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What Future for the Concept of Borderless Europe?

Papers of TEIN's International Conference

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Contents

Gyula Ocskay, James W. Scott: Editorial.....	3
Pierrick Bruyas, Birte Wassenberg: Narrating Europe at the Border: Media, Political and Citizen Perspectives in the French-German borderland.....	9
Michael Frey, Rahel Alia Müller: Towards a borderless Europe - Legal tools enabling a cross-border cooperation without geographical borders.....	19
Myroslava Lendel: EU policies' impact on cross-border cooperation's institutional frameworks in the Transcarpathian region of Ukraine	33
János Gyula Pulics: Challenges of Border Control in Europe's Schengen Area – The SCHEVAL Initiative	61
Thayse Figueira Guimarães, Maria Helena Araújo e Sá: The Bilingual and Intercultural Border Schools Project (PEBIF) as a Strategy for Linguistic Integration and Cross-Border Cooperation: An Example of Educational Action between Northern Portugal and Galicia	75
Irina M. Cavaion: Co-Crossing Borders through Neighbouring Languages Teaching and Learning: the CoBLaLT model and school communities' perceptions of language policy in their border regions.....	97
Andrea Ulhôa, Maria Helena Araújo e Sá: Education Across Borders: Teachers as Agents of Transborder Cooperation in the Construction of a Common Educational Identity	117
Teodor Gyelník: Bosworth, M., & Zedner, L. (ed.) (2022). Privatising Border Control. Law at the Limits of the Sovereign State. Oxford University Press. [Book Review].....	135
Teodor Gyelník: 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). [Book Review].....	143

Editorial

ABCD Journal is a joint publication of the Central European Service for Cross-Border Initiatives (CESCI) and the University of Eastern Finland (UEF). The journal is designed to create a platform between science and development, research and policy making, theory and praxis in Border Studies.

The first issue of the journal (following the zero edition of 2024) comprises a selection of lectures given by researchers and practitioners at the conference 'What Future for the Concept of Borderless Europe' held in Budapest, at the Ludovika University of Public Service (LUPS) on 13 and 14 May 2025. The conference was organised by the LUPS-CESCI Research Group on Cross-Border Cooperation and the Transfrontier Euro-Institute Network (TEIN). TEIN is a pan-European platform of universities, research institutes and training institutions focusing on cross-border cooperation. The network was established in 2010 with the aim of enhancing European integration through capacity building and knowledge exchange initiatives and actions. Today, it has 20 members from 13 countries, from Spain to Ukraine, from the UK to Hungary. The partners coordinate their scientific activities, implement joint projects, organise conferences and workshops, feed into the European policy-making processes, and endeavour to improve the conditions for cross-border capacity development.

LUPS-CESCI Research Group was established in 2021 by university professors and practitioners to facilitate adapting scientific achievements and methods in the everyday practice of cross-border cooperation and applying practical lessons and results in research in and around Hungary. The research group applies a multidisciplinary approach from political science to legal science, from security studies to governance studies, from geography to economics. Accordingly, the conference organised with the support of the Hungarian National Research, Development and Innovation Office within the framework of the so-called 'Mecenatúra' program (MEC_SZ 199044) included a diverse scope of lectures, which was mirrored by the topics of the six panels:

- The border as a symbol and producer of identity
- Functionality overwriting administrative division of space – a legal perspective
- Towards cross-border citizenship
- Environmental awareness and sustainability - Climate-neutral solutions for law enforcement, military and public administration in cross-border international practice
- Re-charging Borderless Europe: EU policies and local examples
- Counter-terrorism and borders.

The actuality of the event was given by the changing climate around borders and border regimes in Europe. After the Iron Curtain had fallen and the democratisation process started in the former communist bloc at the time of the adoption of the Maastricht Treaty, the concepts of 'Borderless Europe' and an 'ever closer Union' seemed to be achievable in the near future. Free movement within the Schengen zone has remarkably been contributing to the development of a rather optimistic view on the future of Europe, where the administrative borders would gradually lose their significance or even disappear.

Since 2015, the Continent has been witnessing a process which is quite the opposite of the above expectations: the migration crisis and the terrorist attacks in 2015 and 2016, Brexit in 2020, the COVID-19 crisis in 2020 and 2021, the Russian invasion of independent Ukraine in 2022 and the socio-economic impacts of all these crises have resulted in the rediscovery of borders. It means that each component of these crises strengthened the re-nationalising, de-globalising tendencies within the EU, whose most salient consequence was the re-establishment of the state borders, the border control measures and a much stricter border management than before.

Younger generations faced with closed borders for the first time in their lives during the pandemic. 2 million cross-border commuters (many of them employed in the social and health sectors impacted the most by the pandemic), tens of thousands of students, and more than 150 million border

people found themselves in a brand-new reality when the national governments sealed the borders overnight.

Furthermore, during the migrant crisis in 2015, not only were some borders closed, but even new fences were erected, which seems to be continuing due to the war in Ukraine. These new tendencies also shook the Schengen system: some countries exploited the relevant derogations included in the Schengen Code to permanently prolong the controls re-established during one of the crises.

All the above phenomena challenge the optimistic concept of 'Borderless Europe'. At the same time, it is obvious that without open internal borders, without the guarantee of the free movement of people, goods, services and capital, without the promotion of cross-border cooperation, the European project loses its sense and energy. To put it simply: the future of the EU depends on the future of its borders.

The lectures of the conference revolved around the above-mentioned aspects of the new European discourse, targeting the borders from different points of view.

After the greetings delivered by Gergely Deli, rector of the university, the event started with a "Canadian" plenary session moderated by Helga Kristín Hallgrímsdóttir, Professor of Public Administration and Deputy Provost at the University of Victoria. The two speakers of the panel were Christine Bradley, Chief of Section for Countering Terrorist Travel at the United Nations Office of Counter-Terrorism (UNOCT) and Head of the UNOCT Programme Office in Budapest and Emmanuel Brunet-Jailly, Professor of Public Administration at the University of

Victoria. The plenary was followed by the six panels whose lessons were wrapped up by Eduardo Medeiros, Professor and integrated researcher at ISCTE – University Institute of Lisbon, who gave a university lecture on the second day of the event on the challenges to European Cohesion Policy.

The second day ended with a PhD seminar and the workshop of the TEIN on a strategic approach to cross-border training.

The speakers were invited to submit their papers to be published in the first issue of the ABCD Journal. Ten of them decided to positively answer this invitation.

This issue of the journal offers several insightful perspectives on cross-border cooperation that span legal, institutional and symbolic aspect. In their contribution, **Pierrick Cuyas and Birte Wassenberg** analyze how narratives shape perceptions of European integration in the Franco-German border region. Using media analysis, political interviews, and citizen focus groups from the Horizon Europe project B-SHAPES, they identify three key narratives: Franco-German friendship as symbolic cooperation, a functional but politically distant EU, and a border that re-emerges in crises. These narratives form a complex "border narrative ecology," highlighting both the symbolic importance and structural fragility of border regions as sites of European integration. As a result, a complex 'border narrative ecology' is revealed, in which integration is experienced, contested, and reimagined. The findings underscore both the symbolic centrality and structural fragility of border regions as "*laboratories of European*

integration." **Michael Frey and Rahel Alia Müller** present a legal thought experiment on expanding cross-border cooperation beyond geographic boundaries. They argue that modern mobility—physical and digital—renders traditional border regions less relevant as legal justifications for cooperation. Using tools like cross-border impact assessments, they propose legal mechanisms (e.g., opening clauses) that do not rely on geographic criteria. The article considers whether evolving EU citizenship could support the broader, borderless application of EU law. **Myroslava Lendel** examines Transcarpathia as a case of cross-border cooperation amid Ukraine's EU integration. Analyzing the 2024 Law on International Territorial Cooperation and EU-funded programs (ENI, Interreg NEXT), the study maps institutional frameworks such as Euroregions and the European Grouping for Territorial Cooperation (EGTC) "Tisza." While EU policies promote formal partnerships, implementation is hampered by legal inconsistencies and weak local capacity. Participation is uneven due to resource disparities, though Ukraine has made legal strides in aligning with EU standards. In addressing the security issues related to the maintenance of the Schengen Area, **János Gyula Pulics** addresses the balance between open borders and security within the Schengen Area. Drawing on consultations with 11 EU member states, the article identifies key threats to border management and the shortcomings behind them. It questions whether current external border controls are adequate and examines the compromises made in areas like economy, customs, and public safety.

Pulics highlights the ongoing challenges of securing a borderless Europe of over 449 million people.

The second half of this issue of *ABCD* is devoted to a special section that focuses on the role of education in cross-border cooperation, particularly through language and intercultural pedagogy. **Guimarães, Araújo, and Sá** begin this section with an examination of the Bilingual and Intercultural Border Schools Programme (PEBIF) on the Portugal–Galicia border, highlighting how language policy, identity, and regional governance impact cross-border integration and plurilingual education. Their analysis suggests a need for plurilingual education that is sensitive to local border realities and citizens’ needs. **Cavaion** shifts the focus to the Italy–Slovenia border, analyzing territorial cooperation policies and the Gorizia–Nova Gorica Capital of Culture event in 2020–21. In doing this the author introduces the CoBLaLT method for language education. Her research stresses the importance of coherent language policies and the need to integrate humanistic, educational approaches into regional policymaking. The author concludes her section by emphasizing the significance of humanistic research for generating evidence-based knowledge that can complement and enrich more traditional sectoral border region policies. **Ulhôa and Araújo e Sá** then return to the PEBIF context to explore schools as spaces for “curricular invention,” where teachers act as agents of intercultural dialogue and social justice. They reconceptualize the border as a *borderscape*—a dynamic, ethical space for building shared identities and pluralistic

education. Together, these contributions advocate for a shift from traditional, state-centric views of borders to more inclusive, educational, and humanistic perspectives.

The issue closes with two extensive book reviews authored by **Teodor Gyelnik**. The first of these dives into the edited volume of Bosworth and Zedner (2022). *Privatising Border Control. Law at the Limits of the Sovereign State* (Oxford University Press). The collection examines the growing role of private actors in border enforcement—raising critical concerns about accountability, transparency, and state sovereignty. As border control functions shift to profit-driven entities, traditional state authority is increasingly challenged. The Peace of Westphalia (1648) established the modern state system, based on sovereignty, territorial integrity, and non-interference. While foundational to international relations, this model has been increasingly undermined by globalization, transnationalism, and supranational bodies. Recent decades have witnessed the decline of the welfare state and the rise of neoliberal capitalism, emphasizing free markets, deregulation, and privatization. Governance has become more decentralized, with political power often shaped by economic interests. As Ana Aliverti (2022) notes, this blurs the lines between public and private authority. Moreover, this trend raises questions about the legitimacy and accountability of non-state actors managing critical state functions. Zedner and Bosworth (2022) highlight the diverse forms of border control privatization: from private security firms performing official duties to NGOs and citizens monitoring immigration.

Examples include companies like G4S in the UK, Blackwater and vigilante groups in the US, and organizations like the Red Cross in Italy. The volume is divided into four parts: the limits of state sovereignty; legitimacy and rule of law at the border; the outsourcing of state authority; and the practices of privatization in border control.

The second review focuses on a joint study that targets a *Proposal for an EU Regulation Facilitating Cross-Border Solutions*. The European Union's integration process promotes a unified internal market, aiming for the free movement of goods, services, people, and capital. Border regions, as key testing grounds for this integration, often face significant legal and administrative barriers due to differing national laws. These obstacles hinder cross-border cooperation and risk undermining long-term integration goals. Despite increasing cross-border interaction, the EU lacks effective tools to eliminate these barriers. As cooperation grows, so do the number and visibility of legal challenges. As noted in recent research, "the more cooperation and mobility occur... the more (legal) cross-border obstacles arise" (ITEM, 2024, p. 17). These barriers affect daily life—access to healthcare, education, public transport, and local products—disadvantaging border residents compared to those in central regions. For example, ambulances may not cross borders, diplomas may not be recognized, and local food cannot be sold across boundaries. Nearly 30% of the EU population lives in border regions. Removing just 20% of current barriers could boost regional GDP by 2%, potentially generating €123 billion

annually for the EU. To address this, the TEIN network and its partners—including universities and regional organizations—produced a dossier analyzing cross-border cooperation and legislative solutions. It features four case studies (Benelux-Germany, France-Germany, Czech-Polish Euroregion Nisa, and Austria-Hungary near Bratislava) examining integration levels, obstacles, and the potential impact of the proposed EU Regulation on Facilitating Cross-border Solutions.

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Narrating Europe at the Border: Media, Political and Citizen Perspectives in the French-German borderland

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Abstract

This article explores the narratives that shape perceptions of European integration in the Franco-German border region. Drawing on a three-fold approach combining media content analysis, political interviews, and citizen focus groups conducted within the Horizon Europe project *B-SHAPES*, the study identifies three dominant narrative frameworks: Franco-German friendship as a symbolic foundation of cooperation, a functional yet politically distant European Union, and a border that remains latent but reactivates during crises. By analyzing these narratives across those three sources, a complex 'border narrative ecology' is revealed, in which integration is experienced, contested, and reimagined. The findings underscore both the symbolic centrality and structural fragility of border regions as '*laboratories of European integration*'.

Keywords: European integration, border, borderland, narratives, media, focus groups

Introduction

Within the European Union, border regions occupy a place that is both symbolic and experimental: they embody the promises of integration while crystallizing its limits. The Franco-German border, in particular (Peyrony, Sielker & Perrin, 2022, p. 180), is often presented as a laboratory for Europe (European Commission, 2017; European Commission, 2021), an area of advanced cooperation, marked by a shared history, intense daily mobility and a dense cross-border institutional network.

However, this harmonious image deserves to be questioned in the light of recent crises and the local perceptions that emerge.

This contribution is part of an interdisciplinary study conducted as part of the European research project *B-Shapes - Borders Shaping Perceptions of European Societies*, funded by the European Union under the Horizon Europe programme. It is based on empirical results collected and analyzed by the authors as part of deliverables 3.1 and 3.2 of the working package dedicated to the study of Euroscepticism in border

regions (Bączkiewicz et al. 2024). This research is based on a rare combination of methods, combining media content analysis (Macnamara, 2005, p. 1; Bączkiewicz et al. 2024), semi-structured interviews with candidates in the 2024 European elections, and focus groups organized with French and German citizens in the PAMINA Eurodistrict in Lauterbourg (France). Our corpus covers a particularly significant period, from 2019 to 2022 and including the year 2024 for the interviews with political candidates. It includes major events for cross-border territories: the signing of the treaty in Aachen in 2019, which aimed to renew and deepen Franco-German cooperation commitments; the Covid-19 pandemic, which saw the sudden reintroduction of controls at the internal borders of the Schengen area, often experienced as a betrayal of the European ideal; debates on territorial resilience linked to economic and health dependencies; or the invasion of Ukraine by Russia, with its repercussions on geopolitical discourse and electoral positioning. These episodes have acted as catalysts for discourse, revealing the tensions between the day-to-day experience of integration and reactions to its crises.

The aim of this contribution is to identify and analyze the structuring narratives that emerge from the intersection of these materials. Rather than juxtaposing the results by type of source, we have chosen to focus on the narratives themselves (Maines, 1993, p. 17), as discursive formulations that organize perceptions of reality, direct emotions and stabilize or destabilize collective representations (Wiles, Rosenberg & Kearns, 2005, p. 89). Three levels of actors are compared: the local media, which

produce and disseminate images of the cross-border area (Earthy & Cronin, 2008, p. 420); politicians, who construct a strategic discourse on Europe from the territories; and ordinary citizens, who express their lived relationship with the border in semi-directed but open formats. This approach is part of an interdisciplinary approach involving discourse analysis, the political sociology of European imaginations and an ethnography of borders.

Three dominant narratives have emerged from our work. The first is that of Franco-German friendship, mobilized as an affective and symbolic resource by both the media and political leaders, and presented as the foundation and horizon of cooperation policies. This narrative is performative: it justifies local integration, gives meaning to institutional arrangements that are sometimes abstract, and constitutes a form of legitimization for cross-border efforts. Its reception by citizens, on the other hand, is somewhat more discreet, more floating, sometimes tinged with irony or weariness, but still quite present. The second story is that of a Europe that is useful but absent, where the European Union is recognized for its practical effects – i.e. mobility, infrastructure, social protection, labour law – but rarely claimed as a meaningful political project. This everyday Europe, although omnipresent, seems to be dissociated from Brussels and the institutions, which are perceived as technocratic, inaccessible and even indifferent to local realities. Finally, a third, more transversal and paradoxical narrative runs through all the material: that of a border that nobody wants to close, but which is often closed. This highlights the fragility of an area that is nonetheless presented as integrated.

Border closures linked to Covid, political calls for tighter immigration controls, and security rhetoric about terrorism or fraud regularly reactivate a dividing line that local players agree they want to erase. The new wave of border closings decided at the federal level by newly elected Chancellor Merz, despite being outside of the scope of this study, shows with strength that the picture drawn by the three empirical works is still accurate (Fichter, 2025) and in line with past analysis (Berrod, 2020, p. 53; Wassenberg, 2020, p. 114).

These three narratives are neither perfectly coherent nor fundamentally incompatible. They coexist, sometimes in tension, sometimes superimposed, in what might be called a “*border narrative ecology*” (Grichting, 2017, p. 131). Each of them expresses a way of thinking about and experiencing Europe from the border. Together, they form a complex map of support, criticism and disillusionment with European integration. By analyzing these narratives not as fixed discourses but as forms in circulation, produced, relayed and reformulated by different actors, this study aims to contribute to a renewed understanding of the border not as a line but as a mirror of European contradictions.

Franco-German Friendship as a Founding and Powerful Ambition

Among the various narratives identified in our corpus, that of Franco-German friendship occupies a singular place: it stands out as the most visible, the most stable and, paradoxically, one of the most ambivalent. In fact, this narrative is not only meant to designate a bilateral historical or institutional relationship; it embodies, in the

discourse of the players as well as in media and public representations, a structuring figure of European integration as seen from the border. Its pervasive presence in the media, among political leaders and in interactions between citizens makes it a recurrent element of language, at once mobilized, reinterpreted and sometimes ritualized, without ever being explicitly called into question.

Media Omnipresence Reveals a Regionalized Imagination

An analysis of the regional daily press, both French and German, reveals a high recurrence of the term ‘friendship’ (*Freundschaft* - *friendship*) in articles on cross-border relations – i.e. not of the term cooperation or partnership, but the much more powerful concept of friendship. This term is never used in an innocuous way: it echoes a long tradition of post-conflict cooperation and bilateral integration, structured historically by reconciliation treaties (Élysée in 1963, Aachen in 2019) (Wassenberg & Reitel, 2020, p. 55) and institutionalized through exchange programmes such as Erasmus or municipal twinning. In the newspapers studied – *Dernières Nouvelles d'Alsace*, *Républicain Lorrain*, *Saarbrücker Zeitung* and *Die Oberbadische* – this friendship is frequently cited as a narrative justification for cooperation projects, and as the political goal of regional integration. The Alsatian press, in particular, stands out for its portrayal of this friendship in columns dedicated to cooperation with Kehl, Offenburg or within the Eurodistricts. The media narrative thus seems aligned with a performative vision of the border, seen as a privileged space for exchange,

emotional continuity and social harmony. The repetition of this friendly rhetoric contributes to the naturalization of the idea of integration: cooperation is no longer presented as a negotiated political construction, but as the obvious expression of a pre-existing fraternal bond between two neighbouring peoples (Jolain, 2020; M.S.K, 2020).

A Politically Mobilized Narrative as a Consensual Resource

This omnipresence in the media is echoed almost systematically in interviews with politicians involved in the border region. Whatever their partisan orientation, the political players use this story of friendship as a discursive springboard to base their positioning on Europe and cross-border cooperation. Representatives of pro-European parties (Renaissance, Les Républicains, Die Grünen) see it as a lever for local support: ‘Friendship enables cooperation’, ‘this is where Europe takes shape’. This emotional rhetoric acts as a mediator between a political project perceived as distant and concrete territorial realities. More surprisingly, candidates from groups that are more critical of the European Union – or even openly Eurosceptic (Szczerbiak & Taggart, 2009, p. 1) – (La France insoumise, Reconquête) (Jolly et al. 2022, p. 75) do not challenge this friendship head-on, recognizing it as an emotional heritage rooted in regional mentalities. At most, they associate it with a loss of sovereignty or a technocratic instrumentalization of cooperation, without questioning its symbolic legitimacy. The story of Franco-German friendship thus becomes a transparent resource, sometimes used to defend a Europe of

peoples, sometimes to illustrate a local exception in the face of the shortcomings of the European project.

A More Diffuse yet Present Narrative Among Citizens

In the citizens’ focus groups conducted at PAMINA, this narrative appears in a more implicit and nuanced way. It is rarely formulated explicitly, but is apparent in the interactions, particularly during the joint sessions involving French and German participants. We can see signs of attachment to local cooperation, daily mobility and a certain form of trust between neighbours, often described as natural, acquired and taken for granted. However, as soon as the groups are separated by nationality, this consensus erodes: the French participants express concerns about the loss of political control, the lack of national recognition, or dependence on their German neighbours; the German participants, for their part, adopt a more pragmatic, even disillusioned, stance towards European cooperation, and are particularly critical of the unilateral decisions to close borders during the health crisis. Here, Franco-German friendship seems to play the role of a ‘discursive stabilizer’: it makes it possible to maintain a form of apparent coherence in mixed exchanges, while masking deeper divergences in representations of Europe, institutions and the role of the border. The border is not absent from public discourse, but it never emerges as a mobilizing political horizon. It is experienced more than claimed, tolerated more than celebrated, and often relegated to an emotional background with no programmatic translation.

Europe Useful but Not Present Enough

The second narrative that emerges from our survey is based on a central paradox: the European Union is omnipresent in the daily lives of the inhabitants of the border region, through infrastructure, professional mobility, funds or services, but it remains largely absent as a political horizon or as an object of institutional trust. This narrative, which contrasts use and recognition, efficiency and opacity, is recurrent both in interviews with citizens and in political and media discourse. It outlines the contours of a Europe perceived as a condition of possibility for cross-border life, but rarely claimed as a collective project or a factor of belonging.

A Europe That Works but Is Incomprehensible to the Public

In the focus groups, particularly those carried out with French citizens, the evidence is clear that the distrust of the European Union is strong, even among individuals who objectively depend on its benefits (i.e. all the involved French participants worked or had worked in a German factory). Confusion between the Council of Europe and the European Union is common, criticism of Brussels is rife, and the terms used often echo the Europhobic narratives broadcast in the French national media. Some participants denounce a Europe that is *'undemocratic'*, *'corrupt'*, *'favouring multinationals'*, or *'complicit in mass immigration'* and *'mass vaccination against our will'*.

What is striking about these exchanges is the gap between the lived experience of integration – professional mobility, open

borders, use of health, education or leisure services – and the political perception of the Union, which is considered distant, technocratic and ineffective. Citizens recognize the need for cross-border cooperation, and say they are attached to the fluidity of travel and the common living area (i.e. participants on both sides mentioned that they liked to go hiking on the other side of the border for instance) but find it difficult to establish a clear link between these advantages and the concrete action of the European institutions. This phenomenon of cognitive dissociation is particularly clear among young people, who cite the 'OFAJ' or Erasmus as 'the best thing about Europe', while reproducing, sometimes unconsciously, stories that are critical of the Commission or the European Parliament. It should be noted that the Office Franco-allemand pour la jeunesse (OFAJ – French German organization for youth) is a binational organization founded in 1963 to promote exchange, cooperation, and mutual understanding between young people from France and Germany through educational, cultural, and professional programs. Interestingly, it was cited spontaneously by one young French participant as something more tangible than Erasmus, showcasing the remaining difficulties of all students to effectively join an Erasmus programme (Bruyas, 2025, p. 678).

The German citizen participants take a more favourable view of the EU, stressing in particular the role of European funds, the promotion of peace and the professional opportunities offered by the single market:

"Europe stands as one big region, including for work." As well as

“Germans like living in France and the French like working in Germany because there is more industry there. It’s beneficial for both sides.” European funds were also mentioned, showcasing a far better knowledge and hence usage, of the EU potentialities “We are so strongly supported by the European Union – I am thinking of almost 600 projects that have been developed in my time in the field of free testing alone” or for example “I am a huge fan of Europe and the EU. The funding for cross-border projects is fantastic.”

However, they also drew a distinction between the concrete benefits of regional cooperation and the overall functioning of the Union, which was often considered too complex or too far removed from their concerns. The border thus becomes a stage where Europe is visible and useful, but never really embodied.

A Double Political Discourse Between Instrumentalist and Disconnection

The political leaders interviewed, particularly in the context of interviews with candidates in the European elections, had a more structured, but no less ambivalent, view. All recognized the usefulness of the European Union for the region: the Structural Funds, mobility and inter-regional cooperation were cited as essential levers. Some candidates go so far as to say that *“people want more Europe”*, but that this demand is not translated into political action because *“nobody votes for lists that make it their priority”* (a French liberal candidate in Alsace).

In this context, politicians often adopt a two-pronged approach: at local level, they insist on the benefits of European cooperation; at national level, they adopt the more critical or more cautious language disseminated by their parties. This tension is reflected in particular in the treatment of migration issues, cross-border taxation and environmental standards, where Europe is sometimes accused of doing too much, sometimes of not doing enough. Political discourse thus appears to be both Europhile in intention and Eurocritical in practice, depending on the electoral or territorial issues at stake.

Modest Media Visibility Relayed by Local Figures

An analysis of the regional press reveals a discreet but persistent presence of the European institutions. The EU is rarely mentioned directly, except on the occasion of symbolic events such as the debate on the Parliament’s seat in Strasbourg (almost one article a day in the local press from Alsace during the Covid crisis and the following debate about the seat of the EU Parliament), the award of grants or crises such as Covid-19. When it is mentioned, it is often through the prism of local players – elected representatives, associations, universities – who embody Europe from a territorial perspective. In the *Dernières Nouvelles d’Alsace*, for example, Europe is omnipresent in columns linked to Strasbourg, which is described as the European capital, but is rarely discussed as a political or decision-making system. When such is the case, the local outlet generally uses one of the already written

articles of the national French press agency (Agence France-Presse), which then stop representing a local view on the question.

This local mediation of the European idea enables the EU to be positively recontextualized, but also contributes to its erasure as an institutional player. The press relays a Europe that acts but does not speak, a Europe that is present in infrastructure but absent from democratic controversies. When criticism does appear, it is often vague, indirect or focused on peripheral issues (time change, free trade agreements, etc.), which helps to reinforce the idea of a Europe that is vague, distant and confused.

A Border Lived as Invisible... Until It Suddenly Reappears

The third structuring point that emerges from our surveys concerns the fluctuating materiality of the border in the region studied. In a context where the border is often perceived as abolished in everyday practices – fluidity of movement, institutional cooperation, existence of a shared catchment area – its occasional reactivation, particularly in times of crisis, produces a form of collective dissonance. This story highlights a fundamental border paradox: while no one explicitly wants the border to return – not citizens, not elected representatives at least locally (even those from Europhobic parties), nor journalists – it remains a political lever that is repeatedly activated, particularly in discussions about security or health. It thus becomes a symptom of the structural fragility of the European integration project, particularly visible in those areas where it is supposed to be most successful.

In the focus groups carried out on both sides of the Rhine, the dominant perception of the border was that of its functional disappearance. Citizens described it as ‘invisible’, ‘not felt’ and ‘outdated’, to the extent that it no longer consciously plays a part in their travel, work relations or leisure activities. This fluidity is particularly emphasized by the younger generations, who have never known physical barriers, and who see open borders as a natural achievement of the European area. However, invisibility is not synonymous with oblivion. It is constantly conditional on its permanence, as was brutally demonstrated by the unilateral closure of the borders during the health crisis of 2020. This decision, seen as a betrayal of the European pact by many local residents, reactivated a border that was thought to have been abolished. Citizens’ accounts emphasize the arbitrary and humiliating nature of these closures, particularly for French border workers prevented from accessing their jobs in Germany, or for binational families separated by the restrictive measures. Beyond Covid, the border also reappears as a discursive tool in debates on immigration, security and terrorism. Some citizen and political participants spoke of a Europe that ‘opens up too much’, others of a Germany that ‘protects itself’, but all pointed to the ease with which the border becomes visible again when a national interest demands it. The result is a form of permanent disillusionment: the border may be denied in discourse, but it is always ready to reappear in practice (Berrod & Bruyas, 2020). It has become, as one participant put it, “*an emergency tool that is brought out when it is convenient*”.

Political ambivalence between the ideal of openness and the rhetoric of control

The interviews conducted with politicians reflect this fundamental ambivalence. All the candidates interviewed agree that open borders are a valuable achievement of European integration. It is associated with peace, prosperity and free movement, and is the subject of a sincere attachment, often relayed by personal anecdotes or historical references. It is worth noticing in that way that ‘history’ is a powerful local concept: during the May 2025 border closures decided at a federal level by the new German Chancellor Merz, the mayors of Strasbourg (France) and Kehl (Germany) wrote a common statement denouncing a “*A lack of historical awareness and tact*” (Fitcher, 2025). But this consensus breaks down when it comes to issues of security, migration or cross-border taxation. Some candidates argue for ‘reasoned control’, others for a ‘Europe that protects’ (Leruth, Startin & Usherwood, 2018), still others for ‘national management of flows’. The narrative of the open border is therefore used opportunistically, mobilized as a showcase in European discourse, but relativised as soon as the electoral logic imposes security discourse. This tension illustrates a political dichotomy typical of border territories: they are both champions of openness and the most sensitive points of friction during crises (see the stories and contexts given in: Wassenberg, 2020, p. 114).

It is also striking to note that the closure of borders is never explicitly called for. No political player declares himself in favour of it *after the fact*. Closures are always justified

as an exception, a temporary measure, or a decision imposed by exceptional circumstances. This exculpatory discourse reveals the impossibility of rehabilitating the border as a political project, even though it is a regular occurrence.

A ‘dormant’ border, indicative of fragile trust?

This story of a border that nobody wants, but that is always closed, highlights the paradoxical nature of the border in Europe. It is both a medium of cooperation and a symbol of potential rupture, an instrument of integration and a means of national reaffirmation, a space of fluidity and a point of vulnerability. It embodies what we might call a ‘dormant’ border: invisible in normal times, but activable at any time, according to logics exogenous to the territories concerned. This precariousness of the open border raises a central question: on what does its stability depend? The answer seems to lie less in law or treaties than in mutual political trust. It is when this trust breaks down – in the event of a pandemic, migratory crisis or electoral swing – that the border reappears. It then acts as a test of resilience for European imaginations, revealing the fault lines in an integration that claims to be irreversible, but which remains conditional on mutual acceptance of a shared risk.

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Towards a borderless Europe - Legal tools enabling a cross-border cooperation without geographical borders

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Abstract

The contribution answers the research question of which legal tools can be used to further develop cross-border cooperation away from cross-border cooperation in geographically or functionally defined border areas towards ubiquitous cross-border cooperation, i.e. applicable everywhere on the territory of the Member States. The contribution, which is based on jurisprudential methodology, discusses the possibility of non-territorial experimental and opening clauses and, by further developing the rights developed from EU citizenship, considers how the border can ultimately be overcome as an element of the offense, but at the same time also as an exclusionary element for the application of EU law.

Cross-border mobility as a cause and justification for cross-border cooperation no longer only takes place in geographical or functional border regions. Today, for example, a citizen entitled to freedom of movement can not only be active across borders, for example on foot or by bicycle between Strasbourg (F) and Kehl (D), but also between Stuttgart and Strasbourg or between Kehl and Paris (by high speed trains such as TGV), but also between Paris and Berlin (by plane) or even digitally from any location within the EU to any other location, for example in a home office. As a result, geographical or functional border areas are becoming useless as a justification for cross-border cooperation and exemptions developed for this purpose. The contribution shows how such exceptional provisions (such as the opening or experimental clauses popular at the political level) can be developed in the legislative process (by means of a cross-border impact assessment) in such a way that they do not require geographical differentiation criteria. With a view to overcoming the limits of the current legal system, the article considers whether a further development of EU citizenship might not also enable the ubiquitous application of EU law without a cross-border element, i.e. without the (internal) border as a point of reference, to create a legal system that is cross border friendly. A conclusion and an outlook resolve this contribution.

Keywords: borderless Europe, geographical border regions, cross-border cooperation, legal tools, derogation clause

Introduction

With the increasing interdependence of border areas, cross-border mobility no longer only takes place in geographical or functional border regions. Today, a person entitled to freedom of movement can not only work across borders, for example on foot or by bicycle between Strasbourg (F) and Kehl (D), but also between Stuttgart and Strasbourg (using high-speed trains such as the TGV) or between Kehl and Paris, but also between Paris and Berlin (by plane) or even digitally from any location within the EU to any other location, for example in a home office. Geographical or functional border areas are thus losing their significance as a justification for cross-border cooperation and derogation clauses developed for this purpose. Against this background, the article shows the potential of using legal instruments to develop the status quo of geographically or functionally defined border areas into ubiquitous cross-border cooperation, i.e. cooperation that is applicable everywhere on the territory of the Member States. The possibilities of non-territorial experimentation and opening clauses are discussed and it is examined whether a further development of EU citizenship could not also enable the ubiquitous application of EU law without a cross-border element, i.e. without the (internal) border as a point of reference, and thus create a border-friendly legal system. A conclusion and an outlook round off this article.

Definitions

The legal analysis is based on the following definitions:

A border region is understood to be an identifiable, definable region located along one or more national borders as opposed to a border region (Bundesministerium für Verkehr, Bau und Stadtentwicklung, 2011, p. 8). The definition and size of the region vary and depend on administrative and institutional factors. In Germany, the prevailing understanding is based on districts located on the border. The demarcation of border regions is not exclusive; on the contrary, border regions can also overlap (Chilla, 2020).

Cross-border cooperation is understood as cooperation between neighbouring (territorially delimited) border regions across a national border (Niedobitek, 2001). This has developed considerably over the past decades with the development of the European single market and EU structural and regional policy (Wassenberg, 2015, p. 95).

Derogation clauses grant the legal addressee the power to derogate, provided that this fulfils the substantive legal requirements. A distinction must be made between experimental, opening and exception clauses with regard to the legal user and the temporal dimension of these derogation regulations.

An experimental clause is not defined in (constitutional) law, but can be defined more precisely as a legal provision that allows the testing of a deviation from a regulation that otherwise continues to apply for a limited period of time (Weber, 2024). An experimental clause can

therefore be used to gather experience in a specific area, which can later serve as the basis for permanent, application-oriented (Beck, 2004, p. 488; German Bundestag, 2018) standardization (Bay. VGH, decision of 2015, September 25; Az. Vf. 9-VII-13, mn. 185; German Bundestag, 2018). With regard to its target group, an experimental clause only has a systematic effect if it grants the executive the discretionary power to allow exceptions to the legislator's orders in individual cases.

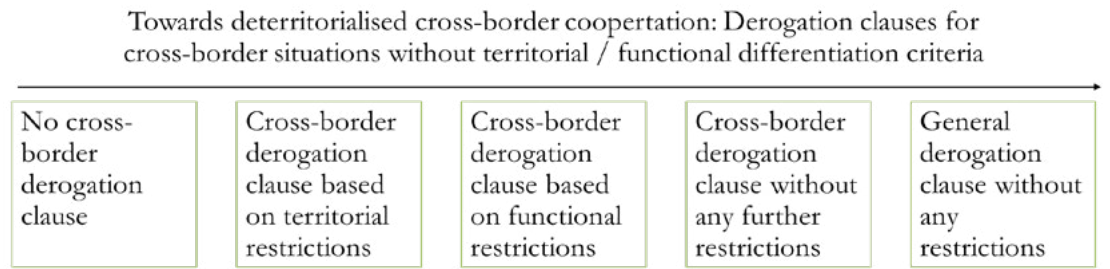
In contrast, opening clauses are regulations that allow a legislator to deviate from, specify or supplement certain regulations, i.e. to replace the regulations with their own regulations (Weber, 2024). Examples of an opening clause include the provisions of Art. 72 para. 3 of the German Basic Law or, at EU law level, the numerous opening clauses of the GDPR (for the example pf the GDPR see: Stemmer in Wolf, Brink & v. Ungern-Sternberg, Art. 7 para. 16-19; Grzeszick, 1997, pp. 545 seq.).

Status quo: derogation clauses for cross-border situations with territorial, functional or no other criteria

The status quo of cross-border cooperation shows that existing legal frameworks are often unable to effectively

remove cross-border obstacles or at least compensate for any disadvantages. This is largely due to the fact that there is a general lack of derogation clauses that would allow deviations from national regulations in cross-border situations (1.). Where deviation rules exist, these are often limited on the basis of territorial criteria, for example in the case of Art. 13 para. 5 of the German-French double taxation agreement (2.). In addition to this territorial limitation of derogation clauses for cross-border situations, there are also functionally limited derogation clauses (3.). Furthermore, derogation clauses are conceivable that are based exclusively on the criterion of crossing the border and do not contain any other criteria (4.). What both types of derogation clauses have in common is that they still presuppose the border as a reference feature and finally those that generally provide the possibility of derogation (5.). The regulations are likely to differ primarily in terms of their material scope of application (standard-related derogation regulations for cross-border situations, statutory derogation regulations for cross-border situations and general standard- or statutory-related derogation regulations). The following diagram illustrates this categorization:

Figure 1: Categorization of various derogation clauses for cross-border situations



Lack of derogation clauses for cross-border situations

A practical example, which is not just hypothetical but frequently occurs in the numerous municipalities along the border due to their close political, cultural, historical and economic ties, could be the potential for a wide range of cooperation opportunities that have not yet been exploited due to legal obstacles. With regard to these cross-border forms of cooperation at municipal or regional level, the formation of joint bodies, such as committees involving citizens, should be considered in particular.

The municipal code of Baden-Württemberg can serve as an example of this: It provides for the possibility of appointing advisory committees, which are constituted from among the members of the municipal council, in accordance with § 41 para. 1, 2 GemO for the preliminary consultation of the municipal council's negotiations or individual items on the agenda (Brenndörfer in Dietlein & Pautsch, 2025, Art. 40 mn. 6). The committees consist of politically elected members of the municipal council and their number depends on the size of the municipality (see § 25 para. 2 GemO). In addition, both knowledgeable residents and experts can be consulted on individual matters in accordance with § 33 para. 3 GemO. The respective national legal framework therefore excludes reciprocal participation in decision-making committees by citizens in the respective other municipality due to a lack of the necessary resident status. In this respect, this example represents a suitable and comparatively administratively efficient

use case for the application of a derogation regulation, such as an experimental clause in the Baden-Württemberg municipal code.

Territorially limited derogation clauses for cross-border situations

Territorially limited derogation clauses for cross-border situations are those that contain a derogation clause for cross-border situations that are limited in their scope of application to a specific territorial area, usually border regions.

An example of a territorially limited cross-border derogation regulation concerns employees who work in a border area of a contracting state (e.g. France) defined by municipality and live in the border area of the other contracting state (e.g. Germany) and usually return there every day. They do not pay tax on their earned income in the source state, but in their place of residence (e.g. Art. 13 para. 5 DTA France; in this case, the border area for persons residing in France comprises the departments of Haut-Rhin, Bas-Rhin and Moselle on the French side and all municipalities on the German side whose territory lies wholly or partly within a 30 km strip from the border, and for persons residing on the German side all municipalities lying wholly or partly within a 20 km strip on the other side of the border).

Functionally limited derogation clauses for cross-border situations

An example of a functionally limited derogation clause for cross-border situations can be the cross-border frontier regulations in coordinating European social law, namely in Art. 1 f of Regulation (EC)

883/2004. According to this, a frontier worker is “a person who pursues an activity as an employed or self-employed person in one Member State and resides in another Member State to which he/she returns as a rule daily or at least once a week”. There is no territorial restriction here, but there is a functional restriction in that it is required that the person must normally return daily, at least once a week.

Derogation clauses for cross-border situations without further restrictions

The fourth conceivable group of cross-border derogation clauses would be one without any restrictions. This would be based solely on the characteristic of the border crossing. Such a rule would be effective for all cross-border situations of a specific specialized law in which it is applied.

General derogation clauses without restrictions

Last but not least, an alternative could also be derogation regulations that allow derogations without any explicit link to cross-border situations. Such a derogation clause would apply equally to purely national domestic situations and thus implicitly also to cross-border situations. The provision of Art. 177a GO Bayern¹ could serve as an example of such a provision at state level.

At the level of EU law, such a regulation would lead to a dissolution of the so-called cross-border element and could thus lead to cross-border cooperation without borders in an institutional dimension.

Interim conclusion

Derogation clauses for cross-border situations are conceivable in various explicit and implicit forms: territorial, functional or without (further) restrictions. A more in-depth analysis could possibly reveal a chronological line of development from clauses with missing cross-border derogation regulations to territorially and functionally designed derogation clauses to those without further restrictions, as well as a comprehensive presentation of all corresponding derogation regulations.

Any derogation clause must comply with the legal framework of EU law and national law. The legal framework of such clauses will therefore be presented below.

Legal framework

Such derogation clauses pursue a priori the legitimate purpose of overcoming or eliminating the disadvantages of cross-border life situations by allowing a deviation from the existing national legal situation and thus leading to an opening.

¹ The regulation has the following wording: “Art. 117a Exemptions

(1) The State Ministry of the Interior, Sport and Integration may, in the interests of the further development of local self-government, approve exceptions to the provisions of this Act and the regulations issued pursuant to Art. 120 on a case-by-case basis in order to test new models of governance, budgeting and accounting, procedural simplification and administrative management.

(2) The approval shall be limited in time.

(3) Conditions and requirements shall be permitted in particular in order to maintain the comparability of the implementation of municipal law as far as possible, including in the context of a trial, and to make the results of the trial usable for other municipalities, rural districts and districts.”

In principle, cross-border derogation clauses thus exceed the respective national legal framework, irrespective of their possible territorial restriction, insofar as the clause itself or the derogation from otherwise applicable law made possible by the clause constitutes a violation of higher-ranking law. The standard of review is therefore EU law, in particular its provisions on discrimination and restriction in the area of international law (1.), European law, in particular fundamental freedoms (2.), national constitutional law (3.), in addition to the requirement of certainty, above all the distribution of competences, e.g. standardized by the Basic Law in Art. 70 et seq. GG as well as questions standardized by fundamental law, in particular with regard to the general fundamental right to equality (Art. 3 para. 1 GG). In addition, the respective legal framework conditions of the states concerned must be taken into account (4.).

International law framework

International law has a twofold reference to cross-border derogation clauses: Firstly, such derogation clauses could be contained in international treaties themselves (such as double taxation treaties) and thus constitute their legal basis; above all, international law regulations can also result in limits for such regulations at the level of national law.

In both cases - international law as the basis for cross-border derogation clauses; international law as the framework for national cross-border derogation clauses - the starting point for consideration is the principle of territoriality under international law. According to this principle, national regulations apply to the respective national

territory, while international treaty regulations with substantive legal effect apply to the territory of the contracting parties involved.

National sovereignty fundamentally grants nation states external sovereignty, i.e. the fundamental independence of a state from other states, as well as internal sovereignty, i.e. the right to self-determination in matters of their own state organization (Schweisfurth, 2006, p. 351 seq.; Frey & Müller, 2024, p. 494). This also gives rise to the prohibition of intervention under international law, according to which subjects of international law have a right to non-intervention by other states (Schweisfurth, 2006, p. 353 seq.; Frey & Müller, 2024, p. 494). Accordingly, an intervention contrary to international law would be deemed to have taken place if foreign states or their subdivisions carried out sovereign acts on foreign territory on the basis of their national law. If a state acts extraterritorially, this therefore requires an element of permission under international law, i.e. permission for the foreign state to take (sovereign) action on its own territory (Frey & Müller, 2024, p. 494).

Cross-border derogation clauses, i.e. those that regulate cross-border situations or groups of persons in a way that deviates from the national reference legal system, regularly constitute an encroachment on the national law of the other state and generally require a corresponding authorization under international law.

European law framework: The cross-border element as a prerequisite for fundamental freedoms in the internal market

Territorial derogation clauses are characterized by unequal treatment between the cross-border situation within the border zone that they cover and cross-border situations that take place at least partially outside this border zone. This unequal treatment would initially have to be measured against the EU's fundamental freedoms.

In principle, the European fundamental freedoms are not applicable to purely domestic situations that do not involve an element that extends beyond the territory of one Member State into another Member State (Dohms in Wiedemann, 2020, Art. 35 para. 213). It follows from this that provisions of discrimination and restriction law, such as the general prohibition of discrimination in Art. 18 TFEU and the specific prohibitions of discrimination of all EU fundamental freedoms, characteristically require a cross-border element in order to open up their scope of application. As a result, however, the fundamental freedoms are not limited in their applicability to a geographically or territorially delimited area of border regions, but rather apply equally within the entire internal market due to Art. 26 et seq. TFEU (von Bogdandy in Grabitz, Hilf & Nettesheim, 2025, Art. 18 TFEU para 1), which encompasses the territory of all 27 Member States. The ECJ has interpreted

this cross-border element broadly; it is sufficient here that the person claiming discrimination is at least also a national of another EU Member State (cf. ECJ, judgement of 2002, July 11, Ref. C-60/00, Carpenter; ECJ, judgement of 1992, July 7, Ref. C-370/90, Singh). As a result, derogation clauses that are only applicable in territorial-geographical border regions appear to be fundamentally unsystematic from the perspective of the European internal market (von Bogdandy in Grabitz, Hilf & Nettesheim, 2025, Art. 18 TFEU para 40²; cf. ECJ, judgement of 1989, May 30, Ref. 305/87³). Here, however, unsystematic does not also mean unlawful: unequal treatment can also be justified within the framework of fundamental freedoms, provided there is a written or unwritten justification for the unequal treatment and the unequal treatment is also proportionate.

Such justifications would include, in particular, public safety, public order and public health, as well as the written grounds of justification specific to fundamental freedoms and, subsidiarily, the unwritten grounds of justification based on the so-called Cassis case law of the ECJ (ECJ, judgement of 1979, February 20, Ref. 120/78, Cassis de Dijon). Purely national situations, on the other hand, i.e. those in which this cross-border element is missing, are to be assessed as so-called discrimination against nationals exclusively according to national (constitutional) law, i.e. in the case

2 *"Unlawful restrictions can therefore also be considered in the taxation of frontier workers (...)."*

3 In this decision, the ECJ classified a Greek regulation, according to which the acquisition of rights to real estate located in Greek border areas by foreign natural or legal persons was restricted, as being in breach of the prohibition of fundamental freedom and discrimination.

of unequal treatment according to the fundamental equality rights of the German Basic Law (in particular Art. 3 para. 1 GG)

Furthermore, cross-border derogations must be examined with regard to the coherence requirement derived from Art. 20 CFREU (Pache in Ehlers, 2014, Art. 11 para 135 et. seq.). The Charter of Fundamental Rights is an integral part of EU primary law via the provision of Art. 6 (1) TEU, and the Member States are bound by it in accordance with Art. 51 CFREU. Accordingly, the objective of a measure that interferes with a fundamental freedom must be achieved by the Member States in a coherent and systematic manner, i.e. domestic and cross-border situations must be treated equally (Thym, 2016, p. 40; VG Koblenz, Ref. 3 K 545/20.KO; Frey & Müller, 2024, p. 501). However, if a state adopts regulations that pursue an objective in a non-coherent manner, it can no longer invoke this objective to justify the restrictions (ECJ, ECR 2007, I-1891, para. 57, Plaganica; Pache in Ehlers, 2014, Art. 11 para. 143; Frey & Müller, 2024, p. 501). Consequently, it must be examined to what extent territorial criteria are coherent in their nature to achieve the objective of cross-border derogations.

National constitutional law framework

At the level of national constitutional law, the standard of review, in addition to the requirement of certainty, is above all the allocation of competences standardized by the Basic Law in Art. 70 et seq. GG as well as issues standardized by fundamental

rights, in particular with regard to the general fundamental right to equality (Art. 3 para. 1 GG).

Constitutional requirement of certainty and competence regulations

Derogation clauses, whether territorial or non-territorial, must continue to meet the constitutional requirements of certainty derived from the principle of the rule of law in Article 20(3) of the Basic Law.

Corresponding derogation clauses would still have to comply with the legislative competence regulations laid down, e.g. in Art. 70 et seq. of the Basic Law. Furthermore, the provisions of Art. 83 seq. Basic Law with regard to administrative powers are also relevant.

These constitutional provisions can also not be overridden by derogation clauses under ordinary law or international treaty law, because the order of competences laid down by the higher-ranking constitution (in this case the Basic Law) may not be reshaped by ordinary legislation or international treaties. In this context, reference should be made to the so-called Lindau Agreement, which - admittedly without legally binding effect - defined a 'modus vivendi' supported by constitutional practice for the constitutional question of the federal government's competence to conclude foreign policy treaties affecting the competences of the federal states (Nettesheim in Dürig, Herzog & Scholz, Grundgesetz-Kommentar, 2024, Art. 32 para 72 et. seq.). However, legislation can also take place beyond formal laws, for example by means of ordinances issued by the executive. However, this also requires the power to issue ordinances.

Fundamental rights standard, in particular the fundamental right to equality (Art. 3 para. 1 GG)

Furthermore, cross-border derogation clauses typically create unequal treatment between the cross-border cases covered and the purely national cases not covered due to the lack of a cross-border element. In practice, derogation regulations in purely national situations, i.e. those in which the cross-border element is missing, are therefore always to be assessed as so-called discrimination against nationals exclusively in accordance with national (constitutional) law, i.e. in accordance with the fundamental equality rights of the Basic Law (in particular Article 3 para 1 of the Basic Law), because they enable unequal treatment through the possibility of derogation. In order to justify this, the BVerfG's examination, which is now based on proportionality aspects, requires a factual reason whose weight is appropriate to the degree of unequal treatment (Kischel in Epping & Hillgruber, 2025, Art. 3 para. 37). In addition to the testing of new regulations, the objective of promoting cross-border cooperation in general and the intensity of the cross-border obstacle to be overcome could be used as objective reasons. The fact that the areas of protection of EU fundamental freedoms are affected can also be used as a factual reason. However, purely fiscal interests are not a suitable differentiation criterion.

By contrast, derogation clauses without a territorial reference merely create unequal treatment between cross-border situations covered irrespective of location and purely national situations. In the absence of a cross-border element with regard

to the disadvantaged purely national situation, it must also be assumed here that discrimination against nationals is not to be measured against EU law; the standard of review is therefore solely national constitutional law (Art. 3 para 1 GG).

Simple legal framework

The simple legal framework depends heavily on the specific legal subject matter standardized in each case, so that only exemplary deviation clauses can be outlined below.

Furthermore, according to the case law of the BVerfG (BVerfG, decision of 2015, December 15; Ref.: - 2 BvL 1/12 -, para. 1-26, BVerfGE 141, 1; Jarass, in Jaras & Pieroth, Grundgesetz-Kommentar, 2024, para. 7 (11)), international agreements, such as the double taxation agreements mentioned above or the Treaty of Aachen, must also be included in the examination of the framework of ordinary law.

Interim conclusion

This presentation illustrates the high requirements for the justification of unequal treatment through derogation regulations, which is reflected in the multi-level system in particular through its double examination density inform of the European fundamental freedoms as well as in national constitutional law in the fundamental rights and thus in the jurisdiction of the European Court of Justice or the Federal Constitutional Court. On this basis, the justification of unequal treatment developed on the basis of territorial criteria appears disproportionate,

particularly in the areas relevant to the internal market that are covered by the European fundamental freedoms.

Status futurus: Effects of (cross-border) derogation clauses without further regulations as a basis for cross-border cooperation without borders

As a first step, the effects of the use of the derogation clauses described above will now be outlined. The text focuses on the derogation clauses for cross-border situations with functional restrictions and without further restrictions as well as those derogation clauses that are not linked to any further restrictions, in particular for cross-border situations, i.e. the derogation clauses described above under II. points 3 - 5.

The effects of such regulations on EU law and the national legal framework will then be presented.

Finally, we will reflect on what effects this could have on institutional cross-border cooperation.

Direct effects of the derogation clauses themselves

The following effects can be considered for the deviation clauses mentioned above under II.3 - 5:

Functionally limited derogation clauses for cross-border situations initially include the power to derogate for the competent executive authorities in the cases covered by them. These are all cross-border situations to which the additional functional criteria

apply. It is therefore a specific solution tool for specific legal norms that cannot be analogized.

Further within their scope of application are derogation clauses for cross-border situations without further restrictions. In contrast to the first-mentioned variant, this derogation clause is applicable either to a specific legal provision of a specific law or to all legal provisions of a specific law. Their scope of application is therefore wider in both cases.

General derogation regulations can regulate the authority for derogations for the scope of application of a law. Unlike the other derogation clauses mentioned, they do not only apply to cross-border situations, but are also applicable in purely national situations. This means that cross-border situations can be treated in the same way as purely national situations, either because the application of the derogation clauses puts cross-border situations on an equal footing with domestic situations, or because both cross-border situations and national situations can benefit from the derogation clauses in the same way.

In this scenario, there would be a complete overlap in the scope of application of the derogation clauses, for example between Union law and national law. As a consequence, the previously uncovered case group of discrimination against nationals would then also be covered by the protection of Union law.

Such an extension would have a significant impact on EU fundamental freedoms, European citizenship and the national legal system.

Indirect effects of enlargement on EU fundamental freedoms, EU citizenship and the national legal system

Such a new concept with corresponding derogation regulations would have considerable repercussions and repercussions, for example on EU fundamental freedoms, European citizenship and the national legal system.

Impact on EU fundamental freedoms

As an effect on the fundamental freedoms, first of all, there would be a core area of the fundamental freedoms that would also apply if there was no direct cross-border element, which would mean a deviation from the previous dogmatics.

A waiver of the cross-border element, which incidentally is not explicitly mentioned in the wording of the fundamental freedoms, in a core area would otherwise not entail any changes in the area of personal or substantive protection.

This would ensure that the fundamental freedoms are completely covered by the relevant national fundamental rights.

The impact on the fundamental rights of the ECHR would also have to be examined subsequently.

The impact can be illustrated using the example of the ECJ ruling on 'German beer' (ECJ, judgment of. 12.7.1987, C-178/84, Case 178/84, ECR 1987, p. 1227 et seq.). According to current case law, the import of beer that does not comply with the German Reinheitsgebot (Purity Law) is permitted under the designation 'beer', while German breweries continue to brew only beer that complies with the

German Reinheitsgebot (Purity Law - so-called reverse discrimination), even if this is intended for export.

With a derogation regulation, these breweries could now also brew beer with other ingredients, at least for export, since the protection of the free movement of goods now extends to all national cases and thus also to them.

Effects on European citizenship

In the area of legal protection, this would also double the protection of this group of cases to the effect that legal protection by the ECJ would also be possible in these domestic cases.

In the context of EU citizenship, the development of ECJ case law on EU citizenship, in particular in the Ruiz-Zambrano ruling (ECJ, judgment of. 8.3.2011, C-34/09, Ruiz Zambrano, ECR 2011, I-1177, para. 44), could point in this direction and be put to good use. In this decision, the ECJ developed a core area of EU citizenship that is independent of a cross-border element (Frey & Müller, in appearance).

Effects of the extension on national law

As the above example suggests, such an extension would also have a considerable impact on the national legal system. In the area of application of the derogation clauses, there would be extensive scope for legal flexibilization. If corresponding derogation clauses were systematically introduced, considerable legal adjustments could be expected, which could be examined, evaluated and

implemented using the various instruments of cross border friendly legislation outlined below under IV.

(Indirect) effects of the extension on institutional cross-border cooperation

A corresponding introduction of derogation clauses would consequently also have (indirect) effects on institutional cross-border cooperation. In particular, the derogation clauses for cross-border situations with functional criteria, for cross-border situations without further criteria or, in general, derogation rules without reference to cross-border situations would have the consequence that their scope of application would cover the entire EU in the case of EU standards and the entire territory of a Member State in the case of national standards.

Applied to institutional cross-border cooperation, this would mean that cross-border cooperation would now also take place anywhere in the EU or anywhere in the territory of the Member States concerned. In this respect, the legal situation would correlate with the increased mobility and ubiquity caused by improved transport systems and digitalization.

Cross-border cooperation would also be ubiquitous without reference to the normative characteristic of the border and would not only occur in geographically or functionally defined border areas. .

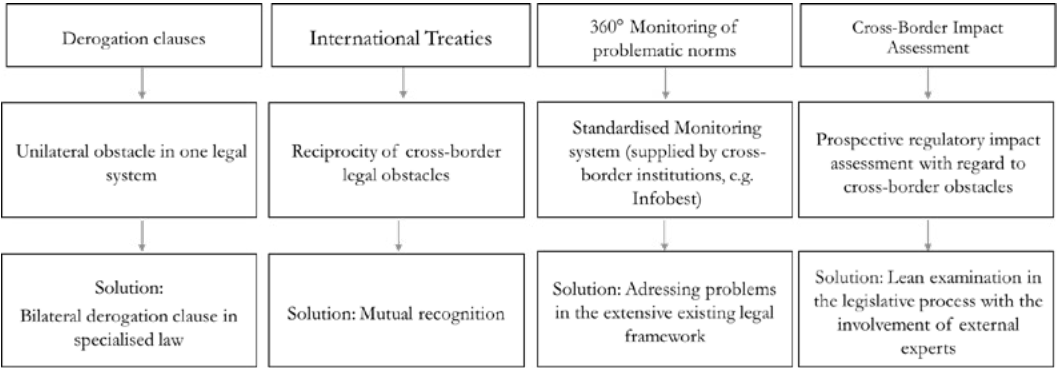
In quantitative terms, however, an accumulation of cross-border issues can be expected in the border regions. In the course of the necessary adaptation of the administrative framework conditions, this also means that administrative responsibility should ideally be decentralized in the respective border regions (e.g. in the sense of so-called local responsibility). This could also be useful in the course of implementing the Bridge4EU Regulation.

Overview: Tools for cross-border friendly legislation

However, such derogation clauses are not the only tools that can be used to overcome cross-border obstacles by dissolving the cross-border element. In fact, the toolbox of cross-border friendly legislation includes numerous other instruments, which will be outlined below (Frey & Müller, 2023).

The following graphic shows the tools:

Figure 2: Tools for cross-border friendly legislation



In addition, there are the initiatives set out in the coalition agreement between the CDU/CSU and SPD, the so-called Real-World Laboratory Act and the (general) Experimentation Act.

Conclusion

There are several instruments that can potentially contribute to the creation of a European area without internal borders, including, for example, international treaties, consistent and standardized monitoring of standards that cause problems in their cross-border application and a cross-border impact assessment, in addition to the derogation clauses described in detail in this article.

The various forms of derogation clauses dealt with here, in particular those for cross-border situations with functional criteria, for cross-border situations without further criteria or general derogation clauses for domestic and cross-border situations alike, can be a useful instrument for overcoming cross-border obstacles and making the legal systems of the Member States legally compatible with each other.

In particular, all of these instruments must comply with the aforementioned framework provisions of EU law and national (constitutional) law.

Such derogation clauses would have a significant impact on EU fundamental freedoms, European citizenship and national law and, with regard to institutional cross-border cooperation, would lead to it becoming ubiquitous in the future.

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EU policies' impact on cross-border cooperation's institutional frameworks in the Transcarpathian region of Ukraine

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Abstract

Cross-border cooperation (CBC) is a key instrument for advancing local democracy, balanced socio-economic development, regional security, and the integration of candidate countries into the European Union (EU). Although CBC has existed in Europe since the 1950s, its institutional typology remains underdeveloped, especially in candidate countries like Ukraine. This article examines the institutional landscape of CBC in Ukraine, focusing on the Transcarpathian region. It addresses two questions: (1) which institutional forms of CBC are established by Ukrainian legislation for public actors; and (2) how EU policies influence the institutional choices of public and non-profit actors in the region.

The study analyzes Ukrainian legislation, particularly the 2024 Law 'On International Territorial Cooperation,' and empirical data from EU-funded programs such as the European Neighbourhood Instrument (ENI, 2014–2020) and Interreg NEXT' (2021–2027). It identifies institutional forms including bilateral and multilateral agreements, joint projects and programs, Euroregions, Euroregional Cooperation Groupings (ECG), and European Groupings of Territorial Cooperation (EGTC). However, implementation is constrained by legal inconsistencies and limited local administrative capacity. The EGTC 'Tisza' is currently the only active example involving Ukraine.

EU policies shape institutional choices by setting eligibility criteria, incentivising formal partnerships, and promoting administrative professionalisation. Key participants include local governments, development agencies, NGOs, and service providers. Nonetheless, disparities in capacity and resource access create uneven participation. While Ukraine has made significant legal progress aligning with EU principles, subnational implementation remains incomplete and uneven.

Keywords: cross-border cooperation, European Union policies, public institutions, Transcarpathian region of Ukraine, multi-level governance

Introduction

One of the key instruments for advancing local democracy, balanced socio-economic development of border regions, regional security, and the integration of candidate and accession states into the European Union (EU) is cross-border cooperation (CBC) as a form of territorial cooperation. This phenomenon originated in the 1950s and exists in relations between nearly every nation on the continent, displaying specific characteristics in different macroregions. In Central Europe, there have been significant efforts to leverage cross-border cooperation as a powerful tool for addressing a range of critical tasks: 1) to reduce negative stereotypes regarding the inhabitants of the neighboring state along the border, stemming from previous historical traumas, and to prevent the emergence of new conflict lines; 2) to accelerate the integration processes into a common European market, customs, and other common spaces of the EU; 3) to disseminate best practices in public administration and economic innovations; 4) to more efficiently attract and utilise funds from EU programs and funds; 5) to make experiences with implementing eurointegration policies, disseminate effective governance models, and attract EU financial resources.

The national legislation in Central European countries, including Ukraine, permits various institutional forms for cross-border cooperation (CBC) among public institutions, which are the primary actors in this collaboration, in accordance with international norms. The institutions and practices of CBC, formed under different historical and political conditions,

take into account the political, legal, socio-economic, and ethnocultural differences among various regions in Europe, including personal (ideological, technocratic, and mental) characteristics of the political leaders involved in these processes, and therefore can be perceived as unique. On the other hand, the international legal norms developed primarily by the Council of Europe (CoE) and the European Union (EU) aim to facilitate integration into the European market and other related areas and policies. This, in turn, could lead to a degree of unification among the various types of institutions involved in CBC. The interplay between internal and external factors affecting the institutional choices of the CBC can be illustrated by the example of Ukraine. The country is rapidly adopting various European policies in anticipation of its potential mid-term accession to the European Union.

State of art and the methodology for the study of the cross-border cooperation institutional forms

Without concentrating research efforts on analysing and systematising the diverse concepts of CBC, we will use the methodology only as a tool for analysing its institutional aspects. Researchers and practitioners commonly define *cross-border cooperation*, based on the CoE's definition of the '*transfronier co-opetation*' as the process of fostering and developing positive relationships between "communities, authorities or bodies exercising local and regional functions" from the different parts of the shared border (Council of Europe. European Treaty Series - No. 106., 1980). This cooperation aims to address

and prevent common challenges while promoting harmonious development in neighbouring communities, districts, and regions. Our research focuses exclusively on cooperation between regions and communities in Ukraine and its neighboring states. Thus, our focus will not be on analyzing theories or data concerning other forms of territorial cooperation within the EU or its borders, such as interregional or transnational collaboration, though these forms of interaction were proposed later by both the Council of Europe and the EU.

The methodology of *Borderland studies* proposed in this research focuses on cross-border areas that require analytical exploration across four spheres. 1) economic and trade interaction; 2) political activities of various levels of government in territories adjacent to borders; 3) political influences exerted on the inhabitants of cross-border regions by various political actors; 4) the local political culture of the residents (Brunet-Jailly, 2005). In particular, from an academic perspective, a holistic view of cross-border development has been put forward by promoting the concept of “bordering,” which emphasises the socio-political aspects of borders. Bordering is a daily practice of constructing various kinds of borders between communities/groups, using ideologies, discourses, political institutions, relationships, and other political phenomena. Recognizing this reality, EU institutions consider the socio-political significance of reducing border effects in the formulation of Cohesion, Neighbourhood, and Enlargement policies (Scott, 2015).

The introduction of the four freedoms of the EU, the formation of the Schengen Union, and the Common Market resulted in the so-called *dissolution of borders, debordering*, in other words, a reduction in the functional weight of national states and, conversely, an increase in the role of regions that directly gained the opportunity to implement joint initiatives through cross-border cooperation. This phenomenon is defined as *transboundary regionalism*, which refers to the willingness of regional elites to engage in cross-border cooperation in order to bypass national restrictions on interactions between neighbouring territories. At the same time, regions’ desire to independently manage matters of cooperation and their paradiplomacy is not viewed as a threat to state sovereignty (Baral, 2024; Nadalutti & Rüländ, 2024; Perkmann & Sum, 2002; Scott & Collins, 1997).

Taking into account that starting from 1980s cross-border cooperation is perceived as the part of the Regional (Cohesion) policy and from the beginning of 2000th of the European Neighbourhood policy, it can be also regarded as an element of the *Europeanization*. This phenomenon is understood as a process of developing, institutionalizing, and disseminating both formal and informal rules, practices, political paradigms, styles of political behavior, as well as shared ideals and values. These elements are initially formulated within the context of political processes in the EU and subsequently integrated into national political institutions (Jones & Clark, 2024; Radaelli, 2000).

To conceptualise the phenomenon of Europeanisation, in addition to the aforementioned approach, we can adopt

the position that it has several dimensions, including the following: 1) the process of the EU's expansion; 2) the development of European supranational governance structures; 3) the incorporation of European processes into national political systems; 4) the export of forms of political organisation; 5) the project of political unification of Europe (Olsen, 2002).

In close connection with the previously mentioned approach, the concept of *multilevel governance* can also be applied to the study of the institutional system of cross-border cooperation, which is the focus of our attention. According to this concept, it is a governance network that operates outside the jurisdiction of national states in order to implement cross-border initiatives, taking into account the interests of various actors, as well as other informal vertical and horizontal networks and institutions (Hooghe & Marks, 2021; Hooper & Kramsch, 2004; Marks, 1993).

Although institutional analysis of the CBC gained attention in the early 1970s, a clear theoretical framework and methodological clarity have still not been achieved. Most studies focused on one or a few cases, or cross-border processes were analysed in isolation from European integration processes. Therefore, there is a significant theoretical gap regarding the generalisation of models of cross-border cooperation, particularly across all EU member states and/or participants in the CoE countries.

Between 2014 and 2017, empirical research focused on organizing data for 61 active Euroregions and proposed a

set of key institutional forms for cross-border cooperation at EU borders. The list is as follows:

1. *official contacts* between the governing institutions of communities/districts/regions as the subnational levels of governance;
2. *informal contacts* between the aforementioned governing institutions and other actors of cross-border cooperation;
3. *common events* for the actors of cross-border cooperation: conferences, seminars, round tables, fairs, and other promotional events;
4. *bilateral or multilateral agreements* on key areas of cooperation between the governing institutions of border territories of neighbouring countries and/or the establishment of joint management structures;
5. institutionalised forms – *organisations* – of cross-border cooperation between *public institutions*: Euroregions, European groupings of territorial cooperation (EGTC), Euroregional Cooperation Grouping (ECG);
6. institutionalised forms of cross-border cooperation (*organisations*) between *private actors or public-private partnerships*: cross-border clusters, industrial parks, hubs, cross-border functional areas, special economic zones, priority development areas (Durà et al. 2018; Noferini et al. 2019).

As it is evident from the above-mentioned list, public institutions of European countries (mainly governments of regions, counties, communes)

apply or could apply the following advanced institutional cross-border cooperation formats:

1. *Euroregions* as associations of subnational authorities, sometimes with the participation of national governments. Euroregions are not a single legal entity but associations of legal entities – community/district/regional public authorities – that operate under the «umbrella» of the national part of the particular euroregion. These CBC institutions do not possess political authority but instead deal with the practical facilitation of cross-border activities and projects, including providing consulting services to the public authorities that are their founders. Euroregions function as cross-border organisations, equipped with a permanent secretariat and a technical and management team that has the capacity to secure its own resources. Cooperation within Euroregions occurs both vertically, with European institutions as well as regional and local authorities, and horizontally, among the organization's participants and similar structures.

Given the broad approach to understanding the essence of euroregions, there is a research perspective that this term encompasses both classic Euroregions and also includes Eurodistricts and Eurocities (Noferini et al. 2019; Rodil-Marzábal, 2022). The

major international legal act that regulates the activity of Euroregions is already mentioned European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, the so called Madrid Convention, concluded on 21 May 1980 (ratified by Ukraine on 14 July 1993) and two additional Protocols (Council of Europe. European Treaty Series - No. 159., 1995; Council of Europe. European Treaty Series - No. 169., 1998).

2. *European Groupings of Territorial Cooperation (EGTC)* as a single legal entity with full legal responsibility established by public institutions (communal, county and regional self-governments, regional/local development agencies, public enterprises, universities and other public law entities) from different states. EGTC has to be registered on the territory of the EU member state. The rules for setting up and operating an EGTC were laid down by Regulations of the European Parliament and of the Council in 2006-2013 (EUR-Lex, 2006a; Council of Europe. European Treaty Series - No. 106., 1980; Official Journal of the European Union, 2013).
3. *Euroregional Co-operation Grouping (ECG)*, similar to EGTC, is a type of cross-border cooperation institutional format; however, ECG is a CoE tool operating on the basis of the already mentioned European Outline Convention

on Transfrontier Co-operation, mainly its additional Protocol No. 3 (Council of Europe. European Treaty Series - No. 206., 1998). Like EGTC, ECG is a legally recognised organisation and is subject to the national law of the state in which it is registered as a nonprofit. ECG must be registered on the CoE member state's territory. As of yet, no working ECG is present.

In addition, institutionalised forms of CBC in the European Union can include *Local Cross-Border Cooperation Groupings (LCCGs)*, *European Economic Interest Grouping (EEIG)*, *European Companies (SE)*, *Eurodistricts*, *Eurocities*, *Integrated Territorial Investments (ITI)*, *Community-led Local Development (CLLD)* and *Joint Action Plans (JAP, others*. None of these forms, however, has become universal, nor are they tailor-made solutions for dealing with the particular challenges specific to different spheres of cross-border cooperation.

Following the initiation of the INTERREG programme in the late 1980s, the conclusion is made that the use of its resources is one of the a primary function of Euroregions, particularly regarding the initiation, promotion, and implementation of cross-border projects, thereby engaging a large number of people in this activity (Chilla & Lambracht, 2022; Martín-Uceda & Rufí, 2021; Scott, 2000).

Based on the criterion of activity priorities, it should be noted that both Euroregions and EGTC's typically focus their activities in one or several of the defined areas: 1) local (regional) economic development; 2) transport and accessibility of the area; 3) environment; 4) education

and culture; 5) social cohesion; 6) health; 7) spatial planning; 8) research and innovation; 9) governance; 10) various aspects of security.

At the same time, these descriptive criteria for typology are not sufficient for understanding the motivations of the founders of Euroregions and EGTC's, as well as all factors affecting their effectiveness or ineffectiveness at different chronological periods. It should be acknowledged that in some cases, these organisations may have been established primarily to attract funding from EU programs and funds. Therefore, another criterion for the effectiveness of euroregions can be considered the ability to formulate medium- or long-term activity strategies and joint policies for all national territories involved.

In the 2000s, a research position also gained popularity, suggesting that institutions created in border regions, where residents share or have a similar identity (ethnic, cultural, shared state-building history), are more effective. However, this factor alone is insufficient to ensure the sustainability of cross-border cooperation development (Boman & Berg, 2007; Fortuna & Andersen, 2025). At the same time, the update of EU priorities for the 2021-2027 programming period contributed to the spread of a functional approach to analyzing the effectiveness of cross-border cooperation. Interaction is considered effective in cross-border areas where more connections have formed that promote the free movement of goods, services, capital, and people across international borders. The institutional reflection of this approach has been the formation of cross-border functional areas,

which can be defined as specific territorial complexes that cover areas on both sides of the state border with intensive functional connections. These areas do not necessarily coincide with the boundaries of administrative-territorial units and, as a rule, they do not. At the same time, to support cooperation, these areas create joint management structures, so they can be considered a new type of Euroregion (Jakubowski et al. 2021).

A preliminary analysis of the current state of institutional forms of cross-border cooperation in Europe reveals a strong emphasis on evaluating the effects and efficiency of Euroregions and EGTC's as tools for collaboration. However, the specific characteristics and unique aspects of the cross-border processes in various regions of Europe, which are influenced by historical, cultural, and ethnic factors. Central Europe, including the borderland with Ukraine, can be considered a region additionally influenced by the geopolitical factor of integration and preparation for EU accession.

In one of the previous publications, it was argued that the primary political factor influencing the design of institutions and the politico-administrative practices of cross-border cooperation in Central European countries—both during their preparations to join the EU and after they became part of the single European space—is the conditions for obtaining and managing funding from European Union programs and funds. This is especially relevant within the framework of the EU's Cohesion policy. This support is considered by local actors of cross-border cooperation as perhaps the main opportunity to reduce

the effects of peripheral status in relation to national centres, which receive more public investments from the budget and are more attractive to private investors. Consequently, in some cases, local actors are more interested in collaborating with partners on the other side of the border rather than with national governments, which in turn raises concerns among the latter, especially in the context of Central Europe. Meanwhile, the conditions for obtaining European funding (10-20-40% of the cost of a cross-border project must be co-financed by the grant recipient or their local/regional/national partners or beneficiaries) result in the formation of *local*, and less often *regional*, *partnerships*. At the community level, this is one of the only institutional forms that can provide co-financing, especially when businesses or institutions engaged in economic activities are involved. At the same time, the institutional dependence of organisations created to promote the development of border areas—regional and local development agencies, entrepreneurship support centres, innovation and business/innovation centres—on funding from EU programmes and/or funds leads to the niche nature of their activities, necessitating a shift in priorities depending on changes in the policies of European institutions. Thus, the functioning of local/regional partnerships, whose main priority is to attract grant and technical support from the EU, represents a social process of adaptation to European priorities, aiming to secure resources to mitigate the effects of peripheral status in European cross-border areas (Lendel, 2024).

The topic of cross-border cooperation between the western regions of Ukraine and their counterparts in Central Europe has attracted considerable interest from researchers since the 1990s. Following the liberalization of political regimes and the introduction of a market economy, it became possible to establish beneficial connections between both sides of the border. It is not our main to analyse the whole state of the art in the study of CBC of the western regions of Ukraine, we intend to mention only the results of the study.

This article does not aim to list the names and publications of the numerous scholars who have studied different aspects of cross-border cooperation between Ukraine and EU states over the past 20 years. Rather, our focus is on analyzing the research interests of those examining the types of institutions involved in CBC in this region, as well as the factors that influence these institutional choices. Starting in the second half of the 1990s, there was a growing interest in the functioning of Euroregions as an institutionalized form of cooperation. This interest was largely driven by the establishment of the first Euroregion involving Ukrainian regions—the Carpathian Euroregion—created in 1993.

At the beginning of the 2000s, it was noted that some of the Carpathian Euroregion's most significant achievements included a reduction in mistrust among nations and ethnic groups, as well as advancements in mobility and connections between public institutions, including universities. However, despite these positive developments, challenges related to the Euroregion's size, financial

condition, and institutional structure began to emerge during this time, coinciding with the introduction of the Schengen Acquis Communautaire. (Hiroshi, 2006). A decade later, the experiences and outcomes of the operational institutional frameworks within the Carpathian Euroregion were summarised and recommended for optimisation. (Prykhodko, 2018). During this period Ukrainian researchers rated Euroregions as the most effective institutionalized form of cross-border cooperation. However, there are many unresolved issues stemming from a lack of clear understanding regarding their role, which in turn leads to inadequate support for their functioning. This situation calls for the creation and establishment of new forms of cross-border cooperation that could yield the desired results (Prytula, 2019). Recently, an analysis was conducted on the institutional forms of the CBC in the borderland of Ukraine during the COVID-19 pandemic. The studies also included recommendations for subnational authorities in Ukraine aimed at improving the efficiency of the Carpathian Euroregion in light of changing global challenges. (Khusainov et al. 2023).

Recent research indicates that the Carpathian Euroregion effectively functions as a platform for cross-border partners to collaborate on joint initiatives and projects. This collaboration enables participants to achieve better results collectively than they would independently, while also facilitating the exchange of experiences regarding efficient public management practices. However, some factors that hinder the development of cross-border

cooperation within the CE include its large territorial scale and the varying scopes of competencies (Khimynets et al. 2021).

In recent years, research on the processes occurring in the borderlands of Ukraine and its Central European neighbors has increasingly focused on the application of new institutional instruments. This primarily concerns the development of European Groupings for Territorial Cooperation (EGTCs), which are the public institutional forms emphasized in our study. This is in contrast to private clusters, public-private clusters, cross-border hubs, and industrial parks, which have also emerged and are not in the focus of this research.

The only successful example of territorial groupings in Ukraine is the EGTC ‘Tisza’ founded in 2015. This grouping includes Kisvarda City, Szabolcs-Szatmár-Bereg county council, and the Transcarpathian regional council (EGTC Monitor, 2015). The legal regulation of this institutional form, particularly within the context of Ukraine, as well as its potential to facilitate Europeanization and attract EU funds for developing the western Ukrainian borderlands, has been a focal point of contemporary research (Fetko, 2023; Ocskay, 2021; Ocskay & Scott, 2023).

Despite the fact that research on the existence and legal frameworks of different public institutional formats for cross-border cooperation in the borderlands of Ukraine and Central Europe is a popular area of study among researchers, there is a lack of systematic categorization of the types of institutions involved in this process. Considering that modern cross-border cooperation in addressing

various spatial issues—such as effective governance, economic development, health, transportation, environment, education, and culture—at the borders of the EU is supported by its Cohesion Policy, particularly through the financial incentives provided by the INTERREG program, the lack of relevant research on EU policies influencing cross-border cooperation development in Western Ukraine is increasingly apparent.

This study addresses two key *research questions* arising from the current state of knowledge and practice. Firstly, it investigates *which institutional forms of cross-border cooperation are established by Ukrainian legislation for public institutions?*

Secondly, it is crucial *to examine how EU policies affect the institutional decisions of those involved in cross-border cooperation in Ukraine’s Transcarpathian region.*

The empirical research will concentrate on the Transcarpathian region of Ukraine, specifically examining its cross-border relations with public actors from Poland, Slovakia, Hungary, and Romania. This focus is warranted for several reasons. First, limiting the research area enables a more nuanced analysis of the various types of cross-border interactions. Moreover, as previously noted, this Ukrainian region is distinctive because it is home to the only present in Ukraine EGTC. As previously mentioned, the research aim does not connect with the study of other forms of territorial cooperation (interregional and transnational) present in this area.

Our hypothesis suggests that, alongside internal factors—such as historical, cultural, social, and spatial considerations—the selection of institutional formats for

cross-border cooperation among public entities is significantly impacted by external influences. In the European context, particularly for countries aspiring to join the EU as candidate states (like Ukraine, which initiated this journey in 2022), the policies of the EU and the overarching process of European integration are pivotal.

Results of empirical research on institutional forms of cross-border cooperation between public institutions in the transcarpathian region of Ukraine and neighboring regions

1. Which institutional forms of cross-border cooperation are established by Ukrainian legislation for public actors?

Current institutional frameworks for cross-border cooperation among subnational authorities, alongside the established mutual initiatives and actions, are outlined in the Law of Ukraine ‘On International Territorial Cooperation’ which was adopted in April 2024 as part of the effort to harmonize Ukrainian legislation with EU law (Vidomosti Verkhovnoi Rady, 2024a). This law replaces the previous legislation from 2004 governing cross-border cooperation (Vidomosti Verkhovnoi Rady, 2024b) and outlines that this type of territorial cooperation can be carried out through:

1. Implementation of joint projects and programs.
2. Conclusion of agreements on cross-border cooperation.

3. Establishment or joining of Euroregional Co-operation Grouping (ECG).
4. Joining a European Grouping of Territorial Cooperation (EGTC).
5. Establishment of a Euroregion.

According to the Ukrainian legislature, the public entities engaged in CBC (so-called subjects of the territorial cooperation) consist of local state executive authorities and local self-government bodies, along with their associations. These entities collaborate with relevant public institutions and/or their associations in neighbouring countries, functioning within the scope of their competencies and in alignment with agreements on international territorial cooperation.

The aforementioned law specifies particular *legal entities* involved in international territorial cooperation, including *Euroregional Co-operation Groupings (ECGs)*, *European Groupings of Territorial Cooperation (EGTCs)*, *Euroregions*, and others. Notably, Article 13 provides a comprehensive outline regarding the legal structure (non-profit society), the founders, and the processes for establishing ECGs, particularly in light of Ukraine’s membership in the CoE and its potential to pursue this pathway. Article 14 delineates the regulations governing the participation of Ukrainian public institutions in EGTCs, emphasizing that such participation must align with Ukrainian legislation and be conducted under an agreement for the establishment of the EGTC proposed by a legal entity from an EU member state.

It is essential to highlight that the law on territorial cooperation, in contrast to Ukraine's law on cross-border cooperation from 2004, was enacted in response to the implementation of the EU-Ukraine Association Agreement, which was signed on June 27, 2014. This law also aligns with Ukraine's path to accession that began in 2022. Furthermore, Ukraine's ratification of Protocol No. 3 to the European Outline Convention on Transfrontier Cooperation between Territorial Communities or Authorities on May 11, 2012, thereby establishing the framework for the creation of the ECGs (Council of Europe. European Treaty Series - No. 206., 1998). Considering the potential to join EGTCs established within EU member states, and with the precedent set by the EGTC 'Tisza' with the participation of Transcarpathian region, relevant provisions regarding this entity were included in the previous law and have been described in greater detail in the new legislation.

Speaking of the Euroregion, as a classic form of cross-border cooperation, according to the analyzed legislature, it is established in accordance with a bilateral or multilateral agreement on cooperation with the aim of establishing and deepening relations between the entities and participants of cross-border cooperation in Ukraine and foreign states. The Euroregion may be reorganized into another body of international territorial cooperation, for example, ECG or EGTC.

The western and southwestern regions of Ukraine, specifically Transcarpathian, Ivano-Frankivsk, Lviv, Chernivtsi, Volyn, and Odessa, are currently at least *de-jure* involved in five Euroregions established

in collaboration with EU or accession countries, including Poland, Slovakia, Hungary, Romania and Moldova. These Euroregions are: the Carpathian Euroregion (established in 1993), the Bug Euroregion (1995), the Lower Danube Euroregion (1998), the Upper Prut Euroregion (2000), and Dniester (2012) (Pro zatverdzhennia Derzhavnoi prohramy rozvytku transkordonneho spivrobitnytstva na 2021-2027 roky, n.d.). The foundation for utilizing the structures of these Euroregions was established by the aforementioned CoE's European Outline Convention on Transfrontier Cooperation.

The Carpathian Euroregion (CE), encompassing the Transcarpathian region of Ukraine, was established in 1993 as a pioneering initiative in partnership with their Hungarian and Polish counterparts. Romania and Slovakia joined this initiative in 1997, solidifying the Euroregion's significance. CE is acting as the international association that comprises 17 administrative subnational (regional level) units from the adjacent areas of Poland, Slovak Republic, Ukraine, Hungary and Romania. The reason to create Euroregion, besides establishing neighbourhood relations in a multiethnic area, was to bring European methods of governance and expertise in the Carpathian region (Oltean, 2013).

Without delving into the issues surrounding the functioning of the CE that became apparent beginning in the 2000s, and the reasons behind their emergence—which are not the focus of our study—we observe that their accumulation has resulted in a transformation of the organizational structure governing the the association

in Ukraine. On October 2, 2007, the Association of Local Self-Government Bodies 'Euroregion Carpathians-Ukraine' was registered in Ukraine. It brings together 72 local self-governments and their associations – from Transcarpathian, Ivano-Frankivsk, Lviv, Chernivtsi region. In November 2008, the Interregional Association of the Carpathian Euroregion recognized this organization as the official representation of Ukraine in the CE (Yevrorehion Karpaty – Ukraina, n.d.).

Starting from the second decade of the 21st century, increasing interest was shown in Ukraine for the modern institution of cooperation between public institutions, proposed by the European Commission, which is the EGTC. In Ukraine, the establishment of the EGTC was introduced by the Law of Ukraine 2515-VIII, titled 'On Amendments to Certain Laws of Ukraine on Cross-Border Cooperation,' which was enacted on September 4, 2018 (Vidomosti Verkhovnoi Rady, 2018). This framework is currently governed by the effective law on international territorial cooperation mentioned earlier.

The EGTC 'Tisza' established in 2015 under an agreement between the Transcarpathian region and the Szabolcs-Szatmár-Bereg region and Kisvada city from Hungary represents the only example of the practical implementation of such an organizational form of cross-border in Ukraine. Moreover, it is the first EGTC involving a non-EU country member. Considering the incomplete legal framework as of 2015, the management of the grouping has become one of the main drivers of the Europeanisation of the relevant Ukrainian legislation,

resulting in already analysed law on international territorial cooperation (Benczi & Ocskay, 2021).

It is necessary to mention that the most commonly used form of CBC between the Transcarpathian region of Ukraine and neighbouring regions, districts, and communities in EU countries is through bilateral agreements. In some cases, there are also trilateral or multilateral agreements. While analysing the institutional forms of CBC between Presov and Kosice regions of Slovakia and the Transcarpathian region of Ukraine, respective districts and communities, the conclusion was made that can be regarded as valid for relations with other central European neighbours. After Slovakia's accession to the EU, which provided broader access to European Structural and Investment Funds and a wide variety of other programs, bi- or multilateral agreements between Ukrainian and Slovak subnational and local government tiers were primarily motivated by the goal of establishing a legal framework for collaborating on the development and implementation of cross-border cooperation projects. Despite this, research indicates that representatives of public institutions—such as local self-governments, local state executive bodies, regional development agencies (RDAs), local development agencies (LDAs), public cultural institutions, and universities—often rely on ad hoc project partnerships as the most common institutional form of cross-border cooperation (CBC). This happens even though not all opportunities provided by the EU, other multilateral mechanisms, and individual states are fully utilized. This is due to a stated lack of knowledge, human and financial capacity,

information, and partnership connections, despite a consistent motivation to engage in such activities (Cirner et al. 2023).

In this context, it is important to note that despite the challenges mentioned, the legal capacity of local self-governments has improved since the initiation of the decentralization reform in 2014-2015. Alongside the transfer of nearly 60 per cent of public revenues to local budgets, the capacity of local communities has increased with the unification of adjacent villages, towns, and other settlements into what are termed unified territorial communities and larger districts (Vidomosti Verkhovnoi Rady, 2015). However, due to the disruptions caused by the COVID-19 pandemic in 2020 and the subsequent full-scale Russian invasion in 2022, the decentralization process remains incomplete. This situation has imposed certain constraints on the powers and financial resources of local self-governments, making it challenging to assess the overall impact of these developments on cross-border cooperation (CBC).

2. In what ways do EU policies influence the institutional choices of cross-border cooperation (CBC) public and non-government non-profit institutions in the Transcarpathian region regarding collaboration with partners from neighboring countries?

Starting from the beginning of 2000 in the context of the accession of Central European countries to the EU, in particular Poland, Slovakia and Hungary, and the launching of the European

Neighbourhood Policy (ENP) institutions in the western regions of Ukraine became able to receive funding for the implementation of their cross-border initiatives from two European funds, namely EFRD (for European partners) and TACIS (for Ukrainian partners). We are talking about the Programme Hungary-Slovakia-Ukraine INTERREG IIIA / TACIS cross-border cooperation (CBC) (2000-2004), Neighbourhood Programme Poland-Belarus-Ukraine INTERREG IIIA / TACIS cross-border cooperation (CBC) (2004-2006).

According the Action Plan developed in 2005 between the EU and Ukraine in the framework of the ENP the significant support has to be provided to local authorities for the participation in this policy including cross-border cooperation programs and projects. To effectively implement the main provisions of the ENP in the realm of cross-border cooperation, the European Neighbourhood and Partnership Instrument (ENPI) was established and became operational from 2007 to 2013. It offered co-funding for promoting good governance and equitable social and economic development processes, supported cross-border and transregional cooperation, and gradual economic integration of neighbouring countries with the EU. Within this instrument three cross-border cooperation programs (Hungary-Slovakia-Romania-Ukraine, Poland-Belarus-Ukraine, Romania-Ukraine, 2007-2013) were focused besides others on the territory of Transcarpathian region of Ukraine (EUR-Lex, 2006b).

The European Neighbourhood Instrument (2014-2020) replaced its predecessor with the goal of promoting regional integration, including cross-border cooperation. The ENI addresses the new challenges of a changing neighborhood and is grounded in principles of differentiation, joint ownership, and flexibility. This financial instrument aims to strengthen relationships with beneficiaries through bilateral, multi-country, and cross-border cooperation programs (Official Journal of the European Union, 2014). In 2020 and 2022, the European Commission adopted new regulations on ENI, taking into account logistical, financial and institutional challenges caused by the COVID-19 pandemic and the start of full-scale Russian aggression in Ukraine (EUR-Lex, 2020; EUR-Lex, 2022).

As a result of the signing of the Association Agreement with EU in 2014 Ukraine took the obligations to implement European standards in all areas, including cross-border and regional cooperation. The Agreement has a separate Chapter 27 'Cross-border and regional cooperation' / The provisions of Articles 446-448 of the Agreement confirm the authorities' role in ensuring cross-border and regional cooperation, including the development of appropriate legislation (EUR-Lex, 2023).

In 2021-2027, the cross-border and other dimensions of European territorial cooperation with neighbouring countries started to be governed by the EU Cohesion policy and became the field of the Interreg program intervention. To highlight the external dimension of Cohesion policy the new programmes are called Interreg NEXT (European Commission, n.d.). They are

aimed at promoting economic, social, and territorial development within the EU, aligning with the cohesion policy objectives, and their rules cover effective programming, including technical assistance, monitoring, evaluation, communication, eligibility, management, control, and financial management supported by the European Regional Development Fund (ERDF) (EUR-Lex, 2021).

The inclusion of communities and regions of Ukraine in the programme areas funded by the European Neighbourhood Policy instruments (ENPI (2007-2013), ENI (2014-2020), Interreg NEXT (2021-2027)) created an opportunity to assess the potential of types of institutions that demonstrated readiness and capacity to develop cross-border cooperation with partners in neighbouring countries.

According to information provided by the Department of Euroregional Cooperation of the Zakarpats'ka Regional Military Administration and corroborated by the official websites of the ENI and Interreg NEXT programs, there has been a consistent level of support for cross-border collaboration projects between local institutions and their counterparts in the bordering regions of Poland, Slovakia, Hungary, and Romania. This support has been facilitated through EU funding mechanisms within the framework of Neighbourhood policies, specifically the Cohesion Policy since 2021.

Considering the incomplete information about the projects won by communities and other public institutions in the Transcarpathian region from 2007 to 2013 under the European Neighbourhood and Partnership Instrument, our empirical study

conducted a dynamic analysis of projects funded by the European Neighbourhood Instrument (ENI, 2014-2020) and the Interreg NEXT program (2021-2024, ongoing) (Table 1-5).

It is essential to emphasize that data analysis from this period holds greater significance for us than data prior to

2014. This is largely due to the fact that 2014 was the year the Association Agreement was signed between the EU and Ukraine, which resulted in heightened focus from the Ukrainian governance system on the motivations driving cross-border cooperation.

Table 1. Number of the supported cross-border cooperation projects prepared in partnerships with institutions from the Transcarpathian region, Ukraine, by the EU financial instruments and programmes (2014-2025 - ongoing).

Name of the cross-border cooperation programme	Number of the CBC projects supported within European Neighbourhood Instrument (ENI, 2014-2020)	Number of the CBC projects supported within Interreg NEXT program (2021-2027, ongoing)
Hungary – Slovakia – Romania – Ukraine	67	39
Poland – Belarus – Ukraine (from 2021– Poland – Ukraine)	16	12
Romania – Ukraine	16	12

Source: Table 1-5 was formed based on data sourced from the Transcarpathian Regional State Administration and the official websites of programs funded by the European Neighbourhood Instrument from 2014 to 2020¹, as well as the Interreg NEXT program beginning in 2021².

- 1 We included the following programmes:
 - Hungary-Slovakia-Romania-Ukraine ENI Cross-border Cooperation Programme 2014-2020: <https://huskroua-cbc.eu/>;
 - Poland-Belarus-Ukraine 2014-2020: <https://www.pbu2020.eu/en/projects2020>;
 - Romania-Ukraine 2014-2020: <https://ro-ua.net/en/>.
- 2 We included the following Interreg programmes:
 - Interreg NEXT Hungary-Slovakia-Romania-Ukraine: <https://next.huskroua-cbc.eu/>;
 - Interreg NEXT Poland-Ukraine: <https://pl-ua.eu/en/news/>;
 - Romania-Ukraine 2021-2027, <https://ro-ua.net/en/>.

Table 1 demonstrates the total number of cross-border projects that were supported by EU programs during the periods of 2014-2020 and 2021-2027, involving public and non-governmental not-for-profit institutions from the

Transcarpathian region. It should be noted that the INTERREG NEXT program has only conducted its first competition for project initiatives (2023-2024); therefore, the dynamics of the projects will change.

Table 2. Names and the types of institutions from the Transcarpathian region, Ukraine, that were participants in the projects supported by ENI instrument projects (2014-2020).

Name of the Cross-Border Cooperation Programme	Number of CBC Projects Supported	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Hungary – Slovakia – Romania – Ukraine	67 projects	Uzhhorod City Council (4 projects), Vynohradiv City Council, Khust City Council (2 projects), Velykij Berezhnyj Village Council (3 projects), Solotvyno Village Council, Khyzha Village Council, Vyskovo Village Council (2 projects), Nyzhnya Apsha Village Council, Serednje Vodvane Village Council, Onokivsi Village Council, Velykij Bychkiv Village Council, Perechyn Village Council, Velykoluchivska Village Council, Regional Children's Hospital (3 projects), Transcarpathian Regional Clinical Hospital, Regional Clinical Infectious Hospital, Uzhgorod District Clinical Hospital, Uzhgorod City Maternity Hospital, Uzhhorod Children's Hospital, Uzhhorod City Clinical Hospital, Rachiv District Hospital, Mizhirya District Hospital, Vynohradiv District Hospital, Transcarpathian Museum of Folk Architecture and Life, Mukachevo Historical Museum, Transcarpathian Regional Centre for Social and Labour Rehabilitation and Professional Orientation "Vybir", EGTC "Tisza" (2 projects)	The Main Department of State Emergency Service of Ukraine in Transcarpathian region, 6th State Fire and Rescue Unit of the Department of State Emergency Service of Ukraine in Transcarpathian Region, Zakarpattia Regional State Laboratory of "Derzhprodsposhyvslyzhba", Tisza River Basin Water Resources Directorate (3 projects), Vynohradiv Interdistrict Water Management Department, Uzhhorod Interdistrict Water Management Department, Berehovo Interrayon Department of Water Management, Road Service in Transcarpathian Region (3 projects), Uzhhorod Forest enterprise, State Ecological Inspectorate in Zakarpattia Oblast, Uzhansky National Nature Park	Agency for Regional Development and Cross-border Cooperation 'Transcarpathia' (3 projects), Association of Project Managers YADRO (2 projects), Communal Enterprise 'Centre of Investments and Development' (Vynohradiv), FORZA – Agency for Sustainable Development (2 projects), International Association of the Regional Development Institutions (IARD), Agency of Local Resources 'Europolis' (2 projects), European Initiatives Centre (3 projects), Ukrainian-Hungarian Regional Development Centre, Informational Centre for Innovation and Development 'NOVUM' (2 projects), Charitable Fund for the Development of Cross-Border Cooperation and Special Economic Zones (3 projects), Interregional Centre of Cross-Border Cooperation	Uzhhorod National University (6 projects)	NGO "Ecosphera" (2 projects), NGO "Institute of the Development of the Carpathian Region" (2 projects), Centre for Civic Initiatives, RachivEcoTur, Council for Protection of Rights of Patients and Medical Professionals, NGO "Institute of Environmental and Religious Studies", Pro Cultura Subcarpathica, Hungarian Tourism Council of Zakarpattia (2 projects), Cultural Alliance of Hungarians in Sub-Carpathia, Berehove District Organisation of Ukrainian Red Cross, Greek Catholic Eparchy of Mukachevo, Transcarpathian Reformed Church (2 projects), Maltese Charity Organization in Berehove, Religious Community of Berehovo Roman Catholic Church, ADVANCE Transcarpathian Advocacy and Development Center
	Total: 98 participations	Total: 37 participations	Total: 15 participations	Total: 21 participations	Total: 6 participations	Total: 19 participations

Name of the Cross-Border Cooperation Programme	Number of CBC Projects Supported	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Poland – Ukraine	16 projects	Vynohradiv District Council, Perechyn City Council, Uzhhorod City Council (3 projects), Vynohradiv City Council, Kolochava Village Council, Khust City Council, Regional Clinical Phtisopulmonology Center, Transcarpathian Regional Theatre, Local Ethnomuseum of Perechyn City	Transcarpathian Regional State Administration.	FORZA – Agency for Sustainable Development, Communal Enterprise 'Uzhhorod Rayon Agency of Development', Agency for Regional Development and Cross-border Cooperation 'Transcarpathia' (2 projects), Fund for the Transborder Cooperation Development, Interregional Centre of Cross-Border Cooperation (2 projects), Communal Enterprise 'Center of Investments and Development' (Vynohradiv)		NGO 'Institute of the Development of the Carpathian Region', NGO 'Transcarpa-thian Film Commission'
Romania – Ukraine	Total: 22 participations	Total: 11 participations	Total: 1 participation	Total: 8 participations	Total: 0 participations	Total: 2 participations
	16 projects	Rachiv City Council (2 projects), Berehovo City Council, Solotvyno Village Council (4 projects), Velukyj Bychkiv Village Council (2 projects), Uzhhorod City Council (2 projects), Transcarpathian Regional Theatre	Tyvachiv District State Administration, Border Guard Unit	Agency for Regional Development of Transcarpathian Region, International Association of the Regional Development Institutions (IARDI)	Uzhhorod National University (2 projects), Solotvyno Gymnasium	NGO 'Eco-sphera'
	Total: 20 participations	Total: 12 participations	Total: 2 participations	Total: 2 participations	Total: 3 participations	Total: 1 participation

Table 3. Summary Table: Number of Projects and Participations by Institution Type (ENI instrument (2014-2020)).

Programme	Total Projects	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Hungary – Slovakia – Romania – Ukraine	67	37	15	21	6	19
Poland – Ukraine	16	11	1	8	0	2
Romania – Ukraine	16	12	2	2	3	1

Table 4. Names and the types of institutions from the Transcarpathian region, Ukraine, that are participants in the supported by Interreg NEXT cross-border projects (2021-2027: ongoing).

Name of the Cross-Border Cooperation Programme	Number of CBC Projects Supported	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Hungary – Slovakia – Romania – Ukraine	39 projects	Uzhhorod City Council, Beerehovo City Council, Velykyi Berezhnyi Village Council (2 projects), Perechyn City Council, Solotvyno Village Council, Tyachiv City Council, Serednye Village Council, Transcarpathian Frontier Local Governments Association, Transcarpathian Museum of Folk Architecture and Life (2 projects), Mukachevo Historical Museum, Uzhhorod City Multi-Profile Clinical Hospital (2 projects), Regional Children's Hospital, Nyzhnya Apsha Hospital EGTC "Tisza" (3 projects)	Main Directorate of the State Emergency Service in Transcarpathian Region, Vynohradiv Interdistrict Department, Department of Infrastructure of Transcarpathian Regional State Administration, Infrastructure Restoration and Development Service (3 projects), Mukachevo Border Guard Unit (2 projects), National Park 'Synevyr'	Civil Organisation of the Regional Development 'Velyka Dobron', Communal Enterprise 'Center of Investments and Development' of Vynohradiv City Council, Agency of Regional Development of Transcarpathian Region (3 projects), Regional Fund of Entrepreneurship Support 'TES Fund', International Association of Regional Development Institutions (ARDI), Association of Project Managers YADRO (2 projects)	Uzhhorod National University (3 projects), Solotvyno High School, Ferenc Rákóczi II Transcarpathian Hungarian College of Higher Education	Council for Protection of Rights of Patients and Medical Professionals, NGO 'Institute of Carpathian Region Development', Charity 'Everybody Has Second Chance', NGO 'Institute of Environmental and Religious Studies', RachivEcoTur, NGO 'Better Life' (2 projects), Charity 'About the Agriculture Carpathica', Regional Charity 'Edelweis', NGO 'Happy Children', Transcarpathian Hungarian speaking Pedagogical Society, Pro Cultura Subcarpathica, Charity of the Regional Hungarian College, Volunteer Fire Department of Dercen Parish
	Total: 56 participations	Total: 19 participations	Total: 9 participations	Total: 9 participations	Total: 5 participations	Total: 14 participations
Poland – Ukraine	12 projects	Sval'yava City Council, Kolochava Village Council, Khust City Council, Velykyi Berezhnyi Village Council, Uzhhorod City Council, Khust City Central Hospital, Regional Children's Hospital, Transcarpathian Regional Clinical Hospital	Main Directorate of the State Emergency Service in Transcarpathian Region, Uzhans'kyi National Park (2 projects)	Agency of Regional Development of Transcarpathian Region	Uzhhorod National University (2 projects)	NGO 'Institute for the Development of the Carpathian Region'
	Total: 15 participations	Total: 8 participations	Total: 3 participations	Total: 1 participation	Total: 2 participations	Total: 1 participation

Name of the Cross-Border Cooperation Programme	Number of CBC Projects Supported	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Romania – Ukraine	12 projects	Korolevo Village Council, Vysjkovo Village Council (2 projects), Teresva Village Council, Dubove Village Council, Transcarpathian Regional Clinical Hospital	Mukachevo Border Guard Unit (3 projects)	Association of Project Managers YADRO, Agency of Regional Development of Transcarpathian Region, International Association of the Regional Development Institutions (ARDI)	Uzhhorod National University	NGO 'Institute of the Environmental and Religious Studies', NGO 'Center of European Initiatives'
	Total: 15 participations	Total: 6 participations	Total: 3 participations	Total: 3 participations	Total: 1 participations	Total: 2 participations

Table 5. Summary Table: Number of Projects and Participations by Institution Type (Interreg NEXT cross-border projects (2021-2027 - outgoing)).

Programme	Total Projects	Number of Participations of Local Self-Governments/Associations, Local Self-Government Establishments	Number of Participations of Local Executive Authorities, State Establishments	Number of Participations of Regional/Local Development Agencies and Funds	Number of Participations of Educational Institutions	Number of Participations of Non-Governmental Organisations
Hungary – Slovakia – Romania – Ukraine	39	19	9	9	5	14
Poland – Ukraine	12	8	3	1	2	1
Romania – Ukraine	12	6	3	3	1	2

Table 2 and 4 present comprehensive information regarding the names and types of institutions within the Transcarpathian region, along with project initiatives that were deemed successful between 2014 and 2020 and 2021 – ongoing. The classification of these institutions was developed independently, yet grounded in the methodology outlined earlier in this article, as well as in accordance with the rules governing the EU programs analyzed. Notably, these funding instruments explicitly exclude profit-making organizations and entrepreneurial entities. Recipients of financial assistance from the EU for the implementation of cross-border projects can generally be categorized into two main groups: public institutions, which include self-governing and executive bodies at the sub-national level, as well as communal or state-owned entities such as schools, hospitals, museums, theaters, nature reserves, and universities; and non-governmental non-profit organizations, which encompass community groups, charitable foundations, and religious organizations. Additionally, regional or local development agencies, sustainable development centers, and centers for cross-border cooperation operate in both capacities—as communal institutions and non-governmental organizations. However, we distinguish them as a separate group because their statutory objectives focus specifically on project management.

Also, it is important to note that in Tables 2 and 4, we present the number of instances of participation in CBC projects supported by the INTERREG programs, rather than the number of successful projects involving public institutions. That is why these numbers are higher than the

number of successful projects won with the participation of the institutions from the Transcarpathian region of Ukraine indicated in the first and third tables.

At the same time, Tables 3 and 5 summarize successful projects and participation of public and non-governmental institutions from the Transcarpathian region, cross-border projects that were supported in the years 2014-2020 and 2021-2024, by the types that have already been described.

It is important to note that the INTERREG NEXT cooperation programmes for 2021-2027, which include Hungary-Slovakia-Romania-Ukraine and Poland-Ukraine, Romania-Ukraine programmes, currently have an outgoing status. New project calls will not be launched until at least 2025. Therefore, the actual number of projects and participations indicated in Tables 4 and 5 is expected to increase.

Conclusions

1. Which institutional forms of cross-border cooperation are established by Ukrainian legislation for public actors?

Ukraine is among the few European states that possess separate legislation concerning cross-border cooperation. The transition from the 2004 Law ‘On Cross-Border Cooperation’ to the 2024 Law ‘On International Territorial Cooperation’ is not merely a technical update; it signifies a fundamental shift in how Ukraine approaches and implements territorial cooperation.

The new law incorporates concepts introduced by the legislative frameworks of the Council of Europe (CoE) and the European Union (EU), such as the European Grouping of Territorial Cooperation (EGTC) and the European Cooperation Grouping (ECG) besides joint projects and programs, agreements about cross-border cooperation, Euroregions, previously outlined in the old law. However, some contradictory formulations in this legislation pose obstacles to the establishment of the new EGTCs as modern institutional forms. Additionally, the law does not identify non-governmental, non-profit entities as participants in cross-border cooperation (CBC), despite their effectiveness as active institutions, as evidenced by statistical data from the Transcarpathian region, which will be analyzed later.

This legal transformation in general reflects Ukraine's strategic alignment with the EU's *acquis communautaire* and the multi-level governance model that the EU advocates. Consequently, the law serves not only a regulatory function but also a geopolitical purpose. But despite recognizing a variety of institutional forms, the actual utilization of these instruments remains uneven. Most CBC initiatives still rely on ad hoc projects and bilateral agreements, while more complex and integrated formats like the EGTCs are not fully utilized. This institutional asymmetry indicates that, although the legislation has evolved, the capacity for implementation remains limited. There is a noticeable gap between what the legal framework permits and what institutions can effectively execute.

The EGTC 'Tisza' serves as a model for how local initiatives can influence national legislative reforms, highlighting the bottom-up potential of local actors in shaping state-level frameworks. Conversely, Euroregions persist as a resilient legacy structure, particularly in western Ukraine. Despite criticisms regarding their limited effectiveness, Euroregions continue to provide a familiar and politically acceptable format for cooperation, especially in areas with established transnational ties, such as the Carpathian Euroregion. It appears that Ukraine is not abandoning Euroregions but rather layering new institutional forms onto existing ones, suggesting a path-dependent evolution rather than a complete institutional rupture.

The decentralization process initiated in 2014–2015 was anticipated to significantly enhance the institutional capacity of local actors to engage in CBC. However, the COVID-19 pandemic and the Russian full-scale invasion disrupted this progression, limiting the capacity of local governments for proactive involvement in CBC structures. Persistent challenges—such as inadequate financial and human resources, weak inter-institutional networks, and insufficient access to information—demonstrate that legal provisions alone do not guarantee effective institutional uptake. This underscores the structural barriers to CBC in Ukraine.

In conclusion, Ukrainian legislation now provides a comprehensive legal framework for various institutional forms of cross-border cooperation. However, the quality and depth of implementation differ significantly. The legal framework exceeds the realities of administration,

which are hampered by internal systemic weaknesses and external geopolitical shocks. While Ukraine has adopted the European terminology of territorial cooperation, the ability to effectively implement this framework at the local level is still developing.

2. In what ways do EU policies influence the institutional choices of cross-border cooperation (CBC) public and non-government non-profit institutions in the Transcarpathian region regarding collaboration with partners from neighboring countries?

Cross-border cooperation policy—through mechanisms such as the European Neighbourhood and Partnership Instrument (ENPI, 2007–2013), the European Neighbourhood Instrument (ENI, 2014–2020), and Interreg NEXT (2021–2027)—has served not only as a funding source but also as a significant institutional filter. These frameworks have actively shaped which types of institutions in the Transcarpathian region engage in cross-border cooperation and in what manner. By prioritizing administrative capacity, project management expertise, and legal clarity, EU policies have encouraged the formalization and professionalization of the participating actors.

The signing of the Association Agreement with the EU in 2014, particularly Chapter 27, which focuses on cross-border and regional cooperation, has further integrated cross-border cooperation (CBC) into the strategic priorities of Ukrainian governance. This policy shift has reinforced the necessity of aligning with EU norms

and has obligated national and subnational authorities to support and institutionalize CBC as part of Ukraine's broader path toward integration.

Empirical evidence from the ENI (2014–2020) and Interreg NEXT programs (2021–2027) shows a diversification in the types of institutions involved in cross-border initiatives. These include local self-government bodies and their associations, local executive authorities, regional and local development agencies, educational institutions, and a variety of non-governmental non-profit organizations. Among these, local governments remain the most active, followed by NGOs and development agencies, which often act as intermediaries or facilitators. The consistent presence of institutions such as the Uzhhorod City Council, the Agency for Regional Development of Transcarpathia, and Uzhhorod National University indicates a process of institutional consolidation and specialization. This reflects not only enhanced administrative capacity but also a strategic pursuit of CBC opportunities.

The design of EU programs has also influenced institutional behavior. With each funding period, the EU has raised expectations regarding project sustainability, multi-stakeholder engagement, and result orientation. This has led to more structured and cooperative practices among institutions, often requiring formalized networks and cross-sectoral partnerships. Development agencies and experienced NGOs have become particularly vital in navigating and coordinating these partnerships,

often bridging the gap between local governments and the EU's administrative and financial requirements.

Over time, a learning effect has emerged. Institutions that frequently participate in projects demonstrate increased competence in EU procedures, budget management, and cross-border strategy development. These actors benefit from accumulated experience, existing partnerships, and an enhanced ability to align with programmatic priorities, giving them a competitive advantage in securing future funding. However, participation data reveals an uneven distribution across the region: while some municipalities and organizations are highly active, others remain largely absent. This disparity reflects differences in institutional capacity, awareness, and access to technical support. Moreover, despite being eligible, some executive authorities and smaller NGOs face persistent barriers to participation due to resource constraints and the technical complexity of EU funding programs.

In conclusion, EU policies significantly influence the institutional landscape of cross-border cooperation in the Transcarpathian region. They do this not only by providing financial incentives but also by establishing structural expectations, promoting institutional learning, and shaping collaborative practices. The outcome is a dynamic and increasingly mature ecosystem of public and non-governmental actors engaged in cross-border cooperation, though it is still marked by asymmetries that require targeted support to ensure inclusivity and sustainability.

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Challenges of Border Control in Europe's Schengen Area – The SCHEVAL Initiative

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Abstract

In a supranational body like the European Union, how do we understand public order and internal security in a continent without internal borders? In the 1957 Treaty of Rome, four fundamental freedoms—movement of people, goods, services, and capital—were established to strengthen the internal market and boost economic growth. However, real border-free movement began only in 1985, when five countries signed the Schengen Agreement, committing to remove internal border checks. The process required many compromises, especially regarding economic and security concerns. Despite challenges and difficult negotiations, the agreement marked a turning point in Europe's approach to borders. But why were these compromises necessary? Issues like customs, taxes, money, and—most importantly—security played a key role. Today, security is once again a central concern. With a borderless EU of 449.2 million people, how can we ensure their safety? Is current external border control sufficient, or does it need to be improved? The author of this research, an expert in Schengen evaluation, has participated in assessments across several member states—including Greece, Poland, the Baltics, Italy, Spain, and others—on behalf of the European Commission since 2012. Each evaluation focused on identifying weaknesses in border management and how countries respond to threats. In this presentation, the author will highlight the main threats, border-related crimes, and common shortcomings that undermine safety in a borderless Europe.

Keywords: Schengen Agreement, SCHEVAL, border controls, border management, border-related crimes, security

Introduction: A brief history of the Schengen Agreement and Convention

The Schengen Agreement has been one of the cornerstones of the realisation of freedoms during European integration and has had a significant impact on the security challenges facing the European Union. To examine the origins and development

of the Schengen Agreement, we need to look back in time. The Treaty of Rome were signed in Rome in 1957, and within this the Treaty establishing the European Economic Communities (EEC) set out the rights of free movement that the

subsequent Schengen Agreement was designed to implement (Horváth, 2011, p. 30–31). The EEC Treaty was signed in 1957 by Belgium, Germany, France, Italy, Luxembourg, and The Netherlands. The aim of this treaty was to create a common market that included the four fundamental freedoms of movement—goods, persons, capital, and services—with the goal of promoting further integration, economic growth, and trade. Although the treaty was a major step forward in common economic policy in terms of the common market objective it set out, the signatories agreed to harmonise it, to establish free competition between enterprises, to prohibit state aids and restrictions that could restrict or negatively affect trade between the six countries and to establish common tariffs for the customs union to ensure uniformity in foreign trade. In addition, common policies were established in these fields to regulate them jointly and to apply the measures introduced uniformly in agriculture, transport and trade, which later extended to environmental, regional, social and industrial policy. The EEC Treaty entered into force on 1 January 1958.

However, the rights linked to free movement could not yet be fully exercised here, as the abolition of borders, or more precisely the abolition of border controls and genuine freedom of movement for all persons, did not materialise. For the EEC, established by the Treaty of Rome, the aim was economic and trade integration, not the abolition of border controls between Member States.

It was precisely the aim of the drafters of the Schengen Agreement to secure these economic, commercial, and later

environmental, industrial and social freedoms by abolishing border controls altogether and reintroducing only random or ad hoc checks. In the European Union, the right of free movement for all persons within the Schengen area is established by the Treaty on European Union, and thus Article 18 of the consolidated Treaty on European Communities, in view of the creation of European Union citizenship, already states that “1. *Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect.*”¹

The Schengen Agreement aimed to secure economic, commercial, environmental, industrial, and social freedoms by abolishing internal border controls and replacing them with random or ad hoc checks. In the EU, the right to free movement within the Schengen area is guaranteed by the Treaty on European Union. Article 18 of the consolidated Treaty on European Communities states that every EU citizen has the right to move and reside freely within Member States, subject to certain conditions. The Schengen process unfolded in two phases. The first, the **Schengen I Agreement**, was signed on 14 June 1985 by five countries (Benelux, Germany, and France). It called for the gradual abolition of internal border checks. From 25 June 1985, border police and customs authorities conducted only visual

1 The Merger or Unification Treaty was signed on 8 April 1965 and entered into force on 1 July 1967, from then on, we speak of the European Communities, and then on 7 February 1992 the Treaty on European Union was signed, which entered into force on 1 November 1993.

checks on vehicles crossing borders without stopping. Nationals of EC Member States were encouraged to display a green disc on their windcreens, signalling compliance with border, customs, and currency regulations.² The agreement involved significant compromise, as Member States gave up aspects of sovereign border control in exchange for stricter external borders and increased cooperation in law enforcement and criminal matters. This cooperation included information sharing, mutual assistance, and harmonized regulations on transport, tariffs, and safety monitoring. The second phase, the **Schengen II Agreement**, signed in 1990 but only in force from 1995, implemented the 1985 Agreement. It introduced detailed rules on external border control, visas, and criminal cooperation.³ Over time, these measures were integrated into broader EU legislation, fulfilling the vision set out in the Treaty of Rome to create a unified European space.

Challenges and their evolution in the area of free movement (economic, security challenges and their balances)

Following economic and trade integration in the 1950s, Europe faced significant defence and security challenges and threats. The two world wars showed that integration had to go in a direction that would guarantee that another war crisis of this scale and with so much loss of life and damage would not occur. Initially, Europe was faced with how to defend itself in the future. NATO was created (1949), with the Warsaw Pact 'Treaty of Friendship, Co-operation and Mutual Assistance' (1955) creating tensions, the nuclear threat and danger emerged, and a major arms race between the United States and the Soviet Union developed. In the meantime, Europe sought to find its place and, by extending integration and implementing the Schengen ideals, it was precisely by abolishing internal border controls between Member States that it was able to put a dent in security or, indeed, to bring Member States closer together and to act more jointly against such threats. Even as Western Europe and the states that professed the principle of freedom were being integrated, more and more Member States were joining the European Communities and the Schengen Agreement, the Communist regime in the Eastern bloc was repressive, freedoms were not respected, were restricted and the population was subjected to surveillance. Europe was thus confronted with political dictatorships and repressive states.

The 1970s-80s saw the emergence in Western Europe of extremist groups of terrorism and extremist movements

2 “*Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*” (Official Journal L 239, 2000, P. 0013 – 0018).

3 “*Convention implementing the Schengen Agreement of 14 June 1985 between the governments of the States of the Benelux economic union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*” (Official Journal L 239, 22/09/2000 P. 0019 – 0062)

committing crimes. Examples of such extremist terrorist organisations include the Red Army Faction (Strack, 2024) of the RAF and ETA (Euskadi ta Askatasuna / Basque Homeland and Liberty), “*ETA is blamed for more than 800 deaths in its 34-year fight for Basque independence, and is listed as a terrorist organization by the United States and the European Union, of which Spain is a member*” (Goodmen, 2023).

Finally, during this period, the oil and various economic crises (oil crises of 1973 and 1979) also caused major problems, with rising unemployment and economic decline, which together led to social discontent.

In addition, cross-border crime, the emergence and increasing organisation of various forms of criminality, no longer affected just one or two Member States, but a common area, which had to find solutions together to combat them. The emergence and management of organised trafficking in human beings, trafficking in human beings, drugs and arms trafficking, as well as the mass illegal migration that all these opportunities entail, have been a major challenge both at external and internal borders and within the territory of the Member States.

These challenges changed by the end of the 1990s, with the creation of the European Union and the Schengen Agreement, but unfortunately the threats and sources of danger have not diminished. Today, the European Union, with its 27 Member States, all but two of which are full members of the Schengen Agreement and exercise their right to do so, faces these challenges to a greater extent and with increasing frequency.

The migration crisis of the early 2010s (Urbán, 2016) is still an ongoing issue, and the measures taken to address it have not yet shown results, or have shown little results only because of changing circumstances. Member States have failed to find a solution—whether in terms of methods or instruments—that can provide reassurance to the approximately 449 million inhabitants of the European Union. One only has to think of the terrorist attacks in Spain and France, or the series of attacks in Germany (Hille & Witting, 2025), a significant proportion of which are linked in some way to illegal migration.

The war between Russia and Ukraine and the outbreak of war following the terrorist attacks on Israel have also generated changes in the EU’s areas of internal freedom of movement. Border controls are being reintroduced on a permanent basis at the internal borders of the Member States, on the grounds of public policy and public security.

Border controls have been moved to the external borders as part of the EU’s Schengen ambition, although there have been some who have argued that the removal of border controls at internal borders does not necessarily mean that stricter controls at external borders should be implemented. A filter, the strengthening of the external border at any level, is not and will not be sufficient to guarantee the security of a Europe without internal borders. The four-tiers border control model and integrated border management already guarantee greater security. We are already talking here about taking different measures from the countries that emit migration and produce the perpetrators

of terrorist acts to neighbouring third countries, external borders and the territories of the Member States. We are deploying experts, liaison officers, analysts and evaluators and carrying out joint operations. We are giving the European Union Border and Coast Guard Agency (Frontex) more and more powers. From patrolling at sea, carrying out rescue and search tasks, to border surveillance at land borders, they are now also involved in border control at airports with their own staff under the new legislation.

Despite these challenges, it can be said that, in addition to defence policy challenges, the criminal law enforcement threat, terrorism, organised crime (including all its cross-border variants) and illegal migration remain significant challenges for Member States.

The current efforts will significantly support and assist controls at both external and internal borders through the collection, storage and prior checking of a wide range of data by the European Border Information System (EES) (Official Journal of the European Union, L 327/20, 2017) and the European Travel Information and Authorisation System (ETIAS) (Official Journal of the European Union, L 236/1, 2018). The legislation and control principle developed, including biometric data verification for entry, prior authorisation and registration applications, will provide greater certainty on the control of persons entering the area of free movement. The problem may lie in the technical design and operation of the system. The activities of the border guards, as defined in the Schengen Borders Code, who carry out border checks in the traditional sense, are

no longer sufficient to record, store and control the data at the external borders. It will be necessary to develop and introduce a form of automation, including the training and use of artificial intelligence, to process and control this large amount of data at both external and internal borders.

Development and improvement of the Schengen evaluation and monitoring mechanism (SCHEVAL)

The Schengen Agreement and its successor established a monitoring and evaluation mechanism to assess whether Member States are complying with the Schengen acquis and fulfilling their obligations in the areas of external and internal border control, police cooperation, visas, return, use of the Schengen Information System, criminal and judicial cooperation and data protection. The laws, regulations, treaties and decisions governing these areas are collectively referred to as the Schengen acquis.

The Schengen Evaluation Mechanisms (SCHEVAL) can be divided into three generations based on how the organisation of implementation, forms of control, training of enforcement staff, the reporting system and the consequences of the evaluation reports have evolved. The first generation includes evaluations carried out before 2013, for which a Standing Committee was set up to carry out evaluations, which empowered teams of experts to carry out on-the-spot Schengen inspections in the framework of evaluation programmes. The legal basis for this was the decision of 16 September 1998 to set up a Standing Committee to evaluate

and monitor the implementation of Schengen. Subsequently, Regulation (EU) No 1053/2013 governed the Schengen evaluations, establishing their main forms and system. Council Regulation (EU) No 2022/922 of 9 June 2022 on the establishment and operation of an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing Regulation (EU) No 1053/2013 was adopted as the third-generation evaluation and monitoring mechanism. Although the Regulation entered into force on 1 November 2022, the new type of Schengen evaluations will be applied, planned, organised and implemented from 1 February 2023.

The current regulation will enhance the strategic nature of the mechanism and ensure a more proportionate and strategic use of the different evaluation and monitoring tools. It moves away from 'compliance' evaluations based on fragmented policy areas and thus provides comprehensive assessments of the overall performance of Member States. The new mechanism will focus on the effective implementation of the Schengen acquis, which is particularly important in the implementation of on-site visits. Procedures have been shortened and simplified to make the process more efficient. Strengthening the respect of fundamental rights in the Schengen framework and implementation of the evaluation of the Schengen acquis. Optimising the involvement of Member States' experts and cooperation with the Union. More targeted, strategic and personalised evaluations of EU bodies, offices and agencies and synergies with other evaluation and monitoring mechanisms. (Balla et al. 2024)

SCHEVAL in practice

One of the most important areas of security in the European Union is the professional, secure and consistent implementation of border controls in accordance with the relevant legislation. In order to be able to say at EU level that the internal security, public order and the sense of security of the citizens of the Member States are adequate, effective measures must be put in place and implemented.

Why do we highlight borders and their control when we talk about the internal security of Member States? The answer is not only simple, but also very complex. Everything that affects the security of Member States is directly or indirectly linked to borders. Migration, cross-border organised crime, drug and arms trafficking and terrorism are all linked to border control.

If we step outside the concept of security, although it still indirectly includes the management of legal migration, the implementation of border checks, the verification of documents with identification of persons, the control of visa requirements and the enforcement of visa procedures and visa issuing rules are also linked to borders. The control of the economy, transport and trade activities involving several Member States, and the enforcement of customs rules at external borders are also part of border control. The responsibility of transport companies for the carriage of passengers, compliance with Community rules on the carriage of goods by road are also linked to border controls. It can be seen that some aspect of society, the economy and trade is directly or indirectly linked to border control.

The Schengen evaluation and monitoring mechanism has two main types. One of these types is the control and evaluation of those Member States that are prepared and candidates to become Schengen Member States in the future. The other type is the set of Member States that are already members and apply the Schengen standards but need to return from time to time and assess whether these Member States are consistently complying with these border control standards.

One might ask why the Schengen control and monitoring mechanism is needed at all. The introductory part of this chapter shows the wide range of border-related activities and the significant impact that all such activities have on the internal security of borders, especially, of course, the external borders and the Member States of the European Union. If all the Member States carry out their activities consistently and in accordance with Schengen standards, it can be said that the Schengen area is safe and that the people living there feel safe. However, experience has shown that there is a significant discrepancy between the checks carried out at the external borders of the Member States, so that security is not always guaranteed and the external borders of the Member States are not always checked in tier 3 of the four-tier border control model. What do we mean by this? What we mean is that if a Member State does not have sufficient manpower to carry out border surveillance or border checks, this screening is already somewhat compromised. If a Member State has adequate staff, but they are not qualified, trained, knowledgeable or able to analyse the information given to them and draw the right conclusions, they cannot be expected

to make professionally sound decisions. Once again, the security of the external borders is compromised. Continuing the line, let us look at the technical means. If the Member States acquire the appropriate technical equipment from funds provided by the European Union and train their own staff to use it, they can - of course, if the equipment is acquired for the purpose - ensure that the external border is properly controlled. If, however, the technical equipment acquired is not used or cannot be used, or is not at all suitable for targeted control, then once again the security of the Member States of the European Union is called into question.

The purpose of the Schengen control is therefore to establish in practice whether the Member State has the staff, forces and means to carry out the tasks, whether the staff are suitably qualified to carry out these border control tasks, whether the technical means used are effective for the effective implementation of border control and whether the procedures generated by border control comply with the standards of the Schengen acquis. The aim is not that all Member States should have the same organisation with the same number of staff and the same technical means, but that the professional response to the risks should be guaranteed by the organisation and measures put in place in the Member State and the technical means available.

In practice, Schengen control consists of 3 main parts. In the first stage, a set of questions containing the basic questions formulated by the Committee for all actors and elements of the European integrated border management is made available to a selected and trained team of experts. In the

second stage, after having studied the set of questions, the selected experts carry out on-the-spot visits to verify the extent to which the answers provided by the Member States are translated into the implementation of the practical tasks. At the end of the on-site visit, a preliminary draft report will be prepared, which will form the basis for the third stage, when a report on the Member State will be drawn up and submitted to the specific institutions of the European Union. These three stages are not the end of a Schengen evaluation, because a follow-up method has been developed, which means that the Member State concerned must draw up an action plan in response to the recommendations and shortcomings contained in the report and implement the tasks set out in the plan. A new provision in the EU Regulation 2022 is that such action plans can also be followed up by monitoring visits and repeated on-site visits.

Experts participating in the on-site visits are professionals with professional experience, who are knowledgeable in the area being audited, have appropriate training and are familiar with the human management economic technological and procedural issues that are being monitored.

An on-site visit is carried out as follows. The on-site committee receives basic information from liaison officers who know the Member State well, from an expert contracted by the Fundamental Rights Agency and from the experience of previous inspection reports. The on-the-spot committee is further subdivided into sub-groups according to the areas of expertise to be checked. In this way,

the full spectrum of border control is covered, from technical activities to the implementation of horizontal elements.

The Member State evaluated provides further detailed information in the form of a presentation to the experts on the spot at central, regional and local level. At all levels, the experts interview the staff working there and observe the implementation of their activities. They regularly conduct situational assessments, which involve presenting real-life scenarios to border control staff and evaluating the accuracy of their responses, the implementation of planned measures, the effectiveness of technical tools, and the efficiency of procedures. During the on-site visits, the answers to the series of questions are compared and the extent to which border control is being carried out is established from the available statistical data. Where border-related infringements are detected, conclusions are drawn on the effectiveness of the staff at the external border in carrying out their tasks. For example, in the area of border traffic control, the volume of border traffic is compared with the detected infringements, the refusals of entry and the sanctions applied.

There are three ways of assessing the professional activity checked. They may decide that the activity complies with the Schengen rules and that no further action is required. They may conclude that the inspection partially meets Schengen requirements and thus make recommendations to improve its effectiveness. In cases where the Member State concerned does not carry out border control tasks or carries them out in a way that is completely contrary to Schengen

standards, they will conclude that the activity is inadequate. In the latter case, proposals are also made on the measures to be taken by the Member State to ensure that border control is carried out in a secure and compliant manner. The aim of the Schengen audit is also to collect and highlight the positive aspects and thus seek to identify best practices for each Member State. By identifying these best practices and sharing them at Member State level, the Schengen Evaluation Committee seeks to ensure that the best and most effective methods and tools are used to tackle border-related offences at all external borders.

In the following section, I will use practical examples to illustrate the extent to which border control shortcomings affect the internal security of the European Union and thus of the Member States. Given that the reports on the control of each Member State are not publicly available to the EU Commission and the Member State concerned, and I will not name the Member States, I will describe in general terms the weaknesses encountered in each area, which are both a serious risk and a security challenge for the control of external borders.

Generally speaking, most Member States have shortcomings in terms of staffing. This is particularly the case in the area of border control. The problem is not necessarily the number of staff available - although this is what generates all the others - but the lack of preparedness, training, professional experience, practice and routine. According to the provisions of the Schengen Borders Code, "*Member States shall deploy sufficient staff and sufficient means to carry out checks at external borders in*

accordance with Articles 7 to 14 in such a way as to ensure an efficient, uniform and high level of control." (Official Journal of the European Union, L 77/1, 2016)

The quoted text is short, but it carries a significant risk. The lack of adequate staffing does not guarantee the continuity of border crossings, nor does it guarantee the implementation of border surveillance activities. Several Member States are trying to make up the shortage of staff quickly, without any preconditions or expectations. However, they are not trained, they are not able to identify dangerous situations, to detect persons they should be dealing with or they are at the front line of border control to prevent the entry of persons posing a risk. There are Member States where these '*civilian*', quickly recruited police officers wear neither uniforms nor equipment and have only minimal training. In practice, the checks they carry out at external borders consist of entering the documents they have handed over into a system⁴ and, if the system does not indicate a hit, carrying out the crossing. In such cases, the verification of the authenticity and validity of documents is reduced to a minimum, not to mention the fact that the persons subject to entry checks are interviewed at no or very low level, which does not allow the person carrying out the checks to develop any suspicions.

What threat does this pose to our internal security? It allows the travel and free movement of people who may in some way threaten security, be linked to criminal or terrorist organisations or be individual

4 National border control systems that consult with European data bases in order to prevent entry of the wanted or other persons.

perpetrators for one reason or another. This risk could be reduced by ensuring that the number and qualifications of staff carrying out border checks at the external borders are sufficient. Even then, it would not be possible to fully detect future offenders, but the security risk could be significantly reduced.

Closely related to staff is the failure to use the technical means at their disposal to check the authenticity of documents. There are two reasons for this. On the one hand, it has been observed on several occasions that they are not even aware of the correct use of the equipment and the security features of the documents, so that even if the person carrying out the checks were to check them in every case with the technical equipment, he or she would not be able to detect those crossing the border with forged or falsified documents. On the other hand, border traffic is increasing to such an extent that waiting times must be reduced, to the detriment of security, and passengers must be able to cross border crossing points as quickly as possible. The latter is in stark contrast to guaranteeing the security of Member States, even the Schengen Borders Code cited above allows for the possibility of introducing relaxation (Official Journal of the European Union, L 77/1, 2016) to avoid undesirable congestion. In both cases, the consequence is the same: people who, possibly having committed previous offences, or who are otherwise banned or deprived of their freedom to travel, do not have original and valid documents, but who can use technology to use false, forged or false-identity documents.

This type of risk can also be detected by using well-trained staff. Nowadays, automation and systems that perform automatic checks are of considerable help. European legislation is also seeking to place greater emphasis on automated checks by finding identification points that filter out a higher percentage of persons posing a threat. Facial identification and fingerprinting already provide greater security for the third stage of border control.

The next observation concerns the use of border crossing stamps. During the on-the-spot visits to some Member States, it was noted that border crossing stamps were not being used regularly. There were Member States that simply did not have a sufficient number of stamps available and Member States that allowed several third-country nationals to pass through automatic control gates at their airport without the border guard stamping the passports. Why is it important to stamp the passports of third-country nationals with a border crossing stamp? The simple explanation would be that the Schengen Borders Code provides for a stay of 90 days in the territory of the Member States in any 180-day period without a specific authorisation (visa, residence permit, etc.). However, for the purposes of this short study, from a security point of view, it is of paramount importance that the movements of persons crossing the external borders can be monitored and their presence checked by the police officers on duty in any Member State. In 2017, the European Union adopted the above-mentioned Regulation on the European Border Registration System. Under this Regulation, the time of stay, entry and exit of persons

crossing the external border will be digitally recorded and stored in a database. The implementation of this regulation has been postponed several times for various reasons, but at the time of writing it is expected that Member States will start implementation on 1 October 2025 with a six-month phase-in period. Schengen on-the-spot checks have also been carried out recently to check the level of preparedness for this Regulation. All Member States have carried out the theoretical preparations and have tried to ensure that as many technical conditions as possible are in place by the time the Regulation is implemented so as not to cause any significant disruption to border checks.

The issue of risk analysis and risk assessment is also a constant theme in Schengen evaluations and on-site visits. Based on more than ten years of experience, it can now be said that Member States have put a strong emphasis on the implementation of risk assessments and have increasingly prioritised analytical and evaluation work. The rationale behind this is that the implementation of risk analysis, with threat, vulnerability and impact as the main components, is essential for the implementation of effective border control. It is the combination of these three components that can be used to infer the magnitude of the risk of a phenomenon. Threat is defined as the force or pressure on the external border section, determined by its magnitude and probability. Vulnerability in this sense can be defined as the capacity of the system whose task it is to mitigate the threat, yet impact can be defined as the possible consequences of the threat (Frontex, 2021). At European level, the border analysis and assessment function

are carried out by Frontex in close contact with the specialised bodies and personnel of the Member States. Experience has shown that this work is very intense and thorough between the Member States' services involved in border control, which poses the problem that the results are not always shared with the enforcement services. Dissemination is of particular importance because it is precisely at the first and second line that the results of risk assessment activities need to be known and the products produced by those carrying them out need to be used and known. Frontex produces a great many of these products, which raise awareness of the risks and help to detect them during checks on persons, thereby helping to guarantee the security of the Member States. In a 2017 publication, it details risk profiles related to human trafficking. In addition to general characteristics, the publication also details the characteristics of sexual exploitation, trafficking for slave labour, child trafficking and trafficking in human beings, and provides guidance on the nationality of the most common victims. (Frontex, 2017) Another such publication includes information on the travel of foreign terrorist fighters in order to support controls at external borders and within Member States. This publication includes European Member States at risk, terrorist targets, motivations, characteristics of terrorist organisations, countries of origin and training, and assistance on how to identify these traits during border controls. The level of analysis is such that, in a possible thorough check, it even provides a visual representation of the signs of bruising from combat, thus increasing the susceptibility of border control officers

(Frontex, 2016). Further examples could be given, but it is more important that the person carrying out the checks is aware of and able to apply the information contained in these publications.

Finally, I would like to give an example that is instructive not only because it is not properly applied in border control, but also because it is a bad example of how, despite the efforts of the European Union, Member States sometimes do not even use the technical equipment that they have already paid for, even for the purpose for which they have purchased it. During several on-site visits, we observed that the high-tech equipment purchased (e.g. mobile, vehicle-mounted X-ray equipment), although acquired through lengthy tendering procedures, is stored in warehouses and garages without being used by the Member State for external border control. This is not only detrimental because some of these devices are quite expensive, but also because their acquisition and deployment were even justified for the territory in question in order to carry out secure border control.

The Schengen Control and Monitoring Committee's mission is therefore to detect and identify such anomalies and to encourage Member States to carry out checks at the external borders as efficiently as possible with the staff, training and technical means available.

Conclusions

With the development of Schengen ideals and free movement, the security challenges in the European Union have undeniably increased. However, despite this, the four areas of free movement and its extension to all EU citizens still offer proportionately more advantages, especially as everything is now in place to guarantee this freedom that has been achieved over many decades. We are able, both technically and in terms of human resources, to assess the threats to security and take the necessary measures to prevent them.

Checks at external borders are a priority and it is vital to strengthen and maintain this activity. However, it is not only external border controls that are needed to combat threats to the Member States of the European Union. The four-tier control model (Frontex, TOS EIBM, 2023-2027) already developed and the effective application of the European integrated border management system could be a solution to guarantee security.

In 2017, the European Parliament's research service already addressed global challenges in its prognosis (EP Global Trends Unit, 2017) and produced a forecast detailing the geopolitical challenges in a multipolar world, with the United States, Europe and China as the leading economic players. A major change in this political system has taken place, or is taking place, with Russia's war against Ukraine and the new political and economic direction of the United States. In addition to the political situation, there are also significant threats from smaller proxy wars, armed conflicts and conflicts involving larger countries (India - Pakistan).

There has been significant development in some areas of the economy, technology and trade. Artificial intelligence, the ability of self-driving vehicles, the acceleration of data transfer and communication enabled by IT tools have a significant impact on security risks and have the potential to help meet the challenges. On the other hand, climate change, water and food shortages will further complicate the situation in countries that are already struggling to maintain their economies and secure their livelihoods. The latter will continue to exert pressure on migration, which will be a priority to be managed, and strict controls at external borders will need to be maintained.

Organised and individual terrorist acts will continue to be present, which require the securing of resources from other criminal activities to sustain them, so there is a significant interconnection between cross-border crime, trafficking in human beings, smuggling of human beings, drugs and arms trafficking.

To address these challenges, the legislative process on borders and law enforcement has also started in 2017. Within the framework provided by the legislation, the analysis-evaluation and proper use of the information available to the authorities in the future could provide sufficient security to prevent illegal activities.

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The Bilingual and Intercultural Border Schools Project (PEBIF) as a Strategy for Linguistic Integration and Cross-Border Cooperation: An Example of Educational Action between Northern Portugal and Galicia

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Abstract

This article analyses the experience of the Bilingual and Intercultural Border Schools Programme (PEBIF) as a policy for linguistic integration and cross-border cooperation, situated on the border between Northern Portugal and Galicia. It discusses its contributions to promoting plurilingualism, interculturality, and cross-border citizenship. Based on a qualitative approach—combining participant observation, interviews with teachers, and document analysis—the study describes collaborative pedagogical practices developed between mirror schools in Salvaterra de Miño (Galicia) and Monção (Portugal). By understanding border regions not merely as geopolitical boundaries, but as territories traversed by flows, tensions, and social ties, the article helps fill an empirical gap in studies on European integration by giving visibility to the voices and concrete actions of teachers who, in their daily school routines, implement strategies of intercomprehension and appreciation of local languages. The analysis proposes a critical reflection on the factors that foster or hinder cross-border integration, highlighting the role of language policies, identity pressures, and regional authorities in constructing a plurilingual education that is sensitive to border realities and to the individuals who inhabit them.

Keywords: PEBIF, language policy, cross-border cooperation, plurilingualism, intercomprehension

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Introduction

*“Realmente creo que la educación debería romper esas [barreras mentales y sociales]. Podemos hacer más que simplemente ir allí, usar la piscina, volver, secarnos y no interactuar con los niños. Y decir ‘Ah, me hablan en portugués, no entiendo’, o ‘no podemos comunicarnos’. Entonces, esa parte social. Vamos allí, pero no hay un vínculo social, y al final estamos muy cerca. Muy, muy cerca. Es una frontera extremadamente próxima.”*² (Statement by a participating teacher)

The testimony of a teacher from Salvaterra do Minho, Spain, interviewed within the scope of the Bilingual and Intercultural Border Schools Programme (PEBIF), reveals the persistence of what she refers to as ‘mental barriers’ between the residents of Salvaterra and Monção, Portugal—two towns that, although they form a Eurocity and share services and formal cooperation policies, still face challenges in building social and cultural ties. This perception expresses the paradox of border regions in the European Union: despite geographical proximity, everyday circulation, and institutional cooperation frameworks, symbolic, affective, and historical divisions persist, complicating integration.

In recent decades, border regions have increasingly been understood not merely as fixed lines delimiting state sovereignties, but

as concrete, multiple, and dynamic cross-border zones and regions, characterised by economic, social, cultural, and political heterogeneity. This shift in perspective has fostered the development of a polyphonic approach to borders, recognising them as spaces of flows and exchanges as well as territories of control, symbolic negotiation, and identity construction (Anzaldúa, 2012; Grimson, 2000; Zárata, 2008). Various lines of analysis have converged in this discussion: the circulation of people and goods, security and control policies, social imaginaries and symbolic representations of borders as marginal or dangerous places, historical territorial tensions, processes of local integration, the emergence of cross-border cultures and sociabilities, among others (Albuquerque, 2018; Balibar, 2005; Cardin, 2012).

Faced with this complexity, European Union institutions have promoted the notion that such regions function as ‘living laboratories’ of European integration (European Commission, 2021), i.e., privileged spaces for experimenting with policies and solutions aimed at territorial cohesion and European citizenship. In this context, cross-border integration is conceived as a multidimensional process—political, economic, social, and cultural—through which citizens’ practices and expectations begin to align around new forms of shared governance and common institutions (Kramsch & Hooper, 2004; Setti, 2024). Education stands out in this scenario as a strategic vector for

2 Translation from Spanish by the authors: “I truly believe that education should break down those [mental and social barriers]. We can do more than simply go there, use the pool, return, dry ourselves, and not interact with the children. And say ‘Ah, they speak to me in Portuguese, I don’t understand’, or ‘we cannot communicate’. So, there is that social part. We go there, but there is no social connection, and in the end, we are very close. Very, very close. It is an extremely nearby border”

transformation, capable of promoting mutual recognition, plurilingualism, and intercultural coexistence in territories historically marked by separations.

The dimensions highlighted here do not exhaust the diversity of contemporary research, nor should they be seen as isolated approaches. It is within this horizon of integrated perspectives that the Bilingual and Intercultural Border Schools Project (PEBIF) is situated. Coordinated by the Organization of Ibero-American States (OEI), in partnership with the Ministries of Education of Portugal and Spain, and with scientific coordination by the University of Aveiro and the Complutense University of Madrid, the programme has, since 2021, strengthened cross-border cooperation through the creation of school networks organised into pairs of 'mirror schools', currently involving 48 schools—25 in Portugal and 23 in Spain (OEI, 2025). These schools develop joint curricular projects with a bilingual and intercultural focus. The methodology adopted is that of action research, understood as a form of teacher-led research (Rosiek & Atkinson, 2005, p. 422; Thiollent, 1998), directly involving the participating teachers and combining teacher education, co-production of learning projects, and active engagement from schools and communities.

As a cross-border education policy, PEBIF operates directly along the Portugal-Spain border (the *Raia*³), mobilizing diverse linguistic repertoires—such as European Portuguese, Castilian, Galician, Mirandese, Brazilian Portuguese, and other heritage languages—through

a critical and glottopolitical approach. Its pillars—bi/plurilingualism, interculturality, and intercomprehension—guide a situated pedagogy that recognises students' languages as cultural mediation resources and promotes practices of listening, recognition, and appreciation of differences. Thus, the project moves away from normative models, proposing the construction of more open, democratic school spaces that are responsive to local realities.

The initiative is directly aligned with the Common Strategy for Cross-Border Development (Governo da Espanha & Governo de Portugal, 2020), particularly in the areas involving joint management of education, cultural appreciation, and social cohesion in regions affected by depopulation and ageing. More than a language policy, PEBIF may be understood as a proposal for sustainable regional development, with schools as key agents of transformation and citizenship.

This article aims to analyse the Bilingual and Intercultural Border Schools Programme (PEBIF) as a catalyst in building integration in border territories, by fostering direct connections between schools, teachers, students, families, and local communities—often at the margins of central state bodies or European institutions. Focusing on the collaborative practices developed between two mirror schools in Galicia and Portugal, the article examines how shared educational action can trigger symbolic and emotional transformations.

3 The Portugal-Spain border, known by the epithet *A Raia* (in Spanish: *La Raya*), is the line that divides the territories of the Portuguese Republic and the Kingdom of Spain.

More concretely, based on the case study of the project 'Poetry at the Border', we seek to understand how situated pedagogical practices—built through the engagement of teachers, students, and communities—can help overcome symbolic barriers and contribute to strengthening a still-contested cross-border citizenship. By giving visibility to these experiences, this work seeks to contribute to debates on the role of schools as catalysts of bonds, belonging, and shared learning, sensitive to the languages and individuals who inhabit these border spaces.

Cross-Border Cooperation and Integration between Portugal and Spain

Since its inception, the European integration project has sought to articulate unity and diversity among Member States by promoting territorial cohesion that transcends national borders. However, in border regions, this ideal finds both its most privileged laboratories and its most evident contradictions. The border between Portugal and Spain represents a paradigmatic case of this process. Historically marked by dynamics of separation and asymmetry, the region has, in recent decades, been reconfigured as a space of encounter and collaboration. Scholars from various disciplines—from political geography to border sociology—have examined the emergence of cross-border governance arrangements, often driven by subnational actors such as municipalities, which aim to respond to the concrete demands of local populations, not always addressed by supranational structures.

An emblematic example of this reconfiguration is the establishment of the Eurocity Monção (Portugal) – Salvaterra de Miño (Galicia), which formalises cooperation between the two municipalities and adopts joint strategies for territorial development (Jurado-Almonte et al. 2020; Perkmann, 2003). Nevertheless, the effectiveness of such mechanisms depends on multiple factors—including the capacity to overcome legal, administrative, and symbolic barriers that persist even in contexts of geographical proximity. The Eurocity, like other similar initiatives, reveals both the potential and the limits of integration when not accompanied by structuring policies that recognise differences and promote territorial and linguistic justice.

The concept of 'cross-border cooperation', as defined by De Sousa (2013, p. 673), refers to "any kind of concerted action between public and/or private institutions from the border regions of two (or more) States [...] with the aim of strengthening good neighbourly relations, solving common problems or jointly managing resources between communities through any available cooperation mechanism." Perkmann (2003, p. 156) describes such practices as more or less institutionalised forms of collaboration between contiguous subnational authorities, organised into arrangements not necessarily based on intense trade exchange, but rather on low-intensity local political dynamics involving public, private, and third sector institutions in coordinated problem-solving schemes. Such initiatives, as shown by Setti (2024) and Jurado-Almonte, Pazos-García & Castanho (2020), result from a combination of factors such as linguistic

proximity, cultural affinities, local political leadership, and above all, the existence of institutional support frameworks—such as the Interreg programmes⁴ and the European Groupings of Territorial Cooperation⁵ (EGTCs), regulated by the European Union in 2006 and advanced in the Iberian context following the Valencia Treaty (2002). The creation of Eurocities such as Chaves–Verín and Monção–Salvaterra exemplifies the consolidation of these arrangements, operating as local platforms of multi-level governance aimed at the joint management of public services, mobility, tourism, and sustainable development in the cross-border space.

Nonetheless, the implementation of these cooperation principles in border territories still faces challenges. As Bourdieu (1996) argues, the political border not only reflects but also produces cultural and linguistic differences, functioning as a structuring principle of symbolic distinctions between groups. In a similar line, Calvet (2007) asserts that state borders reconfigure linguistic ecosystems, altering their internal balances and the systems of forces governing the circulation and prestige of languages. The relationship between Galician and Portuguese exemplifies this phenomenon: despite sharing a common origin, the political separation between Galicia and Portugal has contributed to distinct normative and ideological trajectories, feeding perceptions of strangeness between two neighbouring—and largely

intercomprehensible—languages, as noted in the teacher’s statement at the start of this article, when reflecting on the social and communicative barriers still present in interactions between students on both sides of the border.

Despite these symbolic and institutional barriers, experiences such as that of the Monção–Salvaterra de Miño Eurocity demonstrate the potential of local initiatives in promoting practices of cultural and social reconnection. Formalised in 2013, this partnership between the border municipalities consolidates a rapprochement process initiated with the construction of the International Bridge over the River Minho in 1995—a physical and symbolic milestone in overcoming previous circulation difficulties. Since then, the Eurocity has promoted integrated actions in the fields of culture, tourism, sport, entrepreneurship, and the sharing of public facilities (Jurado-Almonte et al. 2020).

These local practices align with the objectives of the Common Strategy for Cross-Border Development⁶ (ECDT), signed in 2020 by the governments of Portugal and Spain. The ECDT outlines a long-term vision for the revitalisation of border zones, proposing five lines of intervention: (1) mobility and elimination of administrative barriers; (2) physical and digital infrastructure; (3) joint management of basic services; (4) economic

4 Information available at: <https://interreg.eu/>.

5 Information available at: [European groupings of territorial cooperation \(EGTCs\) | Fact Sheets on the European Union | European Parliament](#)

6 The ECDT document can be found: <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3d%3dBQAAAB%2bLCAAAAAABAAzNDAsAAAxYnqfQUAAAA%3d>

development and innovation; and (5) environmental sustainability, culture, and shared identity.

In the field of education, the ECDT recognises schools as central pillars in building cross-border citizenship. It proposes the creation of bilingual and intercultural school networks, the development of joint curricular projects, the joint training of teachers, and the appreciation of local and heritage languages. These directives are materialised in the Bilingual and Intercultural Border Schools Programme (PEBIF), which will be analysed in the following section. The Galician Border Schools Network, established by a resolution in February 2024 (Dirección Xeral de Ordenación e Innovación Educativa, 2024), is another example of this strategic alignment. It represents an advance in the institutionalization of pilot experiences that promote student and teacher mobility, the co-production of teaching resources, and the recognition of local languages as elements of identity, social cohesion, and cross-border citizenship.

In summary, cross-border cooperation between Portugal and Spain—especially between Galicia and Northern Portugal—should be understood as an unfinished and contested process, driven by a complex combination of policies and local agendas. On the one hand, this cooperation points to more inclusive and plural forms of integration; on the other, it reveals the limits of decentralised action in the face of state structures and the normative rigidity of the European Union. Furthermore, it is important to recognise that many of the most significant integration processes do

not occur solely through institutional or programmatic channels, but emerge from the daily practices of people who live their lives across borders—families that circulate on both sides, cross-border workers, local traders, and students who cross linguistic, cultural, and political borders every day.

These ways of life, often invisible to official policies, generate silent yet powerful forms of cooperation that reshape the meanings of belonging, mobility, and language use. It is precisely at this point—where integration is manifested in daily life, not merely through formal mechanisms—that this article seeks to focus. By giving visibility to the concrete actions of teachers who, in border schools, implement strategies of intercomprehension and appreciation of local languages, we illuminate their transgressive and transformative power.

PEBIF as a Cross-Border Education Policy

The Bilingual and Intercultural Border Schools Programme (PEBIF) is a public policy initiative within the framework of Iberian cooperation, aimed at promoting plurilingualism, interculturality, and European citizenship in border contexts. Developed since 2021 through collaboration between the Ministries of Education of Portugal and Spain, the programme is coordinated by the Organization of Ibero-American States (OEI), with scientific support from the University of Aveiro and the Complutense University of Madrid, and with active participation of regional and municipal administrations (OEI, 2025).

Inspired by the experiences of the Bilingual Intercultural Border Schools Programme (PEIBF), conducted from 2005 to 2016 along Brazil's borders with Mercosur countries (Oliveira & Morello, 2019), the European PEBIF recognises the school as a space for social, cultural, and linguistic mediation. The project

is implemented through the formation of mirror schools—cross-border pairs composed of one Portuguese and one Spanish school—that collaboratively develop integrated pedagogical projects. In 2024, the programme brought together 48 schools (Figure 1): 25 in Portugal and 23 in Spain (OEI, 2025).

Figure 1. Network of participating schools.



Source: *Organização de Estados Ibero-Americanos – OEI*. <https://oei.int/pt/escritorios/secretaria-geral/programa/escolas-de-fronteira-portugal-espanha/> (OEI, 2025)

This territorial arrangement allows the programme to act as a catalyst for decentralised cooperation, promoting coordination between schools and local communities in regions where symbolic, emotional, and regulatory barriers still persist. As acknowledged by the OEI, PEBIF is embedded in a culture of cooperation that seeks to foster the educational, social, and economic development of border territories through linguistic diversity and the recognition of the Other as a constitutive part of the cross-border community (OEI, 2025).

At the same time, PEBIF responds to a social demand that goes beyond the institutional management of European funds. According to OEI, cross-border education promoted by the project must be socially driven—that is, rooted in the experiences, needs, and potential of local communities (OEI, 2025). In this regard, the programme acts as a bridge between the normative frameworks of European integration and the everyday realities of schools along the Iberian border.

PEBIF's development is organised in four main phases, structuring its operational logic as described by Matesanz del Barrio, Ferreira & Araújo e Sá (2023):

1. Identification and mobilization of schools: selection of participating schools and constitution of mirror school pairs, based on geographical proximity and mutual interest in developing joint pedagogical projects.
2. Continuous teacher education: educators engage in structured training around three axes—plurilingualism, intercomprehension, and interculturality—through in-person sessions, live online meetings, and asynchronous activities. This phase is essential to establish a shared theoretical-methodological foundation.
3. Development and implementation of educational projects: mirror schools conduct joint pedagogical activities such as producing bilingual materials, poetry workshops, school assemblies, cultural tours, linguistic biographies, and community listening initiatives.
4. Systematization, evaluation, and dissemination: outcomes are documented, shared, and evaluated across the network, supporting a culture of pedagogical innovation and promoting practices that can be replicated in other border contexts.

The pedagogical proposal of PEBIF is guided by three fundamental pillars: bi/plurilingualism, interculturality, and intercomprehension—articulated through a critical approach (Matesanz del Barrio, Ferreira & Araújo e Sá, 2023; Ulhôa & Araújo e Sá, 2024). More than teaching the language of the other, the programme

promotes the recognition and mobilization of linguistic repertoires present in school communities as both educational and affective resources.

This pedagogical approach reflects a conception of cross-border education rooted in the principles of the Common Strategy for Cross-Border Development (Governo de Portugal & Governo da Espanha, 2020) and in the valorization of local languages and cultures as essential resources for integration and regional development. By recognising the schools along the Iberian border as spaces for social transformation, PEBIF promotes plurilingualism and intercultural dialogue as structuring axes of an educational practice anchored in the recognition of diversity and in the overcoming of symbolic boundaries (Matesanz del Barrio, Ferreira & Araújo e Sá, 2023).

In this context, interculturality is not conceived as a static objective, but as a dialogic and relational process through which teachers and students co-construct meanings, knowledge, and practices in contact with the other. This approach allows them to learn not only about but also with the other, reframing their linguistic and cultural identities through encounters with diversity (Lourenço-Simões, Araújo e Sá & Matesanz del Barrio, 2025). Far from being instrumentalised as a policy of assimilation or control, interculturality in PEBIF is lived as an everyday experience, permeating school relationships, didactic projects, and formative exchanges—both in-person and virtual—among participating schools. This approach fosters active listening, co-authorship of knowledge, and the re-signification of linguistic and cultural

identities, aligning with the notion of the 'third space' (Bhabha, 1994), in which differences are not erased but reconfigured as creative potentials.

The project's bi/plurilingual perspective is based on the idea that languages in contact in border regions do not merely coexist but are interwoven in dynamic practices that are often rendered invisible by traditional curricula (Matesanz del Barrio, Ferreira & Araújo e Sá, 2023). In PEBIF, plurilingualism is understood as a repertoire of constantly mobilised linguistic resources—including Portuguese, Spanish, regional varieties, and migrant languages—whose valorization is essential for the development of contextualised and inclusive pedagogical practices. In this sense, plurilingualism goes beyond the logic of the 'second language' and asserts itself as a pedagogical and social competence, essential for active citizenship in multilingual contexts (Council of Europe, 2020).

More than teaching or learning the neighbouring country's language, the project encourages awareness of the languages present through meaningful oral and written experiences shared between Portuguese and Spanish mirror schools. These experiences reinforce students' linguistic awareness, intercultural communicative competence, and intercomprehension (Araújo e Sá, 2019).

Intercomprehension stands out as one of the programme's fundamental pillars, particularly relevant in border contexts between typologically related languages such as Portuguese and Spanish. Unlike approaches based on language substitution or normative L2 teaching,

intercomprehension values the use of the mother tongue as a starting point for understanding the other. It privileges intuitive, cognitive, and pragmatic strategies that promote communicative autonomy (Araújo e Sá, 2019; Escudé & Olmo, 2019; Matesanz del Barrio, 2017). In the PEBIF, intercomprehension is experienced in real exchange situations, in which pupils express themselves in their own language and learn to listen to the other's, activating their plurilingual and intercultural competences in a situated and relational way (Matesanz del Barrio, Ferreira & Araújo e Sá, 2023).

This approach fosters the development of multiple dimensions of plurilingual and intercultural communicative competence: the cognitive (understanding and interpreting discourse), the strategic (using linguistic and extralinguistic cues), the socio-relational (valuing otherness and empathy), and the instrumental (using tools to mediate communication) (Council of Europe, 2020). More than a teaching method, intercomprehension within the PEBIF constitutes an ethical-political horizon of coexistence, anchored in the idea that language can be a bridge rather than a barrier (Matesanz del Barrio, Ferreira & Araújo e Sá, 2023).

In a European context marked by political uncertainties, territorial reconfigurations, and challenges to mobility — such as those observed during the COVID-19 pandemic, restrictions to the Schengen Area, and migratory tensions — the PEBIF reaffirms the centrality of education as a space of resistance, solidarity, and innovation. By reinforcing the idea that there is more that unites us than separates us (OEI, 2025), the PEBIF

transforms the border into a place of encounter, where the plurality of languages and cultures is experienced as a strength rather than an obstacle. In this way, teachers and pupils become protagonists of a formative process that, while breaking with homogeneous models of schooling, points towards the construction of a more just, critical, and plural cross-border education.

Methodology

This study adopts a qualitative approach with ethnographic inspiration, focusing on the practices and perceptions of teachers involved in the PEBIF (Merriam, 2002). The empirical field is centred on the experience of the project 'Poetry at the Border', carried out between 2024 and 2025 by two mirror schools located in the north of Portugal and in Galicia.

The following data collection instruments were used:

- Participant observation during training sessions, meetings and inter-school activities;
- A focus group with teachers from both schools, held in person in 2025 and lasting approximately one and a half hours;
- Document analysis of pedagogical plans, materials produced by pupils and institutional records.

The interviews, conducted in Galician, Portuguese and Spanish, were fully transcribed with close attention to preserving the linguistic features and distinctive expressions of each context, ensuring fidelity to the participants' voices. Participating teachers signed an Informed

Consent Form, in line with ethical principles of research involving human subjects, guaranteeing privacy, anonymity and voluntary participation, and validated the transcriptions.

To ensure interpretive validity, methodological triangulation was employed, combining various data sources (interviews, observations, school documents) and perspectives (teachers, institutional records, field diary). The field diary, kept by the researcher throughout the fieldwork, served as a reflective and contextualizing resource, allowing the contrast of impressions, the observation of analytical silences and a deeper understanding of the meanings participants attributed to educational practices in border contexts.

The school in Salvaterra de Miño (Galicia) serves approximately 453 pupils across Early Years and Primary education, with a significant presence of pupils with family ties to Portuguese speakers. It adopts a plurilingual approach, integrating Galician, Spanish and English.

Across the Minho river, the Portuguese school, located in the district of Viana do Castelo, encompasses all levels of education and is marked by considerable linguistic diversity. Although European Portuguese is the language of schooling, there is a growing number of students from immigrant families, especially from Brazil, Galicia and various African countries. This creates unique opportunities for working with multilingual repertoires. The school's participation in the PEBIF has therefore consolidated pre-existing practices of intercultural and multilingual education in both schools.

Separated by just 2.5 km and connected by the International Bridge, the two schools share not only geographical proximity, but also a long history of exchanges of various kinds, including commercial and cultural. Their partnership reconfigures the geography of the border as a space for dialogue and educational cooperation, reaffirming the school as a place of encounter, listening and collective meaning-making.

Pedagogical Practices and the Construction of Bonds: The 'Poetry at the Border' Project

The 'Poetry at the Border' project constituted a cross-border educational experience designed by teachers from the mirror schools of Monção (Portugal) and Salvaterra de Miño (Galicia), within the framework of the PEBIF. It aimed to foster encounters between pupils from both sides of the Minho River, by valuing territorial proximity, cultural sharing, and the students' linguistic and emotional repertoires.

Structured around teacher education sessions and centred on collective creation, the project promoted activities geared towards intercomprehension between Portuguese and Galician, the strengthening of emotional bonds, and the recognition of linguistic diversity as a core element of conviviality and shared learning.

The first stage consisted of the elaboration of 'Linguistic Biographies' based on a fluvial metaphor: pupils represented their mother tongue as the main river, other known languages as tributaries, desired languages as lampreys, and partially understood languages as canoes (see Figure 2). This symbolic representation enabled both individual and collective reflection on pupils' linguistic repertoires and the recognition of heritage languages. The activity, inspired by the teacher education phase of the project, sought to map students' linguistic repertoires and raise awareness about their trajectories and affiliations, while valuing local and heritage languages.

Figure 2. Stages in the construction of linguistic biographies in the mirror schools.



Source: Pedagogical Project 'Poetry at the Border'. <https://escoladefronteira.blogspot.com/>

The river metaphor was used to visually represent the pupils' linguistic experience: the river signified the mother tongue; the

tributaries, other languages spoken or understood; the lampreys, languages the pupils wished to learn; and the canoes,

languages with which they were familiar but not fluent. The River Minho, which symbolically connects the two school territories, served as the central thread of the activity.

The activity revealed a remarkable degree of linguistic diversity (Galician, Spanish, European and Brazilian Portuguese, French, Arabic, Catalan, German, Basque, and English), but also exposed sociolinguistic tensions, such as the predominance of Spanish as the 'school language', even among children from Galician-speaking families. As one Galician teacher explained when referring to her own son, who was undergoing the process of schooling and participating in the project: "*Si, el falaba galego. Foi empezar a ir á escola infantil e agora fala castelán. El traduce todo (...) Eu chamo o poder dos iguais.*"⁷ (Statement by a participating teacher).

Despite the existence of an official policy to promote Galician—particularly since the Law of Linguistic Normalization of 1983⁸—and its status as the native language of Galicia, the most recent data indicate that school practices have contributed to the weakening of Galician use among the younger generations (Freixanes, 2020).

This phenomenon reveals the persistence of a historical diglossia that marginalises Galician. The teacher's statement confirms what Bourdieu (1996) described as the symbolic effect of the dominant language, which imposes its legitimacy and silences linguistic forms considered inferior. More than an individual choice, the abandonment of Galician as a primary language reflects

the power struggles inscribed within school practices (Freixanes, 2020). In this sense, the linguistic biography became not only an instrument of recognition and reflection for the pupils in Salvaterra, but also a form of denunciation—highlighting the imprint of Galician castilianization and the normative pressures imposed on emerging linguistic subjects.

Beyond the tensions between Galician and Spanish, the presence of Portuguese—both European and Brazilian—emerged as a significant element. The mapping of 40 analysed linguistic biographies revealed that only 4 pupils reported speaking Portuguese, 18 demonstrated some comprehension, and 4 expressed interest in learning it. These figures point to the ambiguous position of Portuguese within Galician schools located along the border: it is a neighbouring and mutually intelligible language, yet it is not always perceived as such, nor recognised as relevant by many pupils.

The intercomprehension between Galician, Spanish and Portuguese—which the PEBIF aims to explore pedagogically—still encounters resistance rooted in linguistic hierarchies and prejudices shaped by political separation and the asymmetrical standardisation of languages. As Xoán Lagares (2011) reminds us, Galician and Portuguese share deep historical roots, but the effects of language nationalization—marked by the imposition of Spanish as the normative standard and the marginalization of Galician—have created a symbolic border that cannot be undone solely through lexical proximity.

7 Translation from Galician by the authors: "Yes, he used to speak Galician. But once he started nursery school, he now speaks Spanish. He translates everything (...) I call it the power of peers."

8 Source: Lei 3/1983, do 15 de xuño, de normalización lingüística

The activity concluded with the creation of collective murals depicting 'linguistic rivers', which were shared between the schools and with the broader

community. This fostered the recognition of linguistic diversity as shared heritage and helped to strengthen school and family bonds (Figure 3).

Figure 3. Collective mural of linguistic biographies in the mirror schools (Salvaterra and Monção).



Source: Pedagogical Project 'Poetry at the Border'. <https://escoladefronteira.blogspot.com/>

Next, the classes were mobilised to create a collective poem inspired by the works of João Verde and Saavedra—poets whose verses pay tribute to the River Minho. Each class composed one stanza, which was then brought together into a single cross-border poem.

In the second stage of the 'Poetry at the Border' project, pupils created a bilingual collective poem inspired by texts from João Verde and Amador Saavedra. The idea stemmed from the teachers' intention to work with "*something close to the pupils of both schools*" (Statement by a participating teacher), building on cultural symbols already embedded in the territory.

The poem selected was 'Vendo-os assim tão pertinho'⁹ by João Verde, which poetically expresses the longing for union between Galicia and the Minho:

*"A Galiza mail'o Minho
São como dois namorados
Que o rio traz separados
Quasi desde o nascimento."*¹⁰

(Source: <https://concelho.moncao.pt/pt/1069/joao-verde.aspx>)

Amador Saavedra responded to this poem with verses reinforcing the idea of an inevitable union —"*with or without the parents' consent.*"

⁹ Translation from Galician by the authors: "*Seeing them so very near.*"

¹⁰ Translation from Galician by the authors: "*Galicia and Minho/ Are like two lovers/ Whom the river has kept apart/ Almost since birth.*"

This poetic duo has become a living symbol of the region, represented in murals and even in the name of the international bridge. Inspired by this legacy, each class created four-line stanzas, which were brought together to compose a bilingual

collective poem, later presented during the final joint encounter between the schools (see Figures 4 and 6). The activity embraced linguistic plurality (Galician, Portuguese and Spanish), without imposing uniformity.

Figure 4. Stages in the construction of the collective poem by the mirror schools.



Source: Pedagogical Project 'Poetry at the Border'. <https://escoladefronteira.blogspot.com/>

As one teacher from the project observed:

“Pero si que é certo que eu creo que o ano pasado, ao coller as poesías que están aí, que unen moito e que son un símbolo que hai en Salvaterra e en Monção. Se paseas por Monção, tamén están postas, e en Salvaterra tamén. Entón si que foi algo moi de unión, moi do proxecto de aquí.”¹¹

From a pedagogical standpoint, poetic creation functioned as a language of connection, allowing pupils to symbolise the border not as a line of separation,

but as a space for encounter, listening, and creation. From the perspective of language policy, this practice demonstrates the potential to build an aesthetic of intercomprehension, in which the border is not a barrier, but material for artistic expression. This collective creation, as the teacher explained, symbolically materialised the union between the two school communities and highlighted the capacity of poetry to bring closely related languages together in a shared aesthetic gesture.

Another key component of the project was the circulation of so-called ‘Travelling Backpacks’, which contained books in

11 Translation from Galician by the authors: “But it is true that I think that last year, when we worked with those poems—which are really unifying and have become a symbol both in Salvaterra and in Monção—if you walk around Monção, they’re displayed there too, and in Salvaterra as well. So it was something very unifying, very much a project rooted in this place.”

Portuguese, Spanish, and Galician. These backpacks were exchanged between the two schools and taken home by pupils, promoting family reading and bringing school and home contexts closer together through multilingualism.

The proposal involved preparing backpacks with books, school materials, and students' own productions, which

would then be exchanged among pupils from the different schools (see Figure 5). As one of the teachers explained, “*El alumnado seleccionará libros y manuales que se enviarán al centro asociado para que el alumnado del otro país conozca las similitudes entre los sistemas educativos.*”¹²

Figure 5. The Travelling Backpacks: exchange of books and learning materials.



Source: Pedagogical Project 'Poetry at the Border'. <https://escoladefronteira.blogspot.com/>

Beyond the classroom, the backpacks reached pupils' homes, encouraging moments of shared reading with families and strengthening intergenerational bonds. Contact with the materials awakened in pupils both the recognition of differences and the discovery of similarities—in books, games, and storytelling traditions, as described by one teacher, “*Houbo moita*

emoção ao descubrir que tiñan libros iguais, ou que lles gustaban os mesmos xogos. Os nenos viron que non eran tan diferentes.”¹³

With books in Portuguese, Galician and Spanish, the activity highlighted the value of linguistic plurality and intercomprehension. The backpacks acted as emotional and cultural mediators, transforming the book into an object of listening and sharing, rather than a tool for standardization. By circulating between Monção and Salvaterra,

12 Translation from Spanish by the authors: “*The pupils will select books and textbooks to send to the partner school, so that the pupils in the other country can learn about the similarities between the education systems.*”

13 Translation from Galician by the author: “*There was a lot of excitement when they discovered they had the same books, or that they enjoyed the same games. The children realized they were not so different.*”

the books challenged both symbolic and concrete borders, affirming the school as a space of passage and hospitality. The 'Travelling Backpacks' demonstrated that objects too can speak languages—and forge senses of belonging.

In addition, Portuguese and Spanish songs were integrated into the schools' daily routines. Moments such as the collective musical performances during school gatherings helped foster empathetic listening and intercultural coexistence.

The project also saw strong involvement from families, especially those with migrant backgrounds. Parents and grandparents were invited to tell stories, share legends,

and read books in Portuguese in the classroom. These moments provided symbolic recognition of heritage languages and reinforced bonds across generations, cultures, and communities.

The project culminated in a 'Face-to-Face Encounter' between the two schools, held in Monção. The event included performances, poetry readings, and cultural exchanges (see Figure 6). The symbolic exchange of poems between the school communities marked the experience as a gesture of mutual listening and democratic coexistence on the banks of the Minho River.

Figure 6. Final gathering in Monção Park.



Source: Pedagogical Project 'Poetry at the Border'. <https://escoladefronteira.blogspot.com/>

These practices enabled the emergence of a shared educational space in which languages ceased to function as barriers and became communicative and affective resources. The involvement of families—especially those of migrant background—amplified the impact of the project by introducing new voices and memories into the construction of a cross-border school identity.

The teachers' testimonies highlight the educational power of the project, both for the pupils and for the teachers themselves. Many educators revisited their family histories linked to the border and began to perceive the classroom as a space of resistance and symbolic reconfiguration. As one teacher explained, "*Entonces, para mí, el año pasado, cuando llegó el proyecto, fue una de las primeras veces... Me gusta mucho mi trabajo, pero el año pasado, por primera vez, sentí que mi trabajo formaba parte de mi vida.*"¹⁴

14 Translation from Spanish by the authors: "So for me, last year, when the project arrived, it was one of the first times... I really like my job, but last year, for the first time, my job felt like a part of my life."

Teachers' Perceptions and the Symbolic Dimensions of the Project

The accounts of teachers involved in the project reveal that cross-border integration, far from being limited to the institutional sphere, gains meaning at the symbolic, emotional and subjective levels. By becoming agents in the construction of a shared curriculum, teachers were not merely delivering educational activities—they also revisited their own experiences of the border, shifting entrenched meanings and rewriting their memories in new registers of belonging.

Some teachers recalled childhood memories and family stories associated with crossing the border. These memories, in some cases, were marked by historical stigma and prejudice, but also by affective ties and networks of solidarity among border communities—such as those associated with smuggling. In revisiting these memories within the context of the project, teachers experienced a symbolic reconfiguration of the border—from a limit to a bridge, from an obstacle to a space of encounter.

As one Galician teacher recalled her grandmother, who worked as a smuggler—a family story which, through the project, was reinscribed as legitimate knowledge: “*Sempre conto que hai anos a miña*

avoa tiña ultramarinos alí, cambiaba fronteira-fronteira. Traballaba moito con contrabando da fronteira.”¹⁵

By invoking her grandmother, the teacher recovered an emotional sense of belonging to the border—not one shaped by maps or legislation, but by relationships, exchanges and survival.

Another teacher acknowledged that her own trajectory had been shaped by symbolic and social barriers regarding the other side of the border. The project enabled her to resignify this distance:

*“Pero crecí con moitas barreiras mentais sociais de quen estaba do outro lado da fronteira. Parecíame maravilloso que os nenos que viven a ambos lados da fronteira puidesen ter unha relación diferente do que só ir de visita, que fose algo máis significativo.”*¹⁶

One of the most valued aspects of the project, according to teachers, was its organic and collaborative construction with colleagues from Portugal. Rather than being a prescriptive initiative, the PEBIF was experienced by this group as a fluid process, where ideas emerged from conversations, experimentation, and shared emotions, as one teacher noted, “*era todo moito orgánico. Unha idea levaba á outra. E como estábamos en sintonía, fluía naturalmente. Non foi nada imposto, e iso fixo toda a diferenza.*”¹⁷

15 Translation from Galician by the authors: “*I always say that years ago my grandmother had a grocery shop over there, she used to cross the border back and forth. She did a lot of work involving smuggling at the border.*”

16 Translation from Galician by the authors: “*But I grew up with many mental and social barriers regarding those on the other side of the border. I found it wonderful that the children living on both sides could form a relationship that was more than just visiting—that it could be something meaningful.*”

17 Translation from Galician by the authors: “*It was all very organic. One idea led to another. And because we were in tune, it flowed naturally. Nothing was imposed, and that made all the difference.*”

This environment of freedom and trust was reinforced by the school leaderships, who supported the group's autonomy and allowed the team to form its identity in a locally grounded way: "*Non nos meteron noutro proxecto. Deixáronnos formar o equipo de Escolas de Fronteira.*"¹⁸

Furthermore, the teachers highlighted the direct involvement of other institutional actors, such as local councils, police forces, and families, who helped build a support network around the project. These partnerships enabled the activities to develop in extended cooperation with the community.

Nonetheless, the teachers also noted structural limitations that hindered the consolidation of these experiences. For example, the frequent rotation of teaching staff across year groups—on both the Galician and Portuguese sides—compromised the continuity of the work and the preservation of the group's collective memory. As one teacher explained, "*o ano pasado estaba Andrea, que este ano non está no centro. Sergio e Sonia. Os claustros non son fixos. Iso dificulta a continuidade.*"¹⁹

Another challenge mentioned was the lack of prior training and didactic materials for teaching languages in border contexts,

especially for those just beginning their involvement in the project. Teachers reported feeling as if they were starting from scratch: "*Elaboramos materiais coa sensación de facíamos algo novo e non sabemos si hai máis docentes traballando na mesma línea. Precisamos de máis formación en metodoloxía de ensino de linguas estranxeiras.*"²⁰

The very organization of in-person meetings required a major collective effort to navigate legal procedures and bureaucracy, making clear the need for more structured institutional support: "*Coa información que temos agora será moito máis fácil viaxar en futuras excursións.*"²¹

Despite these limitations, the teachers shared a clear perception that the project points towards the future. In their words, through initiatives like this, schools are coming closer to the kind of society they wish to build—more multilingual, more open, and more interconnected, as expressed in the 'Poetry at the Border' project: "*Con este proxecto as nosas escolas se parecen máis a sociedade que queremos construír na fronteira: escolas e sociedades máis plurilingües, que potencian os lazos actuais para comunicarse máis entre si.*"²² (Poetry at the Border, 2024)

18 Translation from Galician by the authors: "*They didn't slot us into another project. They let us form the Border Schools team.*"

19 Translation from Galician by the authors: "*Last year there was Andrea, who's not at the school this year. Sergio and Sonia too. The staff teams aren't stable. That makes continuity difficult.*"

20 Translation from Galician by the authors: "*We created materials with the feeling that we were doing something completely new, and we don't know if other teachers are working in the same direction. We need more training in foreign language teaching methodology.*"

21 Translation from Galician by the authors: "*With the information we now have, it'll be much easier to travel on future excursions.*"

22 Translation from Galician by the authors: "*With this project, our schools look more like the society we want to build at the border: more multilingual schools and societies, strengthening current ties in order to communicate more with each other.*"

These accounts reveal how this group of educators experienced and expressed, in a situated and embodied way, the meanings of European cross-border integration and cooperation. The teachers did not simply teach about borders—they revisited their own. This lived experience gives the PEBIF its transformative potential: it is a form of education rooted in local realities and practices, one that respects and promotes diversity, challenges linguistic hierarchies, and embraces the complexity of the subjects who construct it.

Final Considerations

The 'Poetry at the Border' project, analysed in this article, reveals the potential of place-based educational policies as catalysts for lived processes of cross-border integration—processes forged in the everyday life of schools and rooted in the affective, sociocultural and linguistic experiences of borderland communities. By fostering intercomprehension practices, valuing local languages, and building ties among pupils, families, teachers, and the wider community, the PEBIF reaffirms the role of the school as a strategic space for social transformation in territories historically marked by physical, symbolic, and normative borders.

As the analysis has shown, cross-border integration does not occur solely through institutional mechanisms or formal projects; it often manifests implicitly and organically, in the everyday interactions of school life. When teachers activate border memories—such as smuggling, family gatherings, festivals, shared languages, trade, or service exchanges—they become agents of a broader integration, one that

recognises, dignifies, and brings to the forefront the plural linguistic repertoires of those living in these regions. It is this everyday, affective integration—built on listening, relationships, and spontaneous linguistic practices - that sustains and enhances the objectives of the PEBIF.

Nonetheless, significant challenges to the consolidation and continuity of these actions remain. The research revealed structural limitations, such as the high turnover of teaching staff in schools, which hinders the sustainability of medium- and long-term projects. Furthermore, highly symbolic activities — such as meetings between cross-border schools- required considerable collective effort to overcome bureaucratic barriers, highlighting the urgent need for stronger institutional support from municipalities and regional administrations.

Sociolinguistic tensions were also identified, particularly in Galicia, where Spanish continues to dominate in schools, even among Galician-speaking children. Such asymmetries reflect historical and political language disputes, making it difficult for Galician to be fully recognised as a language of instruction and school life. This scenario calls for heightened attention from public policy, especially in terms of ongoing teacher education and the promotion of minoritised languages in border contexts.

The data from this research reinforce the role of the Bilingual and Intercultural Border Schools Programme (PEBIF) as a catalyst for integration in territories historically shaped by division. Operating at the intersection of languages, territories, memories, and educational experiences,

the programme reveals the border as a site of social experience and intellectual imagination (Albuquerque, 2016) — a privileged space for reflecting on integration: its encounters and blends, but also its disputes, conflicts, asymmetries, and differentiations among peoples and nationalities.

In this context, the PEBIF shows that the border can cease to be a limit and instead become a space of creation, encounter, and mutual transformation—and that schools, through the committed work of teachers, students and communities, can play a central role in the daily construction of a more just, plural, and democratic Europe. In doing so, the programme not only responds to cross-border cooperation policies but also reinvents the very idea of integration—starting from grounded, sensitive, and shared educational practices.

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Co-Crossing Borders through Neighbouring Languages Teaching and Learning: the CoBLaLT model and school communities' perceptions of language policy in their border regions

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Abstract

Border studies in Europe have traditionally been shaped by disciplines such as law, sociology, geography and history. However, the humanistic and educational dimensions—particularly those related to language education—remain under-recognised in both value and practical application. In border regions such as those between Italy and Slovenia, language plays a critical yet often overlooked role in fostering integration, collaboration, and social cohesion. This paper aims to reframe the discourse by placing applied and educational linguistics, language policy and pedagogy, and geopolitical awareness within school communities at the centre of border-related inquiry. It begins with an analysis of territorial policy frameworks in border regions, drawing on the example of the Gorizia–Nova Gorica 2025 European Capital of Culture initiative, the policies of the European Grouping of Territorial Cooperation (EGTC), and the Adriatic–Ionian Euroregion. This analysis is anchored in relevant European recommendations and communications on border region policies. The paper then introduces a methodological proposal for language education – the CoBLaLT method –, developed and validated through recent fieldwork on the Italian, Slovenian and Croatian border. Particular attention is given to a research segment that explores how participating school communities perceive the lack of coherent language policies in their cross-border context. The study concludes by underscoring the relevance and potential impact of integrating humanistic research—such as the work presented here—into the formulation of policies for border regions, complementing and enriching traditional sectoral approaches.

Keywords: CoBLaLT Humanistic approach to border studies, Gorizia–Nova Gorica border – Neighbouring language teaching - Educational language policy for border regions

Introduction

Although interdisciplinary approaches—including those from philosophy, religious studies, the life sciences, and other specialized fields examining physical and embodied border spaces—are emerging, border studies in Europe have traditionally been dominated by disciplines such as law, political geography (geography of the border landscape), sociology, and history. This disciplinary focus is understandable, given that European border regions are the product of historically and geopolitically complex processes, most of which still carry the weight of painful memories, often regulated and stabilized through international treaties and bilateral agreements.

Especially in regions where Europe has endured and survived the devastation of the World Wars, the culmination of inflamed ethnic hatred, and, distressingly, now again the brunt of conflicts both within internal (for COVID pandemic for example) and external borders, border studies have often centred on issues of security and peace. Such research has aimed to foster discourses that promote stability among populations historically divided by ideological, geopolitical, ethnic and also economic interests (Brezigar, 2003; 2006; Klatt, 2013; Malloy, 2010).

However, the humanistic and educational dimensions of border studies—particularly those concerning language education—have often remained undervalued and underexplored unless deliberately avoided, mostly, we say, for political reasons. It is the case of the Italian-Slovenian border area (especially on the Italian side), a wounded border bringing heavy consequences of

iron curtain memory, where language plays a vital yet frequently overlooked role in promoting integration, cross-border collaboration, and social cohesion.

Based on our research and experience, this paper seeks to reframe the discourse on border regions by placing applied and educational linguistics, language policy and pedagogy at the centre of the conversation. This approach draws on research that highlights the key role especially in border regions, of educators, school heads and even pupils recognizing their potential political roles, while maintaining a critical distance from endorsing any particular political or national ideology and developing a culture of positive, fought-for intercultural, intergroup and interpersonal contact, which can only have a positive impact on civil society, the professions and the economy of border regions, which are so complex and require contextualised measures.

The cross-border city of Gorizia–Nova Gorica, designated the European Capital of Culture for 2025 and representing a typical EGTC (European Grouping of Territorial Cooperation), presents an ideal setting in which to reflect on these issues, particularly in light of the still-unrealized challenge of integration through multilingual education founded on reciprocity and mutual understanding. This is the reason why we will start exactly from this point.

Gorizia-Nova Gorica: Geographical, Historical, Geopolitical and Language Education Policy Context

The wounded eastern Italian-Slovenian border

The Gorizia-Nova Gorica territory lies at the easternmost edge of Italy (in the Friuli-Venezia Giulia region) and the westernmost part of Slovenia (Goriška). It encompasses the Soča/Isonzo River and stretches between the Brda/Collio hills and the Karst plateau. It is a geographically cohesive region and shares a unified historical journey. Over the centuries, its people have lived together under various rulers, serving representatives of three cultural heritages: Latin, Slavic, and Germanic. In the 20th century, a border was drawn that reshaped the land and disrupted lives. Since 2007, efforts have been underway to heal this division, dismantling both physical and symbolic boundaries. In fact the Italian-Slovenian border in the Gorizia (Italy) –Nova Gorica (Slovenia) area represents a unique geopolitical landscape shaped by the tumultuous events of the 20th century. Following World War II and the 1947 Paris Peace Treaty, the historic town of Gorizia was divided, with Nova Gorica emerging on the Yugoslav side as a new urban center. As historian Pamela Ballinger notes, this border became “*a living laboratory of Cold War divisions and post-socialist transformations*” (Ballinger, 2003). The collapse of Yugoslavia and Slovenia’s

accession to the European Union in 2004 further reshaped the region, transforming a once rigid boundary into a zone of cross-border cooperation and shared cultural identity. Today, the area is emblematic of the broader European project, where “*borders no longer mark separation but interaction*” (O’Dowd, 2002; for a deeper understanding of the geopolitical and historical context see also Bufon, 2002; 2019; Cattaruzza, 2011; Klabjan, 2020; Miklavčič, 2008; Zilli, 2019).

Today, these communities are witnessing a process of reconciliation. We say “witnessing” because the current efforts to bring Italy and Slovenia closer together hold strong symbolic value. However, it is crucial to monitor how this process affects the local population, institutions, and everyday life—and to begin envisioning ways to sustain this transformation and ensure it continues, or at the very least, does not come to a halt. And for this reason, too, we would like to emphasise the importance of creating participatory situations where change can also, or above all, leverage citizens’ desire to emancipate themselves and have a society that is more responsive to their needs, including the need for local policies and strategies to promote equitable, reciprocal multilingualism, which does not currently exist.

Unlike the bilingual area of the Slovenian coast - comprising the municipalities of Koper-Capodistria, Izola-Isola and Piran-Pirano - the Gorizia area in fact is not affected by any language policy that seriously supports bilingualism or

multilingualism¹. This is, however, widely supported in the Slovenian coastal area, a territory governed by protection policies deriving from the Osimo Peace Treaties and the London Memorandum, which effectively promote bilingualism only in the territory of the Republic of Slovenia but nowhere on the Italian side, excluding the schools of the Slovenian national community. Both the Italian and Slovenian national communities are present in the coastal area of the Italian-Slovenian border. In the Gorizia area, only the Slovenian national community is present in Italy, but not the Italian community in Slovenia.

GO! 2025 - European Capital of Culture Nova Gorica-Gorizia 2025: assets and missing points

On 18th December 2020 Nova Gorica and Gorizia was announced to be the winners of the European Capital of Culture 2025 programme with the project Go (Borderless) 2025!². For several months, the cities of Gorizia and Nova Gorica have been actively engaged in a wide range of cultural events and initiatives, marking their designation as joint European Capital of Culture. This recognition reflects not only the richness of their cultural offerings but also the symbolic significance of their cross-border cooperation.

The comprehensive programme, along with the application dossier and supporting documentation submitted to the European Union, is available on the official project website (<https://www.go2025.eu/en>). These materials illustrate the rationale behind the European Union's decision to select Gorizia and Nova Gorica as a representative example of a European border region committed to overcoming the historical, political, and cultural boundaries that have traditionally defined it.

Nevertheless, despite the rationale supporting the nomination of Gorizia-Nova Gorica as European Capital of Culture, it becomes evident that there is a significant lack of concrete, specific recognition of multilingualism as a valuable asset. While the topic of plurilingualism is mentioned, it is treated more as an inherent, self-sustaining phenomenon—something natural and given—rather than as a dimension requiring active support, development, or strategic initiatives. It is often merely granted visibility rather than being embraced as a dynamic area for growth.

Among the projects (see footnote 2) that address directly plurilingualism (not so many), they rely primarily on the concept of passive plurilingualism or intercomprehension—that is, the ability and opportunity for individuals to speak

1 Gorizia area is not an official bilingual territory like the Slovenian coastal area. In Gorizia (Italy) there is any curricular or extracurricular opportunity to learn Slovene at school. In Nova Gorica (Slovenia) and in the small surrounding municipalities there is the possibility of learning the Italian language as a non-compulsory subject within primary school education, however the organizational and curricular conditions of this teaching are truly critical - with lessons starting at 7.20 in the morning, in fact an hour before the start of the main lessons or at 14.30, at the end of the same -, creating a situation of great disparity in the pupils who choose this subject unlike those who alternatively choose an optional subject like for example sports or activities related to environmental education.

2 <https://euro-go.eu/en/programmi-e-progetti/capitale-europea-della-cultura-2025/>

their own language while understanding others in theirs. This approach may seem interesting and democratic, yet it may be questionable between two languages such as Italian and Slovenian, which in fact belong to two distant language families, the Romance and South Slavic respectively.

No project proposal meaningfully prioritizes the need to learn and master the language of the neighbouring country—a language that is also spoken by local minority communities, who are notably excluded from the official Go2025 program.

This omission mirrors a broader absence of a coherent local language policy—or even the unwillingness to develop one—that would consistently support plurilingual education. There is no serious reference to the urgent need for a language policy that promotes functional multilingualism. Such a policy is essential not only for fostering natural linguistic and cultural contact, as is characteristic of the Gorizia region, but above all for enabling social integration and mutual recognition. It would allow communities to reconnect through the reciprocal learning of each other's languages. This need is further underscored by the very strategic objectives of the body promoting the candidacy of Gorizia and Nova Gorica as European Capitals of Culture—the local EGTC (European Grouping of Territorial Cooperation), that is the EGTC GO.

The EGTC GO (European Grouping of Territorial Cooperation GO) is an Italian public authority with legal status, founded in 2011 through a partnership between the municipalities of Gorizia in Italy and Nova Gorica and Šempeter-Vrtojba in Slovenia.

It was created to tackle common cross-border issues and to boost the region's economical competitiveness and cultural attractiveness. What sets EGTC GO apart is its ability to function beyond national borders, allowing for coordinated planning and the joint execution of projects within a shared transnational urban area that goes beyond conventional municipal and national divisions³.

The territorial strategy of EGTC GO has established three main pillars, which we summarise as following:

- Build on the results of two Italy-Slovenia cross-border cooperation programs to enhance public investment efficiency.
- Transform the former “border economy” by turning national borders into opportunities for joint local economic development, leveraging regional strengths.
- Improve local services in three municipalities by integrating the area's best resources and expertise.

The actions of EGTC GO aim to boost economic growth and enhance quality of life for residents along the Slovenia-Italy border, addressing the economic and social challenges caused by the border, such as limited investment and employment opportunities.

3 <https://euro-go.eu/en/chi-siamo/cosa-%C3%A8-gect-go-e-come-funziona/>

Here the Core themes and the key area activities we extrapolated from the Convention (EGTC GO, 2011):

- *Core Themes:* Territorial cooperation, Regional development, Economic and social cohesion, Cross-border cooperation, Strategic coordination, Urban policy.
- *Key Areas of Activity:* Infrastructure, Transport and mobility, Logistics, Intermodal terminals, Energy resources, Joint energy planning, Urban transport policy, Environmental protection, Spatial planning, Tourism development, Cultural dissemination.

Thus, as can be deduced from the lists above, the historical multilingualism of the territory or the multilingualism of its current inhabitants including newcomers is not a specific objective, nor a key area of activity. Specifically, proficiency in the language of the neighbouring country is not a goal or a tool indicated with importance or priority for achieving economic and social cohesion objectives.

Looking from another viewpoint – that is, at another border structure, the Euroregion⁴-, Italy and Slovenia belong to the Adriatic Ionic Euroregion which has been established in 2006 and which, despite the general and lofty aims of forming an area of peace, stability, co-operation and protection of the cultural heritage, has not yet set up a specific policy for improving the

learning of the Euroregion languages (see the Statute Adriatic–Ionian Euroregion, 2021), an aspect claimed to be highly detrimental by the European Association of Border Regions – AEBR which since ever claims that language is an obstacle to cross border cooperation in 72% of border regions (AEBR, 2012).

This aspect is also reported by scholars who identified “command of neighbour’s language” and a “*general positive attitude towards the neighbouring population and cross-border cooperation*” among structural factors which enable a higher degree of cross-border communication (Klemenčič, 1987 in Bufon, 2002, p. 459).

Thus, language barriers are what we need to define and what we tackle in the next paragraph.

The Context and the Challenge (all to be shaped) of Language Barriers in Border Regions

Despite political agreements and regional cooperation frameworks such as EGCT GO and the Adriatic-Ionian Euroregion, linguistic integration in Gorizia border remains a major challenge.

Around 42% of Slovenian population live in border regions, engaging in daily cross-border interactions where language knowledge—or the lack thereof—has a significant impact (Bufon, 2002). On the Italian side, the approach to the other side

4 The Euroregions can be defined as European cross-border structures that play an influential role at the borders between European countries. Euroregions are informal networks of cooperation between cross-border regions, while EGTCs (European Groupings of Territorial Cooperation) are formal legal entities with specific structures and powers established under EU law. We might say that Euroregions are generally more flexible and less structured, while EGTCs are designed to provide a clear legal framework for cross-border cooperation.

of the border is similar, despite greater sociolinguistic complexity. Cross-border movement occurs for similar reasons and with comparable frequency.

The wider context of the Gorizia territory situation is that well described in the important Communication ‘Boosting Growth and Cohesion in EU Border Regions’ (EUR-Lex, 2017) which informs us that European internal border regions:

- cover 40% of the EU territory,
- account for 30% of the population – 150 million people,
- produce 30% of the EU’s GDP, host almost 2 million cross-border commuters, 1,3 million of which are cross border workers representing 0.6% of all persons employed across the EU (e.g. 450,000 in France, 270,000 in Germany, 140,000 in Poland and 135,000 in Slovakia).

The same Communication claims that border regions, despite being ideal places to benefit from European integration through cross-border activities like studying, working, and doing business, often face economic underperformance compared to other areas. These regions typically have reduced access to public services and face difficulties due to complex and costly administrative and legal differences. Feedback to the Commission highlights ongoing challenges in cross-border interactions for individuals, businesses, and organizations. The Commission’s analysis reveals that border complexities and duplicated services hinder economic potential in internal land border regions.

A study estimates these regions could be 8% wealthier and gain over 1 million jobs if all barriers were removed and a common language adopted—though such a scenario is unrealistic due to Europe’s diversity. Even removing just 20% of obstacles could boost GDP by 2%. Current barriers restrict the use of resources, prevent economies of scale, and impose costs on individuals and businesses, with more pronounced effects in countries where border regions significantly contribute to national GDP.

Among difficulties reported by population language differences have been identified as a major challenge by many respondents to the public consultation. Border stakeholders report that rigid use of different languages on either side of a border increases administrative burdens and hinders effective communication between public authorities and individuals. The Communication of the Council of Europe claims:

The Commission is pursuing a strategy endorsed by the Council and based on the objective defined by the EU Heads of State and Government that all citizens should have the opportunity to learn two foreign languages from an early age. In border regions one of these languages can ideally be the language of the neighbours. Language learning is also an over-arching priority of the European funding programme for education, training, youth and sport: Erasmus+. The programme can support language learning in border regions in many ways.

(EUR-Lex, 2017, p. 12)

This the consequent proposed action:

*Action: Member States, regions and municipalities are urged to use life-long learning opportunities to step up efforts to **promote bilingualism** in border regions. Existing good practices should be a source of*

inspiration and will be further promoted by the Commission. Existing funding instruments such as Erasmus+ or the Interreg cross-border cooperation programmes will be used to support this where appropriate.

(EUR-Lex, 2017, p. 12)

The European Commission, in its 2021 report ‘EU Border Regions: Living Labs of European Integration’ (EUR-Lex, 2021), based on a public consultation carried out in 2020, echoed these concerns: language differences, alongside challenges in diploma recognition, remain major impediments to cross-border labour, education, and training. Yet, while the document states that “*cross-border regions should be considered as one*” in the field of education and training—with citizens of these areas ideally able to attend schools and universities on both sides of the border (EUR-Lex, 2021, p. 9) — it does not specify how multilingualism should be supported or achieved. This implies, again, an inherent, assumed, or naturally acquired multilingualism among citizens.

In the final table of the Report, summarising the 2017 Action plan—Outline of progress made in implementing the 10 actions, referring to the measures introduced by the earlier 2017 Communication –, Action 6, ‘Promoting border multilingualism’, is presented as an enhanced initiative. It is mainly associated with a series of good practices and cross-border projects, most of which have been implemented through the Erasmus+ programme (EUR-Lex, 2021, p. 17).

To conclude this analysis of documents and initiatives concerning the promotion of plurilingualism in European border areas, a reference to the commendable *b-solutions* initiative is in order.

The *b-solutions* project (<https://www.b-solutionsproject.com/>), promoted by the European Commission’s DG REGIO and managed by the AEBC, addresses legal and administrative barriers to cross-border cooperation in Europe. Launched in 2018 and running through various phases until 2026, it supports public bodies and cross-border structures by providing technical assistance, expert analysis, and practical solutions. Focused on areas such as institutional cooperation, public services, labour markets, education, and the Green Deal, *b-solutions* helps identify obstacles through open calls and shares best practices via reports and compendiums.

The 2023–2024 *b-solutions* compendium (EC, 2024) reveals a limited focus on plurilingual society and education as strategic assets. The selected *b-solutions* projects tackling multilingual issues primarily address structural limitations in cross-border education, including the financing of pupils’ education—as seen in the case of the Communauté de communes Pyrénées Haut-Garonnaises in

France. As clearly shown in the thematic distribution image of the *b-solutions* cases reported between 2018 and 2024 presented by Mullan and Scott (2024), the topic of multilingualism concerns only 2 out of more than 170 cases.

Similarly, among the *Best Practices* promoted by the Border Focal Point⁵, multilingualism appears in only nine best practice projects.

From our perspective, informed by the scientific experience outlined in the following paragraphs, individual plurilingualism in border regions is still far from being fully developed and effectively promoted. On the contrary, it must be actively fostered, guided, and, where appropriate, regulated, that is, supported by coherent local and cross-border language education policies and border initiatives. On the other hand, language education policies must be inspired by humanistic studies, real experiences run by local stakeholders of plurilingual education.

As we have previously argued language education in border areas does not automatically incorporate plurilingual teaching and learning. School curricula often fail to reflect the multilingual character of these regions by excluding the teaching of autochthonous or neighbouring-country languages (Cavaion, 2016; 2020; 2022).

In the context of what has been described and argued so far, we will now present the CoBLaLT model, an approach to language education in European border areas that has been developed and applied

in numerous primary schools on the Italian-Slovenian border over the last 10 years, based both on specific principles of applied linguistics and on the insights presented so far regarding the lack of national and cross-border support for educational language policies. We will also report on a research section in which participants have been asked about their opinions and perceptions of the language policy of their border region after three years of participation in a cross-border co-operation project.

Let's start with the theoretical context.

CoBLaLT: A Contact-Based Model for Language Learning in EU Border Regions

The CoBLaLT model, Contact-Based Neighbouring Language Learning and Teaching, (Cavaion, 2016) emerged from a doctoral study based on the scientific observation (Cavaion, 2012; Furlan, 2002) of two key issues along the Italian-Slovenian border: the lack of direct contact with the neighbouring country's language and culture among pupils learning it—representing a missed opportunity to leverage the proximity of schools located along the border—and the lack of motivation to learn Italian among pupils in Slovene-majority schools, where Italian has been a compulsory subject since the post Second World War. This research immediately revealed the absence, in the investigated area, of language education policies capable of supporting effective cross-border cooperation in a region

5 The Border Focal Point Network is an EU-wide professional network bringing together experts on cross-border issues. The network aims to promote easier cross-border interaction, address existing legal and administrative barriers, and encourage the pooling of cross-border services (from <https://futurium.ec.europa.eu/en/border-focal-point-network>)

marked by significant mobility but an uneven mastery of the neighbouring country's language among its citizens.

To address these gaps, the CoBLaLT model was developed (Cavaion, 2016). This pedagogical approach promotes reciprocal cross-border language learning among primary school pupils (aged 10–15) as a means of fostering social integration, based on the methodological use of contact. It combines virtual and face-to-face interaction and is grounded in interdisciplinary, socioconstructivist theory. The model is built on the premise that it is possible to develop an approach that fosters both awareness and a willingness to challenge the *status quo*, engaging school communities as active participants in change through the co-construction of the method itself.

The model, to be included in the field of educational linguistics studies, is supported by a strong theoretical framework encompassing sociolinguistics, second language acquisition, intercultural studies, psychology of groups and relationships, and language policy. Inspired by scholars such as Allport, Byram, Kramsch, Gardner, and Kumaravadivelu, CoBLaLT envisions language learning not only as academic acquisition but as an ethical, affective, and social process.

Among its theoretical framework two sources are particularly important.

One is the first official European paper addressing directly neighbouring languages for good neighbourly relations, in the context of transfrontier cooperation conventions and agreements, in order to promote plurilingualism in a pan-European context, the Recommendation Rec (2005) 3

of the Committee of Ministers on teaching neighbouring languages in border regions, adopted by the Committee in 2005 (CoE, 2005). The document assumes as reasons for “*developing language-education policies capable of safeguarding or, if needed, introduce the teaching of NL and their cultures*” an exhaustive interdisciplinary background. The Recommendation underlines two important desirable aspects about border areas: the respect of diversity of languages existing along borders – diversity impossible to generalise due to the different typologies of linguistic situations characterising European border areas we discussed before – and, within diversity, the principle of reciprocity, where we imagine each country putting in force any possible strategies to avoid any possibility of power exertions linked to the status of languages involved.

The other reference document is an amazing inspiring report that of the linguist Albert Raasch, author of the Reference Study ‘Europe, frontiers and Languages’ of the Guide for the Development of Language Education Policies in Europe. From Linguistic Diversity to Plurilingual Education (Raasch, 2002), which provides an inspiring vision regarding the role neighbouring languages teaching and learning can potentially play in European borders which, if, on the one hand, must be understood and “read” through the analysis of their “*origins, movements, changes and transfers that determine the way people interpret them*” (Raasch, 2002, p. 10) and, on the other hand, demonstrate a common will to overcome old barriers, that is “*the transfrontier situation is rich in commitment and activities by the inhabitants aiming at promoting multilingualism/plurilingualism*” (Raasch, 2002, p. 9).

This key study highlights several principles essential to language learning and teaching in border regions. It emphasizes the heightened awareness of language roles in frontier areas, the need for language education to align with societal and political contexts, and the importance of educators and pupils who understand their regional and political responsibilities. Effective language education in these regions requires institutional support and tailored frameworks suited to frontier conditions.

The study recommends practical strategies such as school exchanges, regionally focused teaching materials, thematic learning about neighbouring regions, joint development of cross-border resources, and ongoing teacher training with a cross-border perspective. These principles—tested notably in the CICERO project under the European Centre for Modern Languages (see publication Halink et al. 2003)⁶—are well-aligned with the goal of promoting neighbouring languages (NL) through sustained cross-border interaction. However, their successful implementation depends on a stable territorial framework, such as those provided by Euroregions and Eurodistricts under the European Grouping of Territorial Cooperation (EGTC) initiative.

Raasch's study represents an important reference, not yet surpassed by other scholars, on only one aspect of the method, but in the context of this contribution it is certainly the most significant. Since there is no space here for further details on the

method (for which we recommend reading Cavaion 2016; 2020; 2022), we will now introduce the specific research that inspired the writing of this contribution.

From Theory to Practice: The CONTATTI! Project and Research

The CoBLaLT method was developed thanks to the support of the National Research Agency of the Republic of Slovenia, which has financed various phases between 2013 and today. A research grant entitled *Strengthening a (socio) constructivist approach in Slovenian border regions Primary FL teaching and learning through a co-constructed extension and evaluation of the CoBLaLT model* is currently being concluded⁷, where the main objective was to disseminate a socioconstructivist culture of language learning in border areas, highly interdisciplinary, based on the development of both linguistic and cross-linguistic awareness (Čok, 2023), inclusiveness (Čok, 2024) and of the role (including political) and significance of language learning and teaching in border regions.

The CoBLaLT approach is known in schools as the CONTATTI! Project and in its last edition (2021–2024) it translated the CoBLaLT model into practice across seven schools in Italy, Slovenia, and Croatia. It involved over 250 students aged 10–15, teachers, and school leaders across seven municipalities (Koper-Capodistria, Piran-Pirano, Nova Gorica in Slovenia; Gorizia, Trieste and Muggia-

6 The project CICERO was carried out in cooperation with the ECML, Graz, the Telenacademie Nederland, Maastricht, the Goethe Institut – inter Nationes, München, the KulturKontakt, Wien, Ministère de l'Éducation, Luxembourg, the Haridusministeerium, Tartu, and the European Commission.

7 ARIS Slovenia - National agency for research -, project no. J6-3132, 2021-2024/25

Milje in Italy; Buzet in Croatia) and five languages (Italian, Slovenian, Croatian, Istrovenetian, and English).

Activities, as usual, ranged from digital and thematic classroom modules to real-world encounters like joint historical and literary walks, peace marches, and cultural exchanges. These experiences helped

children use languages of the neighbours in meaningful, real-life contexts. A key feature was the ‘e-autobiography’ (Cavaion, 2019), a multimedial digital diary where pupils reflected on their cross-border linguistic journeys, reinforcing the connection between language, identity, and agency (for more details see Cavaion, 2022).

The sub-study about school communities’ perceptions of (local) language policy in their border regions

From the extensive long-term CONTATTI! Project and research, we report here a segment in which we wanted to investigate school communities’ perceptions of (local) language policy in their border regions. It involved two twinned primary school communities located in Gorizia (Italy) and Nova Gorica (Slovenia).

The study included three classes (two from the Italian Gorizia and one from the Slovenian Nova-Gorica) comprising 70 pupils, eight teachers (specialising in neighbouring languages—Italian and Slovenian—as well as history, literacy, science, citizenship, and art), and two school heads. The primary aim was to co-construct the meaning of reciprocal neighbouring language learning through an interdisciplinary and socioconstructivist framework. Notably, in both contexts, the teaching of the neighbouring language was neither compulsory nor integrated into the core curriculum, but rather extracurricular or experimental in nature, often limited to just a few hours per year. The pedagogical intervention was structured around three CoBLaLT/CONTATTI! modules

developed and implemented across two school years⁸. In 2022–2023, activities included *Cross-border Walks*, where children guided one another through historical and cultural itineraries on both sides of the border, and participation in the *Assisi Peace March (Peace Walks)*. The 2023–2024 cycle introduced *Walks of Peace in Places of War*, which entailed jointly designed visits to World War I and II sites and integrated visual and literary workshops (see Toroš, 2022; Zajc, 2023). The project culminated in a final roundtable, reflecting on three years of CONTATTI!, showcasing the outcomes and insights gained through this contact-based, cross-border educational experience.

⁸ The first year of the project (2021–22) was still suffering of COVID pandemic repercussions. Pupils met exclusively via videocalls. Teachers attended training courses on the CoBLaLT method.

The research within research: school communities perceptions of (local) language policy in border regions

ACTIVITIES:

In class, in contact

- Discussions
- Videocalls
- Chat
- Digital language learning
- Thematic lesson/NL module
- Preparing activities, materials for the *others*
- Reflection: *My multimedial autobiography of crossborder encounters*

Out of class/school, in contact

- Thematic meeting in the *others'* school
- Visiting *the others'* place (town, village, surroundings..)
- Visiting *our* places together
- Working together
- Round table CONTATTI!

Methodology and Research Questions

This study employed a qualitative, ethnographic approach combined with principles of action research to investigate neighbouring language learning in a cross-border school context. Data collection methods included direct observation with triangulation to ensure reliability and depth of interpretation. A variety of materials produced by pupils—such as written texts, dialogues, drawings, poems, posters, and autobiographies—were systematically collected and analysed to capture their perspectives and evolving understanding. Semi-structured interviews and focus groups were conducted with both pupils and teachers to explore attitudes and experiences in greater depth. Additionally, questionnaires were administered and analysed descriptively to gather broader perceptions across the school communities. The researcher maintained a reflective diary throughout the project to document the process and support interpretative analysis, ensuring a comprehensive and contextually grounded understanding of the educational dynamics observed.

Research questions:

1. How do children, teachers, heads in border areas perceive linguistic needs for young people living near borders?
2. What do children think about reciprocal learning of neighbouring languages, based on their three-year-CONTATTI! experience?
3. How did the socioconstructivist approach encourage them to see language learning as a matter of contact, collaboration, cooperation, and cultural exchange?
4. How did it foster self-engagement and individual agency in language learning?

Results

The following results are in truth partial data based mainly on the class discussions, interviews and on the e-autobiography. The analysis of the materials produced (creative writings, visual poetry, illustrations, themes, posters) are not included in this phase of data analysis. These are in fact included in the more comprehensive research that investigates the consequences of the socio-constructivist approach on the awareness of border language learning, a paper that is still in the drafting stage. We therefore choose, also for lack of space, to report the results according to the research questions and based on the data analysed so far.

Linguistic needs for young living near the borders

1. How do children, teachers, heads in border areas perceive linguistic needs for young people living near borders?
2. What do children think about reciprocal learning of neighbouring languages, based on their three-year-CONTATII experience?

The research explored how children, teachers, and school heads in border areas perceive the linguistic needs of young people living near national boundaries, with a particular focus on pupils' experiences within the three-year CONTATII project. From first class discussions, among pupils, initial perceptions were notably distant from the broader aims of the research. Their understanding of communicative needs in cross-border regions was limited, fragmented, and primarily shaped by a school-centric view

of language. Most pupils displayed a form of linguistic unawareness, conceiving language mainly as a subject to be studied rather than as a tool for social interaction or a marker of multilingual identity. The value of languages—both individually and societally—was largely unrecognized outside the classroom context. Moreover, the concept of 'language policy' was unfamiliar to them; when grasped at all, it was interpreted as something imposed by authorities rather than as a participatory or socially driven concern. Notably, elicited from midterm and final interviews, their reflections throughout the project gradually revealed a growing awareness of the communicative potential of neighbouring languages, especially through activities involving direct interaction and shared experiences with peers across the border.

Teachers, by contrast, demonstrated (final interviews) a clearer awareness of what cross-border communication may require for youth. However, they often expressed uncertainty about what concrete actions to propose. This hesitation was strongly shaped by the structural absence of neighbouring languages in school curricula and the broader lack of supportive language policies. The perceived institutional neglect appeared to significantly dampen their motivation and sense of agency.

School heads (from final interviews), while generally supportive and appreciative of the project's goals and outcomes, revealed limited awareness of existing local language policies. Most had no established contact with local political or administrative actors involved in language planning. Although they welcomed initiatives like CONTATII, they were hesitant to

proactively engage beyond the school context—often citing a lack of trust in local or national authorities and a sense of disconnection from institutional processes.

Socioconstructivistic approach, self engagement and agency

3. How did the socioconstructivist approach encourage them to see language learning as a matter of contact, collaboration, cooperation, and cultural exchange?
4. How did it foster self-engagement and individual agency in language learning?

The socioconstructivist approach adopted in the CONTATII! project played a crucial role in reshaping pupils' perceptions of language learning, shifting it from a purely academic exercise to a dynamic process grounded in contact, collaboration, cooperation, and cultural exchange. From class discussions, by engaging in real-life cross-border interactions and co-constructed learning experiences, pupils began to view language not just as a subject, but as a means of meaningful communication and relationship-building. This pedagogical model fostered self-engagement and individual agency, as learners took ownership of their learning paths and recognized the relevance of language in their everyday lives. Their spontaneous reactions (from e-autobiography and class collective writing reflections) reflect this transformation: *"This is not a project, it is a revolution!"*; *"We can decide what we learn"*; *"We learn the things we need."* Students also expressed a growing confidence and willingness to take risks: *"I am not afraid to make mistakes"* and a desire

to share and expand their learning: *"I want to invent an app for my friend to learn my language"*, *"We want to tell other schools about this experience."* They reported developing resilience—*"We have learnt to endure difficulty and go beyond misunderstandings"* — and a sense of autonomy — *"I can decide how much I want to learn."*

Teachers observing the process reported noticeable changes in pupil attitudes and engagement. In interviews they described pupils as 'more included', displaying 'more reflection' and a renewed interest in local history and culture. In several cases, teachers noted instances of striking self-engagement, with pupils independently initiating activities or demonstrating sustained curiosity far beyond what had been expected. These observations further underscore the transformative impact of the socioconstructivist framework in cultivating learner motivation, linguistic awareness, and cross-cultural sensitivity in border regions.

Discussion and Conclusion

We began this reflection on the importance of teaching and learning the languages of neighbouring countries by grounding it in topical situations—such as the European Capital of Culture, local EGTCs, and Euroregions—and by contextualising these within key European policy documents that directly address border regions, including considerations on border multilingualism.

To this analysis, we added the introduction of a pedagogical approach rooted in educational linguistics, one that

is also informed by an awareness of the linguistic policies specific to the border context under study.

The paper then presented a small-scale research component within the broader CONTATTI! project. This segment aimed to explore participants' initial perceptions and the potential for transformation prompted by the project's many activities, as well as the reflective practices encouraged by the researcher (including class discussions, project diaries, and final interviews). The focus was on pupils, teachers, and school heads, with particular attention to their evolving awareness of the significance of teaching and learning the languages of neighbouring countries in border regions.

From the partial results—drawn mainly from class discussions, autobiographical writing, and final interviews with pupils, teachers, and school heads—we derived some initial findings. Pupils, in particular, initially showed limited awareness of language policy and often viewed language learning through a narrow, academic lens. They did not readily perceive language as a tool for social participation. However, participation in CoBLaLT/CONTATTI! activities gradually fostered values such as reciprocity, collaboration, and mutual understanding.

Teachers observed increased student engagement, deeper reflection, and a growing interest in local history. Nonetheless, systemic challenges remain: language teaching in these contexts is still non-compulsory, often relegated to extracurricular activities, and limited to just a few hours per year. While school heads expressed support for the initiative,

they frequently lacked knowledge of local language policies or access to the resources necessary for sustained implementation.

The limitations of this research primarily concern the data that remain to be analysed. Nevertheless, we anticipate that this additional material will serve to enrich and further substantiate the insights already drawn from the data examined thus far. Another limitation lies in the fact that the segment discussed here addresses an aspect that was not the central focus of the original research project, which was funded by the National Research Agency of the Republic of Slovenia.

That said, the findings presented here offer a valuable foundation for future, more targeted investigations into the level of awareness among various stakeholders—whether speakers, learners, policymakers, or ordinary citizens—regarding the languages of neighbouring countries. We believe this research can play a meaningful role in the co-construction of policies that are increasingly responsive to the specific needs of border regions, building on the directions already set in recent years.

Structural and Political Implications

Taken together, these findings underscore the urgent need for more coherent, inclusive language policy frameworks that empower school communities to engage meaningfully in multilingual and cross-border educational experiences.

One of the greatest barriers remains the lack of institutional support. Although school-led efforts show promise, they often remain invisible to border political and administrative authorities. A broader shift

is needed—one that includes and amplifies the voices of teachers, researchers, pupils, and policymakers alike.

Albert Raasch's statement (Raasch, 2002, p. 14) that language education must be “*geared to the needs of society and justified by a political interpretation*” remains strikingly relevant. In this spirit, we identify several key needs:

- Politically-conscious educators
- Pupils who are aware of their regional and cultural roles
- Networks that support context-sensitive language education in frontier areas
- Cross-sector dialogue that brings together school communities, labour markets, and policymakers

Language should not be a barrier in Europe's border regions—it should serve as a bridge. Through innovative pedagogical approaches such as CoBLaLT and cooperative initiatives like CONTATTI!, border communities can become laboratories of integration. Genuine cross-border cooperation requires more than policy declarations; it requires people, relationships, and reciprocal communication. Only by embedding these values into educational practice can we move closer to the ideal of a truly borderless Europe.

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Education Across Borders: Teachers as Agents of Transborder Cooperation in the Construction of a Common Educational Identity

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Abstract

This article offers a critical analysis of schools located along the Portuguese-Spanish border, framing them as spaces of curricular invention and the construction of a transnational educational identity. Drawing on the analysis of the Bilingual and Intercultural Border Schools Project (PEBIF), it examines how teachers, as epistemic and political agents, build collaborative pedagogical practices rooted in the territory and oriented towards the common good. Through a qualitative and cartographic methodology, the study highlights formative episodes in which teaching emerges as a practice of listening, co-authorship, and intercultural mediation. The concept of the border is redefined from a logic of separation to that of a *borderscape* — a relational, ethical, and political space where bonds, belonging, and relational justice are forged. Emerging from a critical and situated pedagogy, the experience analysed challenges monocultural and securitization paradigms, proposing new educational grammars grounded in plurality, linguistic hospitality, and the making of a shared commons. The article argues that the teachers involved in PEBIF not only reinvent the curriculum but also reposition the school as a territory of resistance and transformation. By recognizing the role of teachers in constructing shared forms of belonging, the text suggests that this experience contributes to rethinking, beyond the educational field, transborder public policies, pointing to the urgency of cooperation practices centred on local actors as knowledge producers and mediators of intercultural justice.

Keywords: in-service teacher education, border as curriculum, emergent curriculum, intercultural and bilingual education, border pedagogy.

Introduction

When one speaks of borders, images of separation, containment, security, or dispute often arise. These are historically consolidated representations, reinforcing a geopolitical view of the border as a line of exclusion, sustaining nationalisms, surveillance practices, and mechanisms of identity segmentation (Mezzadra & Neilson, 2013; Szary, 2015). This approach, embedded within the modern-colonial logic (Mignolo, 2007), tends to reduce the complexity of border territories, overlooking their potential as places of encounter, mediation, and creation.

However, various theoretical currents have been challenging this geopolitical model, proposing critical inflexions that understand borders not as fixed lines, but as zones of epistemic, political, and cultural negotiation. It is in this horizon that the notion of border epistemology (Lage, 2008; Mignolo, 2006), the concept of *borderscape* (Brambilla, 2015), the idea of mobile ontology (Szary, 2015), and the theory of *bordering* (Laine, 2017) are situated. These frameworks shift the focus from geographic delimitation to the dynamic processes that produce, contest, and reinscribe borders as landscapes of meaning and zones of encounter between knowledges and cultures. Nail (2016) further introduces the concept of *kinopolitics*, recognizing borders as kinetic and processual spaces where various flows — social, linguistic, and identitarian — are regulated and multiplied. This approach views of the border as a continuous movement of division and invention — an in-between space in permanent reinvention. Such a conception of the

border as a site of identity and cultural negotiation also resonates with Anzaldúa's (1987) vision of the *borderlands* as hybrid territories of resistance, where alternative knowledges, affects, and dissident practices are reinscribed.

In this light, the article mobilizes the idea of the border as an epistemic and educational space — a living landscape where shared belonging, plurilingual knowledges, and pedagogies-in-becoming are co-constructed. Accordingly, we propose to regard the border school as a site of curricular reinvention and of linguistic hospitality (Ricoeur, 2004), where teachers act as intercultural mediators and meaning-makers. Specifically, we are interested in understanding how teachers working in border regions — in this case, between Portugal and Spain — contribute to the emergence of a transnational educational identity, conceived not as a normative or administratively instituted category, but as a constellation of bonds, gestures, and enunciations that move cross both the territories and the subjects who inhabit them.

This approach calls for a situated and critical pedagogy, what Henry Giroux (1997; 2005) defines as *border pedagogy*, committed to listening to the margins, valuing local knowledge, and constructing educational practices that reject curricular and epistemic homogenization. It is a perspective that can take shape in formative processes that articulate in-service teacher education with practices of co-authorship, linguistic justice, and intercultural mediation, as proposed by the *Projeto Escolas Bilingues e Interculturais de Fronteira* (PEBIF),

a cross-border cooperation initiative and the focus of the present analysis, to be developed in the following section.

Our analysis is part of an ongoing qualitative and interpretive study at the University of Aveiro, investigating the potential of in-service teacher education in border contexts, understood in this study as a situated pedagogical practice and a political force for transformation (Giroux, 1997; Nóvoa, 2019). The focus lies on how teachers, grounded in their territories, constitute themselves as intercultural mediators, co-authors of curricular practices, and builders of shared educational belonging, challenging monocultural paradigms and contributing to the emergence of a transnational educational identity.

The research is grounded in the theoretical framework of critical pedagogy (Giroux, 1997), in dialogue with critical interculturality (Walsh, 2012) and with a border epistemology (Lage, 2008; Mignolo, 2006), which recognizes teachers as epistemic subjects and knowledge producers. It also draws on an ethical and political understanding of teaching as a practice of listening, authorship, and transformation, as proposed by Freire (2011) and Carinhas et al. (2022), framing teacher education as a space for reinventing the common through difference.

The reflection developed here is organized around five analytical axes, built from the dialogue between critical theoretical frameworks and formative episodes experienced within the scope of PEBIF. Prior to this, we present the empirical and methodological context of the investigation, with emphasis on the

architecture of the PEBIF, its formative dimensions, and the selected episodes from the empirical corpus that ground the analysis developed throughout the text.

PEBIF as a site for teacher education and the construction of a transborder educational identity

Conceived in 2020 under the framework of the Common Strategy for Cross-Border Development, at the initiative of the Organization of Ibero-American States (OEI), PEBIF aims to foster educational, social, and economic cooperation in Iberian border regions. Funded by OEI's own resources, with the support of the Portuguese and Spanish governments and with shared scientific coordination between the University of Aveiro and the Complutense University of Madrid, the project reached its fourth edition in 2025. Since 2021, it has involved over 160 teachers, 48 schools, and approximately 2,200 pupils across the border territories of both countries (OEI, n.d.).

PEBIF's core objective is to strengthen cooperation between Portugal and Spain in the educational, social, and economic development of border regions, through an educational model grounded in knowledge, competences, and values related to bi-/plurilingualism and interculturality — considered essential for citizenship, academic progression, and employability in both countries (OEI, n.d.). Within this framework, the project seeks to qualify teachers as intercultural mediators, recognizing their local engagement as an ethical and political practice; hence, continuous professional development constitutes the project's central axis.

Structured around four interdependent phases which are renewed for each edition, namely the identification of the participating schools, collaborative teacher training, joint pedagogical project development, and the dissemination of practices — PEBIF advocates a relational pedagogy that values teacher authorship, active listening, and the co-construction of educational resources. Phases two and three are devoted to teacher training via an action-research-education approach, with a focus on intercomprehension, critical reading of local contexts, and the collaborative construction of learning projects — hereafter referred to as Learning Plans (LP), to distinguish them from the broader institutional project, PEBIF.

In this context, cross-border mirror-school pairs — organized based on geographic proximity and/or prior collaborative experience — are established as communities of practice fostering knowledge exchange and the co-authorship of pedagogical proposals. Participating teachers take part in shared synchronous sessions, held online, in which the theoretical foundations of PEBIF are discussed and the co-design of LPs is collaboratively guided. These plans are developed jointly, based on themes arising from the specificities of each territory — whether social, cultural, linguistic, educational, or otherwise. Subsequently, the plans are implemented in a coordinated manner across both schools, maintaining constant dialogue between partners and with the broader network of trainers, researchers, teachers, and members of the educational community. Whenever possible, the implementation phase includes joint activities involving pupils

from both sides of the border, promoting intercultural encounters and shared learning experiences.

Beyond direct pedagogical outcomes, PEBIF aligns with several Sustainable Development Goals, notably Target 4.7 (education for cultural diversity, peace, and human rights), Target 4.c (qualified teacher training), and Target 17 (institutional partnerships). It also aspires to extend its impact beyond the border zones, promoting the social valorization of bilingualism and interculturality across the Iberian Peninsula (OEI, n.d.).

Affirming PEBIF as an educational territory-in-the-making entails understanding it not merely as a local public policy, but as an epistemic proposition: the border is not perceived as a limit to educational action, but as the place where the school is reinvented, regarding the to the territory and inscribing itself into the bonds that traverse it. By fostering mutual recognition, intercultural listening, and the construction of shared sense of belonging, the project intervenes in the cultural tapestry of place, cultivating practices of conviviality that challenge narratives of fragmentation and exclusion. In doing so, it sketches an alternative grammar of the possible for border regions — one that, without necessarily claiming such a status, contributes to the everyday construction of a culture of peace rooted in relational justice, recognition, and the valuing of difference.

This reinvention of the borderland school aligns with an educational model that promotes cultural diversity, human rights, and peaceful coexistence — values endorsed by international agendas such

as the Sustainable Development Goals, as noted earlier. However, what is observed in PEBIF is not the implementation of a pre-defined programme, but the emergence of educational practices rooted in the lived experiences of local actors and the specific challenges of their territories. By embracing linguistic and cultural plurality, fostering dialogue between neighbouring territories whose histories have been administratively divided yet remain culturally intertwined, and co-creating educational projects, PEBIF not only acknowledges diversity but inscribes it as a constitutive value of the educational experience. In this gesture, it helps to shift the grammar of the border — often associated with control, security, and exclusion — towards an ethics of hospitality, mediation, and the collective creation of meaning. It thereby affirms the possibility of a culture of peace built from the margins, where difference is not a threat but the founding potential of a new cartography of the common.

At the core of this architecture lie three key concepts: (i) plurilingualism, understood as the valorization of the languages present in the territory and their contact practices; (ii) interculturality, as ethical coexistence, negotiation of meaning, and shared signification; and (iii) intercomprehension, conceived as a strategy for communication between related languages, grounded in active listening and linguistic hospitality (Ricoeur, 2004).

Empirical Focus: The Bragança–Zamora Pair

This analysis focuses on the first edition of PEBIF, which took place between October 2021 and May 2022.

That edition involved thirty-seven teachers from ten Portuguese and Spanish educational institutions, organized into four pairs of mirror-schools along the Portuguese–Spanish border: Bragança–Zamora, Guarda–Miróbriga, Elvas–Badajoz–Cáceres, and Vila Real de Santo António–Huelva.

Figure 1. Location of mirror-schools – 1st Edition



Source: *Escuelas Bilingües y Interculturales de Frontera / Escolas Bilingües e Interculturais de Fronteira*. (n.d.) <https://reacampo.wordpress.com/>

The research presented here focuses exclusively on the Bragança–Zamora pair, which was closely and systematically accompanied by a team of teacher-educators and researchers engaged in the project.

The group under study was composed of eight teachers — four Portuguese and four Spanish — who participated in a 50-hour training programme, structured around two face-to-face sessions (opening and closing), synchronous online meetings, and collaborative work within their respective schools. The training aimed at the co-construction of a LP, developed from a shared theme and issue rooted in the sociocultural and linguistic realities of both contexts. This process required a situated understanding of the local contexts, the articulation between knowledge and curricular frameworks, and the joint implementation of pedagogical practices oriented towards plurilingualism and interculturality.

The monitoring of this training process, undertaken within the scope of the research, generated a broad and rich set of empirical materials — including the researcher's field notes, audiovisual recordings, photographs, digital exchanges between teachers, trainers, and researchers, teacher narratives, and pedagogical resources — which were subsequently systematized into a single document entitled *Multimodal and Polyphonic Narratives of a Cross-Border Investigation between Portugal and Spain* (NMP).

An exploratory analysis of this corpus made it possible to identify formative episodes of high symbolic density and analytical relevance. These episodes

offer valuable insights into how teachers construct shared meanings, co-create pedagogical practices, and contribute to the emergence of a transnational educational identity — one woven through difference, listening, and co-authorship. These episodes form the basis of the analytical axes that structure the reflection developed in the following section.

Between Listening and Analysis: Methodological Foundations for the Reading of Five Critical Proposition

The analysis that follows is grounded in qualitative, interpretive, and engaged research, guided by an ethical–political stance of listening and co-authorship with the participants involved. Inspired by the principles of cartographic research (Passos et al. 2020), this approach does not begin with predefined hypotheses but instead accompanies emergent meanings, conceiving teacher education as a landscape of relationships and the co-production of knowledge.

Researching *with* teachers, within this framework, requires a sensitive mode of listening — attentive to words, silences, gestures, and affects — and a form of writing that is permeable to experience. As Carinhas et al. (2022) suggest, this is an ethical attentiveness that transforms the act of inquiry into a gesture of recognition and restitution, in which lived experience is reinscribed as transformative potential.

As mentioned in the previous section, the empirical corpus analysed here was produced during the first edition of PEBIF (2021–2022), through the formative

accompaniment of the Bragança–Zamora mirror-school pair. The collected materials — including lesson plans, videos, presentations, recordings, visual narratives, mentoring records, and field diaries — were systematized in the document *NMP*, which forms the empirical basis for this analysis.

In the interpretative process, five formative episodes were identified and understood as genuine *theoretical events* (Kastrup, 2007): moments in which experience summons thought and reinvention. These episodes are not presented as mere illustrations, but rather as analytical devices that condense tensions, displacements, and gestures of shared creation. Their reading was

guided by conceptual operators (Passos et al. 2020), mobilized as critical tools for problematization.

From the analysis of these episodes, five critical propositions were constructed. These are understood as interpretive propositions sustained by the articulation between empirical material and critical theory, with the aim of unsettling established categories and illuminating displacements within the field of teacher education in border contexts. Each assertion offers a situated reading of how teachers constitute themselves as intercultural mediators and co-creators of transborder pedagogical practices.

Table 1. Relationship between formative episodes and critical propositions

Episode	Critical Proposition	Source	Actors Involved	Context
I	Territory as curriculum: recognizing to build belonging	NMP, pp. 36–44	Teachers, teacher educators, researcher	Session 6 – second moment: group activity with the Bragança–Zamora teachers
II	The border as shared experience: inhabiting the common	NMP, pp. 92–96	Teachers, teacher educators, researcher	Session 13 – restricted meeting with the Bragança–Zamora mirror-schools
III	Language as hospitality: listening and speaking with the other	NMP, pp. 11–15	Teachers from all participating schools, teacher educators and scientific committee	Sessions 2 and 3 – collective activity involving all mirror-schools
IV	Educating at the margins: bonds, visibility, and shared meanings	NMP, pp. 99–107	Teachers and researcher	Session 14 – restricted meeting with the Bragança–Zamora mirror-schools
V	Co-authorship as teaching praxis: recognition, continuity, and transformation	NMP, pp. 239–241	Teachers, trainers, researchers, institutional representatives	Final face-to-face session of the 1st edition. Venue: Ciudad Rodrigo – Spain

Source: NMP – *Author’s Systematization (2025)*

The table above presents the correspondence between the formative episodes identified and the five critical propositions analysed in this study, specifying the moments within the training journey (sessions) in which the episodes occurred, the actors involved, and internal references to the empirical corpus — notably the pages of the *NMP* document (restricted circulation). The inclusion of these references aims to ensure methodological rigour and traceability of the analysis. This systematization makes more visible the articulation between experience and reflection that underpins the analytical trajectory developed in the following section.

Five Critical Proposition

Critical Proposition I – Territory as Curriculum: Recognizing to Build Belonging

The first critical proposition stems from the analysis of the episode I, which took place during the sixth formative session of the PEBIF. It occurred when the mirror-school teachers co-constructed the theme of the LP to be implemented. The sharing of narratives about the places where they live and teach allowed for the recognition of shared concerns, values, and experiences — such as work, effort, and respect — deeply rooted on both sides of the border. This dialogic exercise led to the choice of the title ‘*O trabalho e o respeito que nos une*’ (*The work and respect that unite us*), which was understood not as a mere thematic coincidence but as the synthesis of a process of listening, negotiation, and shared meaning-making.

In order to identify teachers’ statements used in the analysis, an alphanumeric coding system was adopted to ensure participant anonymity and interpretative consistency. The code comprises three elements: PP or PE, referring respectively to Portuguese and Spanish teachers; G1, indicating the group associated with the Bragança–Zamora mirror-school pair; and a letter (from a to d), assigned based on the alphabetical order of the teachers’ first names within each group. This convention will be used throughout the five critical propositions presented below, allowing for ethical and traceable reference to participants’ contributions without compromising their individual identities.

The epistemic and symbolic power of this process became particularly visible in the public presentation delivered during the final session of the formative pathway. Representing the group, one of the Spanish teachers stated:

“El título del proyecto refleja la preocupación no solo por los aspectos culturales, obvios y tangibles, que unen ambos lados de la raya, sino también por algo menos tangible que une España y Portugal, el tratamiento que en ambos lados se ha hecho de pilares básicos para el desarrollo de la sociedad como son el trabajo, el respeto y el esfuerzo. A lo largo del proyecto se desarrollaron los puntos en común existentes entre los dos países y descubrieron cómo estos valores, trabajo, respeto y esfuerzo están presentes en las dos culturas.”

[“The title of the project reflects concern not only with the cultural aspects — obvious and tangible — that connect both sides of the border, but also with something less tangible that links Spain and Portugal: the way both countries have addressed basic pillars for societal development, such as work, respect, and effort. Throughout the project, the commonalities between the two countries were explored, and it was discovered how these values — work, respect, and effort — are present in both cultures.”] (PEG1d).

The centrality given to local knowledge and values was further reinforced by the teachers’ decision to incorporate cultural traditions from both territories into the LP, such as Carnival and traditional masks. In a performative and affective inversion, Spanish pupils crafted Bragança-style masks, while Portuguese pupils created Sanabria-style ones. One of the teachers remarked: “*Isso é mesmo giro porque assim nos obriga mesmo ao conhecimento — nós de vós e vós de nós*” [“*This is really cool because it really makes us learn — we learn about you and you learn about us*”] (PPG1c). This practice — simultaneously aesthetic, identitarian, and epistemic — mobilized local cultures not merely as content references but as living subjects for the curriculum and a basis for intercultural encounters.

This episode clearly points to a conception of curriculum as a situated, relational, and ethical practice — a shared construction anchored in inhabited territories and in the ties that traverse them. By evoking intergenerational knowledge, vernacular languages, everyday practices,

and shared memories, teachers reject the logic of a normative, exogenous, and decontextualised curriculum. Instead, they assert a *situated pedagogy* (Freire, 2011; Nóvoa, 2019), one that recognizes subjects and their places as legitimate sources of knowledge and belonging.

The LP co-created between Bragança and Sanabria exemplifies this curricular shift, underpinning transborder pedagogical practices anchored in co-authorship and shared meaning-making. As Ulhôa and Araújo e Sá (2024) underscore, educating on the border means displacing the curriculum from its hegemonic centres and reinscribing it in the margins as an ethical and political gesture. By grounding the curriculum in lived geographies, teachers not only recognize their territories as epistemic landscapes, but also reaffirm educational practice as an act of implication, recognition, and shared construction of the common.

Critical Proposition II – The Border as Shared Experience: Dwelling in the Common

The second critical proposition emerges from the analysis of the episode II, which occurred during the implementation of the LP. One of the core activities involved crafting traditional masks associated with local festivities in each region — namely the *Entrudo* in Bragança and the *Caretos de Sanabria*. In a symbolic gesture of reciprocity, Portuguese pupils crafted masks typical of the Sanabrese culture, while Spanish pupils created masks inspired by Bragança’s tradition. This intentional

inversion, more than an aesthetic exercise, functioned as a pedagogical practice of displacement and mutual recognition.

Through this gesture, the border was revealed as a lived and affective space, where learning occurred through the embodiment of alterity. Assuming the face of the other became an exercise in cultural listening and symbolic transgression, dissolving identity boundaries and giving rise to shared forms of belonging. This experience may be understood through the lens of Bhabha's (1998) notion of the *third space*, wherein identities are constituted through negotiation, translation, and intercultural creation.

From this perspective, the mask-making activity re-inscribes the border as a *borderscape* (Brambilla, 2015), a landscape of practices, affections, and gestures that traverse the visible and the symbolic. The manual work, the use of local materials, the storytelling, and the ritualized performance activated an ecology of shared meanings — learning *with* and *through* difference. In this context, performativity became a powerful pedagogical strategy, displacing the curriculum into zones of experience where body, aesthetics, and language intertwine (Larrosa, 2014).

As Lisovetc (2018) affirms, performative pedagogy values the body as a site of knowledge, and aesthetic experience as a condition for situated learning. In this sense, the activity did not aim to represent the other, but rather to inhabit their gesture — a movement of hospitality and reciprocity that inevitably evokes the notion of openness to the Other. For Derrida (2003), hospitality requires a radical openness to the other, even amid asymmetries. When

transposed to the educational field, this notion aligns with the idea of *cultural hospitality*, in which the school becomes a space of symbolic welcome, capable of listening to and legitimizing other cultures without assimilating them.

The border thus emerges as a relational zone (Laine, 2017), where difference is not an obstacle but the very engine of shared experience. As Walsh (2012) proposes, the aim is to promote a *critical interculturality*, one committed to confronting historical asymmetries and forging bonds grounded in listening, co-authorship, and transformation. Dwelling in the common, in this sense, does not imply the erasure of differences, but their mutual translation into practices that generate recognition.

Hence, the mask-making activity was configured as a situated curricular practice, capable of reinscribing the border as a space of collective creation. In inhabiting the gesture of the other, pupils experienced a pedagogy of reciprocity, in which aesthetic sharing became a common language. This experience reveals the formative potential of the common — not as the sum of differences, but as a practice of recognition and shared invention.

In this regard, this formative experience resonates with the studies of Araújo e Sá and Melo-Pfeifer (2018), which highlight the potential of intercomprehension as a plural and critical approach to teacher education — one that fosters epistemological shifts, pedagogical co-authorship, and the recognition of teachers' linguistic repertoires.

Critical Proposition III – Language as Hospitality: Listening and Speaking with the Other

The third critical proposition arises from the episode III, which unfolded across two formative moments of the PEBIF, articulated as a single expanded experience: an initial activity involving the listening and analysis of video excerpts in various Romance languages, conducted during session 2, and its reflective revisitation in the Intercomprehension Workshop held by invited experts in session 3, as recorded in the NMP.

In the first session, teachers were invited to listen to short video clips — between 20 and 30 seconds in length — featuring speakers of different languages (such as Romanian, Mirandese, Cape Verdean Creole, Guianese, Italian, among others), each associating a word with the idea of intercomprehension. The task consisted in identifying the language spoken, the highlighted word, and, where possible, reconstructing the general meaning of the message. This playful yet challenging exercise triggered spontaneous reactions that reveal the potential of intercomprehension as an intuitive and affective gesture. As one Portuguese teacher summarized: “*há palavras que se entende, parece que são comuns às línguas todas [...] é quase como ler um texto salteado e nós conseguimos entender o discurso*” [“*there are words one can understand; it feels like they’re common to all languages [...] it’s almost like reading a scattered text and still being able to grasp the message*”] (PPG1b).

This initial moment of practical exploration was resumed in the following session during the Intercomprehension Workshop, guided by experts who

connected the theoretical foundations of the approach to a critical listening of the prior experience. The teachers were then invited to reflect on the cognitive strategies activated, the emotions mobilized, and the formative meaning of the practice experienced. Among the testimonies, one teacher from El Puente de Sanabria remarked: “*Me di cuenta de que el idioma es solo una herramienta... lo que importa es tener ganas de comunicarse*” [“*I realized that language is just a tool... what really matters is the desire to communicate*”] (PEG1c). This statement reveals an understanding of language as a relational medium, subordinated to the desire for encounter, rather than as a mere technical or disciplinary tool.

The experience prompted both epistemic and affective shifts among the participants. Teachers laughed at themselves, welcomed linguistic deviations, and played with meaning, activating a form of situated listening that unsettled hierarchies and fostered critical conviviality. Language ceased to be assessed by normative parameters of accuracy or fluency and became inhabited as a space of openness and shared vulnerability. In this context, listening implied an ethical gesture — attentiveness to the other in their hesitation, incompleteness, or displacement — as theorized by Fricker (2007) in her discussion of epistemic injustice and the right to be heard.

The workshop also prompted the emergence of cognitive and affective strategies of reading and inference, aligning with the notion of *translanguaging* (García & Li, 2014). While interacting with documents in different Romance languages, teachers mobilized multiple semiotic resources and

cultural memories to construct shared meaning. As one Portuguese teacher remarked, the association of words, sounds, and previous experiences — including folk songs and familiar imagery — was one of the keys to comprehension, evidencing a mode of listening deeply rooted in lived experience and cultural imagination.

In this regard, intercomprehension is not merely a didactic technique but emerges as an ethical formation device. By redirecting subjects from their native language and inviting them to inhabit the language of the other, a movement of epistemic decentralisation is activated — one that aligns education with an ethic of hospitality.

As Ricoeur (2004) proposes, linguistic hospitality consists in ‘inhabiting the language of the other without renouncing one’s own’, thereby allowing for educational practices that value listening, vulnerability, and co-authorship as conditions for constructing a plural common. To affirm intercomprehension as a formative gesture is thus to displace linguistic boundaries and re-inscribe language as a space of relational justice — where encounter becomes possible precisely because no one is required to cease being who they are to communicate with the other.

Critical Proposition IV – Educating from the Margins: Bonds, Visibility, and Shared Meanings

The fourth critical proposition stems from Episode IV, which took place during Session 14, an autonomous working meeting of the teaching group from the mirror-schools Bragança–Zamora. On that occasion, a video produced by the

Portuguese team was shown, documenting the learning journey developed with pupils up to that point. While the material was initially intended as an internal tool for practice sharing and collective reflection within the group, the gesture also emerged as a symbolic manifestation of the shared commitment to a pedagogical endeavour that is situated, articulated and transformative affirming the border as a relational space.

This moment of sharing took place within one of the weekly meetings between the mirror-schools, foreseen in the pedagogical architecture of the PEBIF. These gatherings were part of the group’s internal organization and counted towards the autonomous working hours of the programme, with the presence of the teacher educators assigned to accompany each group. Designed to fine-tune implementation and define the next steps, these spaces sought to ensure coherence, continuity and shared responsibility in the development of the project.

The video showed Portuguese children singing in Spanish, recreating traditional costumes from Sanabria, parading to shared musical themes, and enthusiastically presenting the results of their community-based research — one of the activities included in the LP. Teachers on both sides watched, commented, laughed, and recognized themselves in the experience. One Portuguese teacher summed up the intensity of the process by saying: “*Isto é tudo muito trabalhoso, causa-nos stress e muita ansiedade (...), mas depois há um lado bom, que nos obriga a estar juntos e a conviver. Isto é uma parte boa deste trabalho*” [“*This is all very labour-intensive, it causes us stress and a lot of anxiety*”].

(...), but then there's a good side, which forces us to be together and to socialize. That's a good part of this work"] (PPG1c).

Although conducted in a setting limited to the teaching collective, this act embodied a political dimension of the training process by making visible a pedagogical practice that rejects isolation, activates bonds, and reinscribes the territory as a space of shared learning. The *raia* (borderland) thus emerges as a relational landscape, woven through listening, recognition, and collaboration.

Within this horizon, the school asserts itself as a political space of mediation: more than a reproducer of contents, it becomes a locus for reinscribing knowledge in territories and affective ties. As Giroux (1997; 2005) argues, a critical pedagogy

connects lived experience to social analysis and to the ethical imperative of transformation. This episode embodies that principle, highlighting teachers who refuse the technical neutrality of educational practice and take up the role of cultural mediators and socially committed agents.

The video initiative and the pedagogical gestures that followed—from the Carnival parade in El Puente de Sanabria (Figure 2), to the public presentation in the main square of Bragança (Figure 3), and the exhibitions in schools and museums (Figures 4 and 5)—illustrate how PEBIF's pedagogical commitment exceeds the confines of the classroom. The border is thereby reinscribed as an educational territory for constructing the commons, where the public visibility of teaching practices becomes a political and cultural force.

Figure 2. Carnival procession in El Puente de Sanabria / Spain



Figure 3. Student performance in the central square – Bragança / Portugal



Figure 4. Exhibition of materials at the Casa del Parque del Lago de Sanabria / Spain

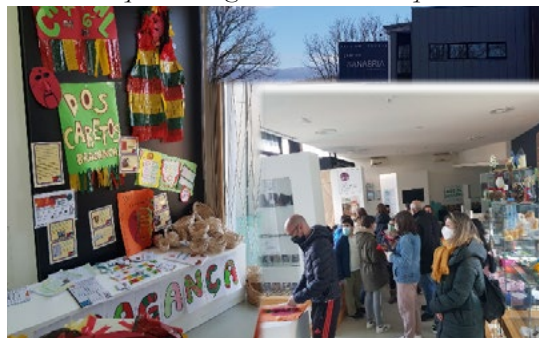


Figure 5. Exhibition of materials at the Primary School Centre – Bragança / Portugal



Source: Figure 1 was provided by the teachers from the Spanish school. The remaining images are from the researcher's personal archive.

The border thus becomes an educational and political space not by erasing difference, but by recognizing it as the very condition for relationality. As Walsh (2012) proposes, educating from the border requires the decolonization of the power–knowledge mechanisms that shape the curriculum, activating practices of listening, co-authorship, and recognition. What was expressed in Session 14—and which continues in the public-facing educational actions—does not constitute a mere isolated event or foreseen culmination. Rather, it represents a formative occurrence that reconfigures meanings and relations: a genuine theoretical and political event in ongoing transformation. There, in the sharing among peers and in the gestures that extended the school into public space, a pedagogy of the border is affirmed—one committed to listening, bonding and transformation. The school becomes a site of collective enunciation, where bonds are cultivated, borders are reimagined, and shared meanings are produced.

Critical Proposition V – Co-authorship as Teaching Praxis: Recognition, Continuity, and Transformation

The fifth critical proposition emerges from the episode V, experienced during the closing event of the PEBIF, in which teachers from the mirror-schools of Bragança and El Puente de Sanabria publicly shared the formative path they had undertaken. Far from being a mere final presentation, this moment became a symbolic act of restitution and a pedagogical and political gesture affirming

continuity — in which teacher education is seen as a relationship, and the project as an ethical, situated, and shared practice.

The teachers' contributions, recorded during the closing presentation of the training course, reflect a critical and situated appropriation of the formative experience. Rather than offering generic characterizations, the participants articulated the meaning of the process through the specificities of their educational contexts and pedagogical commitments. In their words:

“Fue un proyecto muy audaz, desafiante, innovador, laborioso”
[“It was a very bold, challenging, innovative, and labour-intensive project”] (PEG1b).

“Relativamente a Bragança, um dos eixos do Projeto Educativo é a internacionalização do Agrupamento em consonância com o plano de desenvolvimento europeu” [“Regarding Bragança, one of the pillars of our Educational Project is the internationalisation of the school cluster, in line with the European development plan”] (PPG1c).

“En cuanto al Puente, nuestro compromiso con el entorno ha sido constante [...] ampliándolo al ámbito rayano con todas las implicaciones socioculturales que tiene este marco fronterizo” [“As for El Puente, our commitment to the local environment has been constant [...] extending it to the borderland sphere, with all the sociocultural implications that this border context entails”] (PEG1b).

These statements reveal more than mere adherence to an institutional project. They embody critical and situated appropriations, in which co-authorship — forged through the interweaving of national curricula, local educational projects, and the sociocultural dynamics of the border region — demonstrates that difference is not an obstacle to cooperation, but rather a founding condition of a pedagogy of the commons.

In this horizon, co-authorship is understood as teaching praxis — not as a simple division of tasks, but as a formative experience of ethical, political, and epistemic engagement. As Freire (2011) argues, praxis is realized in the dialogical movement between action and critical reflection, transcending the dichotomy between doing and thinking. And as Nóvoa (2009) reminds us, teacher professionalism is built through sharing, listening, and co-responsibility, not in the solitude of technical execution. Thus, the episode analyzed embodies this perspective: the project is not narrated as a closed or completed process, but as an open-ended journey, in which teacher education projects itself beyond its institutional timeframe. In naming the work as challenging, the teachers do not close it off; rather, they view it as a continuous possibility — a seed germinating in schools, collaborative networks, and the territories of the border region.

This circle that does not close is not a sign of incompleteness, but of openness to reinvention — a device of continuity that resists conclusive endings and affirms teaching as a practice of ongoing reconfiguration. In returning the lived

experience in the form of collective testimony, teachers also become authors of their own practice — narrators of a profession in transit, shaped by listening, reciprocity, and the transformation of the school into a site of plural enunciation. In this sense, the project configures itself as a pedagogical ecology in motion — a dynamic and situated cartography, drawn through shared gestures, interwoven narratives, and the ethical commitment to collective creation.

Final Considerations

Throughout this article, we have sought to demonstrate how the teachers involved in the PEBIF project have been constructing a pedagogical practice that transcends the logic of the border as a barrier and consolidates it as a space of intercultural mediation, teacher co-authorship, and situated curricular reinvention. This is a practice that does not end in the technical execution of a project but is woven into the everyday tapestry of listening, commitment, and belonging — sketching out a transnational educational identity, forged from the margins and oriented towards the creation of the commons.

From the analysis, images of a teaching practice in motion emerge: perspectives that are constituted through relationship, that embrace the risk of symbolic translation, and that invest in listening as both an ethical and political gesture. In this process, in-service teacher education ceases to be a space for normative updating and becomes a territory for pedagogical invention, cultural negotiation, and critical commitment to the territories and the subjects who inhabit them.

Drawing on the set of episodes and critical propositions analyzed, five key ideas that may help us to envisage new educational cartographies for border regions emerge:

- The border as a territory of curricular invention and shared belonging, where the curriculum is reinvented through lived experience, drawing upon local knowledges, affections, and practices of co-authorship.
- Education as a space of listening, displacement, and the resignification of teaching practices, recognizing teachers as epistemic and political agents, protagonists of a situated educational praxis.
- The curriculum as a relational practice oriented towards the common good, woven through the interactions between margins, cultures, and plural experiences.
- Teachers as intercultural mediators and agents of symbolic justice, capable of building bridges between communities divided by geopolitical borders yet connected by educational ties.
- Cross-border teaching as a political and transformative practice, which reinscribes the school within the territory and affirms pedagogy as care, creation, and shared responsibility.

These ideas do not seek to close the investigative process but rather open pathways to continue reflecting on the role of teachers as builders of new educational

grammars — grammars that are more just, plural, and rooted in the affective and epistemic geographies of border regions.

In territories where the border might separate, teachers are building bridges: reinventing the curriculum, sharing knowledge, and expanding the horizons of the school. They are not merely constructing a cross-border education — ethical, situated, and committed to the common good — but also signalling the possibility of an educational action that resists the logics of fragmentation and exclusion.

Finally, this reflection extends beyond the strictly educational domain. What is inscribed in the PEBIF experience — and in the critical analysis here proposed — is the possibility of reimagining borders as spaces of creation and relational justice. This constitutes a contribution that may resonate with other dimensions of cross-border public policies, so often dominated by securitarian or logistical rationalities, yet lacking a rooted territorial pedagogy. By reframing teaching on the border as a practice of listening, mediation, and co-authorship, an ethical and political horizon is affirmed — one which aims to inhabit, care for, and transform borders in times of crisis and reinvention of the commons.

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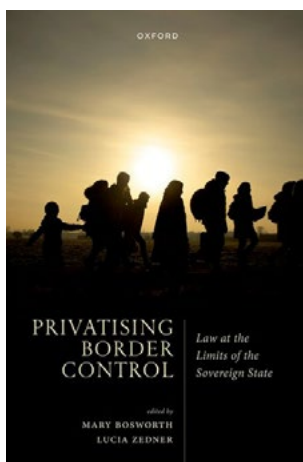
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**Bosworth, M., & Zedner, L. (ed.) (2022).
*Privatising Border Control. Law at the Limits of the Sovereign
State. Oxford University Press.***

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Oxford University Press published an interesting edited volume in 2022 that aims to investigate the phenomenon of privatizing border control through interdisciplinary theoretical and methodological perspectives. The collection of articles looks at the increasing involvement of the private sector in border control. This phenomenon is profoundly important, as the involvement of private actors may challenge state sovereignty by shifting key functions of border control away from public institutions into the hands of profit-driven entities. Such a shift could potentially undermine the authority of the state, complicate the relationship between citizens and the state and it could raise concerns about accountability and transparency.

The Peace of Westphalia ended the thirty years of bloody war in the 17th century. This peace established the Westphalian state system, which is the defining feature of state sovereignty, territorial integrity and non-interference in the internal affairs of other states. This system established the modern concept of



nation-states with defined borders, each having ultimate authority within its territory. It remains a foundation of international relations; although, globalization and supranational organizations have been increasingly challenging its frames.

The past few decades have seen profound transformations within the political, economic and social landscapes. The rapid expansion of globalization, the increasing influence of transnationalism and supranational institutions, and the growing power of multinational corporations have reshaped traditional governance structures. These shifts have led to the erosion of state-centric models of authority, giving way to a more complex and decentralized form of rule. As a result, the welfare state, once being a cornerstone of social and economic stability, has gradually declined, making a room for neoliberal capitalism. This transition has been marked by a strong emphasis on free markets, deregulation, privatization and reduced government intervention, hence bringing a fundamental shift in governance and society. As Ana

Aliverti (2022, p. 259) writes, „*This dynamic whereby political power is increasingly subject to economic bargaining blurs the lines between public and private.*”

In this context, privatization refers to the process of transferring public sector services, functions and assets into private ownership and management. Initially, privatization was largely confined to economic sectors, such as industry, transportation and/or energy, where market-driven efficiency was seen as beneficial. However, over time, its scope has expanded significantly, moving beyond purely economic domains and entering into public service sectors, including healthcare, education and even security.

Today, we have entered an era where privatization is increasingly encroaching upon areas that were once considered the exclusive domain of the sovereign state. Functions such as border control, law enforcement, military operations and detention services – historically regarded as essential to state authority and governance – are now being outsourced to private entities. This shift raises critical questions about accountability, legitimacy and the role of the state in ensuring the protection of fundamental rights. As private actors gain more influence in these traditionally sovereign domains, the very nature of governance and public responsibility is being redefined.

Privatization of core layers of the state, which are often associated with state sovereignty itself, might take various forms, but the progressing tendency is undeniable. As Lucia Zedner and Mary Bosworth write (2022, p. 10), „*the privatisation of border controls takes many forms and encompasses widely varying*

practices, ranging from the contracting out to private security firms of border control functions formerly undertaken by state officials; to the assumption of monitoring and other interventions by NGOs, and even private citizens, to entirely new technologies of control. The tasks and roles privatised range from the provision of services like cleaning, catering, and transport, to control functions such as detaining, guarding, and escorting by private security companies. Monitoring immigration status and reporting irregularities are duties outsourced to charities, NGOs, professionals (including doctors, professors, and teachers), as well as to private citizens like landlords. In addition, new tools of digital security and data highways operate above and beyond the border, well away from public view.” To be more specific, outsourcing border security aspect to companies like G4S in the United Kingdom; Blackwater and/or other private groups such as the self-identified ‘Minutemen’ and ‘United Constitutional Patriots’ in the United States of America; or the Red Cross and Misericordia d’Italia in Italy.

The edited volume is structured into four major parts. In the first part, the articles aim to look at ‘the limits of state sovereignty’. ‘Legitimacy and the rule of the law at the border’ is the research object of the second part. The third part deals with the ‘outsourcing or undermining state authority’, while the last part works with the issue of ‘practices of privatization at the border’.

Jennifer Chacón writes about the racialized quality of privatized border controls, private detention and deportation. She provides insight into surveillance capitalism, a combination of capitalism and high technology, as well as the subsequent privatization tendencies in the United

States, such as the detention system. This means that private companies supply the government with advanced technologies that allow them to monitor, gather data and forecast the behaviour of large groups of people.

Both governmental and corporate entities defend these practices – surveillance, prediction, and manipulation – as vital to ‘border security’, even though private firms generate significant revenue, not only from selling their services, but also from collecting valuable personal data through their collaborations with the government. In addition, the companies that manage these technologies can leverage this data to shape the actions of their customers and users, too. As Chacón puts it (2022, p. 24), *„As surveillance functions are privatised, private actors gain access to public databases, which can be monetised as part of the aggregation services that they sell to private parties.”* She concludes that it is not so much that privatization undermines state authority, but rather that weakened state oversight and inadequate accountability measures are intentionally embedded in service contracts in order to avoid liability.

Valsamis Mitsilegas examines the evolving dynamics between private entities and state sovereignty within the realm of border control, particularly when the activities of private entities are perceived as a threat to state authority (e.g. boats rescuing migrants in the Mediterranean and Aegean Seas). Over the past decade, this relationship has become increasingly complex, largely as a result of the migration crisis. The surge in migration flows has prompted states and the EU to adopt more stringent border control measures, often involving

private companies in the management and enforcement of these policies. As a result, concerns have grown regarding the extent to which private entities, driven by profit motives, may undermine state sovereignty and civil rights in the process, thus *„the involvement of private actors is perceived not as a boost, but rather as a threat to state sovereignty.”* (Mitsilegas, 2022, p. 39)

Moreover, the author discusses the efforts undertaken by states and the EU to establish a ‘hostile environment’ for civil society in this context. This ‘hostile environment’ includes the securitisation, criminalisation of migration and the targeting of linked civil society organizations, as well as the stigmatisation and vilification of certain professions. These measures serve as a specific policy tool to assert state sovereignty.

Peter Ramsay argues that there is a difference between exogenous and endogenous causes of the privatization of state functions. The former is primarily driven by globalization, which diminishes the ability of nation-states to manage global forces, flows and conditions, thereby weakening state sovereignty. The latter highlights internal causes, such as the domestic transformation of the state, particularly through the new market model introduced by neoliberal model, where the state becomes a provider of services to its individual citizens. As Ramsay (2022, p. 63) writes, *„The privatisation of coercive border control is, therefore, evidence of an endogenous waning of sovereignty as a mode of government.”*

This endogenous cause is further fuelled by the decline of national traditions. These traditions and institutions are typically shaped by a strong state, which provides

ideological frameworks and unifying narratives. However, contemporary national institutions fail to unify the nation-state. Representative democracies are increasingly perceived as inadequate in representing the electorate, leading to a growing disdain for democratic politics. The author points to the UK as an example, highlighting that the British monarchy, particularly the deceased Queen, continues to be highly regarded by most citizens, but her successor enjoys less popularity. What is more, opinions on the broader royal family are divided, the state religion has lost its attraction and the Union remains in a fragile state. Subsequently, the privatization of state coercive measures serves as a strategy to obscure the decline of sovereign authority, thereby concealing the erosion of sovereignty.

Malcolm Thorburn presents a defence of the statist perspective against moral individualists. At the beginning of the chapter, the author explores the evolution of border control, tracing it from pre-1914 Europe, when people could cross borders without passport or visa restrictions, to modern border policies. Nowadays, wealthy countries have increasingly fortified themselves against immigration from poorer nations through legislation and coercive enforcement measures, thus implementing the reinvention of government by outsourcing traditional state functions to private actors.

The chapter basically presents a clash between two fundamental approaches to privatization. The statist approach is on the one side that is rooted in the theory of the social contract articulated mainly by Thomas Hobbes, John Locke and/or Jean-Jacques Rousseau. This approach

establishes the idea that individuals are willing to give up some of their natural freedoms in exchange for security, order and protection provided by the governing authority. According to this perspective, the privatization of traditionally state-provided services (such as policing, border control, criminal punishment, detention and war-making) is illegitimate, hence „...*it is the state and only the state that has both the legal and moral standing to determine who shall pass its borders, the actions of private actors in this area, no matter how competent and well-intentioned they might be, are illegitimate.*” (Thorburn, 2022, p. 78) Nevertheless, the opposing side presents a moral individualist argument, asserting that the only true moral agents are individual human beings, who exercise their agency freely and autonomously. From this perspective, individuals are the key agents of moral action, guided by universal principles of interpersonal morality, including respect for others' rights and the duty to treat others. In this framework, moral responsibility is not vested in the state or collective entities, but rather in the individual's capacity to make ethical decisions based on these universal moral demands.

The most radical opinion is expressed in the article written by Ashwini Vasanthakumar. The author strongly rejects the intrinsic arguments against privatization, specifically the defence of a hypothetical state. „*It is important to keep in mind the hypothetical nature of this defence lest intrinsic arguments be misconstrued as an apologia for, among other things, the nation-state.*” (Vasanthakumar, 2022, p. 97) Furthermore, she challenges the statist view that privatizing border control could undermine the state's legitimacy and disrupt the state-

citizen relationship. She argues for the necessity of theorizing legitimacy beyond this limited relationship, particularly in the context of migration control, because „*Decisions made by one political authority impact those who are not its subjects and who have no say in its decision- making processes.*” (Ibid. 2022, p. 99) This implies that the state cannot be considered as a fully legitimate public authority, because it exercises power over migrants without being in a proper political relationship with them. In other words, the state enforces laws and policies that significantly impact migrants’ lives without their direct participation or representation in the political processes. Lack of political reciprocity raises questions about the legitimacy of the state’s authority over non-citizens. According to the chapter, this problem of legitimacy could be handled by two changes. Namely, to propose the idea of ‘differentiated inclusion’, thus regulating the state’s relationship towards migrants, and the idea that theorization should be pushed toward the conception of global political legitimacy, since global problems need a global body with capacity to coordinate and compel.

Emily Ryo and Ian Peacock further explore the privatization of detention and present an anti-privatization framework. Their article focuses on two key aspects. First, they examine how the United States of America has increasingly delegated detention responsibilities to private entities, effectively outsourcing and commercializing a crucial aspect of state legitimacy. They highlight that the use of privately operated prisons in the USA is not a recent phenomenon but it dates back to colonial times, demonstrating a long history of intertwining incarceration with private

interests. However, the contemporary expansion of privatized detention was significantly driven by the ‘War on Drugs’, which led to severe prison overcrowding, and it was further reinforced by the rise of neoliberal policies that advocate for limited government and the prioritization of market actors in public services.

The second key aspect of the article is the analysis of three dominant anti-privatization narratives that have emerged in public discourse. These frameworks critically challenge the legitimacy and ethics of delegating detention to private entities, raising concerns about moral, economic and accountability-related issues. The morality-legitimacy frame argues that profiting from the deprivation of personal liberty is inherently unethical and immoral. The economic-instrumental frame questions the assumption that privatization leads to cost efficiency, emphasizing that the market is dominated by a few powerful companies, which undermines competition and drives up costs rather than reducing them. Lastly, the transparency-accountability frame highlights the secrecy surrounding private detention operations, arguing that they function beyond public scrutiny, limiting oversight and weakening democratic accountability.

Hallam Tuck writes about the complex relationship between public and private incarceration, citizenship and racial difference in the United States of America. The article provides insight into the USA prison system during the dismantling era of the welfare state and the dominance of the neoliberal economic approach. Tuck explores how, during this period, the outsourcing of state functions to private

actors was increasingly seen as a solution to issues like overcrowding in prisons. These challenges were partly driven by the 'War on Drugs' and by the criminalization of migration which led to a dramatic increase in the prison population.

The article discusses that privatization was viewed as a way to address the increasing government spending, but these often cited cost-saving benefits of privatization never materialized in reality. In fact, the attempts to reduce costs had detrimental effects on the healthcare systems within these private facilities, leading to widespread medical neglect in the pursuit of higher profits. Contrary to the claims of efficiency, private prisons often turn out to be more expensive than their public counterparts. Furthermore, Tuck argues that „*Privately operated confinement has become a tool of the prison welfare chauvinism*”, where „*immigrant prisoners are not worth being clothed, housed, and fed, because they will eventually be deported.*” (Tuck, 2022, p. 145) In addition, the contract structures that govern these private prisons place significant financial pressure on operators to maintain high occupancy rates, further incentivizing overcrowding to maximize profits. Subsequently, the criminalization of migration and the articulation of the 'Latino threat' become tools for profit-making, hence this shift toward privatization has had far-reaching consequences, particularly in terms of its impacts on marginalized communities.

Federica Infantino examines the marketization of 'legitimate' violence, focusing on how the state increasingly relies on private companies to achieve its objectives, particularly in areas like security, law enforcement and surveillance. The

author highlights that the outsourcing of government functions is neither a novel, nor an isolated process, but rather it is part of a broader, long-standing neoliberal economic trend that has been present since the 1980s. This trend underlines the primacy of market mechanisms and favours the privatization of public services. In this way, private entities gain access to those roles that were traditionally managed by the state, such as managing border control, overseeing detention facilities and even administering security services. This cooperation with private companies may have positive effects, like the state can operate more efficiently, it can reduce costs and can avoid direct accountability. However, Infantino underlines that this shift raises significant concerns regarding the privatization of state power, particularly when it comes to the use of force. The involvement of private companies in crucial areas of governance challenges the traditional boundaries between public authority and private interests. In other words, this analysis sheds light on the increasing intertwining of state functions and private enterprises and it offers a critical insight into how market-driven policies are reshaping the nature of state control and violence in contemporary societies.

Lucia Zedner's article examines the role of private citizens within the structure of border control outsourcing, focusing on how this shift leads to the establishment of an internal network of controls. The article highlights the increasing involvement of private citizens in ensuring compliance with border-related regulations, therefore expanding the scope of security practices beyond traditional government institutions. This creates a complex network of micro-

border controls, where private citizens are tasked with implementing checks and surveillance measures that influence nearly every aspect of daily life. These controls extend to areas such as housing, education and healthcare, where individuals may be required to present documentation or undergo verification processes. In this context, private citizens (like health care workers, teachers, social care workers, etc.) are also involved in the routine checking of passports, paperwork and other forms of identification, thereby contributing to a broader system of surveillance that blurs the lines between public and private responsibilities.

These border control responsibilities are extensive; however, private actors may be ill-disposed to perform such checks or may lack the professional expertise or training needed to carry them out effectively. Subsequently, individuals, especially those who appear to be ‘foreign’, might be falsely identified, resulting in a denial of access to various services. As Zedner (2022, p. 226) writes, *„Outsourcing border control to private individuals undermines state sovereignty, delegitimises its authority, and far from enhancing efficiency has created a system lacking in the basic prerequisites of good governance, all of which is injurious to social trust, mutual tolerance, and civil peace.”*

Didier Bigo explores the dematerialization of physical border controls through the digitalization of border entry processes, such as the eu-LISA agency and the operational management of large-scale IT systems. These systems represent a significant advancement in digital surveillance, which depoliticizes security by framing it as a technical and

IT matter. Thereafter, security is linked to ‘digital solutions’. These solutions have rarely been questioned; instead, they have been expanded beyond the region and even adopted nationally by countries. As Bigo notes (2022, p. 234), *„The construction of a surveillance industry under the label of civil security has therefore developed silently with little criticism.”*

The article underlines that we are the eyewitness of ‘totalization of security’, where the distinction between digital and physical, which can be considered as the last boundary, is weakened and dissolved. This profound change (crossing the boundaries between digital-physical and public-private) is mainly implemented by computer scientists, systems engineers and by the constructed algorithms. The new IT approach towards security concentrates on composite facial recognition, crowd detection or behavioural anxiety detectors, hence altering the notions of security, *„The guild of data managers and IT systems engineers have, therefore, transformed what security does and what it means. (...) they do not agree with traditional security professionals and in particular with border guards. They have different appreciations of the means of achieving security and they sometimes also prioritise the most important dangers differently. Moreover, this IT field is dominated by a few firms, thus a mercantilist approach prevails rather than the neoliberal free-market model.”* (Ibid. 2022, p. 244) Moreover, this new IT field for security is dominated by only a few firms, thus a mercantilist approach prevails rather than the neoliberal free-market model.

To conclude, the edited volume of Mary Bosworth and Lucia Zedner ‘Privatising Border Control: Law at the Limits of the Sovereign State’ offers an interesting reading about the privatization and outsourcing

of border controls and about the role of the state within the larger frameworks of contemporary governance. The volume raises important topics and questions regarding border control, globalization, privatization and the outsourcing of state roles which are considered as traditionally state-implemented policies and functions.

This book is primarily recommended for the academic community, particularly for students and scholars in the fields of political science, international relations, international law, economics and border studies. It serves as a valuable resource for those who seek a deeper understanding of the evolving dynamics of border structures and privatization. Additionally, it is highly relevant reading for individuals who engage with borders in their professional or personal lives, whether as policy-makers, legal practitioners, border officials, NGO workers, or researchers, as well as for citizens who experience border and their restrictions in their daily interactions.

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.

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

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

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, Euregio 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

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

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').

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.

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.

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.

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.

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

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