



## *b-solutions*

Management of pilot actions to tackle border obstacles/difficulties along EU internal land borders

AEBR Workshop on Cross-Border Labour Markets  
Flensborghus, Norderstraße 76, D-24939 Flensburg (Germany)  
Thursday, 27 February 2020



2-year pilot initiative

promoted by the European Commission's Directorate-General for Regional & Urban Policy (DG REGIO)

managed by the Association of European Border Regions (AEBR)

within the framework of the Communication Boosting Growth and Cohesion in EU Border Regions adopted by the Commission on 20 September 2017

> Objective:

identify and promote sustainable methods of resolving border obstacles of a legal and/or administrative nature along EU internal land borders

> Working fields:

employment, health, transport, multi-lingualism, institutional cooperation, information services, eGovernment, evidence and data



## > Methodology:

through calls for proposals, AEBR has collected information on obstacles to cross-border cooperation faced by practitioners in border regions throughout the European Union and, where available, solutions

Outcome of

> the first call: 10 Pilot Actions implementing solutions

> the second call: 33 Advice Cases receiving consultation on possible solutions



## Background information

- 40 land borders between the 28 EU Member States and EFTA countries
- 448 regions (NUTS3 level) located alongside at least one border;
- 30% of Europeans live in these regions

> Persisting obstacles are a clear brake to the development of the endogenous growth potential of border regions



## Supporting Cross-border Employment

“labour mobility is the most important area affected by border obstacles”  
(DG REGIO’s Communication "Boosting Growth and Cohesion in European Border Regions")

> nine obstacles identified in EU border regions

Most common issues: completing an apprenticeship, having one's skills and competences fully recognised, accessing job vacancies, recruiting staff, obtaining legal certainty on fiscal issues, securing full social security coverage, obtaining professional insurance for medical staff, complicated procedures to obtain professional certificates and information provision

# Supporting Cross-border Employment



## Pilot Action

EGTC Eurometropolis Lille-Kortrijk-Tournai

Belgium – France

Title: Cross-border mobility in dual education in the Eurometropolis

**Obstacle:** Different dual education systems and labour agreements linked to different legal statutes of the apprentices

**Solution:** The Eurometropolis Lille-Kortrijk-Tournai and its partners have produced a comparative legal-administrative study of applicable legislation in the cross-border territory. This has shed light on the difficulties faced by local students when looking to start an apprenticeship. It has also allowed the collection of material to raise awareness about the limitations for citizens. The partners will run a field test to operationalise the cross-border mobility of the apprentices in a second phase. In the future, the introduction of a derogation from national rules or the signing of a framework agreement to introduce a system of equivalence in the different national legislative frameworks would be desirable.

# Supporting Cross-border Employment



## Pilot Action

Region Friuli Venezia Giulia and the Employment Service of the Republic of Slovenia

Italy - Slovenia

Title: XBORDER – WORK: tackling administrative issues that hinder free movement of workers

**Obstacle:** Unclear guidelines on taxation result in double taxation or long and cumbersome procedures for tax refunds between the Italian border region of Friuli Venezia Giulia and Slovenia

**Solution:** The partners have tested a single tax declaration form which can be used both by Italian and Slovenian companies. The results have also helped to draw attention to other issues such as the presence of different timing for tax payments in the two countries and non-harmonised treatments of some income items (i.e. travel expenses). These additional issues could be probably avoided if local offices of the tax agencies located in the proximity of the border were to have permanent bilingual information desks.

These adaptations have helped mitigate the hindrances, yet the formal adoption of such tools would need a proper legislation framework, preferably at EU level first.

# Supporting Cross-border Employment



## Pilot Action

Province of Limburg (NL) and Ministry of Labor, Health and Social Affairs of North Rhine-Westphalia (DE)

The Netherlands - Germany

Title: Roadmap for recognition of qualifications for highly demanded professions

**Obstacle:** Citizens are often faced with a lack of clarity as regards the recognition of qualifications for regulated professions in the Province of Limburg (NL), which discourages the mobility of workers across the German-Dutch border

**Solution:** The project partners compared procedures enabling work in the neighbouring country for highly demanded professions — in this particular case the focus was on second level nurses, physiotherapists, and secondary school teachers. This involved the development of roadmaps and factsheets illustrating the correct procedures for recognition of the diplomas of these professions both in Germany and in the Netherlands. This serves as a very useful tool to inform citizens and to facilitate cross-border employment.

On this basis it was identified that the negative impacts of the barriers could be mitigated by developing tools to improve knowledge and raise awareness.

# Supporting Cross-border Employment



- > common features that are needed to enable concrete solutions to be identified are:
  - o the partners elaborate a sound, evidence-based comparative analysis of the issue causing the legal or administrative impediment;
  - o the stakeholders take positive, concrete steps to synchronise their measures;
  - o the partners work together to try, where possible, to reduce the complexity.

# Supporting Cross-border Employment



## Advice Case

Oost-Vlaanderen Province, Euregio Scheldemond

The Netherlands - Belgium

Title: 183 days rule obstructing cross-border mobility

**Obstacle:** complex rules on income taxation and social insurance standards cause great restrictions for staff management

**Solution:** The project identified that an amendment to the current Belgian-Dutch Tax Treaty to insert tax exemptions and give the North Sea Port a special status, as in the case of other tax treaties (Dutch-German 2012 tax treaty, Belgian-Dutch 2001 tax treaty or Regulation 883/2004), would facilitate the management of the port. The project also identified another alternative solution for consideration, namely a provision limiting the consideration of the time spent working in one country or the other, as in the Belgium-Luxembourg agreement.

# Supporting Cross-border Employment



## Advice Case

Lazdijai District Municipality

Lithuania - Poland

Title: Juridical obstacles in establishment and financing of transnational business incubator

**Obstacle:** Lack of indication on how to proceed for the establishment of a business incubator to reinforce the cross-border market and employment opportunities in the cross-border area

**Solution:** The expert identified that the current framework of joint, bilateral agreements and EU legal instruments does in fact provide a sound basis for taking the project forward. Thus the adviser noted that progress could be achieved by using existing provisions for flexibility and joint projects that are already provided for in the existing Polish-Lithuanian Agreement of 1996 and in using current EU legal instruments to establish a European Grouping of Territorial Cooperation (EGTC) or a European Economic Interest Grouping (EEIG). The creation of such a legal entity, within the existing bilateral agreements, would allow for the cross-border business incubator to enter into life.

# Supporting Cross-border Employment



## Advice Case

Economic Board Arnhem-Nijmegen (DE-NL) *and* Euregio Rhein-Maas-Nord

The Netherlands - Germany

Title: Dutch-German cross-border employment of students originally from outside the EU *and* Cross-border work for non-EU citizens

**Obstacle:** Because permits are granted to non-EU citizens on the basis of national legislations, international students from outside the EU cannot apply for internships and jobs in the neighbouring country

**Solution:** A possible solution strives to facilitate the employment of non-EU citizens across the border by involving the relevant authorities at national level in creating a new mechanism to overcome the hurdle. This mechanism would be prepared through a joint action plan to coordinate the issuing of working permits involving all the relevant actors placed on the German-Dutch border.

This could serve as a preliminary basis for a subsequent bilateral agreement between the two states to facilitate the obtaining of a work permit on the basis of the permission already granted by the neighbouring country.

# Supporting Cross-border Employment



## Advice Case

Borderland Association "Nasza Suwalszczyzna"

Poland - Lithuania

Title: Current social and health insurance regulations as problem for borderland inhabitants working on both sides of the border at the same time

**Obstacle:** Citizens of the neighbouring regions between Poland and Lithuania have been discouraged from considering work in the neighbouring country because the current legislative frameworks do not contain provisions that clearly regulate cross-border employment or related social security provisions

**Solution:** It was assessed by the adviser that there were two concrete steps the cross-border partners could take to help address this issue. Firstly, the creation of a "Border Information Point" to inform citizens about the administrative procedures of the respective neighbouring country, and secondly the establishment of a bilateral agreement for specific coordination rules. The adviser also noted that a further solution could be the establishment of an independent social security system exclusively for cross-border workers, similarly to the scheme of the "Joint Sickness Insurance Scheme" initiated by the European Union.

# Supporting Cross-border Employment



## Lessons Learned

- Solutions depend fundamentally on the willingness and capacities of local policymakers;
- Stakeholders are required to create innovative exceptions to the usually applied legal or administrative framework, either through special provisions, *ad-hoc* agreements, the creation of innovative mechanisms, or derogation from regular procedures;
- there are no off-the-shelf solutions and the development of such bespoke arrangements is time consuming and requires substantial resources;
- addressing the capacities and competences of local actors is necessary if obstacles are to be understood properly and if appropriate and implementable legal or institutional solutions can be developed and applied;
- It's important to activate a multi-level governance and involve politicians and policymakers at all levels: European, national, regional and local;
- thus, specific measures to promote mutual learning between the different levels of governance are crucial;
- positive outcomes are observed through both the creation of common tools and also the collection of valuable and focused information in a cross-border context.

## What is next?

AEER and DG REGIO will continue to investigate the challenges that border regions and cities face when interacting with their neighbouring country

> two new calls for proposals will be launched in 2020

> follow the online platform “Boosting EU border regions” to stay up-to-date:

<https://ec.europa.eu/futurium/en/border-regions/pilot-projects/news>

> share what obstacle you face in your region!

*b-solutions* is about giving public authorities from border areas opportunities to contribute to integrate regions within the EU and make cooperation practices possible



through information  
we achieve dissemination  
and enable replicability of good practices



## Stay tuned!

The latest updates on *b-solutions* shared by the participants can be found on the online platform “Boosting EU border regions”

More information on *b-solutions* can be accessed on the website <https://www.b-solutionsproject.com/>

\*30 March 2020: *b-solutions'* day in Brussels (BE)