

Overview on the Evolution of the Regulatory Framework for Cross-Border Mobility in Europe

Amrutha Kollamkuzhi Dharman
Freelance advisor

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1 Introduction

Country borders in Europe have been shaped as a result of interplay between geography, culture, language, conflict and a large number of demographic and socio-economic processes (Christodoulou, Christidis 2020). The European Union (EU) has 38 internal land border regions. As a result of above-mentioned factors border regions in general are more isolated than the rest of the Member State, they form part with. This factors which are barriers that limit the border regions opportunities for interaction with their cross-border counterparts which in most cases are also isolated within their own national context (Christodoulou, Christidis 2018). These two trends, the internal and the cross-border isolation, mean that for a significant part of the EU population inter-regional accessibility is limited, even

though they may not be longer considered as ‘frontiers’ zones within the European Union (Christodoulou, Christidis 2020).

Border regions are literally in the forefront of geographical cohesion of the EU member states but often appear to be poorly developed and heterogeneous in terms of transport infrastructure. The reasons for the latter are natural obstacles like rivers or mountains, lack of coordination or inadequate capacity to meet the demand of mobility between border regions. (Christodoulou, Christidis 2020). However, over the past decades, the European Union integration process has helped border regions to transform from mainly peripheral areas into area of growth and opportunities (European Commission 2017).

This chapter briefly goes through the main steps of EU policies in which Cross-Border Cooperation, more specifically, Cross-Border Mobility is addressed or considered as an objective.

2 From the Treaty of Rome to the Schengen Agreement

The starting point of the efforts undertaken by EU to achieve complete cross-border mobility dated back March 1957, when Treaty of Rome was signed with an aim to establish European Economic Community (EEC) and to create a ‘common market’. The creation of ‘common market’ was based on free movement of goods, people, services and capital. One of the policies outlined by the treaty as joint policy between member states is the transport policy (Articles 74 to 84, EUR-Lex). This Treaty is the legal foundation for implementing a common transport policy (Ogorelc 2003).

A further important step took place in July 1973, when the European Commission drafted a legislative proposal for the creation of the European Regional Development Fund (ERDF). The main objective of ERDF was the promotion of industry and infrastructure. In December 1974 the EU leaders approved the creation of this fund and in March 1975 ERDF was formally established (Brunazzo 2016). Later, the ERDF also funds cross-border, interregional and transnational projects under the European territorial cooperation objective which was introduced in 2007 as a new objective of Cohesion policy.

The key step towards the objective to build a Europe without a border is the Schengen Agreement, named after the town of Schengen, in Southern Luxembourg, on the river Moselle, where it was signed in June 1985. This agreement was for the abolishment of the internal borders between countries and extend control of the external borders. Initially it was signed by only five following EU countries: France, Germany, Belgium, Luxembourg and the Netherlands. The real implementation of the Schengen area started in March 1995, by the five original signatories plus Portugal and Spain, who abolished the checks between mutual borders. A major progress made

by the Schengen Agreement was in May 1999, when the Treaty of Amsterdam incorporated the agreement inside the legal framework of the European Union. Currently Schengen Area consists of 26 countries of which 22 are EU countries and four others are associate members of the Schengen Area which are not EU member. These countries are Iceland, Norway, Switzerland and Lichtenstein. They are part of European Free Trade Association (EFTA) and implement the Schengen treaty through specific agreements.

3 Cohesion Policy: The Community Initiatives and the Interreg Programme

The 1988 reform is an important landmark in EU history as it is marked by the beginning of full-fledged Cohesion Policy. During this reform the Community Initiatives (CIs) (Brunazzo 2016) was created as a part of the Reform of the Structural Funds. The CIs were launched for the first time in 1989. They are special instruments of the Community's structural policies, complementing the Community Support Frameworks and single programming documents, which are proposed by the Member States and negotiated with the Commission. Interreg I is one of the Community Initiative which was introduced in 1989 with the aim to assist the border areas of the community to prepare for the single market in 1992. One of the means which is considered to achieve this objective was by promoting closer cooperation between regions on different sides of national borders. Among the eligible measures taken under this program, improvement of transport and other communication system was also included. An amount of ECU 800 million was allocated for this initiative which was highest among the various measures (Guide to Community Initiatives, 1989-93; <http://aei.pitt.edu/69642/1/guide.1.pdf>).

In 1993 the *Green Paper on the future of the Community initiatives under the Structural Funds* was issued by the EU Commission. The wide-ranging consultation on which the Green paper was based, resulted in defining seven priority themes that shaped the Community Initiatives 1994-99. Among such priorities, the first one is, cross-border, trans-national and inter-regional cooperation and networks. In this the Interreg II programme allocated about ECU 3,600 million, and it had three strands: cross-border cooperation (strand A), the completion of energy networks (strand B) and cooperation on spatial planning (strand C). The first stream was specifically aimed at preparing border areas for the frontier-free Europe. In this context, the PHARE cross-border cooperation programme was launched in July 1994, focusing on the integration of Central and Eastern European countries. The fund received from Phare were allocated mainly for measures concerning infrastructure (Guide to

Community Initiatives, 1994-99). Then, further Interreg phases followed: Interreg III (2000-06), Interreg IV (2007-13) and Interreg V (2014-20).

4 The Trans-European Network (TEN-T) Policy

Another policy which is based on the realization of efficient and well-connected infrastructure which is important for competitiveness, growth, jobs and prosperity in the EU is the Trans-European transport Network (TEN-T) policy. The TEN-T policy and the establishment of the guiding principles were first agreed in the Maastricht Treaty in 1992. The Council and the European Parliament adopted the first guidelines on the establishment of the TEN-T policy and infrastructure planning in 1996. After the enlargement of EU in 2004 the guidelines of TEN-T underwent a comprehensive revision between 2009 and 2013.

The new EU Regulation (no. 1315/2013) on Union guidelines for the development of the TEN-T entered into force on 22 December 2013. This policy is determined mainly by European Commission's Mobility and Transport Directorate General (DG MOVE) and implemented by Innovation and Networks Executive Agency. This policy addresses the implementation and development of a Europe-wide network of railway lines, roads, inland waterways, maritime shipping routes, ports airports and railroad terminals. The ultimate objectives include: close gaps, remove bottlenecks and technical barriers, as well as strengthen social, economic and territorial cohesion in EU. TEN-T comprises of two network layers: 1) the Core Network that includes the most important connections, linking the most important nodes, and is to be completed by 2030; 2) the Comprehensive Network covers all European regions and is to be completed by 2050.

5 Further European Initiatives Related to the Improvement of Cross-Border Mobility

The initiatives of the European Commission and other EU bodies to facilitate the creation of a borderless Europe are manifold and take place at various levels. Some of the most important are listed below.

European Spatial Planning Observation Network (ESPON)

ESPON is an applied research programme aimed at supporting the formulation of territorial development policies in Europe. It was launched in 2002. It collects cross-border data relating to territorial development and publishes studies on specific topics. The knowledge gathered makes it possible to formulate effective policy recommendations on territorial issues. In 2014-20 programming period, ESPON worked as a European Groupings for Territorial Cooperation (EGTC). Its main focus is on thematic objective 11: “Enhancing institutional capacity of public authorities and stakeholders and efficient public administrations”.

European Groupings of Territorial Cooperation (EGTC)

EGTC is a legal instrument that has been created for promoting territorial cooperation between Member States in order to strengthen economic, social and territorial cohesion in EU. The EGTC were established through Regulation (EC) no. 1082/2006 of the European Parliament and of the Council on 5 July 2006. Later this regulation was amended in 2013 with an aim to clarify existing rules, and to make the creation and functioning of EGTCs simpler and the involvement of third countries clearer and this revised regulation applied since 22 June 2014. This instrument implement programmes and projects that may or may not co-financed by EU funds like the ERDF, the European Social Fund and/or the Cohesion Fund. EGTCs and EGTC memberships are growing steadily in number across the EU and their uses are multiplying. Now, EGTCs are involved in various Interreg programmes and projects and in implementing other cohesion policy programmes.

Cohesion Fund

The Cohesion fund was established in 11 July 2006 by Council Regulation of EC 1083/2006. This fund was established for the purpose of strengthening the economic and social cohesion of the Community in the interests of promoting sustainable development. The scope of this fund also includes providing assistance to TEN-T and in the field of the environment. For the 2014-20 period, the Cohesion Fund was available to Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Portugal, Romania, Slovakia and Slovenia.

Cohesion Policy

In 2007 three new objectives defined Cohesion policy: Convergence, Regional Competitiveness and Employment and European Territorial Cooperation. The third new objective of European Territorial Cooperation supported cross-border cooperation through joint initiatives by local and regional authorities (Brunazzo 2016). Promoting sustainable transport and removing bottlenecks in key transport infrastructure is one of the eleven Thematic Objectives for Cohesion Policy in 2014-20. As per this objective, the investment has included: 1) supporting a multi-modal Single European Transport Area by investing in the trans-European transport network (TEN-T); 2) enhancing regional mobility by connecting secondary and tertiary nodes to TEN-T infrastructure including multi-modal nodes. Smart mobility, multi-modal transport, clean transport and urban mobility were specific priorities for Cohesion Policy during the 2014-20 funding period.

Single European Transport Area

In the White Paper 2011, with title *Roadmap to a Single European Transport Area-Towards a competitive and resource efficient transport system*, mentioned “Single European Transport Area”. The Commission sets out to remove major barriers and bottlenecks in many key areas across the fields of transport infrastructure and investment, innovation and the internal market. The aim is to create a Single European Transport Area with more competition and a fully integrated transport network which links the different modes and allows for a profound shift in transport patterns for passengers and freight. A Single European Transport Area would facilitate the movement of EU citizens and freight, reduce costs and improve the sustainability of EU transport (European Commission 2011).

Connecting Europe Facility (CEF)

The CEF is a financing instrument introduced in EU Regulation 1316/2013. It aims to stimulate investment in TEN-T and to mobilise public and private sector funding. At the same time, it aims to increase legal certainty and enforce the principle of technology neutrality. CEF funding is aimed at improving jobs, growth and competitiveness by making investment focused on infrastructure at European level. CEF provides financial support to develop interconnected trans-European networks in transport, energy and digital services to fill the missing links. CEF Transport focuses on cross-border projects and projects aiming at removing bottlenecks and missing links in various sections of the Core Network and on the Comprehensive Network, as well as for horizontal priorities such as traffic management systems.

Communication *Boosting Growth and Cohesion*

After realizing that the difficulties faced by individuals, businesses and public authorities in border regions cannot be addressed through financing and investment alone, on September 2017 the Commission adopted its Communication *Boosting Growth and Cohesion in EU Border Regions*. This Communication highlights ways in which the EU and its Member States can reduce the complexity, length and costs of cross-border interaction and promote the pooling of services along internal borders. The White Paper on the Future of Europe and the subsequent reflection papers have acknowledged territorial cooperation, and cross-border cooperation in particular, bring genuine added-value to Europeans. The Communication proposes a set of actions to improve the competitive and cohesive situation of border regions, notably by addressing some of the legal and administrative barriers currently hampering close cooperation and interaction. The implementation of these actions will be facilitated by the creation of a “Border Focal Point” within the Commission. In Communication Paper it is identified that transport is a key enabler of exchanges between regions across national borders. The public transport services not only help integration process of EU but also enhance the sustainability of cross-border connectivity. This Paper considered good practice in this regard as those cross-mobility projects financed by Interreg. Greater harmonization and coordination of technical and legal standards, together with achieving interoperability in the transport sector at EU level, is considered as high priorities. The action suggested to the Member States, regions and municipalities were to step up their efforts to provide individuals with better quality, more integrated public transport services (European Commission 2017).

6 Conclusions

To list all the historical phases and initiatives of the European Union related to the removal of borders to mobility would require a very large space. In this chapter we have tried to indicate only the fundamental points that represent the milestones of a long and still ongoing journey.

The results of this long process are nevertheless encouraging. On July 2020 report on Cross-Border Cooperation Survey was published for the period 2014-20, as a follow up of previous exercise from 2015. According to the report Cross-Border Mobility has improved since 2015 reaching 56% of citizens living in EU border regions. Differences in languages (52%) and legal and administrative differences (44%) remains the most mentioned obstacles to cross-border cooperation. But compared to previous edition there is decline in these variables.

In conclusion, table 1 resumes the main steps of evolution of EU in terms of its integration process and in particular in the area of mobility.

Table 1 Evolution of the EU in integration processes

Date	Event
March 1957	1. Treaty of Rome was signed to establish EEC and to create a common market. 2. Provided legal foundation for implementing a common transport policy in EU.
July 1973	EC drafted legislative proposal for creation of ERDF.
December 1974	EU leaders approved the creation of ERDF.
March 1975	ERDF was formally established.
June 1985	Schengen Agreement was introduced and signed by 5 EU countries.
1988	Reform that marked the beginning of full-fledged Cohesion Policy and the creation of CIs.
1989	Interreg I was introduced.
1992	TEN-T policy and guidelines were first agreed in the Maastricht Treaty.
June 1993	Green Paper on the Future CIs was issued.
1994	1. Interreg II (1994-99) was introduced. 2. Cross-border cooperation programme was adopted for central and eastern European countries within the framework of Phare programme.
March 1995	Real implementation of Schengen Agreement was started by seven Schengen countries.
1996	The Council and the European Parliament adopted the first guidelines on the establishment of TEN-T policy.
May 1999	Treaty of Amsterdam incorporated Schengen Agreement in legal framework of the EU.
2000	Interreg III (2000-06).
2002	ESPO was launched.
5 July 2006	EGTC was established through EC Regulation.
11 July 2006	Cohesion Fund was established by Council Regulation.
2007	1. European Territorial Cooperation was included as new objective in Cohesion Policy. 2. Interreg IV (2007-13).
2011	White Paper titled <i>Roadmap to a Single European Transport Area: Towards a Competitive and Resource Efficient Transport System</i> was published which mentioned about 'Single European Transport Area' for the first time.
11 December 2013	CEF was established in EU Regulation.
2014	Interreg V (2014-20).
September 2017	EC adopted its Communication Paper titled, <i>Boosting Growth and Cohesion in EU Border Regions</i> .
July 2020	Cross-Border Cooperation Survey 2020 report was published.

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