

-Minutes-

ITEM Annual Conference 2018

'Cross-border cooperation: Challenges Ahead'

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Simone van Trier and Martin Unfried are the moderators today. There are many good ideas to be shared today and we must continue the good work.

Prof. Hildegard Schneider

Today is the fourth annual conference of ITEM. The first annual conference was at the Province of Limburg in 2015. But what do we do it all for? On 11th of November 2018, during the 100th commemoration of the end of the First World War, we celebrated our freedom. We have peace because of the European Union. What I think is so important is that, when we talk about the European Union and the challenges ahead, we need to know that the European citizenship was created in the Treaty of Maastricht in 1993. This year we celebrated the 15th anniversary of this Treaty (the treaty entered into force on November 1st 1993). On the one hand, the European Union promises a free area without borders, but it's nevertheless difficult to cross the border because of the time consuming procedures that have to be taken into account. It's the European citizen who is building up the European Union and we have to keep this population of citizens content with the organization. They have to have the feeling that they can trust the European Union. We don't only have to keep peace, but also guarantee free movement, free rights and the possibility to cross borders. Looking at the UK, it's important to know if there will still be a prime minister, because it'll be essential for peace. The decision of a Brexit is in my opinion the worst decision in my lifetime. I hope that whatever happens, there will be a solution for the border regions. We have to think about what we can do ourselves to preserve peace and we have to react to the European Union, not only regarding to negative, but also to positive issues.

Ms. Lena Andersson Pench

At DG Regional and Urban Policy, we are daily associated with cross border situations. The interest of the border regions isn't always taken into account sufficiently, but we have been working with border regions to try to raise their profile and give them more attention. It's really important that we mobilize effectively together. Some of the Interreg programmess are already working well, but others still need to be improved. The Interreg programmess are more complex than other cohesion policy programmes, they are a joint ventures between stakeholders, program authorities and the Commission. Is it enough for us just to spend money or do we need to do something else to make this work? It's really important to keep a few terms in mind. You can't create anything if you don't have **trust** on both sides of the border. It's also important to **work together** for example to achieve something in health care and tourism development. Ultimately, this will lead to growth and jobs, but it takes a bit of time to reach the top objectives. Not only do we need financing, but we also need to **work towards better policies**. For the period of 2021-2027 we propose that a share of the

Interreg funding will be dedicated to the institutional actors of cross-border interaction. Each programme should invest in deeper engagement between the border regions and their stakeholders. If we talk about legal and administrative issues, most of the problems are felt at the local level, but the solutions are found at national or regional level. There must be a clear way to discuss the problems and apply the solutions between the different levels. Therefore, the European Cross-border Mechanism (ECBM) has been proposed. Countries are not obliged to apply this mechanism, but we can't step back from a certain level of obligations, which means that the countries who aren't going to use the mechanism, should tell us what kind of tool they are going to use instead. At this time, I want to thank ITEM for the support they have given through the Cross-border impact assessments.

Mr. Spyros Spyridon

Dear Ladies and Gentlemen, It is with great pleasure that I stand here, on behalf of the European Committee of the Regions and of its Commission for Territorial Cohesion policy. We welcome the cooperation with Maastricht University, the University of a Region of such symbolic importance for a topic that stands at the core of our activities.

In the draft regulation presented by the European Commission on the European Territorial Cooperation, we, at the Committee of Regions, welcome the significant effort for the simplification of the procedures, the cutting of the administrative burden, the recognition of small projects, and the clarification of the role of EGTCs. Smart specialization and strategic territorial investments are receiving a dedicated allocation of the ERDF (European Regional Development Fund) budget, and the important work developed by ESPON and INTERACT is being supported in the current proposal. Nevertheless, we are concerned about the overall reduction of the budget for territorial cooperation, the separation between land and maritime cross-border cooperation and the elimination of Interreg Europe.

The reduction of co-participation rates from 85% to 70% puts at risk the participation of many poorer regions and partners. The exclusion of Euroregions from accessing small projects funds is also problematic in some border regions.

Finally, the new allocation method risks becoming a mechanism of reverse cohesion, with stark effects on regions of low demographic density and especially in mountainous regions, to the benefit of richer and more populated border areas.

In the last COTER Meeting of 24/25 October we asserted that the innovative actions instrument should not lead to a reduction of the budget dedicated to real cross border transnational and interregional cooperation, and that the cross border cooperation, both land and maritime, needs to be under one single component and to be recapitalized. An increase of the ETC (European Territorial Cooperation) budget to only 3% of the total ERDF budget would have marginal effects on it, while it would greatly increase the effectiveness of territorial cooperation.

In addition to the Multiannual Financial Framework (MFF), but very important for the future of cross-border cooperation, is also the draft regulation on the European Cross-Border Legal

Mechanism. Should this regulation be approved, the use of this mechanism would be voluntary, as Member States can opt for the Mechanism, or alternatively, for existing ways to resolve legal obstacles.

Once the Member States opt for the mechanism, they would be obliged to opt for one of the solutions presented in the regulation.

Essentially, the Regulation outlines two options for the Member States:

- The European Cross-Border Commitment, which, after concluded, allows certain legal provisions of one Member State to be applied on the territory of the neighbouring Member State;
- And the European Cross-Border Statement, which would still require a legislative procedure in the Member State.

The mechanism is likely to be used in joint infrastructural projects in cross-border regions or in any service of general economic interest provided in a border region. This mechanism obliges the creation of Cross-border Coordination Points by the Member States. The European Commission will have the task of creating and managing a centralized database of the Commitments and Statements.

As I said, the application of this mechanism for concrete cases is voluntary, and Member States must always follow their own legislative procedures. But contrary to what happens now, national capitals will no longer, if this legislation is approved, be allowed to ignore the problems felt by their border regions. The impacts of both pieces of legislation for EGTC's are fundamentally positive. The EGTCs were designed to facilitate and promote territorial cooperation. They are single legal entities, created between two or more public entities in two Member States, or with third country entities, applying legislation of one Member State to its functioning. While the EGTC tool as such is revolutionary for cross-border cooperation, it cannot alone address all the legal and administrative obstacles. The proposed ECBM (European Cross-Border Mechanism) instrument fills in this missing aspect of the work of the EGTC, as the two regulations are perfectly compatible and create synergies of a clear EU added value.

Even though the ECBM tool can be used without having an EGTC, the EGTC as a permanent cross-border structure would be the ideal tool to implement projects under ECBM (European Cross-Border Mechanism).

According to the draft regulation for Interreg, the Commission encourages Member States to assign the functions of the managing authority to an EGTC or to make such a grouping responsible for managing a sub-programme, an integrated territorial investment or one or more small project funds. Under Component 4 (interregional cooperation) of the European Territorial Cooperation, one of the goals is precisely to promote the exchange of experiences, innovative approaches and capacity building in relation to the setting-up, functioning and use of European Groupings of Territorial Cooperation.

Also, the composition of the monitoring committee of each Interreg programme must include representatives of bodies jointly set up in the whole programme area or covering a part of it, including EGTCs. All these moves are driving Europe in the right direction in addressing the

challenges of cross-border cooperation, and I am sure that today we will have the opportunity not only to evaluate the current legislative trends, but also further scenarios for future improvements.

Ms. Eva Tarselius Hallgren

The Nordic Council is the official body for formal inter-parliamentary co-operation between Sweden, Norway, Finland, Denmark, Iceland, the Faroe Islands, Greenland and Åland. This means that the circumstances are the same in these countries. There is a high level of trust between these countries, which holds the model together. Trust is of a crucial importance and the basis for being able to do this co-operation. An open Nordic region benefits us all, because it makes a freedom of movement possible. Cross-border obstacles are identified in situations where citizens and businesses seek information on moving across the Nordic borders. In these countries, there are 70.000 cross-border commuters. It is a common thing to cross the border to work in another Nordic country, but the labour regulations are still different in the same countries, which may cause problems for the person who wants to move or wants to conduct business across the borders. One of the key challenges of the Nordic cooperation is to create jobs. The Council has three main tasks: eliminate barriers, prevent new ones and enhance information efforts to individuals and businesses. The Council itself is not solving the problems but only identifying them. The goal is to remove 8-12 obstacles each year as a result of the work of the Freedom of Movement Council. Some of these borders won't be possible to resolve. Obstacles that arise in the labour market, social and education areas, compromising laws, statutory regulations or practices that hinder the mobility of the individual or the ability of businesses to operate across Nordic borders, are a priority of the Council. There is a continuous interaction between many stakeholders across borders to resolve these issues.

Mr. Martin Unfried: ITEM Cross Border impact assessment

It's very important to develop the proper instruments needed for a solution for the cross border situations. We are on our way to getting better in doing that. We are also looking into an internal impact assessment and how to improve the quality of this assessment. Therefore, it is important to know what the problems are in the border region. By using ESPON-instruments, we can find out the meaning for a certain border region. We need to distinguish between the evaluation and a broader idea, like the real impact of the program besides the objectives. We used a bottom-up approach from the different border member states, to find out what this could mean for our situation. In the Cross border impact assessment, we looked at five different dossiers:

- Increase of the Dutch lower VAT-rate. We looked at the consequences for the competition between for example supermarkets as the result of increasing the VAT-rate in the Netherlands from 6 to 9%. It could have a big impact at the border regions, because it will be more attractive to go to German supermarkets for the people who live at the Dutch/German-border.
- In Germany there will be a measurement called Baukindergeld. People who buy or build a house will get extra money based on the amount of kids they have. There is a resident's obligation that you have to live and work in Germany to get this benefit. It is not EU-prove, because it isn't fair to the people who live across the border but work in Germany.
- Retirement ages in the Netherlands, Belgium and Germany.
- Social security of non-standard workers
- Qualifying foreign taxpayer obligation (90%-rule)

- Student-dossier: the potential effects of the 'experiment gesloten cannabisketen' on the Euregions Meuse-Rhine and Rhine-Meuse-North. The production of cannabis is illegal in The Netherlands, but it can be legally bought in a shop. What are the earnings for the state? What are the impacts of a certain measure?

Prof. Hildegard Schneider

The interesting thing is that something like the ITEM Cross border impact assessment was necessary, but it didn't exist. 40% of Europe is a border region, which means that we can have a real impact. The awareness gets through and we have to show the government that this is really important.

Prof. Schneider hands over a hard copy of the ITEM cross border impact assessment 2018 to mr. Jeroen Lenaers, mr. Martin Guillermo Ramirez and mr. Thomas Antoine.

Mr. Jeroen Lenaers

Such an assessment like the ITEM Cross border impact assessment is very useful. It's a very important instrument for European policies and the implication of directives. Such assessments make the impact of certain legislation clearer. This assessment should be across the European Union, but we need to do this in the most consistent way.

What subjects should also be looked into?

Mr. Martin Guillermo Ramirez

There is a big gap with the reality on the ground. The topics that have been analysed are really important, but there are still gaps. One of the subjects that should also be looked into is the migration issue, because it's an important issue for the people who live in Europe.

Mr. Thomas Antoine

We need legal instruments, but we also need a bottom-up approach. We challenge to close the gap between the citizens and the institutions, by listening to what the citizens have to say.

Ms. Caroline de Gruyter

Today I want to describe the political umbrella. As some of you said earlier: cross-border problems are often local, but the solutions have to be found between national governments. So let us look at the bigger, European picture. I want to focus on what's happening with the European Union after Brexit. We always hear about crisis, populism challenges, migration, financial problems with Italy, etc. But there is a parallel political track emerging at the moment, which is a movement by most member states towards the center. This leads to more cohesion in the EU. When there is a problem in the European Union, the Dutch always blame the French. But now they unreservedly support Mr Barnier, who is negotiating on behalf of the 27 with London. European countries have, since the Brexit-referendum, really moved on.

Because what does Brexit do? The North of Europe will lose 12% of their voting power in Brussels, which the South could use. In a way the UK made us a little lazy, politically. Some countries, like Denmark or The Netherlands, were close to London. If they wanted to push something or block something in Brussels, British support was a big help: the UK is a big country, with many votes. If

they had the UK on their side, the Dutch or Danes felt little need to find new allies elsewhere on the continent. But now, this is exactly what the nordics will have to do. Non-eurozone countries, that used the UK as their tooter, are equally orphaned. Even France and Germany have to come out of their comfort zones, because they often used the UK to get each other moving.

This is why officials from many countries are all over Europe now, trying to form new alliances on certain subjects. Regional groupings are formed or reinforced, such as the Hanze grouping, the Benelux or Mitteleuropa. All these new deals and stronger ties are enhancing European cohesion. Governments who usually blame Brussels if something goes wrong, are moderating their tone a little since Brexit. As one observer told me: "For us it was easy to be eurosceptic, since the British were even more eurosceptic. Now the British have gone, we have to watch our language." Suddenly Nordic politicians refer to Europe not only as a "market" but also "a community of values". They want to avoid more exits, and become more careful. In Sweden, they introduced the EU handshake to help strengthen citizen's participation, knowledge and engagement in EU-related issues. All Swedish political parties had an interest in not discussing Europe, because they were all divided on the issue. Now, without the UK, something is moving there. In many countries in Europe you see similar developments. The more people talk about a multi-speed Europe, the more countries are worried to be stuck in the periphery. This is yet another incentive to try to move closer to the centre. Summing up, on a mechanical level Europe is moving again. There is a new political ball game in Europe. Every government wants to find out how it works. Everyone wants to be good at it, and come out as a winner. This provides Europe with some new political adrenalin.

Mr. Jaap Hoeksma (author of the book "Theory of Democratic integration)

Twenty-five years ago, the Treaty of Maastricht entered into force. The Treaty of Maastricht played a large role in my life. I am a philosopher of law and at that moment had an existential crisis. From that time, I learned to put the intellectual challenges in to a gain. Because you can always learn from them.

The problem of the European Union is that they can't explain what it is? And if the organization itself can't explain what they are, how are the citizens of the European Union supposed to know what it is? Is it a State or are there multiple EU states? Well, it is not one big state because the sovereignty of creating legislation stays with the different countries that participate in the European Union. But it is also not a union of states like the Benelux. To solve this question, I turned the European Union in to a game: Eurocracy. The game started to symbolize the success of the European Union. In case you can't explain what, the European Union is, you need to change the parallel. If a democratic state wants to play part in a bigger union that Union needs to be democratic to. The question is how democratic is the European Union at the moment? If we ask the citizens what the European Union stands for, they say to participate in the democracy of the national state but also in the democracy of the European Union. The theory of democratic integration that leads to the idea that the aim of the European Union should no longer be formulated as becoming a state or a union state but to develop the European Union as a democracy. This can't be done overnight but if we can get the other institutions on board it is a step in the right direction. Just as the government of the United Nations the European Union has created his own system of democracy with his citizens. The Treaty of Maastricht was the bottom for creating democracy in states and the EU has created a whole new Model to achieve this democracy. On the long term they can grow out to be a democratic European Union if everyone is willing to participate.

1st Plenary panel session on cross-border impact assessment

Simone: We need to find solutions. For our cross-border problems in the next three panels we will discuss some of the issue that arise in cross-border regions.

At different governmental levels, there is a lively debate about new ways to better assess the impact of national or EU policies on cross-border territories. DG Regio and the Committee of the Regions are for instance actively searching for better instruments to improve the own territorial impact assessment and to better incorporate cross-border aspects into their routines of regulatory impact assessment. National governments, as for instance the Dutch, are analyzing internal scrutiny procedures in order to better understand the consequences of their own policies. ITEM has in recent years developed a bottom-up approach for a cross-border impact assessment for a specific cross-border area and will present the results of its third edition. What are current developments with respect to all these activities? What are useful tools at what level? How can border-regions actively contribute with own resources and the use of their own regional experts and better influence decisions at national and European level?

Mr. Martin Unfried – senior researcher ITEM

Simone: Can you tell us about the development of the (bottom-up) ITEM's cross-border impact assessment?

ITEM's bottom-up approach, the key is to build up capacity with respect to the data and bring the statistical evidence together to find a solution. The hardest part is to find experts for a conclusion based on statistical evidence. Because the cross-border issues contain a lot of different subjects you need more than one expert, there are not a lot of experts to find that can cover all the subjects. However, we need these experts to better consult the European Commission. Also, another difficulty that we face is that not every country has the capacity to inform their citizens about the cross-border issue. The Member States in the European Union need to help each other by working together to try and fix this problem.

Mr. Eleftherios Stavropoulos – DG Regional and Urban Policy

Simone: Can you tell us more about the tools of the European Commission? What are the most recent developments?

The European Commission is paying a lot of attention to involve local and regional stakeholders when forming EU legislation. Apart from public consultations via which they can offer their opinion, Commission has developed methodologies and tools (Better Regulation tool box 33) to analyse potential territorial asymmetrical impacts.

Commission is now in a position to analyse potential impacts on different regions of the EU and on cities (Urban proofing as part of the Urban Agenda of the EU), and has started recently testing the tools and methodologies for cross-border impact assessment.

The most used methodology so far for TIA is the ESPON developed Quick Scan that looks into economic, social, governance and environmental dimensions and combines the opinion of experts

from cross border areas on a given topic that the proposed legislation is focusing on and in combination with data and indicators can assess and project in maps the potential impact on cross border areas ex ante. But we also have models like Luisa and Rhomolo developed by JRC that help us in TIA.

DG REGIO together with Committee of the Regions are at the forefront of the TIA work and the Joint Research Centre and Secretariat General of the Commission as well as the Regulatory Scrutiny Board are very supportive. Several legislative proposals (mainly Directives) have been analysed so far with regard to their impacts on different territories of the EU.

Territorial Impact Assessment (TIA) is becoming more prominent due to the new Communication of the EU on *“the Principles of subsidiarity and proportionality: Strengthening their role in EU policymaking”*

TIA provides the opportunity to consider better the specificities of different regions and territories something that helps the EU legislation to become more targeted but also provides to EU a more democratic and accountable profile.

Mr. Zintis Hermansons – project expert, ESPON EGTC (European Grouping of Territorial Cooperation)

Simone: Can you tell us about the development of the tools for cross-border impact assessment by ESPON?

ESPON 2020 programme is implemented by the ESPON EGTC, based in Luxembourg. The aim of the programme is to serve the 28 EU member states and 4 partner states by providing territorial analysis and evidence for policy makers at various levels. Currently there are two research activities being implemented which focus on ex-ante and ex-post cross border impact assessments. Firstly, ESPON has developed a Quick Scan methodology to assess ex-ante territorial impact of legislative proposals at the European level, for instance impact of EU directives. The idea is that impact is not distributed equally across the regions and it is important to understand the territorial differences. A web tool which is part of the methodology helps to calculate and visualize the impact on a map. The Quick Scan methodology has been used on various occasions by DG REGIO and Committee of the Regions. Secondly, ESPON is currently developing a methodology to assess ex-post territorial impact of INTERREG CBC programmes. The biggest challenge is to understand how to calculate the “net impact” of EU funding. The methodology will be tested on 5 CBC programmes; project will be finished in summer 2019.

Dr. Hynek Böhm – Member of TEIN, Technical University of Liberec, Czech Republic

Simone: How is this done in the eastern parts of the European Union? What are the most recent discussions about cross-border impact assessments in eastern Europe?

In the eastern parts of European Union territorial assessments are less important than in the western parts of the European Union because there is much lower pressure on the demand side. There is none existing or on a much lower level on the spatial integration of the cross-border

assessments. But there are always exceptions. In the eastern parts of Europe this is Hungary. Hungary is bordering with itself and is the most serious country in the Eastern part that will likely follow the Benelux or the Scandinavian countries in Europe for a solution. The other countries in the eastern part of Europe are more critical they have a low level of interact programs, but the real territorial impact assessment is not the task of the day yet.

Mr. Johan van der Valk – project manager CBS

Simone: Are there cross-border impact assessments on national level for which you at the Dutch statistics CBS provide data for? What data is needed for cross-border impact assessments?

Data for a cross-border impact assessment are not available yet. At a national level the data provided by the CBS is used a lot. But for a cross-border impact assessment you need data from a cross the border and in almost all the cases the data tracking stops at the border. We are trying to solve this problem, by using pilot settings in the Netherlands to gather cross-border data. To develop methodology for cross-border data there is a report published this week on the website of the European Commission in cooperation with seven other countries from the European Union. We would like to set up a network of cross-border monitoring, this is an initiative from a meeting that was held at an federal observatory office in Germany. The first step in collecting cross-border data has been achieved right now and the second step is in the making.

2nd Plenary panel session on Recognition of Qualifications

The panel and information session on the recognition of qualifications seeks to explore different facets of the topic. Recognition plays an important role in the mobility of both students and professionals. However, these parties are confronted with obstacles as recognition procedures may be costly in terms of both money and time. Moreover, some individuals even see some of their diplomas and experience unacknowledged by a refusal of recognition requests. In this panel and information session, leading experts in the area of the recognition of qualifications discuss, from their respective backgrounds, how their organizations seek to facilitate recognition and how to enhance mobility through improved recognition in the future. How can communication be improved (between different DG's and from DG's to nations) and misconception in the area of academic recognition versus professional recognition be decreased?

Mr. Justus de Hooge – Projectmanager, Dutch Ministry of Education, Culture and Science

Simone: How can there be so many obstacles for the recognition of diploma's between neighboring countries?

As far as higher education is concerned, much has been achieved at both the EU level as well as within the Benelux. This is much less so for vocational education. It is very difficult to find information when one wants to work across the border with a vocational education diploma for example in Germany. When one does find the information, it is full of technical terminology meaning that it is very complex and difficult to understand from a citizen's perspective.

For non-regulated professions we should focus on improving information provision to employers. For regulated professions we have a very nice EU directive. However, the latter directive requires a lot of technical knowledge, the instrument itself does not concern diploma recognition but recognition of professional qualifications. All in all, the system has become very complex whereas we should focus on a number of core principles such as mutual trust. The present complexity of the topic has made recognition quite complex for our citizens. Efforts should be put into simplifying the system to benefit citizens.

Mr. Lukas Schmülling

What is your perspective, from the German side, on this? For what professions do you, from the perspective of the Bezirksregierung Düsseldorf, really want solutions?

Geriatric care is a special topic. Germany distinguishes different professions within the geriatric care field. The system in the Netherlands is different amounting to issues among the two countries. For competent authorities it is not a question of whether something is recognised but what is actually recognised. Existing issues do not relate to non-recognition of qualifications but to the fact that Dutch second level nurses obtain another recognition than the one they desire or expected. Nevertheless, despite these challenges many professions from the Netherlands and Belgium are recognised directly meaning that no additional compensation measures are imposed. For these professions, cross-border mobility is achieved.

As far as the practice of the Bezirksregierung Düsseldorf is concerned, recent years have seen a significant reduction in the number of documents needing to be handed over during the recognition procedure. In the past, citizens were required to hand over a lot of documentation and it was often unclear which documents actually had to be sent in. Apart from requiring less documents, the Bezirksregierung also accepts documents in other languages (French and English in particular). This means that translation costs are avoided.

Mr. Konstantinos Tomaras

What is being done at DG Grow on these matters?

The main focus of this panel discussion are obstacles on recognition procedures and the need to address them. Our focus in DG GROW is on regulatory requirements setting qualifications and other conditions that professionals need to comply with in order to access and exercise specific professions. The facilitation of recognition of qualifications obtained in other countries constitutes a major policy since the beginning of the Union. While we Europeans tend to focus and perhaps exaggerate on problems, we should also acknowledge and be appreciative of what we have achieved thus far. These are not little. We have a very advanced legal framework on mutual recognition of professional qualifications among our Member States covering a multitude of different professions and situations; it works. Important professions benefit from automatic recognition of their qualifications, such as doctors, nurses, architects, dentists etc., not to mention lawyers who enjoy a particularly open regime. Our rules also facilitate temporary cross-border provision of professional services, a system based, for the great majority of regulated professions, on a declaration to the host country with no ex-ante recognition procedures. Millions of professionals have benefitted and continue to benefit from these rules over the years.

Problems may of course arise. Professional regulations may, over time, become overbearing and not adapted to changing environments. They are thus no longer fit for purpose and create unnecessary barriers. One aspect of our current policy is therefore to make sure that Member States always consider the necessity, justification and proportionality of the professional regulations they introduce. The recently adopted Proportionality Test Directive aims at addressing this aspect. Transparency of requirements and of procedures is also an important issue for professionals, perhaps even more so than the regulations themselves. Newly introduced instruments such as the European Professional Card (initially available to a limited number of professions) improves transparency and allows the on-line completion of recognition procedures. We also strive to enhance and to improve the operation of the national Points of Single Contact. Finally, the recently adopted and more general Single Digital Gateway will also improve transparency and online processes in this and other areas. Thus, continued work to improve our already extensive regime of recognition of professional qualifications.

Ms. Julie Anderson

What is being done at DG Education and Culture on these matters?

DG Education and culture focuses on recognition for the purpose of further learning. There is still much to be done in this area as cases of non-recognition still exist. One example relates to a person who has a master from France who wants to do a doctorate in Germany but is refused. A similar case concerns bachelor from France wanting to do a master in Spain. This person is waiting two years for recognition to be able to access a master. Both cases concern non-recognition of qualifications originating from neighbouring countries that are twenty years into the Bologna Process and the Lisbon Recognition Convention.

DG Education is permitted to encourage the academic recognition at EU level. Education nevertheless remains a Member State competence. At the moment, DG Education is negotiating a Council Recommendation to be approved at the end of November. This Recommendation concerns the process for achieving automatic recognition of higher education and school education qualifications and the outcomes of learning periods abroad.

After an accord is reached on the Recommendation the focus will shift to implementation. The latter process will be supported by digital tools and by providing support to academic recognition authorities.

Mr. Koen Nomden

What is being done at DG employment, social affairs and inclusion on these matters?

DG Employment is working on making qualifications more transparent and better understood across Europe. It does not work on recognition directly but DG Employment has tools that facilitate recognition. The EQF is one tool that does this by providing levels allowing for the improvement of the comparability of qualifications. However, it is also important to understand the content of a qualification. This is what employers want to know.

As far as the EQF is concerned, it is applied to higher education, vocational education and training and all other types of qualifications that are available in the market. In this context, validation of higher learning also plays an important role in shaping transparency. Apart from the EQF, DG Employment also works on ESCO and is modernising Europass by bringing together information that has been scattered, thereby including information on recognition.

Prof. dr. Hildegard Schneider

How come things are still so problematic in the area of recognition of qualifications?

An issue still exists with qualifications obtained at the level of vocational education and training. In the past, there was less regulation in this area and there was no need for a diploma to exercise many lower level professions. Now you need a diploma for everything. For this level of education, we do not have an Erasmus which works really well. People are not used to another education system and bureaucracy. When it comes to vocational education and training, we talk about jobs which are not so rewarding financially. If a lawyer has to translate a diploma, the financial effects of the translation costs are surmountable. However, for someone with a vocational education and training qualification this is an enormous step. If we want people to believe in Europe we should not just work for the highest level of the academic area, we should make it easier also in border regions to work across borders.

3rd Plenary Panelsession: Cross-border cooperation: Governance future of cross-border regions

The interest of cross-border territories has to be articulated at the political level. Joint objectives, plans and programs have to be coordinated across the border by public and private bodies. There is still a diverse picture of governance structures ranging from long-established and institutionalized Euro-Districts or Euro-Regions to loose and weaker cooperation structures and ad-hoc INTERREG coordination. Is there a certain trend today? Do we see for instance still more EGTC in the making? Does organization matter and how contribute European Programs to the institutional setting? How strong are political cross-borders governance structures currently? And to what extent are they important for the successful development of cross-border labor markets, infrastructure and good relations of neighboring regions? The panel will discuss how to strengthen capacities and cooperation structures in order to better cope with the challenges and obstacles described in the Commission's Communication 'Boosting Growth in Border-Regions' (2017). In the EU 15% of the money is spend on governance how do we see that in cross-border partnerships?

Ms. Nathalie Verschelde – Deputy Head of Unit "European Cross-border cooperation", DG Regional and Urban Policy – European Commission

Martin: Is there an euregional governance model for cross-border regions? Is for instance the European legal instrument 'European grouping of Territorial cooperation (EGTC) the future model for cross-border organizations?

As a Commission official, I am bound to say that the best governance and organizational model on cross-border level is the EGTC Model. The EGTC is an outstanding model and tool for cross-border cooperation. It is not the only model however. Cross-border regions are so diverse all across Europe. The cross-border regions all have an interesting history in the European Union and also the geography has an influence on these regions. Because if you don't really have access to your neighbors you are probably not going to do the same work across the border. Because of this diversity we need different models and interaction methods. You can do different things in different regions and just as in everyday life you can choose the tool that will help you to reach your objective. The different regions have different objectives and different tools that we can use across the border. Sometimes you want a basic solution or something that will help you quickly in a short period of time whereas in another case you need a more detailed solution that will last longer and then you might need a more complex tool to achieve this. What I am trying to say with this is that we have different tools we just need to use them in the right way. In order to achieve solutions in the cross-border regions we not only need a good governance model but also the commitment of the different parties like the local and regional authorities. Because when there is a lack of commitment no solutions will be found, and tools won't work.

Ms. Sandra Sodini – Director EGTC GO

Martin: What were the benefits of the EGTC instrument for your region? What was the added-value? Is there anything missing for you as a cross-border cooperating organization, with respect to the tools?

At the border of Italy and Slovenia there is city which is part of Slovenia and part of Italy. In 2012 we started to set up an EGTC there. But this is a long process and we started with a few other initiatives. First, we created a cross-border working group on mobility, health, etc. to create a strategy for the two cities. The second thing we did was making a joined planning. For example, in 2014 we made a joined cartography of the city. And the third part of the process was the creative part. Italy who is a western country and Slovenia which is an eastern country have different ideals. This also reflects back in the legislation there is a directive set up, but each country has its own legislative frame work. Were Slovenia copy pasted the article from the Directive, Italy reformed the article and then implemented it in its legislation. In the beginning of the process there were two cities the Slovenian and the Italian and they both thought from their own perspective. Now as we have created the EGTC they are becoming one city by thinking from an hour's perspective. So, there are still a lot of differences, but the first step is being made. The EGTC is the first step but it doesn't solve all the problems.

Ms. Nike Koloniaris – Office of the President of the Government – European Affairs, Bezirksregierung Köln

Martin: The Meuse-Rhine Euregion is in the middle of its transition into an EGTC. What is going to be the added value for your region?

The Euregion Maas Rhein is in a transformation process going to an EGTC. The Euregion Maas Rhein(EMR) will no longer be a Stichting but an EGTC once the process is finished. Because of orienting from the European law, itself. All partners of the Euregion Maas Rhein will benefit from this transformation and the acceptance will increase. We asked our citizens last year through a summit what they needed in the new EMR. By doing this

we get more respect from our citizens, but they also understand the process of creating an EGTC better.

Mr. Claes Håkansson – Senior Advisor, Nordic Council of Ministers

Martin: You have a cross-border governance model at the level of States. How does this correspond to the needs of municipalities and border regions? Is there still a need for new governance tools?

The freedom of movement council is the governance model between the Nordic countries. The freedom represents the businesses and citizens in the Nordic Countries. We have a governance model that is well established in the society. When an obstacle is brought to the table, the municipalities or border regions send this to the freedom of movement council where we try to find a solution for this obstacle and then evaluate this solution with the border regions and municipalities before we communicate the solution to the citizens. To find a solution on the obstacle we can push the relevant partners that are part of the Council which makes it easier to solve the problem.

We have decided not to develop new tools without coordinating on the working models. An EGTC cannot solve a cross border problem when you need to adapt the national legislation. We have different tools and we need to coordinate how to use them in order to solve the problems instead of creating new tools. There will never be one tool that solves all the problems because there are too many elements in the cross-border areas.

Mr. Thiemo W. Esser – Head of Division for International Affairs and European Territorial Cooperation, Ministry of Sustainable Development and Infrastructures, Luxembourg.

Martin: A mechanism to resolve legal and administrative obstacles in a cross-border context has been proposed within the European Union. Are you happy with the final content and shape of this regulation?

We were discussing a common market problem that is not a particular cross-border problem. We do have a common market solution, but this is not necessary because the problem is a specific cross-border problem. We need a solution that works for both sides of the border. The final content and shape of the regulation is important but what is more important is a good process. That you can identify a problem, there is someone to receive the problem and then solve it. The proposal contains all elements of the process. There is a voluntary application, signals are clear and there is no misunderstanding about the tool. However, the legal aspects are put too much in the front and the process aspect is therefore under developed which makes the balance of the proposal out of line. There should always be an open process to solve problems, there is a point where you should start but you need to be free to always use your own mechanism.

Information session 1: cross-border Impact assessment

At different governmental levels, there is a lively debate about new ways to better assess the impact of national or EU policies on cross-border territories. DG Regio and the Committee of the Regions

are for instance actively searching for better instruments to improve the own territorial impact assessment and to better incorporate cross-border aspects into their routines of regulatory ct assessment. National governments, as for instance the Dutch, are analysing internal scrutiny procedures in order to better understand the consequences of their own policies. ITEM has in recent years developed a bottom-up approach for a cross-border impact assessment for a specific cross-border area and will present the results of its third edition. What are the current developments with respect to all these activities? What are useful tools at what level? How can border-regions actively contribute with own resources and the use of their own regional experts and better influence decisions at national and European level?

What has to be there to be ready to do a proper impact assessment?

- There are some political decisions made that affect the market. Less people are going to Sweden by introduction of a flat tax. SKODA-committee: on regional level that obstacles are going to be discussed. There is some kind of program to exclude the obstacles for cross-border workers (border obstacle counter). There are students who commute from Copenhagen to other universities and we need to cooperate with them. After the reintroduction of border controls we have to find out what the effects are. Less commuters are going back and forward. The numbers of cross border workers dropped. But we also have to consider that the Swedish krona lost its value, which also had a lot of impact. There are multiple factors that have to be taken into account.
- The Dutch government is discussing with ITEM the possibilities of better assessing the border effects of their policy proposals.
- The level of cross border isn't so high in the Czech-Republic, so we have to measure the impact at a significant lower scale. Therefore, it's rather difficult to get enough data. Cross border housing market is an important topic. For example, hundreds of people buy an apartment just at the border in Germany, because it is cheaper there. Now we are fighting for the small project funds. The level of cross border integration is not so high at the moment. Public transport between the Czech-Republic and Poland shows a lack of communication between these countries. This could also be interesting to look at.
- ITEM uses a bottom up-approach in their assessment, which means that we choose policy proposals (or existing legislation) that is crucial for our situation. We are of the opinion that you need the expertise of the experts in the border region. That cannot be done by national governments or the EU level. It is important to stimulate that more border regions also start similar bottom-up assessments.
- If you are connected to the regional authorities it might be interesting to apply regional hubs. The goal of these hubs is to have a restricted group of 20 regions that will provide an input of selected topics. This will feed to all work into impact assessments. It will provide input on specific policies regarding the implementation of EU legislation. It's a feed into "ex ante" assessment of legislation. Selected topics will be relevant in the next two years.
- We need to build up more capacity through additional training to several parts of the Commission. The TIA quick check is part of communication of subsidiarity. This is apart from analyzing economics or social impact. Data is very important if you want to do a good analyses of impact. The idea is to not only use TIA for commission services, but also for the territorial agenda. More TIA for national purposes. In 2019, there is less legislation in the pipe line; one commission is fading out and one new is coming in. It will be a year of less legislative proposals, with mainly evaluations. This is a good opportunity to restructure and create more capacity. We offered to extent the capacity to train national representatives.

Everyone can use the TIA with a little training. If now the statistical offices can pin down the data it would be very useful. It's important to have comparable data with the definitions, because it won't be complete otherwise. We have to agree on 15-20 cross border relevant indicators, like flow of workers, goods and patients. If we could collect this data, it would bring an ideal situation and a more accurate assessment.

- https://ec.europa.eu/regional_policy/en/information/publications/studies/2018/border-region-data-collection
- ESPON has developed a web tool to carry out territorial impact assessment using the Quick Scan methodology (<https://www.espon.eu/tools-maps/espon-tia-tool>). The web tool has been updated and currently in addition to the general module has a separate one to carry out cross border and urban impact assessment. The updated tool will soon be available in the ESPON website.
- The ESPON TIA web tool database hosts a list of pre-defined impact indicators, however, the tool also allows to add additional external indicators and define territorial typologies. Thus, the ESPON TIA tool can be used and tailored to carry out specific cross border impact assessments.
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- The follow up action is to include countries that were not participating in the pilot, but maybe have the same data, and to ultimately extent to almost all the EU countries. How difficult was it for the eight statistical offices to create the employment data? Some countries have the data available, some countries (like France and Italy) were more difficult. The interesting insights that result from exchanging the data, could persuade other countries to participate. The first step is to include the other countries and to assist them with the methodology. We want to take "citizenship" as another breakdown, to see the movement across the borders. Is the definition of cross border workers the same in every country? There are issues of comparability, but the most were based on social security files, which are reasonably comparable.
- If you don't know what the movement is for people, it is tricky to say what the relevance is of the program in the broader picture.

Information session 2: Recognition of Qualifications

Questions & Discussion

Imagine one is an informal and non-formal learner, where can he or she get a stamp testifying that they have a certain competence?

The European Commission has no competence on this, but can invite Member States to do something in this area. There is a Recommendation aimed at setting up arrangements for validation of informal and non-formal learning. DG Employment invites Member States to create such systems thereby allowing individuals to obtain a qualification on the basis of acquired skills. Of course, each Member State must decide how to implement it in accordance with its preferences. Nevertheless, the message and the political signal is there. In 2018, most Member States are working on this. When DG Employment started working on this topic, there were about four countries having such systems for the validation of informal and non-formal learning. We are much further advanced now than five-six years ago. In the future, the validation of informal and non-formal learning will be even more important because the market of learning is changing.

The shift to competences is also being researched at DG education. At the moment, a study on the use of Blockchain in education is taking place. In particular, Blockchain may be used for automatic recognition and for lifelong learning passports. The structure may be suited to implement a competence based approach in education.

Can you expect that the difference between professional and academic recognition will be alleviated by the different EU instruments?

It may be deceptive to start from the result comprising the two different approaches for work and study (i.e. professional and academic recognition). These two approaches do not exist because the EU devised them but because the Member States used them in that way. At the EU level, this gap between professional and academic recognition must be bridged. Nevertheless, the distinction was not created, it already existed. For regulated professions, recognition depends on the professions and the interests to be protected. The more we move to health issues the more stringent we become. The original assumption was that someone trained in one Member State would also work in that Member State. Now with all the mobility-related developments, students may go abroad to study and return to their home Member State to work there. Changes that happen create new tensions in relation to whether you should or should not trust foreign qualifications. We should reflect on those changes at both the EU level as well as at the Member State level.

When it comes to the EQF, you have the term recognition included in the instrument. Nevertheless, it depends on the way people use it. In fact, it does not matter what we call it (professional or academic recognition), it is about how people are using it in practice. Therefore, the EQF is multi-purpose and may benefit both professional as well as academic recognition.

One aspect to be stressed in light of the present discussions however relates to cross-border mobility. In particular, we are discussing cross-border matters. Nevertheless, much of the debate on recognition focuses on the international and transnational meaning we tend to forget about cross-border regions. Internationally speaking individuals with higher education qualifications are able to move quite easily. However, in cross-border regions we see that international-level assumptions are applied to a person who has vocational education qualifications and is looking at his or her local market. We therefore have a new and difference facet to the discussion. The person in a cross-border region is challenged by fancy tools like the EQF. On the international level, large companies hiring people may know the relevant instruments, but in the cross-border region the company hiring people is an SME who does not know what instruments apply and what they mean. This is a very important point that relates to the question for whom the EU makes policy. There is a certain bias towards higher education. The last time we talked about among others crafts professions was in the 1960s.

At the VET level, it is more relevant and likely that students will go across the border regionally and not transnationally. Nevertheless, the current system for exchanges is mostly transnational across the EU and not across the border. With Erasmus we have created European citizens. Nevertheless, we have not had a similar development take place at the level of vocational education yet. Having a cross-border mobility programme would not only increase trust but also contribute to the development of a European mind-set. A best practice in this context is the Dutch-German programme High Potentials Crossing Borders. This programme prepares students for the business

culture and language across the border. Another proposed solution relates to the realisation of more double degrees.

Information session 3: Cross-border cooperation: Governance future of cross-border regions

Goal of the session: The governance future of cross-border regions, what tools and form of cooperation are needed.

During this workshop we discussed the Model of the Freedom of Movement Council and there was the opportunity for all the participants to ask their questions and give their opinion about the governance future of cross-border regions.

Mr. Claes Håkansson – Senior Advisor, Nordic Council of Ministers

In the Freedom of movement Council we have a multi-level governance process. Members of the Council have prioritized obstacles in the past five years. The national member of the Council and the national departments have a good combination. They push the process at the right department for a solution. They have a right to contact the legal ministers. After it is sent to the ministers it ends up in the freedom of movement database. Where the Council national members will look at it. It is important in a process that everyone recognize what role they play in the process. That is why the Freedom of Movement Council works so well. The transparency of the network between the regional and the national Nordic level. Providing information creates safety and one get's in touch with border obstacles. Every subject in the cross-border area is complex for example the mobility of workers, finding jobs, tax problems vice versa. Al these aspects can lead to administrative and legal obstacles

Questions after the speech:

- Is there a pattern between the solvable and non-solvable obstacles? The structure of the Model helps us to solve obstacles better and faster but there will always be obstacles that can be solved. Solving an obstacle is just one option sometimes you can work around it or just try to live with it. We try to use the best approach that is possible under the circumstances.
- *How long does it take to solve an obstacle in the process of the The Freedom of Movement Council?*
It takes approximately 3 years to solve the obstacles, some questions are easy to solve others are more complex or can/t be solved at all. In case there is a non-solvable obstacle we let the citizens know on time rather than not giving an answer at all. In the future we try to avoid the non-solvable problems and solve all the barriers. The transparency of the Model makes this possible.

Important points that came out of the discussion:

- *How do citizens experience the things the European Union does for them? What can we do better?*
 - *Better communication to the citizens.*
 - *Better understanding to citizens of what the EU is.*

- *Involve citizens in the process of the EGTC*
 - *Organize citizen summits to evaluate their needs*
 - *Create a dialogue and find a solution that all sides are comfortable with.*
- *How can we make sure that community building is financially supported by the EU funding and also stays in the next generations of citizens?*
 - *Innovation is good but don't forget the people*
 - *Create small project funds that bring people in the community together*
 - *Making people aware of the fact that it is good to meet new people and that you need to work together to achieve things.*
 - *Cross-border regions are very interwoven and need to work together to achieve their goals, so they need to communicate better and explain this to their citizens.*
- *Rules and regulations about cross-border topics need to be more specified on citizens. Because citizens are the heart of the cross-border issues.*

Cross-border regions are very specific - one region is not the other. Problems can be solved in one cross-border region but not in another because of the lack of trust. This is where the European Commission needs to step in before it is too late. Some cross-border regions are not evolved enough to solve the obstacles and need the help from the border regions that are more evolved. If we don't step in this can result in cross-border partnership to drop down because of the lack of trust. The toolbox is rich enough for a solution to be found, but we have to work together to find a solution that fits the specific cross-border region. We can't only push the Member States to take responsibility, also the cross-border regions need to take responsibility and work together with the local and regional authorities.

Mr. Thomas Antoine - Secretary General of the Benelux

First, I want to thank the organization of ITEM for inviting me to this conference; I am very happy with the cooperation between ITEM and the Benelux Union. During the day it has occurred to me that ITEM doesn't take cross border cooperation lightly. So does the Benelux Union: this is our core business, every day. All the people in this room share this interest. A longstanding cooperation in our common interest in advancing to cross borders as if it is not there and to bring the citizen closer together. It is an understatement to say that we are not there yet.

The Benelux can provide a legal toolbox for cross border cooperation, among which the new convention on cross border and interterritorial cooperation, just ratified by the Netherlands and coming into force on 1st January 2019.

To integrate countries having a long administrative tradition of its own is a hard work that requires extra effort from everybody. Go the extra mile and compromise to something that is effectual for everybody. That what comes out of the compromise needs to suit all sides of the border. It is a very good development to monitor this issue. Taking into account the different administrative systems in different countries, fiscal or legal, we realize that we don't need one system to solve all the problems but a peaceful coexistence of different systems. By dealing with practical issues of cross border cooperation, we improve significantly the lives of the ordinary citizens and we close the gap between the people and their institutions.

Coming to the transfer of professional qualifications, this can vastly improve the employment of young people; as some professions are protected, the transfers requires some trust between the neighboring countries about their respective training institutions.

Trust is the key word here like everywhere. Without trust nothing can be build. Protection of a profession is precisely a matter of trust: it is not about protecting the jobs of a few but protecting the citizens from malpractice.

We need to make it easier for all our citizens to work across the border; Not just for the higher educated ones but for all our young people.

Governance of cross border cooperation is also essential and I remind to use our legal tools: the approach to cross border cooperation is at the same time bottom-up (we listen to the needs of our citizens, our local economic operators) but also top-down (we have to provide a predictable and clear legal framework).

We can't just satisfy ourselves with bilateral agreements; we need broader legal instruments and rules to achieve a good governance. This is not only the responsibility of the Member States but it requires a commitment from all the authorities both regional and local. We need to involve our citizens in the process to make them understand that finding a solution takes a lot of work, time and collaboration.

There are regions in Europe were cities are built on the border. In Baarle Hertog, you can have your soup in Belgium and your coffee in the Netherlands by just moving the chair to the other side of the table. All decisions of everyday life have to be taken in concertation! A daily exercise of creative compromise. If no solution is found, the people go the café where all the issues are either solved...or forgotten!

I wish you the same tonight, now that we'll have a drink together!

Thank you again for your input and presence!

For the pictures of the ITEM annual conference 2018 please see:

https://www.flickr.com/photos/item_um/albums/72157702385235531

The next ITEM Annual Conference will be in November 2019. Further information will follow.

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