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PILOT issue

Lessons and reflections from the *b-solutions* initiative

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***b-solutions*: Taking Down Border Barriers for a More Integrated Europe. Introductory Notes**

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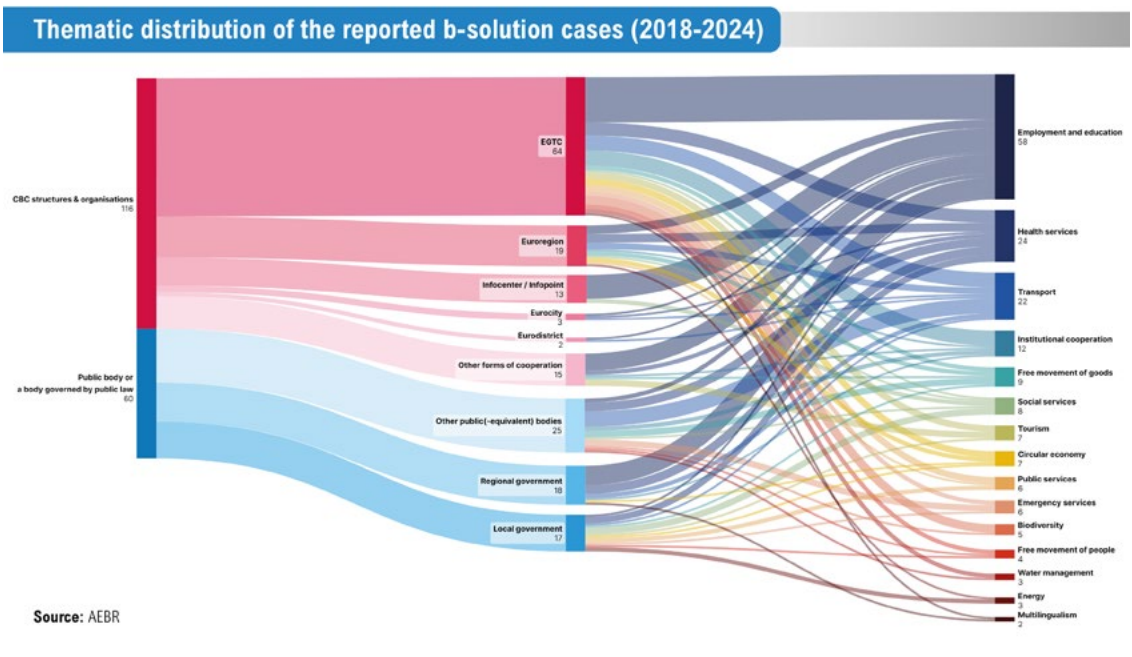
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Cross-border cooperation (CBC) has become part of the political identity of the European Union as it contributes to achieving a more cooperative and integrated future. Moreover, CBC is vital to developing a territorially optimised European Cohesion Policy and addressing a range of other EU policy agendas that include climate action, civil protection, emergency planning, a green transition and deepening of the single market. The *b-solutions* initiative is a salutary reminder that the European Union is still a project in the making and that its future as a coherent and cohesive space very much depends on the political will of member states. Europe's borderlands are microcosms of European diversity and laboratories of integration – what happens there tells us a lot about where the EU as a political community is headed. Border regions are, equally, places of high innovation potential, of the kind of smart and flexible thinking which supports collaborative approaches with benefits for all, across and beyond borders.

In well over 170 case studies collected since 2017, *b-solutions* has documented the many ways in which cross-border cooperation does not work as it should. Whether it be a lack of coordination of emergency services, mismatches in health insurance, administrative obstacles to entrepreneurship and cross-border labour mobility or a lack of environmental cooperation, the EU is full of resolvable obstacles to deeper integration. Indeed, the stories of border obstacles are largely one of mismatches or disparities between networked social space and the administrative geographies of vital public goods and services. Welfare-state cultures and their bureaucracies may have helped define national identities but they often seem not to have moved beyond a certain national centralism – often they are inflexible in accommodating the needs of a very diverse EU. These obstacles require attention in order to promote a Europe that is truly closer to citizens. In response, *b-solutions* offers expert advice to public agencies dealing with problematic cross-border issues. Its main objectives are to help

CBC actors understand legal and administrative obstacles and thus identify sustainable solutions as well as raise greater political and public awareness of the significance of cross-border cooperation.

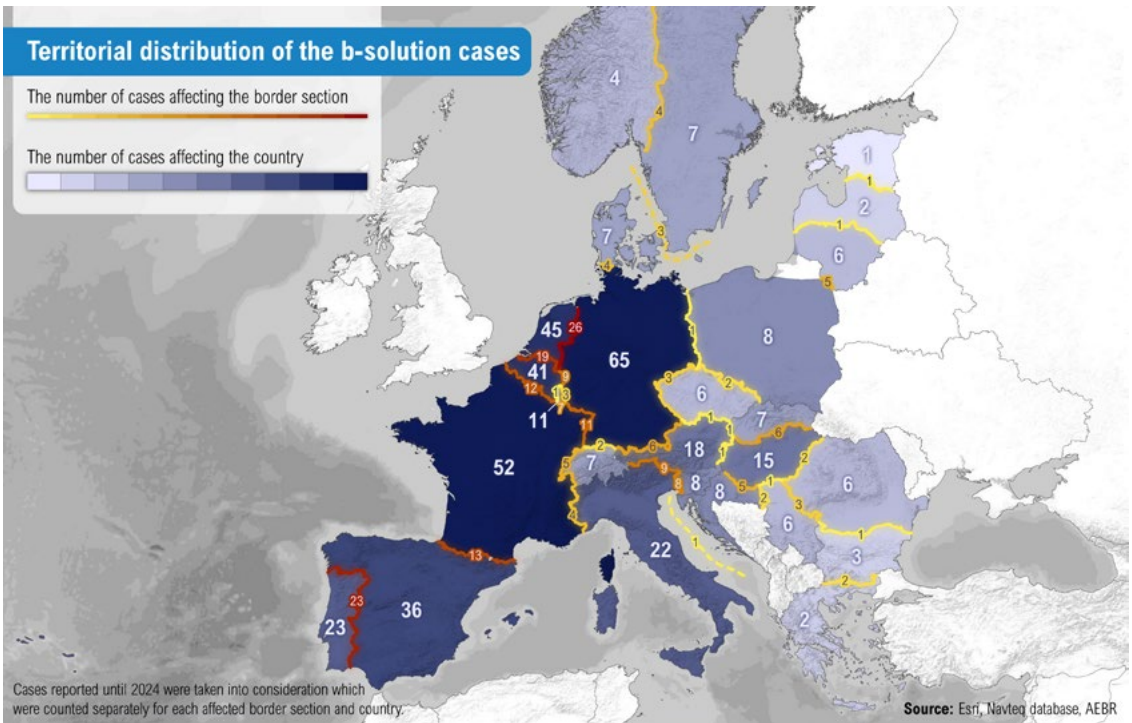
Figure 1. Thematic distribution of the b-solutions cases



Source: Association of European Border Regions' database

Figure 1 provides a thematic distribution of *b-solutions* cases reported between 2018 and 2024 and indicates the major obstacles that have prompted border regional organisations and institutions to engage with *b-solutions*. Figure 2 shows the geographical distribution of these cases. France and Germany top the list followed by Belgium, the Netherlands, Spain, Portugal and Italy. Nordic countries have also hosted strategically important cases which have supported the Nordic Council of Ministers' ongoing work. Central, Eastern and Southern Europe provide a rich basis for further *b-solutions* work, as do the Baltic States.

Figure 2. Territorial distribution of the *b-solutions* cases



Source: Association of European Border Regions' database

The various contributors to this publication provide insights into the experiences of problem-solving across EU borders and the role of the *b-solutions* initiative. Eduardo Medeiros discusses how *b-solutions* has promoted both hard and soft territorial governance processes in order to deal with issues in a nuanced manner. Formal governance is needed to change existing regulations, legislation and spatial plans. However, participatory and co-creative approaches are vital to negotiating pragmatic solutions and changing ways of thinking about CBC obstacles and processes. Peter Ulrich examines the role of European Groupings of

Territorial Cooperation (EGTCs) in solving border obstacles and creating innovative models of collaboration. EGTCs are the most advanced form of such cooperation in terms of creating joint deliberative bodies between states. Nevertheless, Ulrich argues they are incomplete – for example, they still lack legal competence to address issues related to taxation, social security benefits and negotiating wage levels. Following on this, Teemu Makkonen provides insight into the perennial problem of Europe's weakly integrated labour markets and its consequences for labour mobility. *b-solutions* has suggested pathways to remove legal

and administrative obstacles. Makkonen also argues that future policies need to dedicate more attention to other factors influencing cross-border labour mobility such as, cultural, social and mental barriers.

With a focus on healthcare, Caitriona Mullan reminds us that local and regional provision of services to cross-border catchments, and enablement of citizens to access services across borders, are vital to achieving greater wellbeing and service provision innovation for future growth and competitiveness. One major takeaway from *b-solutions* is that the nurturing of cross-border health (CBH) systems and improved population health will support a sustainable future for Europe's border regions and a greater general degree of equity within the EU. Similarly, Péter Balogh suggests that *b-solutions* has made progress in CBH by suggesting tailor-made solutions to obstacles on a case-by-case basis. These solutions have in fact been accepted by local stakeholders who have forwarded them to the authorities in charge and asked them to implement the proposals. Juan Manuel Trillo Santamaria, Roberto Vila-Lage and Valerià Paül welcome *b-solutions'* contributions to facilitating environmental cooperation between formal institutions. However, they indicate that a greater degree of engagement with local initiatives and civil society organisations will be necessary to raise awareness of environmental issues and the EU's Green Deal.

As an example of a *b-solution*, Martin Unfried and Pim Mertens discuss the new cross-border coordination point (schakelpunt) for the region between the Belgian Region Flanders and the Netherlands. The schakelpunt is an instrument that enables stakeholders with cross-border problems to identify appropriate institutions and administrative procedures that can provide solutions. In the Nordic context, a Border Obstacle Forum has been in operation since 2014 collecting information regarding barriers to the integration of border areas. Sara Svensson describes its workings, noting the significance of the Forum's new official name, the Freedom of Movement Council. The council has multilevel and multisectoral outreach and thus represents an innovative arrangement. It is thus partly a *b-solutions* success story. On the other hand, Svensson's case study reveals that obstacles hindering third-country nationals from working in other Nordic countries persist and that much needs to be done in order to achieve greater progress in labour mobility.

Sabine Zillmer deals with the more basic issue of active subsidiarity and legislative rights of citizens within local and regional cross-border contexts. Such rights are vital to enhancing proximity between citizens and the EU's policy agendas. In the many cases covered by the project, *b-solutions* has suggested numerous legal proposals for creating new territorial contexts. What stands out is a clear need to focus more attention on

legislational rights that facilitate cross-border access of social services, such as child care, health care, education, as well as housing and labour markets.

In concluding, we hope that this publication will not only be of interest but also inspiration to policymakers, practitioners, politicians, community representatives, entrepreneurs, and professional and sectoral stakeholders representing different dimensions of our economic, social and cultural life. With this publication we underline

the significance of the *b-solutions* initiative and the inherent value of its continued practical contribution to greater European integration. We invite border regions across the European Union and on its external borders to engage, explore, and experience the value of learning from local experience in transcending border obstacles. We believe that releasing the full potential of border regions through improved cooperation will contribute to creating a more locally anchored and responsive European Union.

The contribution of EU *b-solutions* initiative to foster soft and hard territorial governance and how to assess its main cross-border impacts in the EU cross-border regions.

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Introduction

Territorial governance is embodied by rules and norms and implemented through hard (laws, planning designs and strategies, etc.) and soft (ways of decision-making, participation, co-creation, capacity building, etc.) related processes (Kaufmann & Kraay, 2007). These are related and affected by the European Union (EU) *b-solutions* initiative (Medeiros et al. 2024) adopted by the European Commission (EC) on 20 September 2017 (EC, 2017). By now, (mid-2024), 169 EU *b-solution* cases have been selected, embracing a wealth of main thematic areas (Table 1). These entail policy goals of mitigating persistent cross-border barriers across EU cross-border regions (Medeiros et al. 2023). Moreover, the accepted *b-solution* projects have the potential to positively contribute to the improvement of both hard and soft territorial governance processes in the EU, for instance by contributing to (i) the elaboration of new legislation/regulations related to mitigating cross-border barriers; (ii) the elaboration of cross-border spatial plans; (iii) increasing intensity of cross-border participatory approaches; (iv) increasing implementation of cross-

border multilevel governance processes; and (v) increasing promotion of cross-border administrative capacity levels.

Table 1. EU *b-solutions* cases per main

Employment and Education	52
Institutional Cooperation	41
Public Services	33
Environment	15
Health	11
Transport	10
Multilingualism	3
Evidence and Data	2
e-government	1
Information services	1
Total	169

thematic area
Source: Association of European Border Regions (AEBR) database. Calculations by the author

Likewise, as a result of public investment, the EU *b-solutions* require adequate policy evaluation of its relevance, effectiveness, efficacy, and related outcomes, results, and ultimately impacts (EC, 2013). In this regard, as *b-solutions*-related projects have the potential to have a territorial impact

resulting from their implementation (be that via cross-border socioeconomic development, environmental sustainability, territorial governance, or spatial planning-related processes), it makes it appropriate to use a territorial impact assessment (Medeiros, 2020) tool to assess their impacts. For that, however, there is a need to identify specific analytic dimensions and respective components that can be applied to a tailor-made TIA methodology to assess their potential impacts in mitigating cross-border legal-administrative obstacles. In this stance, this paper proposes to respond to the following main research questions:

A: In which domains has the EU's *b-solutions* initiative contributed to increasing processes of hard and soft territorial governance?

B: How can the EU *b-solutions* initiative-related main impacts in mitigating legal and administrative cross-border barriers be effectively assessed?

Cross-border territorial governance cementation via the EU *b-solutions*?

Hard and Soft governance

Reviewing the general literature we can identify several main types of governance, which include decentralised governance (Cheema & Rondinelli, 2007), corporate governance (Mallin, 2013), global governance, good and bad governance

and modern governance (Hufty, 2011), among others. Regarding the concept of governance, Hufty (2011), recognises that its definition varies and is widely fuzzy. A wealth of literature, however, proposes operational definitions of governance. For Rose & Peiffer (2019, p. v) for instance, “Governance is a behavioural relationship between governors and governed. Government is a set of institutions established by a constitution and laws. A narrow definition of governance is that it is about relations within the government between principals, who decide what government institutions do, and public officials who act as their agents in the process of governance (cf. Peters and Pierre 2004).” Kaufmann & Kraay (2007, p. 8) instead, sustain their understanding of governance as “the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored, and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them”.

According to Schmitter (1997), to the broadest imaginable notion of “getting things done by mobilizing collective resources” and, hence, it tends to lose any specificity it might have. In the World Bank’s frequently cited definition, governance is equivalent to the manner, in which power is exercised in the management of a country’s economic and social resources for development. More specifically, Goodwin (2009) proposes five governance propositions;

(i) governance refers to a set of institutions and actors that are not only drawn from but also beyond government; (ii) governance identifies the blurring of boundaries and responsibilities for tackling social and economic issues; (iii) governance identifies the power dependence involved in the relationships between institutions involved in collective action; (iv) governance is about autonomous self-governing networks of actors; (v) governance recognises the capacity to get things done, which does not rest on the power of government to command or use its authority. It sees the government as able to use tools and techniques to steer and guide.

Among several other analytical perspectives on the governance concept and related components, the United Nations presents an organised set of premises for implementing good governance processes. In detail, the Human Rights Council has identified the key attributes of good governance: (i) transparency; (ii) responsibility; (iii) accountability; (iv) participation; and (v) responsiveness (to the needs of the people). These are all soft governance-related processes. However, when relating good governance and human rights, the United Nations (2007) encompasses hard governance tools as well, to this formula, including the 'rule of law': *"when it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy*

for legal reform, public awareness-raising on the national and international legal framework, and capacity-building or reform of institutions". The same entity defines governance as *"the process of decision-making and the process by which decisions are (or not) implemented. Governance can be used in several contexts such as corporate governance, international governance, national governance, and local governance"* (UN-ESCAP).

Another clear distinction within territorial governance processes is the existence of "hard" and "soft" governance, where the former relates to written codes, regulations, plans and legislation, and the latter involves the use of non-binding rules (Trubek et al. 2005). Critically, hard governance is often regarded by the existing scientific literature as a means that directly or indirectly affects the urban and regional planning processes and codes, both by public and private entities (ESPON, 2018). Instead, soft governance is linked to processes that facilitate the access to information to the public, and its effective participation in shaping public policies via participatory and multi-level and co-creation processes. Indeed, the past decades have seen a rising concern in embracing public opinions in the design phase of several public policies. Moreover, there is general agreement on the advantages of a bottom-up, multi-level, and place-based approach when implementing public policies, strategies, programmes, and projects (EC, 2001; Lawn, 2006; Marginson & Keune, 2015; Oberthür, 2019). Moreover, soft governance entails institutional capacity-

building and efficient public administration as a pre-condition to increase the effectiveness of EU-financed policies, programmes, and projects (Surubaru, 2017; Polverari et al. 2024; Potluka & Medeiros, 2024). In this context, Table 2 proposes an analytical framework to assess the territorial (hard and soft) governance processes affected by the implementation of the EU *b-solutions* projects.

Table 2. Governance main domains and analytical components for policy evaluation adjusted to the EU *b-solutions* initiative

Governance Domain	Components
Hard Governance	• Rule of law: Legislation and Regulations fostering the reduction of cross-border barriers in all the b-solutions policy domains. • Strategic Planning Guidance: Public guidance on funding cross-border planning processes and entities focused in reducing legal-administrative cross-border barriers.
Soft Governance	• Participatory Approaches: Type and level of involvement in the design, decision-making and implementation of cross-border processes leading to the mitigation of legal cross-border barriers. • Multi-level and Co-Creation: Level of multi-level engagement by agents potentially involved in implementing processes leading to the reduction of cross-border legal and administrative barriers. • Administrative Capacity Building: Level of knowledge, training, and expertise of stakeholders leading to increasing effectiveness in implementing cross-border cooperation projects fostering the mitigation of legal and administrative barriers.

Source: own elaboration

One eloquent example of an EU *b-solutions* project contributing to solidifying hard governance processes in an EU cross-border region is the project ‘Legalise border crossings for French-Spanish rescue services’, aimed at mitigating different legal and organisational models of civil protection in each country as well an insufficient regulatory framework on rescue

assistance along the French-Spanish border area. Here, if the potential solution towards modifying or completing the legal texts that are currently limiting cooperation is implemented. At the level of increasing cross-border planning, the EU *b-solutions* project “Cross-border public transport” can be presented as an example of a project contributing to the reinforcement of integrated and coordinated planning of cross-border transport services.

Related to the *b-solutions* contribution to the reinforcement of cross-border soft governance processes, one can point out, for example, the conclusion from one of the EU *b-solutions* compendium stating that *“one essential element to enhance the establishment of cross-border networks of public transports, is the mobilisation of competent actors on a multilevel scale (national, regional, municipal). It was evident from these cases that even small-scale projects for public transport networks developed by local stakeholders require the approval and engagement of national authorities”* (AEBR & EC, 2020a, p. 32). In a complementary manner, another project compendium (AEBR & EC, 2021, p. 155) concludes that *“the knowledge gained through b-solutions also indicates that other solutions help solve obstacles that hinder cross-border cooperation. This is especially true when such hurdles originate in diverging administrative procedures or are due to a lack of knowledge”,* an issue that can be solved, for instance, via increasing *“co-managing and coordinating actions between the various actors participating in a given project”* (AEBR & EC, 2021, p. 155).

In sum, one way or the other, with more or less intensity, basically all EU *b-solutions* projects contribute to fostering soft territorial governance processes by promoting cross-border co-creation and multi-level engagement. At the same time, in many instances indirectly, these projects are contributing to reinforcing levels of administrative capacity, knowledge sharing and institutional trust (Medeiros et al. 2024), which are key aspects of soft territorial governance. At the same time, by focusing on amending existing legislation from both sides of the border, all EU *b-solution* projects are also contributing to increasing hard-related territorial governance processes within affected EU cross-border areas.

How to perform an effective cross-border impact assessment of *b-solutions*?

A detailed analysis of the EU *b-solutions* project database highlights a wealth of its potential policy impact areas (Table 3). These are mostly included, however, within institutional, environmental, social, and accessibility-related analytical dimensions of policy evaluation (Figure 1). These provide a good starting point to associate several related components associated with the reduction of cross-border areas in a TIA matrix (Table 4). Here, the presented components would have to be assessed in terms of their impact, via the implementation of *b-solutions* projects, to reduce the legal and administrative barriers related to each of these components. The presented

TIA matrix is adapted to the TARGET_TIA methodology (Medeiros, 2020) but can also be used by other TIA methodologies adjusted to assess cross-border impacts like the cross-border impact methodology created by Maastricht University (Unfried et al. 2020). On a positive note, there is a wealth of information

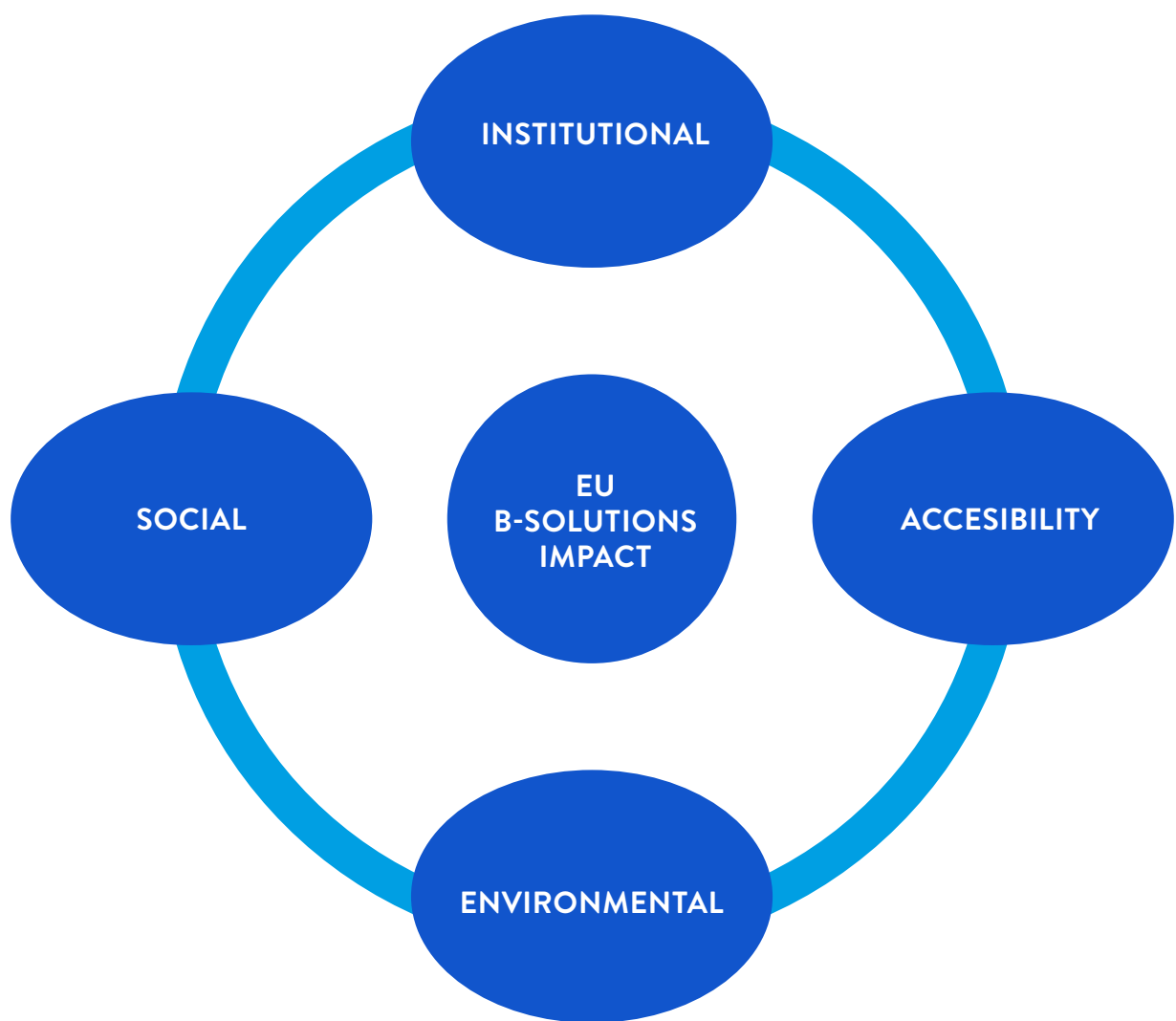
on the implementation of the EU's b-solution projects in several published compendiums (AEBR & EC, 2020a, 2020b, 2021, 2024), which can be used to assess how far they have contributed to mitigate cross-border barriers in all selected dimensions and respective components of a cross-border TIA matrix.

Table 3. *B-solutions* cases per intervention area in detail

Institutional Cooperation	41
Labour Markets and Education: labour mobility	20
Employment	14
Public Services: Health services	12
Employment and Education	10
Transport	10
Labour Markets and Education: education and training	8
Public Services	8
Health Care	7
EU Green Deal: circular economy	5
Public Services: transport planning & regulation	5
Health	4
Public Services: Tourism	4
Multilingualism	3
EU Green Deal: energy	3
EU Green Deal: biodiversity	3
Evidence and Data	2
Environment	2
EU Green Deal: food system	1
EU Green Deal: smart mobility	1
e-government	1
Information services	1
Public Services: University: awarding a joint diploma recognised by 2 countries	1
Public Services: provision of funds and grants	1
Public Services: Cross border management of fresh water	1
Public Services: Cross-border road Closures	1

Source: Association of European Border Regions (AEBR) database. Calculations by the author

Figure 1. Main analytical domains for assessing the main impacts of *b*-solutions



Source: own elaboration

If the intention is to assess cross-border policy impacts beyond the *b-solutions* scope, an additional analytical dimension can be included: the economy and related cross-border barrier components (Medeiros, 2015). Another important alert to anyone willing to perform a cross-border impact assessment is that the selected methodology must balance

a thorough analysis with simplicity. This balance is difficult to achieve. Another rule to select an appropriate impact assessment methodology is never to consider the ones that propose a quick and dirty method to assess policy impacts, like the ESPON QUICK TIAs. They do not provide adequate and sound impact scores (Medeiros, 2020).

Table 4: TARGET_TIA matrix to assess the main impacts of the EU *b-solutions* initiative.

		Type of Impacts (-4 to 4)					0 to 1		TC 0 to 1	
Dimension	Component	Pos/ Neg	End/ Exo	Sust/ Shor	Mul/ Sub	Aver- age	Pol/ Int	Reg/ Sen	2013	2023
Social	Health	0	0	0	0	0	0	0	0	0
Social	Education	0	0	0	0	0	0	0	0	0
Social	Language	0	0	0	0	0	0	0	0	0
Social	Labour markets	0	0	0	0	0	0	0	0	0
Social	Education	0	0	0	0	0	0	0	0	0
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Institutional	Cross-border structures	0	0	0	0	0	0	0	0	0
Institutional	Legal standardisation	0	0	0	0	0	0	0	0	0
Institutional	Multilevel governance	0	0	0	0	0	0	0	0	0
Institutional	e-government	0	0	0	0	0	0	0	0	0
Institutional	Information services	0	0	0	0	0	0	0	0	0
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Accessibility	Railway transport	0	0	0	0	0	0	0	0	0
Accessibility	Road transport	0	0	0	0	0	0	0	0	0
Accessibility	Transport planning and regulation	0	0	0	0	0	0	0	0	0
Accessibility	Green and Smart Mobility	0	0	0	0	0	0	0	0	0
Accessibility	Border closures	0	0	0	0	0	0	0	0	0
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
Environmental	National Parks Collaboration	0	0	0	0	0	0	0	0	0
Environmental	Energy	0	0	0	0	0	0	0	0	0
Environmental	Water	0	0	0	0	0	0	0	0	0
Environmental	Circular Economy	0	0	0	0	0	0	0	0	0
Environmental	Biodiversity	0	0	0	0	0	0	0	0	0
Environmental	Heritage Protection	0	0	0	0	0	0	0	0	0
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00
	General Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00

Note: Pos/Neg: Positive-Negative; End/Exo: Endogenous-Exogenous; Sus/Shor: Sustainable-Shortcoming; Pol Int: Policy Intensity; Reg Sens: Regional Sensibility; TC: Territorial Cohesion Index.

Conclusion

In a continent like Europe, largely divided by national boundaries, several persisting cross-border barriers of all sorts negatively affect the lives of millions of cross-border commuters. Among these barriers, those of a legal and administrative nature are considered to have larger implications in the lives of EU citizens. Given this reality, the EU has supported *b-solutions* as a concrete initiative that targets identification and implementation of concrete solutions which can effectively mitigate the effects of cross-border legal and administrative barriers across the EU border regions. In this context, this paper has analysed the potential contributions of *b-solutions* to foster improved territorial governance processes and identification of concrete analytical dimensions and respective components to be considered for an adequate cross-border impact assessment of the implementation of the EU *b-solutions*-funded projects.

As regards the analysis of territorial governance, the research concluded that the EU's *b-solutions* initiative has had a positive impact in fostering both hard and soft types of territorial governance-related processes. In the domain of hard governance, for example, this initiative has contributed to the amendment of several pieces of national and regional legislation that help mitigate as much as possible several persisting legal and administrative barriers. Likewise, in the domain of soft governance, a large part, if not all, of the *b-solution* projects have

contributed to solidifying processes of cross-border co-creation and multilevel governance, as well as to increasing administrative capacity levels in certain domains. It is not clear, however, how far the *b-solutions* project has contributed to promoting the objective of enhancing participatory governance across borders, for instance by including cross-border dwellers in the discussion of the design of these *b-solution* projects.

Finally, the research presented a case to establish a cross-border impact assessment methodology based on three analytical dimensions and respective components: (i) social; (ii) institutional; (iii) environmental; and (iv) accessibility. This selection was based on the identification of the main policy areas covered by the EU's *b-solutions* initiative. To better illustrate the implementation of a potential cross-border impact assessment process, a concrete TIA matrix is presented with the four mentioned dimensions a respective component, which would need to be scored according to their contribution to mitigating related cross-border barriers. In this regard, we propose the use of TIAs to assess the impact of *b-solutions* and/or related cross-border cooperation projects, as they tend to have a territorial impact in several development dimensions and cross-border barriers. Indeed, as in any projects funded by public funds, the impact of the *b-solutions* project needs to be adequately assessed in a sound and simple as possible manner, and also in a place-based and via a tailor-made impact assessment methodology, covering its main policy intervention goals.

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Cross-Border Labour Mobility and Markets: Issues and Insights from B-solutions

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Introduction

Even though the European Union (EU) has for long been investing on (particularly via the Interreg programme) and implemented efforts to facilitate the “birthing” of cross-border labour markets (see e.g., European Commission, 2017), there are still a multitude of obstacles that hinder such integration development in cross-border regions. Thus, cross-border labour mobility within the EU has remained as a rather marginal phenomenon (Bouwens, 2004; Buch et al. 2009; Böhm & Opiota, 2019; Edzes et al. 2022). In fact, according to the European Employment Services (2024), in 2022, about 1.8 million EU citizens lived in one country but worked in a neighbouring one. The figure is less than one percent of the total working age population of the EU. This mismatch –i.e., the persistence of border effects in Europe despite the efforts to facilitate cross-border cooperation (Capello et al. 2018) – has acted as the backdrop for the *b-solutions* project. Funded by the Directorate-General for Regional and Urban Policy (DG REGIO) and led by the Association of European Border Regions (AEBR) *b-solutions* has gathered data and knowledge on

cross-border cooperation and the legal and administrative obstacles that still pose limits to interaction between neighbouring border regions within Europe. The *b-solutions* project also proposes solutions to improve cross-border cooperation. As such, *b-solutions* is making a significant contribution to the development of EU border regions by facilitating social and economic cross-border activity.

The purpose of this paper is to provide a review, interpretation and critical synthesis of the results of *b-solutions* in the area of cross-border labour mobility and market, which are discussed in the project under the theme(s) of “employment” or “employment and education”. The underlying target of the theme(s) is to facilitate cross-border labour mobility and the integration of cross-border labour markets. The overarching aim of this paper is to suggest ways to improve the impact of the results of *b-solutions* to facilitate the project to achieve this target.

This paper is not the first one to review *b-solutions*. Previous investigations into the results of the project (Chirodea et al. 2024; Medeiros et al. 2022, 2023, 2024) have largely

concluded in favourable assessments¹. As a point of departure, the paper at hand will approach *b-solutions* from a social science perspective by generally problematizing (any) efforts aimed at achieving high levels of cross-border labour mobility and more integrated cross-border labour markets. It does so by diving first into the previous literature on the topic that has largely underlined the difficulty of facilitating cross-border labour mobility and establishing integrated cross-border labour markets. As such, the *b-solutions* is “tasked” with an important but at the same time extremely challenging target. Second, the reviewed literature will provide an outline for an analytical framework against which the results of *b-solutions* are assessed. This empirical exercise will provide the basis for a dialogue between issues underlined in the theory and previous studies and the practical “ground-level” work carried out by *b-solutions*. The main argument is that a solid theoretical understanding of the issues facing cross-border labour mobility and cross-border labour market integration can help practical project-related work in achieving increased impact. As such, the dialogue underscores points of departure to be considered in (or incorporated into) the planning of future phases of *b-solutions*. That is, it paves the way for recommendations to potentially further improve the likelihood of the project

to meet the (underlying) target of facilitating cross-border labour mobility and creating more integrated cross-border labour markets within the EU.

Literature review: State-of-the-art in cross-border labour mobility and markets

For the purposes of the literature review, a title, keyword and abstract search was conducted in Elsevier’s Scopus database² to identify previous literature on cross-border labour mobility and markets. Since this paper is not a systematic literature review, purposeful sampling was conducted to include (only) the most relevant research discussing the topic within the context of the EU. The procedure resulted in a master list of articles and book chapters that are discussed below together with some additional supporting literature (even though their main focus might not necessarily be on cross-border labour mobility nor markets) that are used to underline the points made. The review is arranged around five interlinked themes identified from the literature that will be contrasted to the results of *b-solutions* in the next sections.

Push and pull: As discussed by Klatt (2014), the classical “push” and “pull” model (of migration) introduced by Lee (1966) still has relevance today in

1 The main cause of concern seems to be the uneven geographical distribution of the cases addressed by *b-solutions* meaning that the benefits of the project results have been directed to only a few European cross-border regions.

2 See: <https://www.scopus.com/>

explaining cross-border labour markets as the model categorises the factors promoting and preventing cross-border labour mobility (Pires & Nunes, 2018). In essence, the push factors create a wish to venture outside one's home area (such as unemployment or low salaries), whereas the pull factors include those forces that attract people to a certain location (such as working opportunities or higher salaries). Another way of discussing the rationale behind cross-border mobility is to differentiate between "keep" and "repel" factors (Spierings & van der Velde, 2013). That is, if the home labour market is considered as more appealing (keep) and the labour market on the other side of the border as less appealing (repel). The issue here is whether removing legislative and administrative obstacles can affect both the push and pull factors needed to induce cross-border labour mobility.

Immobility: It is important to acknowledge that decisions concerning cross-border mobility are done at the individual/household level (Gottholmseder & Theurl, 2007). It is also important to keep in mind that cross-border mobility decisions are influenced by both rational factors based on "pure" economic reasons (Wiesböck et al. 2018), such as unemployment on the one side versus working opportunities on the other side of the border, but also by emotional factors. Such emotional factors include, for example, a willingness to seize adventurous opportunities that can be counterbalanced by a tendency to avoid unfamiliar things and uncertain

outcomes (Klatt, 2014; Spierings & van der Velde, 2008; van der Velde & Naerssen, 2011). According to the meagre levels of cross-border labour mobility across the border regions of the EU, it seems that uncertainty avoidance prevails over adventurousness. In fact, according to van Houtum and van der Velde (2004) cross-border labour mobility within the EU is better described as cross-border labour market "immobility": most workers do not even consider seeking work across the border due to nationally and socially constructed attitudes. This is because people are not commonly very willing to accept the high level of unfamiliarity related to seeking job opportunities across the border and thus decide to stay in their home country (i.e., the perceived "comfort zone") where everything is familiar (Pires & Nunes, 2018). Thus, while removing legislative and administrative obstacles may be important in other ways, the question remains whether they are sufficient to change the negative attitude of workers on cross-border mobility, which seems to be the most significant bottleneck hindering the emergence of well-integrated cross-border labour markets within the EU (van Houtum & van der Velde, 2004). In line, Buch et al. (2009) have stated that a high level of cross-border labour market integration will not be achieved by simply removing administrative and legal obstacles alone without tackling cultural differences and mental barriers. It is also important to remember that a stated willingness to do something

does not equal to actually implementing such plans (Huber & Nowotny, 2013). Consequently, De Gijsel and Janssen (2000) have claimed that even if all (legal and administrative) obstacles for cross-border mobility were removed, willingness to commute or move across the border would not equal actual cross-border labour mobility due to social and cultural obstacles. Therefore, the *“hopes pinned on cross-border mobility in order to reduce unemployment may be unjustified even if jobs were available across the border”* (De Gijsel & Janssen, 2000, p. 75).

Institutions: As already discussed above, in addition to legal and administrative obstacles, there are several other important (“softer”) facets of cross-border cooperation that can either hinder or pave the way for more integrated cross-border labour markets. These include, for example, cultural, social and cognitive “proximity” that manifest in the form of similarities/differences in languages, business cultures, norms, values, etc. (Bartz & Fuchs-Schündeln, 2012; De Gijsel & Janssen, 2000; Makkonen & Williams, 2018; Makkonen et al. 2017; Parenti & Tealdi, 2021). Similarities across the border in these informal institutions (or dimensions) of cross-border cooperation can shape the formal institutions (laws and regulations) by promoting the emergence of a common cross-border regional identity and by facilitating dialogue between and consensus building in cross-border policy networks (Lundquist & Trippl,

2013; Makkonen & Rohde, 2016; Trippl, 2010). Further, laws and regulations governing cross-border labour mobility are determined at multiple levels. At the international level, the EU is working at creating better integrated cross-border labour markets. Still, as noted by Shire et al. (2018), national-level regulations remain (at least equally if not even more) essential in determining how labour crosses borders. Considering that *“cross-border policy network organisations have limited power to change or facilitate the adaptation of formal institutions directly”* (Miörner et al. 2018, p. 201), this might be particularly problematic in cases where these other actors (e.g., regional policymakers, national governments, the EU, etc.) needed to implement changes to formal institutions lack the kinds of informal institutional similarities discussed above that would facilitate dialogue and consensus building between them. Thus, the proposals on removing legislative and administrative obstacles stemming from border regions are very unlikely to be implemented without a wider consensus on the need for change.

Border functions: Borders are more than just barriers. In fact, they have different functions that can both “shield” or “sieve” –that is, hinder but also facilitate– cross-border interaction (Cappellano et al. 2022; Richardson & Cappellano, 2022; Sohn, 2014; Sohn & Licheron, 2018). For example, cross-border economic differentials might deter “high-road” cross-border cooperation (Trippl, 2010), such as co-

patenting and co-innovation, but at the same time can be expected to display a positive effect on cross-border flows of labour. Indeed, according to Bouwens (2004) cross-border commuting is commonly significant only in the face of substantial economic differences across the border and, thus, is often predominantly unidirectional (Möller et al. 2018). That is, cross-border labour mobility flows are preponderantly directed towards the economically more developed (appealing) side of the border. For example, Broersma et al. (2022), Buch et al. (2009), Chilla and Heugel (2022), Knotter (2014) and Pires and Nunes (2018) have reported empirical findings that support a similar interpretation: particularly, wage and unemployment differentials have been shown to drive work-related cross-border commuting. As such, the aim of the EU to facilitate economic convergence and cohesion between European countries and regions may diminish such differences and, thus, actually work against motivating cross-border labour mobility (Bouwens, 2004) that is simultaneously encouraged via the removal of legal and administrative obstacles.

By-passers: While border regions naturally “come in all shapes and sizes” (Anderson & O’Dowd, 1999, p. 596), many of them are national peripheries (European Commission, 2017a; van Gorp, 2009). Thus, not all cross-border regions really have a demand for integrated labour markets due to the absence of major economic

“engines” on either side of the border (Böhm & Opiola, 2019). Such cross-border contexts do not favour cross-border commuting. Thus, cross-border labour flows largely by-pass the border region and rather manifests in terms of mobility to farther away metropolitan areas (Williams et al., 2001). Similar trends have been shown to apply also, for example, in the case of cross-border scientific (Makkonen, 2015) and inter-firm cooperation (Krätke & Borst, 2007). In fact, it has been argued that border regions are often essentially mere transit zones between the larger economies located beyond them (Laine, 2007; Thomas, 2006; Timothy et al. 2016). Thus, the removal of legal and administrative obstacles might actually be more beneficial to other more faraway but economically more developed regions than the border regions.

A review and interpretation: The results of *b-solutions*

Document data

The *b-solutions* project concentrates on finding ways to remove (or at least alleviate) legal and administrative obstacles hampering cross-border interaction within the EU. It does so by matching external experts and border regions together. That is, at the core of *b-solution* are the involved external experts who have been tasked to finding solutions to (a) particular legal and/or administrative problem(s), that

has/have been identified as hampering cross-border interaction by (an) organisation(s) located in (a) specific border region(s). The main results of *b-solutions* are collected in:

1. Three compendiums (and one annex) showcasing obstacles and relative solutions of 131 cases identified between 2018 and 2023
2. Three thematic booklets containing analyses of common obstacles and solutions regarding: Cross-border public services, Education and employment and the European Green Deal
3. Two illustrated storytelling booklets showcasing 16 stories of border obstacles and their impact on citizens in border regions.

The publications include a full description of the process and methodology of *b-solutions* and are available for download from the project's home pages¹.

This review will concentrate on those results that are linked to cross-border labour mobility and markets discussed in the documents under the theme(s) of “employment” or “employment and education”: all in all, 44 pilot actions, advice cases or stories (hereafter, collectively referred to as cases) were reviewed that clearly fit to the topic at hand. *Pilot actions* are specific solutions addressing concrete legal and administrative obstacles that are based

on a case study. Pilot actions were only implemented in the first wave of proposals to *b-solutions*. Due to the lack of proposals and solid legal descriptions of the obstacles it became obvious that the border regions needed additional support to make a legal assessment of the causes of the obstacles. Therefore, *b-solutions* changed its focus from pilot actions to advice cases. These *advice cases* refer to external expert consultations concerning the exact legal and administrative nature of the obstacles identified in border regions. Finally, *stories* are illustrative descriptions of the challenges faced by individuals living in cross-border regions (based on selected advice cases).

Analytical framework

The review was conducted as an iterative process between reading the documents and the state-of-the-art in cross-border labour mobility and markets literature. In addition to a generalisation of the types of obstacles and proposed solutions, this process led to a series of objective categorisations that form the analytical framework (consisting of the five interlinked themes discussed above in the literature review section) for assessing the cases. That is, the framework helps to generalise the main messages learned from the cases vis-à-vis the previous literature by highlighting the following relevant aspects:

1. Push and pull: whether the solutions focus only on pull factors or whether push factors are also considered?

¹ Available from: <https://www.b-solutionsproject.com/>

1. Immobility: whether the solutions focus only on hard legal and administrative obstacles or also on softer cultural, social and mental barriers?
2. Institutions: whether there is an indication that other organisations –besides the one(s) stating the obstacle(s) – are willing to implement the solution?
3. Border functions: whether the potential negative aspects of removing cross-border obstacles are considered or not?
4. By-passers: whether the wider geographical context is considered beyond the immediate border region?

Results

The document data were analysed against these questions to determine a yes/no type of categorisation for all the cases presented under the theme(s) of “employment” and “employment and education”. Naturally, the dichotomic analysis masks different shades that might lay in between the extremes. However, for practical purposes the straightforwardness of the analysis



1 The word clouds were created by using the WordArt.com online word cloud generator (available from: <https://wordart.com/>).

Note: Since “cross-border” and “border” are the most obvious words to appear in all the cases analysed, they were excluded from the figure along with other commonly used words (such as: “and”; “the”; “therefore”; etc.) with limited information value for the purposes of this paper.

The results of the categorisation exercise can be summarised as follows:

1. In essence, the results of *b-solutions* aim at easing the legal and administrative burden of crossing the border for employment (and education) and, thus, making cross-border labour mobility more appealing. According to this reading, the cases are focusing on pull (or repel) factors that affect the attractiveness of cross-border labour mobility. While this is reasonable given the goals of the project it nonetheless disregards push factors that would explain why workers are willing to cross the border in the first place.
2. Similarly, softer cultural, social and mental barriers are rarely discussed¹, except for a few cases (five out of the 44 cases analysed) mentioning language differences as a hindering factor to cross-border labour mobility and markets. Again, this is natural since *b-solutions* target legal and administrative obstacles. However, at the same time this means that the root

causes of cross-border immobility are left unaddressed by the project. There are, however, a couple of encouraging exceptions. For instance, the *Develop a successful business with my neighbour country* -case lists the “lack of familiarity with the business culture” as an obstacle hindering cross-border interaction (the solution being: facilitating more awareness and understanding). Another example comes from the *Going beyond obstacles in yachting internship and training* -case that mentions dual diplomas as a way to promote the learning of “the language and culture of the neighbouring country”. These notions include the idea of (overcoming) unfamiliarity discussed in the literature on cross-border labour immobility.

3. As a very positive note, in 13 out of the 44 cases analysed², there is a clear indication that other (regional and/or national) organisations are willing to implement the solutions suggested in the cases. On the flip side, this however, means that gaining wider acceptance is not

¹ It is not claimed here that the AEHR would be oblivious to these issues (Association of European Border Regions, 2012). Rather, it is just pinpointed that they are not covered by *b-solutions*.

² The categorisation involved making subjective decisions based on the case descriptions outlined in sections titled: “*What’s next*”. Thus, it is admitted that another reviewer might have ended up with (slightly) different numbers. However, there is no uncertainty about the “final” outcome: having gained wider acceptance is a rare occurrence compared to cases, where such acceptance has yet to be achieved.

1. on the agenda for planned future actions for many of the analysed cases.
2. There are no indications that the cases would have considered whether the proposed solutions can potentially have negative consequences on cross-border labour mobility and markets.
3. There are also no indications that the cases would have considered the possibility that the solutions might benefit economic hubs farther away from the border more than the actual cross-border case region.

These results will be benchmarked against the previous literature on cross-border labour mobility and markets in the next section.

A literature-based synthesis: Are the results of *b-solutions* in line with the state-of-the-art?

First, it needs to be stressed that it was not the goal of the project to contribute to a theoretical perspective. Rather, the goal is a practical one: identifying ways that the border barriers affect local societies and finding solutions in overcoming these obstacles. However, theory and practice do not need to be two completely different spheres of life: while practice can help to shape theory, theory can help to better design practice. Thus, the idea behind this synthesis is a firm belief that a solid theoretical understanding can

help practical project-related work in achieving increased impact. As such, when contrasting the results of *b-solutions* to the reviewed academic literature on cross-border labour mobility and markets a number of inter-connected issues arise.

First, the results of *b-solutions* are clearly aimed at pull factors (or lowering of repel factors) by making crossing of borders more attractive/appealing for cross-border workers. This raises a relevant question regarding the impact of the solutions: is the focus on pull (and repel) factors enough for cross-border labour markets to emerge if push (and keep) factors remain unchanged? That is, if the wish to cross the border is weak, what is the impact of removing legal and administrative obstacles?

Second, since the solutions (apart from few encouraging examples) do not address cultural, social and mental barriers in addition to the legal and administrative obstacles, the results of the *b-solutions* might end up helping a small minority of persons who are already willing to cross the border rather than encouraging immobile workers to venture beyond the familiar.

Third, due to the nature of the project, *b-solutions* concentrates on cross-border differences in legal and administrative systems, that is, formal *institutions*. Since, it requires a wide and strong consensus to change legislation and/or administrative procedures it is relevant to ask whether there

really is broad willingness, beyond the organisations that have reached out to *b-solutions*, to implement the proposed solutions? While this is not the case for all the cases, it is nonetheless encouraging that about one third of them clearly indicated wider acceptance for implementing the suggested solutions.

Fourth, *b-solutions* views borders as barriers to be overcome in order to create more integrated cross-border labour markets. This outlook on borders is in line with practice. However, from a theoretical point of view (i.e., the *border functions* perspective) cross-border differences can also induce labour mobility. Consequently, again on a more theoretical note, it is relevant to consider whether removing obstacles (e.g., in terms of social security) is sensible for all cases, if they might (while obscuring some workers) in fact, at the same time be a rationale that drives others to cross the border?

Finally, the likelihood of border regions being just transit zones for cross-border mobility that is directed towards national economic hubs is not considered by *b-solutions*. While such analyses have been outside the scope and targets of *b-solutions*, this observation together with the discussion on *bypassers* nonetheless prompts a relevant question: in cases where legislative and administrative changes are aimed at the national level, will the results of *b-solutions* really benefit the intended border regions or will the “fruits” of the integration development flow to the non-border economic hubs of the country?

Synthesis and conclusions

It is important to stress that, at least to the layman’s eyes of a social scientist, the legal advice given by the experts seems solid. As such, the paper is not going against the mainstream (Chirodea et al. 2024; Medeiros et al. 2022, 2023, 2024) in saying that *b-solutions* would not have had a positive role in removing legal and administrative obstacles that hinder cross-border interaction and cooperation. Similarly, it is not urging *b-solutions* to change its targets from the relevant practical focus it has to a more theoretical one. Rather, the idea here was laid more on the likely impacts of the results of *b-solutions*. That is, instead of disentangling whether the individual solutions would, if implemented, remove the observed obstacle or not, this review aimed at underlining theoretical issues that if incorporated into the practical work could help the project and its important goal of boosting cross-border labour mobility and facilitating cross-border labour market integration. The identified issues, thus, pave the way for suggestions for improvement.

Cross-border mobility is induced by both pull and push factors. The former are those reasons why the other side of the border might seem more appealing, while the latter act as motivation for workers to cross the border. The focus of *b-solutions* is on pull factors. Therefore, it is advisable to broaden the scope of *b-solutions* and acknowledge the importance of push factors. Without changes in push factors, the results of

b-solutions might remain less impactful than intended. As such, it would be reasonable to estimate –as a type of cost-benefit analysis– how much cross-border labour mobility are the proposed solutions likely to induce. That is, to find those cases, where push factors are also present or imminent in order to focus the work on the most “lucrative” solutions.

Similarly, the focus on legal and administrative obstacles largely leaves aside other types of barriers that result in cross-border labour immobility. Thus, while it is naturally a lot to ask from a single project to broaden its scope, *b-solutions* could benefit from venturing more extensively beyond its focus on legal and administrative obstacles and also attempt to tackle the cultural, social and mental barriers that hinder the emergence of well-integrated cross-border labour markets.

Another reason for potential ambiguity is the issue of confirming wider acceptance necessary for implementing the proposed changes to formal institutions (laws and regulations). As such, *b-solutions* could consider including a formal investigation into whether the required actors for carrying out the proposed solutions are on board or not. This would not only help to pinpoint the likelihood that the solutions will be implemented in the future but also help other border regions contemplating similar changes to identify the work required to drive such processes.

Finally, the potential negative impacts of removing cross-border obstacles could also be considered by *b-solutions* to determine, whether the obstacles can in some cases actually work as a rationale for cross-border labour mobility. In such cases, removing the obstacles might not be the most sensible solution. Similarly, the *b-solutions* could benefit from spatial analyses focusing on cross-border labour flows to evaluate whether the proposed solutions are more likely to be beneficial for the case study border regions or profit the already economically well-off metropolitan regions farther away from the border. This would help *b-solutions* to indicate where finetuning of the solutions is necessary to direct them more clearly for the benefit of border regions.

To conclude, it is admitted that it is hard to pinpoint the impact of *b-solutions*. It is very evident that the project has made a significant contribution in boosting cross-border social and economic activity. However, what remains ambiguous is the magnitude (or volume) of the impact. Since, the aim of removing legal and administrative obstacles of cross-border labour mobility and markets is a worthy cause relevant data should be gathered to measure the exact success of the project. In other words, what seems to be missing from truly understanding the value of *b-solutions* is a formal ex-post impact assessment. This assessment should include an indication whether the proposed solutions have been carried out and, if implemented, an estimation on the magnitude (or volume) of the impact in terms of positive measurable changes in cross-border labour mobility.

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B Solutions as a Diagnostic Tool for Improving Cross-border Health Systems, Access to Patient Services and Population Health: Insights from Published Cases 2018-2023

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Introduction: Health as a Human Right

The practical field of cross-border healthcare is one in which it is possible to identify what are arguably empirical expressions of themes and debates associated with distributive and spatial justice (Silva et al. 2023), ethical discourse on the principle of proximity as a driver for community and organisation of communities of interest (Waldren, 2011), and access to fundamental rights. For EU Member States, and all countries globally, giving expression to the right to health is an ongoing imperative - a right underpinned in the 1948 Universal Declaration of Human Rights and revisited repeatedly in various treaties since, at least one of which every state in the U.N. has ratified (WHO/UNHCR). For States to discharge the most effective delivery of these commitments specifically where citizens of their border regions are concerned, tapping the reservoir of innovation which flows from cross-border co-operation can yield significant results in ways which in-country-only solutions cannot fully deliver in ways which are quite as commensurate with ensuring the highest attainable standard of health for border citizens.

Writing as an expert practitioner in governance and leadership for cross-border co-operation, with a specialist interest in the field of cross-border health co-operation, this chapter has been produced at the angle of incidence that lies between two areas of authorial awareness that, occasionally synthesised, may generate useful perspectives. The first is my awareness of a vast field of global scholarship relating to healthcare access and transformational service design, as well as hugely useful scholarly contributions towards establishing theoretical frameworks to assist with understanding cross-border healthcare in an EU context. The second is an awareness of the locus and significance of the *b-solutions* initiative for the practical work of European integration, drawn from my practice-based real-time experience of advising both the *b-solutions* initiative in implementation of cases, and in a cross-border healthcare policy context providing expert support to the European Commission on approaches to creating resilient cross-border healthcare systems through the alignment of qualitative measures and structural fund supports.

This chapter offers a reflection - at a single point in time - on the quantum insights that a synthesis of case findings from *b-solutions* may usefully reveal, for policy makers and healthcare system animators and stakeholders. This chapter is therefore a humble consideration of the kind of solution-focused thinking offered by *b-solutions* evidence bases, as policymakers and practitioners - alike - grapple across Europe with the challenges ahead and already upon us. These are quadruple at least- the challenges of meeting population healthcare needs, managing limited resources and the requirement for a rapid and just green transition, future-proofing (and shock-proofing) our health systems post-pandemic, and overall of creating a vision of European cohesion and integration which strives to extend the benefits of EU membership to as many citizens as possible regardless of location.

In considering these issues, I have also reflected on the fact that thirty per cent of the EU population lives in a border region, and that in this sense at least, consideration of access to services in border regions cannot - or at least ideally should not- be treated, either explicitly or implicitly, as a minority sport.

***b-solutions* as a source of learning in the wider journey towards resilient health systems**

Various health systems across the EU are beginning to consider cross-border collaborative approaches with

neighbouring health systems. Such activity may see exploration of shared investments and resources organised on and supported as feasible by being based on cross-border economies of scale.

We know from recent years that health systems need preparedness to respond and to absorb future shocks, not all of which can be foreseen, or where the precise nature and extent of which is hard to forecast. Resilience of our health systems within and on the external borders of the EU is a challenge which we must meet, to safeguard and optimise capacity to respond to future pandemics as well as handle the legacy of the Covid-19 Pandemic in population health terms. Health systems also need to be able to plan for and respond to the evolving health needs of populations which are living longer. In a Europe where we have spatial health inequalities which need to be addressed, health systems need to be able to interact in dynamic ways with wider social, cultural, civic and political systems in ways which can help to achieve a necessary whole-of-society approach to positively influencing the underlying determinants of health. Our future challenge, which an inclusive vision of Europe combined with technical innovation and determination is capable of driving, is to enable our greatest asset - our people - to be the experts in their own holistic physical, mental and emotional wellbeing. For this our populations need to be supported by well-managed, dynamic and effective

health systems at community level, and across the spectrum of intervention from primary care to secondary care and specialist care.

Health systems which optimise equality of access and opportunity, across the widest possible portions of our territories, are the key to future workforces and ongoing European competitiveness in a wider sense. In terms of how health systems can facilitate best practice in clinical care and preventative health interventions, the global emergence of integrated care as a set of principles informing systems models is one which also provides a fruitful field for exploration of transboundary patient pathways and the organisation of resources and clinical workforces¹ in cross-border areas.

Some of the cases relate specifically to patient mobility and the systems which are necessary to enable these - such as bilateral arrangements for reimbursement of care costs, in order to complement and give full effect to EU enabling frameworks such as Directive 2011/24/EU on the rights of patients in the EU in cross-border healthcare. Other obstacles featured relate to challenges of inter-institutional cooperation, where the solutions may lie in the development of the required capacities, culture and relationships

to underpin innovative models of collaborative governance required in order to deliver effective services and access to healthcare in border regions.

It is important also to recognise that a technical obstacle in relation to a healthcare access issue may also have a wider knock-on effect within a territory: other obstacles, unresolved, contribute to barriers in other areas such as the development of cross-border labour markets; solving such obstacles often relates to co-ordinated approaches to the arrangements by which frontier workers can access their entitlements to health and social insurance across borders.

This chapter draws on a selection of the 131 cases and analyses which have been formally published by AEBR in the official project compendia and associated smaller publications published by *b-solutions* at the time of going to print with this edition of the journal. In doing so, its purpose is also to point to the integral relationship of health, resilient health systems, and healthcare access across borders to not only an improved EU population health profile, but to indicate its relevance within other important EU policy priorities related to cohesion, enlargement, and deepening the impact of existing EU enabling frameworks for these.

1 The International Foundation for Integrated Care's Nine Pillars of Integrated Care are useful guiding principles in this regard. These are: 1. Shared values and vision; 2. Population health and local context; 3. People as partners in care; 4. Resilient communities and new alliances; 5. Workforce capacity and capability; 6. System wide governance and leadership; 7. Digital solutions; 8. Aligned payment systems; 9. Transparency of progress, results and impact.

The relevance of good qualitative conditions for cross-border healthcare cooperation

In preparation for its evaluation of the Directive 2011/24/EU, the European Commission commissioned and published a report carried out by AEHR (2022) which dealt with cross-border patient mobility in a number of EU border regions. Based on a study carried out during the height of the Covid-19 Pandemic, the report looked primarily at data and examined the underlying narratives derived from data on cross-border patient mobility in selected cross-border regions, as indicators of a broader picture of conditions for cross-border patient access to healthcare. The report's key recommendations focused on improved approaches to data collection on cross-border patient mobility and access, but also emphasised the relevance for such practical efficacy, of having multilevel collaborative healthcare ecosystems approaches in border regions as a key to improving the qualitative conditions for cross-border patient mobility and delivery of the rights of patients in the EU in cross-border healthcare.

The report made a number of recommendations relating to the wider qualitative conditions for cross-border healthcare, a revisiting of which can also inform how *b-solutions* learning can be applied to a wider applied Lebenswelt context in which health systems struggle

to meet evolving challenges in-country and on their borders. In this chapter I attempt to highlight the illustrative value of *b-solutions* for those interested in further developing healthcare systems across borders as a strand of future European healthcare system recovery, resilience and sustainability. Healthcare systems are also close to the daily lives of citizens and in this sense, cross-border healthcare co-operation is increasingly understood by cross-border practitioners as being a highly relevant field for realizing European integration and cohesion in a way which brings Europe closer to citizens.

b-solutions cases, 2018-2023

This section deals with cases supported in the broad category of health in the successive rounds of *b-solutions* support from 2018 until 2023. All cases referenced are specifically drawn from the cohorts of cases published in successive compendia and thematic publications by AEHR between 2020 and 2023. The cases variously relate to particular technical themes and system problematics within a variegated spectrum of activity which can be loosely referred to as cross-border healthcare cooperation. Cases are referred to below in terms of the primary indicative theme to which they were relevant-however, depending on the case and as will be clear to the reader, a case very seldom relates only to the specific primary obstacle which was the point of entry for the work on the case.

Broadly, as a practical conceptual framework for this topic, it is fair to suggest that cross-border healthcare systems need a number of enablers in order to operate, serve patients and citizens to optimal effect, and to grow and develop into the future. At a systems level, these include being based on evidence of population health needs and the use of population health data to inform decision making, effective reciprocal or integrated cross-border financing mechanisms for care, willingness and leadership to explore innovative business models of healthcare which can operate across borders, arrangements for the mobility and mutual recognition of professional healthcare qualifications, regulatory alignment measures to enable seamless operation of emergency and unplanned healthcare services, and effective information and reimbursement systems to underpin effective cross-border systems for planned care (non-emergency), and elective care. At a professional and clinical level the necessary factors include a willingness of healthcare professionals and leaders to work together across borders to offer the best standard of care possible for the cross-border population. At a civic and governance level these include the availability of data and statistical data sharing on a cross-border basis in order to achieve evidence-informed service planning, investment and development (including infrastructure, facilities, and regional strategic spatial planning frameworks that are transboundary and cross-border).

All of these enablers require the ongoing input of stakeholders at local, regional, national and occasionally EU levels. All of them benefit from a shared understanding of their relevance. Many of them are enabled by existing EU frameworks such as the Directive and the Social Security regulation but these are not the only factors needed to facilitate success. The key catalytic factors lie within the sphere of influence and interrelationship between border regions, their healthcare institutions, and national decision makers and institutions in the healthcare and related sectors.

b-solutions health-related cases represent a geographical and thematic/sectoral mosaic which can be laid over the conceptual framework set out above, to illustrate some of the issues and contribute to a reflective understanding of how healthcare systems in border regions can be supported to work in the future.

Cross-border cooperation to enable seamless access and operation of healthcare in border regions

In the first wave of *b-solutions*, a number of specific pilot initiatives were supported which included one between France and Spain focused on enabling cross-border emergency healthcare to operate in the border region surrounding Cerdanya Hospital (Catalonia, North Eastern Spain) and including Perpignan Hospital (South Eastern France). This

pilot (C1 Annex)¹, advised by producing an agreement governing the regulation of healthcare professionals qualified and certified in one jurisdiction, and operating from time to time in the other. It also led to a number of other specific *b-solutions* cases generated by the EGTC Cerdanya hospital: specifically a case advised by M.O.T. relating to mutual recognition of qualifications (C1 Annex); and a case advised by Maria Garayo on resolving cross-border employment and worker mobility issues associated with regional ecosystems services SMEs supporting the hospital at Cerdanya (C3).

A range of specific cases deal with the issue of cross-border workforce development for healthcare, which includes the issue of recognition and certification of professional healthcare qualifications. In border regions where there is a language border, an added factor in this is the certification of language competency for the purposes of providing care to patients. Language in itself is a key care quality issue which is central not only to patient experience but also to patient safety and the effective operation of clinical governance. A case led by EGTC Eurocity Chaves-Verin (C2), advised by Maria Teresa González Ventín, focused on enabling Spanish nursing students who had trained in Portugal to return and be certified for practising in Spain, through ensuring that a solution was recommended that could allow Spanish

nursing students to obtain the requisite language certification for working in Spain. The anomaly was that this was not deemed necessary by the Portuguese training framework given that they were assumed to be competent in Spanish, and therefore was not routinely provided to Spanish nursing trainees qualifying in Portugal.

Often the cross-border obstacle is caused by simple oversights or variations in interpretation of legal provisions, but the results can be complex and have implications for regions, their economies and their people. Increasing the mobility of healthcare professionals was also looked at not only on the Spain-France border but also on the French-Belgian border in a case led by EEIG Franco-Belgian Health Observatory and advised by Pauline Pupier (C2). Such cases not only relate to realizing the right to labour mobility for healthcare professionals, but also enabling mobility of healthcare professionals in ways which can meet the needs of healthcare labour markets and therefore of the healthcare systems themselves in border regions. This issue is emphasised in a further case on mutual recognition of qualifications in the health and social sector, led by EGTC Euroregion Nouvelle-Aquitaine Euskadi Navarra and advised by Petai Tzvetanova of M.O.T., in which it is remarked that ‘professional mobility is an essential aspect of the area’s economic development’. (C2)

1 References on individual cases are ascribed to the AEBR Publication which features them: for Compendia, of which there are three, reference is C1, C2, C3 etc. Individual smaller publications are referenced by title in brackets in the text.

Cross-border emergency health services

Early cases in this thematic area such as one commissioned through the Municipality of Woensdrecht in the Netherlands and advised by Martin Unfried (C1 Annex), also revealed the presence of obstacles to cross-border emergency services operations caused by divergence in regulatory frameworks for emergency vehicles and mutual recognition of emergency medical staff qualifications. Another case on cross-border emergency medical services between Belgium and France, led by the Agence Regionale de Sante Grand Est Region (C1 Annex) and advised by Petia Tzvetanova and team at M.O.T, identified a simple divergence in the interpretation in the respective country regulatory frameworks of a single technical phrase used in both jurisdictions: Services Mobile d'Urgence et de Reanimation (SMURS). In France, SMURS denotes fully equipped ambulances but in Belgium SMURs are not full ambulances but light vehicles transporting doctors. Because of this differentiation Belgian emergency ambulances were not allowed to cross the border and reimbursement to patients of care costs became limited to the interventions of SMURS. This simple and possibly unintended difference of detail, meaning and language, is informative by its discovery and can act as a reflection point on quality checking for administrations seeking to develop bilateral agreements which can release the full potential of that which they seek to enable. Language matters, as does attention to detail.

Relevance of cross-border emergency health services cooperation for wider emergency cooperation and civil assistance in border regions

The regulation of emergency healthcare co-operation on a cross-border basis is also closely related to and relevant for the wider issue of overall cross border emergency planning and emergency/disaster response and management. In this sense, paying attention to overcoming often minor regulatory divergences or discrepancies, may also be relevant for and assist with wider work relating to cross-border emergency co-operation including disaster response and readiness. A number of cases, including one relating to the Karlovy Vary Region on the Czech border, advised by Michael Frey and Ondrej Dostal (C2), also identify where one Member State's regulatory framework can be used to amend domestic legislation in a way which takes account of the opportunity to eliminate regulatory obstacles which prevent cross-border emergency care access.

A wider reading of emergency services co-operation and disaster response cases across the *b-solutions* publications – such as the case led by Vilkaviškis District Municipality in Lithuania and advised by Šarūnas Radvilavičius (C1 Annex) reflects that often the differences in individual regulatory member state legislative arrangements can benefit from a co-ordinated, place based cross-border approach to creating area-based

governance for emergency response and disaster management which meets the needs and challenges of cross-border regions and allows neighbouring Member States to demonstrate solidarity with their neighbours in times of emergencies and natural disasters, such as forest fires, flooding and earthquakes. The role of *b-solutions* in solving legal and administrative obstacles as a necessary enabler to wider co-operation and Interreg-funded activities is also noted in a case from the Departmental Fire and Rescue Service of Pyrénées-Atlantiques advised by expert Maria Garayo Maiztegui where *b-solutions* is the route to resolving legal regulation of a developing emergency services and civil protection cooperation model. The relevance of learning from emergency medical care services is valuable for the wider EU civil protection and civil preparedness agenda where borders are concerned, which is 40% of the EU territory. Again, getting these arrangements right in border regions is not a minority issue or concern if we acknowledge the combined geographical scale at EU level.

Cross-border healthcare access and cross-border patient catchments: sustainability of healthcare facilities

An early case supported by *b-solutions* related to the provision of services at Valga Hospital, Estonia, in the cross-border twin city of Valga-Valka, where Latvian patients wished to access ongoing hospital care locally (C1 Annex). The hospital itself is

uniquely viable on a cross-border patient catchment model and this case is currently also being supported into implementation and further elaboration of additional solutions under *b-solutions* objective 2. The case looked at solutions to the sustainability of hospital care based on serving a cross-border patient catchment, focusing on the continuing operation of cross-border hospital services that could be supported by funding care for Latvian citizens in their twin city of Valga-Valka, a city shared by Latvia and Estonia. The case revealed a range of issues which are commonly found where there are obstacles to cross-border care access and/or patient mobility- these relate to the presence of an enabling framework through EU mechanisms such as the Directive, and more local divergences or differentials that require joint working to reach creative solutions, such as care pricing differentials. The case did, importantly, highlight that, as a result of both Estonia and Latvia having correctly transposed the Directive into their respective national legal frameworks, a facilitative framework now exists for both healthcare systems to work together to find a financial model tailored to the unique situation of Valga-Valka hospital and to the specific needs of the cross-border patient population. Work on implementing and further developing this model in the Estonia-Latvia border region continues in 2024 and onwards.

Another early case led by Public Institution Marijampole Hospital in Lithuania (C2), and advised by Gintaras

Skamaročius, identified the opportunity to improve overall quality and efficiency of healthcare services in the border region between Poland and Lithuania. The proposed solution was to adapt a bilateral model made in 2019 between Lithuania and Latvia, to achieve improved coordination between national health systems for the benefit of citizens in the Lithuanian-Polish border region. The case solution proposed to adapt this precedent to an agreement between Polish and Lithuanian hospitals and emergency services for better-optimised use and access by cross-border citizens of available facilities in the cross-border region. This case points to the benefits of a Member State with more than one land border recognizing the value of *b-solutions* for developing solutions which can be replicated or adapted for use on other parts of their borders.

Cases involving the place-based availability and sustainability of healthcare facilities and services to cross-border patient catchments represent opportunities for developing healthcare ecosystems across borders which can mobilise available mechanisms and combine these with local and sectoral assets on a place-based multilevel governance and cooperation model. Such circumstances provide opportunities for EU level enablers to be interwoven with innovative approaches by neighbouring Member States to deepening their own cooperation for mutual benefit. Such a scenario is clearly demonstrated in the EUROBE

city case advised by Amparo Montán involving the municipalities of Badajoz in Spain and Elvas and Campo Maior in Portugal (C3). In this case, the opportunity to solve remaining obstacles lies with the neighbouring Member States' already-strong, treaty-based commitment to cross-border healthcare co-operation, which has included innovative cooperation to ensure access to women's health and maternity services for the women of the cross-border region.

As with Valga-Valka, and where statutory stakeholders are involved as partners to *b-solutions* cases, the opportunity presents further for Member States working with cross-border regional stakeholders, supported by local government of the place (therefore with enhanced mandate and democratic governance linked to the people) to take a whole-systems approach to securing a 21st Century health ecosystem for a 21st Century cross-border patient catchment. Such systems can be developed in ways which feature needs-based patient mobility, data sharing for improved patient safety and increased clinical co-operation between facilities, clinical workforce mobility and mutual recognition of qualifications.

Cross-border patient mobility

The reasons why people travel across borders for healthcare range from those related to regional connectivity

and access to points of care (where the nearest point of access may be across the border rather than in one's own country), to highly personal choices based on care quality, care specialty and other issues such as language.

Obstacles and solutions relating to the reimbursement of the costs of healthcare

A number of *b-solutions* cases have made specific examination of obstacles to patient mobility which relate to difficulties around patient reimbursements. In some cases, such as an early case led by Euroregion NISA and advised by expert Hynek Böhm (C1 Annex), these difficulties are caused by pricing differentials between neighbouring countries combined with Member States exercising their legal entitlement under the Directive to regulate reimbursement costs in accordance with national price lists. Such cases often involve invisible deterrents to patient mobility because patients travelling under Directive 2011/24/EU to a country whose care costs are higher may only be reimbursed to the level of the pricing structure in their country of residence. This means that patients may be financially disadvantaged in accessing cross-border care. Equally, Member State health insurers may refuse to authorise certain types of treatment for reimbursement under either the Directive or the Social Security Regulation, in which case the patient can end up having to access care further away, within their own jurisdiction. For care such as emergency care, certain

types of cardiac intervention, and maternity/obstetric care, travel time to the point of care is a safety issue and can literally mean the difference between life and death. In such cases it is clear where a solution lies in the principle of active subsidiarity - Member States using the power that they have deriving from the principle of subsidiarity, in ways which are for the benefit of border citizens. This sometimes implies a tailored solution-focused approach in order for border citizens to access the same benefits as those living away from the borders (and often closer to specialist healthcare centres).

A number of subsequent cases have dealt with this theme in its regional and place-specific variations. Across all such cases, solutions invariably point to a crucial and central success factor of healthcare insurers working together across borders on the shared premise that they wish to use available frameworks and means to effectively coordinate their efforts, and to support the cross-border population in accessing care based on need and in attaining adequate levels of health. Solutions also point to the discretion which Member State health insurance funds have to make this happen and be part of the solution. The cross-border health insurance card pilot led by DKMT in the Hungary/Romania/Serbia border region (C3), and advised by Petra Wilson and Anett Molnar, identified an approach which involved starting with a small basket of agreed care procedures for which the health insurers could provide

mutual automatic authorisation, to allow patients to access care in the cross-border region. This case is currently proceeding towards full implementation from late 2024.

The prevailing humanitarian impact of co-operation between national health insurers and relevant authorities is also highlighted by cases such as Zeeland, which took forward a *b-solutions* case advised by Martin Unfried, Sander Kramer and Susanne Sivonen of ITEM (C2). This case focused on creating access for Dutch patients, particularly of an older generation, to care in Belgium, within their own cross-border region. Such patients were seeking access to medical care across the border in Belgium as a result of shrinkage of services in their own side of the border and the solution was found in recommending a bilateral agreement between insurers, simplifying administration of reimbursements, and allowing for automatic granting of prior authorisation for a patient to access care across the border. In such cases (and all discussions relating to co-operation on healthcare reimbursements and insurance provision), the model of the ZOASTs – created between Belgium and its neighbouring countries of France and Germany – remain an inspirational and durable model of possibility and practice. A similar issue arose in the Eems Dollard Region’s case – advised by Anton Bouwmeister and Marlene Plaß, relating to treatment and reimbursement of expenses for Dutch and German patients (C2). All these cases point to solutions being reachable

when healthcare insurers work together for their clients in border areas. This is particularly important when services in border areas shrink due to depopulation. Member States may not be able to avoid reduction of service levels, but they can still lever their own and EU legal frameworks to enable their citizens to access those services across the border. In such cases, a cross-border approach may not lead to (or necessitate) direct provision of the service, rather it will use innovation and smart collaborative approaches to enable the citizen to access the service – which is another way of serving the public and achieving the same citizen outcomes, sometimes even better ones. This is the magic of cross-border co-operation for effective and efficient public administration working with limited resources.

b-solutions’ support for health cases as a lens for understanding public services in border regions (and how they can be improved)

In November 2021 the European Commission and AEBr produced a thematic publication on the overall issue of cross-border public services and the role played by the *b-solutions* initiative in assisting with the development of this important field (European Commission & AEBr, 2021a). The introduction to the publication, by Caroline Hager of the European Commission, emphasised the challenges remaining in making cross-border health services a reality and

the importance of cross-border public services in a post-pandemic context, particularly in the healthcare sector and in terms of fully releasing the benefits of EU frameworks such as Directive 2011/24/EU. The evidence which informed this publication drew heavily on healthcare *b-solutions* cases, which in themselves are fertile ground for understanding the detail of what enables cross-border public services at operational, legal and administrative levels; and for arguing for innovative resourcing models to underpin effective cross-border services (including shared services models).

The publication outlines the specific types of obstacles to cross-border public services development, revealed by *b-solutions* cases, across a range of sectors. For healthcare, the generic types of obstacles are identified as: different criteria on reimbursement of healthcare costs; limitations in the provision and accessibility of cross-border medical services; incompatible national provisions on data collection, accessibility and confidentiality preventing cooperation between healthcare institutions; non-recognition of healthcare professionals' diplomas; diverging technical standards of emergency transportation; lack of horizontal cooperation between responsible administrative bodies; diverging standards on taxation, financing, staff qualifications and safety.

While this is a useful summary of sectoral issues, the wider framework that the thematic publication on

cross-border public services offers is additionally useful and could become part of a methodology to be used for systematic approaches to developing cross-border healthcare ecosystems. Using the learning revealed by *b-solutions* on the typical and frequent obstacles in cross-border health, and combining this with other forms of evidence and best practice (including population health data and clinical best practice guidelines) in the design and organisation of healthcare systems has the potential to drive innovative cross-border services models which are designed on the needs of cross-border patient catchments and are viable precisely because they serve such catchments.

The intersectionality of health with other domains of border life (and EU policymaking):

b-solutions health cases are variously connected with other domains of cross-border co-operation and territorial development such as transport, emergency cooperation and civil protection, cross-border labour markets and labour mobility, regional innovation capacities, digitalisation, education and training/skills development, shared services, and best practice in the use of public resources. One such area which is heavily illustrated by *b-solutions* cases published to date is that of how healthcare access interacts with labour mobility and workforce planning in cross-border functional economic areas:

Cross-border patient mobility as a component of EU cross-border labour mobility and a skills base to support EU competitiveness and the Single Market

Frontier workers, as citizens entitled to the same patient mobility as everyone else, can experience difficulties accessing their entitlements to healthcare insurance in ways which either deliver or hinder their entitlements. In some cases this acts as an indicator of wider obstacles to patient mobility in the region, such as one of the first *b-solutions* cases relating to cross-border health insurance in the Eurodistrict PAMINA region on the border between Germany and France (C1 Annex). This case was advised by TRISAN, and identified solutions to difficulties experienced by frontier workers in accessing reimbursements for care as well as initially registering for healthcare services. Another early case led by Borderland Association Nasza Suwalszczyzna (NGO) and advised by Marcin Kyzymuski, identified similar issues for cross-border workers in Lithuania and Poland and solutions which included a bilateral agreement governing and simplifying rules and procedures to be applied in a cross-border context, removing cumbersome barriers for employees and employers alike (C1 Annex). Cross-border patient mobility, as enabled by cross-border co-operation on healthcare insurance, is therefore an important enabler for the wider EU agenda of labour

mobility and cross-border workforce development. These themes have taken on new significance in the post-pandemic context of a need for balanced regional development across the EU. Border regions, effectively developed, can take the pressure off large urban agglomerations and indeed in many cases have the potential – with the right shared vision across borders – develop as sustainable agglomerational ecosystems benefitting multiple economies. Competitiveness is enabled by the presence of workforces in places and workforces need to be enabled to support competitiveness of places. Ease of healthcare access for workers is a key consideration in decisions as to whether to work cross-border, and is therefore a key factor in a wider economic context.

Other issues related to cross-border labour mobility, which involve coordination between healthcare systems or professionals and social insurance systems, can also relate to the certification of sickness in connection with receipt of benefit entitlements for frontier workers- as in the case led by Euregio Rhein-Maas-Nord between the Netherlands and Germany, advised by Sonja Adamsky, which focused on an obstacle which was preventing Dutch parents working in Germany from accessing paid sickness leave related to illness of a child (C2). Identifying again a simple procedural difference between how children's sickness was certified in Germany and in the Netherlands, the case recommended a combination of bilateral agreement on social security

arrangements combined with giving Dutch paediatricians the authority to issue children's medical notes for recognition by German social security and employers. A case led by the Government of Extremadura, Spain, in partnership with the Alentejo region of Portugal and advised by Amparo Montán, relating to creating more streamlined access to healthcare for cross-border workers in the region (C3). The case emphasised the importance of continuing to facilitate labour mobility and helping cross-border workers through an improved simplified annual procedure for seamless access to healthcare insurance. While the case related specifically to workers residing in Spain and working in Portugal, the case nevertheless states that the measure will benefit the whole Spain-Portugal border region. Awareness of the territorial applicability of local solutions, and the sharing of these solutions, is an ongoing part of the *b-solutions* methodology.

The wider importance of healthcare access for cross-border workers, and co-operation for mobility of healthcare workforce in border regions where commuting is common, are emphasised further in the European Commission & AEHR (2021b) publication of 'Vibrant Cross-Border Labour Markets'. This thematic publication cites healthcare access and healthcare workforce as issues connected to developing vibrant cross-border labour markets. The role of *b-solutions* in identifying the ways in which national systems can work facilitatively when they meet in cross-

border functional economic areas, and, crucially, in signalling the possibility of overcoming such obstacles, are emphasised in the preface by Slawomir Tokarski, Director, European Commission.

***b-solutions* as a policy tool with impact**

In concluding this snapshot of reflection on what *b-solutions* means for the field of cross-border healthcare cooperation and access to health, it is possible to suggest from a practice-based perspective that the value of *b-solutions* as a policy and practice tool goes far beyond the net value of individual case solutions which are necessarily developed for application in a local and specific context. Individual case solutions can be viewed in the range of AEHR's publications to date on *b-solutions*. However, to assume that *b-solutions* solutions are too specific and tailored to individual border regions to be useful in a broader sense is to miss the point. Beyond this, and from observing the similarities and common themes across the full range of cases published, it is clear that a *b-solutions* case has two types of relevance. First, it acts as an indicator - across a number of sectors including health - for what are often obstacles which exist in similar format or construct in other border regions throughout Europe. These may be caused by the same kinds of unintentional "border blindness" or oversights in understanding the other

which it is necessary to recognise and tackle in developing effective bilateral and multilateral agreements which can deliver what they intend to e.g. different meanings being ascribed to identical terms, depending on which side of the border one stands. To learn from such examples might be for Member States and their border regional authorities and sectoral authorities to review existing bilateral agreements for efficacy, perhaps operating what in the construction and engineering sector is known as a “snag list”- in which possible pitfalls are diagnosed and then addressed to ensure the agreements and arrangements work in the way they are intended to for all parties. *b-solutions* cases can, in this way, act as stimulus for the replication and multiplying of place-based co-operation in healthcare, across any border where parties are interested in working together.

Second, a *b-solutions* case can suggest the presence of issues which cannot be solely addressed by border regional stakeholders at the level of a region. Such issues include those that need to be addressed by whole systems approaches by Member States acting together and with their border regions on a bilateral basis, and in some cases by Member States working with the European Institutions to eliminate avoidable obstacles borne out of a siloed approach to implementing common legislation, or the absence of enabling legislation. At a whole-systems European level, removing and preventing avoidable border

obstacles - where our national systems colliding can lessen the benefits of the European project for border citizens, societies and economics- needs to be a symphonic effort involving attention to detail, extrapolation of learning, and horizontal and vertical mobilisation at all levels of public governance – local, regional cross-border, national and at EU level. *b-solutions* at a global project level continues to offer a model for this kind of solution-focused collaborative methodology which works best in combination with social change models and best practice in placemaking, where ideas and ambitions are shared and transmitted across networks of actors.

For cross-border health, this chapter provides an overview of selected cases and suggests a perspective on their relevance as indicators and situational elaborators for what are known and established ‘glitches’ in the practical matter of creating optimal conditions for cross-border health- either co-operation or access, or health of the population itself. The chapter further points to *b-solutions’* contribution to the broader task of creating the necessary understanding and enabling Member States to work together in active subsidiarity to deliver access to healthcare for their citizens in ways which include the deployment of cross-border models and approaches. In practical terms, using the learning from the cases can also help with developing early warning systems approaches for avoidable obstacles to health cooperation and access across borders,

for which Member States and other stakeholders are in a position to develop alternative solutions and avoid.

The *b-solutions* initiative continues to commission expert case studies identifying evidence-based solutions on health-related obstacles in border regions and is beginning to provide the necessary technical, mentoring and brokerage support for the multilevel ecosystems processes and stakeholder engagement in order for the identified solutions to be implemented. This translational action also allows for the absorption into pathfinder processes of a range of thinking on healthcare systems transformation, modernisation and resilience, and to explore and test supportive whole-systems conditions in cross-border areas which can support improvements to health access and to population health outcomes. It is likely that over time, not only in cross-border health co-operation but in all the fields in which *b-solutions* cases are supported through to implementation, that *b-solutions* will have created an applicable evidence base for specific solutions to identified legal and administrative obstacles across many subthemes related to healthcare and healthcare access. It is also likely that *b-solutions* will have contributed to the development of capacity in cross-border areas for the implementation of cross-border healthcare solutions and systems in a wider context which supports the full extent of innovation which cross-border regions uniquely offer.

In healthcare, *b-solutions* indicates the relevance of local solutions in combination with more global or higher level enabling frameworks, for spreading the learning across the EU. It also indicates that sometimes only the local or regional application of the EU-level enabling frameworks is what will bring the benefits directly to the citizen. Member States' roles are crucial, working with their regional stakeholders. Overall, *b-solutions* health cases continue to illustrate how cross-border health systems can continue to develop and grow to support border regions as they grow, innovate and become sustainable places for our future generations. And they ultimately demonstrate the kind of diagnostic approaches to border region interfaces between Member State frameworks – both legal and administrative – which can help to deliver fully on the promise of the EU for all its citizens and on a range of fundamental rights which are at the heart of a social vision of Europe. Cross-border healthcare co-operation, healthy populations and accessible healthcare are key to a healthy population base and therefore to innovation systems which can support the EU for future growth and competitiveness in a changing world.

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Cross-border health and emergency services (based on the results of *b-solutions* and beyond)

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Introduction

Aim and sources

The goal of this paper is to review, interpret, and critically synthesise the results of the *b-solutions* project (AEBR, 2024) concerning healthcare as well as emergency services (ESs), which are one of the five main thematic areas of the project (Medeiros et al. 2022, p. 507). The main sources for the analysis are the three *b-solutions* compendia on the obstacles identified in all the thematic fields, including healthcare (AEBR & EC, 2020a; AEBR & EC, 2020b; AEBR & EC, 2021a; AEBR & EC, 2024). Further, one of the three *b-solutions* thematic booklets, titled 'More and better cross-border public services' (AEBR & EC, 2021b), is relevant as it also covers healthcare and ESs. Another thematic booklet, titled 'Vibrant cross-border labour markets' (AEBR & EC 2021c), mentions healthcare in a few places but these are repetitions of the cases identified in the booklet on public services. In addition, recent secondary literature has also been consulted.

The rise of cross-border healthcare (CBH) particularly in the European Union (EU)

CBH is an emerging phenomenon globally (Chaudhary et al. 2024; Glass et al. 2022; Leung & Ku, 2024). For the sake of a definition, '[c]ross-border collaboration in the field of health care can involve a transfer, a movement or an exchange of individuals, services and resources' (Schmidt et al. 2022, p. 1242). For several reasons that include ageing societies, various pandemics such as the recent Covid-19 (Frischhut & Levaggi, 2024, p. 5), and ongoing European integration, healthcare is of growing concern also to the EU. As noted by Schmidt et al. (2022, p. 1242), '[a]lthough healthcare is primarily a national responsibility', CBH 'is legally enshrined in Article 168 of the Treaty on the Functioning of the EU', encouraging 'cooperation between member states to improve the complementarity of their health services in cross-border areas'. Moreover, Directive 2011/24/EU on the application of patients' rights in CBH mandates the European Commission (EC) 'to ensure patient mobility in the EU, to facilitate cooperation in

healthcare across member states and to establish rules facilitating access to safe and high-quality' CBH.

According to the Preface to the *b-solutions* thematic booklet on cross-border public services (CPSs), a milestone has been the introduction of the above-mentioned EU Directive on patients' rights in CBH in 2011, which complements Regulation (EC) 883/2004 on social security coordination 'to ensure rights to safe and high quality healthcare across national borders in the EU and their right to be reimbursed for such' (AEBR & EC, 2021b, p. 4). Moreover, the 'Directive also aims to engage cooperation between border regions where citizens face a particularly unique situation'. At the same time, it is also acknowledged that 'the full potential from benefits of cross-border healthcare is not yet realised' as 'citizens continue to face burdensome reimbursement procedures, legal and administrative obstacles to access, sometimes life-saving, healthcare'.

The thematic booklet on public services also briefly assesses their state in border regions (AEBR & EC, 2021b, p. 5–6). It notes correctly that 'the debate about the value and sustainability of public services has intensified' at a time when 'both demographic and growth scenarios are putting pressure on the capacity of governments'. This is especially true for a number of border regions in which 'population decline and regional migration might be particularly visible'. Accordingly, representatives of the EU

and border regions aim to establish more cross-border services, with 579 already-functioning ones identified by 2019. But a number of different types of obstacles remain: it is acknowledged that '[f]or the 150 million European citizens living in border regions, regular access to public services is often difficult', leading to 'the use of facilities and services in the neighbouring country as an alternative solution' only.

Accordingly, the EC has outlined specific interventions (AEBR & EC, 2021b, p. 6–7), such as creating a dedicated database to showcase good practices; evaluating the application of the 2011 Directive on patients' rights with a specific focus on CBH; renewing support for the EU4Health program; and creating a European Health Data Space to support evidence-based regulatory activities. While all these measures sound constructive and future-oriented, they are only briefly listed here without providing any further details on when they were proposed or how they are progressing. The same cannot be said about the *b-solutions* project, which was initiated in 2017 and has been implemented by the EC's DG Regional and Urban Policy and AEBR since 2018. They have collected a unique set of cases that address obstacles to and solutions for CPSs. Using a bottom-up approach, a number of local and regional – transborder as well as subnational – stakeholders have participated, in turn having 'received advice from legal experts to find ways to overcome the obstacles'. It is to the presentation of these that we now turn.

Obstacles to CBH identified and solutions proposed by b-solutions

Obstacles

The most common obstacles for establishing or running CBH as well as emergency services identified by *b-solutions* (AEBR & EC, 2021b, p. 10) are the following:

- different criteria on reimbursement of healthcare costs;
- limitations in the provision and accessibility of cross-border medical services;
- incompatible national provisions on data collection, accessibility and confidentiality prevent cooperation between healthcare institutions;
- non-recognition of healthcare professionals' diplomas; and
- diverging technical standards of emergency transportation.

It is identified that the majority of the obstacles to CPSs is of a legal nature, which most often 'arise within the national provisions [...] but legislative inconsistencies were also observed within the European framework' (AEBR & EC, 2021b, p. 12). These include the following situations.

- Actors at the regional and local level do not have legislative competence to establish or operate services.
- Laws do not provide for the automatic recognition of foreign diplomas of service professionals.

- The presence of different national rules that regulate services.
- Technical standards or requirements allowing for service operations are regulated differently.
- EU law is transposed in a conflicting or contradictory manner, for instance 'when Member States choose to interpret laws and regulations differently, according to each national context' (AEBR & EC, 2021b, p. 14).
- Laws regulating the provision of services do not take into account the cross-border dimension. This has been observed not just on the national but also on the European level.

Beyond legal concerns, a set of further obstacles to CPSs has been identified (AEBR & EC, 2021b, p. 14–15), addressing which would require 'a good level of administrative coordination between stakeholders from both sides of a border'. The most common reasons for a lack of such coordination were found to be:

- lengthy diploma recognition procedures, despite harmonised basic requirements;
- the absence of joint administrative mechanisms that facilitate the operation of services;
- the presence of many actors with varying administrative competences in certain fields;
- different approaches to data collection as a preliminary step towards implementing public services; and

- the lack of knowledge of border stakeholders on the facilitative nature of the legal framework(s) that regulate certain services.

To name a typical example, the case of a Portuguese-Spanish border area can briefly be described where the much closer hospital in Spanish Badajoz is often frequented by Portuguese patients (AEBR & EC, 2024, p. 40). Although the latter are reportedly never refused treatment, both legal and administrative obstacles hinder more efficient CBH. Portuguese citizens must obtain prior authorisation and pay for the service in advance. Further, there are regulatory issues preventing mutual access to patients' data. Additionally, authorities on both sides require healthcare professionals from the other side to join their respective medical registries which is time consuming.

Hiring medical staff has proven to be challenging even at the Cerdanya Hospital along the Spanish-French border, which is often mentioned as 'Europe's first cross-border health centre' (AEBR & EC, 2024, p. 32) though it is in reality solely located in Spanish territory. Hence, recruiting French employees occurs but is complicated due to differences in social security contributions between the two countries. This would be desirable though due to the shortage of labour at the hospital as well as the binational composition of its patients.

There are even more challenges ahead of CBH involving repeated mobility, let alone remote care, for instance in a

Luxemburg-French border area. In France, follow-up care and hospitalisation at home are established practices, but not so in Luxemburg where physicians cannot prescribe any such even to the treated French patient (AEBR & EC, 2024, p. 51). But even if they could, current EU and national rules contemplate neither whether these would be considered long-term services (which is now decisive for reimbursement), nor the mobility of CBH professionals in home care. When it comes to telemedicine, teleworkers are disadvantaged compared to their border-crossing peers: whereas the latter 'are entitled to healthcare both in the country of employment and in the country of residence, teleworkers only have coverage in their country of residence if they work from home more than 50 % of the time' (AEBR & EC, 2024, p. 54).

Regarding emergency services, some of the *b-solutions* cases appear to be faced with diverging obstacles. Along a long stretch of the Spanish-French border, an initiative has already been launched encompassing fire prevention, firefighting, and rescue services (AEBR & EC, 2024, p. 37). But this has not been fully implemented due to a lacking legal framework, in part delayed by the different administrative-territorial hierarchies in the two countries. The situation is particularly severe in the Serbian-Romanian-Hungarian borderland, where two countries remain outside the Schengen Area and one of which is just an EU candidate (AEBR & EC, 2024, p. 43). Hence, there are currently no cross-border emergency agreements but cooperation is nevertheless strived

towards. Finally, France and Luxembourg do have a CBH agreement since 2016 that also permits rescue services crossing the border (AEBR & EC, 2024, p. 58). But here – as probably elsewhere – the issue is that the emergency phone number (which, somewhat ironically, is EU-wide identical) only reaches services in the respective national territory without taking into account more proximate hospitals across the border.

Solutions

Likely triggered by the fact that the situation of each border region can be rather different, *b-solutions* has emphasised the necessity ‘to seek feasible and replicable solutions to the obstacles described’ (AEBR & EC, 2021b, p. 16). Laudably, in the cases investigated the experts involved have always indicated the different levels of governance and actors ‘expected to take part in the implementation’, also taking into account the nature and causes of the given obstacles. The interventions for more advanced CPSs suggested could be categorised into four types: legal solutions, introducing the European Cross-Border Mechanism (ECBM), proposals for a more efficient administration and coordination, and leaning on cross-cutting solutions.

Legal solutions

In their simplest terms, the legal solutions proposed revolve around changing the law by revising or updating

current provisions, or creating ad hoc legal frameworks. At the EU level, the legal framework was found to already offer provisions that sufficiently support coordination and cooperation (AEBR & EC, 2021b, p. 16). At the same time, *b-solutions* participants have highlighted a number of inconsistencies and obstacles remaining, solving which would require the revision of the current provisions by the European Parliament (EP) and the European Council. More specifically, a 2014 Directive of the latter two institutions had introduced the creation of a digital public procurement platform to be implemented in the Member States (MSs), but without indicating its technical aspects nor setting guidelines on digital public tenders. As a result, MSs ‘have developed platforms that are non-interoperable’ (AEBR & EC, 2021b, p. 17). Hence, *b-solutions* proposes amendments to the Directive ‘and introduce clearer common technical criteria for the digital platforms’.

Two inspiring practices are also mentioned here. On the one hand, some ongoing research projects are already working on improving the digitalisation of CBH services: for instance, mGov4EU aims to facilitate such mobile ‘government services by combining the secure data exchange of the Single Digital Gateway Regulation with mobile identities’ (AEBR & EC, 2021b, p. 17). On the other hand, a late 2020 EC ‘proposal for a regulation on serious cross-border threats to health’ is described that aims at ‘testing strategies to respond quickly and jointly to medical emergencies’.

Last but certainly not least, legal changes would also be required on the national as well as subnational levels as ‘obstacles tend to arise from missing or inconsistent provisions’ (AEBR & EC, 2021b, p.17) in the legislative frameworks of the MSs. Implicitly in a subsidiarity spirit, *b-solutions* acknowledges that national parliaments, ministries, and local and regional stakeholders need to coordinate here with neighbouring areas, but proposes change in scenarios of which two can be mentioned here. One is where changes to national law would be desirable in either one or both of two neighbouring MSs. As an example, the German and Dutch transpositions of the 2011 Directive do not contain clear information on the reimbursement of costs for CBH and should therefore be amended and aligned (AEBR & EC, 2021a, p. 35). Another set of scenarios is where signing or updating ad hoc bi- or multilateral agreements would be constructive. For example, the Benelux Union already has established legal criteria on cross-border emergency ambulance traffic, but it does not specify which Dutch hospitals are included which could be fixed with an amendment to the Decision already in place (AEBR & EC, 2021a, p. 96).

The European Cross-Border Mechanism

The ECBM is a tool proposed by the EC ‘in 2018 with the objective of facilitating the resolution of legal and administrative obstacles to cross-border

cooperation’ (AEBR & EC, 2021b, p. 18) which MSs could apply voluntarily for specific projects in their borderlands. If opted for, ‘an evaluation process would be set in motion to identify the legal obstacle. The ECBM would then provide for different measures to overcome the obstacles, which may involve allowing for derogations from the normally applicable national rules for the specific cross-border project.’

To this author at least, the mechanism essentially appears much like what *b-solutions* has already been doing (likewise since 2018), something also implicitly hinted at in the thematic booklet: ‘the cases collected under the *b-solutions* initiative help assess the role that the ECBM could play in effectively solving obstacles of a legal nature’ (AEBR & EC, 2021b, p. 18). Some of the cases *b-solutions* investigated include addressing diverging national regulations on the technical requirements of emergency vehicles between Belgium and France (AEBR & EC 2020b, p. 108), or recognising the qualifications of professionals involved in building a bridge at the German-Polish-Czech tri-border (AEBR & EC, 2020b, p. 89). Indeed, although recently prolonged (Medeiros et al. 2024, p. 4), *b-solutions* is a project whereas introducing ECBM would give these activities a more formalised structure in a longer term.

However, up to mid-2024 at least, ECBM has remained a proposal. It has been abandoned by the European Council in 2021, ‘mainly due to

concerns about territorial sovereignty, subsidiarity, and the legal basis of the instrument' (Setti, 2024). Yet thanks to the lobby of a number of stakeholders advocating for cross-border cooperation, in December 2023 'the Commission presented an amended proposal responding to the request of the Parliament but also to the Member States' concerns' (Medeiros et al. 2024, p. 19). In March 2024, the EP's support seemed firm and the legislative procedure was therefore expected to restart (Setti, 2024). In the same month, an EP Rapporteur 'was positive with respect to the [upcoming] Hungarian Presidency', estimating that '[t]here could be an agreement between the new Parliament and the Council at the end of the year 2024' (ITEM, 2024).

The redesigned tool has also been renamed from ECBM to Cross-Border Facilitation Tool (CBFT) to reflect the changes, which go beyond relabelling. An academic has recently praised CBFT as '[a] framework regulation making a clear distinction between direct obligations and guidelines', having 'a sharpened scope', and implying less administrative procedure but more guidance (Van der Auwermeulen, 2024). In her assessment, 'the Commission attempts to switch from a procedural approach to a facilitative approach. Moreover, the Commission is introducing a 'learning network' of national coordination points. Accordingly, behind the shift from solving to facilitating lies the valuable opportunity to build up expertise at the interstate level.'

More efficient administration and coordination

Although categorised as solutions of an administrative nature, *b-solutions* recognises that – similarly to the first two categories – many cases here are also related to legal hurdles (AEBR & EC, 2021b, p. 19). Two types of measures are suggested here, the first of which consists of creating new coordination structures. As an example, a cross-border reimbursement centre is proposed at the Austrian-Czech border to help patients who received medical care on the other side. The second type of intervention suggested is to develop ad hoc conventions in certain situations. For instance, such a convention could be drafted to guarantee a smoother mobility of healthcare professionals at the Franco-Belgian border, based on a health agreement already in place between the two countries (AEBR & EC, 2021a, p. 126).

Cross-cutting solutions

Last but not least, there is a number of obstacles that 'are manifold and arise due to a combination of several factors' and thus need to be 'complemented with additional actions', which 'can include raising awareness and capacity building actions aimed at enhancing better coordination and making better use of legal and financial tools' already provided (AEBR & EC, 2021b, p. 19–20). *b-solutions* proposes four more specific types of measures here, which are:

formalising cooperation actions through targeted memoranda; implementing training activities for local stakeholders; involving Interreg funds to complement solutions; as well as establishing cross-border bodies such as EGTCs (European Grouping of Territorial Cooperation). In addition, developing protocols and task forces or technical working groups on specific themes is also recommended.

Concluding analysis: some critical reflections and future outlook

As seen above, the regulation of CBH is a relatively new process even in the EU where healthcare has traditionally been, and largely still remains, a member-state competence. However, over the past two decades the EU has gradually been taking more responsibility in this field, which is both understandable and welcome given the reality of ever-more millions of Europeans living transborder lives. Given the complexities of CBH which involves many different regulations, actors, and spatial levels, a review of the developments across Europe can be challenging in itself.

The *b-solutions* project has laudably contributed to not just a unique and extensive inventory of obstacles to CBH but also provided proposals for tailor-suited solutions to each case consulted. As evidences of immediate impact, the final, 'What's next' sections of the majority of the case descriptions point to local stakeholders adopting the

b-solutions advices, forwarding them to the authorities in charge and asking them to implement the proposals (see e.g. AEHR & EC, 2024, p. 44, 48, 52, 56, 59, 73). In addition, the project has been prolonged under the label *b-solutions* 2.0 (Medeiros et al. 2024, p. 4).

The author has also been requested to provide some critical remarks. Here, only two among the few that can be made are directly related to *b-solutions* as the rest are rooted in wider structures, institutions, and regulations. I begin with the former and then move on to the latter.

Remarks more directly related to *b-solutions*

To begin with, there are some issues with the geographical distribution of the cases consulted. There is a particular concentration in the west-central and southwestern parts of the continent, as at least a map in the thematic booklet reveals (AEHR & EC, 2021b, p. 7). The least-covered regions include, in the following order: pre-accession countries – which are also eligible to participate in *b-solutions* (Medeiros et al. 2024, p. 18) –, northern Europe, as well as parts of eastern Europe. No reasons for this bias have been provided, but participation in *b-solutions* is voluntary. Accordingly, one can only assume that it also reflects the varying levels of integration into EU structures by the different subregions of Europe. Still, Medeiros et al. (2024, p. 18) also note that '[a] stronger effort should be made to involve those territories not taking part yet'.

A type of services *b-solutions* deals little with are private and especially public-private solutions. This is somewhat surprising given that unlike the 2004 Regulation, the 2011 ‘Directive can also cover private health care’ (Van Delm, 2024, p. 198). Indeed, the privatisation of healthcare is a very controversial process but nevertheless remains a growing reality. And indeed, *b-solutions* is largely focused on public services (AEBR & EC, 2021b) which is understandable given that public bodies play a larger role in regulating them. Accordingly, private solutions are not even mentioned at least in the first two compendia. Yet in the third one, they are mentioned in a few places. For instance, it has been recommended to the Cerdanya Hospital (see above) to appoint an expert in the social and tax law of the neighbouring country, a measure which is “common among private entities operating in several Member States” (AEBR & EC, 2024, p. 34). Elsewhere, Dutch healthcare interns working part-time in Belgium face the situation of being ineligible for insurance in any country (AEBR & EC, 2024, p. 135). One of the solutions proposed has thus been to opt for private health insurance (AEBR & EC, 2024, p. 137).

It would be wrong to suggest that *b-solutions* generally prefers (or should prefer) private solutions. In fact, in several other cases the proposed solutions have rather been embracing the public. To avoid that German patients, need to use ambulant therapeutic services in Austria on a

market basis, it has been proposed that the two countries conclude a bilateral agreement (AEBR & EC, 2024, p. 71–72). As another example, as the Öresund Agreement only covers private-sector workers it has been suggested that the public sector also be included (AEBR & EC, 2024, p. 132–133).

Nevertheless, the private sector is growing and can often quicker adjust to local needs. For patients in southernmost Slovakia, the hospital on the Hungary side is just across the border while the closest one on their side is about fifty km away. This has triggered a Slovakian private health insurance company to also cover in-patient services in the Hungarian hospital (Balogh & Pete, 2018, p. 612) already since 2009 (i.e., two years after both countries joined the Schengen Area). This is somewhat akin to the Badajoz case (see above) but in the form of a public-private partnership. In any case, private CBH is booming also in Europe – whether it be dental tourism to Hungary, abortion trips from Poland, or opting for in-vitro fertilisation in Czechia. Whatever we make of it, it is a reality that needs to somehow be related to.

Remarks on wider structures affecting CBH in the EU

There is a set of circumstances limiting CBH that *b-solutions* can do little more about than advising the respective bodies in charge. Among these, deficiencies with the existing

regulations stand out. Obstacles caused by the diverging national legislations are a frequently recurring point across the cases studied, but also common is pointing out inconsistencies between national and EU laws on the one hand, and within the latter on the other. It is worth elaborating on these in some detail since however multi-institutionally governed the EU may be, it still represents one single constituency.

Based on recent literature and *b-solutions* results, there seem to be two main issues with current EU rules concerning CBH, one of which is their deficiencies and the other their partial outdatedness. Regarding the latter, it should be noted that the 2011 Directive shall have been amended at the start of 2024. But unlike the original version, the new document available (EUR-Lex 2024) was not published in the Official Journal of the European Union and begins with a disclaimer that it ‘is meant purely as a documentation tool and the institutions do not assume any liability for its contents’. In an absence of clarity on the status of the changed Directive, one can only analyse those regulations that are certainly in force.

The main source of uncertainties stems from several regulations being in place, the two most important of which are the already-mentioned 2004 Regulation and the 2011 Directive. In theory, the parallel enforcement of the two different regulations also serves the purpose of offering two different models of reimbursing CBH services which

patients can choose from (Van Delm, 2024, p. 198). The two regulations differ in whether they cover private services, whether they require pre-authorisation by the insurance-providing MS, whether they cover full reimbursement and, relatedly, the tariff of which of the given two countries applies (Van Delm, 2024; AEBR & EC, 2024, p. 54). Yet according to Van Delm (2024, p. 204–205), ‘eventually, everything depends on the approach of the member state’ since ‘the criteria adopted by the member states determine whether the prior authorisation scheme of the Regulation or Directive is more lenient for patients requesting cross-border care’. The question of which state’s tariffs apply is particularly important for less-affluent patients, for instance from poorer MSs, who would need CBH in more expensive ones. All these circumstances are mirrored in the very low share of CBH expenses under the Directive and the Regulation which, despite increasing, in 2019 remained below half a percentage of the EU-wide annual healthcare budget (Van Delm, 2024, p. 198–199).

Current EU CBH regulations are particularly deficient and outdated on mobility and digitalisation, both of which have now been increasing for some time. For instance, it is unclear whether the Directive covers certain services, such as hospitalisation at home (AEBR & EC, 2024, p. 51). Similarly, ‘the legal framework does not clearly address reimbursement for both patients and medical providers when ambulant therapeutic services are provided at a patients’ home on the

other side of the border’ (AEBR & EC, 2024, p. 71). Remote work (AEBR & EC, 2024, p. 140, 100) and telemedicine (Van Delm, 2024) remain particularly under-regulated fields, despite being cost-efficient and growing.

Due to these and other deficiencies, Sivonen and Büttgen (2021, p. 27) concluded that ‘although the EU legal framework does promote patient mobility in general, the Directive does not necessarily address the special characteristics and needs of cross-border regions’. This is because ‘[t]he EU’s legal framework on cross-border healthcare generally seems more suitable for individuals who seek healthcare services in another Member State on an occasional basis than for inhabitants of cross-border regions who may have a structural need for cross-border healthcare services’.

To be fair, more recently there are quite a few EU projects promoting the digitalisation of CBH (AEBR, 2021b, p. 17; Bruthans & Jiráková, 2023; Schmidt et al. 2022, p. 1246). This is of course positive, but then again running a risk of fragmentation. Hence, at least some of these tools and databases could be harmonised or even unified. Separate tools for different spatial entities (EU/MS/cross-border area) make sense, but having parallel e-systems on the EU level less so.

Quo vadis, European CBH?

Beyond its overall very positive assessment of the *b-solutions* project, this paper has tried to show that while

CBH is emerging across Europe, its development is hindered by inconsistent regulations on and between various administrative levels and such that sometimes have difficulties catching up with fast-changing trends in the health sector. Surely there is a long way ahead for the EU to ‘becoming also a European Health Union’ as envisioned by the EC president in 2020 (Schmidt et al. 2022, p. 1245–1246), but it is indeed gradually moving toward that direction.

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Environmentally Oriented *b-solutions* Cases: Towards the Implementation of the 2019 EU “Green Deal” in Cross-Border Contexts?

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Introduction and Contextualisation

The environmental agenda has been presented as one of the flagships of the European Union (EU) policy-making. Indeed, the EU tends to exhibit itself as a global leader in this respect, as openly verbalised over the last few years in the 2019-passed “Green Deal” guiding document and, almost one decade before, also in the widely disseminated “Europe 2020 Strategy” (European Commission, 2010, p. 14; 2019, 20). This makes the environmental portfolio one of the policy areas which attribute identity to the comprehensive EU room to manoeuvre. Therefore, it is pertinent to examine those environmental-

oriented actions developed under the auspices of the *b-solutions* initiative in force since 2018, promoted by the European Commission’s Directorate General for Regional and Urban Policy (DG REGIO) and managed by the Association of European Border Regions (AEBR) subsequently to the ground-breaking communication “Boosting Growth and Cohesion in European Border Regions” (European Commission, 2017; AEBR & EC, 2020).

EU border regions constitute a specific arena in environmental terms. First and foremost, because borders are a human convention and the environment and/or nature¹ know no borders, implying that there is an

1 Nature and environment are often understood as synonyms, thus interchanged as they will be here used. However, we agree that both concepts differ in time and space: while *nature* registers a sustained consideration rooted in the classical antiquity, with periods such as Romanticism where humans have been placed as a constitutive part of nature, environment has gained momentum since the 1970s and has ended up being a popular policy folder heterogeneously assumed across the world, where basically human beings are seen as a sort of external agents damaging the environment (Ojeda, 2006).

inherent contradiction between both realities which needs to be constantly addressed. This has led towards planning the setting of cross-border devices, such as transboundary protected areas (TBPAs), particularly widespread in the context of the EU and already enjoying a well-developed body of norms and research (Paül et al. 2017; Trillo-Santamaría & Paül, 2016). Furthermore, the European Commission (2017, p. 2, 7) has acknowledged that Interreg has been widely used for environmental actions and joint measures but has also prevented that, at the same time, barriers do persist in this domain between adjacent member-states. Certainly, EU legislation quite often explicitly requires cooperation between countries in environmental terms and even enforces the same procedures in this field across the EU. However, these procedures are not fully effective in the sense that strong differences in aspects such as waste recycling, incentives to energy transition or natural hazards prevention are deep.

The EU (then, the European Communities) has delivered environmental policies since the early 1970s, canalised by means of the Environmental Action Programmes (EAP), whose first document was adopted in 1973 – the one which is now in force is the eighth, passed in 2022, encompassing the orientations of the “Green Deal” (Council of the European Communities, 1973; McGiffen, 2005; Olcina & Blàzquez, 2019; European Parliament & Council of

the EU, 2022). Along this half a century, environment has been incorporated in the EU treaties as a power of the EU institutions and a wide set of directives has been passed aiming to harmonise environmental issues across member-states. Momentum has been gained since the 1990s with the progressive incorporation of the climate change mitigation as a pivotal sub-field within the environmental umbrella, for instance, with the Kyoto Protocol signature by the EU (Olcina & Blàzquez, 2019). However, McGiffen (2005, p. 120) has argued the EU has had only “*limited successes in the environmental field*” and even labelled as a “*failure*”. Hence, Bonsinetto et al. (2013) and Lois González, Feal Pérez and Paül (2013) evidenced the ambiguous use of sustainability by the EU institutions in their strategic planning, where the green/environmental agenda becomes a subsidiary of economic growth.

In this context, the “Green Deal” has been summarised in the 8th EAP as devoted to boost economic growth based on a green transition allowing a sustainable, climate-neutral and resource-efficient economy which is able to protect, conserve and enhance the EU natural capital (European Parliament & Council of the EU, 2022, p. 23). This abstract is noticeable given that the environmental dimension is clearly set within the economic agenda. In particular, the “Green Deal” proposes the following set of specific “deeply transformative policies” (European Commission, 2019, p. 4-15), which arguably are more than economic-centred:

1. Achieving climate neutrality by 2050, with targeted reductions of greenhouse gas emissions set for 2030 and proposing a specific EU strategy on adaptation to climate change.
2. Transitioning to clean, affordable and secure energy supply.
3. Mobilising industry for a clean and circular production, with digital technologies being critical enablers in this respect.
4. Constructing new buildings and renovating the old ones with energy performance.
5. Accelerating the shift to sustainable and smart mobility, mainly by multimodality and shifting freight from roads to rails and inland waterways.
6. Designing a fair, healthy and environmentally-friendly food system, ambitioning to significantly reduce the use of inputs such as fertilisers, pesticides and antibiotics.
7. Preserving and restoring ecosystems and biodiversity.
8. Preventing ground, surface and air pollution.

In any case, the European Parliament and Council of the EU (2022, p. 23) are accurate in the 8th EAP when they indicate that the “Green Deal” has been somewhat overcome by the subsequent “Next Generation EU Recovery Plan” set for emerging from the exceptional circumstances experienced because of the Covid-19 crisis one year after (Council of the EU, 2020).

Interestingly, AEBR and EU (2021a) have delivered a joint report on the obstacles and solutions for border regions in the context of the “Green Deal” derived from the early *b-solutions* cases managed. Regarding the obstacles, they are grouped using seven of the above-mentioned eight sections of the original “Green Deal” (all of them except the first one). In relation to legal solutions, they are identified at different scales: at the European level, at the national and sub-national levels, at the subnational level and with regard to the European Cross-Border Mechanism (ECBM) that was initially proposed in 2018 and that still is pending, whose draft has been recently amended (European Commission, 2018, 2023).

Aim and Methods

This chapter examines 28 *b-solutions* cases classified as environmentally-oriented in the context of the “Green Deal” passed in 2019, echoing the analysis developed jointly by AEBR and EU (2021a). However, this text extends the scope until 2024, incorporating the last waves of *b-solutions*, and discusses the typology proposed by AEBR and EU (2021a). Moreover, AEBR and EU (2021a) systematised 16 cases until 2022, but only ten of them match in terms of the universe of analysis between that report and this text – five are in the former but not in the latter and one is in the latter but not in the former. Importantly, the classification

of the 28 *b-solutions* cases as green/environmental has been developed by the AEBR itself for internal purposes, kindly facilitated for our academic scrutiny.

The research here departs from the analysis of the aforementioned AEBR spreadsheet. In addition, this chapter greatly benefits from the three reports from AEBR & EU (2020, 2021b, 2024) systematising the results of the successive calls of *b-solutions*, although 13 of the cases analysed here are recent and still did not appear in the third compendium. For these 13 cases, the original final reports are analysed, numbering eight; however, five reports have still not been submitted but are considered in these pages for the overall analysis taking into account the scant available information, namely two cases being developed in parallel to one whose report has been already finished – these three advised for the European Grouping of Territorial Cooperation (EGTC) Euregio Meuse-Rhine (see below). Furthermore, our sustained research about the River Minho EGTC, with two green/environmental *b-solutions* granted, has also been pivotal for the analysis developed here.

Overall Analysis and Discussion

The AEBR lists 175 *b-solutions* cases in total since 2018. Accordingly, only 16% of the total cases are considered environmental/green. This is a limited participation of this component, while

other constituents seem to be more numerous (see the other chapters in this book). According to Figure 1, this participation has been quite uneven across the six calls delivered since 2018, ranging from the lowest 7% in the first *b-solutions* 2.0 call in 2022-2023 to the noticeable upturn of the last ongoing call (2023-2024), where almost one quarter of the total is devoted to the environmental/green dimension.

Our thematic typology consists of seven types of cases (Figure 2). The most common is waste, recycling and pollution management (n=7), followed by protected areas and biodiversity conservation (n=5). There are two types with four cases each one: energy, on the one hand, and primary industries, on the other. Bikes services and infrastructure and emergencies and natural hazards account for three cases each one, while there are two cases devoted to water management. According to Figure 2, there is no obvious correlation of the calls with the typology, although protected areas and biodiversity seem to be gaining momentum, as it did not appear until the third call (2020-2021) but in the current ongoing call (second *b-solutions* 2.0) equalises the most frequent type, with four cases each type.

These results contrast with AEBR & EU (2021a), which classified “preservation of ecosystems and biodiversity” as the first theme of the green/environmental *b-solutions* cases. This variance is not only due to the different universe of study referred above, but also because

AEBR and EU (2021a) amalgamated water management and emergencies within this type. In fact, as earlier said, the importance of the protectionist/conservationist type has escalated in the last call (Figure 2), implying that still in 2021 had not attained the relevance that has been inferred in the overall analysis.

Figure 1. Distribution of *b-solutions* cases (2018-2024)
Source: Own elaboration making use of AEBR internal dataset

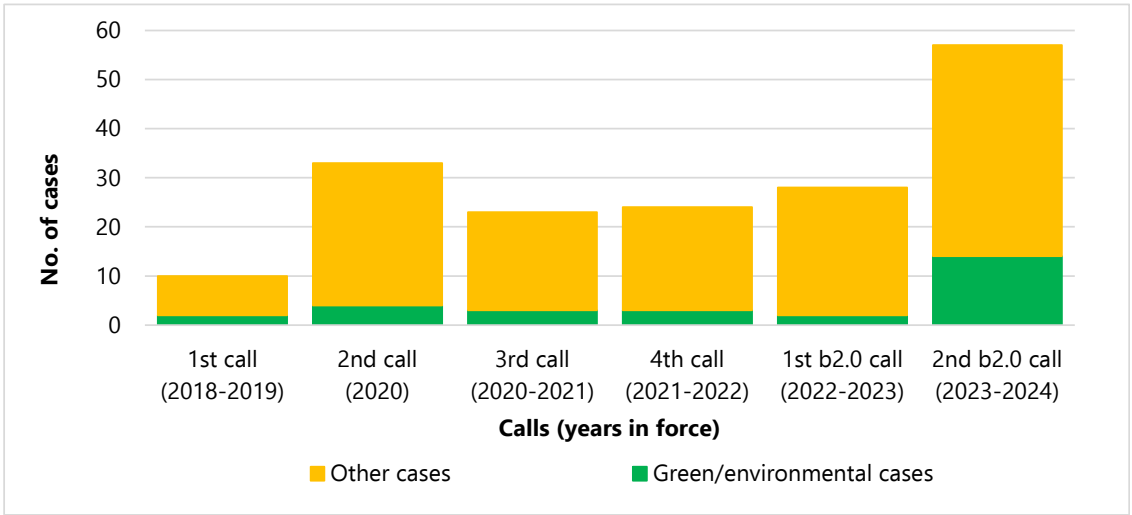
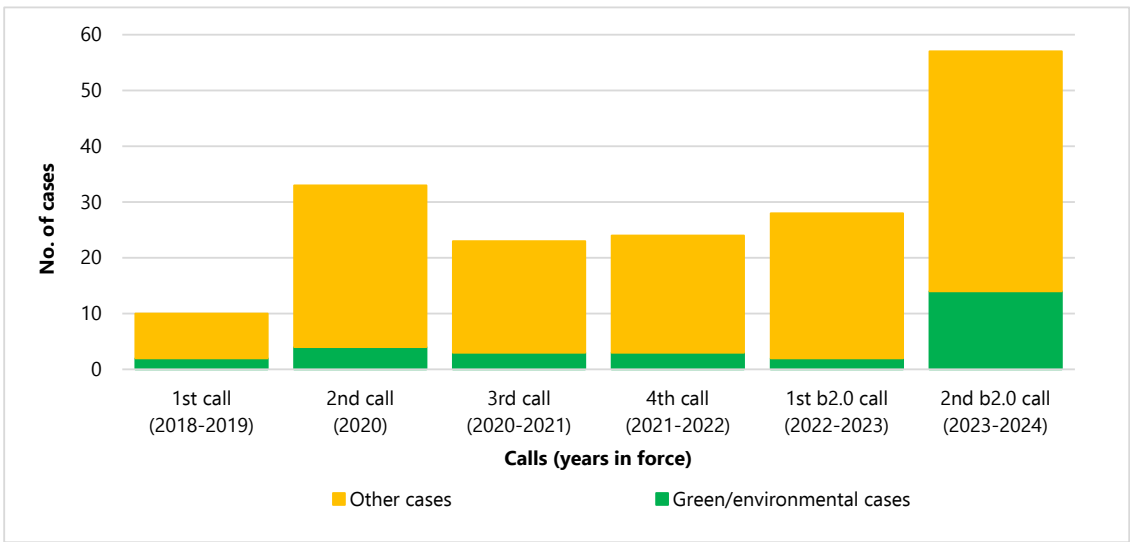


Figure 2. Typology of green/environmental *b-solutions* cases (2018-2024)
Source: Own elaboration according to the data analysis carried out



In geographical terms, the member-state whose borders have participated more in green/environmental *b-solutions* is Germany (n=9). Except for two cases shared by Bavaria and Austrian counterparts, the other seven are located in the Western borders of Germany with the Benelux and France. If these seven cases are summed up with the other four that are between Belgium, France, Luxembourg and the Netherlands themselves, we obtain that 40% of the total are located in this region. This is not surprising given that, since the 1950s, this macro-region has concentrated the major intensity of European cross-border cooperation with the earliest euresios/euroregions – partially conveyed by means of the *Conférence des régions de l'Europe du Nord-Ouest* (CRENO), dissolved in the late 1990s –, which the European Commission renamed as “Centre Capitals”, “the nerve centre of the Union” (European Commission, 1994, p. 173; Paül et al. 2017). The particular region with more advised green/environmental *b-solutions* is the EGTC Euregio Meuse-Rhine, with three led by the EGTC itself and one by the German-speaking Community of Belgium but mostly matching with the EGTC area.

Another significant border area earmarked for green/environmental *b-solutions* is the Spanish-Portuguese *raya/raia*, with five cases, one also shared with France. Four of them are advising institutions from either Galicia and/or Northern Portugal, two in particular from the River Minho

EGTC. With three initiatives in total, the Hungarian-Croatian has also received specific attention in terms of the green/environmental *b-solutions*, two cases being advised for the Mura Region EGTC.

The remaining border regions advised for green/environmental *b-solutions* are single-case. Globally, Western Europe is dominant *vis-à-vis* Eastern Europe, although the environmental issues in the latter are equally – if not more challenging – than in the former (Bonsinetto et al. 2013; European Commission, 1994; Lois González, Feal Pérez & Paül, 2013; Olcina & Blázquez, 2019). In this sense, what it seems apparently more relevant in terms of participating in green/environmental *b-solutions* is the willingness to reinforce existing cross-border cooperation.

Thematic Analysis and Discussion

Waste, Recycling and Pollution Management (n=7)

Six *b-solutions* cases are directly related to the challenges linked to cross-border transport and/or management of waste and pollution. The other one included in this first type is not specifically cross-border in nature but has to do with the implementation of an Interreg project devoted to the different legislations existing in three member-states with regard to the reuse of recycled wastewater for vineyards, impeding

the implementation of the same management system for these crops in France, Spain and Portugal. However, the seven cases share the departure point of the heterogeneous legislative and normative frameworks existing in each country, despite the overall shared applicable Directives and Regulations produced by the EU on environmental affairs recognised in the documents of each one and in the literature (McGiffen, 2005; Olcina & Blàzquez, 2019).

Five cases are about waste transport in specific cross-border regions: general waste between the German town of Münster and the Dutch town of Enschede (and 14 other Dutch municipalities); electronic and electrical waste between Galicia and Northern Portugal, again in the context of an Interreg project; and recyclable plastic waste in the EGTC Euregio Meuse-Rhine (with three specific *b-solutions* cases, one for each binational border: Belgium-Germany, Germany-the Netherlands and the Netherlands-Belgium). A case in point deals with the differences in air pollution vignettes on the vehicles in force in France and Germany, affecting cross-border mobility of the Eurodistrict Strasbourg-Ortenau EGTC. Globally, four of these seven projects have been advised for EGTCs.

The tangible solutions proposed for this first type are focused on member-state normative harmonisation in the context of the applicable EU legislation, affecting acts, plans and/or other national and sub-national (in federal states and devolved governments)

legal norms. Also there are references to existing bilateral agreements, such as in the German-Dutch case, where a specific development in the context of the Dutch-German Anholt Treaty signed in 2018 is cited. Moreover, the ECBM is mentioned once as a possible solution for the air pollution vignettes differences in cross-border regions and a further Interreg project is also proposed once for standardising electronic and electrical waste management procedures.

It is true that the “Green Deal” includes some mentions to waste, but refers to the need to reduce it in the context of a necessary transition to a clean and circular economy (European Commission, 2019: 8), which becomes in reality the guiding political principle. In general terms, the emphasis on waste of the *b-solutions* case has to do with the practicalities of waste transport in cross-border contexts because of the heterogeneous legal frameworks side by side and, although there are references to circular economy and waste reduction, they are not the prevalent point. The same is applicable to pollution: the European Commission (2019, p. 14-15) set the need to tend to zero pollution, but the only *b-solution* analysed regarding pollution is about the intransferability of air pollution vignettes. This is not to say that the *b-solutions* analysed in this section do not have a real applicability in green/environmental terms for cross-border areas; as here argued, they have a real impact.

Protected Areas and Biodiversity Conservation (n=5)

The five cases of this type depart from the fact that nature knows no borders, but protection devices designated for nature are bordered (Trillo-Santamaría & Paül, 2016). In all cases there are differences between the protection devices on both sides of the boundary. In three cases centred on river banks (two on the Mura river and one on the Minho river), these differences are apparently less, given that the pan-European Natura 2000 network designated since the Council of the European Communities (1992) is protecting both banks accordingly. However, again, there are noticeable dissimilarities in the application of EU Directives in every member-state, as the literature has already explained with regard to the development of Natura 2000 (Rodríguez-Rodríguez & Paül, 2024). In one case this network is only applicable to one side of the border, given that the other is non-EU: Doubs Natural Park (Switzerland)-Doubs Horloger Regional Natural Park (France), where nevertheless there is a TBPA agreement in force, renewed in 2023, including a cross-border committee. Finally, for the Mura river (with two cases – one more focused on biodiversity and protection devices, and the other related to biodiversity, fishing and tourism) and for the French-Swiss case, transboundary biosphere reserves (TBR) are mentioned, in the former existing and in the latter as a possible solution. However, research

evinces that biosphere reserves are a solution in themselves and, again, that ironically their implementation varies from country to country (Paül, Vila-Lage & Trillo- Santamaría, 2022; Trillo-Santamaría & Paül, 2016).

The solutions invoked for cases of this type include, as already mentioned, TBRs and enforcing the common management of the already in place Natura 2000 network under the applicable EU Directives. Additionally, in all cases except one – because one side of the border is non-EU – the EGTCs are appealed as essential partners, and in fact in these four cases, the EGTCs themselves are the advised entity: Mura River, Minho River and Eurometropolis Lille-Kortrijk-Tournai. Other case-specific solutions include the application of the Spanish-Portuguese Valencia Treaty signed in 2002 for managing the Minho River uniqueness. Moreover, the advice developed for the Eurometropolis Lille-Kortrijk-Tournai with regard to the Lys islets and stagnant meanders includes a wide range of possible solutions which range from earmarking further Interreg projects managing the area to changing the boundary line between Belgium and France, embracing also the application of the ECBM when passed.

With regard to the “Green Deal”, the five cases analysed in this section are highly correlated with its section “Preserving and restoring ecosystems and biodiversity” (European Commission, 2019, p. 13-14). This

means that the *b-solutions* formulated are relevant practical developments for cross-border areas in this specific domain.

Energy (n=4)

The four cases of this type are very similar, three of them being located in cross-border areas of two municipalities: Hermagor (Austria) and Pontebba (Italy); Ralingen (Germany) and Rosport-Mompach (Luxembourg); and Vreden (Germany) and Winterswijk (the Netherlands). The fourth is wider, consisting of the Euregio Via Salina (Austria and Germany). In all of them, there are initiatives with regard to renewable and/or citizens' communities' energy production that have been designed or potentially might be cross-border. However, although the EU has set legislation with regard to energy production and distribution establishing the possibility of cross-border "Renewable Energy Communities" (RECs) and "Citizen Energy Communities" (CECs) (European Parliament & Council of the EU, 2018, 2019), there are challenges to their practical implementation and operability given that national/sub-national legislation is not always consistent in this respect.

The solutions proposed for this section are related to the RECs and/or the CECs by means of procedures such as: revising the EU legislation, signing bilateral agreements, creating cross-border coordination structures,

enhancing the transposition of EU Directives into member-states legislations, changing the countries legal frameworks and developing further specific Interreg projects in this respect. Importantly, as stated in the German-Luxembourgish case, an EGTC cannot be used for the purposes of developing a CEC given that an EGTC excludes the participation of individual citizens and allows the participation of private actors only under certain conditions. This fact leads towards the need to make use of devices set in the EU Regulations on economy, such as European Economic Interest Groupings (EEIGs) and European Cooperative Societies (SCEs) (Council of the European Communities, 1985; Council of the EU, 2003).

These four *b-solutions* cases are in line with the "Green Deal" agenda on energy (European Commission, 2019, p. 6), but they are modest in comparison with the broad goals set in the 2019 document. More ambitious solutions are required in cross-border contexts to contribute towards supplying clean, affordable and secure energy for the EU. In fact, energy has always had a central place in the hierarchy of EU concerns, as elucidated by McGiffen (2005, p. 157).

Agriculture, Livestock and Timber Industries (n=4)

This type comprises two *b-solutions* cases focused on sustainable agricultural management by means of developing alternative food networks applied to distribution, that is, enhancing short

supply changes (Paül & Haslam McKenzie, 2013). They are devoted to two specific cross-border areas with their respective EGTCs: Linieland van Waas en Hulst between Belgium and the Netherlands and Pannon between Hungary, Croatia and Slovenia. For the former, there is still no available information, but for the latter, the listed obstacles include administrative complications such as tax differences and several non-harmonised procedures, plus a lack of cross-border information and the difficulties associated with language barriers. Bilateral cooperation between the relevant levels of government is the main envisaged solution.

In this type there are also other two *b-solutions* cases that differ from the agricultural ones and are also very different between themselves. On the one hand, one about timber construction between the Southern-most border region of Norway and Sweden. On the other, another one about vegetable and animal byproducts using them as fertilisers in the Zugspitzregion in Southern Bavaria, bordering with Tyrol. The former might be considered part of the prevalent waste type, but the focus on agriculture is strong. Again, the problems listed for these two projects are the administrative differences between member-states. While the solution in the German-Austrian case focuses on the need to impel the EU in this domain, in the Norwegian-Swedish counterpart some solutions are envisaged in the framework of the Nordic Council of Ministers.

The “Green Deal” agenda includes a specific section on designing a fair, healthy and environmentally-friendly food system (European Commission, 2019, p. 11-12) which is consistent with the orientation of the first two cases mentioned in this section, translating to cross-border areas the needs present everywhere in Europe. The other two *b-solutions* are, respectively, more in line with the policies sections on constructing new buildings and the move towards a circular economy (European Commission, 2019, p. 7-10).

Emergencies and Natural Hazards (n=3)

Two of the emergencies considered in this type are specifically wildfires and the third one is more generic, about natural hazards happening in an Alpine environment (e.g. avalanches and floods). The latter is advised for the EGTC Tyrol-South Tyrol-Trentino, while the two former are for the Regional Government of Extremadura, bordering with Portugal, and an ongoing Interreg project between Croatia and Italy. There is no available information for the latter, but the other two show that there are general obstacles in this domain (the lack of cross-border management in natural hazards), while, in other border areas that have made progress in this respect, technical challenges such as the lack of mutual recognition of operator certificates and the required skills requirements for the involved stakeholders persist. The solutions consist of harmonisation between the involved countries, by making use of

bilateral protocols already existing (between Portugal and Spain, the one signed in 1992 in Évora and amended in 2018 in Valladolid) or new ones (between Tyrol and South Tyrol) applied to this particular topic. The ECBM is also mentioned as a forthcoming solution in the Portuguese-Spanish case, while in the trans-Tyrol case the EGTC reinforcement.

Natural hazards and emergencies are not verbalised in the “Green Deal” by the European Commission (2019). However, it is obvious that climate change, which is present in this document as the first policy area (European Commission, 2019, p. 4-5), is implying the increasing affectation of natural hazards (Olcina & Blázquez, 2019). In this book, the *b-solutions* contribution to cross-border emergencies management is examined in another chapter.

Bike Services and Infrastructure (n=3)

In the three *b-solutions* cases under this type, electric bicycles (e-bikes) in cross-border areas by means of common sharing operators are already functioning, or there are plans to do so: four German-speaking municipalities of Belgium plus Aachen (Germany) and possibly Vaals (the Netherlands), Gorizia-Nova Gorica (Italy-Slovenia) and six municipalities in the Galician-Portuguese river Minho border. In the latter two cases the e-bikes systems have been implemented, including the appropriate infrastructure, by means of the respective involved EGTCs

(EGTC GO and River Minho EGTC), but the first one is also covered since 2019 by the EGTC Euregio Meuse-Rhine – however, the advised entity for *b-solutions* purposes was the Belgian German-speaking Community. Be that as it may, in the three cases obstacles are observed to these developments because of regulatory and administrative differences between the involved countries, including accident insurances, taxation and potential revenues. The identified solutions enhance the roles of the EGTCs in this respect and comprise common EU taxation and administrative procedures set by means of relevant EU legislation.

Bikes are not verbalised in the “Green Deal”, although the section on sustainable and smart mobility is logically consistent with e-bike systems (European Commission, 2019, p. 10-11). In this book, the *b-solutions* contribution to cross-border mobility is examined in another chapter. In addition, our research in the River Minho EGTC suggests that e-bikes have been implemented more for leisure and tourism than for a modal shift from private vehicles.

Water Management (n=2)

The two *b-solutions* dealing specifically with water are different in nature: while a Latvian-Lithuanian one is related to the need to develop further groundwater data harmonisation, a Belgian-French one is devoted to solving problems regarding water governance in a cross-border TBPA which has

achieved the status of an EGTC (Scarpe-Escaut). The specific solutions for the former are proposed under the so-called “Water Framework Directive” (European Parliament & Council of the EU, 2000), with the identification of further Interreg projects that could enhance cross-border cooperation: for the continuation of the cooperation in monitoring the water resources in the Latvian-Lithuanian case and for encouraging mutual learning, exchanges and visits in the Belgian-French case. The latter also includes the need to develop bilateral water management plans and the ways by which the EGTC can be implicated in this respect.

Water is only mentioned in the “Green Deal” by the European Commission (2019) with regard to pollution and waterborne transport. These topics are not the foci of the two *b-solutions* examined in this section, which seem to be more directly related to the cross-border particularities of the “Water Framework Directive” implementation and many other EU environmental developments according to Olcina and Blàzquez (2019).

Conclusions

As argued in the previous pages devoted to the thematic analysis and discussion of the 28 revised *b-solutions* cases, they contribute in many respects to some practical achievements of the “Green Deal” expounded by the European Commission (2019) in cross-border

contexts. Above and beyond, however, they represent a real contribution to the environmental agenda of the EU as a whole by seeking for a set of practical solutions in cross-border regions in this portfolio, including aspects such as sustainable mobility, waste management and/or water management. More than strictly focusing on the “Green Deal”, the 28 cases at stake here are in line with the longstanding EU concern and commitment with the environment as illustrated by McGiffen (2005) and Olcina and Blàzquez (2019).

In this sense, arguably the “Green Deal” might land on in cross-border areas with deeper investigations on topics such as effective greenhouse gas emission reductions, implementing low-carbon infrastructure, producing clean energy, guaranteeing environmentally-friendly food systems and/or restoring ecosystems; all these contents are sought by the European Commission (2019), but have been barely explored by the *b-solutions* developed in the last years. In this sense, AEBR and EC (2021a) omitted climate ambition, the first transformative policy of the European Commission (2019, p. 4-5), a gap that needs urgently to be filled in.

Therefore, there is still a long way to go, taking into account that, quite possibly, the “Green Deal” is not more than one of the waves of the mid-term evolution of the environmental policies of the EU led by the EAPs (McGiffen, 2005; Olcina & Blàzquez, 2019; European Parliament & Council of the EU, 2022), implying that

it is more pertinent an engagement to the latter than to the former. Despite widespread criticisms (Bonsinetto et al. 2013; Lois González, Feal Pérez & Paül, 2013; McGiffen, 2005), the EU environmental/green portfolio shows an enviable capacity to percolate all the decision-making instances, inclusive of *b-solutions* as this text has evinced.

Interestingly, the analysis undertaken in these pages shows constant connections between the green/environmental *b-solutions* developed, on the one hand, and the already set cross-border structures/initiatives, on the other, both globally –e.g. TBPA's and TBRs – and at the EU level –e.g. Interreg and EGTCs (Paül et al. 2017; Trillo-Santamaría & Paül, 2016). These structures/initiatives seem to be the primary inductors of the *b-solutions* examined here, rather than environmental/green aspirations. In this sense, it can be argued that *b-solutions* reinforce the pre-existing procedures by seeking specific cross-border tools for surpassing the specific obstacles identified, going beyond the previous instances and, at the same time, interacting with them.

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What does *b-solutions* indicate about the role of EGTCs in solving border obstacles and creating innovative models of collaboration

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Introduction

In this article, the results and indications of the *b-solutions* projects concerning the role of EGTCs in solving border obstacles and creating innovative models of collaboration are examined in depth. To do so, the author has investigated the different documents that have been created as output in the *b-solutions* project carried out by the Association of European Border Regions and financed by the Committee of the Regions (Association of European Border Regions & European Commission, 2020, 2021, 2024). Through the assessment, the *b-solutions* case studies are being checked in the light of their potential to become a model project. As a result, this article aims – in the context of this special issue publication – to evaluate to what extent *b-solutions* can deliver approaches to tackle cross-border cooperation challenges and what is still missing to fulfil this mission.

The paper is structured as follows: firstly, the European Grouping of Territorial Cooperation (EGTC) will be briefly presented and its role in overcoming obstacles discussed. This is followed by analysis of *b-solutions*

documents that engage EGTCs as case studies. Subsequently, *b-solutions* and its role in addressing various EGTC border concerns and in innovating collaboration will be assessed. The author concludes with a summary and outlook.

The European Grouping of Territorial Cooperation (EGTC) and its role to overcome border obstacles

The European Grouping of Territorial Cooperation (EGTC) is an EU legal instrument that has been introduced to facilitate and strengthen cross-border, transnational and interregional cooperation of public and territorial authorities in Europe. More precisely, it was aimed – in the beginning – to support European Territorial Cooperation (ETC) in Europe by providing a legal transnational instrument to support cross-border management and coordination and to overcome national boundaries, bottlenecks and asymmetries caused by the national border that divides territories with two different legal, administrative and political systems.

Initially, thus, it served as an implementing scheme for the ETC programmes – whether they may be cross-border, transnational or interregional. In the first years, after the introduction, it was also discussed as a promoter of a Europe of the (cross-border) regions from the bottom-up (Evrard, 2016, 2017; Ulrich, 2021). Later, after the 2013 EGTC reform, it was also opened up for the management of public services and services of general and economic interest (Krzymuski & Kubicki, 2014). This will be more in-depth discussed in the following sections.

EGTC as an instrument for better cooperation, coordination, management and governance

The initial aim of the EU legislation was to create a facultative cross-border legal instrument with an own legal personality that can be applied for specific purposes by territorial and public authorities from at least two initially EU – and later also third countries – to cooperate in a more easy and efficient way in a cross-border manner in a specific project, programme, policy field or in various policy fields. Thus, at that time, the interest and the questions that were discussed revolving around the EGTC were, how can the EGTC make cooperation, coordination, management and/or governance more efficient across borders. In this context, several studies have been published by scholars (Engl, 2014, 2016; Evrard, 2016, 2017; Evrard & Engl, 2018; Krzymuski et al. 2017; Telle & Svensson, 2020) and EU institutions or European-wide think

tanks and institutes (Zillmer et al. 2018, 2020; Ocskay, 2020).

EGTC as an inclusive, innovative and participatory political opinion-formation and decision-making forum

In further academic and political discourses, the EGTC has been assumed to foster bottom-up policy-making, planning and development underneath the nation state(s) and in a cross-border fashion. This was discussed under the notion of inclusive, innovative or participatory governance (Engl, 2015; Ulrich, 2021). This shall not only innovate cross-border policies, but also to legitimise EU politics on a (cross-border) regional level.

EGTC as a coordinator for public services and services of general and economic interest

A third reading of the EGTC gained momentum after the 2013 EGTC regulation reform when the coordination of services of general and economic interest was allowed in a cross-border context (Krzymuski & Kubicki, 2014). After that, also concrete specific cross-border challenges that were often also situated in the realms of public service provision across borders (transport, health cooperation, emergency services) were discussed with focus on the EGTC (Zillmer et al. 2018; 2020).

In the following, the EGTC will be discussed in the context of the *b-solutions* project.

***b-solutions* and classification and quantity of EGTC naming**

The *b-solutions* project aimed at finding solutions to 131 cases in Europe that have been identified between 2018 and 2023. The results have been gathered in the three compendiums and one annex. To investigate the identified roles of EGTCs in solving border obstacles and creating innovative collaboration, first, an initial quantitative and categorizing assessment of the naming of the EGTC in the main project documents will be conducted, followed by an in-depth analysis in the next section.

In the three main *b-solutions* documents, the “EGTC” is mentioned several times. In the book, *b-solutions: Solving Border Obstacles. A Compendium 2020-2021*, 83 matches for “EGTC” have been made. 73 matches were identified in the publication, *b-solutions: Solving Border Obstacles. A Compendium 2022-2023*. “EGTC” and 48 matches were in the publication, *b-solutions: Solving Border Obstacles. A Compendium of 43 Cases*.

There have been four different contexts for naming the EGTC: 1) EGTC’s that have been the applicants of the case studies, 2) the functioning of an EGTC as a case study, 3) the EGTC as a solution to a cross-border obstacle and 4) the EGTC as innovative models of collaboration.

EGTCs as applicants

Cross-border consortia with members from at least two EU member

states could apply for the *b-solutions* projects and cases. What becomes obvious when looking at the applicants is that there is a high amount of EGTCs as applying institutions. That could express the cross-border character of an EGTC as it is already cross-border and entails two member states and, moreover, the probably higher European connectivity of such groupings is mirrored here.

Functioning of an EGTC as a case study

The second category of mentioning the EGTC is when it comes to the EGTC as an object of investigation itself. There is at least one project that specifically focuses on the EGTC as an organisational structure i. In the project EGTC as subsidising authority, by the EGTC Linieland van WaasenHulst, the EGTC is the interest of investigation. This project also contains the German-French-Swiss Eucor’s application as documented in the *b-solutions* report (AEBR and EU 2020a) Making EGTCs more powerful: Legal certainty for provision of personnel to the EGTC.

Analysis of *b-solutions* and the role of EGTC in solving border obstacles and creating innovative models of collaboration

The EGTC is very often mentioned in the *b-solutions* reports. Concerning the limited scope of this article, it will not be possible to name, describe and evaluate all the cases, the specific

identified obstacles and the EGTC-related solutions. Therefore, the focus of the analysis is the most prominently mentioned cases in the specific policy fields (employment, transport, health, institutional cooperation) and the general summarised conclusions concerning the solutions in the main reports and in which context and for what purpose the EGTC is considered to be used for. The analysis is structured as follows: Firstly, the EGTC will be analysed as a solution to a cross-border obstacle, as it is mentioned in the general conclusions of the *b-solutions* reports. Secondly, the use and expectation of the EGTC for innovative models of collaboration, as described in the report, will be assessed.

EGTC as a solution to a cross-border obstacle

The EGTC has been mentioned in different policy fields (employment, institutional cooperation, eGovernment) as a solution to a specific obstacle. In the field of employment, several cases have highlighted where the application or the adaptation of the EGTC is considered to be the proper solution.

One mentioned example is the question of staff employment in the EGTC concerning national public salary reception, taxation and social security. The Spanish-Portuguese Duero-Douro EGTC was described in the following way:

“The Duero-Douro EGTC (Advice Case 16) experiences difficulties when hiring

Portuguese staff in Spain because of the national applicability of taxation and of national social security rules. To hire Portuguese staff without incurring cumbersome procedure the b-solutions expert identified that the Duero-Douro EGTC needs to request changes to the legal/administrative framework both on the national and on the European level. [...] On the European level, the expert noted that allowing for two different tax numbers to be obtained for the purpose of verifying expenditure would also contribute to alleviating the obstacle, but this would require some changes in the implementation of the EGTC regulation”

(Association of European Border Regions & European Commission, 2020, p. 28).

The proposed solution by the legal expert involves changes to the EGTC, but not to the statutes or convention of a specific EGTC, but to the EU regulation governing the EGTC (which was introduced in 2006 and amended in 2013). The EGTC regulation reform of 2013 made some clarifications and specifications, but it still lacks information on EGTC staff taxation, social security indication and salary purchase.

The EGTC is also mentioned in the employment sector linked to business clusters:

“The Lazdijai District Municipality (LT) on the Lithuanian-Polish border (Advice Case 12) plans to create a cross-border business incubator in cooperation

with Polish local authorities. On the basis of the advice of this project, it became evident that there was a lack of clarity regarding the detailed legal and administrative framework for such a project, and some confusion about the nature of the actual or perceived obstacles to cooperation [...]. Thus, the adviser noted that progress could be achieved by using existing provisions for flexibility and joint projects, which are already provided for in the existing Polish-Lithuanian Agreement of 1996, and in using current EU legal instruments to establish a European Grouping of Territorial Cooperation (EGTC) or a European Economic Interest Grouping (EEIG). The creation of such a legal entity, within the existing bilateral agreements, would allow for the cross-border business incubator to enter into life”

(Association of European Border Regions & European Commission, 2020, p. 50).

As it can be seen in this Lithuanian-Polish case, the solution proposal of the advisor is the set-up of an EU cross-border legal instrument – an EGTC or a European Economic Interest Grouping (EEIG) – to start up this cross-border business incubator. For that, it should be noted that the EGTC is only open to public entities – national, regional, local authorities, public institutions – as being members of it, whilst the EEIG is open to private entities. Thus, the EEIG is the private counterpart of the public EGTC. The responsible actors, thus, need to decide whether they want a cross-

border structure dominated by public and territorial authorities (EGTC) or by businesses and private actors (EEIG).

Concerning the eGovernment field, the creation of an EGTC has also been discussed concerning procurement:

“Alternatively, if such changes could not be secured to procurement law, an amendment of the Regulation on the functioning of European Groupings of Territorial Cooperation could be made to introduce the possibility to regulate the use by EGTCs of different national thresholds for tendering procedures, effectively using EGTC regulations to derogate from normally applicable procurement law. Both proposed solutions would require a change of law at European level”

(Association of European Border Regions & European Commission, 2020, p. 30).

In general, the field of procurement is a difficult administrative task that underlies the EU law but also national law. Here, procurement requirements can be also identified in the statutes of the EGTC. In practice, the procurement law remains a hindrance. Therefore, flexible cross-border legal mechanisms are needed to overcome these obstacles and avoid new ones with an incomplete cross-border legal toolbox.

In the field of institutional cooperation, the EGTC itself is not the solution, but its incomplete character presents specific obstacles, particularly concerning taxation.

“Eucor – The European Campus EGTC (Germany-France-Switzerland) (Advice Case 30) had raised concerns about its capacity to continue cooperating because of uncertainties as regards tax administration’s issues. Composed by five universities from three different countries, Eucor has offices in Freiburg (DE) and Strasbourg (FR), whose personnel is seconded by the two local academic institutions. Because of the two offices, the EGTC is confronted with a complex situation where two different tax administrations meet. In the light of a full analysis of the legal framework applying to the obstacle presented by Eucor, the advice indicated that the European directive offers a solution to clarify which legislation prevails. This allowed to overcome the huge complexity of the legal and administrative ‘overlapping’ for the cross-border structure of the campus” (Association of European Border Regions & European Commission, 2020, p. 44).

This example illustrates how an EGTC, which is theoretically designed to facilitate cross-border cooperation, can in practice activate existing or create new boundaries. A second amendment of the EGTC regulation, or a complementary regulation like the introduction of the European Cross-Border Mechanism regulation, is needed to complete the initial intention of the introduction of the EGTC.

After these specific EGTC-related solutions to obstacle case studies, the following section will analyse the

summarised key findings concerning the solutions with a focus on the EGTC.

In the 2021 published Compendium 2020-2021, the main summarised solutions are the following ones:

- *“In this sense, possible solutions to ease interactions in a cross-border context include:*
- *adjusting applicable legal frameworks in favour of cross-border interactions;*
- *harmonising administrative practices in a number of areas;*
- *strengthening cross-border cooperation by formally recognising it;*
- *supporting actors in applying the existing law more effectively,*
- *involving more actors in cross-border cooperation practices”*
(Association of European Border Regions & European Commission, 2021, p. 154).

Thus, general conclusions suggest an “adjustment” of the already existing legal tools to enhance their functionality. Moreover, the effectiveness of the existing law needs to be further applied. More concrete named solutions are the following ones:

- *“Establishing cross-border bodies and entities, including in the form of European Groupings of Territorial Cooperation (EGTC);*
- *raising awareness and increasing the knowledge of the applicable legal framework;*
- *preparing practical guides for the many stakeholders involved in a specific project;*

- *co-managing and coordinating actions between the various actors participating in a given project;*
- *adopting common protocols or Memoranda of Understanding;*
- *organising joint trainings;*
- *using available funds such as Interreg” (Association of European Border Regions & European Commission, 2021, p. 155).*

The EGTC is often named as a central solution. However, it needs to be well defined what it is aimed for. And the question is: What is the exact obstacle and how can the creation of an EGTC solve it? How can we prevent new boundaries from arising (see case examples, e.g. taxation, staff employment, procurement). To address these issues, the specific EGTC solution needs to be further checked in detail for each obstacle and case study.

EGTC as innovative models of collaboration

After analysing the EGTC as a solution to a cross-border obstacle, now it will be scrutinised concerning the stated possibility of the EGTC being used as innovative models of collaboration. Also here, the author focuses on specific highlighted cases in the policy fields of transport and health and then assesses the summaries of the *b-solutions* reports.

In the policy field of transport, the EGTC is considered, in a specific case,

to be an instrument to plan a public maritime transport service:

“The French Riviera Chamber of Commerce and Industry – CCINCA (Advice Case 19) is responsible for planning public maritime transport service on a coastal section between France and Italy. However, because of the limitation of the competences of local authorities outside national boundaries in the field of maritime transportation, projects have been blocked, preventing cross-border accessibility and modal shifts in transport. It was advised that the set-up of a public maritime cross-border transport service could be achieved on the basis of an amendment to the current French legislation in order to allow local authorities to regulate, manage and finance such a project. Also, as a more concrete step within the competence of the cross-border partners, the adviser suggested that the creation of a European Grouping of Territorial Cooperation would facilitate the coordination of the planning phase, as well as the management of finances through European Regional Development Funds ([ERDF] such measure falling under Category Two)” (Association of European Border Regions & European Commission, 2020, p. 34).

This would match with the possibility of using the EGTC for the coordination of services of general economic interest which is possible since the EGTC regulation reform from 2013. Thus, it is

a good model for creating such a cross-border body which shall coordinate the planning phase and the ERDF funds.

Besides this proposal for creating an EGTC to coordinate cross-border public service, also the most famous existing cross-border public service EGTC is discussed in the *b-solutions* project and documents – the French-Spanish EGTC Cerdanya Hospital:

“The Cerdanya Hospital EGTC (France-Spain) (Advice Case 26) has experienced significant challenges to the creation of stable cross-border teams of hospital professionals because of lack of recognition of diplomas across the border. Such teams are necessary for the proper functioning of the hospital. A specific proposal was set out in order to speed up the procedures for approval of contracting French doctors. This would involve an amendment to Spanish national law that would introduce a deadline by which the Spanish Ministry of Education and Vocational Training would have to provide a reply to any request with further provisions to allow that. In the absence of a reply within a designated “non-response period”, the hospital could proceed to hire the doctor in question. An alternative amendment put forward envisaged the delegation of the recognition of diplomas to the local medical association, thus moving the decisions closer to the region, reducing the bureaucratic burden of recruitment and maintaining crucial hospital staffing levels in a cross-border context”

(Association of European Border Regions & European Commission, 2020a, p. 38).

This demonstrates that the EGTC legal instrument and its EU regulation are not the barriers, but rather national regulations concerning diplomas, education and qualifications. This innovative model of collaboration in the field of public service and health, in the form of an EGTC, therefore, also faces national barriers and obstacles.

Following these two examples of the EGTC as innovative models of collaboration, some conclusions from the final report of 2024 will now be presented, where the role of the EGTC in the analysed cases will be discussed:

“Building on the ninety cases collected between 2018 and 2021, this compendium is filled with forty-one new cases selected in 2022 and 2023. This evidence-based document enables us to:

- *Further prove the existence and persistence of cross-border legal and administrative obstacles in border regions;*
- *Acknowledge the enduring impact of these obstacles on the socio-economic development of border regions, and the daily lives of approximately one-third of the EU population;*
- *Identify the various political, technical and legal means of addressing and resolving legal and administrative obstacles;*

- *Emphasise the need for sustained political support and commitment at all levels, alongside concrete actions;*
- *Illustrate that improved cross-border cooperation requires the collaboration of all levels of government - local, regional, national, and European;*
- *Highlight that most of the identified obstacles stem from national laws, due to divergent national legal frameworks that do not take into account the specificities of the cross-border context;*
- *Explore solutions such as establishing or using cross-border structures like European Groupings of Territorial Cooperation (EGTC), or the adoption of bilateral agreements to overcome these legal obstacles;*
- *Demonstrate that border regions would benefit greatly from an EU legal tool, such as the amended proposal for a Regulation on ‘Facilitating Cross-Border Solutions’ to overcome obstacles to cross-border cooperation.”* (Association of European Border Regions & European Commission, 2024, p. 156).

In comparison to the former *b-solutions* reports, the final states that cross-border legal tools shall be explored rather than established, as formulated formerly. Thus, here it is used a more cautious wording. Moreover, not only cross-border legal entities are mentioned but also bilateral agreements. The conclusions, hence, suggest a diversified approach, using different instruments to solve specific cross-border obstacles, rather than

relying solely on the creation of an EGTC as a panacea, which is also stipulated in the further text:

“The results of the b-solutions’ key findings show that financial resources like Interreg and administrative tools like EGTCs are fundamental to enable cooperation across borders, but they alone are not enough to solve legal and administrative obstacles” (Association of European Border Regions & European Commission, 2024, p. 159).

As stated in the policy recommendations, a “complementary way to tackle border obstacles” should be pursued (Association of European Border Regions & European Commission, 2024, p. 160).

An EU wide legal tool could be a further instrument to address the remaining legal obstacles in cross-border cooperation. This tool could be based on the amended proposal for a ‘Regulation on Facilitating Cross-Border Solutions’, adopted by the European Commission on 12 December 2023. It could lead to communication between the different cross-border institutions through so-called Cross-Border Coordination Points (CBCPs) and to the creation of a new legal tool, the “Cross-Border Facilitation Tool” (see Association of European Border Regions & European Union, 2024, p. 159).

This EU instrument could solve the specific barriers in the border regions, including those that cannot be resolved

by the EGTC regulation alone. The author agrees with this statement in the conclusion of the final *b-solutions* report:

“With an EU-wide instrument, legal and administrative obstacles, perceived threats and defensive positions could turn into innovative solutions, real opportunities and a collective reaction towards a Europe of the regions where no border region is left behind” (Association of European Border Regions & European Commission, 2024, p. 159).

Summary and Outlook

The European Grouping of Territorial Cooperation has played a relevant role in the *b-solutions* project and can be found in various contexts in the reports and documents. Reviewing the documents, EGTCs appears in several different connotations – as actors seeking solutions, as *b-solutions* case studies, as solutions to obstacles and as innovative collaboration models. Here, the two latter contexts are examined more in detail.

With regard to the narrow extent of this article, it was not possible to scrutinise all the cases, the specifically identified obstacles and the EGTC-related solutions. Hence, the focus of the analysis was mainly on the highlighted cases in the reports within the specific policy fields (employment, transport, health, institutional cooperation) and on the general summarised conclusions with reference to the EGTC.

What the analysis of solutions to specific case studies has revealed is that the creation of the EGTC brings no complete solution to obstacles, but can also sustain existing ones or even create new ones. For example, legal concerns in the fields of taxation, social security contributions and ages levels cannot be managed in a cross-border context.

When analysing the EGTC as innovative models of collaboration, the EGTC as a coordinator and manager of cross-border services of general and economic interest/ public services (i.e. transport, health, nature protection, energy, infrastructures) appeared to be a promising approach as this is possible to do so since the EGTC regulation reform in 2013. This is an innovative and citizen-centred usage of this legal instrument and thus “Europe on the ground.”

Yet, legal boundaries remain despite the creation of an EGTC as seen in the case of the Spanish-Portuguese Cerdanya Hospital. Therefore, the EGTC as an incomplete legal instrument for dealing with cross-border obstacles. Further steps indeed need to be taken. One possibility is a novel amendment of the EGTC regulation. Another option is to create a flexible legal cross-border mechanism that complements the EGTC and completes the EU legal toolbox to overcome the obstacles and bottlenecks in the EU border regions, to exploit the potentials of the border regions and to build a “Europe of cross-border regions”.

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Legal Perspectives Supporting Multi-Level Governance for the Benefit of Citizens

Introduction

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Legislative changes may frequently help to remove obstacles to cross-border cooperation and the development of cross-border functional areas. In the European multi-level governance system, legislative changes can be implemented at all levels, from EU to local, depending on the type of legislative action and the extent to which the national framework is favourable for the adaptation to local contexts. The scope for sub-national legislative action also varies according to the type of obstacles and topics. Irrespective of whether legislative action is the only and sufficient solution, these changes should benefit citizens in border regions in the sense that they strengthen their rights and that the solutions adequately consider the specific territorial conditions of the border regions.

This contribution reviews the legal considerations in the *b-solutions* project with a focus on solutions that (1) create systematic active subsidiarity, (2) support citizens' legislative rights and (3) facilitate the delivery of EU agendas. To this end, this chapter begins with a review of the variety of legal approaches and tools proposed in

b-solutions publications – compendia and booklets. Based on this general review, the following sections take a closer look at the legal proposals. With the help of examples, these sections examine the extent to which the proposals are likely to enhance citizens' legal rights and contribute to active subsidiarity. They also review the contribution to shifting the perspective from a single region to the whole cross-border region. In this context, the use of legal tools by cooperation structures may be of interest. As regards the contribution to the implementation of EU agendas, the analysis also examines whether and how tools and solutions differ between European policy areas.

Proposed legal solutions and tools

Most of the proposed legal solutions refer to existing tools and possibilities. However, some proposals are also more forward-looking and refer to future tools or solutions. A comparison of the main solutions proposed in the three thematic

b-solutions publications (Association of European Border Regions [AEBR] & European Commission [EC], 2021a, 2021c, 2021d) summarises which legal solutions have been proposed most frequently. At the same time, this comparison points to some peculiarities of the different policy topics, which are further discussed at the end of this chapter.

As a note of caution, the following perspectives focus on the individual legal solutions proposed rather than on whole cases of obstacles. For example, several legal solutions may have been proposed for an obstacle, either to complement each other or to present different alternatives that may help to overcome the identified obstacles. Consequently, the analysis does not compare the alternatives in terms of their suitability for overcoming particular obstacles.

Existing tools and possibilities

Starting at **EU level, existing legislation can be amended.** This refers to regulations and directives relevant for cross-border cooperation. Some examples of EU legal provisions proposed for amendment are Directive 2014/24/EU on public procurement, Decision 1082/2013/EU on electronic transactions (AEBR & EC, 2021c), Regulation (EC) 883/2004 on the coordination of social security systems (AEBR & EC, 2021d) and Directive 2008/50/EC on air quality (AEBR & EC, 2021a). Such amendments have been proposed for several policy

areas subject to EU legislation, such as transport, energy and the Regulation on the European Grouping of Territorial Cooperation (EGTC) (e.g. AEBR & EC, 2020b, 2024).

More changes to existing legislation have been proposed at national level. These may be implemented either unilaterally on one side of the border or may involve bi- or multilateral action by the countries concerned. Depending on the national governance framework, they may also be implemented at sub-national level. This change in national legislation can be implemented unilaterally or multilaterally, depending on the existence or relevance of a framework at EU level:

- Amending national legislation is often proposed to overcome differences in the transposition of EU legislation. Examples again relate to different policy areas, such as health (AEBR & EC, 2021c), environmental provisions related to wastewater management (AEBR & EC, 2021a), transport of cross-border workers in private cars, data protection or the EGTC Regulation (AEBR & EC, 2021b), to name but a few. Such amendments either concern the harmonisation of transposition or a better alignment of national transposition with the corresponding EU provisions.
- In other cases, changes to national legislation may not be linked to any EU legislation and have been proposed as unilateral or

- coordinated changes on both sides of the border. These proposals aim to remove inconsistencies caused by different national legislation. Examples of such legal solutions relate to the recognition of professional qualifications and different labour market requirements, the recognition of car emission certificates (AEBR & EC, 2021a), youth mobility, joint educational degrees or the taxation of cross-border workers (AEBR & EC, 2024).

A frequently proposed legislative solution is at the **supranational level**, aimed at amending existing agreements between neighbouring countries. The *b-solutions* analyses recognise that there are numerous bilateral and multilateral agreements that could be better tailored to the effective needs of day-to-day coordination. Examples relate to several policy areas such as health (AEBR & EC, 2021c) and cross-border planning (AEBR & EC, 2021a) in the Benelux and in the field of the transport and use of manure in agriculture between the Netherlands and Flanders (AEBR & EC, 2021b). At other borders, proposals deal with amendments to support the joint organisation of events, to improve rescue services under the French-Spanish Treaty of Bayonne and, in the case of the Øresund Agreement, with different aspects of labour market mobility (AEBR & EC, 2024). In some cases, the proposals suggest a new legal provision to complement existing agreements. Examples are the proposals for a

bilateral convention to institutionalise the recognition of diplomas under the existing framework agreement on health between France and Belgium of 2005 (AEBR & EC, 2021b).

Finally, legal action may be taken at local or regional level, using either supranational protocols or the EGTC. In some cases, it has been proposed to extend the tasks of existing EGTCs to overcome legal obstacles. Examples are the management of a special economic zone in Nova Gorica – Gorizia (AEBR & EC, 2021b), event management and other coordination activities (AEBR & EC, 2024). In other cases, proposals suggest the foundation of an EGTC to develop a common legal framework. Examples have been proposed for the management of an archaeological park (AEBR & EC, 2021b), for the establishment of a cross-border health facility, for the creation of a mobility coordination centre for public transport planning, for business development or as an action accompanying the amendment of the legal framework (AEBR & EC, 2024). The use of supranational protocols allowing the creation of cross-border structures comparable to the EGTC has also been proposed in a few cases. Examples are the use of the Benelux Grouping for Territorial Cooperation or the Karlsruhe Agreement (AEBR & EC, 2021b).

Future tools or solutions

Similar to the changes to existing legal instruments, a variety of new instruments or solutions have been

proposed, especially for the EU and at supranational level.

At the EU level the variety of proposals appears to be the most limited, but potentially the most effective, due to the impact of a changed framework on the possibilities for cooperation. Examples of new EU legislation are

- the “Business in Europe: Framework for Income Taxation” (BEFIT) initiative of 2023, which can support business exchanges in cross-border areas suffering from different tax systems between the neighbouring countries by establishing common approaches for Member States and common rules for the calculation of the tax base (AEBR & EC, 2024),
- the consideration of new EU regulations on the harmonisation of rules on wastewater and its re-use and the definition of minimum requirements to be adopted by Member States (AEBR & EC, 2020a),
- the proposal to create “new and comprehensive provisions for cross-border telework/home office to be applied in a uniform way across the EU” (AEBR & EC, 2024, p. 141).

The most frequently mentioned and potentially most impactful new tool is the legal instrument proposed by the European Commission in 2018, the **European Cross-Border Mechanism (ECBM)**, as amended in 2023 by the proposal for the so-called **Cross-Border Facilitation Tool**. Many *b-solutions* cases

“demonstrate the need to address differences in legal frameworks on both sides of the border” (AEBR & EC, 2024, p. 7). With the possibility to apply the legal provisions of one Member State in a certain territory of another Member State, the ECBM proposal aimed at overcoming obstacles arising from these legal differences (COM(2018) 373 final, 2018). The new proposal from 2023 suggests instead a procedure to facilitate the resolution of cross-border obstacles (COM(2023) 790 final, 2023). Most of the *b-solutions* cases were analysed before the amended proposal. Therefore, they refer to the ECBM rather than the Cross-Border Facilitation Tool. The variety of examples suggesting the use of the potential new tool is particularly high and refers to different obstacles in different policy areas.

For example, the *b-solutions* Compendium 2020-2021 (AEBR & EC, 2021b) mentions the ECBM as a potential solution in 18 of the 47 cases in this compendium. These cases cover all policy areas covered by the Compendium and their obstacles, including planning and institutional cooperation related to enclaves or special economic zones, various aspects of healthcare, recognition of professional qualifications, labour market and job seekers, transport, rescue and nature protection services, as well as agricultural obstacles related to the use of manure, cross-border LEADER projects or the recognition of local products. Several cases even

show that the ECBM would be able to solve potentially several or all obstacles observed in the case.

However, following the European Commission's proposal of 2023, the latest *b-solutions* Compendium only refers to such a European instrument in very few cases. This is usually with vague wording, mentioning that “a specific legal tool to allow for the harmonisation of the applicable laws” (AEBR & EC, 2024, p. 88) would be beneficial. However, this does not mean that such a tool is no longer needed but may indicate the uncertainty about the proposed tool.

While there is little evidence suggesting that new national legislation (rather than amendments to existing legislation) is needed to overcome legal or administrative obstacles, *b-solutions'* analysis frequently proposes other **ad hoc legal frameworks**, usually created through **bilateral or multilateral agreements**. Previous analyses highlighted the importance and the widespread existence of such agreements, showing that there is a wide range of general and theme-specific agreements (see ESPON, 2018, pp. 42–44). Despite this diversity of agreements, the *b-solutions* cases identified further possibilities where new agreements, rather than amendments to existing agreements, could solve obstacles. Examples include a wide range of new thematic agreements, such as agreements on river management, the potential derogation

from EU social security coordination for certain cross-border workers, permanent emergency services at the external Schengen border, different aspects of cross-border healthcare, commercial passenger transport, cross-border internships (AEBR & EC, 2024) or emergency procedures in case of natural disasters (AEBR & EC, 2021b). Typically, these new agreements have been proposed to fill current gaps in legislation and to improve coordination between neighbouring countries.

In a few cases, the level at which future tools should be developed is not clearly stated. An example is the proposal for a new directive on minimum income to support the exchange of data relevant to minimum income benefits. This proposal acknowledges the lack of a common EU framework and the fact that the responsibility for social protection and minimum income benefits lies with the Member States (AEBR & EC, 2021b).

Legal multi-level governance solutions supporting active subsidiarity

The following paragraphs review the legislative solutions presented above in terms of their suitability to support active subsidiarity. The proposal to amend national transpositions rather than to amend legislation at EU level follows the principle of active subsidiarity. An example is the proposal to provide clear information on the reimbursement of medical expenses in the national transpositions of EU Directive 2011/24/EU (AEBR & EC, 2021c). Such proposals

allow to benefit from the **adaptability of the EU level framework to different national and regional contexts**, thus supporting active subsidiarity. At the same time, the proposed amendments at national level support the transparency of reimbursement mechanisms for patients, thus strengthening their rights to benefit from cross-border healthcare (see also next section).

However, **proposals for new EU legislation** that provide a framework for tailor-made solutions by national or regional authorities according to their cross-border context are also, at least in principle, likely to support active subsidiarity.

In both cases, however, the effective degree of active subsidiarity depends on the **involvement of the local and regional stakeholders** affected by the obstacle. Experience suggests that the national transposition of EU legislation, or the amendment of such transposition, is not necessarily coordinated with local and regional stakeholders in the border regions concerned. At the same time, especially in the case of legal obstacles and the need for legal action, the national level is usually called upon to amend inconsistent or inadequate legal frameworks or to fill legal gaps. Thus, for active subsidiarity “the involvement of national parliaments and competent ministries is often required for smoother coordination with local and regional stakeholders, who are more knowledgeable of the specific obstacles that prevent or limit cooperation with

the neighbouring country” (AEBR & EC, 2021c, p. 17). This need to include local perspectives is well illustrated by the example of the wish of twin-cities to organise a joint event on a site located at and across the border (AEBR & EC, 2024). This organisation comes with very concrete obstacles and needs, which are probably not anticipated by the national authorities.

Active subsidiarity is not automatically achieved in the case of **bi- and multilateral agreements** either, although it can be assumed that these agreements are more tailored to the needs of the border regions concerned, as they are based on problems observed in cross-border cooperation and recognised by the authorities negotiating the agreement. Moreover, these agreements are not necessarily subject to national agreements, but can be approved at sub-national level under certain circumstances, i.e. for some topics and obstacles and subject to the division of competences in the neighbouring countries (see ESPON, 2018, p. 42ff).

In particular, the amendment of these agreements is usually based on the experience of local and regional cross-border cooperation and is thus a tool to include sub-national needs. An example is the Decision of the Benelux Union on cross-border emergency ambulance services, where a tailor-made amendment based on experience and local needs can improve the coordination envisaged by the Decision (AEBR & EC,

2020a). However, the active subsidiarity of bilateral agreements also depends on their effective implementation. One case in the latest *b-solutions* Compendium illustrates this by referring to the confirmation of an agreement over several years, while it has not been published and effectively implemented for more than a decade (AEBR & EC, 2024).

Another contribution to active subsidiarity can be seen where proposals **combine a legal solution with other instruments** that effectively involve local and regional authorities. An example is the combination of a proposed bilateral agreement with the development of a cross-border management plan (AEBR & EC, 2024). An element of indirect consideration of active subsidiarity can be observed in the proposed solutions, which **refer to other examples**. Often these examples result from the experiences of local and regional stakeholders involved in cross-border cooperation, who have encountered certain obstacles that have been identified in a similar way for other border regions. It can therefore be assumed that such proposals follow a bottom-up approach. *b-solutions* cases provide many of these references across cooperation themes. Examples include the proposal for a specific health agreement between France and Luxembourg, for which the MOSAR agreement between the French region of Moselle and the Saarland in Germany may be a model; the Hospital de Cerdanya EGTC, which could serve as

an example for another cross-border health facility; the possible replication of existing airrescue systems; or, for cross-border labour market integration, the adaptation of approaches implemented in other cross-border regions (AEBR & EC, 2024).

Finally, the existing **EGTC** legal instrument and the future **Cross-Border Facilitation Tool** are best suited to support active subsidiarity, as their focus on local and regional cooperation is built into their legislation. Both lend themselves to bottom-up approaches: the EGTC through its membership structure, which can be based exclusively on local public authorities, and the future Cross-Border Facilitation Tool through the starting point of an identified obstacle to launching a facilitation process. The above consideration of solutions proposing the use of either the EGTC, the previously proposed ECBM or the newly proposed Cross-Border Facilitation Tool illustrates these advantages for active subsidiarity. This is due to their potential to develop and apply tailor-made solutions, considering specific stakeholder constellations, themes and obstacles.

Legislational rights to citizens

Regarding legislative rights to citizens, two perspectives are distinguished: The following briefly examines the references of *b-solutions* to rights based on EU legislation and reviews the proposed use of legal solutions to

overcome disadvantages arising from a residence in a border region.

Citizens' rights are generally enshrined in the **Treaty on the Functioning of the European Union (TFEU)**, which sets out the four freedoms and explicitly includes cross-border mobility as part of the free movement of people. In addition to the Treaty, other **EU legislation** also aims to improve citizens' rights to move across borders. Examples include health (Directive 2011/24/EU), transport (Regulation (EC) No 1073/2009), the GDPR, the EGTC Regulation and the proposed Regulation on the Cross-Border Facilitation Tool.

However, the review of obstacles and proposed legislative solutions shows that the current state of the EU framework is not always sufficient to ensure the effective implementation of all freedoms. Examples are the recognition of professional qualifications based on Directive 2005/36/EC, the conditions for drivers between 17 and 18 years of age based on Directive (EU) 2022/2561, cross-border Citizen Energy Communities (CEC) based on Directive (EU) 2018/2001 and the mentioned directive on cross-border healthcare (AEBR & EC, 2024).

The essence of the examples suggesting, inter alia, legal action is to strengthen citizens' rights in the sense that citizens in border regions should not **be disadvantaged because of their location** close to a border. So far, only a few cases deal with economic

integration, such as special economic zones or the implications deriving from the wish to set up a company or branch across the border. Moreover, cross-border CECs seem to be an issue that has only recently attracted more interest.

The review of *b-solutions* cases clearly shows that cases of citizens' rights directly enshrined in EU legislation have been considered, as well as cases of disadvantages resulting from the location close to the border. Frequently, proposals include further legislative action, as outlined above. However, even if EU and national legislation adequately provides for citizens' rights, other obstacles may result in disadvantages for citizens in border areas. An example of *b-solutions* is an inadequate pricing system for the daily use of a tunnel by cross-border commuters, despite the conditions laid down in Directive (EU) 2022/362 on vehicle tolls (AEBR & EC, 2024).

Cross-policy legislative perspectives

b-solutions cover obstacles in many policy areas of European interest that are related to cross-border interaction. However, active subsidiarity and citizens' rights have not yet been equally achieved and implemented across this wide range of policy areas. This is not least due to the different distribution of powers between policy areas. The examples show that in some areas, such as transport, health and energy, subsidiarity is particularly

difficult to achieve. Apart from the lack of competence at regional and local level, the accumulation of obstacles in these areas contributes to the observed difficulties in achieving active subsidiarity. In the case of public transport, the lack of local competence can refer to several aspects, such as the establishment of a cross-border service, diverging rules on interoperability, employment of staff and recognition of professional qualifications (AEBR & EC, 2021c).

For the specific case of energy, *b-solutions* proposes cross-border CECs based, inter alia, on the Renewable Energy Directive (REDII) and the common rules for the internal electricity market under Directive (EU) 2019/944 and for CECs. Despite the variety of legal documents regulating energy in the EU and their national transpositions, both cases analysed in the *b-solutions* Compendium 2022-2023 identify regulatory gaps at EU and national level, which add to other obstacles at different levels (AEBR & EC, 2024). At the same time, this theme highlights the importance of involving the local level, which is central to the development of CECs, which are bottom-up in nature.

Notwithstanding these differences, the review of the different *b-solutions* editions often highlights the importance of local and regional authorities also in cases and for themes that are primarily regulated at national level. There is a need to activate direct communication with lower levels of governance, which experience “bottlenecks arising from

inconsistencies identified in the national frameworks” (AEBR & EC, 2021d, p. 15). In this context, some examples of challenging cross-border healthcare may be inspiring: Building on the regional creation of Zones Organisée d’Acces aux Soins Transfrontaliers (ZOAST), other such regionally focused solutions have been proposed (AEBR & EC, 2024).

Conclusions

The *b-solutions* review shows that active subsidiarity is not explicitly stated but is implicitly referred to in many if not all cases. This applies in particular to the proposed multi-level governance arrangements. The distinction between EU, national and supranational level legislative measures suggests that the flexibility of EU regulations and directives is not questioned and that amendments are relatively rarely requested. Corresponding proposals tend to focus on gaps or lack of clarity that prevent consistent transposition across Member States.

Local and regional action, and thus bottom-up approaches, have been proposed through the use of EU legislation and supranational agreements. Examples are the extended use or foundation of EGTCs or cross-border legal structures under other agreements. These are examples of legislative solutions that support active subsidiarity. However, it must be recognised that this approach

often requires additional action by national authorities. At the same time, the proposed solutions suggest that active subsidiarity and citizens' rights in cross-border cooperation can still be strengthened, for example through an instrument such as the ECBM or possibly the Cross-Border Facilitation Tool. The crucial aspect seems to be activation through a bottom-up process in combination with legislative action at national or supranational level.

Irrespective of the level and nature of the proposed legal measures, the common ground of the *b-solutions* proposals lies in the shift in territorial perspective. The proposals focus on the entire cross-border territory as a common entity with a common problem, rather than considering only a part of the border area. The latter is often seen from the perspective of national legislation, especially when local and regional authorities in border regions are not sufficiently involved. Although *b-solutions* cases often include legislative proposals to overcome one or more obstacles, the effective implementation of citizens' rights is not only subject to legal solutions but may also require further action in the multi-level governance system, including private actors.

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A coordination point in practice: the “Flemish-Dutch Schakelpunt” as a pilot for the Facilitation tool

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Introduction

In Dutch, the word “schakelen” means switching or shifting. A “Schakelpunt” in this sense means the place where you can switch from one system to another: between knowledge and policy, between governance levels and across borders. That is briefly also the essential of a joint initiative at the Dutch-Belgian border. On 4 September 2024, a new cross-border coordination point (Schakelpunt) for the border region between the Belgian Region Flanders and the Netherlands was presented to a broader public in Antwerp. The team had already been working together for the last couple of months, defining processes and the working methods. The joint initiative has an even longer history, being a cooperative process of more than a decade. The initiative is funded by the Interreg Programme Flanders-the Netherlands for a period of 3 years. The main objective is to offer

stakeholders who are confronted with a persistent border obstacle a clear address for their request. And more important, to offer a structured and transparent approach with respect to the analysis and the possible problem solving of the obstacle by national or regional authorities. The ‘schakelpunt’ is in this respect an instrument to avoid a situation, where stakeholders with a cross-border problem do not know which institution is responsible. Or if they can address their problem, how the process works across the border and within different administrations. Of course, this reminds very much of the essential elements of the revised ECBM proposal, the proposal for a Regulation on facilitating cross-border solutions, presented by the European Commission on 12 December 2023¹ (hereafter: Facilitation tool proposal).

As shown in this article, the objectives and processes of the Flemish-Dutch

1 European Commission. (2023). *REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on a mechanism to resolve legal and administrative obstacles in a cross-border context*. COM(2023) 790 final. <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52023PC0790>

Schakelpunt are very similar to the elements in the Commission's proposal. Therefore, one can certainly talk about a pilot coordination point with an interesting experimental character for the whole of the EU. The agreements between the partners, the nature of the coordination point and finally its practices are of essential interest: if it works between Flanders and the Netherlands, it could perhaps also work in other cross-border territories of the EU.

Why is there an initiative for a Flemish-Dutch coordination point?

The cross-border regions between the Netherlands and Flanders know relatively high levels of integration across borders. It is part of the so-called Meuse-Rhine Region that is a European macro-region of cross-border work¹, where main mobility flows occur from the Flemish region to the Netherlands². In some regions, the share of cross-border workers can total up to 5% of the total regional labour market. Cross-border mobility and cooperation are facilitated and promoted by different cross-border governance structures. On regional level, there are two Euroregions, EGTC's³, BGTC's⁴, cross-

border information points and public employment services and other formal and informal cooperative structures. Also on national level, cross-border cooperation is seen as a special ministerial task and amongst others the bi-annual Flemish-Dutch Top brings ministers together across borders. Furthermore, the area is stimulated by the long-lasting cooperation in the Benelux Union. Nevertheless, it is the paradoxical reality that the more cooperation and mobility occur across borders and thus more integration across borders is stimulated, the more (legal) cross-border obstacles arise and become visible.

Especially in Dutch border regions, the question of how to better legally underpin and encourage cross-border cooperation with neighbouring authorities in Belgium and Germany has long been an issue. On 19 September 2016, the then vice-president of the Council of State, Mr Piet-Hein Donner launched the idea of creating the possibility in border regions of being able to deviate from (current) regulations in a targeted manner in the event of specific bottlenecks without adapting or essentially changing the entire regulations themselves. The purpose of such an experimentation

1 About 8% of EU's total cross-border work is performed in this region: Hassan, E., Siöland, L., Akbaba, B., Cinova, D., Gasperini, M., & Geraci, M. (2023). *Annual report on intra-EU labour mobility 2022*. Publications Office of the European Union. <https://data.europa.eu/doi/10.2767/560178>

2 CBS. (2024). *Internationaliseringsmonitor – België*. CBS.

3 European Grouping of Territorial Cooperation.

4 Benelux Grouping of Territorial Cooperation.

clause – or even an ‘experimentation region’ – would be that solutions to many questions that arise could thus be provided without requiring major legislative changes in the countries concerned.

Against this background, the desire has arisen to use a specific case study to already gain insight into the bottlenecks that concretely hinder cross-border cooperation and mobility between Flanders and the Netherlands. For this purpose, the cross-border merger of the ports of Ghent and Zeeland Seaports into North Sea Port was used as a case study to gain insight into border bottlenecks. Maastricht University (ITEM) produced an inventory of bottlenecks that impeded the cross-border functioning of North Sea Port.¹ One conclusion of this report was indeed that often there is a mismatch and collision of national legislation. This is true for a wide range of topics, from taxation and social security issues to cross-border work to the legal powers of the captains and to the cross-border transport of nitrogen and waste. For the then Flemish and Dutch governments, the insightful border obstacles in the North Sea Port area (Ghent - Terneuzen - Vlissingen) prompted an assignment to Ms Berx (governor of the province of Antwerp) and Mr Donner to work out an approach in an administrative working group.

The report of the administrative working group was published in October 2020.² The main conclusions were twofold: applying a specific method and installing a structured mechanism.³ Regarding the method, it was not recommended to make new general rules or adapt existing regulations, but to deviate from them in a targeted manner for specific cases (do not adapt, but deviate). Where harmonisation or legal amendments would be possible for differences that significantly affect the national economy as a whole, political support is less likely for more regional cross-border issues. The working group thus assumed that a solution to a concrete, weighty, bottleneck may be more acceptable and appropriate if legislation in one or both countries does not need to be adapted but targeted deviations on regional level are foreseen. This rationale of targeted deviations is not entirely new. Indeed, it somewhat echoes the idea of the earlier ECBM-proposal, to which the Belgian and Dutch governments were sceptical.

The diversity of obstacles and targeted solutions requires time and expertise. Therefore, in addition, the final report of the working group recommended strengthening the administrative organisation of the Flanders-Netherlands cross-border cooperation

1 Büttgen, N., Schneider, H., Unfried, M., & Ter Vrugt, P. (2019). *Inventarisatie grensoverschrijdende knelpunten North Sea Port: Final report 2019*. ITEM, Maastricht University.

2 Vlaanderen & Rijksoverheid. (2020). *Niet aanpassen, maar afwijken. Verslag van bestuurlijke werkgroep grensbelemmeringen*.

3 See also: Mertens, P., & Unfried, M. (2022). *ITEM Reflection Advice Administrative working group on border barriers ‘Not adapt, but deviate’*. ITEM.

by supporting a professional secretariat in the form of the Coordination Point (schakelpunt). The mechanism of dealing with cross-border obstacles should be professionalised. The Dutch and Flemish governments thus recognised the regional and national importance of better cross-border cooperation and gave concrete issues in our border regions more priority. At the political top meeting of January 2023, the Dutch and Flemish governments decided to follow-up on the advice of the administrative working group and declared ministerial cooperation in the process of finding solutions to border obstacles.

It is important to note, that the Flemish-Dutch Schakelpunt does not mean a change in the current Flanders-Netherlands cross-border governance structure. It also does not substitute existing bodies or overlaps with their tasks. This was a frequent criticism with respect to the recent attempts of the European Commission to establish cross-border coordination points in the Member States. In fact, the Schakelpunt is an additional and complementary instrument to the existing coordination bodies and political structures that have been established during the last decade.

Who works together and how?

The partners

The Schakelpunt Flanders - Netherlands is a cooperation between on the Flemish side the Flemish government (Department of Chancellery and Foreign

Affairs), the Province of East Flanders (Department of Governor East Flanders), the University of Hasselt and on the Dutch side the Ministry of the Interior and Kingdom Relations, the Province of Zeeland and ITEM – the cross-border institute of Maastricht University. It is thus a diverse consortium in which different governmental levels and knowledge institutions in the Netherlands and Flanders are working together to intensify the knowledge capacities regarding (solving) border obstacles. The European Union is contributing to the costs via Interreg Flanders-Netherlands. After three years, the project will be evaluated and the governments will decide whether it will be continued. Therefore, it is the clear intention of the Interreg project to function as a pilot and development trajectory.

The Schakelpunt is meant to be an institution that collects and analyses bottlenecks with respect to cross-border activities. Its core business is to inventory, identify, analyse and prioritise border obstacles. With the help of the academic institutions, it will investigate whether the problems at the border are administrative, legal or practical and how they can be solved. Then, officially, through direct contacts with the responsible ministries or other institutions, the removal of these border barriers will be examined. In order to succeed, the cross-border coordination point will work together with local and regional governments in the border region, Euroregions, cross-border information points, advocacy

organisations, confederations, and ministries, international organisations like the Benelux and the EU, and others. There is a special position for the Commissioner of the King in the Province of Zeeland on the Dutch side and the Governor of the Province of East-Flanders on the Belgian side. They act as administrative border coordinators and have the mandate from the Dutch and Flemish governments to address prioritised border obstacles and solutions to the relevant ministries. Following the political declaration of January 2023, there is an obligation for ministries to cooperate and react.

The submission

The first step in the project was the development of a practical and functional process with respect to border obstacles. Also in this respect, the final steps are close to the process described in the recent Facilitation tool proposal.

Local or regional authorities in the border region can submit border obstacles experienced by residents, businesses or authorities to the Schakelpunt. This means that private stakeholders have to channel their request via a public authority. This is deviating from the Facilitation Tool proposal, where the submission was also open to private stakeholders. During the preparation of the Schakelpunt method, this was done based on two main arguments. First, existing cross-border information points and local authorities have their role in answering

questions of private stakeholders when it comes to cross-border issues. They act as the front office and channel pressing border obstacles to the Schakelpunt. Secondly, it is meant to limit the number of submissions. The idea is that if there is a very serious border obstacle, a private stakeholder will also do the effort of addressing them via a public authority.

The actual submission can be done via a submission form on the webpage (Schakelpunt.eu). The initiator of a request is asked to give information about the nature, geographical area and possible reasons for the border obstacles. However, potential stakeholders can also contact the Schakelpunt in order to discuss whether and how certain border obstacles could be addressed. Furthermore, it is also the Schakelpunt that will stay in contact with stakeholders to identify possible border obstacles. This is the both proactive and reactive approach within work regarding inventorying and identifying border obstacles.

To be as transparent as possible, the Schakelpunt will work with a database and report frequently on the border obstacles that were submitted and what the analysis has shown. The objective of this is twofold: first, showing transparency with respect to all submitted problems, meaning that stakeholders and the broader public can monitor the work of the Schakelpunt. A side effect could be that public authorities will probably detect that one of their problems has been already submitted by another body. The second

reason is to establish a comprehensive database of obstacles and possible solutions. This could also enable a sort of policy learning in the wider border regions and for the Schakelpunt itself.

The different steps of the process

As already mentioned, the first phase of the Interreg Project was to develop a consistent process for the submission, analysis, political assessment and problem solving attempts. After a public body has submitted a case where they detect a subsistent border obstacle, different steps follow:

Quick Scan

The partners in the Schakelpunt will conduct a Quick Scan based on a joint method with structured questions. The objective is to briefly indicate the cause and nature (administrative, legislative, country etc.), the scope and stakeholders (citizens, businesses, governments, geographical etc.) that are confronted with a certain border obstacle. In the first place, the Quick Scan should also detect whether it concerns a border obstacle that can be processed by the Schakelpunt and thus is eligible. Therefore the Schakelpunt works with a definition and certain conditions.

“Border obstacles are obstacles in a specific interaction, service or project, which result - directly or indirectly - from a legal or administrative provision or usage in a national system or from conflicting differences between systems.”

This means for instance, that the Schakelpunt is not dealing with individual problems of cross-border workers. They can refer to other bodies that deal with cross-border problems such as Solvit, the cross-border information points or other national helpdesks. In this sense, the Schakelpunt will not deal with obstacles that refer only to individuals. However, it will look into a certain problem if there is a negative impact on an entire group of cross-border workers. The question of telework is a case in point, where bilateral tax agreements matter for an entire group.

There is in addition a geographical requirement that determines whether an obstacle is accepted by the Schakelpunt. The obstacle has to have – at least – an impact in the Flemish-Dutch border area. With respect to this geographical definition, the Schakelpunt is also an interesting pilot for future coordination points. According to the Facilitation tool proposal, the Member States are free to establish coordination points in the Member state or together with another Member State. They could do it at the national or regional level, or even as in the Dutch-Flemish case between a national and a regional government. Hence, the shape of this first “coordination point” could also be a blueprint for further coordination points with Dutch participation, meaning that other bilateral coordination point could be established together with the German Land Nordrhein-Westfalen or Niedersachsen.

If the Quick Scan shows that:

- the problem/obstacle occurs in the Flemish-Dutch border region,
- there is a persistent border obstacle that meets the criteria of the Schakelpunt,
- there is a clear legal or administrative problem and that there is a realistic chance that the obstacle could be removed by the competent bodies,

an in-depth analysis will be done which leads to a comprehensive report of the problem. In this respect, the Schakelpunt incorporates elements of the b-Solution project where experts from ITEM and Hasselt University gained experiences by making a series of analysis on specific border obstacles. As in the base of b-solution, the Schakelpunt reports describe in detail the nature of the problem, the competent authorities and different recommendations on how to solve the problem. The reports are written with the expertise of a wider network, namely in permanent contact with the submitter, competent ministries, other public authorities, international organisations (like the Benelux Union) and other experts or knowledge institutions. This could also mean that an expert from another university with a specific expertise is asked to help the Schakelpunt team with the report.

Advice and selection by the Border Committee (Bestuurlijk Grens Overleg)

As already said, the Schakelpunt is embedded into the existing border governance. The Flemish and Dutch

governments have regular high-level talks with the Prime Ministers on border issues. Below this level, there is a regular border committee with Dutch and Flemish politicians, where for instance the Governor/King's Commissioners on both sides play a leading role. This body is permanently informed about the different cases submitted to the Schakelpunt via the Quick Scan results. On the basis of the in-depth reports, the political body has to decide whether the detected border obstacle will be taken to the higher political level. Here, the Schakelpunt will provide advice with prioritisation according to objective indicators, such as legal, financial and political feasibility, the amount of people, businesses and/or authorities affected, etc. If prioritised, there will be a decision on who will be responsible for approaching the competent authority and which recommendation of the report will be pursued in the following political process to solve the problem. This means for instance that ministries have to be approached, or other competent bodies on both sides of the border. In this sense there is a clear division of labour: the Schakelpunt is responsible for detecting and analysing of the border obstacle, and the political border committee for the political process that should lead to a solution. Nevertheless, the Schakelpunt will offer its expertise during the political process and assist in the communication and consultation with competent authorities.

Follow-up and progress monitoring

Border obstacles are often rather complex, and a quick fix is very often

not possible. Hence, the Schakelpunt will also monitor the process of obstacles that cannot be solved in the short term. In this case, monitoring and reporting the state of affairs is a crucial task. This is especially important for the stakeholders who submit border obstacles. They should always be informed about the different steps and the state of play with respect to their border obstacle.

The “Flemish-Dutch Schakelpunt” as a pilot for the Facilitation tool

While the initiative for the Schakelpunt came bottom-up as a result of decades of cross-border cooperation and the desire to address border obstacles more effectively, there are many similarities to the Facilitation tool proposal and its cross-border coordination points. The rationale and processes are very much in a similar vein. Even more, the proposed method of deviation instead of adaptation is also in line with the initial spirit of the ECBM-proposal. The experiences from the Schakelpunt project could be very important for the future debate and perception of the concept of cross-border “coordination points”.

In the first place, the Flemish-Dutch initiative contradicts the reasoning of some Member States who are of the opinion that the regulation is not necessary, since their own cross-border governance framework would already have this type of coordination

point. This argument was for instance communicated by Member States that belong to the Nordic Council. Whereas the Dutch and Belgian governments were also sceptical about the initial proposal for a European Cross-Border Mechanism, they were open to the recent Facilitation tool proposal. The reasoning of the sceptics is that especially in border regions with already existing comprehensive cross-border governance structures, the coordination points would be a duplication of structures and would not mean a real added value. The understanding of the Flemish and Dutch governments is very different. Despite the already existing robust structures with the different bilateral political and administrative bodies, there is the perception that a body that is dedicated to the structured collection, analysis and problem solving of border obstacles was missing and excellently fits into the existing governance structure. While the Schakelpunt was initiated even before the European proposal, in their first assessment the Dutch and Belgian governments clearly refer to the Schakelpunt as ‘their’ possible coordination point. There is thus no duplication in place.

The lack of coordination point in Flanders and the Netherlands is in particular interesting, since the border regions in question are also covered by the Benelux Union, which offers, in addition to bilateral treaties and EU legislation very special cross-border bodies and instruments. It is already obvious that the toolbox of the Benelux

Union will be very beneficial if it comes to the question of how to solve certain border obstacles. Therefore, the assumption is that the problem-solving capacity of a coordination point is even higher in a cross-border situation where comprehensive governance structures exist. This is even more the case because the new Facilitation proposal does not establish any legal instrument that could assist the Member States in overcoming obstacles related to a mismatch of legislation. Whereas the old ECBM proposal provided a legal tool according to which one Member State could accept certain rules from the neighbouring country on its own territory, the Facilitation tool proposal only offers the institutional setting of a coordination point and a process. There is thus a clear shift from the legal instrument to a governance process. Hence, the Flemish-Dutch pilot coordination could be perhaps more effective than coordination points in other border areas with the EU. In the first place, problem solving will be promoted by already existing bilateral cross-border bodies. And, with the Benelux Union, there is even a possible legal framework where the idea of “deviation” from national legislation in case of a very specific border project is possible in certain policy areas. The authors have been involved in the development of a structured working method of the Schakelpunt and are currently dealing with the first submitted cases. The expectation is that after the first year, they can already report on the experiences made with the working

method and indicate whether there was a way from analysis to problem solving.

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Nordic Member State collaboration to Address Obstacles

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Introduction

The Nordic countries have a long history of promoting cross-border mobility and cooperation, as well as of trying to solve the obstacles standing in the way of that. For instance, already in the 1950s, more than three decades before the Schengen agreement, Nordic citizens received freedom of movement rights. The Nordic Passport Union of 1952, enabling the citizens of the Nordic countries to travel without passports or ID cards, simplified cross-border mobility, as did the other agreements on labour movement and freedom of residency two years later. Likewise, it was recognised early on that cross-border relations between sub-national units were an important part of that, and that it was something different from foreign policy, a prerogative of the state. Therefore, Article 25 of the Treaty of Cooperation between the Nordic countries of Denmark, Finland, Iceland, Norway and Sweden, signed on March 23, 1962, stated that when *“the need and the necessary conditions exist for joint economic development of adjoining parts of the territories of two or more contracting parties, these parties shall jointly endeavor to promote such development”* (cited in Anderson,

1967, p. 174). This means that Nordic countries were early and distinct adopters of cross-border cooperation practices. In a much-cited article from 2003, Markus Perkmann constructed a typology in which Scandinavian cross-border cooperation institutions constituted a separate type, all having high cooperation intensity and large geographical scope (Perkmann, 2003). They have been described as *“older and, as a consequence, should have a higher degree of maturity and better outputs in generating positive and effective territorial impacts”* (Medeiros, 2011, p. 142). On an aggregate level, within the framework of the Nordic Council of Ministers, a method was developed to systematically work to identify and solve obstacles that began in the early 2000s. In this paper, I analyze Nordic participation in the *b-solutions* initiative against this backdrop, comparing it with the pre-existing obstacle-focused method for solving obstacles standing in the way of cross-border regional integration and mobility.

Before proceeding, a note on the definition of what constitutes Nordic countries. It should be noted that in everyday speech, “Nordic countries” is sometimes used interchangeably with

“Scandinavia” and “Northern Europe”, but these terms can encompass other country constellations as well. For the purpose of this chapter, Nordic countries refer to those taking part in the Nordic cooperation that is institutionalised through the Nordic Council and the Nordic Council of Ministers, i.e. Denmark, Finland, Iceland, Norway, Sweden, the Faroe Islands, Greenland and Åland. That is also in line with an established policy-maker practice of using the shorthand N5 for Nordic countries and NB8 for Nordic and Baltic countries.

Nordic *b-solutions* Cases

Given the long history of cross-border cooperation in the Nordic countries, one might have expected bodies involved in cross-border integration issues to be keen uptakers of the support and advisory mechanisms of the *b-solutions*. However, that was not the case. In the first round of 2018 there was no project with partners from the Nordic countries. In the subsequent round of 2020-2021 there were 3 projects and in the 2023-2024 round 3 more, making it a total of 6 over the studied period:¹

Three of these concerned obstacles at the Norwegian-Swedish border:

Perceived border obstacles linked to wood construction: The cross-border

cooperation organisation Svinesund Committee, uniting municipalities at the southern part of the Norwegian-Swedish border and one of twelve cross-border cooperation committees in the Nordic Region, requested assistance from the *b-solutions* for this case which focused on the lack of harmonisation of Nordic building regulations and coordination between Norway and Sweden in the wood construction sector, stemming from differences in regulations and requirements for construction products across the two countries. This issue is exacerbated by three main barriers: the lack of access to essential information (informal barrier), confusing and differing administrative procedures (administrative barrier), and a tendency to work in silos with varying work cultures (mental barrier). These challenges hinder cross-border trade, business opportunities, and regional integration in the wood construction industry. The problem could be solved by introducing common building regulations across Nordic countries, particularly Norway and Sweden. Enhanced coordination among stakeholders is essential to harmonise technical requirements and streamline the wood construction sector across borders. The solution requires strong political support at minister level, and in the effort to secure this the *b-solutions* work has been an important part of the puzzle. It was accompanied by several

1 In addition, there have been examples of other cooperation in Northern Europe, such as between a Nordic country (Denmark) with its southern neighbour Germany, or between Baltic countries. However, they are not considered in the analysis due to the political-geographical limitation explained in the introduction.

longer reports as well as a shorter film, and it has been utilised in targeted activities such as workshops, roundtable discussions and breakfast meetings with policy-makers and stakeholders.

Cross-border vocational quality education: The obstacle in focus was the lack of coordination and harmonisation between the high school and vocational education systems in Norway and Sweden. This discrepancy between the two countries' education structures, specifically in how they handle vocational training and internships, creates challenges in addressing the region's skilled labour shortage. Norway's system alternates between schooling and apprenticeships, while Sweden has a more cohesive system with incorporated internships. This difference makes it difficult to align the education and training programs across the border, which is essential for regional development and addressing the labour shortage in key sectors. The advised *b-solutions* entity was the County Administrative Board of Dalarna, which worked in close cooperation with Cross-border Committee Innlandet-Dalarna, a cross-border cooperation in the two border regions Innlandet (Norway) and Dalarna (Sweden). The *b-solutions* expert advice centred on (1) establishing task forces to develop a new snow technician education program, (2) retraining workers for northern Europe's largest ski resort, and (3) recruiting youth for healthcare education. Moreover, the expert's emphasis in his analysis on the

lack of formal legal obstacles, gave the advised entity confidence in pushing the issue further.

Cross-border riding and dog sled guided tours: The advised entity in this case was the Municipality of Trysil in the non-EU state Norway. The obstacle under scrutiny was the lack of harmonised rules and coordination between Norway and Sweden regarding the sanitary and customs requirements for transporting animals (dogs and horses) across the border for commercial and tourism purposes. This leads to administrative burdens, extra costs, and inefficiencies for tourism operators, particularly because the process is not digitalised and requires veterinary certificates within a tight 48-hour window. The differences in customs rules, such as how deposits for horses are calculated, further complicate cross-border tourism activities. Recommendations focused on digitalizing procedures to streamline border crossing, implementing a sustainable cross-border initiative with both short- and long-term measures, and learning from similar challenges in other regions. The expert also specifically pointed out how the adoption of the proposed European Cross-border Mechanism (ECBM), could be helpful in this case, since it could be applied to harmonise veterinary requirements, potentially waiving some certificate requirements for animals staying within the border region, and ensuring mutual recognition of veterinary regulations on both sides.

The remaining three concerned obstacles at the Danish-Swedish border.

Problem to work in both Sweden and Denmark at the same time: In the Øresund Region, many cross-border workers live in Sweden and work in Denmark, but differences in social security systems create obstacles for part-time and remote work. The advised entities, an information service for inhabitants in the region, (Øresunddirekt), and the county administrative board on the Swedish side (Scania), are well aware of this rather complex issue, including for instance that Danish businesses must pay higher contributions to the Swedish government if their employees work at least 25% of their time in Sweden, which discourages them from hiring cross-border workers. This restricts mobility and job opportunities, despite the benefits of addressing this issue amid Sweden's unemployment and Denmark's labour shortage. EU Regulation (EC) No 883/2004 coordinates social security, with exceptions like the Øresund Agreement allowing up to 50% remote work, but these exceptions don't apply to workers with multiple employers, complicating the situation further. The expert compiled a report that outlined several possible solutions, including making the temporary exceptions for remote work under the Guidance Note on Telework permanent by updating the Øresund Agreement, creating new exceptions or guidance for workers with multiple employers, and prohibiting Danish contract clauses that force employees to pay their own social

contributions in Sweden. The advised entities would take these suggestions up with relevant actors on both sides of the strait.

Third country citizens excluded from the labour market in the region. The same entities as in the previous case (Øresunddirekt and the County Board of Scania) also sought advice on the difficulty third-country nationals face in obtaining Danish work permits while living in Sweden, despite strong demand for labour in Denmark. This issue arises because Denmark opted out of EU Directive 2003/109/EC, which allows long-term residents in one EU Member State to live and work in another. As a result, non-EU citizens with long-term residence permits in Sweden cannot work in Denmark, and those with permits in Denmark risk losing their status if they work in Sweden. Danish national requirements for work permits, such as the Pay Limit Scheme and Positive Lists, further complicate the situation. According to the analysis provided by the *b-solutions* expert, there would be four different roads towards the solution of Denmark allowing for work permits of non-EU citizens in the border region of Oresund: change Danish law, apply stronger EU measures, extending an existing or developing a new bilateral agreement or use a judicial route of referring to Swedish case law.

Harmonised cross-border taxation in Greater Copenhagen. The cross-border cooperation organised Greater Copenhagen was the advised entity in this

case, revolving around the problematic issue of cross-border taxation. The Øresund Agreement, effective since 2003, was designed to address taxation for commuters between Denmark and Sweden. However, it fails to resolve current issues such as complex tax rules, pension system differences, and potential double taxation for cross-border workers. The agreement's 'three-month rule' complicates tax calculations for part-time home workers, and recent Swedish laws require Danish companies to deduct 30% tax from employees working in Sweden. While workers can choose between Danish or Swedish pension schemes, this is complicated by income thresholds and potential double taxation. Additionally, public sector employees face more challenges, as the agreement only covers private sector workers, leading to further complications for cross-border taxation and administrative costs. The expert recommended replacing the three-month rule with an annual reporting period, adjusting preliminary tax deductions to the employer's country, recognizing pension schemes across borders, and including public sector workers in the Øresund Agreement. These changes aim to simplify administrative processes, reduce tax burdens, and enhance cross-border labour market integration between Denmark and Sweden.

Several observations can be made based on this account of the six cases. *First*, after a slow start, several actors in the Nordic countries became interested

in trying out the *b-solutions* initiative. But they were limited to the Norwegian-Swedish and Danish-Swedish borders. There were no cases at the Finnish-Swedish border despite that being an active cross-border cooperation region. Moreover, while the cases at the Norwegian-Swedish border represented different geographic locations of that long border, the focus of cases concerning Denmark-Sweden seemed to be on the southern part where Copenhagen and Malmö are located. *Second*, in terms of policy areas, the 2023-2024 cases from the Swedish-Danish border were all directly related to the cross-border worker mobility, whereas the 3 cases from the Swedish-Norwegian border were more diverse. Notably, there were no cases dealing with maritime obstacles, despite the significance and prevalence of sea, waterways, rivers and lakes in the Nordic borderlands. *Third*, no specific type of actor dominated the demand, reflecting the multi-faceted composition of cross-border governance in the Nordic countries. The advised entities included two Euroregions/cross-border cooperation organisations, one cross-border information service, two Swedish county boards and one Norwegian municipality.

The Nordic Way: border obstacle identification

Before the *b-solutions* project started, an early adopter of a working method based on systematic identification of

“obstacles” (sometimes also “drivers”) was the Nordic Council of Ministers. The Nordic Council of Ministers supported a methodology, whereby committees in cross-border regions started to identify and name factors that hindered flows across the border, i.e. obstacles. Often these would be in the form of differences in legal and regulatory systems, but also other issues – including cultural stereotyping – could be included. This method started to develop during the first decade of the 21st century, with the creation of a Border Obstacle Forum in 2008 as a landmark. The Border Obstacle Forum was a council that started to systematically collect obstacles for border regional integration. In 2014, a successor, *Gränshinderrådet*, was created. The literal translation into English is the *Border Obstacle Council* or *Border Barrier Council*, but it has opted for a different official name in English, the Freedom of Movement Council. The original meaning is important since it emphasises the working method based on the identification of obstacles, which it has in common with *b-solutions*. It consists of 10 members (8 national representatives, the general secretary of the Nordic Council of Ministers and a representative of the Nordic Council). The committee collaborates closely with other stakeholders, such as private sector representatives, authorities, political bodies, and others. It is also supported by a Freedom of Movement Working Group, consisting of members of parliaments from constitutive countries and organised by the Nordic Council, which is the official body for

formal inter-parliamentary cooperation. All obstacles are collected in a database, currently listing 115 cases. The Border Obstacle database consists of 115 cases. Viewers can search for cases according to their status (not solved, solved, not relevant/discarded), policy area (labour market, business, education, taxation and finance, social welfare and health, and “other fields”), and country/ countries involved. The goal of the Border Obstacle Council is to remove 5-8 border barriers. A typical entry looks as follows:

Reimbursement for patient travel between Norway and Finland/Sweden

A cross-border commuter residing in Finland or Sweden and working in Norway is socially insured and liable to tax in Norway. He or she does not receive compensation for their patient travel/treatment travel from home in Finland/Sweden to the hospital in Norway, unlike their work colleagues who live and work in Norway.

Affected/affected countries: Finland, Norway, Sweden

Category:	Social and health
Status:	Solved
Prioritised:	No

Actors with long experience of working with cross-border cooperation testify that the interest in Europe for this way of working was significant and that they several times showcased it in different European fora. It is

clear that the Nordic model to some extent worked as an inspiration for *b-solutions*, together with other type of problem-focused initiatives such as the Solvit networks serving individuals and companies (Lindahl, 2024). At the same time, *b-solutions* have become something different. When asked about the differences between the Nordic work on systematizing border barriers and obstacles, representatives of the advised entities point to several ways in which *b-solutions* differs. While the Freedom of Movement Council's work on border obstacles only promote integration between the Nordic countries, *b-solutions* focuses on strengthening cohesion within the European Union. This added European dimension is a strength since it can give an outsider perspective, and it can also open up ways to European policy application or policy change that could contribute to a solution. The *b-solutions* working method of providing an external consultant/expert constitutes another difference, since that means de facto allocation of resources. In the Freedom of Movement Council, the obstacles are systematised but the actual work of understanding the mechanisms of obstacles is left with the actors themselves. On the other hand, the work on border obstacles done by the Nordic Council of Ministers through its Freedom of Movement Council has an advantage in pushing for solutions, since it has influence on agenda-setting at various Nordic cooperation meetings and can help to set up meetings directly with ministers. This is not something that *b-solutions* offer.

The *b-solutions* experience

Those actors who have received advice through *b-solutions* have generally become involved through personal interactions with people at the European cross-border cooperation, and the general experience is positive.

The Association of European Border Regions has been outstanding in this. We have a very good cooperation, and the addition of an expert through b-solutions added up to something very good. We got someone who had worked both as a practitioner at Nordregio (a research institutespecializinginregional policy and development) and who had also been a professor at a university. He could tackle the question in a more academic ways, while also looking at and understand the legal frameworks. (Discussion, August 19, 2024)

There was a tip from our management team. Since [region in the other country] is a part of the Associations of Borderlands Studies, they participate in their meetings and were able to advise that here there were opportunities to get some funds to investigate some special issues. We had a special issue (we wanted to investigate) and we got a very knowledgeable and good expert, who really helped us. It was a bit of a jackpot actually. (Discussion, August 20, 2024)

However, two points can be identified where experiences differed. First, opinions differed on the amount of work required by the advised entities.

The slightly negative thing is that it was a lot more work for me/us than it was marketed as. Apart from having one or two meetings with the expert, it would not mean more work for us. It has not been true. There has been a lot of subsequent work. (Advised entity, email August 15, 2024)

For us it was very simple. As I recall, the expert contacted us, and we had a brief meeting. Then the expert wrote a form of assignment description and then we gave some feedback on it, after which he did the work. The big thing was that he then presented what he had come up with in a larger workshop that we organised. I thought it was very simple and easy to work with. In practice, there were only two or three meetings with the expert. (Advised entity, discussion August 20, 2024)

Secondly, it concerns firstly the rate to which the results could be taken further to actions and a roadmap towards solutions. The *b-solutions* case concerning regulation in the wood construction industry has since advanced significantly, although it should be noted that the report was preceded by persistent attention to the issue by especially a dedicated small team at the advised cross-border cooperation organisation. On the other hand, the obstacles hindering third-country nationals to work in another country and making it difficult to work in Sweden and Denmark at the same time, have so far not much led to any significant progress in these long-term standing issues.

Conclusion

“We cannot do that because of the rules.” This sentence, or variations thereof, is often said by actors involved in cross-border cooperation contexts in Europe. It can be uttered by a mayor representing a municipal member of a cross-border cooperation organisation talking about the benefits that could be gained by coordinating elderly care in peripheral border settlements, or stated by an organisational project manager explaining why school children cannot (easily) attend a school on the other side of the border.

What these actors mean when they talk about “rules” is not only a broad spectrum of formal norms (laws and regulations) that differ between the two or more nation states to which the borderland territory belongs. It also refers to the entire complex institutional compound of hierarchical and vertical competence distribution across multi-level governance systems, and the asymmetry effects caused by that. The elected politicians and public servants involved in cross-border governance rarely have decision-making powers in their own right; to have an effect on policy and everyday life in the borderlands they are dependent on local, regional, national and EU authorities. The novelty of the Nordic approach to this attitude was the way in which the actors started to systematise these issues as “obstacles” that were neither permanent nor impossible to surmount. In short, rules can be changed. This approach has spread to European actors,

but *b-solutions* took the systematisation further and the method has returned to the Nordic countries with a twist and additional resources. However, Nordic actors still remain underrepresented in the overall pool, and it remains to be seen whether up-take will speed up going forward.

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Book reviews

Diener, C. A., & Hagen, J. (ed.) (2024). *Invisible Borders in a Bordered World: Power, Mobility, and Belonging*. Routledge.

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Routledge Publishing issued an interesting edited volume in 2024 that aims to investigate the phenomenon of invisible borders in a bordered world. The main research target of the book is to contextualise and to research the issue of borders through interdisciplinary theoretical and methodological perspectives. The book primarily understands borders as structures that mainly result from “*multifaceted human actions to create and differentiate places by separating the social, political, economic, cultural, or environmental characteristics of one geographic space from others.*” (Diener & Hagen, 2024, p. 3)

The structure of the book is divided into three main thematic sections. The first section looks at the invisible borders as political control; the second sees invisible borders which are established through socioeconomic processes and control mechanisms; while the third one describes the newly emerging invisible borders through technological development, digitisation and its invisible control structures.

The modern understanding of standard political maps interprets the world through distinct territorial units. These territorial units are usually referred to as states which have their own sovereignty, population, bordered territory, society, symbols and identity. During the era of modernity, the visual representation of borders has played a crucial role within the process of ‘imagination of communities’ (Anderson) and/or ‘nationalisation of the public’ (Balibar). Within this frame, the dividing line is more-or-less visible and palpable between ‘geo-bodies’, and those lines are embodied in various visual forms like, physical wall, border control or border closure equipment, thus explicitly marking the limits of different geographic areas. Nevertheless, the authors of the book try to go beyond the perception of borders as ‘passive divider of space’. These older notions of border lines are certain archaic forms of understanding; consequently, the authors of the book attempt to figure out a much more latent appearances, they aim to grasp a range of political, socio-economic and technological border changes that flow through the

capacity of the traditional framework of borders and conventional cartography. These invisible, implicit, hidden borders permeate our everyday life and they are located much closer to us as we usually might think.

Diener and Hagen (2024, p. 21) note that invisible borders perform political control at various modalities. States usually install invisible borders in order to achieve specific domestic policy goals, but a variety of other actors also support invisible borders in order to promote their specific political agenda. To be more specific, *“The invisible borders of internal bureaucracy and administration can be equally impactful. Voting districts, school districts, and a variety of other de jure delimitations of authority and responsibility are often difficult to detect across the landscape but profound in their effect on political representation, allocation of public funds, and opportunities for development. Even in cases where the borders are part of a legal regime and clearly visible on county and municipal maps, they can be so blurred or buried in bureaucracy as to function largely out of public view.”*

Ariel Otrube offers a feminist approach of the South Ossetian Administrative boundary line. Georgia and South Ossetia were parts of the Soviet Union and the dissolution of the Union inspired fierce nationalism towards each other. A powerful slogan emerged, namely ‘Georgia for the Georgians’. Society-wide nationalism fuelled the sense of deep difference

and distrust between the Georgians and other ethnic groups. The dramatic triggering moment was the Russo-Georgian war in 2008 and since South Ossetia considers itself as an independent sovereign political entity from Georgia. As a result, the border between South Ossetia and Georgia has been extremely hard and fixed. The author attempts to offer a perspective of borders and bordering at bodily scales, namely how the body itself becomes an active and territorial agent within the bordering process.

Mehmet Altingoz writes about transboundary water management, resources and the geography of hydro-political tensions in the separatist regions. Separatist regions are usually equipped with extremely hard and strict borders which are much more limited and hardened than the ordinary border structures between other sovereign states with normal relations. Although, these separatist regions may be sites of unregulated, unresolved shared water management systems that can be risky for all the involved parties, especially for the local population. In the case of Abkhazia, there are two potential transboundary water issues. One issue involves the Enguri River and the cross-border power generation system, namely the Enguri Hydropower Plant and the Enguri Dam. The power plant is on the Abkhazian side, while the dam is on the Georgian side. Abkhazia manages the production of electricity and Georgia controls the dam and the flowing structure of the river.

The transboundary system is unsolved because both parties have full ownership claims over the overall hydropower system. Another transboundary water issue is the Psou River between Abkhazia and Russia. The relations are favourable between the political entities, there is a functional water cooperation and a continuous dialogue.

In the case of Kosovo, Gazivoda Lake in Mitrovica represents a significant transboundary water issue. The region is dominated by Serbs who remained loyal to Serbia even after the declaration of independence by Kosovo in 2008. This lake is highly important since it is the main source of water and electricity in Kosovo. The management of this transboundary system has been quite problematic since the 2008 events. In the case of Cyprus, the two sovereign entities share two major aquifers, namely the Center and Western Mesaoria Aquifer and the Kokkinochoria aquifer. The relations are more or less stabilised and managed, but the inter-party cooperation is rather poor and water is an extensively over-politicised topic.

However, the author presents also a good example that could be seen as a 'best practice' of the transboundary water management, namely the hyper-arid Atui Basin between Western Sahara and Mauritania. The Basin is managed by old Bedouin philosophy that offers an efficient and usable approach to the shared water resource. Western Sahara and Mauritania are both from the same

Bedouin tribe, thus mutually respecting the traditions and the customs. According to the Bedouin philosophy, water is sacred and all humans and animals have the right to drink water, hence any marketing and egoistic usage of water is clearly forbidden. In other words, the old Bedouin customs efficiently ensure the peaceful and cooperative management of the transboundary water system.

Special economic zones might usually appear as another significant example of invisible borders. End of the Cold War, fall of the Berlin Wall, the dissolution of the Soviet Union, fall of the communist economic mode of governance and the global victory of capitalism led to a proclaimed 'end of history' and to a celebrated 'borderless world'. The neoliberal approach became the dominant economic model. It proposed deregulation and removal of barriers on a global scale, thus removing the economic barriers and the limiting effects of borders. Consequently, global neoliberal capitalism has generated uneven geographic development. As a result, there are regions whose profit is high, while there are regions which suffer neo-colonial trading frames, where the "*...colonizers today are multinational corporations*" (Dando, 2024, p. 200). This uneven geographical development causes uneven distribution of economic activity and opportunity, hence leading to invisible borders.

Moreover, the global dominance of the neoliberal economic approach led

to proliferation of economic actors, like multinational corporations, trade organisations (e.g. WTO) and free trade agreements. These newly emerging economic players become equipped with power and influence that may easily reach beyond the visible borders of nation states, thus decreasing the modernist concept of state sovereignty. Subsequently, the new economic rule, the ‘invisible hand’ of the market, the international and supranational economic organisations have remade the global constellation. On the other hand, they played a crucial role to remove the limiting effects of borders. On the other hand, they have inserted new forms of invisible borders of economic and social control. Diener and Hagen (2024, p. 106) aptly note this process in the following way, “...rather than passive dividers of space, invisible borders of social control and their attendant practices and processes surreptitiously socialize people to the written and unwritten rules that define acceptable behavior within specific places. While borders operating in more formal, political settings remain conspicuous, borders in more informal socio-cultural settings are so intuitive as to be invisible in most everyday contexts.”

Claudia Wilipo offers a chapter that works with the issue of rejected asylum seekers and their experience with the local bordering practices of Switzerland. The author underlines that migration control appears as a local bordering process in the everyday life of illegalised inhabitants of migration camps in the Zurich canton. Camp as a space and the

asylum process themselves represent an invisible socioeconomic bordering process.

Collective of authors put an interesting chapter on the topic of losing ground, namely on indigenous territoriality and the ‘núcleo agrario’ in Mexico. The post-revolutionary Mexican indigenismo ideology openly disagreed and opposed the establishment of the indigenous minicipos because their establishment could be a powerful ground for an isolation of the indigenous ethnic groups instead of wide-scale integration within the nationality and with the requirements of the modern nation state. However, most of the indigenous communities do not express territoriality that goes beyond the community level in Mexico, hence a broader multi-community or regional territorial control is non-existent.

Village-scale identity is rather seen as a pro-indigenous with very strong community and territorial identity. Subsequently, Mexican indigenous territoriality has been based on the bounded structure of ‘núcleo agrario’ which is a functional territorial jurisdiction with the aim and ability to manage and to develop indigenous agricultural communities through a form of semi-autonomous governance that cooperates with state and municipal authorities.

Indigenous territory, ‘núcleo agrario’, is a communal land holding(s) of the rural space that was protected with the idea of inalienability, thus assuring communal

space for local development that was closed in front of marketisation and speculative tendencies. However, there are tendencies in Mexico to remove the indigenous protection and to apply marketisation logic into the communal land holdings. These socioeconomic changes transform the ‘núcleo agrario’ into private property holdings with serious threats to the local population. The authors of the chapter describe this process of land dispossession as a ‘property regime change’. This regime change may generate deep-penetrating social pressures on indigenous society on the one side, but also an environmental threat on the other side. This means that the majority of indigenous territories are under some sort of priority for the conservation of its biological resources; although, marketisation will deeply disrupt the biological and ecological frames, because the market logic principally prefers economic interests instead of biological and ecological interests.

The removal of inalienability of land and provisions of the ‘núcleos’ by the neoliberal reforms and the liberal marketisation may generate serious new invisible socioeconomic borders, as the authors (Herlihy et al. 2024, p. 168) underline it, *“the pressures of privatization and marketization will dispossess indigenous villagers of their historic núcleos lands. And finally, this will also cause related loss of indigenous cultural identities and practices closely tied to those lands, as well as bringing dire consequences on the forests and other healthy habitats within.”*

The final chapter of the socioeconomic invisible border is the issue of internal colonisation and the construction of pipelines in the United States of America. The chapter offers a critical media discourse analysis of the Keystone XL and Dakota Access Pipeline projects. These two pipelines are in process of construction in the Appalachia region, where the government aims to present the positive aspects, making benefit to the nation by the use of media messages. This means that there is a deep concern and conflict of interest over environmental issues and resources, thus the role of media coverage, media discourse and presentation appear as crucial factors. Nevertheless, the marketisation of resources and building of pipelines might generate serious intra-nation invisible borders, namely “American peoples and places will be pitted against each other, with local interests pitted against national interests, boundaries will be invoked, and we will need to continually reexamine what it means to be labeled a landscape of “low consequence” and the implications for that place and its people.” (Dando, 2024, p. 210)

Rapid technological, telecommunication, internet and digital development have been experienced for the last few decades. These developments have had an impact on nearly every aspect of our life. Digitisation has profoundly challenged the well-known fixed, visible national borders and their links to society and territory. Borders in classical terms are

no longer able to easily accommodate the digital and online challenges. Classical fixed and visible borders have become diffused, they have been relocated from the margins of the territory of a state into the direct spaces of everyday life, for example various types of firewalls and/or censorship policies implemented by states. As Gabriel Popescu writes (p. 254), there is an unprecedented technological reconfiguration of borders, *“Borders are buried deep inside binary codes running silently on biometric machines, microchips inserted into passports, and cloud-based databases where information is stored.”* The future of these border shifting conditions are not well known, but their intensification is almost a certain trend. Diener and Hagen write (2024, p. 218), *“Given the rapid pace of technological innovation and its capacity to alter extant realities, it seems safe to conclude that a brave new world of invisible borders of technological control has already emerged with profound but as yet uncertain implications for the human condition.”*

Our post-modern world experiences the emergence of a new power elite, namely cyber-libertarians, crypto-secessionists and/or crypto-anarchists. These new elite groups exist and act on the basis of shared ideology instead of shared geography/sovereignty, thus establishing the so called ‘encrypted geographies’, namely undermining the modern nation-state frame and promoting a hybrid form of space with the ability to exit itself from politics. These groups aim to redefine

the modern forms of citizenship, governance, nationhood and as Isabelle Simpson (2024) writes, they *“create alternative economic and governance structures and as a way to open up new techno-political frontiers beyond the reach of governments”* (p. 223).

They promote decentralised communities and governance systems with denial of conventional politics, which is marked as old “folk activism”. Subsequently, space becomes disconnected from society through cryptocurrencies, start-up societies, blockchains and decentralised autonomous organisations, thus producing the rhetoric of peer-to-peer decentralisation, where any user is free to join the network. However, this kind of society remaking erects new ideological and digital invisible borders. It substitutes the physical walls to digital walls in order to keep out anyone, unless they are high net-worth investors, as it was proven in Puerto Rico by the Puertopia initiative.

Cyberspace has profoundly blurred the conventional boundaries. In cyberspace, borders do not disappear, but rather they are transformed into new invisible limits. These new and invisible borders might include various forms, like internet censorship which is performed by many governments with the aim to control and restrict internet content and access. *“The border, in this case, may reside in a server, in government software, in internet service providers, on the computers of users, or, in the case of self-censorship, in the minds of users themselves.”* (Warf, 245)

The explosive growth of cell phones has created new smart frontiers in cyberspace, giving governments and corporations almost unlimited possibilities to collect data about users' preferences and behaviour. Moreover, everyday mobile devices perform unnoticed monitoring not only the location of the user, but they also collect very private information, like heartbeat, blood pressure, sleeping patterns, etc. Consequently, biometric borders are formed and the classical border patrol is complemented by software developers, engineers, system experts and designers. As Gabriel Popescu (2024, p. 263) puts it, *"The adoption of biometrics for identification management does not simply represent a mere technological upgrade from analog to digital borders. Rather, this is a process fraught with power given that technology is always politically and socially mediated."*

To sum up, the edited volume of Alexander C. Diener and Joshua Hagen, 'Invisible Borders in a Bordered World: Power, Mobility, and Belonging', offers a very interesting reading on those processes and realms that challenge the modernist and classical understanding of sovereign cartographic borders. Instead of clearly palpable and perceptible borders, the new invisible borders have been structured in implicit, hidden and covert mode. The edited volume aims to explain the origins of these border alterations through different prisms, like the political, socio-economic and technological. The book is primarily recommended for the academic community, students of political sciences, international relations, international law, border studies and is recommended for people who either meet (as citizens) and/or work with borders.

Bencsik, P. (2022). *Demarkációs vonaltól államhatárig: A határ menti társadalom és konfliktusai az 1920-as években* (From Demarcation Line to State Border: Society at the Border and Its Conflicts in the 1920s). ELKH.

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History can be seen as a ceaseless fight between two antagonistic tendencies, namely territorialisation and de-territorialisation. During the 19th century, borders were characterised with the process of de-territorialisation, their limiting role was decreased and movement was free across the imperial borders. A major break of de-territorialisation was the First World War. The borders were closed due to wartime conditions. Subsequently, a territorialisation tendency monopolised border regions. These processes were accelerated by the Second World War and taken into extreme levels by the bipolar world order, iron curtain and the COCOM list.

ELKH issued a remarkable attention-grabbing book in Hungarian language with title '*Demarkációs vonaltól államhatárig: A határ menti társadalom és konfliktusai az 1920-as években*' / '*From Demarcation Line to State Border: Society at the Border and Its Conflicts in the 1920s*'. The book aims to research the territorialisation processes after the First World War and it performs an interesting border research of everyday life of the post-war borders

of Hungary, which were established by the Treaty of Trianon. The author explores the transformation of the everyday elements and living habits of agrarian society by the new post-war borders. The author used two primary source groups during his research, namely archival and press documents of that time. Unfortunately, oral history research of the events is impossible due to time distance, because those who directly experienced the events are no longer alive.

The book explains the changes in the post-war borders as a shift from the western to eastern conception of borders in Central Europe. The western conception of borders is based on law enforcement and non-military principles, while the main function of the border regime is to identify, register and/or control. This western conception of borders allows the functioning of an open society and the citizens are not restricted by the state apparatus. During the 19th century, the whole world was ruled by the Western European empires within the frame of their colonial policies. This policy establishment allowed the Europeans

to move freely around the whole world, while the colonial population did have much less opportunities for the same free movement. On the other hand, the eastern conception of borders can be characterised as a restrictive and an 'inward-looking' policy approach, because it interprets the surrounding environment as hostile, thus there is a need to install barriers between the outside and inside. Its main task is to control the movement of its own population. A state regime with eastern conception of borders sees the borders through militarist lenses, it aims to strictly limit emigration and to preserve its human power within the state. These state regimes are often described as authoritative.

Before the First World War, the majority of the European continent and the imperial borders were driven by western conception, and the eastern conception was rather present in the Tsardom of Russia and in some parts of the Balkans. Austria-Hungary was a space between the two border conceptions, specifically, its east and south borders were closer to the eastern conception, while all the other border sections were driven by western conception.

The First World War was a major shift in the conception of borders and all the borders were shifted towards the militarised and closed structures. After the war, Western Europe achieved to bring back the principle of open borders. Unfortunately, Central and Eastern parts of Europe were unable to do the

same even after the war. This could be explained by many factors. The first major factor was the disintegration of Austria-Hungary; subsequently, the newly appearing countries around Hungary had territorial disputes, conflicts were strongly present and these required the installation of more limited borders. In other words, the newly emerging countries in Central Europe did not have any interests to install the western conception of borders with Hungary, like movement and open borders, but they rather preferred the eastern interpretation of borders. Even after the termination of the war, capitulation and signature of the peace treaties, the armed conflict still continued in some parts of Eastern Europe (Polish-Ukrainian, Polish-Soviet) until 1923 and this was a significant factor for maintaining closed borders. Moreover, international changes also played their major role in promoting hard borders. On the one hand, the consolidation of bolshevism and the Soviet Union notably supported the closed borders in order to prevent the infiltration of the Bolshevik agents, propaganda and the spread of communist ideas. On the other side, the age of mass emigration came to an end when the United States of America introduced migration quotas.

As the author writes (p. 19), "*one of the main legacies of the war was the slow transformation of the border regime*" (translations are made by Teodor Gyelník). After the war, the new borders in Central Europe became a certain form of 'transitional' border, namely

neither fully open nor fully closed border regime. This in-between structure of the borders between eastern and western conception established an appropriate environment for future shifts in the border conception; consequently, the Central European region could be much more easily transformed into a strict, sovietised eastern border structure after 1945.

The book thoroughly introduces the most important elements of the border control system and the legal/illegal border crossings by the local people. After the First World War, the post-war agreement gave very strict rules on the number of military personnel of Hungary. This means that the military was minimised in Hungary. As a reaction, Hungary attempted to establish latent military forces through border and custom guards. It is worth noting that the alteration of the pre-1914 open borders into a semi-eastern conception of borders created a space of competition between military and civil institutions over leadership and command of the borders.

Important post-war border element was the struggle against the so-called “unwanted elements”. The Hungarian government quickly became aware that passport requirements can block the inflow of the “unwanted elements”. This reality explains the sudden alteration of opinion on passport requirements of the Hungarian government. To be more specific, Hungary advocated an overall termination of the passport

requirements already in 1919 after the war; although, at the passport conference of the Central European countries in 1922, Hungary was a supporter of passport requirements since it was the only available tool to limit the infiltration of the “unwanted elements”. These “unwanted elements” were the arriving Jews from Galicia, the non-Hungarian ethnic people beyond the borders and the possible Bolshevik agents with communist ideas. Although, the post-war passport and visa requirements generated significant administrative difficulties, economic damages, disruption of a society, illegal border crossing with all the legal consequences, like penalties, criminal proceedings or even imprisonment.

The first immediate and very direct effect of the new post-war borders was that significant Hungarian communities remained beyond the border of Hungary, suddenly finding themselves under hostile governance and discriminatory administrative measures. The families, divided by the new borders, needed to maintain contacts, as they regularly did it before the war. It means that visiting the relatives and the divided families was an important post-war issue. Nevertheless, the passport and the general visa requirements caused serious obstacles in this effort. Receiving the passport and visa did not remove all the obstacles, but the visitor had to struggle with further major obstacles, for instance the border could be crossed at limited border crossings, while the distance between the border crossing stations could be

more than even 80 kilometres. In other words, long detours had to be made in order to reach a destination even only a kilometre beyond the border.

The peasant society was not ready for this kind of borders. They had visited the relatives without any problems during their whole life, but now there is a limitation. They did not even understand why it was forbidden when they had done it before. They often did not require any travel documents, they simply crossed the border illegally since the new borders were not protected in their full length. However, the illegal border crossing had legal consequences if somebody was caught.

The book underlines that the Hungarian authorities did not deal strictly with the border violators, especially when they were Hungarians. The punishments were minimal, but it largely depended on the individual behaviour of the judges. Some judges used all the possible pretexts to acquit the violators, while some judges were less forgiving. Subsequently, in those regions where the judges used all the pretexts, the illegal border crossing was a usual form of behaviour, while in those regions where the judges were stricter, the illegal border crossing decreased.

In other words, *“the existing legal order was formally kept, but at the same time, the violators were not deterred from repeating the violation.”* (p. 52) The authorities were fully aware about the disrupted family relations due to the

new borders and the maintenance of the family contacts were interpreted as a basic national interest. It was hoped that intensive Hungarian-Hungarian relations across the border would preserve the Hungarian structure of the separated region, thus assuring the possibility of future territorial revision and unification with Hungary.

The other significant, direct and immediate effect of the new post-war borders was the issue of agriculture and farmers. The new border often run across land holdings and farms (597 cases with Romania, 290 cases with Czechoslovakia, 100 cases with Yugoslavia and 24 cases with Austria). The most problematic area was the border section with Romania and Czechoslovakia, while the committee for border identification with Austria tried to identify the new border in a way to cut land holdings as rarely as possible, thus this issue was less critical with Austria.

Whether the land holding or farm became divided by the border was often dependent on success. The book gives an example: a grape-grower from the municipality of Geszt (Hungary) was working in his viticulture when the committee for border identification arrived. The grape-grower was able to convince the committee not to cut across his viticulture, but many land holders and farmers were less successful in their cases. Those farmers whose land holdings were divided by the new border and who had to cross the border

on a daily basis in order to perform the work on the land holdings and farms were called as 'dual owners'. At the beginning, landowners and farmers, living in the new border regions, did not understand the new reality. They did not comprehend why it is forbidden to do the same daily work that they did before the war. Therefore, they continued their work even if it was illegal and they simply crossed the borders on the same field roads as before.

Passport and visa documents were not appropriate options for the dual owners since those documents could not guarantee everyday crossing in the long run. Administrative management and financial expenses of the travelling documents meant excessive burden for the dual owners, while the border crossing was allowed only on limited border crossing points, whereas the lands and farms were far away from the border crossing stations. Subsequently, a limited border strip movement was agreed to handle the problem of the dual owners and residents of the new border regions.

Limited border strip movement was not a new idea and it was already applied before the First World War. Austria-Hungary preferred western conception of borders, but its Balkan borders and at its Eastern borders were structured around the eastern conception with a more closed border structure regime than at the western or north borders. The first limited border strip movement agreement was signed with Romania in

1873. This agreement allowed the border crossing in urgent cases for 30 days.

In spite of the fact that Hungary was surrounded by hostile countries, the limited border strip movement (small border traffic) agreements of the small traffic mirrored a diplomatic victory for Hungary. The hardest negotiations were with Romania and Yugoslavia, while the smoothest negotiations were with Austria. The border strip movement agreements differed from the pre-1914 period. As a result of the new agreements, dual landowners and residents of the border region could apply for a travel document more easily.

In other words, the small border traffic was part of a larger game that revolved around nation-building and the definitive fixing of borders. The Hungarian government thought that if they can maintain vivid contacts with the detached areas, those relations can be helpful in the revision processes. The negotiations were hard, namely the small border traffic was allowed only to 10-15 kilometres instead of the usual 40 kilometres and the bigger cities were not involved, thus for example Bratislava, Lučenec or the newly acquired Romanian cities were omitted. Furthermore, the dual owners of land holdings and farms were often objects of various financial harassment from both sides. The dual land owners often had to pay some money to the border guards when they wanted to transfer their products across the border. What is more, they were excessively taxed and they were often

limited by border closures as was the case with Czechoslovakia in 1923 after the incident in Chym. These realities caused the dual owners to experience extremely hardened everyday life after the new post-war borders.

The next serious issue of the new post-war borders was the disintegration of the imperial economic framework. The disrupted economic structure assured space for private foreign trade and smuggling. Smuggling was a new phenomenon in Hungary after the Trianon borders. It already appeared in 1914 and it grew stronger every year. The main reasons for smuggling were destitution, poverty, hunger, which became widespread after the mandatory submission of grain and other agricultural products, but also profiteering.

Ordinary people along the border entered into smuggling in order to assure their livelihood within the disrupted imperial economic framework. However, aside from the ordinary people, more modest peasants, Jewish merchants and members of the elite could also be found among the smugglers. Although, smuggling was not only an illegal behaviour of outlaws, but for example the Red Guard, which was a law enforcement organisation during the Hungarian Soviet Republic (1919), was also significantly involved in the illegal phenomenon. Subsequently, smuggling became a well organised form of activity, large-scale smuggling networks were formed, even in the form

of armed gangs with forward, sideguard and rear guard units.

Another major reason for smuggling was profiteering. Significant price differences were present at the two sides of the border, thus smuggling the cheaper products into the other side and selling them with a profit ratio. For example, big price differences were in the case of horses or cattle between Hungary and Czechoslovakia. The most important outward smuggling items from Hungary towards Czechoslovakia were live animals, alcohol, grain and food, whereas inward smuggling was dominated by industrial items, Bat̃a shoes, clothes, tools, chemicals and saccharin. Smuggling between Hungary and Romania was dominated by items, like pepper, salt, nuts, capsicum or even gold.

Smuggling became so widespread that the Hungarian textile industry required the closure of the post-war borders with barbed wire and other specific obstacles that could limit the border smugglers. It is interesting to see that security and material interests began to become more important in the anti-Trianon rhetoric than the revisionist propaganda emphasizing the unsettledness of the demarcation lines between Hungary and its neighbours. Instead of underlining the economic unity of Greater Hungary, the leaders of the textile industry accepted the existence of the new borders and even demanded their strengthening. As the author underlines (p. 83), *“The protection of economic interests significantly contributed to the consolidation of the borders.”*

What is more, gold, silver, precious stones and jewellery also became objects of smuggling. As a result of smuggling, the decrease in the country's stock of bullion was worrying, causing economic damages, financial imbalance of the post-war state, bankruptcy of small entrepreneurs (e.g. cordwainer) and a moral freefall of the post-war society.

Maintenance of smuggling was influenced by legal uncertainty, namely rapidly changing and confusing legislation, perplexity of domestic and foreign smuggling and different understanding (personal bias or revenge) and interpretation of smuggling in different counties. Smuggling was virulent until 1948, when the new communist government almost hermetically closed all the Hungarian borders that de facto closed the space for smuggling.

The next serious issue was the armed conflict across the post-war borders. The new borders were a result of a dictate instead of mutually based agreement, hence both sides felt inconvenience and tension. As a result, armed conflicts happened at every new border section. The common feature of the border incidents is that we cannot exactly determine which party was mainly responsible for the conflict. The parties involved in the incident always accused the other side, often exaggerating the cases to an extreme and propagandistic level.

Shortly after the borders were established, the Czechoslovak and

Hungarian border section was a hot topic. The most famous border incident happened in April 1923, in the vicinity of Chym (now, settlement in Slovakia). A Czech border guard, Ján Sedláček, was murdered. The Hungarian and the Czechoslovak narrations significantly differed from each other. Historians think that a third stakeholder, specifically a smuggling gang, was also present in the conflict which was omitted from both narratives, thus explaining the significant narrative differences between Hungary and Czechoslovakia.

As a reaction, the Czechoslovak government closed the borders, even the dual landowners could not cross the border to do the spring tasks on their lands and farms. Moreover, Czechoslovakia ordered the seizure of the property of many citizens with Hungarian ethnicity and they had to leave their homes across the Roňava/Ronyva river. For instance, Jenő Szutor, a reformed pastor, was also ordered to leave Czechoslovakia. 35 thousand people wrote a petition in support of the pastor which was addressed to the President of Masaryk. Nonetheless, the call to cancel the ordination against the pastor was ignored.

Furthermore, the author describes interesting similarities between the post-First World War and post-Second World War policy measures. In both post-war environments, austerity measures were applied, like mandatory submission of agricultural products, planned economy, scapegoating exclusionary processes

and even show trials. During the twenties, the scapegoating processes were mainly implemented on a racial basis, where the Jews became pariahs within the society, whereas during the fifties, the scapegoating processes were implemented on the class basis, where the land holders peasants were the new stigmatised. In other words, the political events of the 50s were not new for the peasantry and it profoundly facilitated the achievement of the successes of the violent communist agrarian policy and Stalinisation of society.

To sum up, the book of Péter Bencsik '*Demarkációs vonaltól államhatárig: A határ menti társadalom és konfliktusai az 1920-as években*' / '*From Demarcation*

Line to State Border: Society at the Border and Its Conflicts in the 1920s' offers a very interesting research on the everyday border-making mechanisms in Central Europe after the First World War.

The book is valuable with its local level approach. It underlines the local, everyday life layer of the new post-war border instead of the state and/or nation based geopolitical approach. The book is primarily recommended for the academic community, students of political sciences, history, international relations, border studies and it is recommended for people who are interested in topics like, nation, nationalism, ethnicity, post-war borders, Trianon borders, post-world war Hungary.

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