

**Border Obstacles Review
2nd Stakeholders' Workshop
Brussels, 28 January 2016**

Workshop summary

**Identification of types of obstacles
(morning session)**

The objective of the workshop was to try to identify a typology of obstacles related to the potential to solve them and explore methodology how to do so. In preparation for that, experts had been asked to bring with them three concrete examples of legal or administrative border obstacles falling into one of the following three categories:

- Border obstacle recently solved;
- Border obstacle with a high potential to be solved in a short term;
- Complex obstacle requires disproportionate efforts to get solved.

The participants of the workshop drew conclusions through the discussion of the cases and identified the following common features that can probably describe the different types of legal and administrative border obstacles.

Characteristics of solved legal and administrative obstacles:

- Very concrete and tangible problem
- Limited in scope
- Information available
- Enabling EU legislation exists
- There is a common understanding of the problem coupled with a political will to act
- A support structure (like EGTC or a larger organisation like the Nordic Council of Ministers/Benelux) operates in the border

region

- Economic situation (crisis) or other external factor triggering momentum and political will to act

Characteristics of legal and administrative obstacles that can be solved:

- There is a common and agreed interest and set priorities
- There is a supportive cross-border governance structure that helps identify and understand problems
- Governance structure should enjoy independence and freedom to act for promoting the interest of border regions
- Locality – presence of organisations or authorities in the border area, which have competence or responsibilities around an obstacle are on similar levels of administration on both sides of the border
- EU legislation to set deadlines for transposition
- Complementarity between the two sides of the border – opportunity to increase efficiency
- Availability of EU funds
- Cooperation experience and mutual trust

Characteristics of legal and administrative obstacles difficult to solve:

- Different administrative systems with competence mismatch in governance structures
- Lack of common interest and protecting short-term benefits
- Centralised decision making – low interest on national level to solve border-specific problems and to think of possible negative impacts of certain decisions on border regions.
- Very wide scope – difficult to tackle locally (like migration or security in general)
- Lack of trust and mutual understanding between partners
- Lack of information and evidence
- Complexity (actors/sectors) including interrelated obstacles (cannot solve one without the other)

The participants emphasized that removing border obstacles is a

dynamic process, so an inventory can only be seen as a snapshot taken at a particular moment. Very often a removed obstacle leads to increased cooperation and deepened integration, which again leads to emerging new obstacles. The approach of the Nordic Council of Ministers is considered as good example, in which the inventory of obstacles is constantly updated and there is a work plan to eliminate at least 5-10 obstacles from the list each year.

Identification of 5 most relevant policy fields where legal and administrative border obstacles persist
(afternoon session)

The Commission has recently conducted a study in order to make a comprehensive inventory of legal and administrative border obstacles. There were eight pre-defined policy areas for which a contractor is collecting data. These will be reduced to five which will be examined more carefully. The contractors will conduct 3 case studies for each of the 5 policy areas selected in order to illustrate the effects of legal and administrative border obstacles. At the end of the exercise, the Commission will present an issues paper on border obstacles with recommendations for actions on regional, national and EU level.

The eight pre-defined policy areas are:

1. Industry, commerce, business development, R&D/innovation
2. Labour market, vocational training and education
3. Social security system, health and social care system
4. Transport accessibility and sustainable mobility
5. Information society, media and communication
6. Environment
7. Climate change mitigation and adaptation
8. Spatial and sector policy planning, provision of services of general interest

The objective of the afternoon session was to exchange views and come to an agreement on the policy areas considered as the most relevant ones for overcoming border obstacles. There were a lot of

discussions about differentiating policy areas with high potential for cooperation (where there is a room for cooperation programmes to invest) from policy areas where legal and administrative obstacles are most persistent. Environment for example, was considered as one of the policy fields with the highest potential for cooperation, due to the nature of environment that does not recognise political borders. However, when current legal and administrative obstacles were considered, environment did not score very high due to the lack of concrete examples.

The experts worked in four small round tables. At the end of the session, all round tables unanimously proposed the following policy areas where they believe legal and administrative border obstacles are the most present:

- 1) Labour market, vocational training and education
- 2) Social security system, health and social care system
- 3) Transport accessibility and sustainable mobility
- 4) Industry, commerce, business development, R&D/innovation
- 5) Spatial and sector policy planning, provision of services of general interest.

Arguments that support the selection:

Labour market, vocational training and education: there is much evidence that legal and administrative obstacles are persistent and hamper the free movement of labour. This policy field has a direct relevance to EU citizens.

Social security systems, health and social care systems also have a direct and very important relevance for citizens. There are many EU laws in this field that are not fully transposed and applied in national legislation. This creates many nuanced variations in the procedures, which would need to be overcome in order to facilitate the cross-border flow of labour.

Transport accessibility and sustainable mobility: Cross-border transport services are under-developed due to e.g. diverging

technical and operational regulations in Member States. Improved accessibility would directly contribute to the increased cohesion of European territories.

Industry, commerce, business development, R&D/innovation: Removing obstacles in these fields is a prerequisite for growth in border regions. The internal market is still not fully operational due to the different requirements for enterprises to operate cross-border.

Spatial and sector policy planning is fundamental to promote harmonious development in border regions. Planning is a cross-cutting issue that influences every other policy field.

At the same time, information society, media and communication, environment and climate change mitigation and adaptation were considered as less relevant when it comes to legal and administrative border obstacles. Environment represents a huge potential for cooperation, where joint solutions have already been identified and implemented in several areas. In the same vein, climate change is a global phenomenon where the cross-border dimension of legal and administrative obstacles is less relevant. Information society and communication was in its turn considered a more cross-cutting issue that will be covered by the other policy areas.

Finally experts recommended re-defining some of the policy fields in order to avoid overlap and different interpretations.