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## **Euroregions: Problems and Prospects for the Creation of Euroregions on the Basis of the European Outline Convention on Transfrontier Co-operation and its Additional Protocols**

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### Handout

Mr. President,

Ladies and Gentlemen,

How can we create a Euroregion that really works? In my lecture I shall try to answer this question, based on my experience in the field of local and regional co-operation in the trinational Upper Rhine Euroregion between Switzerland, France and Germany. As a Rapporteur on transfrontier co-operation within the Congress of Local and Regional Authorities of the Council of Europe, I have observed that all over Europe some aspects for the creation of Euroregions can be generalised, whereas certain differences persist. However, it is useful to compare Euroregions and to look at the experiences made during the last thirty or so years.

In border areas, local and regional authorities face problems that they - or their central or federal government - are unable to solve on their own. Rather, such problems necessitate balanced co-operation with public authorities in neighbouring states. Although ten Central and East European states are set to join the European Union, it is important to continue, and even step up, efforts to encourage and foster the development of international co-operation activities between local and regional authorities in Europe, irrespective of their membership of European organisations.

Transfrontier co-operation, and more broadly trans-European co-operation, has been identified as an important factor for stability in Europe. The number of transfrontier co-operation activities in Europe has increased sharply over the last ten years, partly due to the increased number of international borders following the attainment of independence by several former states of the Soviet empire and the Federation of Yugoslavia, and the partition of the Czech and Slovak republics. The number of border regions in Europe automatically soared.

Attempts are being made to organise such undertakings on a more formal basis. In Central and Eastern Europe, and even the Balkans, local and regional authorities, in two or more states are establishing numerous Euroregions. States are also signing more intergovernmental agreements, and a growing number of transfrontier committees are being set up.

There is no general definition of the term “Euroregion” I shall use it in the sense of a “framework for co-operation between existing territorial authorities”. Depending on the domestic legislation applicable, it can have its own governing bodies, staff and budget.

Although Euroregions are becoming increasingly common, they do not constitute a new, transfrontier tier of government. Nor do they enjoy legislative powers; their activities are restricted to the functions exercised by their members. Moreover, their members must implement any decisions they take, especially since many of them do not have their own budgets to act directly.

The Euroregion can be established by a political agreement (declaration, statement) adopted by the representatives of the municipalities and bodies concerned, followed by the conclusion of such legal agreements as may be necessary, depending on the degree of institutionalisation that is sought. In the case of the Upper Rhine region, after some years of experimental co-operation on an informal basis, we chose for a State Treaty concluded between Switzerland, France and Germany in 1975 and renewed in 2000. This Treaty provided for a double-layer construction with an Intergovernmental Commission at the top and the delegation of transfrontier co-operation competencies to the regional level, the Upper Rhine Conference.

Members of Euroregions should be local and regional territorial authorities having elected bodies and managers or decentralised state organs (as is the case for France).

The identification of the members, the geographical scope of the Euroregion, and its objectives is for the participants to decide.

According to the membership, the institutional setting has to be defined. It should provide for a general assembly, a bureau, a chairman, secretarial staff and a budget.

Since Euroregions do not usually have decision-making power, they adopt a common position, reflecting the views of its members, which agree to adopt, at their own level and within their own responsibilities and powers as territorial communities or entities, the measures required to give effect to that position.

Let us have a closer look at the main factors conducive to transfrontier co-operation between local and regional authorities in neighbouring states on the one hand and to the obstacles to transfrontier co-operation on the other.

The main factors conducive to transfrontier co-operation between local and regional authorities in neighbouring states are the following:

**Environmental factors**, as some European border regions share rivers, lakes or mountain ranges. Common interests are environmental conservation (water, air), economic and social development.

**Historical and cultural factors** can unite populations on either side of a border, as they often share a common destiny and find themselves separated by national borders that may be relatively recent (the common use of Germanic dialects in the Upper Rhine area, for instance).

**Economic and social factors** as border areas are often places of trade and exchange and may be virtual reservoirs of employment and activity (as shown by the

considerable flow of cross-border labour in the Upper Rhine which amounts up to 80 000 people).

**Political factors:** following a period of mistrust, national authorities are increasingly considering transfrontier co-operation as a way of conducting a small-scale foreign policy that reinforces more traditional international and intergovernmental relations.

Lastly, a **democratic imperative** is now prompting local and regional elected representatives to set up transfrontier political bodies with a view to joint management of common problems faced on either side of a border.

On the other hand, obstacles to transfrontier co-operation are many and varied:

**Geophysical obstacles** may hinder or restrict transfrontier co-operation, the natural obstacle itself is often less of a barrier than the lack of infrastructure for crossing it.

**Cultural and historical obstacles** can be harder to overcome than natural obstacles. Past conflicts, like those between France and Germany, make it difficult to establish ongoing relationships between border areas in the countries in question. The situation becomes even more complicated where the historical record is compounded by the present-day problems of national minorities.

**The linguistic obstacle** in areas that do not share the same language is often underestimated, whereas it appears to be a key limitation on the establishment of ongoing, wide-ranging border relations.

Lastly, **legal, political and administrative obstacles** complicate practical aspects of transfrontier relations between local and regional authorities. Such obstacles include legal restrictions on people or goods crossing the border and restrictions arising from legislative discrepancies on either side of the border.

The instruments used to foster transfrontier co-operation are fairly varied, and may be used by all the tiers participating in transfrontier co-operation: European organisations, central or federal states, and local and regional authorities. They include the European Outline Convention on Transfrontier Co-operation by Territorial Communities or Authorities and its two protocols. The Convention entered into force in Russia ten months ago and even earlier in most of Russia's neighbouring countries.

The Outline Convention does not impose strict legal obligations on the signatory states; rather, it is an important statement of principles in which they undertake "to facilitate and foster transfrontier co-operation" and to grant local and regional authorities the same facilities for co-operation as at national level. Although the Outline Convention has limited direct impact, it has been - and remains - the primary European legal instrument to which states commit themselves. Moreover, the model agreements appended to the Convention offer legal frameworks tailored to the co-operation needs of national agencies and local and regional authorities.

The **Additional Protocol** to the Outline Convention entered into force on 1 December 1998 and has now been ratified by 11 states and signed by 9 others (not yet by Russia). Subject to certain conditions, it expressly enshrines the right of local and regional authorities to conclude transfrontier co-operation agreements, and gives

actions and decisions taken in accordance with such agreements legal force under domestic law. It also provides scope for conferring legal personality on the co-operation bodies set up by such agreements.

**Protocol n°2**, which was opened for signature on 5 May 1998, extends the scope of the Outline Convention and Additional Protocol to cover interterritorial (or interregional) co-operation. It has entered into force in 8 countries so far, amongst them, Switzerland and Germany, but does not have a direct impact on the creation of Euroregions.

In addition to these multilateral instruments, states have signed numerous intergovernmental agreements among themselves on transfrontier co-operation, giving their local and regional authorities the necessary legal machinery to engage in co-operation activities.

Such agreements, many of which go hand in hand with improvements in the domestic law of the states in question, either govern all aspects of transfrontier co-operation between the states (such as the 1991 Anholt agreement between Germany and the Netherlands), or are confined to a single sphere of co-operation (such as the 1996 agreement between Slovenia and Austria on the prevention of natural and technological hazards).

All of these intergovernmental instruments give local and regional authorities the legal capacity to enter into European partnership agreements, the scope of which varies according to the partners' interests and needs. However, local and regional authorities find that the range of legal instruments available to them is still inadequate for increasingly technical and specialised forms of co-operation.

**Political instruments** take the form of activities designed to show that national elected representatives and representatives of local and regional authorities are committed to fostering and practising transfrontier and trans-European co-operation. These activities range from informal or official meetings between political decision-makers to the establishment of genuine transfrontier co-operation bodies (Euroregions or transfrontier councils, for instance). The Upper Rhine region is one such body.

**Financial tools** are vital in order to give practical effect to political commitments and to help local and regional authorities implement their plans. Funding may come from local and regional authorities themselves, their central or federal governments or even European organisations. The EU, for instance, has had a very significant impact on the level and scale of transfrontier and trans-European co-operation through the Community programme INTERREG (for member states) and its counterparts PHARE CBC (for central and east European countries), TACIS and CARDS for southeastern Europe. Recently the European Commission launched a New Neighbourhood Instrument, which, I think, will help to develop and to improve Community instruments for the post-2006 period.

Thanks to the efforts of European organisations, there has clearly been a gradual overall improvement in local and regional authorities' commitment to trans-European co-operation, and in the quality and variety of such projects.

In many border regions, co-operation has developed in stages. The first stage, in the 1960s, was the introduction of the first twinning arrangements. Co-operation then

gradually became more structured, with the first steps towards Euroregions, particularly along borders shared with Germany. In Western Europe, transfrontier co-operation was very effective in reconciling peoples after the Second World War.

The first proper legal instruments for transfrontier co-operation arrived in the 1980s. Finally, the 1990s have been characterised by a considerable financial commitment from the EU and assistance for restructuring in Central and East European countries.

After all, today most European countries dispose of a sufficiently wide range of legal instruments for developing transfrontier co-operation and specific co-operation bodies with their neighbouring countries. Where this is not the case, initiatives like the one promoted by the Council of Europe in order to adopt a multilateral regional agreement on the development of Transfrontier Co-operation in South Eastern Europe, are under way. Within the European Union and many federalist countries (e.g. Switzerland), the principle of subsidiarity is backed and underlines the importance of co-operation at a local and regional level.

In order to illustrate the possibilities offered by Euroregions and to tell you about the lessons learned let me give you some examples taken from the Upper Rhine Euro-Region, which is situated at the intersection of three countries, Germany, France and Switzerland.

The Upper Rhine Euro-Region extends from Basel Switzerland to southern Palatinat (Germany), covering about 21'000 square kilometres and has 5.7 million inhabitants, a population figure comparable with Denmark. Since the early 1990s, the population has increased by more than 33'000. Its most important structure is the Franco-German-Swiss Upper Rhine Conference. This highly developed transfrontier co-operation body covers studies, projects and other activities in the field of spatial planning, transport, environment, economy, health, education, culture, youth and mutual assistance in the case of emergency.

After some thirty years of co-operation in the Upper Rhine region, I would like to summarise the key elements of a successful Euroregion in seven points:

**FIRST** Identify the fields of common interests.

Topography, climate, natural resources, settlements and transport infrastructure usually shape the conditions for future co-operation. The fields of co-operation should be defined according to short-term and long-term objectives. In the Upper Rhine region we have to deal with permanent goals (like improving continental railway connections) and with topics that are subject to changing agendas (like quality of water in the river Rhine, which was of high importance in the end of the 1980-ies).

**SECOND** Bring people together.

Co-operation means establishing networks. They should fit into the organisational framework of the Euroregion, but at the same time, they should be appropriate to the objectives defined. Therefore the permanent network structures with assembly, bureau, and permanent working groups representing all the institutions involved etc. as described before, should be set up and maintained. Equally important is the possibility to create ad hoc working groups or project groups. This is why the Upper Rhine Conference, in addition to its nine permanent working groups, sets up expert committees for specific needs like completing a study on the development of cross-border transport volumes in the 15 years to come or organises conferences like the one in Spring 2003 on the consequences of EU-enlargement in presence of Commissioner Verheugen.

**THIRD** Make institutions match.

If you deal with the same topic in three different countries, you will never have the same administrative structure managing it. Dealing with spatial planning issues in our region for instance, means identifying in each country the institution in charge of these questions. Whereas in Switzerland one or two persons of the cantonal administration will be sufficient, you have to include four German institutions and six or eight French institutions. Nevertheless, as a result of our efforts, we were able to publish a common spatial planning scheme for the Upper Rhine in 2001.

**FOURTH** Develop projects jointly.

Useful steps to develop successful projects include: preparatory work in permanent groups, feasibility studies by experts, ensuring political support and implementation on the basis of well-established budget.

The trinational museum card, created for the whole Upper Rhine region and which gives access to more than 150 museums in three countries, may serve as an example.

**FIFTH** Provide for financing and controlling.

Controlling can only be assured by a restricted political bureau, which is assisted by a professional secretariat. This secretariat should, to a certain extent, be capable of financing small projects itself. The key word in this field of course is INTERREG (or similar programmes for non-EU-countries). The Upper Rhine Conference has set up in 1995 a permanent trinational secretariat with 4 staff, in the beginning with the help of INTERREG, but nowadays financed by the regional partner only.

**SIXTH** Make sure citizen benefit from co-operation.

Efforts made in transfrontier co-operation have to have a positive impact on day-to-day life. One of the most successful projects in the Upper Rhine Euroregion therefore is the network of INFOBEST – Transfrontier information points that you can find every 50 km in the Upper Rhine region. Binational or trinational teams are located at these points in order to answer all kind of cross-border questions or to help finding solutions for problems. Last year the INFOBEST near Basel, of which I am the Chair, dealt with 4'500 inquiries.

**SEVENTH** Ensure transparency and information.

Since many problems are dealt with, on an executive level, it is of the utmost importance to let the public know about the common positions that could be defined, about the objectives a cross-border institutions pursues and of course, about the implementation of this objectives. The Upper Rhine Conference for instance, sets out at each plenary session what the annual programme consists of for the following year and how the previous year's programme was implemented.

I am convinced that by following these seven rules you will be able to develop a fruitful co-operation that is supported by a large public.

Thank you for your attention.