

METHODOLOGICAL GUIDEBOOK

ARTICULATE COHESION POLICY, GOVERNANCE STRUCTURES
AND CROSS-BORDER TERRITORIAL APPROACHES

ENGLISH VERSION

Introduction

The current context of French cross-border cooperation has been marked by an intense period of reform at the national and European level.

The implementation of cooperation depends largely on the administrative organisation of States and the manner in which public policies are led. The current period is undergoing vast changes; to cite just a few examples: in France, a new stage in the decentralisation process was launched in May 2012; in March 2012, England abolished its regional development agencies; in Italy, a provincial reform was announced in 2012, depending on the region. Moreover, the current context of structural reforms amidst the backdrop of an economic crisis is having a large impact on cross-border cooperation.

More specifically, in recent years in France, there has been a noticeable increase in awareness of the need to redefine the cross-border policy¹ and to move on to a new stage in the decentralisation process.

At European level, 2011 – 2013 was a pivotal period for the cohesion policy and its programmes funded by structural funds. The current period, 2007 – 2013, is coming to a close and the next cycle, 2014 – 2020, is currently being prepared from a regulatory and strategic perspective, at the level of European institutions, Member States and local authorities.

In this dynamic context, the Transfrontier Operational Mission (Mission Opérationnelle Transfrontalière - MOT) has drafted a methodological guidebook aimed at improving the articulation between cohesion policy, governance structures and cross-border territorial approaches. This initiative stems from two overall observations. On the one hand, the coherence between cross-border governance structures (binding the various institutional partners on both sides of the border), cooperation strategies and sources of funding (notably INTERREG programmes) is currently insufficient. On the other hand, there are a large number of good practices concerning local cross-border cooperation which deserve to be promoted as a source of inspiration for other areas.

First, this methodological guidebook gives an in depth diagnosis of cooperation initiatives across all French borders, underlining local particularities, in addition to similarities shared by all borders. This work then goes on to fuelling a series of recommendations aimed at improving the framework of implementation of cross-border cooperation.

This methodological guidebook is the result of a year and a half of investigations undertaken by the MOT as part of a study carried out between June 2011 and November 2012 and jointly funded by the Europ'Act national technical assistance programme in France. Initially, the MOT undertook a vast fieldwork, based on about 75 meetings with key stakeholders involved in cross-border cooperation, which primarily fuelled the diagnosis outlined in this guidebook. The second phase of the study consisted on focusing on the French-Italian border and organising a meeting between French and Italian national and regional authorities on the issue of the coherence between cross-border cooperation policies. Finally, during the last stage of the study, a methodological

¹ In this regard, an important milestone was reached with the publication of the report of the Blanc-Keller-Sanchez Schmid Parliamentary mission in June 2010, which contained a diagnosis of cooperation and proposed 19 proposed on current mechanisms.

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guidebook was drafted and a conference entitled “Cross-border territories, regional and national policies: What coordination for 2014-2020?” was organised for all stakeholders involved in cooperation and allowed the presentation and discussion of the findings included in the methodological guidebook.

The diagnosis of this guidebook initially presents an overview of the cooperation by geographical area, which provides a factual panorama of structures and territories of cooperation and an analysis of local particularities. Subsequently, the general section of the diagnosis highlights observations valid for all French borders in terms of governance, strategies and funding instruments for cross-border cooperation

The final section of this guidebook includes twenty recommendations, developed in three sections, focussing successively on general principles, the French organisational framework and the 2014-2020 cohesion policy.

The results of this work are aimed at local authorities, State bodies, European institutions, INTERREG programme bodies, and, more widely, stakeholders involved in cross-border cooperation.

The guidebook provides an overview of the current state of cooperation, both within a precise geographical area (border or Euroregion) and over all French border regions. It provides up to date information and an analytical vision of cooperation structures, the involvement of institutional stakeholders involved in cooperation and INTERREG programmes. This overview offers better comprehension of cross-border issues, notably in terms of governance and cooperation strategies.

Finally, these recommendations allow the identification of areas for improvement at various levels (European, national, regional, departmental or equivalent, local) and in terms of administration, implementation and prospective, etc. which can then inspire all stakeholders involved in cooperation. The recommendations are target local authorities and State bodies and are aimed at contributing towards better consideration of cross-border activities, through organisational changes, new working methods and new types of missions.

General Diagnosis

Introduction

A large range of public stakeholders are active in a cross-border context, involved in governance structures and acting according to various strategies. This diversity results, in part, from the lack of any precise definition of cross-border issues. These issues are neither objectively attached to any specific competence and, therefore, any clearly identifiable institutional stakeholder, nor localised in any explicit and standardised manner – the scales of cross-border phenomena are variable. Local issues internal to States are, admittedly, complex; however, they are the object of standards, technical processes, and even scientific or political debate, in a framework of relatively stable knowledge and questioning, which is lacking at cross-border level. The integration of these local cross-border issues in national or even regional frameworks, which are different across borders, increases the complexity thereof even more.

A diagnosis comparing the various scenarios observed at local level, regional level and at the level of each border, should allow the identification of major typologies or trends and overall conclusion, as well as the transfer of experiences and good practices from one border to the other. This may additionally be used as a basis for reflection on how to improve national policies having an impact on cross-border areas and national monitoring of these issues.

The general diagnosis is articulated around three major sections which provide analyses concerning the governance of cross-border cooperation (institutional stakeholders and cooperation structures), the cross-border strategies (priorities for development and action plans) and the funding mechanisms (INTERREG programmes, national or local funding). Finally, the conclusion of this section explores how these three dimensions are articulated.

Governance

The analysis of governance takes on a different form in a cross-border context, where the very notion of cross-border government is “prohibited”. The concept of governance, as a mechanism allowing for cross-border cooperation between various public and private bodies, takes on its full meaning here.

The diagnosis of the governance of cross-border cooperation has led to three major observations.

Firstly, the position of institutional stakeholders involved in cooperation reveals a large-scale dynamism, with, on the one hand, local authorities taking on an increasingly influential role in cooperation; and on the other, the State, at least for the case of France, repositioning itself towards supporting more local mechanisms.

Secondly, cross-border cooperation structures are extremely diverse, taking into account their territorial scale, their functioning and their legal status.

Finally, much division remains in handling cross-border issues; with partitioning both within institutions, between various departments, and between different cooperation partners.

1 THE DYNAMISM OF THE PLACE OF INSTITUTIONAL PARTNERS IN CROSS-BORDER COOPERATION

The role of institutional stakeholders involved in cooperation is characterised, on the one hand, by the dynamism of the place of local authorities which are being more involved in cooperation and, on the other, the State, for the case of France, undergoing a gradual repositioning towards a role of support for local initiatives.

Across all mainland French borders, local authorities play a key role in cross-border cooperation and cross-border regional development. Decentralised State bodies in France remain important stakeholders in cross-border cooperation, notably in their key areas of expertise and authority (such as, for instance, healthcare, major transportation infrastructures, language training, fiscality, competitiveness, security, energy, the environment, etc.). However, State bodies often have insufficient capacity to investigate cross-border matters. Moreover, the manner in which cross-border issues are dealt with in ministries is rather limited, unsystematic and non integrated at the interministerial level.

2 THE DIVERSITY OF THE CONFIGURATIONS OF CROSS-BORDER COOPERATION STRUCTURES

There is a vast diversity in cross-border cooperation structures, taking into account both their territorial scale as well as the functioning and legal form. The analysis of cross-border cooperation mechanisms has led to identification of three levels of governance, at local, regional and border level. Overall, it is possible to observe the pre-eminence of horizontal cooperation structures, formed by public authorities of the same level, due to sharing identical competences across the border. However, it is important to underline the rising power of multi-level cooperation.

Moreover, the increase in number and complexity of governance structures leads to illegibility of the overall governance. As a reaction to this phenomenon, initiatives aimed at streamlining and simplifying governance were launched.

Over the majority of mainland France's borders, there is a positive trend of legal organisation of cooperation, with the establishment of entities having a legal personality (European Grouping of Territorial Cooperation - EGTC, Local Grouping of Cross-border Cooperation - LGCC, Euroregional Cooperation Grouping - ECG, etc.).

3 THE PERSISTENCE OF SEVERAL TYPES OF PARTITIONING

Several types of partitioning remain in dealing with cross-border issues, on the one hand within institutions, between various departments, and on the other between cooperation partners.

Within local authorities and State departments, those departments responsible for European issues have a preeminent role as an interface between sectorial departments. However,

we can identify a certain sectorial partitioning (for instance, the lack of communication, information and decision making) which has a negative effect on the development of cross-border areas and the handling of transversal issues.

Partitioning is additionally external, on the one hand horizontal (between local authorities or cooperation structures of the same level, but also between State bodies, in certain instances) and on the other, vertical (between different levels of local authorities and State bodies). Mutual information sharing between local authorities and governance structures is often imperfect and work contacts are often insufficient. Moreover, the contacts between cross-border territories of the same level on a single border are rather limited. The horizontal partitioning is doubled by a vertical partitioning, between levels of local authorities or State bodies and between cooperation structures, sometimes combined with rivalry between levels.

Strategies

The strategies of cross-border cooperation and development represent cross-border policies and initiatives taken by stakeholders involved in cooperation, defined in line with geographical and thematic diagnoses to achieve certain objectives. These strategies are necessary as they promote the desire of stakeholders to take action, beyond mere ad hoc initiatives, and to be involved for the future of cross-border territories.

More widely, the level of cross-border strategic reflection, which are subject to many restrictions concerning the development and implementation, is rather weak. Whilst the cross-border perspective appears to be a cross-cutting issue, touching on many political sectors and additionally having a geographical dimension, it generally remains a marginal strategic concern for institutional stakeholders.

Moreover, sectorial strategic initiatives are predominant in the cross-border perspective, compared to integrated development plans.

Finally, there are several strategic scales (local, regional, border, macro-regional/transnational) for which multi-level articulation is difficult and which are primarily developed over the short-term, although there are many examples of mid-/long-term strategies.

4 CROSS-BORDER COOPERATION, A CROSS-CUTTING BUT MARGINALISED CHALLENGE IN PUBLIC POLICIES

Cross-border issues are a cross-cutting challenge, but are marginalised in public policies. The aspects having a cross-border impact are taken into account insufficiently by public policies, although the trend has been positive over recent years.

Cross-border issues generally take a rather limited place in policies and strategic documents issued by local authorities and State bodies. However, some local authorities identify these as a strategic priority.

Finally, the analysis also shows a limited articulation between cross-border issues and sectorial and territorial policies (mountains, river, and maritime areas).

5 THE PRE-EMINENCE OF SECTORIAL CROSS-BORDER STRATEGIES OVER THOSE INTEGRATED

Sectorial cross-border strategies are predominant in comparison to those integrated. In this regard, sectorial definitions of the strategies of local authority and State department on both sides of a border have cross-border dimensions (a cross-border economic development, research and innovation, vocational training, transportation, healthcare, etc.) Moreover, there is a specialisation in the strategic axes of cooperation depending on the levels (regional and local).

However, the projects of cross-border territorial development are intensified over the areas where cooperation ties are strong and long-lasting.

6 THE DIFFICULTY OF MULTI-LEVEL ARTICULATION

There are certain difficulties in articulating strategies at different scales, due to the implication of institutions at different levels with different competences. Multilevel articulation of strategies requires more complex governance as well as an acknowledgement and a will to ensure the coherence between scales of strategies, which is not always a priority of local authorities, which are more concerned with respecting the autonomy of each echelon.

However, this multilevel articulation of strategies is necessary from a functional point of view, an observation which is shared by some of stakeholders involved in cross-border cooperation, which are beginning to implement dialogue mechanisms between levels of strategies.

7 THE PREDOMINANCE OF SHORT- AND MID- TERM REFLECTION

Short-term action plans (1 or 2 years), depending on the specific needs identified and the cooperation projects implemented, are preponderant. This corresponds to a reactive attitude in relation to the reality of the cross-border situation, which is mostly an iterative and inconstant mobilisation.

However, mid- and long-term strategies or action plans (5-15 years) additionally have their place, depending on the maturity of territories and their degree of integration. Finally, the cycle of INTERREG programmes lasting 7 years has a major impact on the rhythm of strategic reflections.

Funding

The INTERREG cooperation programmes are generally the key funding mechanism for cross-border projects, well beyond the funds allocated by local authorities in the frame of

their own policies. Given the amounts at stake, these programmes generally exclude heavy investments in infrastructure.

First, the analysis of ten cross-border cooperation programmes at the French borders ² revealed the existence of a great potential for improvement in the development process of these programmes.

Subsequently, although the composition of the steering partnerships is extremely diverse and the issue of perimeters and sub-assemblies is extremely complex, the financing priorities are rather standardised.

Finally, there is a lack of articulation between INTERREG programmes and other European programmes and a reduced place for funding mechanisms outside of the INTERREG programme.

Common funds implemented by partner institutions exist in the framework of bilateral or multilateral agreements, but these are relatively limited in terms of financial amounts, aside for large development projects and major investment projects. In this regard, involvement of local authorities is undertaken notably via contribution to INTERREG projects, in comparison to other funding mechanisms.

8 AN IMPORTANT POTENTIAL FOR IMPROVEMENT OF THE DEVELOPMENT PROCESS OF INTERREG PROGRAMMES

The diagnosis of the cooperation programmes, the ex-ante evaluation of the programmes, and the development process leave much room for improvement. Indeed, the analyses on which the programmes are founded often are rather compilations of the diagnoses of the territories composing the cross-border perimeter, than diagnoses of cross-border areas of cooperation. Moreover, diagnoses do not place sufficient focus on the needs for cooperation or the sectors where cooperation has an added-value.

9 THE DIVERSITY OF THE COMPOSITION OF THE STEERING PARTNERSHIP AND PROGRAMME COORDINATION BODIES

All steering and programming committees include local authorities of level NUTS III (departments, Kreise, provinces, dicupaciones) and level NUTS II (regions), State representatives (notably for France) and environmental authorities, with a large variety of configurations according with programme perimeters. However, socio-economic stakeholders, towns and cities, cross-border regions and representatives of neighbouring European programmes are insufficiently represented.

In terms of programme management, there's a rather high level of diversity in terms of the status of management authorities and joint technical secretariats.

² France (Channel)-UK (FR-UK), Two Seas (FR-UK-BE-NL), France-Wallonia-Vlaanderen (FR-BE), Greater Region (FR-BE-LUX-DE), Upper Rhine (FR-DE-CH), France-Switzerland, ALCOTRA (FR-IT), Italy-France Maritime, POCTEFA (FR-ES-AN), Amazonia (FR-BR-SU).

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General diagnosis

PO INTERREG IVA	MANAGEMENT AUTHORITY	JOINT TECHNICAL SECRETARIAT	NATIONAL AUTHORITY
FRANCE (CHANNEL) – UK	Conseil Régional Haute Normandie		
TWO SEAS (FR-BE-UK-NL)	Conseil Régional Nord-Pas de Calais	GEIE GECOTTI (based in Lille, France)	Conseil Régional Nord-Pas de Calais
FRANCE - WALLONIA – VLAANDEREN (FR-BE)	Wallonie Bruxelles International	France-Wallonia-Vlaanderen Asbl (association based in Namur, Belgium)	Conseil Régional Nord-Pas de Calais
GREATER REGION (FR-BE-LU-DE)	EGTC INTERREG IVA Programme Greater Region	STC INTERREG Grande Region Asbl (association based in Luxembourg)	Préfecture de Région Lorraine
UPPER RHINE (FR-DE-CH)	Conseil Régional Alsace		
FRANCE – SWITZERLAND	Conseil Régional Franche-Comté		
ALCOTRA (FR-IT)	Regione Piemonte	STC (based in Menton) No legal form	Préfecture de Région Provence-Alpes-Côte d'Azur
ITALY - FRANCE MARITIME	Regione Toscana	STC (based in Livorno) association based in Italy	Collectivité Territoriale de Corse
POCTEFA (FR-ES)	Consorcio de la Comunidad de Trabajo des Pyrénées (based in Jaca, Spain)		Conseil Régional Aquitaine
AMAZONIA (FR-BR-SU)	Conseil Régional Guyane		

10 THE COMPLEXITY OF THE ISSUE OF PERIMETERS AND SUB-ASSEMBLIES OF PROGRAMMES

The perimeter of the programmes is defined according to the particularities of the regions and the negotiation between the partners involved and there is no standard configuration. Three scales appear to be pertinent: that of immediate proximity, an intermediary scale and the programme level, which apply to projects and aim to ensure territorial equity. Often resulting from mergers and responding to many local particularities, certain programmes include sub-divisions, which is a source of administrative and financial inefficiencies.

11 THE STANDARDISATION OF PROGRAMME AXES DESPITE THE DIVERSITY OF BORDER TERRITORIES

There is a rather paradoxical situation concerning the formatting of programmes, despite the great diversity in the border regions, their state of integration and governance mechanisms, which even applies within a single programme. The structure of the programmes does little to reveal the local particularities and, in the vast majority of cases, operational programmes do not explicitly rely on clearly defined cross-border strategies or priorities. The territorial dimension of programmes is almost inexistent, as operational programmes have an essentially thematic approach, organised into three or four axes to which technical assistance is added.

12 THE REFLECTIONS ON THE DIFFERENT TYPES OF PROJECTS

Certain programmes distinguish different types of projects, mostly to take into account implementation particularities. There are strategic projects, generally developed in a top-down approach, involving a larger number of partners, with a more clearly marked sectorial and Euro-regional dimension. The territorial dimension of projects is under-developed; however, the ALCOTRA programme (France-Italy) implements integrated cross-border plans (Plans Intégrés Transfrontaliers - PIT), multi-thematic projects with a common objective of economic and social development of a specific area. Finally, the use of micro-project funds is limited.

13 THE GREAT DIVERSITY OF THE METHODS OF PROJECT SELECTION

The types of calls for project mechanisms differ greatly from one programme to another. Their number varies, but the selection procedures are essentially bottom-up, without specifications or targeted calls for projects. Moreover, the instruction chain for cross-border cooperation projects is extremely complex, involving a large number of stakeholders (local authorities and State bodies, in France), which generates problems in terms of aggregation and trade-off concerning the opinions of all partners.

14 THE LACK OF ARTICULATION BETWEEN INTERREG PROGRAMMES AND THE OTHER EUROPEAN PROGRAMMES

The articulation of cross-border cooperation programmes with other European programmes is extremely limited. There is an extremely weak articulation between neighbouring cross-border programmes, whether in terms of eligibility criteria, selection procedures and instruction, dialogue between authorities and between programme coordination bodies.

There is also some partitioning between the three strands of the European Territorial Cooperation goal (cross-border, transnational, interregional).

Finally, there are few synergies between cross-border programmes and regional programmes, beyond the formal coherence and the elimination of double funding, although there is potential complementarity (for instance in terms of vocational training and employment, learning, occupational and social integration, renewable energies, etc.)

Conclusions

The articulation between governance mechanisms, strategies and instruments for funding cross-border cooperation is rather limited.

First of all, some of the institutional stakeholders and governance structures do not have precise cross-border strategies. They have a short-term vision of their cross-border initiatives, in line with individual projects and joint competences.

Subsequently, the articulation of cooperation strategies and INTERREG programmes is insufficient. Generally speaking, these programmes have a largely reduced strategic dimension which does not go beyond funding axes with a wide scope for intervention.

Finally, the cross-border cooperation governance is largely structured by the framework of INTERREG programmes, in terms of the schedule, funding, fields of cooperation and partners involved.

However, the trend of articulating the three dimensions studied (governance, strategies and funding) is positive and this coming together can only be encouraged by the orientations of the 2014-2020 cohesion policy, which promotes the consolidation of the strategic dimension of territorial cohesion and local development.

1 CONSOLIDATE THE ARTICULATION BETWEEN STRATEGY, GOVERNANCE AND FUNDING

First of all, it is necessary to distinguish the three dimensions – strategy, governance and funding – in order to ensure their articulation.

Provide the governance structures with territorialised cross-border strategies

The mere existence of cross-border governance structures, driven by a political desire for cooperation, is not sufficient to generate common development projects in border regions.

The political visions and impulses of governance structures should be channelled and defined in development strategies for cross-border territories, supported by diagnoses and prospective. Generally, the thematic axes of common work, identified by the majority of cooperation structures, remain rather wide and abstract.

Cross-border governance bodies should further this work to outline territorial or sectorial strategies in favour of objectives identified for the development of cross-border regions or aimed at resolving specific problems.

For instance, a Euroregional structure could outline a common vision for the integration of its region or several strategic domains, outlined into specific concrete areas for action with deadlines, according to its territorial and institutional contexts.

It is important to distinguish cooperation strategies, whose logic is to provide an overall response to the objectives outlined by partners, from financial mechanisms, which can assist in implementing parts of the strategies and be used in complementary manners.

In this regard, several sources of funding could support various parts of a single integrated cross-border development strategy.

Distinguish cross-border cooperation strategies from the financing tools that fund them

It is necessary to use funding instruments, such as INTERREG programmes (as well as regional programmes funded by the European Union where appropriate) in favour of cross-border cooperation and development strategies outlined by regional stakeholders (local authorities and their public or private partners).

☞ These programmes should discard the handout rationale of individual projects, which is far too used, and should serve the priority needs and objectives identified within cooperation strategies. This is essential to avoid the scattering of funds, particularly amidst a context where public funding is diminishing, as well as to ensure a real impact of the programmes on regions.

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Recommendations

- ✎ Programmes could notably take into account three types of strategy : Euroregional (such as for instance those outlined by the Greater Region, the Upper Rhine, the Alps-Mediterranean Euroregion, etc.), local (such as for instance those of the Lille-Kortrijk-Tournai Eurometropolis, the Regio PAMINA Eurodistrict, the SaarMoselle Eurodistrict, Greater Geneva ³, and the Mont Blanc Space, etc.), as well as institutional cooperation in the form of cooperation agreements or conventions (such as for instance the memorandum of understanding between the Pas-de-Calais General Council and Kent County Council).
- ✎ This articulation between strategy and funding instruments should be undertaken with respect to the diagnoses of programmes, the evaluation, the eligible initiatives, without forgetting to implement new integrated tools for territorial development proposed by the 2014/2020 project regulations.

Articulate INTERREG programmes with cross-border cooperation structures

Finally, it is essential to ensure the articulation between INTERREG programmes and the existing cross-border cooperation structures.

- ✎ It is, notably, essential to ensure that infra-departmental scale governance structures (supported by multi-level or local governance) are consulted at the time of the drafting of programmes, to take into account their needs in terms of projects, as well as their implementation (eligibility, project follow-up, coordination, capitalisation). For instance, these structures could be involved in programme development working groups.
- ✎ A concrete example of an issue to be dealt with is the eligibility of EGTC for INTERREG programmes as unique beneficiaries, which is not yet standardised.

2 INTEGRATING THE CROSS-BORDER PERSPECTIVE INTO THE MAINSTREAM PUBLIC POLICIES

Cross-border issues often fall under national legislation or policies but have specificities due to interactions with neighbouring countries.

In order to avoid marginalisation, these cross-border issues should be dealt with as far as possible within public policies, as any particular instance requiring certain adaptations of the general framework and not as a separate case.

At European level

Cross-border issues should be positioned at the heart of cross-cutting themes, such as the Single Market, and taken into account by each DG within the European Commission, where applicable, with a coordination role of the DG REGIO (inter-service groups).

More specifically, in the Common Strategic Framework, a document which outlines the 2014-2020 Cohesion Policy, cross-border cooperation should be dealt with as a cross-cutting issue within each section outlining the priorities for investment and implementation of funds.

³ The Franco-Valdo-Genevan urban conglomeration took a new name in May 2012 : "Greater Geneva".

At national level

Within each ministry, cross-border contacts should act as an interface between public policies and cross-border matters.

- ✎ They could raise awareness of central departments and decentralised services as to cross-border specificities and ensure that national frameworks take these into account or are sufficiently flexible, by proposing ad hoc adaptations.
- ✎ An example would be that of giving a cross-border dimension to national calls for projects (such as sustainable mobility or competitiveness clusters), as was undertaken in Switzerland where, in the framework of the Swiss metropolitan policy, the Confederation funds, via a call for projects, the transportation infrastructures of the cross-border metropolises of Geneva and Basel.

At infra-national level (regional, departmental or local)

It is important to ensure that strategic programming documents or prospective documents (such as CPER; PASE for the State; SRADT, SCOT, PDU, PLH, etc. for local authorities) integrate, where applicable, a cross-border dimension, at least in terms of diagnosis and, where applicable, in the priorities of development and concrete initiatives, etc.

- ✎ In this perspective, the first step involves improving mutual knowledge on both sides of the border of the content and terms of implementing public policies.
- ✎ Subsequently, it would be essential to improve cross-border information mechanisms of spatial planning processes and, more widely, the production of strategic policies and documents.
- ✎ Then, it would be important to render automatic the consultation of local authorities or foreign neighbouring States insofar as it is compulsory for French neighbouring authorities
- ✎ It would be also necessary to establish common cross-border references or cross-border charters which could then be used in planning and programming documentation. The respect of such references should be based on the principle of reciprocity in order to ensure the harmonious development of cross-border areas.
- ✎ It would, finally, be important to ensure the articulation between various operational programmes, notably between the INTERREG A cross-border cooperation programmes and regional programmes for the Investment for Growth and Jobs.

3 BOLSTER THE MULTI-LEVEL CROSS-BORDER GOVERNANCE

Establish bridges between existing governance structures at various levels

The diagnosis of cross-border cooperation governance mechanisms shows the existence of genuine “layers” in the structures which are either stacked up or juxtaposed over time

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Recommendations

across some borders (France-Germany, France-Spain, France-Luxembourg-Belgium), whilst across other borders, structures are almost non-existent (France-England, France (Guyana)-Brazil-Suriname, France-Italy over the sea border).

These situations represent a source of opacity in the overall system and cause entanglements, duplications or, on the contrary, points which are not dealt with.

In this perspective, it seems necessary to optimise the system notably through the establishment of bridges between governance structures and between the various levels of local authorities.

- ✘ In practice, it is necessary to consolidate information, consultation and decision-making channels between various levels of local authorities (Central State, State decentralised departments, Regional and General Councils, inter-communal authorities) and between the levels of cooperation structures (Euroregions, local areas – such as the Mont Blanc area).
- ✘ Two examples of governance streamlining and consolidation of ties between various regional and local levels are the Trinational Metropolitan Region (Région Métropolitaine Trinationale - RMT) in the Upper Rhine⁴ and the Cross-Border Polycentric Metropolitan Region (Région Métropolitaine Polycentrique Transfrontalière - RMPT) in the Greater Region⁵.

Take into consideration the various territorial scales

Cross-border cooperation is developed through various levels, notably at the level of the entire border (for instance France-Belgium or France-Spain), or at Euroregional level (for instance the Greater Region and the Upper Rhine) and at local level (for instance the Franco-German Eurodistricts or the Mont Blanc Space).

- ✘ Although layered or interlocked somewhat, these levels of territorial intervention correspond to the autonomous areas of public intervention, which are for the most part specialised. Each of these scales has particularities in terms of the themes covered, the functioning of the partnership, and the project funding method, etc. which should initially be distinguished and characterised.
- ✘ These territorial scales are at the same time interdependent as they are linked by the mobility of citizens alternating between the perimeters in order to meet their needs (residence, employment, studies, leisure).

It is important to consolidate the links between the levels – and strategies and projects implemented at these levels – in the spirit of inter-territoriality and streamlining of public and private initiatives in these territories.

4 BOLSTER THE OBSERVATION OF CROSS-BORDER ISSUES

⁴ The Upper Rhine region includes the Franco-German-Swiss cross-border area comprised of four regions: Alsace, North West Switzerland, South Palatinate and a part of the Baden Country.

⁵ The Greater Region comprises: Sarre, Lorraine, the Grand Duchy of Luxembourg, Rhineland Palatinate, Wallonia, Wallonia-Brussels Federation and the German-speaking community in Belgium.

Local observation sources on cross-border issues (such as for instance in the Greater Region, in the Franco-Valdo-Genevan urban conglomeration, the Jura Arc), productions of ad hoc structures or urban development agencies exist in large numbers. At national level, in its role as observer, the DATAR takes due account of the cross-border dimension, for instance in its Territorial Observatory Report 2011.

Despite this work, there is a need to coordinate and consolidate statistical data. Networking of local and regional cross-border observatories should aim at comparing data in order to fuel diagnostics by border, or at national level, which would serve as a basis for State or local authority border strategies. It seems, moreover, necessary to ensure the sustainability of the cross-border dimension in observation and prospective as undertaken by the DATAR and to ensure the regular updating of data.

The MOT should be consolidated in its role as a technical and strategic observation tool for border regions, notably following its transformation into a Public Interest Group (Groupement d'Intérêt Public – GIP). It would be permanently linked with the State and local authorities and cooperation structures.

Observation and planning/prospective mechanisms should be led at various levels of cross-border cooperation in a multi-level spirit:

- ☞ locally (those of urban development systems and rural cross-border areas)
- ☞ regionally (for instance, polycentric metropolitan regions)
- ☞ at the border level, a scale that is pertinent due to the fact that the border is a meeting point for two or three national systems.
- ☞ At European level, to ensure networking at this level

5 CONSOLIDATE THE POSITION OF CROSS-BORDER COOPERATION IN THE PARTNERSHIP AGREEMENT

Unlike at present, the proposed regulations for 2014-2020 make it compulsory to take due account of the objective of European Territorial Cooperation (ETC) in Partnership Agreements with the indication of “main priority areas for cooperation” (article 14 of the general regulation).

It is necessary to interpret this provision from its widest sense so as to take into account the territorial cooperation and especially cross-border cooperation in a cross-cutting manner in the Partnership Agreement.

This choice will better integration of cross-border issues in all European and national policies at all levels. This would, moreover, allow for strategic reflection on cross-border cooperation, and to maximise its impact on the development of territories and to ensure a better framework for cooperation programmes.

In this regard, cross-border cooperation should be taken into consideration in the Agreement, notably concerning:

- ☞ the partnership organised ;
- ☞ the strategic territorial diagnosis ;
- ☞ the ex-ante evaluation ;

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☞ the thematic objectives and investment priorities ;

☞ the integrated tools for territorial development (see point 8).

In the development of each of the eleven thematic objectives and their investment priorities, it is essential to include a section on cross-border cooperation so as to grant a common classification to programmes. This would clarify implementation, facilitate dialogue and articulation between programmes and their national follow-up. Moreover, sharing this classification at national level would additionally favour articulation of cooperation programmes with regional programmes.

Finally, it is important that the Partnership Agreement clarifies the initiatives which may be funded in cross-border, transnational and inter-regional programmes so as to avoid duplication and lack of comprehension and to favour the complementarity between the strands of the cooperation objective.

6 ENSURE THE COHERENCE OF THE PARTNERSHIP AGREEMENTS OF FRANCE AND NEIGHBOURING STATES CONCERNING ASPECTS RELATED TO CROSS-BORDER COOPERATION

The reform of the Cohesion Policy makes provision that the objective of European Territorial Cooperation be taken into consideration in Partnership Agreements. However, it does not make an express requirement for any negotiation between neighbouring Member States on the content of the ETC in their national frameworks.

In order to avoid, as far as possible, the choice of contradictory priorities on each side of the border and to promote a synergy of cooperation strategies, it seems necessary when concerning cross-border issues, **to organise bilateral negotiation between France and its neighbours in order to ensure the coherence between aspects related to cross-border cooperation in Partnership Agreements, prior to the development of operational programmes, both regional and cross-border.**

This would allow for a better framework for implementation of programmes and coherence between national strategies and policies having an impact on cross-border cooperation (for instance major transportation infrastructures, seen as an area for cross-border development).

In practice, bilateral dialogue could be organised on each border so as to outline, in line with the wishes of stakeholders, the degree and nature of coordination between Partnership Agreements.

This dialogue would involve, depending on the administrative organisation of each neighbouring State, national and regional public stakeholders (ministries and local authorities from both sides, French prefects).

It is important to note that this framework of negotiation should be differentiated in line with the existence, or otherwise, of integrated strategies at the level of the border. In a context such as that of the Upper Rhine or the Greater Region, this negotiation should be articulated around existing processes; in other instances (France-Belgium, etc.), a specific process should be established.

During meetings, it would on the one hand be necessary to bring together local diagnoses undertaken in each State and, on the other, to explore the opportunity and feasibility of ensuring coherence between Partnership Agreements in three areas :

- ✚ Firstly, it is necessary to reflect in terms of strategy on the possibility of placing into these national frameworks the shared development goals for the border region, which will be funded by regional and cross-border programmes, thematically (how each State concerned should approach each of the 11 priorities on the list of the 2014/2020 regulations from the Europe 2020 perspective, and in synergy with neighbouring States on this border) and territorially (what shared appreciation of common cross-border areas, with different levels, urban systems, natural areas, cross-border regions, what regional priorities, etc.).
- ✚ Secondly, it is very important to ensure the coherence of programming procedures under the 2014-2020 Cohesion Policy, and notably: the rules for implementation of integrated funding (integrated territorial investment, local development operation, joint action plan), the eligibility of expenditures, the terms for awarding joint funding, the position of EGTC in programmes, etc. The coordination on the aspects of programme implementation is essential in avoiding any inconsistencies in national systems and difficulties in implementation, or even disfunctionments, in the cross-border region.
- ✚ Thirdly, it is necessary to choose a common steering mechanism (creation of a Coordination Committee or articulation with that in place at present), and a coordination mechanism for certain sectorial policies (information about spatial planning on both sides, establishment of a sustainable cross-border observation system, etc.), with the financial support of cooperation programmes.

7 GIVE A CROSS-BORDER DIMENSION TO DIAGNOSES OF THE PARTNERSHIP AGREEMENT AND COOPERATION PROGRAMMES

Grant a cross-border dimension to the national diagnosis of the Partnership Agreement

The national diagnosis of the Partnership Agreement should not solely take into account the internal country situation, but also its situation with regard to neighbours, in order to act as a framework for ETC programmes, and regional programmes where applicable. In this regard, the diagnosis should have a cross-border dimension and notably deal with the following:

- ✚ disparities between French regions and their neighbours and their impact on both sides of the border,
- ✚ complementarities and existing relations between regions on both sides of the border,
- ✚ development needs and opportunities resulting from these differences and complementarities.

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Improve cooperation programme diagnoses

The national diagnoses will be fuelled by regional diagnoses undertaken by regional Prefects and Regional Councils in negotiation with other local authorities, by respecting the model outlined in circulars published by the DATAR in March and July 2012. The July 2012 circular notably included an annex concerning the cross-border regional stakes to be considered.

The overview of the current period has shown that diagnoses of cooperation programmes were undertaken primarily under a sectorial perspective, with a weakness in the statistical data provided, notably with respect to cross-border integration, and dealing little with overviews of previous programmes.

For the fifth generation of INTERREG programmes, it is important to ensure that diagnoses undertaken include a genuine cross-border dimension and do not simply remain a compilation of diagnoses comprising the perimeter of the programme.

In this regard, diagnoses should include:

- ✘ a sectorial analysis, taking into account the 11 thematic objectives of the proposed 2014-2020 regulations, in addition to other themes deemed as pertinent (demography, employment, education, lifelong learning, healthcare, economic development, research and innovation, culture, tourism, transport, environment, energy, etc.);
- ✘ a territorial analysis (urban areas, rural areas and natural spaces, mixed areas, operational areas, development areas, etc.), notably cross-border territories included within the perimeter of the programme ;
- ✘ an overview of the previous periods in terms of achievements, results and impact on the region ;
- ✘ an analysis of existing cross-border cooperation strategies in the area concerned.

This information should be handled by:

- ✘ analysing the cross-border issues within the area concerned (cross-border commuters, cross-border mobility, public cross-border services, etc.);
- ✘ taking into account existing references (strategies, plans, etc.), dealing with areas included in the perimeter of the programme ;
- ✘ illustrating the analyses undertaken through maps and complete statistical data on the programme perimeter. In this regard, this should allow for good information sharing between national statistical offices, regional observatories, urban development agencies and State bodies, on the one hand, and their equivalents in neighbouring countries on the other ;
- ✘ underlining the needs and potential of cross-border cooperation ;
- ✘ involving, for the drafting of diagnoses, on the French side, regional and departmental Prefectures concerned, Regional or General Councils and the major towns or communities, and their equivalents on the other side of the border, cooperation structures and, finally, ambassadors and consuls concerned, where applicable.

This new methodology would allow, more than before, to place a focus on cooperation needs, and critical points (problems encountered, deficiencies), and on those sectors where cooperation has added value, and advantages in cooperation. Diagnostics would, therefore, fulfil their role of providing justification or support to the development of a cooperation strategy.

Base the choice of the perimeters of programmes on an objective evaluation of the results of cross-border projects

In compliance with the 2014-2020 regulations, the Partnership Agreement should indicate those areas eligible for the ETC goal and notably those eligible for the cross-border strand. These choices are extremely important as they will determine the perimeters for cooperation programmes. The experience of previous programmes has shown that there is no ideal format, but that the perimeters should meet the particularities of each cooperation area.

The definition of eligible areas should be undertaken on the basis of overviews of the previous INTERREG programmes which could then form a part of the Partnership Agreement.

- ☐ This overview would notably present a geographical distribution of projects (in terms of the location of implementation and the location of the partner) in order to identify areas where cooperation initiatives are concentrated.
- ☐ The overview could additionally include a strategic section underling the priorities and perspectives for future development.

For the 2014-2020 period, the category of adjacent area will disappear, which will lead to transformation of some adjacent areas into eligible areas and the elimination of inactive areas from cross-border programmes. The overview of previous programmes would be extremely useful in justifying these choices.

8 IMPLEMENT THE INTEGRATED TOOLS FOR TERRITORIAL DEVELOPMENT

The proposed regulations consolidate the territorial dimension of the cohesion policy with the introduction of two integrated tools for territorial development which may be applicable to cross-border issues:

- ☐ **“integrated territorial investment”**, a mini-programme for the implementation of a multidimensional territorial development strategy over a particular area, which would be incorporated into programmes and may benefit from delegation of management to intermediary bodies ;
- ☐ **“local development operations”**, a bottom-up approach which funds integrated and multi-sectorial strategies for local development, led by local action groups (LAG) across sub-regional areas.

And also “the joint action plan”, which is a multi-project tool which may additionally be used for cross-border issues and which is defined and managed in line with actions and results

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to be achieved. This represents a series of projects, with the exclusion of infrastructure projects, performed in the framework of one or more programmes.

These tools could largely improve the impact of cooperation programmes on cross-border areas.

***In the Partnership Agreement,
outline a uniform implementation framework***

In order to encourage the use of these new tools proposed by the European Commission, it is important to ensure that the rules for application of these three instruments respond to cross-border specificities and do not add any more complexity to the development of cross-border cooperation projects.

In order to do this, Partnership Agreements should, in a coordinated manner across each border, outline the terms and condition for implementation of integrated tools for territorial development, and notably :

- ☞ the terms and conditions in line with which integrated tools for territorial development may be funded by several funds and particularly by virtue of a cross-border cooperation programme and one or more regional or national programmes ;
- ☞ the eligibility criteria of EGTC and equivalent cooperation structures for these integrated tools for territorial development.

In this regard, the eligibility criteria of partners, procedures and schedules for call for projects for local development strategies, selection mode and criteria should be coordinated (committee comprising management authorities concerned), and this for all funds and programmes.

Implement the new tools in programmes

The opportunity of implementing these instruments should be evaluated at the stage of the development of each programme so as to anticipate the development of projects and to adapt the implementation procedures to real cases.

For each programme, this work could be undertaken by a working group on cross-border territorial development, in which local stakeholders (local authorities, conurbations, EGTC, Eurodistricts, parks, etc.) should be involved.

In order to support the development of integrated tools for territorial development, which require vast amount of time for maturity and significant expertise, programmes should support potential bidders from a financial and operational point of view (territorial engineering), as well as create monitoring and evaluation procedures more in-depth.

Dual selection methods (call for interest, calls for projects) should be preferred to simple selection or registration in operational programmes. This would initially allow for the pertinence and solidity of a partnership to be judged, as well as the perimeter and overall strategy, and to select the best initiatives. Subsequently, selection should focus on more detailed action plans.

Finally, even more than for the simple projects, integrated tools for territorial development

require homogenous rules for dealing with partners on both sides of the border, notably in terms of eligibility and joint financing.

In terms of objectives, **it is important to ensure that amongst the expected results from these tools, there is the issue of organising governance** (the potential creation of EGTC or an equivalent tool, etc.), **and tools for sustainable observation of the common area, and coordinating for planning on both sides of the border.**

9 IMPLEMENT COORDINATION MECHANISMS BETWEEN FUNDS AND PROGRAMMES

The coordination between funds and programmes should be at the heart of the future programming period. This coordination is notably useful in terms of optimising funding, capitalising good practices and national follow up of programming.

- ✎ The coordination should be implemented within national coordination bodies (national steering committee) and at programme level (by the presence of representatives of neighbouring programmes in steering committees).
- ✎ This should, moreover, be undertaken operationally, at the level of implementation (instruction, project development, follow-up of projects) by pooling resources and exchanging good practices.

Joint information and coordination channels between cross-border cooperation programmes and regional programmes in the area could be implemented. These terms would be discussed during meetings with the ETC working group.

Moreover, coordination with European and national funding mechanisms (funds of local authorities; Regional Cooperation Fund (Fond de Coopération Régionale – FCR), European Development Fund (Fonds Européen de Développement- FED) for the outermost regions) should be undertaken (in terms of eligible actions and the schedule for project selection).

Details of these terms should appear in operational programmes or in the vade-mecums written afterwards.

10 CONSOLIDATE THE TOOLS FOR CAPITALISATION AND NETWORKING

It is necessary to consolidate the tools for programme capitalisation and networking, projects and stakeholders involved in cross-border cooperation, in order to contribute to disseminating good practices and knowledge, in addition to establishing new partnerships.

It would be useful to develop **a new generation of the INTERACT programme** at EU level, aimed at assisting the implementation of programmes and cooperation projects, facilitating the exchange of information, experiences, results and good practices.

This does not only concern management, as was mostly the case in the current period,

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but also **the strategic dimension of programmes** (strategies, territorial diagnoses, development, selection, follow up and evaluation of projects), **projects, so as to capitalise on thematic aspects** (particularities of the cooperation context for the priorities resulting from thematic objectives cited in regulations) **and territorial aspects** (cross-border areas of different types –urban, rural, maritime, etc.).

The future INTERACT programme should develop these new orientations, in synergy with programme-networks: INTERREG C (which should approach the territorial dimension of the cohesion policy and not only the thematic dimension), ESPON, URBACT. Moreover, the networking of cross-border territories committed in sharing knowledge should be more explicitly fundable by these future networking programmes.

There should be **national contact points in each Member State** in order to be more in tune with public partner authorities involved in cooperation and not only with management authorities or joint technical secretariats. Moreover, these national contact points should operate as a network, as is the case for national contact points in the ESPON network, and be coordinated with MOT-type of national structures, or those indicated in the Budapest Platform.

Capitalisation and coordination should be undertaken at European level, with a strong role played by the Commission (DG REGIO), Eurostat (Urban Audit) and the ESPON programme. **DG REGIO, in its role as pilot of the cohesion policy, should emphasise that knowledge sharing is at the heart of cooperation.** As joint producer of European regional knowledge (Urban Audits, works led with Eurostat and the OECD, reference framework for sustainable cities, etc.), this should integrate the issue of cross-border regions, where applicable, in partnership with national statistical institutes.

The **ESPON programme, which has now investigated the issue of cross-border knowledge, should continue to do so**, by relying on the network of national contact points (ESPON Contact Points - ECP). It should, moreover, continue with the development of tools for the evaluation of the impact of policies and prospective on cross-border regions.

