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## Cooperation, cross-border



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# Cooperation, cross-border

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**Cross-border cooperation refers to cooperation between regional and municipal territorial authorities as well as other partners in bordering regions. This cooperation is promoted in all European border regions as part of the European regional policy to overcome border barriers.**

## 1 Definition and relevance

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In general terms, *cross-border cooperation* refers to cooperation across national borders in different field of action such as environmental protection, disaster control or spatial planning and urban land-use planning. This article thus focuses on cooperation between bordering territorial authorities to improve the coordination of administrative activities in urban and spatial development. The various administrative levels (cities and municipalities, districts and regional planning authorities, federal states, federation) cooperate with the bordering partner administrations from the neighbouring states.

In addition, the term *cross-border cooperation* also refers to part of the European regional policy (▷ *European regional policy*). One of the objectives of the regional policy is European Territorial Cooperation (ETC), which is divided into three strands: cross-border cooperation, transnational cooperation and interregional cooperation. Cross-border cooperation takes place between partners from at least two states in a shared border region.

When it comes to urban and regional development, cross-border cooperation is hugely important because, by way of example, environmental risks do not stop at national borders and balanced, sustainable development of the border regions requires coordinated settlement or infrastructure planning. With the increasing abolition of border barriers in the course of the European integration process, one of the objectives of European spatial development policy (▷ *European spatial development policy*) is to promote functional cross-border spaces. Cross-border cooperation is also needed in order to be able to capitalise on development potential and the complementarities of bordering spaces.

## 2 Challenges

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Cross-border cooperation in urban and regional development has always presented challenges to the players involved. These include administrative asymmetries, legal hurdles and the different planning systems in the respective states.

Firstly, specific difficulties arise from the fact that administrative jurisdiction is limited to one's own territory. For this reason, cross-border cooperation is, in many cases, still viewed as a voluntary and additional task of administrative action, which can lead to problems, especially given continuous cuts and a lack of political support.

Secondly, different administrative structures, jurisdictions, administrative processes and legal bases make cooperation difficult. In particular, the federal state structure and the German planning system with limited authority at a national level differ considerably from those states with a centralised structure such as France and Poland. Thus, a regular exchange and flexible coordination across administrative levels and jurisdictions is required. Furthermore, there is a language barrier at many borders, which makes cross-border cooperation with the Czech Republic and Poland in particular difficult because of a lack of knowledge of these foreign languages in Germany.

### 3 Legal framework

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Cross-border cooperation in Germany is legally based on the Basic Law (*Grundgesetz, GG*) (Articles 28 and 32 of the Basic Law), the Federal Spatial Planning Act (*Raumordnungsgesetz, ROG*) (section 1(2) no. 8, section 13(1), section 26(3) of the Federal Spatial Planning Act) as well as intergovernmental agreements for spatial planning cooperation; at a European level it is based on agreements and treaties such as the Madrid Framework Convention (European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (*BGBI.* [Federal Law Gazette] 1981 II, 966)). Whilst there are more far-reaching agreements and conventions at the west German borders, which for example provide for joint public bodies – such as the Anholt Agreement for cooperation at the German-Dutch border (*BGBI.* 1993 II, 843 et seq.) or the Karlsruhe Agreement for cooperation between Germany, Switzerland, France and Luxembourg (*BGBI.* II 1997, 1159) – there are no such legal bases at the borders with the Czech Republic and Poland.

On 5 July 2006 Regulation No. 1082/2006 of the European Parliament and the Council on the European Groupings of Territorial Cooperation (EGTC) came into effect with the purpose of making cross-border, transnational and interregional cooperation in Europe easier (OJ EC 2006, L 219, 19) This type of group is a legal entity in itself and can be made up of member states, regional and local territorial authorities and public institutions.

### 4 Instruments, forms of steering, institutions

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Cross-border cooperation in urban and spatial development is predominantly shaped by informal instruments such as policies and development strategies as well as temporary projects for developing the respective border areas or for cross-border coordination of planning. Examples of this include the ‘EMR 2020 Future Strategy of the Meuse-Rhine Euroregion’ of 2013 or the ‘DACH+ Spatial Observation and Spatial Development in the Border Area of Germany, Austria, Switzerland and Liechtenstein’ project (EMR2020 2013 steering group; *Regionalverband Hochrhein-Bodensee* [Hochrhein-Bodensee regional association] 2015). In addition to projects, there are regular briefings on plans as well as reciprocal statements on draft plans in accordance with the relevant regulations in the Federal Spatial Planning Act as well as the Federal Building Code (*Baugesetzbuch, BauGB*) or as part of cross-border Strategic Environmental Assessments (SEA). Nevertheless, these consultations always present problems for the respective planning authorities, for example because of the issue of funding translation and interpreting services.

There are interministerial spatial planning committees with some neighbouring countries, e.g. the Spatial Planning Subsection of the German-French-Swiss Upper Rhine Conference or the Spatial Planning Council of the German-Polish intergovernmental commission. At federal state level, too, there are cross-border committees for coordination in matters of regional development, e.g. the Saxon-Bohemian and the Saxon-Lower Silesian-Lebus Spatial Development Subsection in Saxony.

In recent decades, European regions (called Euroregions) have been set up for cross-border



cooperation at a regional and local level (see Fig. 1). These are unions of territorial authorities, in some cases even companies, for the purposes of cross-border cooperation. They vary in terms of their legal and institutional form. While most of the Euroregions create joint organisations at the west German border (e.g. the Euroregion on the German-Dutch border takes the form of a Dutch *Stichting*, the Meuse-Rhine Euroregion is an association registered in Germany), the four Euroregions on the German-Polish border take the form of separate associations of municipalities (the Neiße-Nisa-Nysa Euroregion in the border triangle of Germany-Poland-Czech Republic consists of a German, Polish and a Czech association with separate headquarters). In many of these Euroregions, the creation of shared organisational structures by way of an EGTC is currently under discussion. Most of the Euroregions have joint working committees on matters of regional planning, spatial planning and spatial development.

In the course of the debate on European metropolitan areas (▷ *Metropolitan region*) in Germany as well as the updating of the ▷ *Guiding principles for spatial development*, four border regions at the west German border (Meuse-Rhine Euroregion, Greater Region, Trinational Metropolitan Region of the Upper Rhine, International Lake Constance Conference) founded the Initiative Group of Metropolitan Border Regions (*Initiativkreis Metropolitane Grenzregionen, IMeG*) in 2011. The objective of the Initiative Group is to:

- better use and synchronise European and national funding instruments for coordinating cross-border regional development,
- expand the function of the metropolitan border regions as development drivers and
- enshrine both of these in the guiding principles for spatial development as well as at European level in order to coordinate the policy of the federation and the federal states as well as position itself in the debate on European spatial development policy (*IMeG* [Initiative Group of Metropolitan Border Regions] 2013: 9 et seq.).

The Association of European Border Regions (AEBR) serves to network border regions in Europe. Its duties include sharing experience as well as coordinating and representing the interests of the border regions at national and European level (cf. AEBR, undated).

## 5 Funding programmes

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There is a dedicated funding instrument for cross-border cooperation in Europe, which was set up in 1989 under the name INTERREG. Cross-border cooperation is also funded by the European Regional Development Fund (ERDF) over the EU's 2014–2020 funding period as part of the 'European territorial cooperation' objective of European regional policy (▷ *European regional policy*) (OJ of EU 2013 L 347/259 Article 2). In the previous 2007–2013 funding period there was a total of 52 programmes for cross-border cooperation, 14 of which had German participation (see Fig. 2).

**Figure 2: INTERREG IV A assisted areas with German participation**





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**Cross-border cooperation with German participation**  
**INTERREG IV A-assisted areas and bordering areas as per**  
**Article 21.1 of the ERDF Regulation (20% clause)**

- |   |  |
|---|--|
|  Brandenburg – Poland    |  Saxony – Poland                          |
|  Germany – Netherlands   |  Bavaria – Czech Republic                 |
|  'Greater Region'        |  Bavaria – Austria                        |
|  Meuse-Rhine Euroregion  |  Alpine Rhine, Lake Constance, High Rhine |
|  Saxony – Czech Republic |  Upper Rhine                              |

Data: Operational programmes of the respective programme areas  
 Geometric basis: GfK Geomarketing

- |  |
|--|
|  Mecklenburg-Western Pomerania/<br>Brandenburg – Poland |
|  Fehmarnbelt region                                     |
|  Southern Baltic Sea region                             |
|  Schleswig/K.E.R.N. –<br>Southern Denmark               |

Source: Federal Institute for Research on Building, Urban Affairs and Spatial Development 2012: 139

Each of the cooperation areas has its own Operational Programme (OP) for specifically shaping

the content and the organisation of the cooperation to the programme areas. These are developed jointly by the national and regional authorities of the member states involved, with the participation of local authorities, business and social partners as well as non-governmental organisations. The member states involved are responsible for managing the respective programmes; in Germany the relevant federal states are responsible for appointing an administrative authority and a Joint Technical Secretariat (JTS) to support these efforts, as well as a contact point in the respective partner region.

The programmes are implemented through concrete projects, for which partners from both sides of the border must come together.

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