



Vibrant cross-border labour markets

Obstacles and solutions
to cross-border
cooperation in the EU



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Preface

For the past three decades, Interreg has been one of the main triggers for cross-border cooperation in Europe. It has supported people and organisations in border regions to interact in the territory 360° degrees around them, regardless of the existence of a national border. It has shown in practice the advantages of free movement within the European Union.

But while Interreg has deeply enhanced cross-border cooperation it has also shown that internal borders still pose many legal and institutional obstacles. These are frequently due to incompatible applicable legal frameworks, or lack of administrative procedures that take into consideration a potential cross-border application. The more we cooperate the more we identify those cases where seamless interaction between border regions needs adaptation of legal frameworks or procedures. Such adaptation is a necessary condition to maximise the impact of Interreg funding and, ultimately, to promote the development of those territories and their residents.

With *b-solutions* the European Commission and the Association of European Border Regions intended to do precisely that: to pilot cases demonstrating that overcoming those obstacles is not only necessary, but possible. This has been done through an in-depth investigation of each individual case: one specific obstacle on one specific border affecting a clearly defined group of people.

In the ninety cases already addressed, classified by thematic area, some recurrent problems appear. Although we need to treat each case individually, because local context might be different, there is a clear potential to learn from other borders' experiences.

This publication is part of a set of three thematic documents that brings together those experiences and knowledge in different fields. In this publication we look at obstacles that hamper mobility in the labour market. Cross-border commuting has a huge potential for border regions. For frontier workers it allows access to more diversified employment opportunities. For companies it allows access to a larger pool of skills. At the same time, people can continue to live in their own region, without the overall negative social costs of migration for that region.

However, those dealing daily with cross-border labour markets frequently identify huge challenges faced by both workers and companies. These range from access to vacancies and to social security benefits to the recognition of qualifications. All this should work fluidly but in the case in border regions this is not always the case. That is why it is so important that we all learn from one another's experiences.

I trust that this publication can make a positive and significant contribution towards more vibrant cross-border labour markets.

Slawomir Tokarski

Director – European Territorial Cooperation

European Commission Directorate General for Regional and Urban Policy

Vitalising labour markets in border regions

THE PROGRESS OF EDUCATION AND EMPLOYMENT POLICIES IN THE EUROPEAN UNION

During the last decade, finding ways to increase the impact of policy measures on employment and education has attracted increasing attention across the EU. Part of that process was encouraged by a number of pressing factors, such as the need to better align the skills of the workforce with the necessities of the European economy, as well as the need to increase productivity and boost innovation in the context of a more competitive and globalised market. As part of that effort, the EU aimed to accomplish a more diverse set of goals through the implementation of more effective education and employment policies. Those included not only quantitative indicators, such as employment and training targets, but also encouraging equity, and promoting social inclusion and integration.

While the responsibility for education and training systems lies with the Member States, the EU plays an increasingly relevant role in supporting and supplementing efforts to support the modernisation of education and employment. In recent years, the EU has carried out country-level analysis to support Member States in the development of their education and training policies, monitored progress regarding reforms, and supported peer learning and the exchange of best practices. In addition, the EU also promotes numerous consultation and cooperation activities involving stakeholders such as education and training institutions, civil society, businesses, social partners and employment associations.

Unfortunately, the pandemic has temporarily altered that process. Nicolas Schmit, Commissioner for Jobs and Social Rights, recently said that “the 2021 *Employment and Social Developments in Europe* review¹ provides evidence that the pandemic has affected people and regions in different ways”. The geographical impact of the COVID-19 crisis has been disparate and has deepened regional inequalities that already existed before the pandemic. For example, the rise in unemployment was five times greater in rural areas than in cities and, across EU Member States, the Mediterranean regions were the most affected by job losses². The situation of cross-border regions also merits attention.

In European border regions, citizens can carry out daily educational and professional activities in any neighbouring country, opening the way to more integration and mutual understanding. Border territories also hold a great potential for economic growth. This, however, remains partially untapped, because of the presence of obstacles that still pose limits to more systematic cross-border employment, business and education³. In 2012, AEHR had already identified the key obstacles limiting cross-border mobility within the

1 European Commission (2021), *Employment and Social Developments in Europe*. Retrieved from: <https://ec.europa.eu/social/main.jsp?catId=738&clangId=en&pubId=84028&furtherPubs=yes>.

2 See note n.1, page 21.

3 Politecnico di Milano (2017), *Quantification of the effects of legal and administrative border obstacles in land border regions*, p. 16. Retrieved from: https://ec.europa.eu/futurium/en/system/files/ged/quantif_effect_borders_obstacles_1.pdf.

labour market, pointing out the different social security and taxation provisions across borders, diverging interpretation and application of existing EU regulations, frequent lack of recognition of qualifications and professional titles, scarcity of appropriate statistical data, lack of accurate information and related services, language issues, prejudices and insecurities as problematic aspects⁴.

With many hurdles that still hinder the development of more integrated economic areas across the European internal land borders, the Single Market remains far from complete.

THE STATE OF EDUCATION AND EMPLOYMENT IN CROSS-BORDER REGIONS

More than 1.5 million citizens live in one country and work in a neighbouring one in the EU⁵. Yet accessing employment opportunities, internships and educational pathways across the border is still complicated. The majority of the respondents to the European Committee of the Regions' consultation about the future of cross-border cooperation claimed that structural hurdles that prevent the economic potential of border regions are still particularly significant in some specific cases⁶. Along the same lines, one fourth of the participants in the 2020 public consultation of the European Commission stated that obstacles directly affecting cross-border employment and education have a major impact on their region⁷.

In its 2020 report *EU Border Regions: Living labs of European integration*⁸, the European Commission has identified a set of actions to encourage more cross-border interaction in the fields of access to labour markets, education and business. These are:

- a renewed support to the EURES cross-border partnerships⁹, an initiative by EURES, the European cooperation network of employment services facilitating the free movement of workers, specifically targeting border regions, and to the European Labour Authority¹⁰, which will continue to promote transparency on the rules applicable in the fields of cross-border employment;
- strengthened coordination with the research community, regional labour market observatories and regional administrations to keep collecting data on the legal and administrative barriers experienced by frontier workers;
- increased visibility for the European Qualifications Framework¹¹ to support rules on transparency, understanding and comparability of all types of qualifications;
- the adoption of the Action Plan for Fair and Simple Taxation¹², with the aim of enhancing the coordination between taxpayers and tax administrations.

In addition to the above-mentioned measures, the findings collected through *b-solutions*¹³, an initiative of the European Commission's Directorate General for Regional and Urban Policy and the Association of European Border Regions (AEBR), constitute a unique list of examples of legal and administrative obstacles that prevent border regions from harnessing their full economic potential.

The hurdles have been detected following a bottom-up approach, giving voice directly to local actors such as Euroregions and European Groupings of Territorial Cooperation

4 Association of European Border Regions (AEBR) (2012), *Information services for cross-border workers in European border regions*, final report, European Commission (DG Employment) grant agreement VS/2011/0311. Retrieved from: <https://www.aebr.eu/wp-content/uploads/2021/11/Final-Report-Info-Services-for-CB-Workers-EN.pdf>.

5 European Commission, *Eures in cross-border regions*, <https://ec.europa.eu/eures/portal/org/crossborder>.

6 European Committee of the Regions, *Public Consultations on the Future of Cross-Border Cooperation – Report 2021*. Retrieved from: https://portal.cor.europa.eu/egtc/about/Documents/Report_on_the_Consultations-Future_of_CBC.pdf.

7 European Commission, *Public consultation on overcoming cross-border obstacles 2020 – summary report*, pp. 20-21. Retrieved from: https://ec.europa.eu/regional_policy/sources/newsroom/consultation/consultation_border_2020.pdf.

8 Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, *EU Border Regions: Living labs of European integration*, COM(2021) 393 final. Retrieved from: https://ec.europa.eu/regional_policy/en/information/publications/reports/2021/eu-border-regions-living-labs-of-european-integration.

9 See note 5.

10 European Labour Authority, <https://www.ela.europa.eu/en/home>.

11 Europass, *The European Qualification Framework*, <https://europa.eu/europass/en/european-qualifications-framework-eqf>.

12 European Commission, *Taxation and Customs Union*, https://ec.europa.eu/taxation_customs/package-fair-and-simple-taxation_en.

13 Association of European Border Regions (AEBR), *b-solutions*, <https://www.b-solutionsproject.com/>.

(EGTCs), Interreg project partners, and local and regional authorities from border regions of EU and EFTA countries that have experienced or that were aware of administrative and legal bottlenecks that were limiting employability or access to educational services in their border regions. *b-solutions* offered them the opportunity to receive advice from selected legal experts, who have proposed sustainable and potentially replicable ways to overcome the obstacles highlighted in their applications.

The information provided by the *b-solutions* project, collected from 2018 to 2021, shows that, very often, the legal and administrative frameworks at the different levels do not consider the specificities of the cross-border dimension. Ad hoc interventions and more awareness of the regulations and possibilities in place (and of the possibility to change them, when necessary) are needed.

Because of this, this publication aims to provide interested actors in border regions, regional and national administrations with a tool to improve the conditions for education and training, employment and economic growth in border and cross-border regions. It does so by:

- informing stakeholders of the findings of *b-solutions* and sharing knowledge on possible strategies to overcome the identified bottlenecks;
- allowing for the replication of viable solutions;
- updating the literature review of specific knowledge on border obstacles in the labour, business and education sectors.

This report takes advantage of the significant amount of information derived from the analysis of 36 cases in 20 countries. The objective is to address border stakeholders, regional and national authorities and policymakers with knowledge that complements the existing body of knowledge in other recommendations, legislative or financial instruments already developed by the European institutions.



Distribution of the obstacles in the field of education and employment in the framework of b-solutions.

SUMMARY OF FINDINGS IN THE FIELD OF EDUCATION AND EMPLOYMENT

OBSTACLES	
LEGAL	OTHER
<ul style="list-style-type: none"> • The EU framework contains general provisions, leaving room for interpretation • The provisions in place are not adapted to the complexity of cross-border contexts • National provisions on contracting, taxation and financing are not aligned • The regulations in place do not provide for automatic recognition of diplomas/certificates • The provisions regulating new fields/conditions of work and life are insufficient or outdated 	<ul style="list-style-type: none"> • The presence of complex/unclear bureaucratic procedures • The absence of joint administrative mechanisms • The existence of different protocols and administrative approaches • The lack of knowledge of the already facilitative nature of the framework(s) in place

SOLUTIONS			
LEGAL	EUROPEAN CROSS- BORDER MECHANISM (ECBM)	ENHANCED ADMINISTRATIVE CAPACITY AND COORDINATION	CROSS-CUTTING SOLUTIONS
<ul style="list-style-type: none"> • Amendments or improvement of existing legislation at the European level • Revision or update of current provisions on one or both sides of the border • Creation of ad hoc legal frameworks 	<ul style="list-style-type: none"> • Voluntary participation in a common mechanism to overcome legal obstacles • Taking advantage of the Cross-border Cooperation Points (CCP) 	<ul style="list-style-type: none"> • Creation of ad hoc action plans • Formulation of protocols and conventions 	<ul style="list-style-type: none"> • Creation of ad hoc action plans • Formulation of protocols and conventions

Which obstacles has *b-solutions* identified?

UNDERSTANDING THE OBSTACLES: THE DIFFERENT CONTEXTS

The findings drawn from *b-solutions* and the 2020 European Commission and European Committee of the Regions' consultations provide an idea of the additional complexities that border citizens, administrations and business actors are currently facing. The coordination across boundaries becomes highly complex because there are many rules in place, they are unclear and insufficient, or because of the many competent actors in a specific sector that follow different administrative models.

Overcoming the existing barriers, however, is essential in order to fully succeed in achieving the objectives of the Single Market, as well as a necessary step to make it easier for European citizens to work and live and to make border regions better places for economic growth. Participants in *b-solutions* that experienced obstacles connected to the fields of employment and education highlighted difficulties in the following categories:

SPECIFIC AREA	COMMON OBSTACLES
Taxation and social security	<ul style="list-style-type: none"> diverging social security systems and insurance schemes¹⁴ uncertain and non-harmonised tax regulations¹⁵ uncertain application of special regulations such as remote working, permissions, etc.¹⁶
Recognition of diplomas and certificates	<ul style="list-style-type: none"> non-recognition of diplomas in the health sector¹⁷ non-recognition of qualifications in regulated sectors¹⁸ non-recognition of diplomas in the constructions sector¹⁹
Access to training	<ul style="list-style-type: none"> non-harmonised vocational trainings and related benefits²⁰ diverging regulations of internships²¹
Access to education	<ul style="list-style-type: none"> denial of access to primary school in the neighbouring country²² diverging administrations of university and enrolment rules²³ diverging rules on the administration of nursery schools²⁴

14 Association of European Border Regions (AEBR), European Commission, *b-solutions: Solving Border Obstacles – A Compendium of 43 Cases*, 2020, Annex, p. 32; 67; 70 (Henceforth: 2020 Annex *b-solutions* compendium); Association of European Border Regions (AEBR), European Commission, *b-solutions: Solving Border Obstacles – A Compendium 2020-2021*, 2021, p. 75; 87; 90; 114; 117 (henceforth: 2021 *b-solutions* compendium). Retrieved from: www.b-solutionsproject.com.

15 Annex of 2020 *b-solutions* compendium, p.13; 55.

16 2021 *b-solutions* compendium, p. 108; 111.

17 Annex of 2020 *b-solutions* compendium, p. 120; 126

18 Annex of 2020 *b-solutions* compendium, p.17; 2021 *b-solutions* compendium, p. 78.

19 Annex of 2020 *b-solutions* compendium, p. 89.

20 2021 *b-solutions* compendium, p. 99; 102; Annex of 2020 *b-solutions* compendium, p.9.

21 2021 *b-solutions* compendium, p. 81.

22 Annex of 2020 *b-solutions* compendium, p. 49; 2021 *b-solutions* compendium, p. 72.

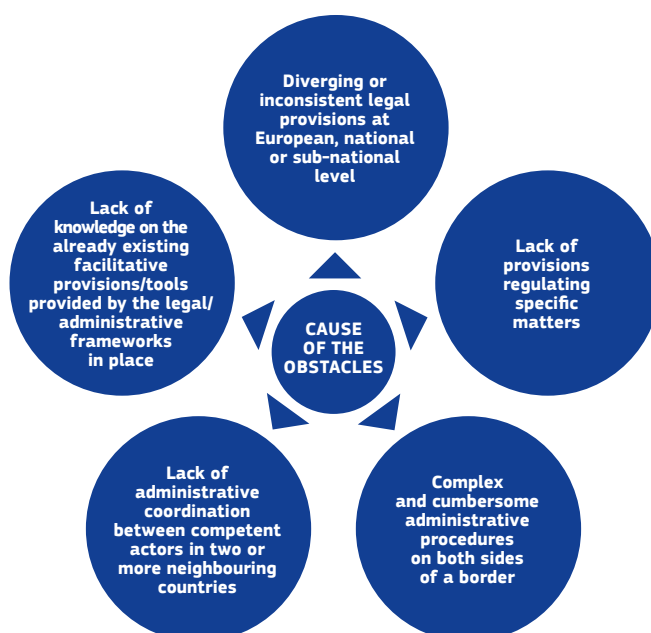
23 Annex of 2020 *b-solutions* compendium, p. 142; 2021 *b-solutions* compendium, p. 84.

24 Annex of 2020 *b-solutions* compendium, p. 145.

Trade/business opportunities	<ul style="list-style-type: none"> • diverging provisions regulating trade of local products²⁵ • lack of coordination of regulation in the tourism sector²⁶ • uncertainty about the establishment of joint initiatives²⁷
Educational/professional status of non-EU citizens	<ul style="list-style-type: none"> • diverging regulations regarding job market for non-EU citizens²⁸ • lack of coordination in registering seasonal workers²⁹

WHICH SPECIFIC OBSTACLES NEED TO BE TACKLED?

As previously mentioned, different territories and populations have different characteristics and, therefore, it is important to look at the causes and factors that determine the existence of obstacles to have a better understanding of them. The work undertaken by *b-solutions* has identified the following common causes of border obstacles:



LEGAL OBSTACLES TO CROSS-BORDER EMPLOYMENT AND EDUCATION

Obstacles to employment and education in European border regions that were identified in the framework of *b-solutions* are, for the most part, of a **legal nature**. Since employment and social affairs are similar spheres of competence between Member States and the EU, the obstacles originate both at the national and the European level of policymaking.

Structures of the employment and education systems are different in each Member State, as they reflect various legislative and administrative cultures and respond to the specific needs of every Member State. In this sense, diverging laws regulating labour markets and education tend to converge at national borders, leading to common and recurring circumstances in border regions. Looking more in detail at the causes of such obstacles, such hurdles arise when:

²⁵ 2021 *b-solutions* compendium, p. 96; Annex of 2020 *b-solutions* compendium, p.44.

²⁶ 2021 *b-solutions* compendium, p. 93; 105.

²⁷ Annex of 2020 *b-solutions* compendium, p.58.

²⁸ Annex of 2020 *b-solutions* compendium, p. 61; 64.

²⁹ 2021 *b-solutions* compendium, p. 123.

- **The EU framework contains only general provisions on certain fields/aspects.**
Example: Provisions included in Regulation of the European Parliament and of the Council (EC) 883/2004³⁰ and Regulation of the European Parliament and of the Council (EC) 987/2009³¹, for instance, leave a great level of discretion to Member States to regulate paid employment, self-employment activities across the border and related social security provisions. Because of this, Poland and Lithuania have developed employment and social security systems that follow different models, and whose coordination at the cross-border level is particularly complex³².
- **The national provisions on contracting, taxation and financing are not aligned.**
Example: The so-called “mini-jobs” are a valid and quite common form of employment in Germany, allowing for a limited number of working hours, and therefore enable an employee to be partially insured: workers are exempt from compulsory insurance in three out of the five branches of social security. This poses a significant financial burden to Dutch workers employed in Germany under such contracts, who need full coverage for the remaining branches in the country of residence, in order to comply with Regulation (EC) 883/2004 and Regulation (EC) 987/2009, and must do so by paying out of pocket³³.
- **The regulations in place do not provide for automatic recognition of diplomas/certificates.**
Example: The Franco-Belgian Health Observatory has highlighted the negative impact that the current provisions have on doctors and surgeons who are still undergoing their medical training. When they want to complete it in the neighbouring country, the recognition of their previous qualifications may take months, forcing them into a position of simple “observers” that hinders the learning experience³⁴.
- **The provisions regulating new fields/conditions of work and life are insufficient or outdated.**
Example: Working from home has increased exponentially during the COVID-19 crisis, and this trend is expected to continue in the future. However, since a general regulatory framework at the European level is not in place, the regulation of smart working for employees who regularly cross a national border is uncertain. EU rules on social security and taxation, namely Regulation (EC) 883/2004 and Regulation (EC) 987/2009, establish only general indications for social security and insurance obligations but do not provide for remote working³⁵.
- **The provisions in place are not adapted to the complexity of cross-border contexts.**
Example: Spanish pupils are not allowed to attend school in the closest villages located in France because the French Education Code does not entail the possibility of receiving financial contributions from another country. Because of the absence of educational facilities in the area of the Haute Garonne’s Pyrenees, families face significant challenges³⁶.

30 Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems, *Official Journal L* 166, 30.4.2004, p. 1–123.

31 Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems, *Official Journal L* 284, 30.10.2009, p. 1–42.

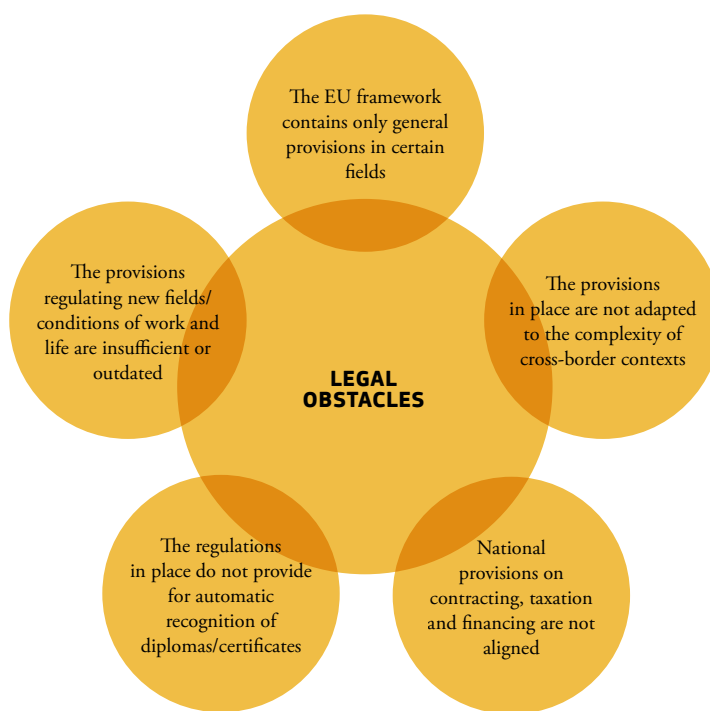
32 Annex of 2020 *b-solutions* compendium, p. 67.

33 2021 *b-solutions* compendium, p. 114.

34 2021 *b-solutions* compendium, p. 126.

35 2021 *b-solutions* compendium, p. 111.

36 2021 *b-solutions* compendium, p. 72.



OTHER OBSTACLES THAT PREVENT EDUCATION AND EMPLOYMENT IN BORDER REGIONS

To support employment and education in cross-border contexts, the presence of smooth administrative coordination between actors and bodies operating in the economic and educational sectors on both sides of a border is particularly important. Common causes of scarce administrative coordination, or a lack thereof, are as follows:

- **The presence of complex/unclear bureaucratic procedures.**

Example: Spanish students who graduated from a Portuguese nursing school in the territory of the Eurocity Chaves-Verin must prove that they are proficient in the language of the neighbouring country, by requesting a specific certificate that is issued by the Portuguese Evaluation Committee of the Professional College of Nurses³⁷.

- **The absence of joint administrative mechanisms.**

Example: In the cross-border territory of the Pamina EGTC, frontier workers experience major problems when trying to access health insurance services. Slow registration procedures, multiple versions of identical documents, difficulties in obtaining reimbursements, and insufficient and sometimes contradictory information make cross-border mobility a difficult experience. This happens because different insurance systems converge at the border and the absence of stable joint coordination mechanisms in place between France and Germany results in a lack of support provided to the final users³⁸.

³⁷ 2021 *b-solutions* compendium, p. 120.

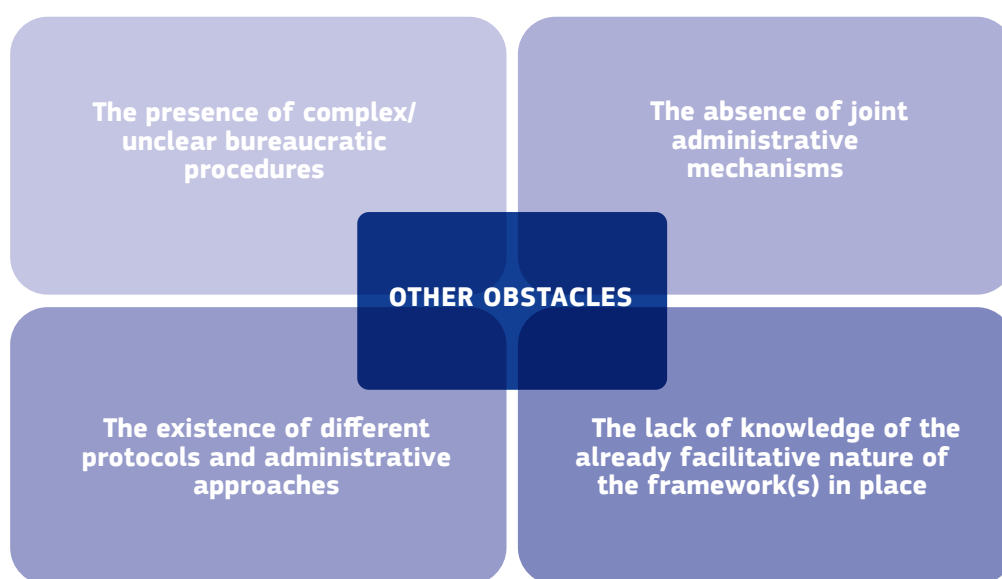
³⁸ Annex of 2020 *b-solutions* compendium, p. 32.

- **The existence of different protocols and administrative approaches.**

Example: Mobility of disadvantaged and vulnerable students between universities across the Spanish-Portuguese border is hampered because of different characterisations of disability or functional diversity in the protocols of the universities in Spain and in Portugal³⁹.

- **The lack of knowledge of the already facilitative nature of the framework(s) in place.**

Example: Notwithstanding Regulation (EC) 883/2004, which already provides a system on how Member States can coordinate their social security systems and guarantee sufficient freedom of movement when citizens relocate, the Arrabona EGTC highlighted difficulties experienced by the Hungarian and Slovakian citizens⁴⁰.



³⁹ 2021 *b-solutions* compendium, p. 84.

⁴⁰ 2021 *b-solutions* compendium, p. 90.

Understanding solutions: avenues for enhanced cross-border cooperation

Overcoming the obstacles towards more integrated employment and educational systems in border regions is possible. Thanks to the detailed analysis of the root causes of the obstacles highlighted by the advised entities, the experts involved in the *b-solutions* initiative formulated a list of tailor-made solutions towards strengthened cooperation.

CHANGING THE LAW FOR BETTER EDUCATIONAL AND LABOUR ECO-SYSTEMS

In most cases, solving obstacles of a legal nature entails acting directly within the legal framework(s) where the obstacle was identified. Actions can involve the introduction of amendments or the creation of new pieces of legislation. Depending on the legislative level considered, a different array of actors needs to be engaged in order to produce the expected modifications:

LEGAL SOLUTIONS

- Amendments or improvement of existing legislation at the European level
- Revision or update of current provisions on one or both sides of the border
- Creation of ad hoc legal frameworks

At the European level

When the European legislation includes only general or insufficient provisions, and a more incisive regulatory framework is necessary to support better cross-border cooperation, the competence to intervene lies within the European Parliament and Council. The European Commission supports the enhancement of the legislative framework by proposing modifications and/or new regulations that take into account the necessities and/or the possible scenarios occurring in border territories.

Solutions proposed under *b-solutions* include:

- **The development of a new common legislative framework at the European level**, with the objective of coordinating the distribution of financial support to vulnerable citizens. This could be in the form of a Directive regulating the scope of the minimum income benefits. As such, it would be helpful to establish new mechanisms of cooperation and the exchange of information between competent bodies in the Member States, which is especially necessary in areas that are particularly integrated, where the mobility of citizens is very fluid, and places of residence and work might change often.

Example: Amending Regulation (EC) 883/2004 on the coordination of social security systems and introducing a different percentage of working time spent on one side of the border or the other (in order to calculate the tax obligation of frontier workers) could be helpful to clarify some of the uncertainties that arose with the introduction of new working habits, such as remote working. A broader EU framework for income tax obligations would be beneficial to frontier workers who either desire or need to work in a remote working modality, even beyond the circumstances posed by the pandemic⁴¹.

SOME INSPIRING PRACTICES TO MOVE FORWARD

Collecting reliable data on cross-border employment and economic flows is a preliminary step to identify additional possible bottlenecks and, consequently, to implement measures to overcome them. In this light, the EU Commission has launched a pilot project involving national statistical offices to explore the best ways to collect information on frontier workers. At the same time, Eurostat⁴² has released a new set of regional tables compiled, thanks to the findings of the Labour Force Survey⁴³. They provide updated and enhanced information on cross-border labour.

In the framework of more general initiatives, such as the European Pillar of Social Rights Action Plan⁴⁴ and the School Education Gateway⁴⁵, the European Commission made sure that the cross-border dimension, as well as the specific features of border interactions in the fields of employment and education, were adequately portrayed.

At the national and sub-national level

Most often, the solutions entail actions that have to be undertaken at the national level. To implement the proposed actions, it is necessary to involve national parliaments and the competent ministers, and activate direct coordination channels with the local and regional authorities that are experiencing bottlenecks arising from inconsistencies identified in the national frameworks. Direct action in the legislation of one or more Member State is recommended in different situations.

⁴¹ 2021 *b-solutions* compendium, p. 117.

⁴² European Commission, Eurostat, <https://ec.europa.eu/eurostat>.

⁴³ European Commission, Eurostat, *EU labour force survey – data and publication*. Retrieved from: https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_labour_force_survey_%E2%80%93_data_and_publication.

⁴⁴ European Commission, *European Pillar of Social Rights*, https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights_en.

⁴⁵ European Commission, Erasmus +, *School Education Gateway*, <https://www.schooleducationgateway.eu/en/pub/index.htm>.

Solutions proposed under *b-solutions* are as follows:

- The **modification of the national framework of only one of the states involved**, by:
 - **updating the national law**: amending the current legislations, following the current French model, and introducing a “non-response” period in the process of recognising foreign diplomas would speed up the administrative procedures that healthcare professionals must undertake in order to be able to work at the Cerdanya hospital at the French-Spanish border⁴⁶.

Generally speaking, such solution is helpful when the provisions in place do not consider the **complexity of cross-border regions**, or when **provisions include different requirements** on the two sides of the border.

- The **modification of the existing framework on both sides of the border through**:
 - the **revision of the legislation** of both countries. As an example, to introduce a new mechanism for workers’ registration (through the involvement of employers, employment agencies and municipalities) is suggested to register temporary and seasonal workers in cross-border areas between Germany and the Netherlands⁴⁷;
 - the signing of ad hoc **bilateral/multilateral agreements**, creating new pieces of legislation specifically conceived to regulate certain areas of cooperation: At the Dutch-Belgian border, activating cross-border internships is complicated because the current regulatory framework does not provide sufficient indications on how to ensure social protection for citizens pursuing an internship in the neighbouring country. Signing a bilateral agreement on the basis of Article 16 of Regulation (EC) 883/2004 would contribute to filling the current legislative gaps and will have a positive impact on the coordination between the two countries in terms of social policies⁴⁸.

This is particularly useful when certain aspects or situations with an impact on cross-border work/education are **not yet regulated**.

An alternative legal solution: the European cross-border mechanism

EUROPEAN CROSS-BORDER MECHANISM (ECBM)
<ul style="list-style-type: none">• Voluntary participation in a common mechanism to overcome legal obstacles• Taking advantage of the Cross- border Cooperation Points (CCP)

The European Cross-Border Mechanism (ECBM)⁴⁹ is a tool proposed by the European Commission in 2018, with the objective of facilitating the resolution of legal and administrative obstacles to cross-border cooperation.

The core element of the proposed Regulation is the voluntary application of the mechanism: Member States would be given the choice of applying the ECBM in a joint project – which can be an item of infrastructure or services of general economic interest – on a specific border, or opt for already existing approaches to overcoming legal obstacles. Once they have opted for the mechanism, an evaluation process would be set in motion to identify the legal obstacle. The ECBM would then provide for different measures to overcome the obstacles,

⁴⁶ Annex of 2020 *b-solutions* compendium, p.102.

⁴⁷ 2021 *b-solutions* compendium, p. 123.

⁴⁸ 2021 *b-solutions* compendium, p. 81.

⁴⁹ Proposal for a Regulation of the European Parliament and of the Council on a mechanism to resolve legal and administrative obstacles in a cross-border context – COM(2018) 373 final, 29.05.2018.

which may involve allowing for derogations from the normally applicable national rules for the specific cross-border project.

The cases collected through the *b-solutions* initiative help assess the role that the ECBM could play in effectively solving obstacles of a legal nature which hamper cross-border cooperation in a variety of areas, including education and employment. One example of an obstacle that could be potentially resolved with the ECBM in this policy area concerns legal incongruences that prevent students from fully accessing a cross-border master's programme between Bulgaria and Romania. This tool would be useful to draw up a legislative act regulating possible compensatory training activities for students who wish to access the programme⁵⁰.

With regard to the ECBM Regulation, experts considered the so-called Cross-border Cooperation Points (CCP) (Article 5) to be particularly useful. In the case addressing the ambiguous application of social and health insurance regulations for cross-border workers at the Hungarian-Slovakian border, the CCP could be useful in order to foster continuous and effective communication between the respective national authorities involved⁵¹.

However, for the proposed ECBM to be helpful, three main actions are deemed necessary:

- Awareness about its scope and methodology must be raised among stakeholders.
- The regulation must be interpreted as inclusive: The mechanism can be applicable in all areas of law, upon agreement of the involved Member States. In addition, rather than for a specific border region, the mechanism could apply to the entire border, if Member States find this feasible.
- It should be used as a complementary tool along with other existing measures, taking into consideration that its application would provide tailor-made solutions.

ADMINISTRATIVE WAYS FORWARD TOWARDS MORE INTEGRATED BORDER REGIONS

Solutions to overcome obstacles that limit or prevent the activation of measures that support cross-border employment and education can also involve actions within the administrative sphere. They normally aim to improve the coordination between administrative bodies on both sides of the border, especially to simplify procedures and lessen the bureaucratic burden that students or workers and employers often experience in cross-border contexts.

ENHANCED ADMINISTRATIVE CAPACITY AND COORDINATION

- Creation of ad hoc action plans
- Formulation of protocols and conventions

The findings of *b-solutions* show that the path forward for these types of obstacles are less frequent than those involving legal interventions, and they are usually proposed for hurdles rooted in administrative practices.

⁵⁰ Annex of 2020 *b-solutions* compendium, p. 142.

⁵¹ 2021 *b-solutions* compendium, p. 75.

Measures suggested by the experts who advised the *b-solutions* cases include the development of new coordination strategies in the form of:

- **Ad hoc action plans.**

Example: A specific plan suggested to facilitate the procedures for issuing working permits in the cross-border area between Germany and the Netherlands involved a multi-level governance strategy that includes all relevant actors across the border – namely EGTCs, the Euroregions, the Border Info-points, the EURES Partnerships and the Cross-Border Employment Service (SGA) at the Euregio Maas-Rhein⁵². This could help manage the provision of internships to skilled non-EU national students in high demand.

- **Protocols and conventions.**

Example: The formulation of a new joint cross-border protocol in the form of a coordination agreement could pave the way towards the creation of new centralised coordination offices, with the aim of supporting students who wish to study for a limited time in the neighbouring country. Ultimately, such protocol would eliminate the existing barriers to university mobility across Spain and Portugal⁵³.

CROSS-CUTTING SOLUTIONS TO STRENGTHEN COOPERATION

Border obstacles very rarely occur because of a single reason. Most often, they are due to a combination of factors that converge at the same time, and which reflect the complexity of the territories involved.

CROSS-CUTTING SOLUTIONS

- Actions to raise awareness, exchange information and increase knowledge, including training
- Synergies with other EU initiatives, such as Interreg
- Identification of best practices and developing a strategic approach to undertake a common solution

Because of this, the solutions proposed by the experts who advised the *b-solutions* cases typically involve initial steps, which are accompanied by secondary measures to support more solid cross-border interactions. In some cases, solutions are conceived in the form of more **practical and strategic approaches**, and are accompanied by **actions to raise awareness and increase knowledge** of certain practices, or by the recommended use of **tools already offered by the European Institutions**, such as Interreg financial support.

Some examples of a combination of solutions are the following:

- In order to strengthen the coordination between the vocational education systems of Sweden and Norway, it is proposed to:
 - **compile the already existing practical and positive experiences** in place, to demonstrate that vocational student exchanges are already possible under the current circumstances;
 - implement a **strategic approach** to start fostering access to cross-border vocational training and education in very specific sectors, such as ski technicians, adult education, specialised care and healthcare personnel, on the basis of the labour market necessities of the area;

⁵² Annex of 2020 *b-solutions* compendium, p. 61; 64.

⁵³ 2021 *b-solutions* compendium, p. 84.

- make use of **Interreg financial support** to further boost actions to support cross-border training experiences⁵⁴.
- In order to facilitate the **exchange of information** and **create awareness** in a clear manner between citizens, agencies and competent bodies across a specific border, the experts proposed:
 - **a bilingual form** for tax revenues, such as those already developed and tested to assist frontier commuters at the Italian-Slovenian border⁵⁵; or
 - **factsheets and roadmaps** to raise awareness on the procedures that must be followed to request the recognition of a specific diploma – such as those formulated by the Province of Limburg⁵⁶;
 - **bilingual information brochures** are seen as a viable tool to help local farmers at the Hungarian-Croatian border to navigate the complex field of small businesses at the cross-border level⁵⁷ ;
 - the organisation of **training activities** for actors operating in a specific sector, such as the case of tourism in the cross-border territory of the EGTC Mura Region, where greater awareness of the current framework regulating guided tours was necessary⁵⁸;
 - the identification of already existing **best practices**, especially in the absence of legal obstacles. For instance, the Arrabona EGTC is recommended to explore the actions undertaken by other cross-border coordinating institutions or administrative bodies that operate in the field of social security in other Member States such as the CLEISS (*Centre des liaisons européennes et internationales de sécurité sociale*), the Free Movement of Workers and Social Security Coordination (MoveS) and the European Alliance in Social Insurance and European Social Insurance Platform (ESIP)⁵⁹.

⁵⁴ 2021 *b-solutions* compendium, p. 99.

⁵⁵ Annex of 2020 *b-solutions* compendium, p.13.

⁵⁶ Annex of 2020 *b-solutions* compendium, p. 17

⁵⁷ Annex of 2020 *b-solutions* compendium, p. 44.

⁵⁸ 2021 *b-solutions* compendium, p. 93.

⁵⁹ 2021 *b-solutions* compendium, p. 90.

Conclusions and key findings

Despite the vast progress achieved over the last decades, particularly with the consolidation of the Single Market in the EU, access to employment, internships and educational opportunities in another EU country still faces some barriers. In border regions, citizens are affected daily by such obstacles.

The analysis of 36 cases collected in this area from 20 different countries through the *b-solutions* initiative perfectly illustrates the additional obstacles that border citizens, administrations and business actors face. The following summarises the key findings from this analysis.

- Obstacles often arise because of **diverging or inconsistent legal provisions at the European, national or sub-national level**, in terms of regulating employment and access to education: national provisions on contracting, taxation and financing are not aligned; the regulations in place do not provide for the automatic recognition of diplomas and certificates; the provisions regulating new conditions of work and life are insufficient or outdated; and laws on access to the labour market or education do not take into consideration the complexity of cross-border contexts.
- There are also common obstacles of an administrative nature, which arise because the regulation of both the labour market and education entails complex and cumbersome administrative procedures on both sides of a border. The coordination to set up joint initiatives is complex, in terms of implementing a common job market or education that is accessible to citizens from both countries.
- The lack of knowledge of the functioning of the legal and administrative structure regulating employment and education in the neighbouring country and of the tools facilitating cross-border cooperation in these fields leads to additional obstacles.

To boost employment and access to education in border regions and tap into their unique potential as dynamic and international places, local and regional authorities and local stakeholders must set up strategies to better cooperate with their neighbouring regions across national boundaries. In the framework of *b-solutions*, several viable solutions were suggested.

- Solving obstacles of a legal nature entails acting directly within the legal framework(s) where the problem was identified. Most often, solutions to enhance cross-border labour markets and educations involve actions that have to be undertaken at the national level. Depending on the particular circumstances, those fluctuate between the introduction of **amendments**, the creation of **new pieces of legislation** specifically conceived to regulate certain areas of cooperation, and the signing of ad hoc bilateral or multilateral **agreements**.

- Establishing better **administrative coordination** between the actors operating in the economic and educational sectors on both sides of a border would provide many advantages. For example, it avoids complex and unclear bureaucratic procedures, supports the creation of joint administrative mechanisms, and helps to overcome conflicts between different protocols and administrative approaches, etc.
- It has been noted that often, at the European level, **a more incisive regulatory framework is necessary to improve cross-border cooperation**. The European institutions, in their different capacities, can better support the necessities identified in border territories by looking further into potential modifications and/or new regulations.
- In parallel, **launching initiatives that can inspire or encourage solutions is very important**. For example, the pilot project launched by the European Commission to explore the best ways to collect information on frontier workers, the European Pillar of Social Rights Action Plan or the School Education Gateway are all highly relevant.
- Lastly, **secondary or complementary measures** that accompany the necessary legal and administrative changes **can play a significant role in validating and facilitating the process, thus turning it into a learning experience for all involved**. Examples include informational activities, awareness raising, identifying best practices, or the training of public or private actors working in a particular sphere or sector.

The solutions suggested by the experts within the framework of *b-solutions* could offer general knowledge and best practices to improve cross-border cooperation in the areas of employment and education. Ultimately, however, the solutions must be implemented individually by the competent actors in each case, as this depends on the specific laws and practices that regulate the issue at hand.

Border regions are well-positioned to make the Single Market more integrated, with the mobility of workers going beyond the current 1.5 million cross-border commuters. Cross-border cooperation is essential for European citizens to be able to access jobs and educational opportunities across national borders, but it must be further developed in order for local and regional authorities to be able to apply joint measures and to harness the full potential of the Single Market.

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Annex:

self-assessment tool

DIY: A ROADMAP TOWARDS FINDING SOLUTIONS TO CROSS-BORDER COOPERATION OBSTACLES

I. Understanding the obstacle

To understand the obstacle, it is useful to carry out an analysis of:

- the general context of the obstacle;
- the area(s) of law that the obstacle touches on;
- the specific obstacle: What is it? In what way does it hamper cross-border cooperation in this specific border region?
- the nature of the obstacle:
 - is it a legal obstacle, and thus originates in conflicting/missing laws? (A)
 - is it an administrative obstacle, meaning that it originates in a practice of the law? (A)
 - is it due to a lack of knowledge? (B)
 - is it due to a lack of cooperation? (B)
- other potential obstacles that come along with it.

II. Assessing the obstacle

Once it is clearer what the obstacle is about, it is helpful to have a deeper look at:
[if the obstacle is of a legal or administrative nature (A)]:

- the explicit indication of the precise legal provisions of all Member States involved
- the origin of the obstacle:
[if of a legal nature]
- does it originate in EU law?
- does it result from national legislation?
- does it occur because of sub-national law?
[if of an administrative nature]
- does it originate in a rule?
- does it result from a practice?
- the origin of the cause of the obstacle:
- is it because of a lack of regulation?
- is it because of the incompatibility of the laws on both sides of the border?
- the explicit indication of the competent authorities
[if the obstacle is due to a lack of knowledge or cooperation (B)]:

- the explicit indication of the precise legal provisions of all Member States involved that are relevant to the obstacle

III. Understanding what the possible solutions are

Based on the information gathered above, it is possible to assess which solutions would be the most helpful, given the specific context.

There are many possible solutions:

- of a legal nature:
 - At the European level
 - Revising European regulations
 - Adopting or revising the transposition of European directives
 - Adding an exception
 - At the national level or subnational level
 - Revising national/subnational law in one member state
 - Revising national/subnational law in all member states involved
 - Adding an exception to national/subnational law in one member state
 - Adding an exception to national/subnational law in all member states involved
 - Stipulating Bilateral Agreements (new or revised) (amongst MS or another level or administration)
 - Stipulating supranational solutions (e.g., Benelux)
- of an administrative nature:
 - at the national level or subnational level
 - introducing a new or revised joint administrative procedure
 - creating committees or other coordination structures (including EGTCs, info points, etc.)
 - integrating into an already existing institution
- of another nature:
 - Awareness raising actions
 - Training action
 - New/revised coordination mechanisms
 - MoU, strategic approach, set-up of a new institution (e.g., EGTC) to better coordinate cooperation, case-by-case approach, etc.

Other relevant aspects to look for

- Helpful general/further information on the case
- References to similar obstacles/solutions in other border regions: Do comparable solutions already exist in other cross-border areas/for other areas of law? Can those solutions be applied in this case? Are there best practices that can be learned from?





This publication is a tool that the Association of the European Border Regions (AEBR) and the European Commission provide to border stakeholders, regional and national authorities to support them in setting up and carrying out cross-border initiatives to promote more vibrant labour markets and educational opportunities in border regions.

It uses evidence extracted from the analysis of 36 cases of border obstacles identified in the framework of the *b-solutions* initiative and outlines possible strategies to overcome them, paving the way to the realisation of policies to strengthen employment and education across European borders. As such, it complements other recommendations and legislative or financial tools already developed by the European institutions.

Two additional in-depth thematic analyses offer specific insights on the hurdles and relative solutions to Cross-Border Public Services (CPS) and the European Green Deal.

For more details on the cases under analysis, two compendiums provide precise information on the legal frameworks of 90 cases collected through *b-solutions*.

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