ITEM. (2024). *Dossier 2: Proposal for an EU Regulation 'Facilitating cross-border solutions' – Cross-Border effects across European cross-border regions (ITEM-TEIN joint study).*

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The European Union and the integration process aim to promote a unified Europe with a single internal market, ensuring an increased flow of goods, services, people and capital. In this process, border regions, which are the true laboratories of European integration, play a key role. These regions are the most exposed to border limitations due to differences in national legislations resulting in legal and administrative obstacles. These obstacles generate significant and multivalent limitations for the cross-border flow of people and businesses, potentially undermining integration and single market efforts in the long term. Currently, the European toolbox for cross-border cooperation lacks a mechanism capable of eliminating these obstacles. However, increasing integration, spill-over effects, and interactions lead to a growing number of legal and administrative obstacles; consequently, there is a strong need to focus on their removal. This paradoxical reality is noted in the research, *„the more cooperation and mobility occur across borders and thus more integration across borders is stimulated, the more (legal) cross-border obstacles arise and become visible."* (ITEM, 2024, p. 17)

Cross-border regions and their citizens face substantial challenges due to legal and administrative barriers. Administrative and legal systems may differ significantly from one another, creating obstacles that are costly and time-consuming, thereby limiting cross-border interactions. Consequently, citizens in border areas may be disadvantaged in accessing services and possibilities. Just to mention only few possible cross-border limitation: 'health and emergency care' (the ambulance car is not allowed to cross the border and/or the health care services are not integrated), 'public transport' (burdened by the prohibition of cabotage), 'access to healthy – local food' (limitations in selling of local products beyond the border), 'education' (acknowledgement of diplomas and recognition of qualifications) and many others. Consequently, residents of border regions are disadvantaged in comparison to those in central regions.

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Nearly 30% of the EU population lives in border regions, a figure significant both in terms of population and economic output. Studies estimate that eliminating just one-fifth of existing obstacles could lead to a 2% GDP increase in border regions. Additionally, financial analysis suggests that removing barriers to cross-border flows could generate an economic benefit of €123 billion annually for the EU.

The TEIN and its partners—namely, the Technical University of Liberec, Czech Republic; the University of Opole, Poland; WSB University, Poland; Euroregion Nisa, Czech Republic; and the Central European Service for Cross-Border Initiatives (CESCI) – published a dossier that aims to research cross-border cooperation, its obstacles, and possible solutions. It contributes to the 'ex ante' mapping of potential cross-border effects of prolonged legislation, particularly the EU Regulation on Facilitating Cross-border Solutions. The study contains four case studies from different parts of the European continent, namely the Benelux-Germany, France-Germany, Euroregion Nisa Neisse-Nysa-Nisa (the Czech and the Polish part), and Austrian and Hungarian suburban region of Bratislava. These case studies examine the level of cooperation, current integration, sustainable socio-economic development, the process of addressing cross-border obstacles, and the added value of the EU-proposed Regulation.

What is the Regulation on Facilitating Cross-Border Solutions and what is its impact?

The research paper starts with the explanation of the Regulation on Facilitating Cross-Border Solutions. In 2023, the European Commission introduced a revised proposal for a mechanism to address legal and administrative obstacles in cross-border contexts, known as the EU Regulation on Facilitating Cross-Border Solutions (later abbreviated as FCBS Regulation). The Regulation seeks to establish a legal framework applicable across all Member States to facilitate solutions to legal and administrative obstacles that may hinder cross-border interactions and the development of cross-border regions.

The Regulation mandates the creation of cross-border coordination points (later abbreviated as CBCP) in each Member State to report cross-border obstacles and evaluate submissions. If the cross-border coordination point determines the existence of an obstacle, it examines the available cooperation structures to address the identified issue. If the cross-border obstacle arises from an administrative provision or practice that does not require changes to a legal provision, the cross-border coordination point shall engage with the competent authority responsible for the administrative provision. The purpose is to determine whether amending the administrative provision or practice would suffice to resolve the obstacle and whether the authority is willing to implement such changes. If the cross-border obstacle stems from a legal provision, the cross-border coordination point shall consult

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the competent authority to assess whether an amendment—such as an exception or derogation from the applicable legal provision—would resolve the obstacle. The consultation also aims to ascertain whether the authority is prepared to initiate the necessary legislative procedure in accordance with the institutional and legal framework.

According to the evaluation of the research, the Regulation represents a political compromise due to the resistance experienced from the Member states in adopting the European Cross-border Mechanism. This means that the *„adapted proposal, therefore, presents a (negative/mitigated) transition from solving cross-border obstacles (via the ECBM mechanism) to only facilitating cross-border solutions. There is a clear transition from solving cross-border obstacles via a legal tool (ECBM, especially the European crossborder commitment) to addressing border obstacle solutions via a common governance structure (CBCPs)."* (ITEM, 2024, p. 13)

A significant shortcoming is the lack of a legal tool to effectively address cross-border obstacles. Moreover, the effectiveness of the Regulation can vary significantly among member states, depending on their willingness and commitment. As a result, the Regulation only nominally facilitates cross-border solutions, while real and effective mechanisms for resolution are absent. Furthermore, national governments and competent authorities have the discretion to act—or choose not to act—voluntarily, with the only obligation being to respond to each submitted obstacle file.

In a long term, further concerns may arise regarding the Regulation. For instance, it might merely represent an additional structure alongside the existing ones without generating significant added value, while the level of political support for the Regulation remains vastly uncertain.

What are the added values of the Regulation on Facilitating Cross-Border Solutions?

The research underlines that the FCBS Regulation can generate significant added value. In regions where cross-border structures already exist with institutional and legislative frameworks (e.g. Benelux-Germany and/or France-Germany), the FCBS Regulation might help legitimize the functions of the already established mechanisms while increasing the effectiveness of the FCBS and coordination points at the same time. In regions where cross-border structures are less developed (the Czech-Polish borderland and the Hungarian-Slovak-Austrian border region), the FCBS Regulation promotes the establishment of coordination points to gather and analyze cross-border obstacles, along with a governance framework for addressing them.

A valuable added benefit of the Regulation is that the 'initiator' (an entity submitting the cross-border obstacle) must be informed of the decision within the specified deadlines. As the research puts it, *„the added value of the new regulation would be that it requires Member States to provide a reasoned justification for their decision to remove or maintain an obstacle."* (ITEM, 2024, p. 66)

The establishment of a CBCP is a further and clear added value. Specifically, a coordination point can collect and analyse cross-border obstacles, along with a

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governance framework. This capability will be particularly important in regions which are not equipped with such measures. Meanwhile, the FCBS Regulation could substantially enhance the legitimacy of institutions in regions that already possess these capacities.

Moreover, the Regulation offers an opportunity to establish a network of coordination points across Europe. This network would enhance the visibility of border regions and enable the systematic collection, analysis, and resolution of cross-border obstacles at regional, national, and European levels.

If the Regulation is properly implemented, it has significant potential to deepen European cohesion in cross-border regions. It could enhance the functioning of the single market, thereby stimulating economic, social and territorial cohesion within the European Union. Additionally, the Regulation would improve daily access to opportunities, including both services and economic prospects, for residents in cross-border areas. Furthermore, it could facilitate the implementation of cross-border public services in a more efficient and timely manner, ensuring that citizens benefit from streamlined administrative processes and enhanced cooperation between neighbouring regions.

Regulation on Facilitating Cross-Border Solutions from the perspective of four case studies

The research looks at the FCBS Regulation from different perspectives of four case studies. Two case studies bring a cross-border region with an intensive and highly institutionalised cross-border framework, while two case studies are less equipped with those cross-border frames. Hence, the research aims to examine the realities of the FCBS Regulation from different cross-border constellations.

The first case study examines the cross-border region between Benelux and Germany. This area exhibits a high level of cross-border mobility and cooperation, supported by well-established multi-level governance structures, CBC institutional frameworks and bilateral treaties. It ranks among the highest in the EU for cross-border employment.

This area includes numerous Euroregions (EUREGIO Gronau, Ems Dollart Region, Euregio Meuse-Rhine, Euregion Rhein-Waal, Euregio Rhine-Meuse-North, the Greater Region, Euregio Scheldemond), supranational structure (Benellux Union) and a Coordination Point (Schakelpunt), which is financed from Interreg project). As a result, the region is profoundly integrated in different areas, such as health care, the labour market or public transport. Despite the strong regional interconnectedness, the region experiences a paradoxical reality, the more cooperation and interaction that exists, the more tangible the obstacles become, such as issues with qualification recognition, the mobility of cross-border workers, social security, and/or the reimbursement of cross-border healthcare costs.

The research highlights that the new FCBS Regulation might have several positive impacts. Specifically, resolving cross-border limitations may strengthen European integration and the internal market, thereby enhancing socio-economic

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conditions in the region. Additionally, compared to lengthy court rulings, the FCBS Regulation facilitates the swift removal of obstacles while ensuring compliance with clear deadlines. What is more, *„…Although the Benelux Union offers several (legal) instruments for cross-border cooperation and overcoming border obstacles, there is no option (for „initiators" as in context of the FCBS Regulation) to directly submit for border obstacles to be resolved. The FCBS Regulation would provide the added benefit of a clear procedure and the establishment of a right to initiate actions."* (ITEM, 2024, p. 20)

The second case study examines the border area between France and Germany. This region also demonstrates a high degree of interconnectedness, with numerous cross-border institutions and initiatives in place. The border is frequently crossed for various reasons, including cross-border employment (with over 50,000 workers commuting from France to Germany), education, healthcare, public services, shopping, gastronomy, sports and many more. Although, with a high degree of cross-border connectivity, obstacles in this region often become more visible, much like in the first case study. The obstacles are mainly generated by the discrepancies between national legislation that limit cross-border interactions, mobility and business. The persistent obstacles are mainly administrative, thus obstructing issues like social security, taxation, qualification recognition, labour law, etc.

The new FCBS Regulation would clearly help to enhance the quality of cross-border interactions between France and Germany by establishing a single and common procedure for obstacle management. As the research claims (ITEM, 2024, p. 31), *„The new regulation will facilitate the prompt resolution of obstacles by the competent authority that may arise during the implementation of local projects, thus obviating the necessity for the elaboration of highly complex ad hoc solutions."* This means that it may help legitimize current cross-border practices (e.g. the functioning of the Franco-German Cross-Border Cooperation Committee), address challenges that restrict opportunities for citizens and businesses, and it may provide faster resolutions to obstacle-related issues. Moreover, the Regulation assures a detailed account of the obstacle, analyzing the causes and possible solutions, while *„The most significant benefit is that a response will be required without the need to request it several times"* (ITEM, 2024, p. 37) because of introducing clear deadlines and time limits.

The third case study examines the Czech-Polish borderland, specifically the Czech and Polish sections of the Euroregion Neisse-Nysa-Nisa (ERN). Unlike a cultural borderland with a strong cross-border identity, the ERN functions primarily as an economic borderland, marked by significant disparities in wages, goods, and services, driving increasing cross-border mobility. The cross-border labour market flows predominantly towards Germany (from Poland and the Czech Republic), while cross-border shopping is mainly directed towards Poland (from the Czech Republic and Germany).

The third case study provides an in-depth examination of the Czech-Polish borderland, with a particular focus on the Czech and Polish sections of the Euroregion Neisse-Nysa-Nisa (ERN). Unlike regions where cultural identity

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plays a dominant role in shaping cross-border interactions, the ERN is primarily characterized as an economic borderland. This distinction is largely due to the significant economic disparities that exist across the border, particularly in terms of wages, the cost of goods, and the availability of services. These differences create strong economic incentives for cross-border mobility, influencing both labour market dynamics and consumer behavior. In terms of employment, the cross-border labour market exhibits a clear one-directional flow towards Germany, with workers from Poland and the Czech Republic seeking better job opportunities and higher wages across the border. On the other hand, when it comes to consumer activity, cross-border shopping patterns display another notable trend, Czech and German consumers frequently cross into Poland to take advantage of lower prices on goods and services. These economic-driven structures highlight the region's functional interconnectedness while also underscoring the structural imbalances that continue to shape cross-border interactions within the Euroregion.

This specific borderland has a relatively low level of cross-border cooperation maturity; therefore, fewer obstacles are identified compared to those border regions where cross-border interactions are more dynamic. The obstacles exist in areas such as the Zittau–Hrádek railway connection, the random introduction of border controls and/or legislative differences.

The research claims (ITEM, 2024, p. 48) that the FCBS Regulation, „…*brings a clearly defined structure, a defined process and pathways. (…) „also helps to identify social, economic, and environmental fields where current obstacles and barriers hinder the development of cross-border cooperation or generate asymmetry in cooperation.*" This means that it is expected that the new FCBS Regulation will significantly promote mutual trust, thus generating a clear economic impact on the one hand, while also eliminating administrative barriers, thereby easing access to (public) services such as healthcare and emergency services.

The fourth case study examines the suburban regions of Bratislava bordering Austria and Hungary, focusing on the dynamics of cross-border residential mobility and economic interdependence. Bratislava, the capital of the Slovak Republic, is one of the most developed regions in Central and Eastern Europe, characterized by a strong economy, a high standard of living and well-established infrastructure. Its strategic location and economic opportunities make it an attractive destination for both investors and residents. However, the city's high property prices and limited housing availability have contributed to the increasing trend of cross-border commuting and relocation.

The region is marked by significant cross-border residential mobility, as many people who work in Bratislava choose to settle in neighbouring countries, such as Wolfsthal (Austria) or Rajka (Hungary). These areas provide a viable alternative to living in the Slovak capital, offering more affordable housing while maintaining convenient access to the city. In many cases, commuting from these locations is even faster than from some of Bratislava's own suburban districts. For instance, the municipality of Rajka is often referred to as 'Malá Bratislava' ('Little Bratislava').

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Bratislava's city management does not have a dedicated department to address the issues of cross-border residents. The first quasi-institution is the BAUM_City Region which serves as a prominent entity addressing the challenges of cross-border residents between Slovakia and Austria. Moreover, the Economic Joint Committee can play a similar role along the Slovak-Hungarian border area. Nevertheless, both lack competences to eliminate cross-border obstacles; subsequently, the proposed cross-border coordination point would generate a high added value. As the research writes (ITEM, 2014, p. 61), *„The FCBS regulation would have a clear added value compared to the existing EU tools by enabling the systematic identification and elimination of legal obstacles hindering cross-border mobility, the integration, joint development and shared governance of borderlands and the implementation of cross-border projects."*

The research concludes that the case studies reveal notable disparities in integration and cooperation across different border regions. While some areas demonstrate advanced cross-border cooperation, others face structural and institutional challenges that hinder deeper integration.

On one side, the Benelux-Germany and France-Germany border areas are characterized by a highly mobile population, well-developed cross-border infrastructure, and longstanding cooperation frameworks. These regions have established numerous bilateral and multilateral agreements, fostering seamless mobility for workers, businesses and residents. In contrast, the Czech-Polish borderland and the Hungarian-Slovak-Austrian border region remain less integrated, with weaker cross-border governance structures and fewer coordinated policies. Although cross-border commuting and residential mobility have increased significantly in recent years, the institutional frameworks supporting cross-border cooperation are not as developed as those in Western Europe. Administrative, legal, and infrastructural barriers still pose challenges for integration, affecting both economic cooperation and public services.

Despite these differences, the research finds that the estimated impact of the proposed FCBS Regulation will be positive across all types of regions. By providing a legal framework for overcoming administrative obstacles and enhancing cooperation, the regulation is expected to add value for both well-integrated and less-developed cross-border areas. As stated in the report: *„Despite the differences, the estimated impact of the proposed FCBS Regulation will be positive and provide added value for both types of regions."* (ITEM, 2024, p. 76).

The Drawback of the Regulation on Facilitating Cross-Border Solutions

The research highlights some drawbacks of the FCBS Regulation. The most immediate potential weakness is that the Regulation allows for discretion in its implementation. Specifically, Member States have the flexibility to determine the form and number of CBCPs they establish. As a result, a Member State could choose to have only one CBCP for the entire country, which may lead to a lack of regional insights and limited cooperation with all neighbouring Member States and regions.

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As the research states (ITEM, 2024, p. 77), *„Given the differences in how Member States may implement the CBCPs and the varying levels of effort and willingness they exhibit in addressing border obstacles, the effectiveness of the Regulation could vary significantly."*

Recommendations for the Regulation on Facilitating Cross-Border Solutions

The research articulates six key recommendations that can help the FCBS Regulation achieve maximum efficiency.

1. **Willingness & Commitment** – The success of the Regulation largely depends on the willingness and commitment of Member States to fully implement it. Governments must recognize the importance of addressing border obstacles and acknowledge the economic and social benefits of seamless cross-border cooperation.
2. **Funding** – Unlike *b-solutions* and *Interreg*, which provide financial support for expertise, the FCBS Regulation currently lacks a dedicated budget. If establishing CBCPs under the Regulation remains voluntary, partial funding from the European Commission—similar to the support offered for *b-solutions*—could incentivize Member States to set up CBCPs and potentially facilitate the implementation of analytical studies.
3. **Legal Instruments** – The FCBS Regulation does not include a dedicated legislative mechanism specifically targeting border-related legal issues. However, utilizing existing regional legal instruments could enhance its effectiveness, ensuring that cross-border challenges are addressed with adequate legal support.
4. **Governance & Coordination** – The Regulation has the potential to improve cooperation and cohesion in cross-border regions, provided that the newly introduced procedures do not interfere with established structures. To maximize its impact, the new coordination points should be integrated into existing governance bodies rather than creating parallel frameworks.
5. **Geographical Scope** – Instead of establishing a single, centralized CBCP as the Regulation minimally requires, the creation of multiple regional CBCPs could significantly enhance its effectiveness. This approach would provide deeper regional and local insights, greater capacity, and specialized expertise—particularly in countries with multiple borders.
6. **Expertise & Network** – Analyzing border obstacles under the FCBS Regulation can serve as a valuable foundation for future dialogue between authorities. Strengthening cross-border networks and expertise will be essential for fostering long-term cooperation and ensuring the sustainability of solutions.

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By addressing these aspects, the FCBS Regulation can become a more effective tool for overcoming cross-border legal and administrative obstacles while promoting greater integration and regional development.

Outlook on the Regulation on Facilitating Cross-Border Solutions

In its outlook, the research also reflects on the Council agreement and the compromise reached with the amendments. These include the following ones: the establishment of a CBCP is no longer mandatory; addressing an obstacle is voluntary, with ad hoc mechanisms allowed for implementation; maritime borders are excluded from the Regulation; Member States are no longer required to establish national public registers for cross-border issues; the deadlines for addressing cross-border obstacles are extended; Member States may choose to allocate ERDF funding towards the CBCP. However, the most significant amendment is that natural persons are not allowed to be 'initiators'; instead, only private and public entities are granted the right to announce obstacles.

For whom is the research recommended?

We consider this research a highly valuable contribution to understanding the new Proposal for an EU Regulation on Facilitating Cross-Border Solutions. The research is recommended for a wide range of readers, including academics, policymakers and practitioners working in cross-border cooperation, border obstacle removal and regional policy. It is particularly useful for students and researchers in disciplines such as border studies, political science, public policy, regional development, European studies and international relations.