



## **The Council for Public Administration**

### **Cross-border administration**

A task for all levels of government

*Advisory report of the Council for Public Administration<sup>1</sup>*

(Summary, conclusions and recommendations)

*The Hague, May 2008*

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<sup>1</sup> The Dutch Council for Public Administration ([www.rob-rfv.nl](http://www.rob-rfv.nl)) is the permanent advisory body of the government and parliament of the Netherlands with regard to the organisation and functioning of public administration.

## Summary

### *The Netherlands as one huge border area*

The Netherlands has a large border area. Seven of the twelve provinces border on other countries and two million Dutch inhabitants live in Dutch border municipalities. In border areas, in particular, citizens, social organisations, institutions and authorities are faced by barriers that have been erected by differences in culture and in national legislation in cross-border contacts relating to, for instance, living, working, education and healthcare. A Europe without internal borders and with the free movement of persons, services and capital is in many cases a reality only on paper. At the same time, there are exceptional opportunities for development in border areas.

### *Cross-border cooperation between local and regional authorities (GROS): a bottom-up development*

The specific problems and opportunities in border areas have resulted in many types of formal and informal cooperation between local and regional authorities. The fact that for a long period national governments devoted relatively little attention to and seldom supported border areas (which were at the periphery in more than one way) has contributed to cooperation initiatives in border areas, including over national boundaries.

### *Euroregions as a special form of GROS*

The euroregions are a special form of GROS. The Dutch-German and Dutch-Belgian border areas include seven euroregions. From north to south and from south to west there are the Eems-Dollard Euroregion, the EUREGIO, the Rhine-Waal Euroregion, the Rhine-Meuse-North Euroregion, the Meuse-Rhine Euroregion, the Benelux Central Region Euroregion and the Scheldemond Euroregion. The euroregions were created as a result of local initiatives in the period 1958-1985. By cooperating in a euroregional context, the administrators involved wished to improve the poor social and economic conditions in their areas. Moreover, in the early years in particular, idealistic motives played a role: the euroregion as a European pilot region.

### *Request for advice*

The Minister of the Interior, Guusje ter Horst, has requested the Council for Public Administration for advice concerning cross-border administrative cooperation between local and regional authorities, and particularly with regard to the euroregions. How do these regions function, what is their contribution to solving social and administrative problems in border regions, how can their functioning be improved and what role can the government play in this respect?

### *Euroregions: differences in structure*

The seven euroregions were created on the basis of local initiatives and assumed a more formal structure in the course of time. They differ as regards their legal status, their composition and their working methods. The specific regional situation with its exceptional problem areas and opportunities formed the basis for the chosen structure, i.e. the form was shaped by the content. For the administrators and officials involved, the current structure of their own euroregion is no obstacle to cooperating with their colleagues over the border. The administrative and organisational tailor-made character of the euroregions is greatly valued. There is therefore no reason to bring the structures of the euroregions into line by introducing, for instance, a cross-border

administrative cooperation framework act. Moreover, such a step would require consultation with the German and Belgian governments.

#### *Euroregions: similarities regarding activities and projects*

As regards their activities and projects, the seven euroregions are similar. They provide information to citizens, companies, social institutions, organisations and authorities. In addition, all euroregions devote a great deal of attention and resources to implementing and supporting INTERREG projects. The European Union wishes to use these projects to contribute to the sustainable socio-economic development of border regions within the EU. These projects are very varied, ranging from constructing cross-border cycling tracks to harmonising educational courses and optimising cross-border disaster response.

#### *INTERREG as trigger money for GROS*

The EU INTERREG subsidies are intended as co-financing. Other authorities and businesses must jointly invest a similar amount in an INTERREG project. The EU INTERREG funds may encourage parties to invest in projects of euroregional importance. INTERREG projects may contribute to social and political/administrative support for GROS in general and for the euroregion in particular.

#### *Many projects, little cohesion*

The euroregional projects are often individual in nature and bear little or no relation to the regular policy and strategic vision of the local and regional authorities involved. A better linking of individual projects and a closer connection to the regular policy and strategic visions of the authorities involved could strengthen the social effects of the projects. Moreover, this could contribute to greater interest in and more attention for the euroregion among administrators and representatives of the local and regional authorities in question.

#### *Scope for the further development of the euroregions*

Within the current legal frameworks (the Anholt Agreement, the Benelux Agreement and the EGTC Regulation), there is sufficient scope for the euroregions to develop. Whether that scope is used will depend in the end on the political and administrative will of the local and regional authorities in question.

#### *The role of the government in encouraging GROS*

GROS is essential for the development of a successful community in the border areas. That development is still obstructed excessively in many respects as a result of diverging national legislation. European harmonisation of legislation may have a positive effect, but the interpretation and the implementation of European regulations remains a domestic matter. For this reason, the solution-oriented focus of the government is and remains vital for problem areas in border regions. In border regions, in particular, there are exceptional opportunities that demand the attention of the government, all the more so when considering that in essence, the Netherlands is one huge border area.

#### *Embedding government focus on GROS*

The focus of the government on the opportunities and problems relating to GROS must be embedded in the existing government organisation by, for instance, giving GROS a place in the portfolio of the Minister or State Secretary of the Interior. After

all, the ministry is responsible for domestic administration. Proper coordination with the State Secretary for European affairs is essential in this respect, as GROS also involves foreign relations of Dutch authorities and European cooperation.

#### *A GROS taskforce?*

In order to have the government focus on GROS take root more effectively within the existing government organisation, the government could set up a GROS taskforce including administrative representatives of the government and local and regional authorities in Dutch border areas. In any event, such a Taskforce would have to fulfil a monitoring and driving role as regards the progress of tackling problems and grasping opportunities relating to GROS. A GROS Taskforce could also be useful for knowledge exchange. In a general sense, a GROS Taskforce could act as an ambassador for the benefit of local and regional authorities in border areas, in which context it would have to promote the importance of GROS and the opportunities that it offers for the development of border areas.

#### *A GROS broker?*

If the cabinet wishes to give greater priority to GROS, it could consider appointing a GROS broker. In general terms, such a broker would have to fulfil the same tasks as a GROS Taskforce. A GROS broker would have to be an authoritative official with a great deal of administrative experience in Dutch border areas (a figurehead) who, moreover, is also street-wise in The Hague and Brussels and who is able to motivate people. In other words, an official with personality and character comparable to that of the official responsible for youth affairs at the time of the second cabinet of Prime Minister Jan Peter Balkenende: the former State Secretary Steven van Eijck.

#### *A central GROS information point / clearing house*

For a proper detailing of the functions of a GROS Taskforce (and if possible a broker), a central GROS information point / clearing house is vital. The existing ‘*Europa decentraal*’ knowledge centre – an initiative of the Association of Netherlands Municipalities (VNG), the Association of Provincial Authorities (IPO), the Association of Water Boards and the government – is a natural location for establishing a central GROS information point / clearing house.

*Successful GROS in the Dutch-Belgian and the Dutch-German euroregions can serve as an example and incentive for GROS in other EU border areas and as a driving force for further European cooperation, while retaining national sovereignty and identity.*

## Conclusions and recommendations

The Netherlands has a large border area. Seven of the twelve Dutch provinces are border provinces and approximately two million people live in Dutch border municipalities. In border areas, in particular, citizens, social organisations, institutions and authorities are faced by barriers that have been erected by differences in culture and in national legislation in cross-border contacts relating to, for instance, living, working, education and healthcare. At the same time, there are exceptional opportunities for development in border areas.

The problems and opportunities in border areas have resulted in many types of formal and informal cross-border cooperation between local and regional authorities (GROS). The euroregions are a special type of formal cross-border cooperation. The entire Dutch-German and Dutch-Belgian border areas include seven euroregions. The relative poor socio-economic situation of the border areas was an important incentive in the creation of the euroregions. In addition, there was an idealistic motive: the euroregions as European pilot regions.

The euroregions differ as regards their legal status, their composition and their working methods. They were created in the period 1958-1985 on the basis of local initiatives, with the specific opportunities and problems for that particular area being paramount. In other words, the form was shaped by the content.

*According to the principle 'the form is shaped by the content', there is no reason to bring the structures of the euroregions – which were based on local initiatives – into line. For the administrators and officials involved, the current structure of their own euroregion is no obstacle to cooperating with their colleagues over the border. All in all, there is no basis for the development of a cross-border administrative cooperation framework act.*

*Euroregions cannot take decisions having a decisive influence. That being so, there should be no objection to euroregions having 'only' indirect democratic legitimacy.*

The euroregions are similar in the sense that, relatively speaking, they all devote a great deal of attention and spend a great deal on implementing and supporting INTERREG projects. These projects have a co-financing requirement. The INTERREG funds (EU subsidies) may be considered trigger money to encourage parties to invest in projects of euroregional importance. Another joint characteristic of euroregions is providing information to citizens, businesses, social organisations and institutions and authorities.

*The assumption that euroregions would have no right to exist without INTERREG is not shared by the administrators and officials involved. Many forms of administrative cooperation in a euroregional context existed before the INTERREG programme was launched (in 1990). According to the administrators and officials, political and administrative commitment is crucial for the continued existence of the euroregions.*

A great deal is taking place with regard to GROS. However, in many cases activities and projects are involved that bear no relation to one another and that have little or no connection to the regular policy and strategic long-term vision of the local and

regional authorities involved. The new INTERREG IV programme provides a satisfactory basis for linking operational INTERREG projects to strategic regional policy.

*A better linking of euroregional activities and projects that often bear no relation to one another and a closer connection to the regular policy and strategic long-term visions of the authorities involved increase synergy and strengthen the social effects of those activities and projects. This may broaden the social and political/administrative support for the euroregion and for GROS in general.*

Within the current legal frameworks (the Anholt Agreement, the Benelux Agreement and the EGTC Regulation), there is sufficient scope for the euroregions to develop.<0> Whether that scope is used will depend in the end on the political and administrative will of the local and regional authorities in question. The Anholt Agreement does not offer cooperating Dutch and German local and regional authorities the possibility to transfer powers to cross-border administrative joint ventures. That possibility is, however, offered by the Benelux Agreement to cooperating Belgian and Dutch local and regional authorities. Nevertheless, they have made no use of this possibility up to now, but that may of course change in the future.

*In order to anticipate possible future developments, consideration could be given to offering the possibility also in the Anholt Agreement for cooperating Dutch and German local and regional authorities to transfer powers to cross-border administrative joint ventures.*

*Local and regional authorities should map out the problems and opportunities they encounter in the case of GROS, preferably in a euroregional context. This ensures that problems and opportunities that are shared by local and regional authorities over the border carry more weight when presented to national governments and to Brussels.*

*Successful GROS requires political and administrative attention for problems and opportunities relating to GROS. This is a requirement applying not only to the municipal and provincial authorities in the seven euroregions, but also to the government. The euroregions will continue to require the harmonisation of policy and legislation of national governments, as well as the further harmonisation of European regulatory frameworks.*

*During the development of national legislation, the departments involved should investigate whether the proposed measures will have special consequences for authorities, citizens, institutions and social organisations in Dutch border areas (the 'border assessment'). In performing a border assessment, the problems and the opportunities experienced by local and regional authorities in the case of GROS which they have submitted to the government, should play a major role.*

*To ensure that attention for GROS takes root at government level, GROS should become part and parcel of the portfolio of the Minister or the State Secretary of the Interior. On the basis of its responsibility for domestic and public administration, the Ministry of the Interior is the most obvious Ministry for ensuring that GROS takes root at government level. Proper coordination with the State Secretary for European*

*affairs is essential in this respect, as GROS also involves foreign relations of Dutch authorities and European cooperation.*

*In addition to embedding GROS in the portfolio of the Minister or State Secretary, the creation of a **GROS Taskforce** is recommended and should in any event include representatives of the government and local and regional authorities in Dutch border areas. Such a Taskforce would have to supervise and assess (monitoring and driver role) the progress of tackling problems and grasping opportunities relating to GROS. The GROS Taskforce would also have to fulfil an antenna, innovation and knowledge exchange function. In a general sense, a GROS Taskforce must act as an ambassador for the benefit of local and regional authorities in border areas, in which context it would have to promote the importance of GROS and the opportunities that it offers for the development of border areas.*

*In order to fulfil these functions properly, the proposed GROS Taskforce could use a **central GROS information point / clearing house** as a vehicle. The existing ‘Europa decentraal’ knowledge centre - an initiative of the Association of Netherlands Municipalities (VNG), the Association of Provincial Authorities (IPO), the Association of Water Boards and the government – is a natural location for establishing a central GROS information point / clearing house (in the form of a digital helpdesk). ‘Europa decentraal’ has the task of increasing the knowledge and expertise of local and regional authorities with regard to European law and its correct application.*

*The digital helpdesk of the GROS information point / clearing house should consist in any event of a GROS almanac containing information about, for instance, the possibilities offered to GROS by the current legal frameworks, the GROS contacts at the departments, the local and regional authority counterparts over the border for each policy dossier, an overview of the euroregional information points and good practices relating to GROS. The central GROS facility must be linked to the euroregional information centres, and should be open to authorities, citizens, businesses, social organisations and institutions.*

*If the cabinet wishes to give greater priority to making cross-border administrative cooperation more flexible, it could consider appointing a **GROS broker**. This should be an authoritative motivating official with a great deal of administrative experience in Dutch border areas and who is street-wise in The Hague and Brussels. In general terms, the GROS broker would have to fulfil the same tasks as a GROS Taskforce and act as a GROS figurehead.*

*Differences between countries, which are particularly evident in border areas, should be bridged rather than being eradicated. In this context, acknowledging and recognising those differences is essential.*

That also applies to differences in administrative styles. For instance, in comparison with the Dutch administrative culture, the Belgian administrative culture is markedly politicised, in the sense that political administrators and political parties have a dominant position with respect to civil servants. Compared with the German and Belgian administrative cultures, the Dutch administrative culture is characterised by informal and horizontal relationships.

*Successful GROS in the Dutch-Belgian and the Dutch-German euroregions can serve as a motor for GROS in other EU border areas and as a driving force for further European cooperation, while retaining national sovereignty and identity.*