States in policy fields where no or only a partial EU competence does exist;
- Administrative obstacles caused by inadequate procedural and adverse behavioural aspects at the local, regional or national levels.

Five tasks were performed within the research work:

- Task 1: Report on the structure and methodology (Inception Report);
- Task 2: Inventory of legal and administrative border obstacles;
- Task 3: 15 Thematic case studies out of five policy areas;
- Task 4: Interaction with stakeholders, external border experts (advisors) and Commission Services;
- Task 5: Conclusions and Recommendations paper.

Inventory of obstacles – update and outlook

The inventory includes at date 239 cases of legal and administrative obstacles based on an extensive literature review and online research. Due to limited information, at date the inventory covers 37 out of the 40 internal EU land borders between Member States as well as between Member States and the neighbouring non-EU countries Norway, Switzerland, Lichtenstein and Andorra. However, the number of obstacles identified for each of these 37 internal EU land borders is highly variable.

The inventory is an empirical, partial and time-dependent “snapshot” of a specific situation prevailing in the period 2011-2015. This situation is currently changing very rapidly at many EU borders due to the impacts of the ongoing European refugee crisis (i.e. closure of borders or new border controls, questioning of the Schengen-area etc.). The key findings on the 239 legal and administrative obstacles are structured along seven “headline questions” reflecting the issues addressed in the inventory:

- A. What is the significance of the main obstacles types and who should take action?
- B. Which policy areas and fields of intervention are concerned by obstacles and where should action be taken?
- C. At which geographical scales are legal and administrative obstacles noticed?

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- D. What are the basic features, which characterise legal and administrative obstacles?
- E. What are the negative direct and secondary effects of obstacles and what is their wider impact on cross-border integration?
- F. What is the wider relevance of legal and administrative obstacles?
- G. What are solutions for solving or at least alleviating legal and administrative obstacles?

Case studies

The inventory provided a basis to carefully select 15 case studies of 15-20 pages each, with graphs, illustrations and annexes. The cases had to be selected from one of five policy areas, namely: industry/trade; labour market/education; social security systems (including health); transport; and policy planning/public services. Each case study focuses on one specific obstacle (or a few closely related obstacles) and draws on EU and local documentation and data as well as consultations with the Commission and local stakeholders. The case studies provide a tool with interesting points of reference and/or lessons for a wider policy and practice audience.

The final case study reports were submitted to the Commission after the last revision on 13th of January 2017. The procedure of case study elaboration throughout the project period up to mid-January was accompanied by comments from the Commission, discussions in the stakeholder meetings organised by DG Regio as well as the experts in the Advisory Board.

Paper: Conclusions and recommendations

The paper "Conclusions and Recommendations" consists of a 15 page paper with annexes highlighting the main case study findings, policy conclusions and recommendations. It will be produced in English, French and German. The paper was designed around the main objectives of the study on 'Easing legal and administrative obstacles in border regions', which are:

to take stock of the concrete legal/administrative obstacles still prevailing at the EU internal land borders

to describe the characteristics of these obstacles in a systematic manner;

to find out how the concerned authorities are dealing with them in order to derive good practice; and

to come forward with recommendations on how to ease these obstacles in the future.

The final version of the paper first describes the context of the study and then the research work is presented in three main chapters:

1. main findings and conclusions
2. good practice in easing legal and administrative obstacles
3. policy recommendations based on its findings and the tasks performed

Easing legal and administrative obstacles within the border regions is a task for **multi-level governance**. The territorial specificities demand locally (or regionally) embedded action, which makes use of the knowledge and engagement of local/regional citizens and businesses. The recommendations were made for the **local/regional** level, the **national** level and the **European** level.

The **local/regional level** need to drive the process of easing legal and administrative obstacles. Therefore, the creation of cross-border structures and processes is recommended.

An important role that should be fulfilled at **national level** is the seeking of a closer alignment and harmonisation of regulations with neighbouring countries and their administrative implementation. In addition to institution building, the national level should provide relevant information, should increase the use of e-government and should contribute to awareness raising and to developing the political will to tackle the obstacles.

The main function at **EU level** in easing legal and administrative obstacles is to support the counterpart efforts of the local, regional and national levels and to further increase the efficiency of the operation of existing EU instruments. The activities or instruments fall into the three broad categories: EU legislation, financial instruments and coordination/information.

Interaction with stakeholders, external border experts and Commission Services

The Metis team was responsible for following the activities of (i) the steering committee; (ii) the advisory group, (iii) the Commission services group (inter-service consultations). Furthermore, the DG Regio started a workshop series for stakeholder consultation, which were combined with consultation of other Commission services, to support the activities in the border obstacles review. Four of these workshops took place during the project implementation. The Metis team attended these meetings and presented preliminary findings of the research status quo.

In the course of the project, the following meetings took place: a kick-off meeting, seven advisory boards, six steering groups as well as five Commission inter-service consultations (incl. the consultations at the stakeholder workshops) were held.

The final results of the project were presented at the "Monday morning policy meeting", premises of DG Regio, **30th of January 2017**.

Résumé général

Le rapport final portant sur l'étude « Alléger les obstacles juridiques et administratifs dans les régions frontalières de l'UE » s'articule autour de quatre chapitres, représentant l'approche méthodologique et les principaux résultats découlant de la recherche, à savoir l'inventaire des obstacles, les études de cas, ainsi qu'un document qui présentera les conclusions et les recommandations.

Introduction et Méthodologie

La présente étude s'intègre dans le cadre d'un réexamen transfrontalier plus large lancé par les services de la Commission en 2015. Ce réexamen comportait également la réalisation d'une consultation publique auprès des citoyens européens ainsi qu'une étude Eurobaromètre sur les perceptions des citoyens vivant dans les régions frontalières.

Cette recherche a examiné trois catégories d'obstacles frontaliers provenant de la législation locale, régionale, nationale et au niveau de l'UE ainsi que des pratiques administratives différentes :

- Des obstacles juridiques liés à l'absence de législation européenne dans des domaines politiques où une compétence européenne existe ou par des lacunes dans la transposition du droit de l'UE en droit national ;
- Des obstacles juridiques provoqués par des législations internes incohérentes ou contradictoires dans les Etats membres de l'UE dans des domaines politiques dans lesquels il n'existe pas, voire seulement partiellement, une compétence de l'UE ;
- Des obstacles administratifs engendrés par des procédures inadéquates ou des comportements négatifs au plan local, régional ou national.

Cinq tâches ont été effectuées dans ce travail de recherche :

- Tâche 1 : Un rapport lié à la structure et à la méthodologie (Rapport initial) ;
- Tâche 2 : Un inventaire des obstacles juridiques et administratifs frontaliers ;
- Tâche 3 : 15 études de cas thématiques émanant de cinq domaines politiques ;
- Tâche 4 : L'interaction entre les parties prenantes, les experts en matière de sécurité aux frontières (des conseillers) et les services de la Commission ;
- Tâche 5 : Le document portant sur les conclusions et les recommandations.

Inventaire des obstacles - -bilan et perspective

A ce jour, l'inventaire comprend 239 cas d'obstacles juridiques et administratifs basés sur une analyse documentaire approfondie et de la recherche en ligne. En raison d'un manque d'informations, à ce jour, l'inventaire couvre 37 des 40 frontières intérieures de l'UE entre les Etats membres mais aussi entre des Etats membres et des pays voisins non membres de l'UE tels que la Norvège, la Suisse, le Lichtenstein et Andorre. Toutefois, le nombre d'obstacles identifiés pour chacune de ces 37 frontières intérieures de l'UE varie considérablement.

L'inventaire constitue un "instantané" empirique, partiel et lié au temps d'une situation spécifique entre 2011 et 2015. Actuellement, la situation change rapidement aux nombreuses frontières de l'UE en raison de l'impact de la crise actuelle des réfugiés en Europe (à savoir, la fermeture des frontières ou les nouveaux contrôles aux frontières, le questionnement à propos de l'espace Schengen, etc.). Les principaux constats en ce qui concerne les 239 obstacles juridiques et administratifs s'articulent autour de sept « questions principales » reflétant les problèmes abordés dans l'inventaire :

- A. Quelle est l'importance des types principaux d'obstacles et qui doit prendre les mesures nécessaires ?

- B. Quels sont les domaines politiques de l'intervention concernés par ces obstacles et quelles mesures prendre?
- C. A quelles échelles géographiques remarque-t-on les obstacles juridiques et administratifs?
- D. Quelles caractéristiques fondamentales déterminent les obstacles juridiques et administratifs?
- E. Quels sont les effets négatifs directs et secondaires des obstacles et quel est leur impact plus large en matière d'intégration transfrontalière ?
- F. Quelle est la pertinence plus générale des obstacles juridiques et administratifs?
- G. Quelles solutions pour résoudre ou tout du moins alléger les obstacles juridiques et administratifs?

Etudes de cas

L'inventaire a fourni une base pour sélectionner minutieusement 15 études de cas de 15 à 20 pages chacune, avec des graphiques, des illustrations et des annexes. Il fallait choisir les cas dans un des cinq domaines politiques, à savoir l'industrie/le commerce ; le marché de l'emploi/l'éducation ; les systèmes de sécurité sociale (en ce compris la santé) ; le transport ; et la planification de l'orientation politique/les services publics. Chaque étude cas s'est concentrée sur un obstacle spécifique (ou quelques obstacles intimement liés) et s'appuie sur la documentation au plan européen et local, les données ainsi que sur les consultations avec la Commission et les parties prenantes locales. Les études de cas forment un outil comportant des points de référence intéressants et/ou des enseignements à tirer pour les décideurs politiques ou un public impliqué dans la mise en œuvre.

Les rapports finaux des études de cas ont été soumis à la Commission après une dernière révision le 13 janvier 2017. Au cours de toute la durée du projet jusque mi-janvier, la procédure concernant l'élaboration des études de cas s'est accompagnée de commentaires émanant de la Commission, de discussions avec les parties prenantes lors de réunions organisées par la DG Regio ainsi qu'avec les experts du Comité Consultatif.

Document : Conclusions et recommandations

Le document « Conclusions et recommandations » consiste en un document de 15 pages avec des annexes mettant en exergue les résultats principaux tirés des études de cas, les conclusions et les recommandations en matière de politique. Ce document sera produit en anglais, français et allemand. Ce document est conçu à partir des objectifs principaux de l'étude « Alléger les obstacles juridiques et administratifs dans les régions frontalières de l'UE » qui sont :

- a) faire le point sur les obstacles juridiques/administratifs qui persistent toujours aux frontières intérieures de l'UE ;
- b) décrire les caractéristiques de ces obstacles de manière systématique ;
- c) découvrir comment les autorités concernées traitent ces obstacles pour en extraire de bonnes pratiques ; et
- d) proposer des recommandations sur la manière d'alléger ces obstacles à l'avenir.

Premièrement, la version finale du document décrit le contexte de l'étude et présente ensuite le travail de recherche dans les trois chapitres principaux :

1. les résultats principaux et conclusions
2. les bonnes pratiques visant à alléger les obstacles juridiques et administratifs

3. les recommandations en matière de politique sur la base des résultats et des tâches effectuées

Alléger les obstacles juridiques et administratifs dans les régions frontalières relève de la **gouvernance à niveaux multiples**. Les spécificités territoriales requièrent des actions intégrées au plan local (ou régional), qui utilisent les connaissances et l'engagement des citoyens et des entreprises au plan local/régional. Les recommandations concernent les niveaux local et régional mais aussi national et européen.

Le **niveau local/régional** doit diriger le processus d'allègement des obstacles juridiques et administratifs. Par conséquent, il est recommandé de créer des structures et des processus transfrontaliers.

Au **plan national**, rechercher mieux ajuster et harmoniser les règlements avec les pays voisins et leur mise en œuvre administrative pourrait se révéler un rôle important à jouer. En plus du renforcement des institutions, le niveau national devrait fournir des informations pertinentes, augmenter l'utilisation de l'e-gouvernement et devrait contribuer à la sensibilisation et au développement de la volonté politique pour remédier aux obstacles.

Le rôle principal sur le **plan européen** afin d'alléger les obstacles juridiques et administratifs consiste à soutenir les efforts des partenaires au niveau local, régional et national et d'accroître davantage l'efficacité opérationnelle des instruments européens en vigueur. Les activités et les instruments se répartissent en trois grandes catégories: la législation européenne, les instruments financiers et la coordination/information.

Interaction entre les parties prenantes, les experts en matière de sécurité aux frontières et les services de la Commission

L'équipe de Metis avait pour responsabilité de suivre les activités (i) du comité de pilotage ; (ii) du groupe consultatif ; (iii) du groupe des services de la Commission (consultations interservices). En outre, la DG Regio a entamé une série d'ateliers en vue de consulter les parties prenantes ; ces ateliers s'accompagnaient de consultations avec d'autres services de la Commission dans le but de soutenir les activités de réexamen des obstacles frontaliers. Quatre ateliers se sont tenus au cours de la mise en œuvre du projet. L'équipe de Metis a assisté à ces réunions et a présenté les résultats préliminaires du statu quo de la recherche.

Au cours du projet, les réunions suivantes ont eu lieu : une réunion de lancement, sept comités consultatifs, six groupes de pilotage ainsi que cinq consultations interservices de la Commission (y compris les consultations lors des ateliers pour les parties prenantes).

Les **résultats définitifs** du projet ont été présentés lors de « La réunion sur l'orientation politique du lundi matin » dans les bâtiments de la DG Regio le **30 janvier 2017**.

Zusammenfassung

Dieser Schlussbericht zur Studie "Verminderung von rechtlichen und administrativen Hindernissen in EU-Grenzregionen" ist in vier Abschnitte unterteilt, die den methodischen Zugang und die wesentlichen Ergebnisse der Forschungsarbeit abbilden. Diese sind ein Inventar zu den rechtlichen und administrativen Hindernissen in grenzüberschreitenden Kooperationen, die Fallstudien und das Papier zu Schlussfolgerungen und Empfehlungen.

Einleitung und Methode

Die vorliegende Studie war Teil einer größer angelegten Rückschau der Europäischen Kommission zu grenzüberschreitenden Kooperationen, die 2015 gestartet worden ist. Diese Rückschau umfasst außer diesem Papier noch die Durchführung einer Bürgerbefragung und eine Eurobarometer-Umfrage zu den Wahrnehmungen der Bürger, die in Grenzregionen leben.

Drei übergreifende Kategorien von Hindernissen, die in grenzüberschreitender Zusammenarbeit auftreten und entweder aus lokal-regionalen, nationalen oder EU-Regelungen hervortreten, wurden in der Studie behandelt:

- Rechtliche Hindernisse, die durch nicht vorhandene EU-Regelungen in Politikfeldern wo die Union zuständig ist oder durch Nachlässigkeiten in der Implementierung von Gemeinschaftsrecht in das nationale Recht, auftreten;
- Rechtliche Hindernisse, die durch inkohärente oder nicht konsistente nationale Regelungen in Politikfeldern wo es keine oder nur teilweise Kompetenzen der EU-Ebene gibt, auftreten;
- Administrative Hindernisse, die durch nicht angemessene oder nicht besonders günstig umgesetzte Prozesse auf lokaler, regionaler oder nationaler Ebene hervorgerufen werden.

Fünf Aufgabenstellungen wurden in der Forschungsarbeit ausgeführt:

- Aufgabe 1: Erstellung eines Berichts zur Struktur und Methode der Forschungsarbeit;
- Aufgabe 2: Erstellung eines Inventars zu rechtlichen und administrativen Hindernissen in grenzüberschreitenden Kooperationen;
- Aufgabe 3: Durchführung von 15 Fallstudien aus fünf unterschiedlichen Politikfeldern;
- Aufgabe 4: Kommunikation und Interaktion mit Stakeholdern, externen Experten zu grenzüberschreitender Kooperation (Berater) und der Europäischen Kommission (EK);
- Aufgabe 5: Erstellung eines Papiers mit Schlussfolgerungen und Empfehlungen.

Inventar mir rechtlichen und administrativen Hindernissen

Das Inventar umfasst 239 Fälle von rechtlichen oder administrativen Hindernissen in grenzüberschreitenden Kooperationen, die auf intensiver Literatur- und Webrecherche basieren. Durch teilweise limitierte Bereitstellung von Informationen, beinhaltet das Inventar Daten zu 37 der 40 EU-Binnengrenzen, inklusiver jener zu den nicht-Mitgliedsstaaten Liechtenstein, Norwegen, Schweiz und Andorra. Die Anzahl der jeweils festgestellten Hindernisse variiert stark zwischen den verschiedenen Grenzen.

Das Inventar stellt eine empirischen Teilausschnitt und eine Momentaufnahme der Situation zwischen 2011 und 2015 dar. Im Moment verändert sich die Situation an den EU-Grenzen durch die vorherrschende Flüchtlingskrise äußerst schnell (z.B.: durch neue Grenzkontrollen, die Infragestellung des Schengenraums etc.). Die Ergebnisse und die Aufbereitung der 239 identifizierten Hindernisse sind entlang von sieben Leitfragen strukturiert:

- A. Was ist die Besonderheit der wesentlichen Hindernis-Typen und wer sollte hinsichtlich einer Verbesserung tätig werden?
- B. Welche Politik- und Interventionsfelder sind von den Hindernissen betroffen und wo sind Veränderungen notwendig?
- C. In welcher geografischen Dimension treten die rechtlichen und administrativen Hindernisse auf?
- D. Was sind die grundlegenden Merkmale, die rechtliche und administrative Hindernisse charakterisieren?
- E. Was sind die unmittelbaren negativen Effekte, was sind die Sekundäreffekte, die durch die Hindernisse auftreten und was sind die weiterführenden Auswirkungen auf die grenzüberschreitende Integration?
- F. Wie lässt sich die breit gedachte Relevanz von rechtlichen und administrativen Hindernissen einschätzen?
- G. Was sind die Lösungsansätze, um den rechtlichen und administrativen Hindernissen zu begegnen?

Fallstudien

Das oben beschriebene Inventar hat die Basis zur Auswahl der 15 Fallstudien für dieses Projekt gebildet. Diese umfassen in etwa 15-20 Seiten und beinhalten Grafiken, Illustrationen und zusätzliche Anhänge. Jede Fallstudie wurde aus einem der folgenden fünf Politikfelder ausgewählt: Industrie/Handel, Arbeitsmarkt/Bildung, Soziale Sicherheit/Gesundheitswesen, Transport/öffentlicher Verkehr, Raumplanung/öffentliche Dienstleistungen. Jede Fallstudie bezieht sich auf ein konkretes Hindernis oder einige wenige miteinander in Bezug stehende Hindernisse. Die Fallstudien basieren auf Informationen und Daten sowohl von der EU-Ebene als auch der lokalen/regionalen Ebene und Interviews mit Vertretern der EU-Kommission und Stakeholdern aus den jeweiligen Grenzregionen. Die Untersuchungen sollen ein Instrument mit interessanten Ansatzpunkten für ein breit gefasstes Publikum aus der Politik und auch der Praxis vor Ort sein.

Die Letztfassung der Fallstudien wurde am 13. Januar 2017 an die EU-Kommission (GD Regio) übermittelt. Die Erarbeitung der Studien wurde während der gesamten Laufzeit von Kommentaren der Kommission, Diskussionen in Stakeholder Workshops, die von der Generaldirektion Regionalpolitik und Stadtentwicklung organisiert worden sind, sowie von externen Beratern begleitet.

Papier: Schlussfolgerungen und Empfehlungen

Das Papier mit den Schlussfolgerungen und Empfehlungen zum Projekt umfasst in etwa 20 Seiten mit zusätzlichen Anhängen. Es zeigt die wesentlichen Erkenntnisse aus den Fallstudien auf und zieht politische Schlüsse daraus und bietet Empfehlungen dazu an. Es existiert davon eine deutsche, eine englische und eine französische Version. Das Papier wurde entlang der wesentlichen Zielsetzungen des Projekts „Verminderung von rechtlichen und administrativen Hindernissen in EU-Grenzregionen“ entworfen. Diese sind:

- a) Die Erarbeitung einer Bestandsaufnahme der konkret vorhandenen rechtlichen und administrativen Hindernisse an den EU-Binnengrenzen;
- b) Die Beschreibung der Charakteristika dieser Hindernisse auf eine systematische Art und Weise;
- c) Die Untersuchung, wie die betroffenen Behörden und Institutionen mit den Hindernissen umgehen, um die Good Practice-Beispiel herauszufinden; und
- d) die Herausarbeitung von Empfehlungen, wie die Hindernisse in Zukunft vermindert werden können.

Die finale Version des Papiers beschreibt zunächst den Kontext der Studie und präsentiert dann die ausgeführten Nachforschungen in drei Kapiteln:

1. Wesentliche Erkenntnisse und Schlussfolgerungen
2. Good Practice beim Vermindern von rechtlichen und administrativen Hindernissen
3. Empfehlungen, die auf den Erkenntnissen und ausgeführten Aufgaben basieren

Die Verminderung von rechtlichen und administrativen Hindernissen in grenzüberschreitenden Kooperationsregionen ist eine Aufgabe für einen **Multi-Level Governance-Ansatz**. Die territorialen Besonderheiten verlangen nach lokal bzw. regional eingebetteten Maßnahmen, die vom Knowhow und dem Engagement von Bürgern und Unternehmen vor Ort Gebrauch machen sollen. Die Empfehlungen im Papier sind nach **lokal-regionaler, nationaler und europäischer Ebene** unterteilt.

Die **lokale bzw. regionale Ebene** muss der Motor für den Prozess der Verminderung von rechtlichen und administrativen Hindernissen sein. Die Gründung und Etablierung von grenzüberschreitenden Strukturen zur Kooperation und über die Grenzen wirkenden Prozessen wird empfohlen.

Ein wichtiger Punkt für die **nationale Ebene** ist es, nach einer besseren Abstimmung und Harmonisierung von Regulierungen mit den Nachbarstaaten zu trachten. Zusätzlich zur Heranbildung von Institutionen, sollte die nationale Ebene relevante Informationen im grenzüberschreitenden Kontext zur Verfügung stellen, die Verwendung von eGovernment-Maßnahmen fördern und zur Bewusstseinsbildung sowie der Entwicklung eines ausgeprägteren politischen Willens beitragen die Hindernisse zu lösen.

Die wesentlichste Funktion der **EU-Ebene** im Vermindern von rechtlichen und administrativen Hindernissen ist es, die Bemühungen der lokalen, regionalen und nationalen Ebene zu unterstützen und die Effizienz der existierenden EU-Instrumente weiter zu verbessern. Diese Aktivitäten und Instrumente fallen in diese drei Kategorien: EU-Regelungen, Finanzinstrumente und Koordination/Information.

Kommunikation und Interaktion mit Stakeholdern, externen Experten und der Europäischen Kommission

Das Metis-Team war für die Abhaltung und inhaltliche Vorbereitung der Steuerungsgruppe, der Treffen mit dem Beraterteam bestehend aus externen Experten und die Ergebnissicherung hinsichtlich des Austausches zwischen den verschiedenen Generaldirektionen der Kommission verantwortlich. Außerdem hat die Generaldirektion Regionalpolitik und Stadtentwicklung eine Workshopserie gestartet, um Stakeholder aus den Grenzregionen einzuladen und zu konsultieren. Diese Workshops wurden zugleich zum Austausch zwischen den Kommissions-Generaldirektionen zum Thema genutzt. Vier solche Workshops fanden während des Projektverlaufs statt. Das Metis-Team hat an diesen Workshops teilgenommen und dort den jeweiligen Projektfortschritt präsentiert.

Insgesamt fanden während des Projektverlaufs die folgenden Treffen aus den oben beschriebenen Kategorien statt: Ein Kick-Off-Meeting, sieben Treffen mit den externen Experten aus dem Beraterteam, sechs Steuerungsgruppen mit der GD Regio und fünf Treffen zum Austausch zwischen den anderen Generaldirektionen aus der Kommission (inklusive der vier genannten Workshops).

Die **Ergebnisse** des Projekts wurden außerdem am **30. Januar 2017** in der Generaldirektion Regionalpolitik und Stadtentwicklung einem breiteren Publikum präsentiert.

1 Introduction and Methodology

The study on “Easing legal and administrative obstacles in EU border regions” was part of a wider cross border review launched by the Commission services in 2015. This review also entailed the realisation of a public consultation addressed to European citizens and of a Eurobarometer survey on the perceptions of citizens living in border regions.

Three general categories of border obstacles emerging from local, regional national or EU legislation as well as from different administrative practices were tackled in this research:

- Legal obstacles caused by an absence of EU legislation in policy fields where an EU competence exists or by shortcomings in a transposition of EU legislation into national law;
- Legal obstacles caused by incoherent or inconsistent domestic laws of EU-Member States in policy fields where no or only a partial EU competence does exist;
- Administrative obstacles caused by inadequate procedural and adverse behavioural aspects at the local, regional or national levels.

This study focused entirely on obstacles that can be subsumed under one of these three categories. Furthermore the ToR for the study enumerated four specific objectives:

Objective 1 was to “establish an **inventory** of legal and administrative obstacles in border regions through the identification of relevant policy areas and identify roots for the existence of these obstacles”.

Objective 2 was to identify most relevant policy areas and conduct 15 in-depth, **thematic case studies on border obstacles** and how they might have been addressed, including examples of past good experience and achievements so far.

Objective 3 was cross cutting and pursues to contribute to a discussion process between stakeholders, experts and Commission services on issues connected to the easing of legal and administrative obstacles in border regions.

Objective 4 was to provide **conclusions and policy recommendations** in a separate paper.

The general study context as set out above and the four specific objectives translated into five tasks to be performed within the study.

Task 1: Report on the structure and methodology

The Inception Report had a scoping role that determined the parameters of the research and set out a clear and unambiguous methodology for Tasks 2, 3 and 4. The report defined:

- the content and structure of the inventory of obstacles,
- the initial selection method for the thematic case studies,
- the scope and timing of the discussion process and
- the choice of external experts (advisors) based on a selection.

Task 2: Inventory of legal and administrative border obstacles

The inventory was compiled through comprehensive literature review, complementary desk research and a number of study visits. It took the form of an Excel database.

Task 3: Thematic case studies

Fifteen case studies were requested by the ToR to be conducted within the study in order to better understand the nature and different types of obstacles and the more or less successful ways to deal with them on the part of the concerned authorities.

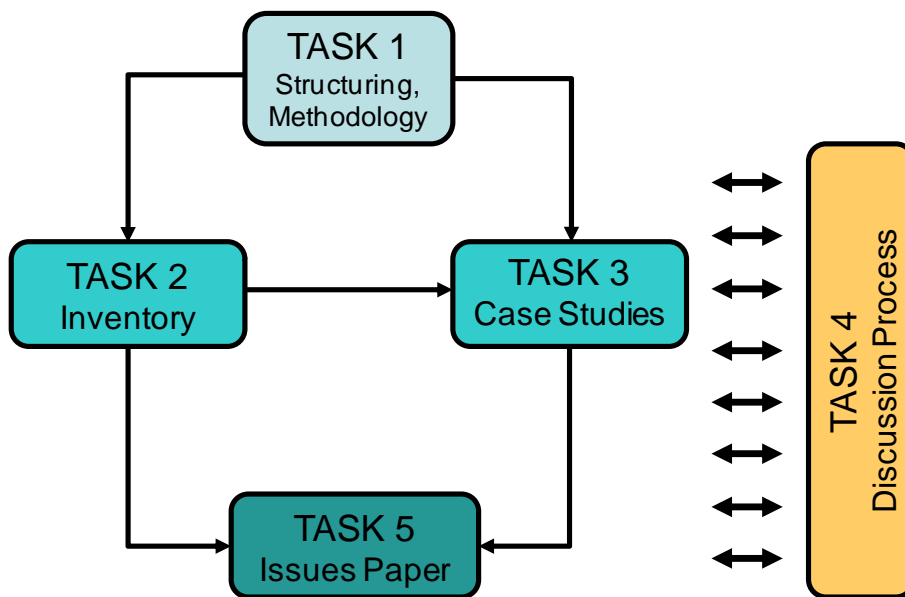
Task 4: Interaction with stakeholders, external border experts (advisors) and Commission Services:

There were different groups established, that accompanied the elaboration of the study and allowed the study team to transfer the findings from all tasks to the wider – Commission-led – discussion process. An advisory board was set up, stakeholder consultations were organised, including inter-service consultations with other DGs, and a number of steering groups were held.

Task 5: Conclusions and Recommendations paper

Finally, there was a body of work which concerned, directly or indirectly, the drawing of overall conclusions and an elaboration of recommendations for potential solutions to border obstacles. In order for this paper to be constructive and adding value to the future debate, we had to consider carefully the purpose and audience for the paper in discussion with DG Regional and Urban Policy. During the project period, it was communicated that the output of this research will be further used to draft a Commission Communication in 2017.

Figure 1. Scheme of relations between the five tasks



2 Inventory of Obstacles

This section sums up the information on the inventory elaboration process for the project and then summarises key findings of an overview on the analysis of the 239 legal and administrative obstacles. The full version of this analysis is, together with the completed inventory of obstacles, attached to the present report as an Annex.

2.1 Elaboration process of the inventory

The Inception Report in November 2015 developed a detailed approach for setting up the inventory in form of an Excel database and for describing and analysing legal or administrative obstacles alongside the seven themes to be addressed under the inventory.

Overall, we now can state that this approach worked out very well and that no major problems emerged in using the pre-defined analytical categories and criteria. However, for some categories / criteria we had to slightly adapt the initial wording in order to ensure that certain obstacles are adequately captured by (and allocated within) the inventory. The figure below presents the final structure of the inventory (see: Figure 1).

Figure 2. Final set-up of the inventory of legal and administrative border obstacles

Obstacle No.	1. Type of obstacle and its links to local, regional, national or EU legislation or administrative issues		2. Policy areas affected by obstacles		3. Geographical dimension of obstacles		4. Nature of border obstacles: main features, specific problems caused and wider policy context			5. Impact of obstacles in economic, social or environmental terms and on the life of citizens			6. Wider relevance of obstacles for the EU and other border regions	7. Potential solutions to address obstacles at a given border
	Type of obstacle	Link to legislative or administrative practices	Affected policy area	Specific field of intervention concerned	Geographic scope	Specific EU land borders concerned	Main feature	Specific problems caused by an obstacle	Wider policy context of an obstacle	Impact on cross-border integration	Negative direct effect of an obstacle	Other secondary effects	Relevance identified on ground of a summary of findings from themes 1-5	
01	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
02	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
03	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
04	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)
...	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)	(...)

The inventory includes in the final version 239 concrete cases for legal and administrative obstacles, which were primarily elaborated on ground of an extensive review of diverse literature sources and by consulting information that was available at some dedicated on-line portals. Furthermore, we received useful information from the stakeholder workshops taking place during the project phase. In order to ensure that these obstacle cases are still of actuality, we only used literature sources that were published after 2010 and also made punctual cross-checks during the case-elaboration process in order to see if obstacles are not already solved (i.e. this also led to a necessary exclusion of several examples found in various sources).

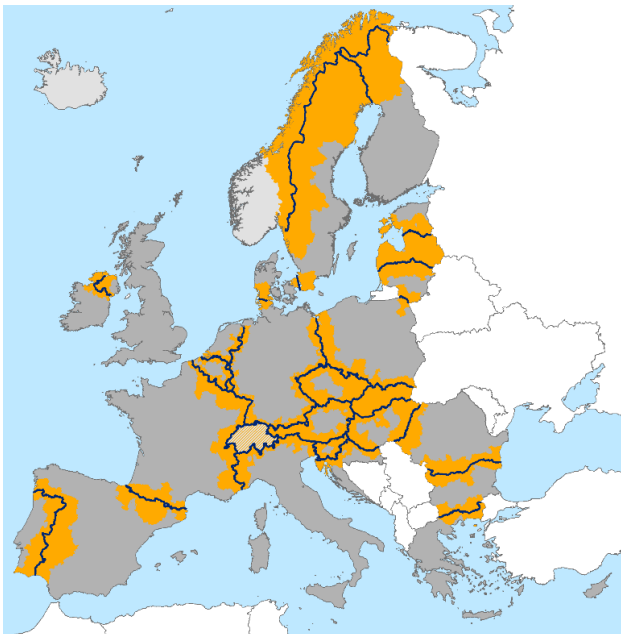
Throughout this literature review process, we often had to struggle with difficulties relating to the extent to which information on legal or administrative obstacles was actually available for individual EU borders (i.e. no sources, existence of punctual or even of comprehensive analyses). Moreover, we also faced constraints which emerged from different levels of quality of information in the available sources (i.e. rather superficial obstacle description / problem analysis; very detailed obstacle description / problem analysis etc.). Good examples illustrating such difficulties are the extensive Council of Europe (CoE) document of 2011, which presents the outcome of a survey among CoE-member countries on existing border obstacles as well as the subsequently elaborated "Manual on removing obstacles to cross-border cooperation" and the related EDEN-database.¹ Both sources indeed contained valuable information which allowed us to describe concrete obstacles cases for some EU borders, but we

¹ Council of Europe (2011): Preparation of the conference on removing obstacles and promoting good practices on cross-border cooperation. Replies to the questionnaire. Strasbourg, 16 May 2011. Council of Europe (2012): Manual on removing obstacles to cross-border cooperation. Strasbourg, November 2012. EDEN-Database: <http://cbc.isig.it/search-the-database/>

also observed that for a larger number of countries the border-specific information on obstacles was often rather general (i.e. lacking description of legal or administrative sources, of the wider policy background or of adverse effects) or even not existing at all. Other illustrative examples are EU-level policy documents or Commission studies dealing with border obstacles in a particular thematic field (e.g. Commission studies on different forms of cross-border taxation and on the related compliance cost,² various White Papers or Communications on internal market, e-commerce and citizens' rights etc.). Information on obstacles was in most of these sources not enough border-specific to elaborate concrete obstacle cases for the inventory. Due to such restrictions, which emerged during our literature review, we carried out a number of study visits and phone interviews with a view to gather information on obstacles at specific borders for which literature sources were scarce or not available (esp. BG-EL, BG-RO, AT-SI).

Because the availability and quality of information have limited the extent to which obstacles could be included into and further assessed under the inventory, the latter covers at date 37 out of the 40 internal EU land borders between Member States as well as between Member States and the neighbouring non-EU countries Norway, Switzerland, Lichtenstein and Andorra which had to be considered (see: Map 1).

Map 1. The 40 EU land borders under review



However, the number of obstacles identified for each of these 37 internal EU land borders is highly variable (see: Table 1).

- **19 internal EU land borders are covered by obstacles, which concern either a variety of policy areas or some specific policy areas.** For these borders, information on legal or administrative obstacles was generally abundant and of good quality (i.e. very good or satisfactory description of various aspects relating to a given obstacle). This was in particular the case at those borders where permanent work-processes on such issues exist (e.g. for all Scandinavian borders in the context of the Nordic Council of Ministers³; for the DK-SE Öresund cross-border region; for the borders BE-FR, IE-UK, BE-NL,

² European Commission (2014): Removing cross-border tax obstacles - Organisation and practices in Member States' tax administrations. Final Report EY – November 2014. European Commission (2014): Compliance Costs Related to Cross-Border Activity. Final report EY – October 2014

³ Documentation of the Nordic Council of Ministers on border obstacles is indeed abundant, but information was sometimes not enough border-specific and therefore created problems for including certain obstacles into the inventory.

EE-LV) or where other activities such as ad-hoc workshops and in-depth studies on border obstacles were realised (e.g. ES-PT, ES-FR-AD, BE-DE-FR-LU).

- **18 internal EU land borders are weakly covered by legal or administrative obstacle.** For these borders, information was in general limited and often very policy-specific in the available sources, which allowed us to elaborate only a few or even just a single obstacle. This is indeed astonishing especially in case of borders where a long-standing cooperation tradition exists. However, our search efforts and direct phone calls revealed that often no comprehensive assessments or lists of legal and administrative obstacles do exist.
- **Only 3 EU land borders are not covered by obstacles in the inventory,** mainly because we could not find sufficiently detailed information on obstacles.

Table 1. EU-land borders covered by the 239 inventory obstacles

Broad coverage (large number of obstacles in a variety of policy areas)	Focused coverage (limited number of obstacles in several policy areas)	Weak coverage (one or two obstacles in specific policy areas)	Not covered (lacking documentation)
SE-NO DK-SE BE-FR ES-PT IE-UK BE-NL DE-NL ES-FR-AD (Pyrenees) BE-DE-FR-LU (Grande Region) BE-NL-DE (Euregio Maas-Rhein) DE-FR-CH (Upper Rhine Area)	FI-SE DE-DK DE-PL BG-EL EE-LV LT-PL FI-NO HR-SI	AT-DE AT-HU AT-SI AT-IT AT-SK HU-SI HU-HR HU-SK SK-PL CZ-SK CZ-PL CZ-DE BG-RO FR-IT IT-SI FR-CH IT-CH AT-DE-CH-LI	LT-LV AT-CZ HU-RO

It becomes clear from the above that the sample of obstacles included in the inventory cannot be considered a numerically exact representation of all legal and administrative obstacles, which exist in reality at the internal EU land borders.

Instead, the listed obstacles should be understood as an indeed empirical but also partial and time-dependent “snapshot” of a specific situation prevailing in the period 2011-2015. Moreover, this situation is currently changing very rapidly at many EU borders due to the impacts of the ongoing European refugee crisis (i.e. closure of borders or new border controls, questioning of the Schengen-area etc.).

Due to all this, the inventory is only partially suited for drawing empirically based EU-wide conclusions in the sense that some policy areas or borders might be more affected by obstacles than others.

2.2 Key findings of the analysis of the 239 inventory obstacles

The key findings of our in-depth analysis of the 239 legal and administrative obstacles within eight wider policy areas⁴ are presented in relation to seven “headline questions” which reflect the themes that were addressed under the inventory.

⁴ These are: I. Industry & Trade, II. Labour Market & Education, III. Social Security System, IV. Transport, V. Information & Society, VI. Environment, VII. Climate Change VIII. Policy Planning & Public Services

A. What is the significance of the main obstacles types and who should take action?

(1) Clearly most numerous and nearby at the same level are legal obstacles related to the legislation of EU Member States (104 cases) and administrative obstacles (99 cases). Their removal or alleviation primarily requires action within and between Member States which has to involve not only public administrations at different governance levels but also many other public, semi-public or associative actors.

(2) Obstacles related to EU-legislation are less frequent in overall terms (36 cases). Their removal or alleviation requires actions at the EU-level, especially if they emerge from the particular status of a given EU border, an absence of EU legislation or existing but inadequate EU legislation. Also actions within and between EU Member-States or neighbouring third countries are required, especially if obstacles emerge from the particular status of a given EU border or an incoherent implementation of existing EU legislation by EU-Member States.

B. Which policy areas and fields of intervention are concerned by obstacles and where should action be taken?

(3) Nearby one third of all legal and administrative obstacles affect the wider policy area "Labour Market & Education" (73 cases), but also another four policy areas are significantly affected: these are "Social Security & Health" (20% or 48 cases), "Transport & Mobility" (16% or 38 cases), "Policy Planning & Public Services" (13% or 30 cases) and "Industry & Trade" (12% or 29 cases). The policy areas "Environment", "Climate Change" (mitigation and adaptation) and "Information Society" are less affected, as they account together with only 18 cases for around 8% of all inventory obstacles.

(4) There are 10 specific fields of intervention within these eight wider policy areas that are particularly affected by legal and administrative obstacles:

- Labour Market & Education: "Mobility of cross-border workers", "Mobility of trainees, students and teachers" and "Recognition of diploma or professional qualification certificates".
- Social Security & Health: "Access to social insurance system" and "Access to health care services and medical treatment".
- Transport & Mobility: "Public transport by bus, rail, light rail or metro" and "Scope and quality of regional/local and cross-border transport infrastructures and of related maintenance services".
- Industry & Trade: "Exportation of goods and cross-border provision of commercial services, including e-commerce".
- Policy Planning & Public Services: "Emergency and rescue services".
- Environment: "Protection and management of natural resources".

(5) Because administrative obstacles occur under all policy areas and are also found under nearby all of the affected fields of intervention, it becomes clear that substantial action needs to be taken at all governance levels of EU Member States (national, regional, local). National governments, more specifically, need to take action in those policy areas, which are strongly concerned by Member State-related legal obstacles (i.e. fields of intervention under the policy areas "Industry & Trade", "Labour Market & Education", "Social Security & Health", "Transport & Mobility" and "Policy Planning & Public Services"). Further action by national governments is also needed in many fields of intervention which are affected by obstacles emerging from an inconsistent implementation of EU legislation by Member States.⁵ For the latter, it

⁵ e.g. mobility of cross-border workers, recognition of diploma or professional qualification certificates, access to health care services and medical treatment, exportation of goods and provision of commercial

may also be advised to launch further accompanying EU-level action with a view to support and promote a more coordinated implementation of existing or new EU legislation across EU Member States.

(6) EU-level action is required in fields of intervention for which EU legislation is currently absent (e.g. lacking cross-border portability of rights from income insurances and additional pension schemes) and for which existing EU legislation does not yet sufficiently take into account the cross-border dimension (e.g. recognition of diploma or professional qualification certificates; mobility of cross-border workers, trainees, students and teachers; access to health care services and medical treatment incl. eHealth-services; cross-border public transport). Further EU-level action is also needed in fields of intervention where obstacles emerge from the specific status of EU-borders with Norway and Switzerland (e.g. exportation of goods and cross-border provision of commercial services in case of CH & NO; access of EU cross-border workers to CH labour market).

C. At which geographical scales are legal and administrative obstacles noticed?

(7) Around 64% of all legal and administrative obstacles (or 152 cases) affect the entire length of specific EU land borders between Member States or with neighbouring non-EU countries (i.e. NO, CH, LI and AD). These are most often obstacles related to Member State legislation (67 cases) and also administrative obstacles (58 cases). The latter affect an entire border especially if administrative action is linked to central state competences and systems-wide aspects (e.g. taxation system, social security & health care system, emergency & civil protection system, police & criminal investigation, business & labour market) or if highly different domestic governance systems on either side of a border lead to a lack of horizontal co-ordination or cross-border cooperation in the planning / delivery of public policies or hinder a joint tackling of specific problems.

(8) Roughly one third of all obstacles (78 cases) affect only a small segment of specific EU land borders between Member States or with neighbouring non-EU countries. This is because obstacles are only noticed at particular locations of a common land border where significant cross-border interaction is taking place (e.g. a cross-border transport axis, a border-crossing point, an inhabited cross-border zone of an otherwise sparsely populated or non-populated cross-border area), or because they only concern a specific border segment within a multilateral cross-border area. Obstacles, which occur at a reduced geographical scale, are often administrative obstacles (39 cases) or legal obstacles, which are related to Member State legislation (34 cases).

(9) Only a few obstacles affect all or most internal land borders between EU Member States (9 cases). They concern issues for which EU-level action might be required to solve problems which exist in a cross-border context (e.g. changes of certain provisions in the Erasmus+ programme, better inclusion of cross-border public transport in the Common Transport Policy, persisting problems with the interoperability of national railway systems) and for which new or further refined EU-legislation could bring advantages (i.e. more legal certainty in the field of eHealth, EU-provisions for a cross-border administrative handling of documents relating to "life events" of citizens).

services incl. e-commerce, emergency and rescue services, a protection and management of natural resources, treatment of waste water and solid waste, prevention and management of major climate change risks.

D. What are the basic features, which characterise legal and administrative obstacles?

(10) On the one hand, there are obstacles characterised by a “straightforward source-problem-effect relationship”. In these cases there is a clear relational link between (1) a specific inadequate provision in a concrete piece of legislation or a certain inappropriate administrative practice, (2) the difficulties or hindrances this provision or practice is creating for cross-border interactions and (3) the negative direct effects or adverse secondary effects which emerge for specific corporate actors or larger person groups or individuals in the cross-border area. It is in principle quite easy to conceive and implement a solution for this kind of obstacle, if the concerned and competent stakeholders are willing to take action on the issue at stake. Once the source is eliminated, also the problems and the adverse effects will disappear.

(11) On the other hand, there are obstacles characterised by a “complex source-problem-effect relationship”. In these cases there are (1) various and more or less closely related legal or administrative aspects which together are creating (2) difficulties or hindrances for cross-border interactions that again (3) are leading to negative direct effects or adverse indirect effects for specific corporate actors, larger person groups or individuals in the cross-border area. Because it is often difficult to disentangle exactly which aspects are primarily causing a given problem and which aspects are additionally contributing to it, it is therefore also much more complicated to conceive and implement a solution that is able to fully eliminate the problem and the related adverse effects.

E. What are the negative direct and secondary effects of obstacles and what is their wider impact on cross-border integration?

(12) Legal and administrative obstacles cause negative direct effects (i.e. various forms of monetary and non-monetary cost) for specific border-crossing activities or general exchange relations between various types of actors that are located in a cross-border area (e.g. public or private entities, specific person groups or individuals). The large majority of legal and administrative obstacles in the inventory has strong negative direct effects (182 cases), while the others have moderate negative direct effects (56 cases) or a weak negative direct effect (1 case).

(13) Also adverse secondary effects can emerge because other contextual factors increase the negative direct effect of a given obstacle (i.e. “re-enforcement effects”) and/or because an obstacle creates further undesirable developments in the wider socio-economic or environmental context of a cross-border area (i.e. “knock-on effects”). For the large majority of legal and administrative obstacles in the inventory, also adverse secondary effects were found. They are either strong (77 cases) or moderate (86 cases). No secondary effects were found in 71 cases, but this only means that the consulted sources did not directly indicate such effects (i.e. re-enforcement effects or knock-on effects might therefore indeed exist in reality).

(14) The wider negative impact on cross-border integration, understood here as the sum of all negative direct effects and adverse secondary effects of an obstacle, is for the large majority of the 239 inventory obstacles either high (143 cases) or moderate (93 cases). Negative impacts occur in highly urbanised cross-border areas as well as in rural or sparsely populated cross-border areas, but the significance of this impact always depends on the specific circumstances, which prevail in these border- and cross-border areas (e.g. general context conditions, nature and extent of the encountered obstacles and associated problems, size of the affected population etc.). In overall terms, however, negative impacts lower the intensity of cross-border interactions in virtually all dimensions of functional integration: they adversely affect the cross-border economy (i.e. labour market integration, exportation of goods and service provision by businesses, enterprise development etc.) and cross-border communication (i.e. transport flows, sustainable mobility), a variety of societal aspects (i.e. social security systems, public service provision, social integration of specific

person groups) and the environmental sphere (i.e. integrated and sustainable management of natural resources) as well as the individual citizens (e.g. quality of life of citizens, inter-personal exchange relations).

F. What is the wider relevance of legal and administrative obstacles?

(15) 76% of all inventory obstacles (181 cases) have a wider relevance for the entire European Union and/or for many other EU border regions, because very similar problems are also observed at large number of other internal EU borders. This is sometimes the case for legal obstacles, which emerge from an inconsistent implementation of EU legislation by EU Member States. Yet, most obstacles with a wider relevance emerge from national legislations and/or administrative practices in policy fields with a systems-wide relevance for which either no or only a partial EU competence does exist (e.g. on taxation, social security & health care, emergency & civil protection, police & criminal investigation, business & labour market).

(16) 24% of all legal and administrative obstacles in the inventory (58 cases) are not of a wider relevance for the entire European Union or for many other internal EU land border regions. This is because obstacles are either rooted in the legislations of particular Member States (26 cases) or in specific practices of local/regional or national administrations (25 cases), but sometimes also because they are linked to the particular status of the EU land borders with Norway and Switzerland (5 cases).

G. What are solutions for solving or at least alleviating legal and administrative obstacles?

(17) EU-level solutions are certainly needed in a number of cases, but this will not significantly reduce the high number of legal or administrative obstacles that are still hampering a development of cross-border areas. Instead, legal or administrative obstacles have to be addressed above all through solutions, which are developed individually or jointly, by different types of actor in the Member States while taking account of the specific context conditions and institutional-administrative settings prevailing at each internal EU border.

(18) There are a number of general practices, which can be applied - individually or in combination - for eliminating or alleviating legal and administrative obstacles in different policy fields:

- The signing of new inter-state agreements or regional / local-level cooperation agreements in specific policy fields for clarifying the roles of institutional key actors on both sides of a border or for harmonising policy approaches (e.g. mutual assistance in emergency cases, health care etc.).
- The establishment of ongoing horizontal cross-border cooperation among institutions for identifying, discussing and tackling legal or administrative obstacles.
- The use of existing legal instruments for cross-border cooperation (i.e. EGTC, existing bi-lateral or multilateral inter-state agreements) with a view to overcome persisting obstacles through a further structuring / institutionalisation of cooperation.
- The realisation of comprehensive territorial development planning for the entire border area and/or the development of policy-specific cross-border strategies, which both also address and tackle persisting legal or administrative obstacles.
- The launching of issue- and sector-specific cross-border networks or cooperation initiatives, which establish information & support capacities, further deepening already existing cooperation or develop pragmatic solutions for "bridging" problems generated by obstacles that cannot be eliminated by local or regional actors.

3 The Case Studies

In this section we summarise the methodology applied to the 15 case studies⁶ from the selection of cases to the production of the final case study reports submitted to the Commission after the last revision 13th of January 2017. We also report on the procedure of the case study elaboration throughout the whole project period up to mid-January. The procedure was accompanied by comments from the Commission, discussions in the stakeholder meetings organised by DG Regio as well as the experts in the Advisory Board.

These three external experts (Advisory Board) had to be engaged and paid by the lead partner of the project (requested in the Terms of Reference). They had no direct involvement in any of the case studies but were asked to provide a review for the cases to give an independent quality assurance perspective. In the steering groups, they provided a scoring and detailed feedback covering:

- Clarity (throughout the document) and the structure of the report
- Appropriate use of graphics (the Advisory Board suggested the use of a 'problem tree')
- Logic flow (from obstacle through to the consequent problems (qualified impacts where possible), strategies to resolve the obstacles, steps taken
- Connection to the European policy dimension
- Check on the literature used, the consultee lists (numbers and balance)
- Language quality
- Wider applicability to policy makers and practitioners

The case studies were intended to illustrate a selection of cross border obstacles providing the policy context, the extent to which the obstacles identified were repeated across Europe, and a specific cross border example to provide illustration and greater depth. Each case study focused either on a specific obstacle or in a few cases were the context was more complex a group of closely related obstacles. The research was drawn on EU and locally specific documentation and data as well as consultations with the Commission and local stakeholders.

The case studies were planned as 15-20 page documents (excluding any annexes) with graphs and illustrations with a time budget of 10 days per case study. The final versions were at the end shortened to 15 pages in all cases. These set the resource parameters and the parameters for reporting the findings of each case study in a concise and engaging way, in English, that can be utilised in different ways. An important objective for the case studies was to elaborate a tool that could provide interesting points of reference and/or lessons for a wider policy and practice audience (beyond the illustrative spatial examples used to illuminate each case study (see also Table 6).

To aid the process one case study was selected in advance to pilot the approach and test the presentation of information with the Commission and the Study Advisory Group. The pilot had to be selected before the inventory was completed and before the consultations on the selection of policy areas. However, the choice was made for a policy area that was prevalent in the draft inventory and likely to feature irrespective of the outcome of the completion of the inventory and the consultations. The selection was policy area 2.2 (the mobility of cross-border workers) with the Danish-Swedish border (the Oresund) providing the specific illustration (inventory reference N46). The pilot has continued to be used as an exemplar throughout the study, so after the 1st July 2016 Steering Group it was subsequently amended and circulated to all experts

⁶ The full versions of all 15 case studies are available separately and published on the DG Regio website.

(lead authors/researchers of the other 14 cases) as a model. Commission comments on the revised pilot were also circulated to the authors.

3.1 Case Study Selection

The inventory of obstacles provided the basis for selection. It has the evidence base to justify the selection and to provide confidence that some research materials and evidence of the obstacle and its impact could be measured. Additional suggestions were made by stakeholders at a Commission event in Brussels held on 28th January 2016 and by the Commission. These were accommodated in the revised inventory as far as evidence was available.

We started with the principles that no specific policy area and no specific cross border region would be represented more than once to provide the widest possible spread of examples through the 15 case studies. However, given the weighting of the examples in the inventory (more in Northern and Western Europe) and the preferences of the Commission, a more pragmatic selection process was adopted. The one principle that was retained was that cases had to be selected from one of five policy areas (namely: industry/trade; labour market/education; social security systems (including health); transport; and policy planning/public services) debated at the Stakeholder event and ratified by DG Regio in accordance with other involved DGs.

Until April 2016, the steering group agreed the 15 case studies with a deadline of producing 15 draft case studies (including the revised N46-pilot case) for submission to the Commission by end of May 2016. The final list of selected case studies is given in Table 2.

Table 2. *The Case Studies*

Policy Area	Inventory Reference	Specific cross-border illustration
Industry/trade: (1.1) Exportation of goods and cross-border provision of commercial services, including e-commerce	N89 - Burdensome tax rules	IE-UK
Industry/trade: (1.4) Border-regional business activities and cross-border development of entrepreneurship (business incubators, start-ups, centres, venture capital)	N195 - Complex rules in Greece	BG-EL
Labour market/education: (2.2) Mobility of cross-border workers (commuter flows)	N46 - Cross-border mobility for commuters	DK-SE (pilot case – Öresund)
Labour market/education: (2.3) Mobility of trainees, students and teachers	N156 - Formal requirements on language use	DE-NL
Labour market/education: (2.8) Recognition of diploma or professional qualification certificates	N82 - Lacking recognition of educational degrees and diploma	ES-PT
	N119 - Lacking recognition of professional qualifications	BE-DE-FR-LU
Social security systems: (3.1) Access to social insurance system (e.g. retirement pensions, disability insurance, survivor benefits, unemployment insurance etc.)	N126 - Problems for workers with “mixed careers”	BE-DE-FR-LU

Policy Area	Inventory Reference	Specific cross-border illustration
Social security systems: (3.2) Access to health care services (i.e. primary, secondary and tertiary care) and medical treatment	N205 - Inadequate national health care legislation	EE-LV
Social security systems: (3.2) Access to health care services (i.e. primary, secondary and tertiary care) and medical treatment	N28 - Different national health care systems	FI-SE
Transport: (4.1) Scope and quality of regional/local and cross-border transport infrastructures and of related maintenance services (e.g. snow removal on roads and rail tracks etc.)	N115 - Inadequate policy framework	DE-PL
Transport: (4.3) Public transport by bus, rail, light rail or metro (e.g. quality service offer, density of connections, harmonisation of tariffs & schedules etc.)	N187 - Non-harmonised regional ticket pricing system	DE-FR
Policy planning/public services: (8.1) Spatial planning (national, regional, local) and cross-border territorial development planning	N171 - Cross-border public consultation procedures	BE-FR
Policy planning/public services: (8.3) Emergency and rescue services	N104 - Different national crisis and disaster / emergency management systems	SK-HU
Policy planning/public services: (8.4) Public security and crime prevention (police cooperation)	N116 - Complexity of federal structures and rules in Germany	DE-PL
(4.1) Scope and quality of regional/local and cross-border transport infrastructures and of related maintenance services (e.g. snow removal on roads and rail tracks etc.)	N103 - Different national Railway systems	AT-SI

3.2 Briefing of Experts

The selection of experts from Metis, ICF, AEIDL, Case and Panteia was made at the time of the proposal and ratified during the Inception phase of the project. A first face-to-face meeting including an in-depth briefing of the experts was held in London on 9th March at the premises of the project partner ICF. The purpose of the full-day meeting was:

- To brief the experts on the progress of the study including the completion of the inventory and the pilot case study
- The progress of the various meetings including the stakeholder and inter-service events, the recent steering and advisory group meetings of 2nd March
- The format for the case study reports (the draft shared with the Commission was subsequently revised following discussion in the expert meeting)
- To allocate case studies to experts
- To agree timetables and deadlines, and the case study process

- To identify common tasks and information sources that would benefit more than one case study (e.g. one meeting with a DG Santé officer serviced two case studies)
- To agree consultation strategies which vary according to case study. A helpful suggestion was made by the Advisory Group to conduct focus groups (especially businesses, citizens, groups. We also undertook to coordinate Commission meetings to avoid overlap).
- To set out the process for the evolution of case studies including quality checks to a prescribed format undertaken by ICF and Metis in May 2016 (experts were given an internal deadline of 4th May 2016) and the subsequent submission to the Commission and Advisory Group for discussion on 1st July 2016.

Papers were prepared and circulated in advance of the initial briefing including an earlier draft of the pilot, a template for case study write-ups, and a suggested topic guide to be amended for consultations.

Subsequently, there have been additional virtual/teleconference meetings and discussions, where issues could be shared and debated and queries raised. In July 2016, a follow-up conference call with relevant updates for all experts was held with the following messages stressed:

- Clarity over the obstacle under investigation and to be sure that policy discussions and other evidence were specifically linked to that obstacle
- The importance of factual accuracy and timely information
- Adherence to the template
- The importance of stressing the central messages (the introduction of the abstract was intended to assist this)
- The introduction of a 'problem tree'⁷ diagram to illustrate the obstacle, its relationship to other obstacles and the consequences for policy and the effective functioning of cross-border regions
- The need to respect the page limits
- To increase the number and improve the balance of consultees (including an assurance that consultees from both sides of the border had been involved)

3.3 Case Study Production and Revisions

Until August 2016, all case studies have been produced to draft stage with initial reviews of information gaps and quality of analysis addressed. There have been general issues in most cases concerning the conduct of the case studies, namely:

- The availability of EU level contextual information, including policy documents and directives has been strong in most cases. This has been backed up by consultations, often face-to-face, with key officials in the Commission and appropriate agencies.
- The level of information – as anticipated by the inventory – on cross border legal and administrative obstacles has been variable and weak in relation to the impact of obstacles on cross border cooperation. Documentation is often quite limited both at the EU and cross border level. Indeed, at the Steering Group it was anticipated that the relatively good level of information available for the Oresund would be difficult to replicate, and this has been proven.
- It has been difficult to identify relevant actors, with a specific knowledge and interest in cross border obstacles at the regional/locally specific level. This maybe because the obstacle is not seen as a priority (especially by

⁷ An example from the case study N103 - Different national Railway systems is presented in Annex 2

organisations with an interest in several policy areas). Nevertheless, the study has involved discussions with public agencies, specific cross border agencies, businesses, service providers and citizens. In total more than 200 people were consulted during the case study elaboration period, individually or via focus groups. Wherever practical consultations were conducted as part of site visits but for public and cross border agencies we found telephone interviews to be equally effective. In addition, it was not always possible to cluster consultations around a site visit, whilst some consultees only 'emerged' after some initial research and consultations. In a few cases, we found a visit or a focus group to be impractical for logistical reasons (e.g. the case N28 had an illustrative example close to the Arctic Circle and a site visit would have taken at least 3-4 days of the case study time budget).

As of 1st August 2016, all case studies were in the process of revision by DG Regio. Five further developed cases were presented and debated at a stakeholder event in Brussels on 27th September (46, 82, 104, 187 and 205) and therefore submitted earlier. All other revised case studies were submitted by 15th September 2016 and the initial plan was having the Task 3 signed off by the Commission on 15th October 2016.

Nevertheless, in the steering group 27th of September, after the presentation of the first five case studies at the stakeholder workshop, an in-depth discussion of the work in Task 3 took place. The discussion comprised the result having another revision of all 15 case studies following also, amongst the ones from DG Regio, the comments of other Commission services.

After discussing the revised cases in the next Steering Group 1st of December 2016 in Brussels, another revision round was launched. Eight adapted case studies were submitted until 16th of December 2016. The remaining seven case studies had to be submitted until 13th of January 2017.

The last steering group of the project took place 20th of January with the final discussion of Task 3 and was followed by the final approval of the cases on 30th of January.

4 Paper: Conclusions and Recommendations

The paper "Conclusions and Recommendations"⁸ should – as outlined in the previous reports – lead to a ten-page paper and annexes highlighting the main case study findings and it should comprise policy conclusions and recommendations. At the end, 15 pages plus annexes were needed to cover all relevant issues. The paper was produced in English and for the final approved version, French and German translations are foreseen (done by native speakers, proof-readers and translators in the Metis team).

The initial draft structure from July 2016 comprised the chapters highlighted in the following:

- Setting the Scene
- Nature and scope of prevailing legal and administrative obstacles
- Key messages from the Case Studies
- Impact of obstacles on border regions and current easing actions
- Recommendations

After a discussion in the Steering Group, a further developed draft of the paper was submitted to DG Regio in September 2016 and after another revision round the draft final paper was presented at a stakeholder event in December 2016. The comments from the event and the Commission comments afterwards led to the final version of the paper.

It was designed around the main objectives of the study on 'Easing legal and administrative obstacles in border regions'. These are:

- a) to take stock of the concrete legal/administrative obstacles still prevailing at the EU internal land borders (including the borders with Switzerland, Liechtenstein, Norway and Andorra), as far as they predominantly affect the border areas;
- b) to describe the characteristics of these obstacles in a systematic manner;
- c) to find out how the concerned authorities are dealing with them in order to derive good practice; and
- d) to come forward with recommendations on how to ease these obstacles in the future.

The final version describes at the beginning the context of the study and then the research work is presented in three main chapters. The first one highlights the main findings and conclusions covering:

- Multitude of legal and administrative obstacles on all borders
- Legal and administrative obstacles rooted in differences between national legal provisions
- Territorial structure and relevance of obstacles
- Most relevant policy areas
- Complexity of legal and administrative obstacles
- Negative impact on the cross-border areas
- Easing legal and administrative obstacles: a recurring phenomenon

The second chapter shows the good practice in easing legal and administrative obstacles. First, two basic approaches to overcome legal and administrative obstacles were identified:

⁸ The full version of the paper is presented in an Annex.

- a) better alignment or harmonisation of particular legal provisions and/or their implementation practices in neighbouring countries
- b) better information and communication on cross-border issues

Better alignment aims at closing the gap(s) or removing the contradictions between counterpart regulations on either side of a border while better information and communication is about coping with the gaps and contradictions as long as they exist.

Second, this chapter presents tools for easing (legal/administrative) obstacles. Here the research (inventory of obstacles and case studies) led to a number of instruments available. The instruments in use fall into the broad categories described below. These tools are neither exclusive nor is there a fixed sequence for their application:

- Inter-state agreements (bilateral or multilateral agreements at national or regional level)
- Informal cooperation
- Horizontal cross-border cooperation
- Cross-border legal entities and EGTC
- Innovative instruments
 - Application of the mutual recognition principle to border regions
 - eGovernment

Finally, the study team has been charged with formulating policy recommendations based on its findings and the tasks performed. These recommendations had to address all stakeholders who – actively or not – are involved and/or concerned by the legal and administrative obstacles. It has to be stated that easing legal and administrative obstacles within the border regions is a task for multi-level governance. The territorial specificities demand locally (or regionally) embedded action, which makes use of the knowledge and engagement of local/regional citizens and businesses. The recommendations were made for the local/regional level, the national level and the European level.

The local/regional level need to drive the process of easing legal and administrative obstacles and therefore it is important to put in place relevant cross-border structures and processes. A key condition for this is the existence of a cooperation climate, which is made up of the socio-cultural affinity, the political will, as well as a sufficient weight of local (border region) problems to be recognised and taken seriously in the national context. The historical context also influences the possible level of cooperation.

Therefore, the creation of such cross-border structures where they do not already exist is strongly recommended. Their remit should include three crucial functions:

- To review and identify issues of common interest, including a comprehensive survey of cross-border obstacles and establish a plan for tackling them.
- To secure a permanent information exchange between the network members and make information from 'the other side' available to the end user group.
- To press for sustainable/long-term solutions for the identified obstacles.

An important role that should be fulfilled at national level is the seeking of a closer alignment and harmonisation of regulations with neighbouring countries and their administrative implementation. Harmonisation – be it corrective or preventive – needs appropriate institutions as a necessary precondition. In this quasi institution- building process, the national level should assume several roles:

- Concluding bilateral or multilateral agreements with neighbouring states on the topics and procedures regarding cross-border cooperation.

- Promoting the engagement and inclusion of public or private stakeholders from all the relevant sectors into the cross-border institutions.
- Supporting the creation and operation of local/regional cross-border structures.

In addition to institution building, the national level should provide relevant information in terms of style and language – this should at least improve in the short run the language issue as far as it concerns administrative processes. Greater use should be made of the untapped potential of e-government – the Single Digital Gateway could be promoted as a tool for tackling cross-border obstacles on the ground. The national (and in federal states also the regional) level should contribute to awareness raising for cross-border issues and to developing the political will to tackle the obstacles – in this context, the creation of ‘border ambassadors’ is an idea that is worth pursuing.

The provision of information by the national authorities to the border regions stakeholders should also encompass the provision of intelligence and advice about cross-border (and trans-national) issues. This includes the organisation of meetings to exchange experience, the development and testing of harmonisation instruments (such as Territorial Impact Assessment (TIA)), legal advice to cross-border structures, and the collection and analysis of relevant border area data.

The main function at EU level in easing legal and administrative obstacles is to support the counterpart efforts of the local, regional and national levels and to further increase the efficiency of the operation of existing EU instruments. The activities or instruments fall into three broad categories: legal, financial and coordination/information:

- a. EU legislation has created a well-functioning regulatory framework for the border regions and should be continued. Some sectoral policy initiatives should supplement their transnational perspective with a cross-border dimension by, for instance, introducing decentralised info points or tackling the issue of spatial discontinuity.
In the case studies, amendments to existing EU legislation were hardly mentioned as necessary for dealing with obstacles. A most important aspect of EU legislation is the prevention of new legal and administrative obstacles from emerging or at least the reduction in their number and significance. Here an improved TIA and better guidance on the transposition of directives are recommended.
- b. A powerful financial EU instrument of potentially direct relevance to cross-border obstacles is Interreg. However, only occasionally the projects have led to stable and resilient co-operation structures. The strong investment orientation of the implementation rules of European Territorial Cooperation (ETC) has to a large extent side-lined institution building. This should be corrected in the future ETC regulation. A more border-area specific approach should be introduced, which could take place through a number of regulatory actions, some of which could be taken within the present ETC framework.
- c. The EU level coordinating and information instruments can also provide valuable support. ESPON could play a greater role in providing data and other evidence on the characteristics of border regions and cross-border cooperation to the stakeholders. This could encompass the cross-border TIA in order to better assess the cost of non-coordination.

Beyond ESPON, it might be a good idea to concentrate the manifold information needs – be they statistical or other data – in one EU-level institution: a Border Regions Observatory, which should draw on the long-standing experience and permanent activities of networking organisation in the field of cross-border cooperation, such as AEBR, MOT, etc.

5 Interaction with stakeholders, external border experts and Commission Services

The interaction with stakeholders and the commission services implemented Task 4 of the assignment. This was a pivotal cross-cutting objective to the project which aims to establish a discussion process between stakeholders, experts and DG Regio as well as certain other DGs. The Metis team was together with the main partner in Task 3, ICF, responsible for following the activities of (i) the steering committee; (ii) the advisory board⁹; (iii) the Commission services group and inter-service consultations. Furthermore, the Commission started a workshop series for stakeholder consultation, combined with the consultation of other DG services, to support the activities in the border obstacles review. Four of these meetings took place during the project implementation. The Metis team attended these meetings and presented preliminary findings of the research status quo.

In general, the **steering group** meetings were held together with the **advisory board** because of the given synergies between the two meeting types. The members of the steering group discussed the content of the deliverables together with the three advisors and the representatives of the consortium (Metis GmbH and ICF in all meetings besides the last two). For the administrative issues the advisors left and the project team and the steering group members met alone.

The **Commission service groups/inter-service consultations** and four **stakeholder meetings** followed the project progress. The comments of the several Commission services were submitted after the events. The first workshop was about the inception report and the plans in general, in the second meeting Metis GmbH presented the draft inventory of obstacles, in the third one five case studies were discussed in smaller groups and the last one was about the conclusions and recommendations paper. In the course of the project the following meetings were held:

Table 3. Meetings during the project implementation

Type of Meeting	Purpose of Meeting	Dates
Kick-off	Project kick-off and agreement on further steps	10/07/15
Steering Group	<p>The Steering Group members were the European Commission, including DG Regional and Urban Policy, and if necessary other services, and the contractor.</p> <p>The Steering Group met as agreed upon with the Commission throughout the course of the assignment. The main objectives of the meetings were:</p> <ul style="list-style-type: none"> • Reviewing each deliverable in order to assess its content; • Discussing progress of the assignment in order to ensure the project is in line with the expected milestones; • Reporting any issues or difficulties encountered by the contractor. • The main activities that the contractor will undertake were: • Drafting the agenda in agreement with the Commission; • Presenting the deliverables; • Drafting the minutes in agreement with the Commission; • Inform the other two groups when appropriate of the outcome of meetings 	19/01/16 02/03/16 01/07/16 28/09/16 01/12/16 20/01/17
Advisory Board	This group consisted of the Steering Group members as well as the three selected border experts, Estelle Evrard (University of Luxembourg), Maciej Smetkowski (University of Warsaw) and Joachim Beck (University of Applied Sciences in Kehl), who were not part of the contractor's team (external experts). The Advisory	25/11/15 19/01/16 02/03/16 01/07/16 28/09/16

⁹ See also 2. The Case Studies

Final Report

Type of Meeting	Purpose of Meeting	Dates
	Group advised the Steering Group and met as agreed upon with the Commission throughout the course of the assignment.	01/12/16 20/01/17
Stakeholder Workshop / Commission Service Group	The project progress and the preliminary findings of the research were discussed with other Commission Services. The workshops launched by DG Regio supported the activities in the border obstacles review process with input also from cross-border stakeholders. Project findings were discussed and interactive stakeholder consultation was taking place.	09/09/15 25/11/15 28/01/16 27/09/16 15/12/16

The final results of the project were presented at the “Monday morning policy meeting”, premises of DG Regio, **30th of January 2017**.

Annex 1

In-depth analysis of the 239 legislative and administrative obstacles included in the inventory

The present in-depth analysis of the 239 obstacles addresses the each of the seven inventory themes by a specific section, while making also cross-references to information under other themes (where possible and useful) for further refining the thematic analysis.

1. Main types of obstacles and their links to legislative or administrative practices

Because the political, geo-physical, economic and socio-cultural dimensions of European borders create a variety of “closure effects” (obstacles) and “opening effects” that always exist in parallel¹⁰, we had to clearly delineate legal and administrative obstacles from other sorts of obstacles that may exist at internal EU land borders. For this to achieve, we have defined three main types of obstacles at the outset of our research activities:

- (1) **EU-related legal obstacles (Type 1)** which can be caused by the specific status of an EU-border or by EU legislation in policy fields for which an exclusive or shared EU competence does exist.
- (2) **Member State-related legal obstacles (Type 2)** which can be caused by different national or regional laws of EU Member States (incl. the non-EU countries CH, NO, LI and AD) in policy fields for which only a supporting or no EU competence does exist.
- (3) **Administrative obstacles (Type 3)** which can be caused by a non-willingness to address certain problems in a cross-border context, by an asymmetric cooperation constellation or a lack of horizontal co-ordination or by different administrative cultures or official languages on either side of a common border.

In order to determine more closely the link to specific legislative or administrative practices, we have also defined **four sub-types in relation to each main type** (i.e. 12 sub-types in total). The table below presents this overall taxonomy and also indicates for each main type and the related sub-types the absolute number of obstacles cases recorded in the inventory (see: Table 3).

An analysis of the 239 legal and administrative obstacles reveals the following main findings and also allows drawing some preliminary conclusions.

→ **Clearly most numerous and also nearby at the same level are “Member State-related legal obstacles” (Type 2: 104 obstacles) and “administrative obstacles” (Type 3: 99 obstacles).** The large majority of obstacles which were classified under these two main types are belonging to the following sub-types:

- (II.1) Obstacles emerging from different national legal provisions in a policy field for which only a supporting EU competence does exist;
- (II.2) Obstacles emerging from different national legal provisions in a policy field for which no EU competence does exist;
- (III.3) Obstacles emerging from a lack of horizontal co-ordination or cross-border co-operation as regards the planning or delivery of national/regional/local public policies;

¹⁰ This holistic perception of the “multidimensional reality” of European borders was developed in the context of the ESPON 2013 research project “GEOSPECS” See: ESPON (2012): GEOSPECS – European Perspective on Specific Types of Territories. Applied Research 2013/1/12, Final Scientific Report (Version 20/12/2012).

- (III.4) Obstacles emerging from differences in the administrative cultures of neighbouring countries (i.e. diverging ways of understanding, conceiving, organising, managing and implementing public policies), from the administrative use of different languages on both sides of a border or from absent / inadequate information provision by administrations on issues of cross-border relevance.

This suggests, as a **first preliminary conclusion**, that a removal or alleviation of the majority of registered border obstacles primarily requires action within and between Member States. This action has to involve not only public administrations at different governance levels (i.e. national authorities, regional and local levels), but also many other public and semi-public or associative actors which are disposing of distinct potentials for generating change in the concerned policy fields (e.g. existing Euroregions or similar cooperation structures, chambers of commerce & industry, chambers of crafts, trade unions, educational institutions and universities, health insurances etc.).

→ **“EU-related legal obstacles” are less frequent in overall terms (Type 3: 36 obstacles), but they are distributed more evenly across the four related sub-types.** Obstacles belonging to sub-type 1.1 account for roughly one fourth of these 36 obstacles and they emerge from the specific status of several EU borders between Member States and Norway (esp. SE-NO) or Switzerland (FR-CH, DE-CH, AT-CH, IT-CH). As regards the remaining obstacles which are belonging to the three sub-types 1.2 –1.4, one can observe that they are mostly rooted in differences between the rules and procedures of EU-Member States that are used for applying EU-regulations or for transposing EU-directives (i.e. sub-type I.4) as well as in existing EU legislation which does not sufficiently take into account the cross-border dimension (i.e. sub-type I.3). An absence of EU-regulations or EU-directives seems, on the contrary, not to be of major importance (i.e. sub-type I.2).

This suggests, **as a second preliminary conclusion**, that a removal or alleviation of the majority of EU-related legal obstacles requires action at the EU-level (esp. in case of sub-types I.1-1.3) as well as action within and between EU Member-States or neighbouring third countries (esp. in case of sub-types I.1 and I.4).

Table 4. Main types and sub-types of obstacles and number of cases in the inventory

Main Types	Sub-types (i.e. specific legislative or administrative practices)	Obstacle cases
Type 1: EU-related legal obstacles	(I.1) The obstacle emerges from the particular status of a given EU border (e.g. border between EU countries and EEA countries or Switzerland; border between Schengen/non-Schengen countries; border between Eurozone/non-Eurozone countries etc.)	8
	(I.2) The obstacle emerges from an absence of EU-regulations or EU-directives in a policy field of cross-border relevance (e.g. lack of directly applicable common rules or of provisions for legal harmonisation)	2
	(I.3) The obstacle emerges from existing but inadequate EU legislation (e.g. EU-regulations or EU-directives do not sufficiently take into account the cross-border dimension)	9
	(I.4) The obstacle emerges from an incoherent implementation of existing EU legislation by EU-Member States (i.e. differences between the domestic rules or procedures used for applying EU-regulations or for transposing EU-directives)	17
	Total, all sub-types (I.1-I.4)	36
Type 2: Member State-related legal obstacles	(II.1) The obstacle emerges from different national legal provisions in a policy field for which only a supporting EU competence does exist	46
	(II.2) The obstacle emerges from different national legal provisions in a policy field for which no EU competence does exist	52

Main Types	Sub-types (i.e. specific legislative or administrative practices)	Obstacle cases
	(II.3) The obstacle emerges from different regional / local legislations or administrative directives in a policy field for which no EU competence does exist	2
	(II.4) The obstacle emerges from an asymmetric cross-border legal context in a policy field for which no EU competence does exist (e.g. policy-specific national / regional / local legislation on one side of the border, but no corresponding legislation on the other side)	4
	Total, all sub-types (II.1-II.4)	104
Type 3: Administrative obstacles	(III.1) The obstacle emerges from country-internal institutional changes (e.g. devolution or centralisation of powers) or from the non-willingness to initiate solutions which tackle specific cross-border problems (e.g. due to a national administration which perceives a given problem as "irrelevant" and therefore does not take action)	4
	(III.2) The obstacle emerges from an asymmetric cooperation constellation which prevents that a specific cross-border problem is tackled (e.g. due to different or incompatible competences, no or only limited cooperation between a local or regional authority from one country and a national administration of another country)	7
	(III.3) The obstacle emerges from a lack of horizontal co-ordination or cross-border co-operation as regards the planning or delivery of national/regional/local public policies	41
	(III.4) The obstacle emerges from differences in the administrative cultures of neighbouring countries (i.e. diverging ways of understanding, conceiving, organising, managing and implementing public policies), from the administrative use of different languages on both sides of a border or from absent / inadequate information provision by administrations on issues of cross-border relevance.	47
	Total, all sub-types (III.1-III.4)	99

2. Wider policy areas and specific fields of intervention affected by legal and administrative obstacles

Legal and administrative obstacles were examined for 8 wider "policy areas" and also for a total of 45 related "fields of intervention" which were initially defined to further specify these policy areas. A closer examination of the inventory data for both dimensions reveals the following main findings.

→ **The 239 legal and administrative obstacles of the inventory affect all of the wider policy areas examined, albeit at different levels of intensity (see: Figure 2).**

- "Labour Market & Education" accounts with 73 cases for nearly on third of all registered legal and administrative obstacles (31%) and is therefore the most frequently affected policy area.
- Four other policy areas are also significantly affected by legal and administrative obstacles, but they have clearly lower shares in the total of all cases: these are "Social Security & Health" (20% or 48 cases), "Transport & Mobility" (16% or 38 cases), "Policy Planning & Public Services" (13% or 30 cases) and "Industry & Trade" (12% or 29 cases).
- The policy areas "Environment", "Climate Change" (mitigation and adaptation) and "Information Society" account with together 18 cases for around 8% of all inventory obstacles. This absence of examples can be partly explained by the fact that some related aspects are also covered by other policy areas (e.g. eCommerce under "Industry & Trade" and mobile phone networks under public emergency services; measures relevant for climate change adaptation &

mitigation under "Transport & Mobility", "Policy Planning & Public Services" or "Environment"). Other reasons which might explain this absence of examples are that cooperation is already long-standing and with a few exceptions functioning well (e.g. environment), that substantial information is missing because cross-border cooperation activities in a policy area are launched only more recently (i.e. climate change) or are still at an embryonic stage (i.e. energy) and that shared potentials allowing to start cooperation are simply missing on both sides of a border (e.g. some fields of climate change mitigation).

- We also found a few obstacles (3 cases) which affect more than just one particular policy field. This is mainly because those obstacles are rooted in an asymmetric cooperation constellation which prevents that problems can be tackled in a cross-border perspective (i.e. highly different or incompatible competences between local or regional authorities on both sides, leading to no or only limited cooperation in one or more policy fields).

→ **If the type-specific composition of obstacles under the wider policy areas (see: Figure 3) is examined more closely, then the following overall pattern appears:**

- Six policy areas (i.e. Industry & Trade; Labour Market & Education; Social Security & Health; Transport & Mobility; Information Society, Policy Planning & Public Services) are affected at the same time by EU-related and Member State-related legal obstacles (types 1 & 2) as well as by administrative obstacles (type 3).

Figure 3. Number of legal and administrative obstacles by policy area

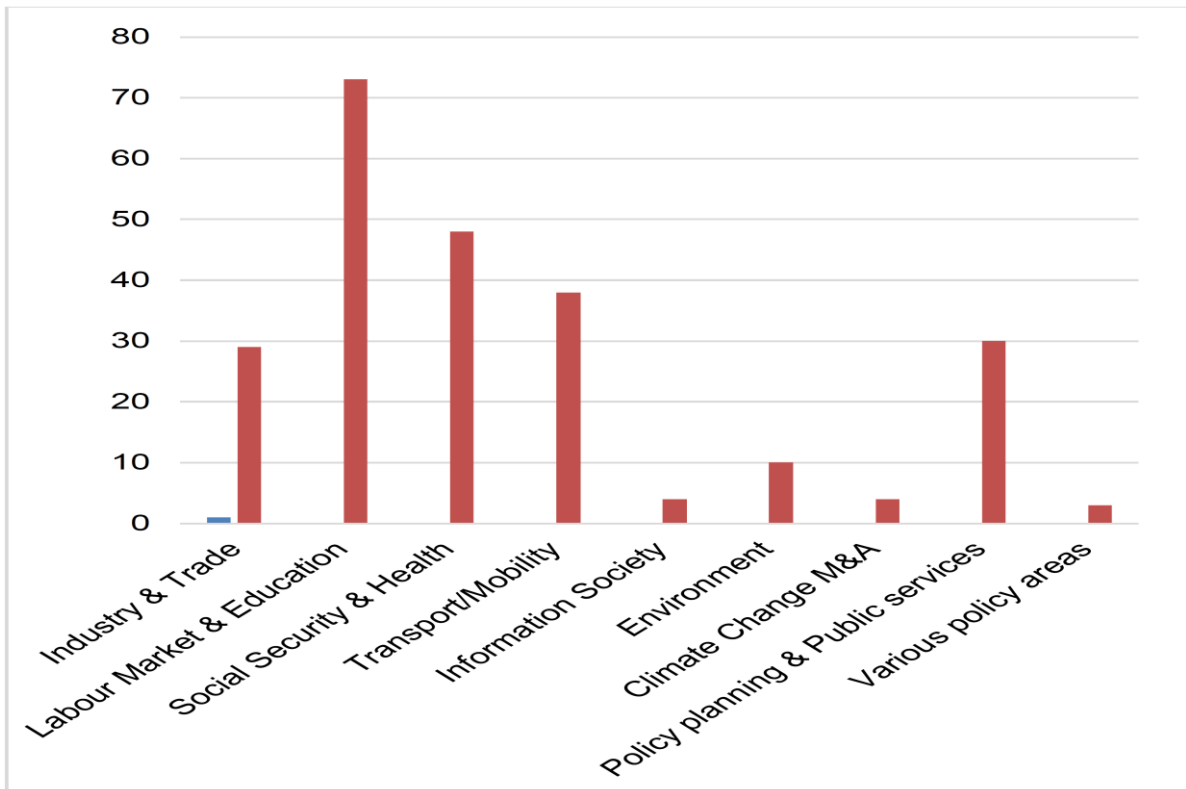
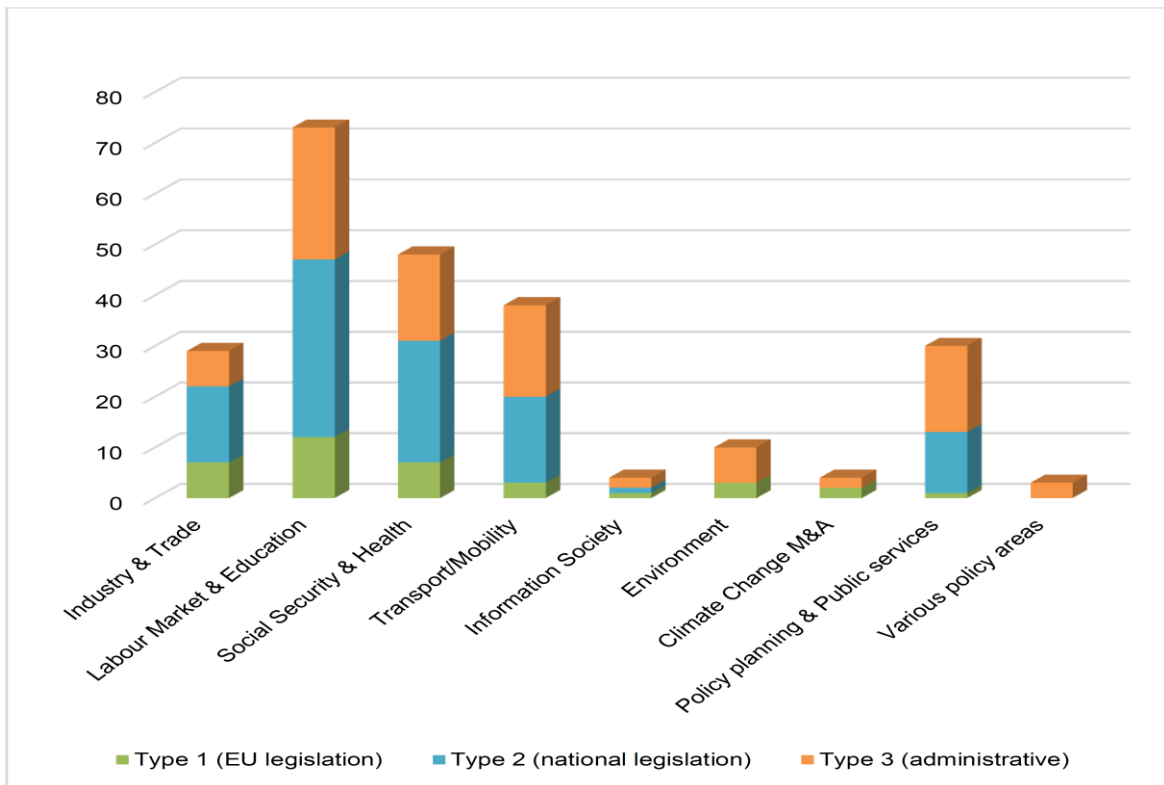


Figure 4. Types of obstacles by policy area (absolute figures)



- The two policy areas “Environment” and “Climate Change” (mitigation and adaptation) are only affected by EU-related legal obstacles (type 1) and by administrative obstacles (type 3), but not by Member State-related legal obstacles.
- The three cases which affect more than just one particular policy field are all administrative obstacles (type 3) because they are rooted in an asymmetric cooperation constellation which prevents that problems can be tackled in a cross-border perspective.

→ **The 239 legal and administrative obstacles of the inventory affect 34 out of the 45 initially defined fields of intervention, albeit at different levels of intensity (see: Table 4).**

There are 10 fields of intervention which are affected each by a larger number of legal or administrative obstacles (i.e. number of cases ranging from 22 down to 8) that concern different internal EU borders. These are in a decreasing hierarchical order

- “Mobility of cross-border workers” (Labour Market & Education),
- “Exportation of goods and cross-border provision of commercial services, including e-commerce” (Industry & Trade),
- “Access to social insurance system” (Social Security & Health),
- “Access to health care services and medical treatment” (Social Security & Health),
- “Public transport by bus, rail, light rail or metro” (Transport & Mobility),
- “Emergency and rescue services” (Policy Planning & Public Services),
- “Mobility of trainees, students and teachers” (Labour Market & Education),
- “Recognition of diploma or professional qualification certificates” (Labour Market & Education),

- “Scope and quality of regional/local and cross-border transport infrastructures and of related maintenance services” (Transport & Mobility),
- “Protection and management of natural resources” (Environment).

Another 24 fields of intervention are affected either by 3 to 5 obstacles (12 fields of intervention) or even fewer cases (12 fields of intervention) which concern only some specific EU borders.

The 11 fields of intervention which are not affected by legal or administrative obstacles belong to nearby all larger policy areas. There are various reasons which may explain why these fields of intervention are not covered. In some cases this is due to the fact that related issues are already covered by another field of intervention¹¹, while in many other cases this may result from a not yet widely developed thematic cross-border cooperation (e.g. energy production from renewable sources including cross-border energy distribution networks, energy efficiency in production processes and buildings) or from an absence of cross-border activities because shared cooperation potentials are lacking (e.g. access to social housing and property; reduction of air pollution and other on-shore pollution sources).

Table 5. *Fields of intervention affected by the 239 inventory obstacles*

Policy areas (Number of cases)		Affected fields of intervention (*) (Number of cases)
I. Industry & Trade	29	<ul style="list-style-type: none"> • Exportation of goods & cross-border provision of commercial services, incl. e-commerce (22) • Border-regional business activities and cross-border development of entrepreneurship (3) • Availability and quality of cross-border economic advice services (2) • Development of basic economic infrastructures and cooperation between companies (1) • Cross-border shopping activities of individuals and protection of consumer rights (1)
II. Labour Market & Education	73	<ul style="list-style-type: none"> • Mobility of cross-border workers (38) • Mobility of trainees, students and teachers (12) • Recognition of diploma or professional qualification certificates (9) • Advice services for job-seekers and unemployed persons (5) • Cooperation between schools and universities (4) • Access of workers to neighbouring labour markets (2) • Access to vocational education and training or life-long learning (2) • Access to tertiary education (1)
III. Social Security & Health	48	<ul style="list-style-type: none"> • Access to social insurance system (21) • Access to health care services and medical treatment (18) • Access to social integration services (5) • Access to specific home and community care services for an aging population (4)
IV. Transport & Mobility	38	<ul style="list-style-type: none"> • Public transport by bus, rail, light rail or metro (18) • Scope and quality of regional/local and cross-border transport infrastructures and of related maintenance services (8) • Freight transport by rail, road or inland water shipping (5) • Border crossing points, efficiency of customs clearance processes or of other cross-border administrative and technical procedures (5)

¹¹ e.g. mail delivery services; exportation of goods & cross-border provision of commercial services; reducing climate change vulnerability of natural resources; protection and management of natural resources; access to telephone and to the internet; emergency and rescue services.

Policy areas (Number of cases)		Affected fields of intervention (*) (Number of cases)
		<ul style="list-style-type: none"> • Passenger transport by road and ferry services on inland waters (2)
V. Information Society	4	<ul style="list-style-type: none"> • Scope and quality of cross-border e-services (3) • Broadcasting, radio and television (1)
VI. Environment	10	<ul style="list-style-type: none"> • Protection and management of natural resources (8) • Water abstraction and fresh-water provision (1) • Treatment of waste water and solid waste (1)
VII. Climate Change (mitigation and adaptation)	4	<ul style="list-style-type: none"> • Prevention and management of major climate change risks (4)
VIII. Policy Planning & Public Services	30	<ul style="list-style-type: none"> • Emergency and rescue services (17) • Public security and crime prevention / police cooperation (4) • Spatial planning (national, regional, local) & cross-border territorial development planning (4) • Planning of territorially relevant sector policies (national, regional, local) and cross-border sector policy planning (3) • Access to childcare or pre-school services (1) • General administrative activities and e-government services (1)
Various policy areas	3	Institutional asymmetry affects various policy areas
(*) Not affected are 11 of the initially defined fields of intervention: (I-1.3) "Development of R&D/innovation infrastructures and cooperation on R&D/innovation", (IV-4.5) "Intelligent traffic systems and management of road congestion", (V-5.1) "Availability and quality of ITC infrastructures", (V-5.2) "Access to telephone and to the internet", (VI-6.3) "Reduction of air pollution and other on-shore pollution sources", (VII-7.1) "Energy production from renewable sources, including cross-border energy distribution networks", (VII-7.2) "Energy efficiency in production processes and buildings", (VII-7.3) "Sectoral or territorial low-carbon strategies", (VII-7.5) "Reducing climate change vulnerability of natural resources" (VIII-8.5), "Regular mail delivery services" and (VIII-8.8) "Access to social housing and property".		

→ **This final point formulates general conclusions with respect to the governance levels that should take action under the different policy areas and fields of intervention for removing or at least alleviating legal and administrative obstacles.**

Because administrative obstacles (type 3) occur under all policy areas and are also found under nearby all of the 34 affected fields of intervention, it becomes clear that substantial action needs to be taken at all governance levels of EU Member States (national, regional, local).

National governments, more specifically, need to take action in policy areas which are concerned by Member State-related legal obstacles (type 1). This is the case for the affected fields of intervention under the policy areas "Industry & Trade", "Labour Market & Education", "Social Security & Health", "Transport & Mobility" and "Policy Planning & Public Services". Further action by national governments is also needed in the context of EU-related legal obstacles (type 2), because an incoherent implementation of existing EU legislation by Member States affects a large number of fields of intervention.¹² For the latter it may also be advised to launch further accompanying EU-level action with a view to support and promote a more coordinated implementation of existing or new EU legislation across EU Member States.

EU-level action is required in one field of intervention with cross-border relevance where EU legislation is currently absent (e.g. lacking cross-border portability of rights

¹² e.g. mobility of cross-border workers, recognition of diploma or professional qualification certificates, access to health care services and medical treatment, exportation of goods and provision of commercial services incl. e-commerce, emergency and rescue services, a protection and management of natural resources, treatment of waste water and solid waste, prevention and management of major climate change risks.

from income insurances and additional pension schemes), but especially in a larger number of fields of intervention for which existing EU legislation does not yet sufficiently take into account the cross-border dimension. Concrete examples for the latter are the recognition of diploma or professional qualification certificates, the mobility of cross-border workers and trainees or students and teachers, the access to health care services and medical treatment (incl. scope & quality of cross-border eHealth-services) and cross-border public transport. Another more specific case for further EU-level action are fields of intervention which are affected by obstacles that result out of the specific status of certain EU-borders with the neighbouring non-EU countries Norway and Switzerland (i.e. exportation of goods and a cross-border provision of commercial services; access of cross-border workers from Germany, France, Italy and Austria to the Swiss labour market).

3. The geographical dimension of legal and administrative obstacles

In order to address this theme of the inventory, we assumed at the outset of this study that legal and administrative obstacles can in principle emerge and be noticed at three different geographical levels.

- (1) An obstacle can exist along all internal land borders between EU Member States. This can be due to an absence of EU law on a particular matter of cross-border relevance for which an EU-level competence exists, or it may result from a non-consideration of aspects with cross-border relevance in already existing EU legislation.
- (2) An obstacle can exist along the entire length of a specific EU land border between Member States and with neighbouring non-EU countries (i.e. NO, CH, LI and AD). This may be due to incompatible domestic legislations in the neighbouring countries or because of different domestic rules and procedures used by EU Member States for applying EU-regulations and for transposing EU-directives.
- (3) An obstacle can be noticed only at a smaller segment of a specific EU land border between Member States and with neighbouring non-EU countries (i.e. NO, CH, LI and AD). This may be due to the fact that an obstacle is only noticed at the part of a common border where significant cross-border interaction exists (e.g. at border-crossing points and in communicating valleys of mountainous areas; between inhabited zones of otherwise sparsely populated or non-populated areas), but not at others parts of that border where such interaction is low or not existing due to major physical obstacles or a lack of population.

A review of the 239 legal and administrative obstacles clearly confirms these assumptions because the inventory cases cover all of the three geographical levels, albeit at a variable extent.

→ Around 64% of all legal and administrative obstacles (or 152 cases) exist on the entire length of specific EU land borders between Member States or with neighbouring non-EU countries (i.e. NO, CH, LI and AD).

These are most often obstacles which are related to Member State legislation (67 cases) and also administrative obstacles (58 cases). The latter affect an entire border especially if administrative action is linked to central state competences and systems-wide aspects (e.g. taxation system, social security & health care system, emergency & civil protection system, police & criminal investigation, business & labour market) or if highly different domestic governance systems on either side of a border lead to a lack of horizontal co-ordination or cross-border cooperation in the planning or delivery of public policies or hinder a tackling of specific problems (i.e. asymmetric cooperation constellation).

Also obstacles which are related to EU legislation (27 cases) affect the entire length of internal EU land borders. This is most often the case if obstacles are related to the

particular status of a given EU border (e.g. border between EU countries and EEA countries or Switzerland; border between Schengen/non-Schengen countries) or if obstacles emerge from an incoherent implementation of existing EU legislation by EU-Member States (i.e. differences between the domestic rules or procedures used for applying EU-regulations or for transposing EU-directives). Still, there are also a few cases where such border-wide effects appear from obstacles which are related to existing but inadequate EU legislation in the field of labour market and education (e.g. insufficient consideration of the cross-border dimension in fields such as recognition of professional qualifications, the mobility of third country nationals or social security contributions).

→ **Roughly one third of all registered obstacles (or 78 cases) are noticed only at a small segment of specific EU land borders between Member States or with neighbouring non-EU countries (i.e. NO, CH, LI and AD).** These are in exactly half of the cases administrative obstacles and in nearby all remaining cases legal obstacles which are related to Member State legislation (34 cases).

Obstacles at a reduced geographic scale are very common at borders where significant cross-border interaction only takes place at specific locations. They are often noticed along specific cross-border transport axes or at border-crossing points, which is supported by the fact that 27% of these 78 inventory cases are directly related to transport matters. Obstacles at a reduced geographic scale frequently exist in the inhabited zones of otherwise sparsely populated or non-populated areas in the Nordic countries, but also in high mountain areas. A good example for the latter is the Pyrenees cross-border area (FR-ES-AD). Here, certain obstacles are only relevant in specific sub-areas because geo-physical conditions and institutional or political settings for cooperation are different in the western, central and eastern parts of this high mountain range (e.g. role of the Principality of Andorra; cooperation themes are relevant only in specific parts and not in others etc.).

Such obstacles also exist at several longer bilateral EU borders (e.g. BE-FR, DE-NL, ES-PT) where specific problems emerge due to different needs / cooperation activities or different institutional/legal settings. A good example is the BE-FR border where neighbouring border regions have resolved certain problems at some parts of the entire border, while at other parts of that border the concerned border regions have not yet achieved progress in this respect (e.g. in the field of social care services, emergency services, cross-border public transport).

Finally, this kind of obstacle emerges at highly urbanised parts of a bilateral EU land border (e.g. cross-border twin towns; cross-border metropolitan areas) and especially in multilateral cross-border areas such as the "Greater Region" (BE-DE-FR-LU), the "Upper Rhine Area" (FR-DE-CH), the "Euregio Maas Rhein" (BE-DE-NL) or the "Pre-Alpine-Lake Constance-Rhine Area" (DE-AT-CH-LI). In the latter case this is primarily due to the closeness of several countries which all have quite different institutional and legal settings. This can generate specific obstacles and problems at a smaller bilateral border segment (e.g. FR-DE or FR-DE-CH) which do not exist in other parts of the multilateral cross-border area (e.g. DE-CH or FR-CH of FR-DE-CH).

→ **The inventory also includes 9 obstacles which exist along all internal land borders between EU Member States.** Several of these obstacles concern issues for which EU-level action might be required to solve problems which exist in a cross-border context (e.g. changes of certain provisions in the Erasmus+ programme, better inclusion of cross-border public transport in the Common Transport Policy, persisting problems with the interoperability of national railway systems) and for which new or further refined EU-legislation could bring advantages (i.e. more legal certainty in the field of eHealth, EU-provisions for a cross-border administrative handling of documents relating to "life events").

Other obstacles clearly suggest stronger interaction between Member States or between border regions, either because of manifold problems which emerge from

different national legal provisions in a policy field for which no EU competence does exist (i.e. tax obstacles for cross-border workers; high compliance costs / extra cost for meeting requirements laid on cross-border workers and their employers by tax law and revenue authorities) or because of substantial cooperation shortcomings in a particular policy field (i.e. frequent weaknesses in the field of cross-border flood risk management).

4. The very nature of legal and administrative obstacles

The previous sections have shown that the 239 legal and administrative obstacles of the inventory starkly differ with respect to the specific legislative or administrative practices (i.e. sub-types), the affected policy areas and fields of intervention and also the geographical scale at which they exist or can be noticed.

This part of the inventory examined in more detail the very nature of legal or administrative obstacles. For this we looked at the problems or difficulties which are caused by an obstacle and also at the types of actors which are adversely affected (e.g. individual citizens, different kinds of public and private organisations, civil society actors etc.). Moreover, we identified the specific "roots" of each obstacle and also took into account other institutional, administrative or policy-related factors from the domestic or cross-border context in order explain why legal or administrative obstacles exist or persist.

For the present in-depth analysis we could only establish an overview on general problems and difficulties which legal and administrative obstacles are causing in different policy areas at the internal EU land borders (see: Table 5). A summary of other aspects characterising the very nature of obstacles (i.e. types of actor affected, specific "roots" of obstacles, features of the domestic or cross-border context) could unfortunately not be elaborated, because information under each aspect is by far too heterogeneous for being presented in some kind of overview.

However, experience from our elaboration of case descriptions for the inventory suggests that **legal and administrative obstacles are generally characterised by one of the two basic features below**. These features have also to be considered when effects and impacts of obstacles and also potential solutions to the caused problems are subsequently analysed (see sections 6 and 8).

→ **Firstly, there are obstacles which are characterised by a "straightforward source-problem-effect relationship"**. In these cases there exists a clear relational link between (1) a specific inadequate provision in a concrete piece of legislation or a certain inappropriate administrative practice, (2) the difficulties or hindrances this provision or practice is creating for cross-border interactions and (3) the negative direct effects or adverse secondary effects which emerge for specific corporate actors (e.g. enterprises, public administrations or universities) or larger person groups (e.g. cross-border workers, job-seekers, students or teachers) or individual citizens in the cross-border area.

For this kind of obstacle it is in principle quite easy to conceive and implement a solution, provided that the concerned and competent stakeholders are willing to take action on the issue at stake. Once the source is eliminated, also the problems and the adverse direct or indirect effects will disappear.

A good example illustrating this assumption is the introduction of a more transparent, simplified and speedy administrative procedure for reimbursing cost linked to cross-border health care treatments, which eliminates long waiting times and administrative burden or monetary cost for the concerned patients that have existed before the administrative reform.

→ **Secondly, there are obstacles which are characterised by a "complex source-problem-effect relationship"**. In these cases there are (1) various and more or less closely related legal or administrative aspects which together are creating (2) difficulties or hindrances for cross-border interactions that again (3) are leading to

negative direct effects or adverse indirect effects for specific corporate actors, larger person groups or individuals in the cross-border area.

Because it is often difficult in this constellation to disentangle exactly which aspects are primarily causing a given problem and which aspects are additionally contributing to it, it is therefore also much more complicated to conceive and implement a solution that is able to fully eliminate the problem and the related adverse direct or indirect effects.

Such complex constellations occur quite frequently on the cross-border labour market, where systems differences between countries and inadequate legal provisions (e.g. in laws on taxation, labour market, social benefits, pensions etc.) as well as lengthy administrative procedures and a lack of adequate information or advice services are together creating a major hindrance for the cross-border mobility of workers and job-seekers. For further increasing cross-border mobility, it might therefore be necessary that different types of action are launched simultaneously (e.g. change of legal provisions, improved information & advice etc.) by different kinds of labour market relevant actors.

Table 6. Main problems caused by legal and administrative obstacles

Main policy area	Observed problems for cross-border activities
Industry & Trade	<ul style="list-style-type: none"> • Cross-border business activities are hampered by complex VAT rules and procedures (e.g. complicated VAT taxation rules, requirement for a VAT representative, lengthy VAT registration procedure, cumbersome VAT reimbursement procedures etc.). • Cross-border business activities are hampered by different national rules on public procurement and burdensome procedures for public sector procurement (e.g. difficult recognition of certain industry accreditations etc.). • The cross-border exportation of goods to a neighbouring non-EU country (Norway) is hampered by inadequate or complicated customs rules and procedures. • Complex legislation and discriminatory provisions in Switzerland hamper cross-border provision of services by businesses located in the border regions of France, Germany, Austria and Italy. • Highly centralised national mail dispatching and distribution systems lead to lengthy and costly cross-border mail delivery processes for businesses. • Different regional-level rules for start-up support schemes in neighbouring countries hinder a cross-border development of entrepreneurship. • Cross-border business activities are hampered by different national social security legislations and taxation rules (e.g. a cross-border payroll is needed, burdensome tax rules for cross-border workers, absence of tax clearance certificates etc.). • Cross-border business activities are hampered by differences in the economic legislations of neighbouring countries, by a difficult access to domestic business legislation on the other side of the border or by an inadequate provision of information through national/regional/local administrations. • Cross-border economic development is hindered by incompatible business support policies practiced on either side of the border (i.e. competition) or by overly complex national or regional / local level public business support schemes. • High tolls for border-crossing bridges and roads hinder cross-border shopping activities of the local population in border regions.
Labour Market & Education	<ul style="list-style-type: none"> • New national legislation in Switzerland may restrict the access of workers from France, Germany, Austria and Italy to the Swiss labour market. • EU law and related national laws create restrictions for the cross-border labour mobility of third country nationals within the EU.

Main policy area	Observed problems for cross-border activities
	<ul style="list-style-type: none"> • Mobility on the cross-border labour market is frequently hindered by the difference of national labour market legislations which creates multiple difficulties for jobseekers and workers (e.g. unemployed workers cannot get work placement across the border; sector-specific contractual rules; different rules for part-time work; commuters cannot get leave of absence for political assignments), or by inadequate and even very discriminatory provisions for cross-border workers in the national legislations of some EU Member States. • Unnecessary administrative formalities for a registration of cross-border workers or highly centralised national registration procedures hinder cross-border labour mobility. • Mobility on the cross-border labour market is frequently hindered by different national tax legislations and complex cross-border tax provisions (i.e. in double taxation agreements) or by cumbersome administrative procedures, as they create many obstacles (or even discriminatory provisions) for cross-border workers and their employers (enterprises) and expose them to higher compliance costs or extra cost for meeting formal requirements laid on them by tax law and revenue authorities. • Cross-border mobility of workers and jobseekers is hampered by different national rules and procedures for recognition of university diploma and professional qualifications (e.g. educational qualifications, accreditations or authorisations are valued differently on either side of the border) and specific access conditions for certain professions. • Cross-border labour mobility between neighbouring regions is frequently hindered by a lack of adequate information and advice services for jobseekers and workers on various issues in the neighbouring country (i.e. job offers, rules regarding employment and dismissal, level of minimum wages, right to and length or scale of unemployment benefits, provisions on health insurance and medical care, direct taxation etc.). • A lack of structural or statistical information on the cross-border labour market actors and weak cooperation among key stakeholders from both sides of a border (e.g. missing or weak exchange of information on cross-border job offers) hinders the development of a cross-border labour market between neighbouring border regions. • Cross-border mobility of trainees and apprentices is hampered by different national legislations on vocational training (e.g. different systems for financing apprenticeship; incompatible statuses of trainees and apprentices; restrictive rules on a continuation of apprenticeship across the border; limited or no social security coverage) and a different organisation of the vocational education offer (e.g. training institutions, content of courses, formal language requirements for exams etc.). • Different national legal provisions for higher education and a different organisation of higher education systems restrict the cross-border mobility of students (e.g. existence/non-existence of tuition fees, access requirements), professors and researchers (e.g. lacking portability of national research grants and equipment; no extra payment for teaching / researching activities done in the neighbour country; impossible supervision of PhD-students in a neighbouring country).
Social Security System	<ul style="list-style-type: none"> • Differences between national healthcare systems and lengthy administrative procedures still hamper a cross-border activity of health care personnel. • Differences between national healthcare systems (i.e. restrictive or inadequate domestic legislations, different organisation of insurance systems and of cost re-imburement) still hamper the access of persons not being cross-border workers to primary health care services on the other side of the border, a cross-border provision of cross-border ambulatory or emergency care services by doctors and

Main policy area	Observed problems for cross-border activities
	<p>more intense cooperation between hospitals.</p> <ul style="list-style-type: none"> • Differences between domestic social care legislation hamper a cross-border mobility of disabled persons (e.g. restrictive national rules on the use of disability vehicles or on the employment of individual care persons when moving across the borders). • Long-term care of elderly or disabled persons across the border is hampered by different national social security systems (i.e. reimbursement of care cost) or by the absence of a dedicated cross-border legal framework (i.e. via an inter-state agreement). • Differences between domestic social protection systems and legislation or lengthy / complex administrative procedures negatively affect the cross-border mobility of workers (e.g. cumbersome application processes for childcare benefits; non-recognition of a cross-border worker's certified invalidity situation in a neighbouring country; difficulties for cross-border workers to follow sickness / vocational rehabilitation in their country of residence). • Institutional and operational asymmetry between domestic social service provision systems of neighbouring countries (and regions) hinders more intense cross-border cooperation. • Different national social and labour market legislation on unemployment benefits, early retirement and pension rights and also lengthy administrative procedures or a lack of access to correct / up-to-date administrative information negatively affect dismissed or retiring cross-border workers (e.g. problems for workers with "mixed careers" in various countries; lacking portability of income insurances rights or additional pension rights acquired in a neighbouring country). • Citizens in border regions are affected by un-necessary administrative burdens and high cost for a repatriation of the mortal remains of persons who died in the cross-border zone, which is due to the absence of harmonisation of administrative and technical conditions for a transport of bodies beyond national borders.
Transport & Mobility	<ul style="list-style-type: none"> • Cross-border transportation of passengers and goods is hindered by incompatible (inadequate) domestic transport policy frameworks or shortcomings in the planning and development of cross-border transport infrastructures (i.e. lacking border-crossing possibilities by rail and road, insufficient capacity of border-crossing points). • Cross-border transportation of passengers and goods by rail is hindered by lengthy technical and administrative handover procedures at border crossing points or stations which are necessary because of the incompatibility of national railway systems (i.e. difference of railway gauge, of electrification and traction systems, of control-command systems etc.). • Cross-border transportation of goods by road is hindered by different national transport legislations (e.g. rules for maximum length and maximum weight of trucks, vehicle labelling requirements, circulation restrictions for trucks, prohibited uptake of return load etc.) and by cumbersome customs requirements at the border with a neighbouring non-EU country (Norway). • Cross-border local/regional public transport is hindered by different national legislations in various fields (e.g. transport, professional qualification, public procurement, taxation etc.), the incompatibility of national railway systems (i.e. different rail traction and control-command systems, technical standards) and lengthy technical / administrative approval procedures for rail rolling stock (if operated across the border), inadequate national/regional/local subsidizing systems, a non-coordination of neighbouring domestic public transport systems (e.g. connections / interchange, time schedules, fares etc.) and of local/regional public transport policies, lacking or inadequate passenger information, an asymmetric cooperation constellation between actors on both sides of a border or simply by a lack of political will and cooperation.

Main policy area	Observed problems for cross-border activities
Information Society	<ul style="list-style-type: none"> Partly because of copyright issues, TV channels from the neighbouring country disappeared in border regions with the introduction of digital television. Differences between national legislations and health care systems / policies and also a lacking interoperability of IT-systems hinder a cross-border provision of eHealth services and especially of telemedicine services.
Environment	<ul style="list-style-type: none"> Different national interpretations of the EU Water Framework Directive create difficulties in the cross-border management of water resources. Lack of cooperation in the field of biodiversity and environmental management. Cross-border management of a river in the border zone is hindered by diverging views between the neighbouring countries (e.g. disputes about non-foreseen water abstraction and a probable modification of a watercourse). The realisation of cross-border environmental projects is hampered by a re-organisation of powers within a neighbouring county. Cross-border nature and landscape protection as well as joint water management is hindered by different domestic institutional settings and environmental legislations and a lack of resources at the local-level. Domestic legislations of neighbouring countries transposing the EU Waste Directive are insufficiently harmonised, which leads to multiple practical difficulties for a cross-border transportation, recovery and treatment of waste.
Climate Change (mitigation and adaptation)	<ul style="list-style-type: none"> Cross-border flood risk management is hindered by insufficient vertical cooperation and a lack of local-level tools. A cross-border implementation of the EU Floods Directive is hampered by the complexity of federal structures / rules and of international institutional settings. Cross-border flood risk management is hindered at many EU-borders by differences between national legislations and shortcomings in cooperation.
Policy Planning & Public Services	<ul style="list-style-type: none"> Cross-border crime prevention and investigation is hindered by different national systems (i.e. basic legal provisions, institutional competences, different police systems and operational processes etc.), by different policy priorities in the field of domestic crime prevention and criminal investigation and a lacking cross-border exchange of information. Cross-border territorial development planning is hindered by different or inadequate national / regional spatial planning legislations, by the complexity of existing processes for a mandatory cross-border consultation on certain regional/local territorial planning documents or by the absence of local cross-border spatial planning activities. Cross-border crisis / disaster management is hindered by differences between domestic systems for civil protection and rescue / emergency services (i.e. legislation, competences, institutional organisation, intervention planning, actors involved etc.), by different qualification requirements for personnel of rescue and emergency care services (e.g. ambulance crews, firefighters etc.), by dysfunctions of emergency call systems (non-functioning mobile phone networks close to the border, difficulties in reaching the 112 emergency service) and by a lack of cross-border coordination. EU citizens from border regions face obstacles / difficulties in a cross-border administrative handling of documents relating to "life events" (e.g. birth, marriage, registered partnership, divorce, adoption etc.). Different legal provisions and administrative procedures on either side of a border are hampering the establishment of a cross-border childcare facility.

4. Negative direct effects and secondary effects of obstacles and their wider impact on cross-border integration

The inventory identified not only the very nature of each legal or administrative obstacle, it also attempted to appraise the negative direct effects and other potential adverse secondary effects as well as their wider negative impact on cross-border integration¹³.

For this we have developed **a tentative analytical concept which consists of the following three basic elements and underlying assumptions (see: Figure 4).**

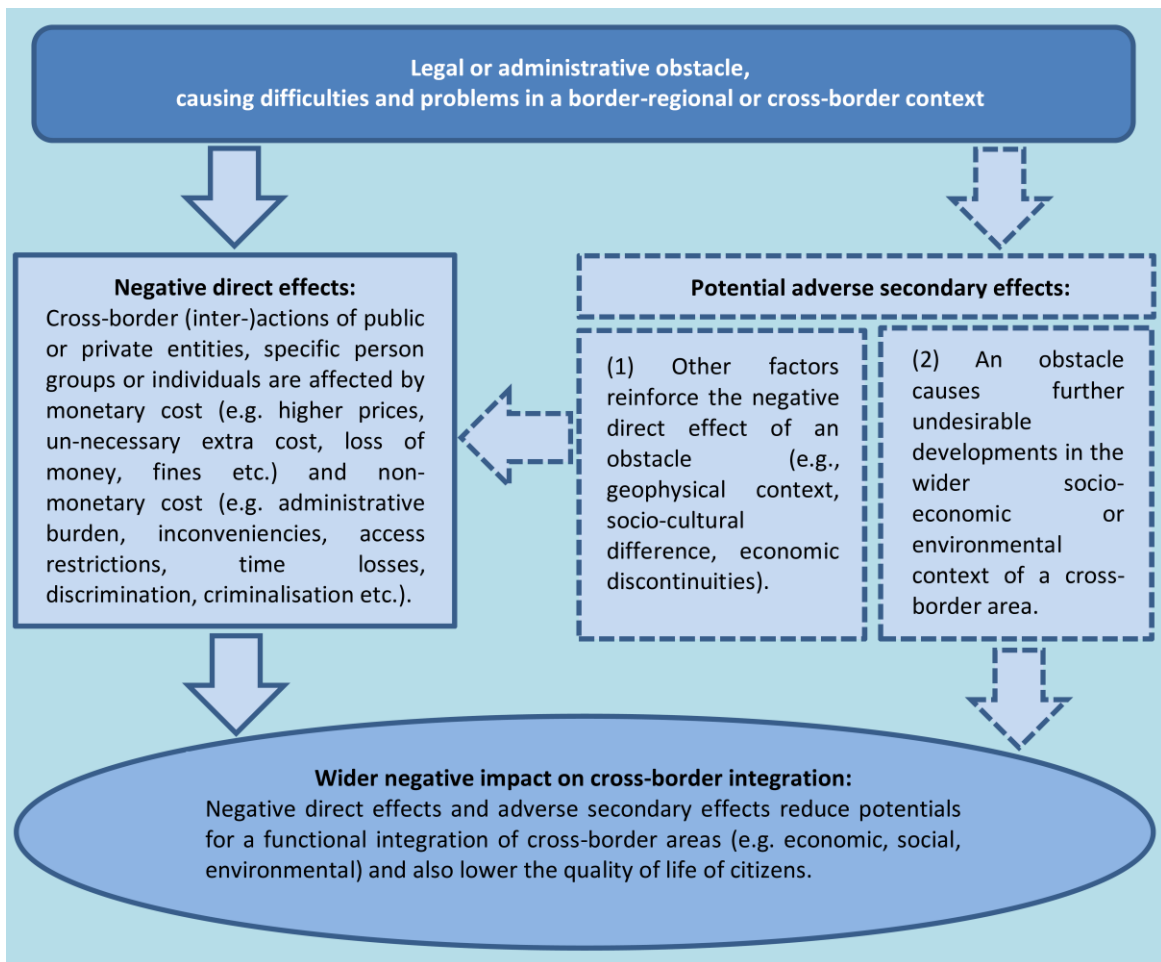
- I. Each legal or administrative obstacle causes at least a **negative direct effect** for specific border-crossing activities or general exchange relations between various types of actors that are located in a cross-border area (e.g. public or private entities, specific person groups or individuals).
- II. **Also potential adverse secondary effects** can emerge (1) if other contextual factors reinforce the negative direct effect of a given legal or administrative obstacle and/or (2) if the obstacle itself induces further undesirable developments in the wider socio-economic or environmental context of a cross-border area (i.e. "knock-on effects").
- III. **The wider negative impact on cross-border integration** is understood here as the sum of all negative direct effects and adverse secondary effects which are observed in case of each legal or administrative obstacle. This negative impact can reduce economic, social or environmental potentials which are essential for achieving a stronger functional integration of a given cross-border area and also lower the quality of life of citizens in this area.

However, our analysis of the effects and the wider impact had to remain largely at a qualitative level. This is because the consulted sources rarely provide exact measurements or other quantitative data and also because some adverse aspects are of an intangible and thus non-measurable nature (e.g. inadequate administrative action, lack of cooperation or coordination etc.).

Still, the evidence collected for the **239 legal and administrative obstacles in the inventory confirms the basic elements and assumption of this concept.**

¹³ Cross-border integration is understood here as a process of convergence between neighbouring border territories which results from an intensification of interactions between social, political and economic actors. This view relates to the general concept of spatial integration which looks at different interactions between distinct territories (e.g. international, inter-city or intra-metropolitan relations, including economic and cultural or political relations or migrations) and analyses the creation and maintenance of intense and diverse patterns of interaction and control between formerly separate social spaces. On the other hand, this view also considers approaches that understand spatial integration to be synonymous with convergence, which is to say that the territories in question become increasingly homogeneous. However, the development of cross-border regions shows that the relationship between interactions and convergence is far from being automatic. Indeed, relations between territories can be highly asymmetrical and based on significant differentials, which leads to strong integration in terms of interactions but also to divergence in terms of the internal homogeneity of each region in question. See on this: Decoville, A. / Durand, F. / Sohn, Ch. / Walther, O. (2010): Spatial integration in European cross-border metropolitan regions: A comparative approach. CEPS/INSTEAD Working Paper No 2010-40, December 2010. Centre for Population, Poverty and Public Policy Studies (CEPS/INSTEAD), Differdange, 2010. pp.1-4

Figure 5. Tentative concept for analysing effects and the wider impact of legal or administrative obstacles



→ The large majority of legal and administrative obstacles in the inventory has strong negative direct effects (182 cases), while the others have in general moderate negative direct effects (56 cases) or exceptionally a weak negative direct effect (1 case). The observed negative direct effects for cross-border (inter-) action cannot be simply reduced to higher transaction cost for business activities or economic exchange relations, as they also involve a wide range of other monetary and non-monetary cost which adversely affect different types of actors (e.g. public administrations or private organisations, specific person groups, individuals).

Frequently observed monetary cost are higher prices (e.g. for cross-border train tickets), additional cost (e.g. for administrative proceedings and forms or health care treatments; higher income taxation; for rail rolling stock operating across the border) and un-necessary extra cost (e.g. people do not benefit of advantageous train ticket prices due to a lack of information) or losses of money (e.g. due to unequal payment of resident workers and cross-border workers, a non-refunding of paid taxes, a cut-back of social benefits or a complete loss of payments from additional pension schemes etc.) and fines if complex provisions are not strictly observed.

Also the aspect of non-monetary cost is quite diverse because it involves issues such as capacity reductions and efficiency losses (e.g. for mutual cooperation or joint interventions), administrative burden (e.g. high workload due to complex or non-transparent procedures and legal requirements), access restrictions (e.g. for jobs, study places, medical treatment etc.), time losses (e.g. long travel times, long waiting times for documents or certificates etc.), discrimination and unfair treatment or even criminalisation (e.g. due to a prosecution of enterprises or individuals having accidentally overlooked unclear legal prescriptions or complex tax rules) as well as

many other inconveniences (e.g. delayed reimbursement of health care cost, employment below qualification level, legal uncertainties or missed job opportunities due to a lack of information, curtailed civil rights etc.).

The outreach of negative direct effects varies considerably as some affect only specific economic sectors (e.g. construction or transport sector) or particular person groups (e.g. jobseekers; cross-border workers; young or disabled or elderly persons), while others concern a large part of economic actors or of the population in cross-border areas.

→ For the large majority of legal and administrative obstacles, also adverse secondary effects were found which are either strong (77 cases) or moderate (86 cases). No secondary effects were found in 71 cases¹⁴ and a so-called "alleviation effect"¹⁵ was observed in 5 cases.

A frequently observed re-enforcement effect emerges if an existing language barrier increases the negative direct effect of a legal or administrative obstacle. The use of different languages on either side of a border often complicates cross-border cooperation (e.g. due to limited communication and mutual understanding), hinders the access to information which is essential for border-crossing activities (e.g. economic and social legislation for businesses and commuters) or creates uncertainty if legal provisions or official forms and specific decisions are not fully understood. Re-enforcement effects can also emerge from a variety of other aspects if these are not already the primary cause of an obstacle's negative direct effect. Examples are a lack of information on issues relating to a legal obstacle (e.g. income taxation, social benefits, health care etc.), a lack of cooperation and political will, strong asymmetry of institutional settings on both sides of a border or the absence of EU-wide legislation in a certain policy field of cross-border relevance.

In addition, adverse "knock on effects" of obstacles on the wider socio-economic or environmental context of a cross-border area are very frequent. They exist, for example, if an obstacle reduces the cross-border mobility of skilled workers (negative direct effect) and thereby induces further adverse effects for economic sectors on one or both sides of the border, which are in need of qualified workforce. Another example are poorly developed cross-border public transport services due to an incompatibility of domestic transport systems or other legal obstacles (negative direct effect), which then motivates private car use by commuters that subsequently leads to traffic jams and air or noise pollution.

→ The large majority of the 239 legal and administrative obstacles have either a high negative impact (143) or a moderate negative impact (93) on cross-border integration, as only in three cases a low impact was noticed.

High negative impacts emerge if a legal or administrative obstacle has a strong negative direct effect and if, in addition a moderate or strong secondary effect exists (i.e. re-enforcement of the negative direct effect by other context factors and/or existence of undesirable developments in the wider socio-economic or environmental context which are induced by an obstacle). Moderate negative impacts emerge either because the most often strong negative direct effect of a legal or administrative obstacle is not accompanied by a secondary effect or because the negative direct effect and the secondary effect of an obstacle are both at a moderate level.

High or moderate negative impacts occur in highly urbanised cross-border areas (e.g. cross-border twin cities, European cross-border metropolitan regions) where functional integration is driven by intense cross-border flows of goods, capital, information and

¹⁴ This only means that the consulted literature did not directly indicate such effects, but not that re-enforcement effects or wider "knock-on effects" might actually exist in reality.

¹⁵ This is a positive secondary effect which emerges from factors that mitigate or lower the negative direct effect of a given legal or administrative obstacle (e.g. partial improvements on one side of a border; existence of alternative options which can be used by affected actors; strong cooperation in a wider policy field which "balances out" the negative direct effect of a specific issue).

workers, but also in rural and sparsely populated cross-border areas. In either case, however, the significance of a negative impact strongly depends on the specific circumstances which are prevailing a given cross-border area (e.g. general context conditions, nature and extent of the encountered obstacles and associated problems, size of the affected population etc.).

But what can be observed in overall terms is that negative impacts lower the intensity of cross-border interactions in virtually all dimensions of functional integration: they adversely affect the cross-border economy (i.e. labour market integration, exportation of goods and service provision by businesses, enterprise development etc.) and cross-border communication (i.e. transport flows, sustainable mobility), a variety of societal aspects (i.e. social security systems, public service provision, social integration of specific person groups) and the environmental sphere (i.e. integrated and sustainable management of natural resources) as well as the individual citizens (e.g. quality of life of citizens, inter-personal exchange relations).

5. The wider relevance of legal and administrative obstacles

The inventory also looked beyond the particular location at which a given legal or administrative obstacle is noticed in order to see if the observed problem also exists at other internal EU borders or even across the EU. A judgement on the wider relevance of a given obstacle was then elaborated by taking into consideration the frequency of similar cases which were found in the inventory.

→ 76% of the 239 inventory obstacles (or 181 cases) have a wider relevance for the entire European Union and/or for many other EU border regions.

The existence of a wider relevance is not surprising for obstacles which are related to EU legislation. This is especially the case if obstacles emerge from an absence of EU-regulations or EU-directives in a policy field of cross-border relevance, from existing EU legislation which does not sufficiently take into account the cross-border dimension or from an incoherent implementation of existing EU legislation by EU Member States.

Yet, most obstacles with a wider relevance emerge from national legislations and/or administrative practices in policy fields with a systems-wide relevance for which either no or only a partial EU competence does exist (e.g. on taxation, social security & health care, emergency & civil protection, police & criminal investigation, business & labour market).

However, the fact that many EU border regions experience similar problems in various policy fields does not automatically mean that obstacles have everywhere the same roots (e.g. legislation, administrative actions) and that problems could be solved by applying standardised approaches (see on this in next section).

→ 24% of all legal and administrative obstacles in the inventory (or 58 cases) are highly border- and country-specific and thus not of a wider relevance for the entire European Union or for many other internal EU land border regions.

The large majority of these obstacles is either related to the domestic legislation of particular Member States (26 cases) and to specific structural features or practices of local/regional or national administrations (25 cases). Most often, they emerge from

- country-specific national legal provisions in a policy field for which only a supporting or even no EU competence does exist;
- country-internal institutional changes (e.g. processes of devolution or centralisation of powers) or from the non-willingness to initiate solutions which tackle specific cross-border problems (e.g. due to a national administration which perceives a given problem as "irrelevant" and therefore does not take action);

- an asymmetric cross-border legal context in a policy field for which no EU competence does exist (e.g. policy-specific national / regional / local legislation on one side of the border, but no corresponding legislation on the other side);
- a lack of horizontal co-ordination or cross-border co-operation as regards the planning or delivery of national/regional/local public policies;
- different administrative cultures in neighbouring countries (i.e. diverging ways of understanding, conceiving, organising, managing and implementing public policies) and from the administrative use of different languages or from absent / inadequate administrative information provision.

A few obstacles lacking a wider relevance are also directly related to EU legislation (7 cases), especially if they originate from the particular status of a given EU border (5 cases).

6. Solutions for solving or alleviating legal and administrative obstacles

A review of the 239 inventory cases shows that the consulted literature sources often indicate potential ways for solving or at least alleviating legal or administrative obstacles along a given border. However, the proposed problem-solving approaches are as diverse as the difficulties which are caused by the respective obstacles.

A development of EU-level solutions is certainly needed in a number of cases, but this will not significantly reduce the high number of legal or administrative obstacles that are still hampering a development of cross-border areas. This statement is also supported by evidence from the inventory: there are generally very few obstacles which originate from EU-legislation (i.e. 36 cases or 15% of all obstacles in the inventory) and even less if one considers only those obstacles for which EU-level action is primarily required¹⁶ (i.e. 19 cases or 8% of all obstacles).

As a consequence, legal or administrative obstacles have to be addressed above all through solutions which are developed individually or jointly by different types of actor in the Member States, while taking account of the specific context conditions and institutional-administrative settings prevailing at each internal EU border. Such tailor-made solutions cannot be developed and implemented by following a general "blue print" which identifies typical stakeholders, roles and relevant competences or specific activities and structuring measures that are most suited for achieving a positive outcome. They always have to be conceived and delivered by area-specific combinations of actors which may involve different levels of government (central state, regional or local authorities) as well as other types of policy- or sector-specific organisations (public, semi-public, private or associative entities etc.).

It is therefore also not very useful to search for best practices within the inventory because this always implies that an approach has transfer potentials which allow it to be replicated in other border and cross-border areas. Instead, we provide below a short and by far not exhaustive overview on general practices can be applied - individually or in combination - for eliminating or alleviating legal and administrative obstacles in different policy fields:

- The signing of new inter-state agreements or regional / local-level cooperation agreements in specific policy fields for clarifying the roles of institutional key actors on both sides of a border or for harmonising policy approaches (e.g. mutual assistance in emergency cases, health care etc.).
- The establishment of ongoing horizontal cross-border cooperation among institutions for identifying, discussing and tackling legal or administrative obstacles.

¹⁶ These are mostly obstacles which emerge (a) from the particular status of a given EU border, (b) from an absence of EU-regulations or EU-directives in a policy field of cross-border relevance and (c) from existing EU legislation which does not sufficiently take into account the cross-border dimension.

- The use of existing legal instruments for cross-border cooperation (i.e. EGTC, existing bi-lateral or multilateral inter-state agreements) with a view to overcome persisting obstacles through a further structuring / institutionalisation of cooperation.
- The realisation of comprehensive territorial development planning for the entire cooperation area and/or the development of policy-specific cross-border strategies which both also address and tackle persisting legal or administrative obstacles.
- The launching of issue- and sector-specific cross-border networks or cooperation initiatives which establish information & support capacities, further deepening already existing cooperation or develop pragmatic solutions for “bridging” problems generated by obstacles that cannot be eliminated by local or regional actors.

For many of these general practices we have also found concrete examples which are applied at different internal EU land borders (see: Table 6).

Table 7. *General problem solving practices and selected examples from other internal EU land borders*

General practices	Selected examples from other internal EU land borders
<p>Signature of bilateral agreements</p>	<p>Cross-border health care: For the “Organized Zones of Access to Cross-Border Healthcare” at the border between France and Belgium, a framework agreement on cooperation in healthcare was signed in 2005 between the two member states and finally adopted in 2011. It gives healthcare cooperation a stable legal framework by simplifying administrative procedures and ensuring that the border populations have continuity in terms of access to healthcare. Agreements by zone (“ZOAST”) enable the population concerned to go to a hospital on the other side of the border without prior medical authorization and to receive inpatient and/or outpatient treatment there. The chargeability costs of care received is calculated according to national current rules of the member state where care is provided. The third-party payer is an insurance of the country where care is provided (usual procedure for the hospital), which get reimbursed by the patient insurance later (with an administrative procedure invisible either to the patient or to the hospital).</p> <p>Cross-border rescue and emergency services: For the border between Estonia and Latvia, both governments already signed in 2001 a bilateral agreement which sets the general conditions for cooperation in the field of rescue services. The purpose of the cooperation is to increase the quality of rescue services (measured by decrease of casualties and minimized damage to human health, environment and assets), by cross-border partnering in rescue operations. In August 2002, the Estonian Rescue Board and the Latvian State Fire and Rescue Service signed an Operational Agreement which sets more detailed goals for cross-border co-operation. In September 2010, the Ministry of Social Affairs of the Republic of Estonia, the Ministry of Interior of the Republic of Estonia and the Ministry of Health of the Republic of Latvia also signed an agreement on “Mutual aid on providing ambulance services in border areas” and ambulance cars already started in November 2010 to drive across the border.</p> <p>Cross-border emergency services: At the Dutch-Belgian border, a bilateral agreement on cross-border emergency services has been concluded which settles problems for cross-border emergency interventions.</p> <p>Cross-border rescue services: In June 2001 the governments of Estonia and Latvia signed an agreement which sets the general conditions for cooperation in the field of rescue services. The purpose of the cooperation is to increase the quality of rescue services (measured by decrease of casualties and minimized damage to human health, environment and assets), by cross-border partnering in rescue operations. In August 2002 the Estonian Rescue Board and the Latvian State Fire and Rescue Service signed an Operational Agreement which sets more detailed goals for cross-border</p>

General practices	Selected examples from other internal EU land borders
	<p>co-operation.</p> <p>Cross-border job placement: In the Upper Rhine Area (DE-FR-CH), the Franco-German interstate framework agreement on job placement was signed on 26th February 2013. It coordinates the French and German employment agencies across the border via four local cooperation agreements and puts into place a cross-border job placement service.</p> <p>Benelux-cooperation in the field of higher education: Belgium, the Netherlands and Luxembourg signed a decision in 2015 which allows for the automatic recognition of the level of higher education diplomas within the Benelux Union. Persons wishing to work or study in another Benelux country have no longer to fear that their diploma is not recognised once the application or registration period has expired.</p> <p>Cross-border vocational training: A framework agreement on cross-border vocational training was signed in 2014 for the Greater Region (BE-DE-FR-LU). In the Upper Rhine Area (DE-FR-CH), all relevant public and private stakeholders from Germany and France (i.e. State, region, chambers of commerce) have signed a framework agreement on cross-border vocational education in 2013. A partnership agreement between Champagne-Ardenne (FR) and Wallonia (BE) was signed in 2013 on vocational training, employment, orientation and learning.</p> <p>Cross-border transport of waste: An agreement was signed in 2013 between the region Wallonia (BE) and the Grand Duchy of Luxembourg (LU) for an exchange of data relating to the import of Luxemburgish manure into Wallonia.</p> <p>Cross-border transport of mortal remains: A regulation exists for the intra-Benelux transport of mortal remains (of 1967). There is an agreement of 1963 which was concluded between France and the Principality of Monaco on transportation of mortal remains.</p>
<p>Ongoing horizontal institutional cooperation</p>	<p>In the context of Nordic countries (Denmark, Finland, Iceland, Norway and Sweden), the "Freedom of Movement Council" was set up as a political body by the Nordic governments to foster freedom of movement for individuals as well as for businesses. It started its activities in 2014. The Presidency of the Freedom of Movement Council leads the work of removing obstacles to freedom of movement in collaboration with the Secretary General of the Nordic Council of Ministers.</p> <p>At the BE-NL border, there are two examples which can be recommended more widely across the EU: (1) The "Knelpuntenoverleg" (= Obstacles Consultation), a joint Belgian/Flemish/Dutch initiative which aims to identify the obstacles in cross-border cooperation, to identify the competent authorities and to solve the obstacles. The Belgian/Flemish/Dutch competent authorities – which can be at the central/federal, regional, provincial and municipal level – meet at a regular interval to find solutions for obstacles and for the follow up. (2) The "Grensmakelaar" (= Border Mediator) is the contact point for cross-border obstacles and is appointed by a country (e.g. in Flanders and the Netherlands).</p> <p>In the Greater Region (BE-DE-FR-LU), a strategic "Task Force Commuters" was established which involves mainly institutional policy actors and aims at developing legal and political solutions for persisting obstacles that commuters and businesses still face on the cross-border labour market (i.e. in the fields of employment, educational, social and tax law).</p>
<p>Use of existing legal instruments for cross-border cooperation</p>	<p>In the Geneva cross-border metropolitan area (FR-CH), a Local Grouping for Cross-Border Cooperation (GLCT) on "Cross-border Public Transport" was created on ground of the Karlsruhe inter-state agreement on cross-border cooperation. The GLCT is the only example of a cross-border transport organising authority along a French border. This structure was created in 2006 by the French and Swiss transport organising authorities around the France-Vaud-Geneva conurbation to manage cross-border bus lines (currently ten). It is a very light structure (one employee) which deals in particular with signing contracts with operators.</p>
<p>Comprehensive cross-border</p>	<p>Cross-border territorial planning: Good examples are several activities of the Upper Rhine Conference's (DE-FR-CH) working group on spatial</p>

General practices	Selected examples from other internal EU land borders
territorial development planning & policy-specific cross-border strategies	<p>planning. It elaborated a guide of procedures for cross-border consultations, mapped planning documents which are applied on each side and elaborated a guide explaining the regional planning systems in each country (see: "Guide for cross-border consultation procedures in the Upper Rhine" of 2010 and "Declaration of intent to promote mutual information and cross-border cooperation in the field of spatial planning in the Upper Rhine" of 2013).</p> <p>Cross-border planning of public transport: In the Geneva cross-border metropolitan area (FR-CH), there has been a cross-border strategic thinking on developing public transport (train, tram, bus) which also resulted in a long-term cross-border scheme for organising public transport (i.e. horizon 2030).</p> <p>Cross-border emergency management: In the context of the Upper Rhine Conference (DE-FR-CH), activities of the working group "Mutual help in case of disasters" aim to organize cross-border emergency interventions for local risks which are of an industrial and technological nature (i.e. linked to the transport of hazardous materials or risks emerging on the river Rhine).</p> <p>Cross-border flood risk management: Experiences from joint work of the interregional partnership within the Interreg IVC project "Floodwise" project (NL-BE-DE-PL-SI-HU-RO) suggest that potential ways of harmonising flood risk planning methods in a cross-border context should involve the following: (a) finding common approaches to minimize flood risks, (b) discussing and finding common objectives, methods, models and an agreed framework for measures, (c) adjusting methods and structures for the Flood Risk Management Plans, (d) regular meetings at working level (e) an improvement of data exchange.</p>
Issue- and sector-specific cross-border networks or cooperation initiatives	<p>Cross-border business support: At the IE-UK border, InterTradeIreland is the only organisation which has been given responsibility by both Governments to boost North/South economic co-operation to the mutual benefit of Northern Ireland and Ireland (http://www.intertradeireland.com/). By encouraging better use of collective resources it helps to expedite trade and business growth across the island; creates an environment to make it easier to do business and increases the competitiveness of individual companies and the two economies in the global marketplace. InterTradeIreland programmes offer companies practical advice and support in targeting new cross-border business opportunities, sharing expertise to develop new products and processes, and advising high growth companies on attracting equity investment. InterTradeIreland's research identifies barriers which prevent companies doing business across the island and restricts their growth. It identifies solutions to obstacles in areas like infrastructure, planning, transport, energy, skills, regulatory and fiscal issues and makes recommendations to Government on how they can be overcome.</p> <p>Cross-border healthcare: In the border regions of the Slovak Republic, structured cooperation between hospitals exists with Hungary, Austria and Czech Republic for the purpose of primary healthcare utilization by citizens from both sides.</p> <p>Cross-border advice for citizens: At the IE-UK border, in the context of the Border People project, the Centre for Cross-Border Studies (CCBS) developed a Cross-border Mobility website (www.borderpeople.info) as a central access point and important source of cross-border citizens' information and advice on the island of Ireland. The website provides practical information on a variety of cross-border mobility issues such as living, working, studying or retiring. It provides a signposting service to a wide range of (single jurisdiction) information sources, the most popular of which are in the areas of social security, taxation, welfare benefits, healthcare, pensions, and motoring. The Border People project was initially funded in 2007 by the EU PEACE Programme and then developed with EU INTERREG funding. It is currently funded by the Department of Foreign Affairs and Trade's Reconciliation Fund.</p> <p>Joint tendering of cross-border rail passenger transport services: In Saxony (DE), at the border with Poland and the Czech Republic, the</p>

General practices	Selected examples from other internal EU land borders
	<p>Zweckverband Oberlausitz-Niederschlesien (ZVON) has already acquired wide experience with the Czech side in jointly tendering cross-border rail passenger transport services. Despite existing technical differences between railway systems of both countries, ZVON has opted for a pragmatic solution to ensure that a direct cross-border railway service at a reasonable price exists. ZVON is tendering only for services on the German side of the border, but it has included in the tender an obligation for the service-awarded German railway undertaking to cooperate with a Polish railway undertaking by making joint use of vehicles. The railway undertaking will be obliged to equip sufficient vehicles to operate on both sides of the border and to make sure that staff is able to speak both German and Polish. The neighbouring Polish Voivodship intends to include a similar provision in its domestic contract, thereby making direct connections possible in the future.</p> <p>Cross-border cooperation in the field of higher education:</p> <p>"Transnational University Limburg (BE-NL): In 2001, the Flemish and Dutch Ministers of Education signed an international treaty which founded the Transnational University Limburg. Academic staff from Hasselt University (Flanders) and from nearby Maastricht University (in the Dutch Province of Limburg) now jointly undertake research and offer degree programmes in the life sciences and computer sciences.</p> <p>The Nordic Mining School (SE-FI): The University of Oulu and the Luleå University of Technology have jointly established the Nordic Mining School (NMS). The NMS offers a new degree programme in fields related to the mining industry. The aims of the NMS are (i) to bring the students at master level in both universities together to reach critical mass; (ii) to build the best graduate school in mining-related education in Europe; and (iii) to strengthen the research co-operation in mining, exploration and environmental engineering, mineral processing, metallurgy and process engineering. Students enrol in a relevant master's programme at either of the universities and spend at least six months of their studies at the other university and qualify for a double degree from the Nordic Mining School. A joint professorship in "mineral entrepreneurship" was established to give students knowledge of the economics to start and run businesses in the mining and exploration industry.</p> <p>The Upper Rhine University "Eucor" (DE-FR-CH): Eucor is a network of leading universities founded in 1989, including the University of Freiburg and the Karlsruhe Institute of Technology in Germany; the University of Strasbourg and the University of Haute-Alsace in France; and the University of Basel in Switzerland. The Rectors of the five universities and the President of Eucor meet twice per year to define strategic priorities for the network of institutions. The Eucor network has also established a co-ordination office with the responsibility to organise thematic bi- or tri-national meetings around cross-border issues such as: university language policies; doctoral studies; inter-university cultural events; and inter-university transport. In 2009, Eucor established a cross-border university Student Council, with the aim to promote Eucor mobility programmes among students. Eucor promotes and creates thematic networks and projects for researchers and students, focusing on similar topics in the five universities of the cross-border region.</p>

Annex 2: Case Studies

1. Different national healthcare systems

Authors: Paul Jeffrey (ICF International), Martina Morosi (ICF International)

2. Cross-border mobility for commuters

Authors: Mattias Wihlborg (ICF International), Paul Jeffrey (ICF International)

3. Lacking recognition of professional qualifications and educational diplomas

Authors: Paul Jeffrey (ICF International), Simona Milio (ICF International), Patricia Vale (ICF International)

4. Trade-related border obstacles faced by businesses

Author: Haris Martinos (Metis GmbH)

5. Lacking technical interoperability and investment coordination between national railway systems

Authors: Jürgen Pucher (Metis GmbH), Wolfgang Schausberger (Metis GmbH)

6. Different national crisis and disaster / emergency management systems

Authors: Jürgen Pucher (Metis GmbH), Isabel Naylor (Metis GmbH), Edina Ocsko (Metis GmbH)

7. Inadequate policy framework hampering development of regional transport infrastructure

Authors: Izabela Styczyńska (CASE – Center for Social and Economic Research), Jan Teresiński (CASE – Center for Social and Economic Research)

8. Complexity of federal structures and rules in Germany

Authors: Izabela Styczyńska (CASE – Center for Social and Economic Research), Karolina Beaumont (CASE – Center for Social and Economic Research)

9. Lacking recognition of professional qualifications

Authors: Jacqueline Snijders (Panteia), Laura de Haan (Panteia)

10. The challenge of cross-border working: Access to social security for Frontier Workers

Authors: Jacqueline Snijders (Panteia), Amber van der Graaf (Panteia)

11. Language barriers preventing VET students from studying abroad

Authors: Jacqueline Snijders (Panteia), Paul van der Zeijden (Panteia)

12. Cross-border public consultation procedures

Author: Katalin Kolosy (AEIDL - Association Européenne pour l'Information sur le Développement Local)

13. Non-harmonised regional ticket pricing system

Authors: Dr. Thomas Stumm (METIS, EureConsult S.A.), Katalin Kolosy (AEIDL - Association Européenne pour l'Information sur le Développement Local)

14. Complex rules hampering cross-border business activity

Author: Haris Martinos (Metis GmbH)

15. Improving the efficiency and effectiveness of health systems in cross-border regions

Authors: Izabela Styczyńska (CASE – Center for Social and Economic Research), Daina Po (CASE – Center for Social and Economic Research)

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