

Maastricht University

# Cross-Border Impact Assessment 2023

Summary

The *Institute for Transnational and Euregional cross-border cooperation and Mobility / ITEM* is the pivot of scientific research, counselling, knowledge exchange, and training activities with regards to cross-border cooperation and mobility.

ITEM is an initiative of Maastricht University (UM), the Dutch Centre of Expertise on Demographic Changes (NEIMED), Zuyd University of Applied Sciences, the City of Maastricht, the Euregio Meuse-Rhine (EMR), and the Dutch Province of Limburg.



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## 1. Introduction

The Institute for Transnational and Euregional cross border cooperation and Mobility / ITEM makes a scientific contribution to cross-border mobility and cooperation. One of its core activities is to analyse (cross-)border effects in its annual Cross-Border Impact Assessments. Since its creation in 2015, ITEM has conducted eight such regulatory impact assessments. The present report is the latest edition of the Cross-Border Impact Assessment.<sup>1</sup>

### 1.1. European Integration through Better Regulation

Through its Cross-Border Impact Assessment, ITEM offers additional insight into European and national legislative and policy initiatives. ITEM's impact assessment intends to provide a valuable resource for policy makers at the regional, national and European level when they make decisions concerning border regions. In particular, these annual impact assessments support the identification of existing or future (cross-)border effects and thereby contribute to the political debate. Moreover, the results of the individual dossier research also allow timely adjustments to be made to legislative proposals during their adoption phase.

The ITEM regulatory Cross-Border Impact Assessment serves a dual purpose, namely to recognise potential negative or positive effects of planned legislative or policy initiatives *ex ante* and to identify negative or positive cross-border effects of existing policy or legislation in an *ex post* manner (see below). By fulfilling this purpose, the report can contribute to a better *ex ante* and *ex post* evaluation of legislation and policy for the Member States and regional legislators. Furthermore, the method employed in these impact assessments may be of added value to the European Commission's *ex ante* impact assessment and the evaluation of existing legislation. In the publication of the peer-reviewed European Journal of Law Reform, ITEM researchers further explored the applicability within the European policy.<sup>2</sup> In this context, the European Commission's Directorate-General for Regional and Urban Policy (DG Regio) considered the Cross-Border Impact Assessments carried out by ITEM a good practice in its Communication '*Boosting growth and cohesion in EU border regions*'.<sup>3</sup> In that same Communication, the Commission stressed the importance of identifying cross-border impacts in legislative and policy processes and made their assessment an explicit action point.<sup>4</sup> The later publication '*EU border regions: living laboratories of European integration*' emphasises this again, even within the frameworks of the *Better Regulation* proposals.<sup>5</sup> Awareness of the relevance of Cross-Border Impact Assessments is also growing at the national level. The Dutch Coalition Agreement 2021-2025 recognises and names the border-specific effects of policies.<sup>6</sup> For the elections to the House of

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<sup>1</sup> All ITEM Cross-Border Impact Assessments may be consulted via the ITEM website:

<https://crossborderitem.eu/publicaties/>.

<sup>2</sup> Unfried, M., Mertens, P., Büttgen, N., & Schneider, H. (2022). Cross-Border Impact Assessment for the EU's border regions. *European Journal of Law Reform*, (1), 47-67. <https://doi.org/10.5553/EJLR/138723702022024001004>

<sup>3</sup> Communication from the Commission to the Council and the European Parliament – Boosting growth and cohesion in EU border regions, COM(2017) 534 final, p. 8.

<sup>4</sup> Ibid.

<sup>5</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the regions EU Border Regions: Living labs of European integration, COM(2021) 393 final.

<sup>6</sup> Regeerakkoord 2021-2025 'Omzien naar elkaar, vooruitkijken naar de toekomst'. See also ITEM Reflection on the Regeerakkoord: *Weinig concrete voornemens voor de Grensoverschrijdende Samenwerking maar wel belangrijke*

Representatives on 22 November 2023 multiple party election manifestos mention border effects as well. The German Koalitionsvertrag 2021 furthermore talks about legal instruments for the benefit of the border region.<sup>7</sup> Finally, Flanders has expressed interest in border effects assessment during the Flemish-Dutch summit of January 2023.<sup>8</sup>

## 1.2. Need for Cross-Border Impact Assessments

The idea is that cross-border effects should ideally be assessed at all levels: European, national and regional. Considering the large number of (cross-)border regions and the diversity of their characteristics, there is only so much European and national level impact assessments can map. This gives rise to the need for supplementary small-scale and bottom-up Cross-Border Impact Assessments conducted by competent actors in specific border regions. These in-depth border specific impact assessments could, in turn, contribute to national and European evaluations identifying the cross-border impact of legislation and policy.

Various instruments aimed at the assessment of cross-border effects exist at the European and national levels. Examples of such initiatives include the European Commission's Regulatory Impact Assessment, the ESPON Territorial Impact Assessment, and the Impact Assessment Toolkit for cross-border cooperation of the Euro-Institut and the Centre for Cross Border Studies. Each of these initiatives has a different focus and objective. ITEM's regulatory Cross-Border Impact Assessment is complementary to such existing evaluations. This complementarity of ITEM's report mainly consists of its particular focus on a designated border region.

Conducting in-depth and border-specific impact assessments may be difficult at the European and even at the national level due to the great differences that exist among European border regions. A 2016 study commissioned by the European Commission highlights the needs of border regions according to their particular features and shows the extent to which border regions differ from one another.<sup>9</sup> Therefore, the existing differences in border regions complicate the exercise of European level Cross-Border Impact Assessments. At the same time, suggesting that in-depth and border specific impact assessments be carried out at the national level by line ministries may also be a difficult proposition, as the diversity of border regions may also be large at the national level. Germany, for example, has nine neighbouring countries comprising numerous cross-border territories.

Despite these challenges, plenty of action is undertaken at the European and the national levels to tackle them. For example, ITEM experts have been involved in DG Regio and ESPON projects, which aim at improving the methodologies for EU level Territorial Impact Assessments focused on cross-border territories. ITEM experts have also published the method in the handbook 'Territorial Impact Assessment'.<sup>10</sup> When looking at the national level in the Netherlands, ITEM is further assisting the

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*randvoorwaarde,*

[https://www.maastrichtuniversity.nl/sites/default/files/nl\\_item\\_reflectie\\_regeerakkoord\\_en\\_koalitionsvertrag\\_2021.pdf](https://www.maastrichtuniversity.nl/sites/default/files/nl_item_reflectie_regeerakkoord_en_koalitionsvertrag_2021.pdf)

<sup>7</sup> Koalitionsvertrag 2021 'Mehr Fortschritt wagen. Bündnis für Freiheit, Gerechtigkeit und Nachhaltigkeit'

<sup>8</sup> <https://www.rijksoverheid.nl/documenten/diplomatieke-verklaringen/2023/01/31/slotverklaring-nederlands-vlaamse-regeringstop-2023-door-grenzen-heen-verbonden>

<sup>9</sup> SWECO et al., Collecting solid evidence to assess the needs to be addressed by Interreg cross-border programmes (2015CE160AT044) Final Report 2016, European Commission.

<sup>10</sup> Unfried, M., Kortese, L., & Bollen-Vandenboorn, A. H. H. (2020). The bottom-up approach: Experiences with the impact assessment of EU and national legislation in the German, Dutch and Belgian cross-border regions. In E. Medeiros (Ed.), *Territorial Impact Assessment, Advances in Spatial Science* (pp. 103-121). Springer International Publishing. [https://doi.org/10.1007/978-3-030-54502-4\\_6](https://doi.org/10.1007/978-3-030-54502-4_6)

Dutch government in reviewing how to improve its own policy assessments with regard to border effects. Since 2021, the assessment of border effects is an obligatory part of the general Dutch regulatory assessment scheme, which since 2023 has been converted into the Beleidskompas.<sup>11</sup> Commissioned by the Ministry of Interior, ITEM has developed a guidance document and ITEM is active with organising workshops with governmental officials to discuss the methodology and practical aspects of a cross-border impact assessment. ITEM is in this regard also responsible for the annual monitoring of border effects by the different departments and the final evaluation of the application of the border impact assessment.

Together with partners of the TEIN network of cross-border institutes, ITEM has been discussing possibilities to establish a network of partners who will also conduct assessments in their own cross-border territories.<sup>12</sup> To advance this idea, the 2020 Cross-Border Impact Assessment included an ITEM-TEIN joined study on border effects in several cross-border regions in Europe for the first time. The 2021 edition also saw productive collaboration. Together with the Euro-Institut and Mission Opérationnelle Transfrontalière (MOT), ITEM was involved in a research project for the German Auswärtiges Amt in autumn 2022. The project seeks an appropriate border impact assessment in the context of Franco-German cooperation, more specifically Article 14 of the Aachen Treaty.<sup>13</sup> In the meeting of 23 October 2023, the Ausschuss für grenzüberschreitende Zusammenarbeit (AGZ) decided to act upon this report by setting up a special working group for border effects assessment.<sup>14</sup>

### 1.3. The “ITEM Method”

Very often, the line between ex-ante and ex-post is not that evident, since the effects of legislation that entered into force years ago are often in practice delayed by transitional periods or administrative delays. In the fields of social security or tax law, moreover, the assessment of the effects of new legislation goes hand in hand with the evaluation of the effects of existing policies and regulations. In addition, a full-fledged policy evaluation of certain policy measures and legislation is often difficult for the lack of cross-border data. This lack of data means that ex post research actually often takes the form of an assessment rather than a profound evaluation.

In this sense, ITEM’s approach observes the general distinction between impact assessment and policy evaluation described by the OECD.<sup>15</sup> This implies that an impact assessment focuses on the prospective effects of the intervention, i.e. what the effects might be, whereas an evaluation is rather likely “to cover a wider range of issues such as the appropriateness of the intervention design, the cost and efficiency of the intervention, its unintended effects and how to use the experience from this

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<sup>11</sup> The guidance document can be found on the official site of the Dutch government, i.e. the Integrated Impact Assessment Framework (IAK) for policy and legislation (see Annex): <https://www.kcbr.nl/beleid-en-regelgeving-ontwikkelen/beleidskompas/achtergrond-beleidskompas/verplichte-kwaliteitseisen/grenseffecten>.

<sup>12</sup> The Transfrontier Euro-Institut Network (TEIN), formed in 2010, brings together 15 partners from 9 border regions in Europe. Its unique feature is that it consists of universities, research institutes and training centres which are dedicated to the practical business of cross-border cooperation in Europe. See: <http://www.transfrontier.eu/>. In October 2019 and October 2020, two TEIN workshops were dedicated to cross-border impact assessment.

<sup>13</sup> ITEM, MOT & Euro-Institut (2022) *Konzeptstudie zur Analyse der Auswirkungen neuer Rechtsvorschriften auf die Grenzregionen*, <https://www.auswaertiges-amt.de/blob/2595406/0bf8fbb3dae396fe69a38e38190aa145/230504-studie-deu-data.pdf>

<sup>14</sup> <https://agz-cct.diplo.de/agz-cct-de/aktuelles/-/2628210>

<sup>15</sup> OECD (2014) *What is impact assessment?* Working Document based on “OECD Directorate for Science, Technology and Innovation (2014), “Assessing the Impact of State Interventions in Research – Techniques, Issues and Solutions”, unpublished manuscript, at 1. Retrieved from: <https://www.oecd.org/sti/inno/What-is-impact-assessment-OECDImpact.pdf>. See also: <https://www.oecd.org/governance/regulatory-policy/>.

intervention to improve the design of future interventions” (ibid). If, therefore, in the course of the ITEM Cross-Border Impact Assessment, legislation is assessed *ex-post*, the assessment is often confined to the question of both the legislation’s intended and unintended effects.

ITEM’s annual Cross-Border Impact Assessment thus seeks to cater to the existing need for in-depth and border specific impact assessments by evaluating cross-border effects for a wide variety of topics. The present document contains a summary of the results of the 2023 ITEM Cross-Border Impact Assessment. The assessment consists of six dossiers covering a wide range of topics and researching both existing as well as prospective legislation and policy. This year there is an emphasis on ex-ante analyses with two dossiers studying the effects of proposed laws and policies (Internationalisation in balance, concentration of care & future-proof acute care). The student dossier (public transportation) is an ex-post analysis of different policy-based factors that have an effect on cross-border public transport in the Euregio Meuse-Rhine. One dossier (transnational infrastructure projects) has a thematic approach, analysing current discussions and the cross-border dimension. The dossier on Broad Prosperity explores the cross-border perspective of prosperity and sustainable developments in a border region and contributes to a better understanding of, inter alia, the Sustainable Development Goals in a cross-border region. In this regard both ex-post and ex-ante implications can be formulated.

## **2. Composing the ITEM Cross-Border Impact Assessment: Process and Method**

### **2.1. The Impact Assessment Process**

Despite the different topics, researchers of the Cross-Border Impact Assessment each apply the methodology developed by ITEM. The research for the impact assessment comprises three stages (see figure 1 below). In the first stage, the topics to be included in that year’s impact assessment are identified by means of a survey which allows stakeholders and other interested parties to inform ITEM about legislation and policy having potential cross-border effects. Apart from this survey, topics are also identified following ITEM’s core activities in the annual cycle, among others, when conducting research, undertaking counselling activities, knowledge exchange and trainings. During the second stage, the Cross-Border Impact Working Group assesses the suggested topics. During this assessment phase, the working group (consisting of representatives of partner organisations) focuses on the topicality of the issue, the relationship to ITEM’s research focus, the number of requests submitted and the frequency of the issue. Once the topics have been identified, the third step will commence with the selected researchers embarking on their respective impact assessment studies. This research is documented in separate dossiers, which together form the ITEM Cross-Border Impact Assessment of that year.



of the Netherlands, Belgium and Germany, but especially the cross-border Euregions located within that area.

In view of the successful initiation of this method, ITEM remains keen to advance the Cross-Border Impact Assessment-methodology. One ambition is to apply the method also in other border regions across Europe and, thereby, enhance its complementary role vis-à-vis regulatory impact assessments conducted at EU level. Whilst endeavouring to establish a network of partners conducting research dossiers in their own cross-border territories through the Cross-Border Impact Assessment, ITEM is also actively working with partners assessing the impact for other border regions. For example, a joint project between ITEM, Euro-Institut and MOT on a border impact assessment in the Franco-German cooperation was conducted in the fall of 2022. These joined studies offer a unique opportunity to apply and test the methodology of the ITEM Cross-Border Impact Assessment throughout other parts of Europe in close collaboration with our partners equally specialised in cross-border research. In that regard ITEM also often exchanges experiences of border effect assessment with Flemish partners.

Another avenue to engage more regions in border assessment is ITEM's cooperation with the Committee of the Regions. The CoR has established a Reghub network. The intention is to gather a group of regions that are ready to evaluate EU legislation and policy and assess the impact on regional policies. In cooperation with the Reghub secretariat, ITEM contributes to the development of a Reghub questionnaire where it formulates specific questions in relation to border effects.

Furthermore, ITEM devotes itself actively to dissemination of the accumulated experience and methodology. During the European Week of Regions and Cities 2023, ITEM and the Secretariat General of the Benelux Union organised a workshop on the topic. The border effects methodology was also presented during the workshop organised by TEIN.

### *Identifying the Central Research Themes, Principles, Benchmarks, and Indicators*

Cross-border effects come in many shapes and forms. The ITEM Cross-Border Impact Assessment focuses on three overarching themes for which cross-border effects are analysed:

- **European integration:** the cross-border impact of certain legislation and policy from the perspective of individuals, associations, and enterprises correlated with the objectives and principles of European Integration (i.e. freedoms, citizenship, and non-discrimination);
- **Socioeconomic/sustainable development:** the cross-border impact of legislation and policy on the development of the economy in the border region;
- **Euregional cohesion:** the cross-border impact of legislation and policy on cohesion and cross-border governance structures in border regions (e.g. cooperation with governmental agencies, private citizens, the business sector, etc.).

The first theme concerns the potential impact of legislation on individuals living and working in cross-border regions. Dossiers focused on European integration consider questions such as the extent to which certain legislative or policy measures violate or foster the principles of non-discrimination and free movement. The dossier on *Kinderzuschlag* and *kindgebunden budget* for border workers is an example where the statutory regulations are juxtaposed with the principles of European law. Such an assessment is also being conducted for the bill internationalisation in balance.

Researchers focusing on the socioeconomic/sustainable development of certain measures adopt a different angle. Their research focuses on questions related to the functioning of the cross-border and Euregional economy and society. This is also the focus of the dossier on Broad prosperity from a cross-border perspective since in this dossier the measurements performed by SDGs in border regions are examined and is also examined how policy could lead to a better contribution in this regard. Additionally, the dossiers on cross-border public transportation, internationalisation in balance, future-proof acute care and the dossier on infrastructure projects reflect on the impact of the regional development.

Finally, researchers may also ask what cross-border effects a certain measure has on Euregional cohesion, meaning cooperation between institutions, business contacts, and the mind-set of cross-border activities amongst citizens. Such aspects play an important role in the assessment of the relationships between the institutions and governance of Euroregions. The dossier on future-proof care assesses the effects on the cooperation between hospitals for example. In the dossier about infrastructure projects the tensions between the cross-border and transnational level are explained and also to what extent cooperation can lead to a win-win scenario.

Table 1: Examples of principles, benchmarks, and indicators

Research themes	Principles	Benchmark	Indicators
<b>European integration</b>	European integration, European citizenship, Non-discrimination	No border controls, open labour market, facilitated recognition of qualifications, adequate coordination of social security facilities, taxes	Number of border controls, cross-border commuting, duration and cost of recognition of diplomas, access to housing market, etc.
<b>Socioeconomic /Sustainable development</b>	Regional competitive strength, Sustainable development of border regions	Cross-border initiatives for establishing companies, Euregional labour market strategy, cross-border spatial planning	Euregional: GDP, unemployment, quality of cross-border cluster, environmental impact (emissions), poverty
<b>Euregional cohesion</b>	Cross-border cooperation/Good Governance, Euregional cohesion	Functioning of cross-border services, cooperation with organizations,	The number of cross-border institutions, the quality of cooperation (in comparison to the past), development of Euregional governance

		coordination procedures, associations	structures, quantity and quality of cross-border projects
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Dossiers may focus on one of these themes, or all of them, depending on the relevance of the theme for their topic, the scope of their research and the availability of necessary data. The research for the 2023 Cross-Border Impact Assessment not only focused on sources stemming from legislation and policy, but also on empirical data, focus groups, interviews and background talks.

After selecting the research themes pertaining to their dossier, researchers identify the principles relevant to their dossier. These principles subsequently provide the basis for defining benchmark criteria (i.e. what would the ideal situation look like) and ultimately indicators used to review whether legislation or other rules might facilitate or impede best practices. Table 1 above provides examples for principles, benchmarks and indicators for the three research themes of the ITEM Cross-Border Impact Assessment.

The themes do not reveal any specific ranking. Their order depends on the nature of the topic and to what extent it is approachable from all three perspectives. Lack of data or useful qualitative inferences may lead to excluding a theme from the discussion. The choice is left to the individual researchers and how they may weigh each theme within their narrative.

### 2.3. The Dossiers of the 2023 ITEM Cross-Border Impact Assessment

The survey for this year’s impact assessment was conducted between February 2023 and March 2023 and was set out among ITEM stakeholders and other interested parties. ITEM received numerous written responses to this questionnaire from various partners. Additionally, topics may also arise in the context of ITEM’s day-to-day activities within the ITEM annual cycle. Another route for topical identification is the conduct of a quick scan of policy initiatives or programmes (such as the Dutch coalition agreement 2021) conducted by ITEM. After the dossiers and subjects submitted were screened, the final selection of dossiers was made based on the advice of the Cross-Border Impact Working Group.

The final dossiers are the result of a fruitful cooperation of ITEM, its researchers and its partners. Table 2 below provides an overview of the research topics of the ITEM Cross-Border Impact Assessment 2023 dossiers.

Table 2: Abstracts of the ITEM Cross-Border Impact Assessment 2023

No.	Subject	Specification
<i>Dossiers</i>		
1.	<b>Euregional Barometer: broad prosperity from a cross-border perspective</b>	Worldwide, there is increasing attention to the idea of measuring and promoting prosperity in the broad sense, as under the Sustainable Development Goals and in the Netherlands

		<p>under 'Brede Welvaart'. In the Netherlands, it has become a popular concept at the national level as well as in provincial and local government agreements. It encompasses everything people consider of value. Besides material prosperity (including gross domestic product), it also includes immaterial prosperity (wellbeing) such as the living environment, social cohesion, health and safety. In the Netherlands, Broad prosperity is measured by various monitors and qualitative and quantitative indicators. Like the EU Regional Competitiveness Index and OECD Regional Wellbeing Index, among others. For all existing indices and broad welfare approaches, although these are also available on a regional basis, they are not cross-border. This does not take into account the cross-border region, what exists across the border and what interactions exist across borders. For example, how can the theme of living (including distance to elementary school and distance to café) be reliably measured if residents cross the border for these activities?</p> <p>In this dossier, the indicators of Broad Prosperity in the Netherlands are highlighted from a cross-border perspective. This file is a follow-up to the 2022 Euregional Perception file and a prelude to the creation of a Euregional Barometer, in which ITEM makes the situation in the cross-border regions more transparent and measurable.</p>
2.	<p><b>Transnational Infrastructure projects: Ambitions, sectors, instruments and effect on border regions</b></p>	<p>There are at the moment impressive plans for cross-border infrastructure projects crossing the borders of NL/BE/DE. In the case of hydrogen infrastructure, waterways, rail-infrastructure, there is the understanding that due to climate change ambitions and legal commitments, these type of infrastructure has to be realized in rather short time periods. Or, as in the case of the Einstein Telescope in the Euregio Meuse-Rhine, spatial planning decisions, permits and subsidies need to be synchronised across borders to avoid damaging delays and shortcomings.</p> <p>This dossier will examine the various projects and ambitions and the central question is aimed at uncovering the missing link: do we have the right tools to tackle this kind of cross-border challenge? And do we know which partner has the right competences across the border? Are there certain obstacles that can be detected as a common problem to the infrastructure projects</p>

		mentioned? And, what are innovative instruments that could help to facilitate and accelerate big cross-border infrastructure projects?
3.	<b>Kinderzuschlag and Kindgebonden budget: The border worker caught in the middle?</b>	Kinderzuschlag is a supplement to child allowance in Germany. This is intended for low-income families. Since last year, however, the applicant must reside in Germany to receive the allowance. In the Netherlands, the income-related supplement is called the kindgebonden budget. The eligibility of such supplement is linked to the right for the child benefit (kinderbijslag). For example, in a situation of a (single) parent residing in the Netherlands and working in Germany, they may not be eligible for either of the allowances. Especially for those with lower incomes, this has major consequences. Is this situation in compliance with European law, and do the two respective countries correctly interpret the regulations in cross-border situations? Why is the kinderschlag no longer exportable like it was prior to 2022? One may also question the justification for the restriction of kindgebonden budget to the right to Dutch child benefit under EU law.
4.	<b>Future-proof acute care in the Netherlands: 360° cross-border perspectives</b>	The Minister of Health, Welfare, and Sport (Ernst Kuipers) has proposed concentrating acute care in response to rising demand for emergency care and personnel shortages in the Netherlands. However, concerns have been raised what effect this proposal has on the proximity and quality of care in border regions, where patients already face long distances to healthcare services. While the proposal emphasises the importance of enhanced regional cooperation in the delivery of care and patient distribution, it raises the question of whether adequate attention is given to the impact and opportunities in euregional and cross-border cooperation.
5.	<b>Public Transportation in the Euroregion Meuse-Rhine (student dossier)</b>	How to improve cross-border transport between the Netherlands, Belgium and Germany? Cross-border public transport is a crucial part of Euregional mobility. The question how cross-border public transportation is affected by national legislation or policies and what can be done to improve it, is the core issue of this project. Adequate public transport is an

		important factor in lowering the emission across Europe, several studies have shown the limitations or missing links to cross-border mobility. Within the PREMIUM project, a multidisciplinary student team will conduct a Cross-border Impact Assessment of the state of affairs of (sustainable) cross-border public transportation.
6.	<b>Impact Internationalisation higher education in balance</b>	At the end of 2022 the House of Representatives in the Netherlands passed several motions whereby the government has been instructed to take actions regarding the internalisation of higher education. On 21 April 2023, the Minister shared a Letter including the policy plans for limiting the inflow of international students at higher education institutions. One of the measures is the Act on internationalisation in balance. The proposal has measures regarding language, numerus fixus and direction. For border regions, the question rises what the effects are of aforementioned policies regarding controlling the influx of international students.

### 3. The Dossiers – in summary

#### 3.1. Dossier 1: Euregional Barometer: broad prosperity from a cross-border perspective

Joint research collaboration with socio-economic Knowledge Institute NEIMED

*Dr. Inge Hooijen (NEIMED)*

*Pim Mertens (ITEM)*

##### Introduction

Worldwide, the idea of measuring and promoting prosperity at regional and national levels in the broad sense is gaining attention. Over the years, “Brede Welvaart” (Broad Prosperity) has become an important concept in the Netherlands at the national, provincial and local levels. In several provinces, party manifestos explicitly refer to steering towards broad prosperity, the ITEM reflection showed.<sup>16</sup> Indeed, even in the provincial coalition agreements, broad prosperity, and more specifically broad prosperity in and for the region, has a central place.<sup>17</sup> Regional broad prosperity is also central to the advisory report 'Every region counts' by three advisory councils, the Council for the Environment and Infrastructure (Rli), the Council for Public Health & Society (RVS) and the Council for Public Administration (ROB). In this publication, the advisory councils note significant regional differences and recommend investing in regional broad prosperity. Border regions in particular come off particularly badly. "There is a lack of targeted investment in structural solutions to specific issues that put residents of border regions at a disadvantage."<sup>18</sup> It therefore calls for more attention to border-specific features and opportunities across the border. The Cabinet's response to the advisory report also agrees: "*For instance, in the case of regions on the border, it is important to take into account their location and the opportunities and challenges that this border location can bring. Looking at our border regions from the air, one sees a contiguous area full of villages and towns, offices and businesses and a finely-meshed infrastructure full of roads, railway lines and paths. People travel back and forth to work, study or have a day out. We don't see the border itself from the air. But it is there.*"<sup>19</sup>

For border regions, it is important to also focus on cross-border opportunities and to approach the border region not only from the national perspective but also from the cross-border perspective: that is, instead of a border region, the *cross-border* region. This file focuses on the cross-border perspective of Broad Prosperity in border regions. The results of this study are based on a literature study and interviews with 10 participants (researchers and policy officers) in an online (group) interview, as well as based on qualitative data from 16 participants in a workshop "Steering for Impact: Broad Prosperity in border regions" held during the Two-Day Conference of the National Network Broad Prosperity, 27 and 28 September 2023.

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<sup>16</sup> ITEM Reflection: Provincial Council Elections from a Cross-Border Perspective.

<sup>17</sup> ITEM Reflection: Coalition agreements in the border provinces.

<sup>18</sup> Rli, RVS & ROB, 2023, p. 47.

<sup>19</sup> Minister Bruins Slot (BZK), Parliament letter with cabinet response to advisory report Every region counts!, 12 July 2023, <https://www.rijksoverheid.nl/documenten/kamerstukken/2023/07/12/kabinetsreactie-op-het-adviesrapport-elke-regio-telt>, p. 4. Own translation.

## Broad Prosperity

In late 2015, the United Nations (UN) adopted the Sustainable Development Goals (SDGs).<sup>20</sup> The SDGs cover 17 goals with themes ranging from poverty reduction to sustainable consumption and production, and from health to the environment. UN member states have committed to these goals, with voluntary periodic reporting on national implementation by member states. For instance, neighbouring countries the Netherlands, Germany and Belgium all report periodically on development within the SDGs. The Netherlands was also already moving towards the concept of 'Broad Prosperity'.<sup>21</sup> Broad prosperity includes everything people consider of value.<sup>22</sup> Besides material prosperity (including gross domestic product), it also includes immaterial prosperity (welfare) such as the living environment, social cohesion, health and safety. In the Netherlands, Broad Prosperity is measured by various monitors, based on various indicators and spread across different domains. This involves objective and subjective aspects, as well as different dimensions: in time ('now' versus 'later') and in space ('here' versus 'elsewhere').<sup>23</sup> The dimensions have been defined internationally, in cooperation with UNECE, Eurostat and OECD, in a statistical framework: *CES Recommendations for measuring sustainable development*.<sup>24</sup> Since 2019, CBS has been monitoring Broad Prosperity in combination with the SDGs. To this end, a structured set of indicators has been developed by CBS, based on the above framework.<sup>25</sup> This data is also available and translated regionally through CBS' Regional Monitor Broad Prosperity.<sup>26</sup> The data is objective and subjective in nature. On the basis of the Regional Monitor Broad Prosperity, a response is given annually by the government. Region Deals are also considered in conjunction with it. However, the Regional Monitor Broad Prosperity is currently limited in measurement and assessment to the administrative country borders. However, this is not necessarily the case for the subjective data. For instance, indicators on satisfaction with life or with the living environment can also include aspects beyond the national border. Objective indicators such as natural area per inhabitant, distance to pubs etc. and to sports grounds are currently not cross-border.

However, for regional broad prosperity and its steering, it is important to look at the region in context. That is, there may be interregional relationships and effects.<sup>27</sup> For instance, the presence of a certain facility, such as a theatre or hospital, in a nearby municipality may affect the broad welfare of residents of another municipality. Similarly, policy measures in one municipality may affect the broad welfare in another. Effective policies therefore require an adequate picture of the region and the interregional interactions that exist. This varies by topic and also by region. For instance, the scale of 'the region' is different for someone when it comes to work (commuting) than to a visit to a pub or theatre.

## Evaluation research themes: Broad prosperity in a cross-border region

Broad prosperity thus forms a framework, consisting of aspects that are important for people's well-being, both in the 'here and now' and 'elsewhere' and 'later'. Formulating policies to promote broad welfare is

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<sup>20</sup> VN, 2015.

<sup>21</sup> PBL, SCP & CPB, 2017.

<sup>22</sup> Maas & Lucas, 2017, p. 9.

<sup>23</sup> Ibid, Horlings & Smits, 2019, p. 13.

<sup>24</sup> UNECE, 2014.

<sup>25</sup> CBS, 2021 & 2022.

<sup>26</sup> <https://www.cbs.nl/nl-nl/visualisaties/regionale-monitor-brede-welvaart>

<sup>27</sup> Thissen & Content, 2022.

essentially about making trade-offs within this framework.<sup>28</sup> Particularly relevant from a cross-border perspective is also the 'elsewhere' dimension, i.e. how policies in one region can affect the neighbouring region. This interregional effect is not only within national borders, but also cross-border. Examples of such border effects can be found in previous Cross-Border Impact Assessments.

However, there is currently insufficiently complete picture of the cross-border region and the interactions that exist across borders. Current objective indicators such as the so-called proximity indicators do not take into account what is present across the border. A quick win for the Dutch border regions is therefore to include these facilities across the border in the Regional Broad Prosperity Indicators. With this, there can also be distinguished differences between border regions, depending on the accessibility and presence of facilities across the border. However, the presence of facilities across the border does not necessarily actually increase broad prosperity. Indeed, an additional level of complexity concerns the extent to which these cross-border facilities are actually used. This is influenced by several factors, which may also be related to the border itself. Language, culture, legislative differences and accessibility by public transport, for example, can be factors that influence whether or not residents actually cross the border for certain facilities or work. It is therefore important not only to arrive at this **cross-border data**, but also to better understand **cross-border interactions**. It is crucial to examine how broad prosperity is affected by specific geographical locations and to identify which issues need to be addressed across borders. Understanding what happens across borders is not only important, but also how easily people can access it, which is often influenced by regulatory differences. Considerable differences exist between border regions, but these also vary by domain. It is therefore important not only to analyse different cross-border regions, but also to include the various domains in the analysis.

With regard to cross-border data, steps are already being taken. For instance, the REGIONS2030 project, which seeks to establish a European framework of indicators for regional SDGs through pilot regions, will come to an end at the end of 2023. This could already benefit the comparability of some data across borders. CBS's previously launched Border Data initiative also contributes to a better picture of cross-border mobility and interactions. It is very important that efforts to map statistics for border regions are continued and sustainably arranged, especially as a basis for policy-making. Many factors come into play in solving problems and developing effective policies, and data serves as a starting point to explore and understand what will and will not work.

However, to date, comparability of data leads to international rankings rather than to a better understanding of welfare in a cross-border region. In conclusion, the case study therefore reflects on steering for broad prosperity in the region in policy. This has priority and attention for policymakers at national and regional levels. However, steering for broad welfare implies a trade-off of different effects. For instance, policies in one region can affect the other region, in both positive and negative ways. To achieve better steering for the cross-border region, it is important to also arrive at a Euroregional trade-off. In doing so, it is possible that the impact on one side of the border is negative, but the broad prosperity for the Euroregion as a whole is positively promoted. From a policy perspective and when addressing cross-border broad prosperity issues, this requires a multi-actor approach, involving policymakers at different levels, from municipal to national. In this, it is important to recognise that the (Dutch) political system is mainly sectorally organised, which can hinder the challenge of integrated thinking around broad prosperity, as each deputy largely focuses on individual

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<sup>28</sup> Weterings, Van der Staak, Daalhuizen, Evenhuis, Thissen, Verwoerd, 2022.

policy areas. For border regions, it becomes important to also have collaborative or consultative bodies, taking those actors from across the border on board. In the future, it will therefore be essential to consult with stakeholders from neighbouring countries Germany and Belgium on the theme of broad prosperity and to set considerations and priorities in this. Euroregional partners should thereby jointly recognise and support such a concept as regional broad prosperity or SDGs, so that a common language and image exist.

## 3.2. Dossier 2: Transnational Infrastructure projects: Ambitions, sectors, instruments and effect on border regions

*Martin Unfried*

### Introduction

In this research, a distinction is made between transnational infrastructure plans and projects and the corresponding cross-border dimension. One example to illustrate this: a transnational high-speed train requires cross-border planning, but not necessarily from the cross-border perspective of border regions or Euregions. This is evident, for instance if the travel time between capitals is improved but not between destinations in the border regions. Meaning, transnational infrastructure does not necessarily serve the needs of cross-border territories.

Currently, governments, municipalities, other public sector bodies and commercial partners are discussing (with letters of intent) or preparing joint infrastructure plans and projects related to initiatives in the Netherlands, Germany and Belgium. These initiatives are corresponding to the challenges of the energy transition, economic competitiveness and the future of certain energy intensive industries. The “Delta Rhine Corridor” for instance is a collection of initiatives to construct several underground pipelines and direct current connections between Rotterdam and the German border. Public and private stakeholders are involved in the construction of six pipelines to transport hydrogen (by Gasunie), natural gas (by Gasunie), CO<sub>2</sub> (by Delta Rhine Corridor Partners), ammonia, LPG, propylene and several underground direct current connections (possibly by Tennet). On 5 October 2023, outgoing Minister Jetten (Climate and Energy) informed the House of Representatives about the progress of the Delta Rhine Corridor (DRC) through a parliamentary letter.<sup>29</sup>

Besides that, there are more infrastructure plans:

- the cross-border Eynatten (BE)-Hürth (DE) hydrogen pipeline is planned as part of the “H2ercules” project,
- a cross-border Belgian-Dutch rail connection between Gent-Terneuzen (with a letter of intent),
- a freight rail relation between the harbour of Antwerp and the Ruhrgebiet (Ijzere Rijn with the 3RX variant) supported by the governments of Flanders and NRW
- the scientific gravitation project “Einstein Telescope” in the Euregio Meuse-Rhine (with multiple public and private partners) ,
- ambitious grid connections for off-shore wind parks in the North Sea
- and individual projects linked to inland shipping and hydrogen.

The question is what are potential effects of these projects on the Dutch/German and Dutch/Belgian border regions? Do they foster European Integration in accordance with EU policies and legislation? Do they foster a sustainable development in the border regions and what is their impact on cross-border cohesion?

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<sup>29</sup> For LPG and propylene there are currently no commercial partners found.

## Focus on the “Eurodelta”

Approximately 45 million people live in the highly urbanized cross-border area that called “The Eurodelta”. This geographical area stretches from the Randstadt (NL), Flemish Diamond (B) to the Rhineland and goes beyond the traditional border regions or cross-border Euroregions at the border of the three Member States Germany, the Netherlands and Belgium. In this sense, the Eurodelta is less a prominent geographical or political region, but an economic area identified by different stakeholders. The study focus on infrastructure initiatives of the broader geographical area of the Eurodelta and discusses in particular the potential effects of transnational infrastructure on smaller border areas, border regions (for instance Dutch or Belgian Provinces located at the border, or German Landkreise. Potential effects are described with respect to the cross-border perspective of cross-border territories that are for instance established by Euregios between Germany, the Netherlands and Belgium.

## Effects on EU integration?

The presented transnational infrastructure projects in the “Strategic Urban Region Eurodelta” (between NL, BE and DE) are very much in line with European Integration objectives (e.g. Fit for 55). This refers in particular to the objective of carbon neutrality (e.g. hydrogen pipelines) and scientific excellence (Einstein telescope). There is a clear understanding, that without adequate distribution of hydrogen to energy intensive industries, the substitution of natural gas and other fossil fuels in production processes is not feasible. In this respect, the plans correspond largely to EU policies and objectives. In addition, the research shows that it is still important to determine the particular needs in border regions and with respect to cross-border questions (not the same as transnational). This is also true for infrastructure projects related to rail and inland shipping transport where changing the modal shift, away from transnational road transport. The objectives are very much in line with EU policies however, the particular needs of border regions have to be still more elaborated. In this respect, the responsibility for doing so is also very much in the hands of stakeholders in border regions and within cross-border entities (like Euregios). The Einstein Telescope is in this respect a unique project, since general EU objectives in the field of scientific excellence are in this case not only represented by a transnational consortium, but also by a cross-border regional network of border regions. Here, the border regions are very much involved and formulate their particular needs.

A still open question related to most of the infrastructure projects is the way, how national and regional stakeholders will involve citizens in a cross-border approach and corresponding to EU rules (for instance in the field of environmental impact assessment and citizens participation).

In addition, recent studies in the field of innovative infrastructure have shown that still a lot of EU harmonization is needed, or harmonization at the bilateral or trilateral level between neighbouring Member States. Especially a recent study by the Benelux Union<sup>30</sup> on the preconditions of a successful and fast development of a hydrogen infrastructure showed that there is a need for integrated markets (e.g. for hydrogen) further harmonisation or coordination of permitting, subsidy schemes, spatial planning procedures, technical standards and interoperability. In particular, given the relatively short

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<sup>30</sup> Benelux Union (2023): Cross- border Hydrogen value chain in the Benelux and its neighbouring regions. Identifying and connection renewable hydrogen demand and supply via the cross-border hydrogen backbone, executed by: WaterstofNet Vzw.

timeframe for achieving greenhouse gas targets (for instance in 20230) streamlined and fast-track procedures are key. According to the Benelux research, this could be achieved by speeding up the permitting process to increase renewable energy and electrolyser capacity, by exploring harmonisation possibilities of permitting rules and by facilitating fast-track procedure for Intellectual property and patenting within the Benelux and its neighbouring regions.<sup>31</sup>

### **Effects on a sustainable economic development of the cross-border territory**

In the following, two cases are briefly described from the report.

#### **High expectations in the case of the Einstein Telescope – but so far weak impact assessment**

Do the projects make the cross-border regions stronger in socio-economic terms? What about their effects on sustainability in a broader sense? A case by case analysis show that expectations in cross-border regions are diverse with respect to the benefits. The most positive expectations refer to the cross-border Einstein telescope where the border regions play an important role in supporting the project. There is a common understanding in the Euregio Meuse Rhine that the project will bring many economic and social advantages. According to the Province of Limburg (NL) the arrival of the Einstein Telescope will give a boost to the regional economy, as the billions in European investment will be an added value over a longer period. Furthermore, the Einstein Telescope would create an estimated 500 direct and 1,150 indirect jobs, and lay the foundation for developing scientific and technical talent and providing better opportunities in Limburg and the Netherlands. These numbers were calculated in a first socio-economic impact assessment that was already done in 2018 and are since then widely used.<sup>32</sup> In addition, it is the investment coming from the Dutch government (and others) that are welcomed by stakeholders in the border regions. Limburg's Gedeputeerde (Regional Minister) Stephan Satijn posted on LinkedIn in October 2022: "Nearly a billion euros from the state for the Einstein Telescope. Great news for our Province of Limburg"<sup>33</sup>. The positive expectations correspond with the hope of other regions in the Euregio, for instance the German side. According to the Region Aachen, there is an expected return of investment of four to one and the potential settlement of more than 1,500 top jobs and many industrial jobs. The project would not only strengthen the already excellent educational location in the Aachen region, but also create considerable positive secondary effects.<sup>34</sup> However, the current assessment of the economic and social benefits have been rather vague and mainly based on a short study from 2018. For a more detailed socio-economic benefit analysis, a more detailed study is key. In particular, impact studies on the environment and other sustainability questions are so far not published. There is for instance still the open questions with respect to the future of renewable energy production, in particular wind energy, and whether objectives in the field of the energy transition are not achievable because of the Einstein Telescope (noise sensitivity). The same is true for an energy related assessment of the future energy consumption, the CO<sub>2</sub> and other emissions (e.g. nitrogen) that are part of the construction of the tunnels, the emissions caused by the logistics in the building phase and question of recycling and waste production. There are also so far no official publications with respect to the future energy need of the Einstein Telescope itself. Meaning, that in

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<sup>31</sup> Ibid. Page 9.

<sup>32</sup> Technopolis group 2018: Impact assessment of the Einstein Telescope Final report, 28/09/2018.

<sup>33</sup> See: [https://nl.linkedin.com/posts/stephan-satijn\\_bijna-miljard-van-het-rijk-voor-de-einstein-activity-6920375195539013632-uc\\_0?trk=public\\_profile\\_like\\_view](https://nl.linkedin.com/posts/stephan-satijn_bijna-miljard-van-het-rijk-voor-de-einstein-activity-6920375195539013632-uc_0?trk=public_profile_like_view).

<sup>34</sup> Region Aachen, 25.04.2023, Pressemitteilung: Das Einstein-Teleskop: Eine Jahrhundert Chance für unsere Region!

a later stage of the process these questions have to be publicly discussed. Today, since there are only a few rather abstract impact assessments published, a broader estimate of the effects on social, economic and environmental effects is hardly possible. A problem with the timing of these debates could emerge. If the decision will be positive for the location Euregio Meuse-Rhine in the year 2024/2025, it is not likely that principal concerns with respect to sustainability could still mean a halt of the project, especially since the investments made for the development of the project were already considerable.

### **The hydrogen pipelines - transnational character versus direct benefits for cross-border territories**

Border regions - or more precisely - certain districts or cities in border region have to ensure that transnational projects do also match their needs. One example is the debate about the Delta Rhine corridor hydrogen planning. According to current plans, the pipeline will end in Sittard (NL), where it will supply the Chemelot chemical park not far from the German-Dutch border with hydrogen. For the Aachen region, a continuation of this pipeline would be an opportunity.<sup>35</sup>

A survey of 200 industrial companies conducted by the Aachen Chamber of Industry and Commerce showed that in the neighbouring district of Heinsberg, the city and city region of Aachen alone, 1.5 TWh of gas will have to be substituted annually in the future. In the neighbouring districts of Düren and Euskirchen, the figure is at least another 3.6 TWh per year. In the Limburg region (NL), hydrogen demand is expected to be up to 2.6 TWh per year.

A continuation of the pipeline infrastructure from Chemelot to the Rhenish Revier is also regarded as an important prospect for South Limburg (NL). In this sense, political stakeholders from South Limburg and from the Städteregion Aachen joined forces and formulated in September 2023 a joint position paper addressed to the government in the Netherlands and Germany/NRW. "An intelligent dovetailing of the hydrogen infrastructure projects is an important next step in the development of an economic corridor to be created between the Netherlands and Germany via Aachen and South Limburg,"<sup>36</sup> said Roel Wever, Mayor of Heerlen and Chairman of Parkstad Limburg.

In addition, another pipeline is planned with potential for the stakeholders in the Euregio Meuse-Rhine. The Eynatten (BE)-Hürth (DE) pipeline is planned as part of the "H2ercules" project<sup>37</sup>. In the current planning status as a new construction pipeline there exit points in the StädteRegion and the city of Aachen included. However, according to the "Hydrogen Hub Aachen"<sup>38</sup> there are no connections or further exit points in the districts of Euskirchen, Düren and Heinsberg, neither from existing pipelines nor from new construction projects. According to the Hydrogen Hub Aachen, all three districts have energy-intensive industrial sites whose energy needs cannot be met by decentralised generation or electricity generation alone. An energy demand survey conducted by the Aachen Chamber of Industry and Commerce among approx. 200 industrial companies has identified current gas requirements per year of approx. 830 GWh, 384 GWh and 198 GWh in the districts of Euskirchen, Düren and Heinsberg, respectively, which need to be substituted in the future. This

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<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

<sup>37</sup> The goal of the H2ercules initiative is to create the heart of a super-sized hydrogen infrastructure for Germany by 2030. See: <https://www.h2ercules.com/en>.

<sup>38</sup> See: Hydrogen Hub Aachen, Stellungnahme zum Planungsstand des Wasserstoff-Kernnetzes, <https://hydrogenhubaachen.de/aktuelles/news-detail/stellungnahme-des-hydrogen-hubs-zum-planungsstand-des-wasserstoff-kernnetzes.html>.

example illustrates, that the final economic benefits for the border regions can be only assessed when the final plans are consolidated and local and regional connections are known. The same is true for the environmental impacts. Whereas the construction will have certain negative impacts, the substitution of natural gas and other fuels by hydrogen will lead to CO<sub>2</sub>-reduction in the border regions.

### **Effects on Euregional cohesion**

In the case of the precise location of the Delta Rhine corridor pipelines or the H<sub>2</sub>ercules network, stakeholders in border regions cannot rely on the fact that transnational plans do always serve the needs of cities and companies close to the border. The described cross-border initiative in the Euregio Rhine-Meuse is already a positive effect: it is very important from a Euregional point of view that a cross-border network exists formulating common objectives across the border. In this respect, cross-border cohesion has been strengthened.

Even more evident, is the positive effect on cross-border cohesion in the case of the Einstein telescope. It has led to the formulation of common objectives across the border and the formation of a cross-border community. In the first place, scientists in the Netherlands, Belgium and Germany are part of a larger European 'ET cooperation' who wrote a proposal for the European roadmap for large research infrastructures (ESFRI roadmap).<sup>39</sup> They will continue to be involved with the Einstein Telescope in the future, regardless of whether it will be located in the Euregio Meuse-Rhine. However, the process is very much supported and guided by a political cross-border consortium. In September 2023, an inter-ministerial conference in Brussels signed a "Declaration of Intent" on the way to a joint official bid (the "Bid Book") of the three countries. This declaration contains further agreements on cooperation. A working group from Belgium, the Netherlands and the German state of North Rhine-Westphalia is preparing a joint application.<sup>40</sup>

### **Big cross-border infrastructure: potential conflicts in border regions**

Whereas in the case of the Einstein telescope the project as such had already a positive impact on Euregional cohesion, there are still aspects that can lead to potential conflicts in the border region. One particular concern is the consequences with respect to new wind park locations. The Einstein Telescope is a highly sensitive measuring instrument and it requires an environment that is as noise-free as possible. According to the Einstein Telescope project site, studies have shown that wind turbines are an important source of noise (so-called seismic impact). The Dutch scientific body Nikhef therefore asked the Dutch Province of Limburg to provide guarantees that no new activities will take place in the search area for the Einstein Telescope and a 10-kilometre zone around it that could lead to new vibration sources.<sup>41</sup> The (Dutch) Province of Limburg has set rules for wind turbines and excavations. Wind turbines in and around the search area for the Einstein Telescope are excluded; excavations are only possible if it is demonstrated that they are not disruptive to the Einstein Telescope.

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<sup>39</sup> The background of the process is described on the official homepage of the Einstein Telescope, <https://www.einsteintelelescope.nl/en/organisation-and-timeline/>.

<sup>40</sup> See Press Release, Euregio Maas-Rhein, 26 September 2023: Neuer Schritt zur Kandidatur EMR Einstein Teleskop, <https://euregio-mr.info/de/aktuelles/meldungen/ET-ministerkonferenz.php>.

<sup>41</sup> See Q&A of the official Einstein Telescope homepage, <https://www.einsteintelelescope.nl/veelgestelde-vragen/>.

The Flemish side send a letter confirming the exclusion of these developments and stating that they would be vigilant to ensure that such developments do not occur in Flanders and announcing formal action against current initiatives. The Walloon side has also recognised the importance and is going to examine the technical compatibility of Einstein Telescope and wind turbines. For this reason, in April 2023, the Belgian Council of State annulled some permits for wind turbine plans in the Walloon part of the search and protection area.

In the case of the German side, this concerns the current planning of the city of Aachen. The amendment of the AACHEN 2030 land use plan aims to designate special areas for wind energy. Citizens had the opportunity to see a first draft in the spring of 2023. The aim is, among other things, to create the legal planning conditions for the priority placement of wind turbines within these areas (19 areas spatially assigned to 4 subsections). Some of the locations are very close to the Dutch border, meaning critical with respect to the Einstein location. The Land NRW was also asked to protect their share a buffer zone. However, this could be critical with respect to the needs of the City of Aachen, who has to fulfil obligations with respect to the increase of renewable energies. In particular, a top down ban on certain locations could be critical vis-à-vis the ongoing public consultation process. An exclusion of sites due to the Einstein telescope was not part of the information given to citizens in the border region (Spring 2023).

The case of wind power locations shows that cross-border infrastructure is also a question of conflicting interests. A clash of legitimate objectives can also lead to cross-border conflicts.

Another prominent example of conflicting interests is the rail connection 3RX. The 3RX is an alternative to the revitalisation of the historic route "Iron Rhine" as well as to the previously studied A52 route and uses the existing rail infrastructure as far as possible. In a joint declaration, the governments of Flanders and North Rhine-Westphalia declared in 2022 that they will continue to campaign for the realisation of the "3RX", an alternative rail link between the Flemish seaports on the North Sea and the Rhine-Ruhr area.<sup>42</sup>

For the Dutch Province of Limburg, however, the line remains a concern. The perception is that Limburg bears all the burdens where Belgium and Germany enjoy the benefits, the province formulated in a letter to the Dutch government in March 2023.<sup>43</sup> Since the three countries are talking to each other about a new rail link, Limburg wanted to be involved in the administrative consultations on the railway. In this respect, the infrastructure projects bears the potential to transform a general dispute at the national and regional level, were Germany/NRW and Belgium/Flanders have very different interests compared to the Dutch government, to the border region. The operation of the railway connection – if it is decided – will be materialised only in 2040-2050. However, there is already today the need for a sophisticated debate about interests and a balance of benefits. The case in Gent-Terneuzen that is also described in the report is in this respect different, since at the Dutch and Flemish side there is a common understanding that a better rail infrastructure has benefits for the entire cross-border region.

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<sup>42</sup> See press release 29.3. 2022, NRW Landesregierung: „NRW und Flandern streben Energie und Klimapakt an“, <https://www.land.nrw/pressemitteilung/nordrhein-westfalen-und-flandern-streben-energie-und-klimapakt>

<sup>43</sup> See 1Limburg article 23 March 2023, “Limburg wil meepraten over goederenspoor België Duitsland”, <https://www.1limburg.nl/nieuws/2158162/limburg-wil-meepraten-over-goederenspoor-belgie-duitsland>

### 3.3. Dossier 3: Kinderzuschlag and Kindgebonden budget: The border worker caught in the middle?

Dr. Bastiaan Didden  
Sander Kramer

#### Introduction

The right to the German *Kinderzuschlag* and Dutch *kindgebonden budget* child budgets relies on a residence criterion. This may leave cross-border workers ineligible for either benefit in certain cases. This report comprises an ex-post assessment of the potential effects of the eligibility criteria for the German *Kinderzuschlag* and the Dutch *kindgebonden budget*.

Until 1 July 2022, non-residents, e.g., residents of the Netherlands working in Germany, could claim German *Kinderzuschlag*, making it exportable across the border. As of 1 July 2022, however, Germany no longer qualifies *Kinderzuschlag* as a family benefit but as a social benefit. As a result, it is no longer exported from Germany. This adversely affects cross-border workers, particularly those with lower incomes.

In line with previous ITEM studies, such as the dossier on *Baukindergeld* and the report on *Grundrente*, it was examined to what extent this situation is in line with European law and to what extent such situations can be avoided in the future. In addition, the change in national interpretations was studied in the context of European social security legislation and examined as to the consequences for frontier workers.

This dossier highlights the need for more cross-border cooperation and communication between neighbouring countries in the application and interpretation of national social security legislation and European social security legislation. ITEM's main recommendation would be to ensure that no adverse impact exists on cross-border workers, compared to residents, both from a financial and administrative point of view.

Table 1: Research themes, principles, benchmarks, and indicators for assessing the cross-border impact

Research theme	Principles	Benchmarks	Indicators
<b>European integration; non-discrimination</b>	<i>Article 7(2) Regulation (EU) No 492/2011 on freedom of movement of workers within the Union</i>	The same 'tax and social benefits' for migrant workers and national workers	Are cross-border workers with children who live outside Germany (and one of whom works in Germany) entitled to <i>Kinderzuschlag</i> ?  Are cross-border workers with children who live outside the Netherlands (and one of whom works in the Netherlands) entitled to <i>kindgebonden budget</i> ?
	<i>Freedom of travel and residence ex Art. 21 TFEU in conjunction with Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 29 June 2004, afl. 229, 35;</i>  <i>Free movement of workers ex. art. 45 VWEU; Freedom of establishment of self-employed persons ex art. 49 VWEU</i>	No discriminatory treatment of frontier workers  Equality among colleagues (equality in the workplace)	Comparison between receiving and not receiving <i>Kinderzuschlag/kindgebonden budget</i>  Is there an impediment to the freedom to live outside Germany or the Netherlands, respectively?  No discriminatory treatment of frontier workers living abroad?

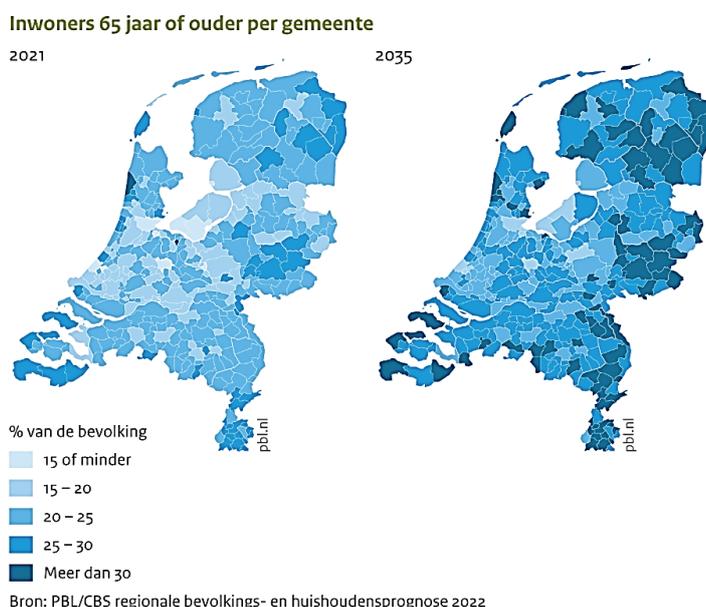
### 3.4. Dossier 4: Future-proof acute care in the Netherlands: 360° cross-border perspectives

Susanne Sivonen

#### Introduction

The provision of acute care is under pressure due to an aging population, rising demand for healthcare, and a shortage of healthcare professionals.<sup>44</sup> Aging population also leads to increasing demand of complex care. These demographic changes on aging population and population decline can be especially observed in smaller municipalities in the border regions (Illustration 1<sup>45</sup>). In 2035, it is estimated that 54 municipalities will have substantially fewer inhabitants than now. This mainly concerns municipalities in the northeast of Groningen, Drenthe, the Achterhoek and Limburg, that are also aging rapidly.<sup>46</sup>

In response to these pressing issues, The Minister of Health, Welfare and Sport, Ernst Kuipers, has proposed a policy aimed at creating a future-proof acute care in the Netherlands.<sup>47</sup> The policy agenda aims to ensure high-quality and accessibility of acute care to everyone, by developing quality standards and better care coordination (directing the patient to the right care based on their urgency and demand of care) via the acute care chain. By enhancing transparency on management and capacities of acute care, congestion in the care chain would be prevented allowing to spread patients regionally or nationally if necessary. Additionally, the current 45-minute standard (the legal norm in which time the citizen should reach an emergency department by an ambulance<sup>48</sup>) would be abolished. Rather than focusing on proximity as a quality standard, instead, medically substantiated standards will be developed for time-critical conditions. In this regard, the policy agenda notes that there is a need to investigate whether additional measures should be implemented to ensure the accessibility of care in



<sup>44</sup> Policy agenda for future-proof acute care (*Kamerbrief over beleidsagenda toekomstbestendige acute zorg*). 3 October 2022, p. 53. See also: Parliamentary Papers II, 2021/22, 29 282, no. 451.

<sup>45</sup> PBL/CBS regionale bevolkings- en huishoudensprognose 2022: <https://www.pbl.nl/nieuws/2022/prognose-in-2035-vooral-meer-inwoners-in-en-om-grotere-gemeenten>

<sup>46</sup> *Ibid.*

<sup>47</sup> Policy agenda for future-proof acute care (*Kamerbrief over beleidsagenda toekomstbestendige acute zorg*). 3 October 2022.

<sup>48</sup> Healthcare Quality, Complaints and Disputes Act (*Wet kwaliteit, klachten en geschillen zorg, Wkkgz*) specifies acute care meet certain standards for the availability and accessibility, as part of the obligation for the hospitals to provide 'good care' (Art. 2). The accessibility standard laid down the Wkkgz Implementation Decree and Regulations (§3.3) specifies the 45-minute standard.

regions, such as border regions, where care might be under pressure. However, it is concluded that it is not feasible to provide all forms of acute care at every location in the Netherlands.<sup>49</sup>

The policy has raised concerns about its potential impact on the availability of acute care in border regions, particularly if these policy objectives are (partially) met through concentration measures forcing smaller regional hospitals to scale down or close their acute care services. These concerns have been raised for instance in the context of closure of emergency departments in Zuyderland Hospital in Heerlen<sup>50</sup> and in Gelre Hospital in Zutphen<sup>51</sup>. The concentration measures may lead to situation where patients have to travel long distances for (acute) healthcare. This is especially challenging in situations that require a fast acute care response, and in rural areas, where hospitals may not be easily accessible especially for elderly individuals with limited mobility. Mayors of smaller cities such as Winterswijk, Geos, Zutphen, Gorinchem, have raised concerns about the proposed concentration of acute care in their municipalities.<sup>52</sup> Another example of such recent concentration debate regarded the closure of paediatric heart surgery centers. It was proposed to centralise such facilities to Rotterdam and Utrecht, that would have resulted in the loss of this specialized medical service in Groningen and longer travel distances for children in the North of the Netherlands.<sup>53</sup>

Despite these evident challenges for border regions in terms of healthcare services, it is worth noting that in such areas, there is a possibility that an acute care facility may be closer to a patient's home just across the border. Indeed, in some border regions such as in Limburg via the network of EMRIC and in Twente and Oost-Achterhoek via ROAZ Acute Zorg Euregio such cross-border collaboration practises in (acute) healthcare are facilitated with the neighbouring actors in Belgium and Germany.<sup>54</sup> The policy agenda also refers to the potential of cross-border cooperation in border regions. At the moment, consultation is on-going on the operational agreements regarding cross-border ambulance care between the Netherlands and Germany. This will result in the relevant regions coming together and compiling best practises in a handbook.<sup>55</sup> This raises the question: Could reaching these policy objectives on ensuring quality and accessibility of acute care be achieved in some border regions in collaboration with neighbouring countries, closer to the patient's home? What will be the result of the handbook, i.e., (how) will it promote and be used to implement these best cross-border practises?

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<sup>49</sup> Policy agenda for future-proof acute care (*Kamerbrief over beleidsagenda toekomstbestendige acute zorg*). 3 October 2022.

<sup>50</sup> NOS, 'Zorgen in Limburg over voorgenomen sluiting van spoedeisende hulp in Heerlen' 23 September 2023, accessed via: <https://nos.nl/artikel/2491595-zorgen-in-limburg-over-voorgenomen-sluiting-van-spoedeisende-hulp-in-heerlen>.

<sup>51</sup> See, for instance, news articles from RTV Ideaal 'Gemeenten geven noodsignaal af over ziekenhuis Zutphen' 9 June 2023, accessed via: <https://rtvideaal.nl/gemeenten-geven-noodsignaal-af-over-ziekenhuis-zutphen/> and Hart van Nederland 'Zutphenaren protesteren in Den Haag om niet alleen eigen, maar ook andere ziekenhuizen te redden' 22 June 2023, accessed via: <https://www.hartvannederland.nl/regio/gelderland/zutphenaren-protesteren-in-den-haag-om-niet-alleen-eigen-maar-ook-andere>.

<sup>52</sup> See written response to 'Grote zorgen van 29 burgemeesters over de concentratie van acute zorg' (2023Z05054), sent on 23 Mart 2023): <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2023Z05054&did=2023D11957>, and for instance, a news article from Skipr, 'Burgemeesters uiten zorgen over dreigende sluiting SEH's' 21 March 2023, accessed via: <https://www.skipr.nl/nieuws/burgemeesters-uiten-zorgen-over-dreigende-sluiting-sehs/>

<sup>53</sup> NOS, 'Tweede Kamer staat voor pijnlijke keuzes rondom sluiting kindhartcentra' 16 February 2022, accessed via: <https://nos.nl/artikel/2417665-tweede-kamer-staat-voor-pijnlijke-keuzes-rondom-sluiting-kinderhartcentra>.

<sup>54</sup> See Euregio Maas-Rijn Incidentbestrijding en Crisisbeheersing (EMRIC) <https://emric.info/nl>, Netwerk Acute Zorg Euregio <https://www.acutezorgeuregio.nl/>.

<sup>55</sup> Policy agenda for future-proof acute care (*Kamerbrief over beleidsagenda toekomstbestendige acute zorg*). 3 October 2022, p. 29.

Could we consider providing acute healthcare services with a 360-degree perspective that expands beyond the national borders? Can we draw valuable lessons from the Covid-19 pandemic, particularly in terms of care coordination? It is interesting to consider whether sharing resources between cross-border regions could enhance provision of acute care. Indeed, similar discussions on healthcare reforms and challenges are ongoing in Germany.<sup>56</sup>

This dossier evaluates the cross-border effects of the policies, whether adequate attention is paid to the possibilities of cross-border cooperation to ensure that good quality of acute care remains accessible to citizens of border regions. Table 1 summarises these key research questions that the dossier addresses. Specifically, the dossier evaluates the policies impact on **European integration**: Do these policies promote the cross-border mobility of patients, healthcare professionals and services? On evaluation of theme **Euregional cohesion**, the dossier examines the potential for cross-border cooperation in border regions to support the realization of policy objectives related to improving accessibility to high-quality acute care. Finally, the dossier examines the broader impact of these policies on the **Sustainable socio-economic development** and prosperity of border regions.

Table 1: Research themes, principles, benchmarks, and indicators for assessing the cross-border effects

Theme	Principles	Benchmarks	Indicator
<b>European Integration</b>	Free movement of patients Regulation 883/2004 Regulation 987/2009 Directive 2011/24  Public health Art. 168 TFEU Art. 35 EUCFR	Everyone has timely access to high-quality acute care	What does the future situation on acute care mean for a citizen of a cross-border region in relation to access to acute care?  Do the policies promote the cross-border mobility of patients, healthcare professionals and services?
<b>Euregional Cohesion</b>	Strengthening economic, social and territorial cohesion Art. 174 TFEU  Mutual assistance and cooperation between Member States Art. 4(3) TEU Art. 10 Directive 2011/24 Rec. 50 Directive 2011/24	Care in the cross-border territory is equal to that in the national territory	How can cross-border cooperation support in reaching policy objectives in quality and accessibility of acute care in border regions?  How does the policies effect cooperation with actors in acute care?  Is it possible and desirable to cooperate in healthcare delivery and information exchange cross-border?
<b>Sustainable Development/Socio-Economic Development</b>	Internal market Art. 114 TFEU  Sustainable development Art. 3(3) TEU  Free movement of persons and services Art. 21 TFEU Art. 56 TFEU	Well-functioning healthcare in border regions from the aspects of economic, social, and territorial development and sustainability	What effect will the policies have on the prosperity and social-economic development of border regions?

<sup>56</sup> Bundesministerium für Gesundheit, 'Krankenhausreform' 10 July 2023, accessed via: <https://www.bundesgesundheitsministerium.de/themen/krankenhaus/krankenhausreform>.

### **3.5. Dossier 5: Public Transportation in the Euregio Meuse-Rhine (student dossier)**

*Angelica Dumaya  
Guy Dumoulin  
Ylka Kolken  
Behnam Lot  
Jenna van Roover*

#### **Introduction**

Cross-border public transport (CBPT) within the European Union (EU) is a vital component for connecting people to jobs, services, and opportunities beyond their national borders. In 2017, nearly 80,000 individuals were commuting from Germany and Belgium into the Netherlands for work-related reasons. This flow of labour represents a significant portion of the workforce and underscores the importance of efficient CBPT for regional growth and integration. Recent studies have pointed out that regions like Limburg could gain significantly from a more integrated cross-border labour market. Improved CBPT can facilitate this integration, making it easier for people to work across borders and for employers to tap into a larger pool of talent.

This dossier assessed the current state of CBPT in the Meuse-Rhine Euroregion, identifying the gaps, challenges, and potential benefits of a more cohesive transport network. A mixed-methods approach was chosen. Quantitative data was gathered through a survey exploring user experiences and desires, while qualitative insights were retrieved from four interviews with experts from transport-related organizations and the public sector. They provided valuable context to the survey findings. The literature review helped identify key topics for the survey, which was informed by successful CBPT projects in other European regions. The survey reached respondents through various channels, including public transport locations, and collected 53 responses.

#### **Current State and Potential Developments**

In the Netherlands, a robust train network connects to neighboring countries, with services like the Intercity from Brussels, Thalys from France, Eurostar from the UK, and regional services connecting Liège to Maastricht and Antwerp to Roosendaal. Plans are in motion to enhance these connections further, including the introduction of the new Regional-Express 18. The line, which is also known as the "Drielandentrein," is set to enhance connections between Aachen, Maastricht, and Liège. CBPT is also seeing growth with new market entrants, and the European Commission is working towards harmonizing access to national bus markets. In the Netherlands, regions like Zuid-Limburg and Zeeuws-Vlaanderen have significant percentages of their workforce commuting from Germany or Belgium, with the numbers being considerably higher for those coming into the Netherlands.

Germany's current approach to improving CBPT is characterized by a concerted campaign targeting services and recognizing the disparity in quality between cross-border and domestic transport. The mobility portal NRW highlights challenges in service and infrastructure, such as financing issues, planning processes that exclude existing domestic lines, and high entrance barriers like the Dutch OV

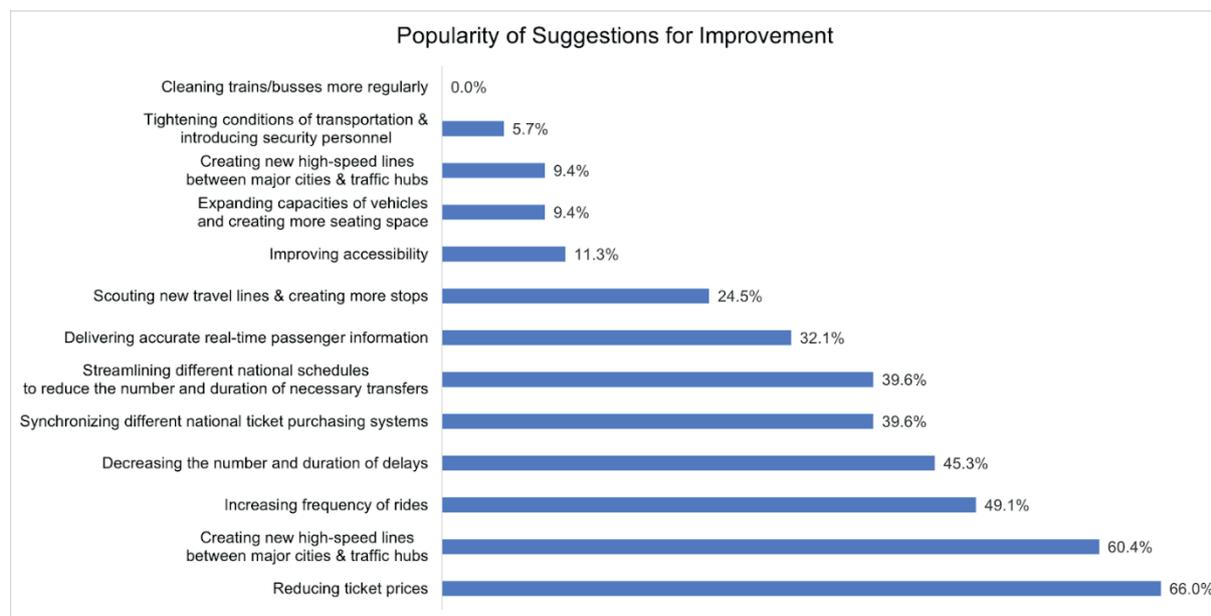
chipkaart system that deter German passengers. Infrastructure challenges include less capacity in cross-border infrastructure, single-track railroads, and gaps in electrification. The "easy connect" pilot project by Aachener Verkehrsbund aims to address these issues, for instance with measures like a cross-border online ID-based ticketing system.

### Survey on Satisfaction, Challenges and Desires

The perspectives of both users and non-users can help understand the reasons behind the use or avoidance of CBPT and gather opinions on potential improvements. A survey highlighted a general satisfaction with certain aspects of CBPT, such as safety and the ticket purchasing process. Yet, it also pointed out critical areas needing improvement, particularly in terms of pricing, travel time, and reliability, which significantly influence the transportation choices of both current users and potential new users of CBPT

For the surveyed CBPT users, leisure emerged as the primary reason for using CBPT, followed by study and work-related travel. When it came to satisfaction, users expressed contentment with the ease of purchasing tickets and the safety of the transport system. However, there was notable dissatisfaction with the travel time, reliability, and cost of tickets. The users' feedback suggested a need for multiple changes, with an emphasis on better pricing and increased frequency of services. Non-users of CBPT shared similar demographic characteristics with users but were more likely to own cars. The high cost of tickets and longer travel times compared to car journeys were the primary reasons for avoiding CBPT. Significant improvements would need to be made in these areas for them to consider using CBPT more often. The survey concluded with participants indicating their most valued changes for enhancing CBPT. Reducing ticket prices was at the forefront, along with the creation of new high-speed lines to improve connectivity and travel times. Increasing the frequency of services and reducing delays were also among the top suggestions. Safety measures, however, were deemed less critical, with few participants prioritizing the introduction of security personnel.

Figure 1: Popularity of Suggestions for Improvement

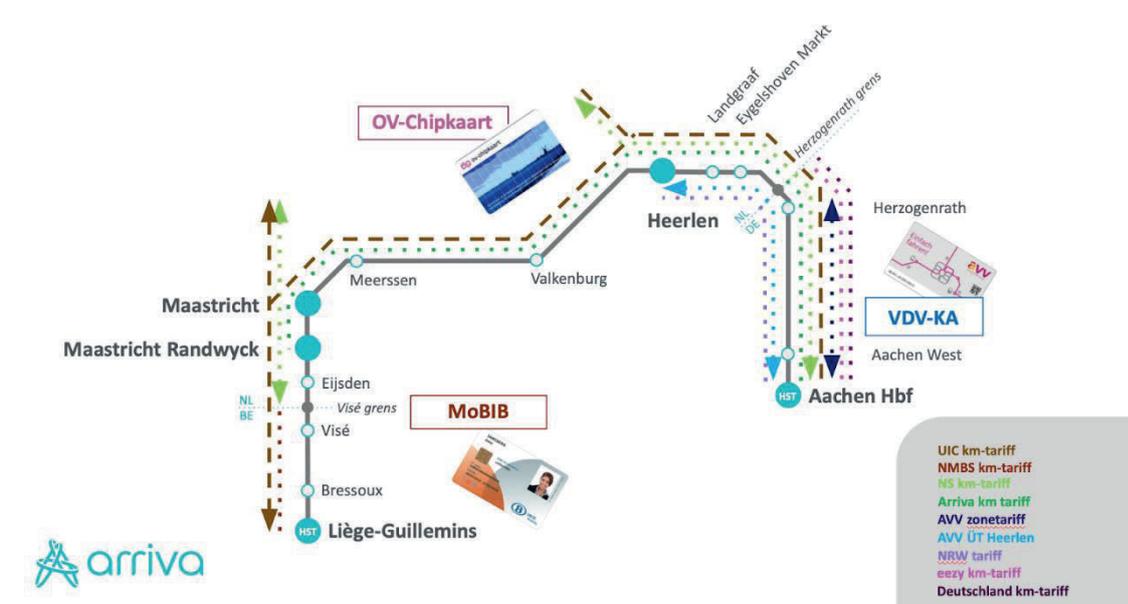


## The Drielandentrein as Exemplary Case for the Expansion of CBPT in the Meuse-Rhine-Euregion

An in-detail examination of the CBPT project connecting Aachen to Maastricht and Liège revealed deficiencies in CBPT that initiated the project and the challenges faced during its implementation. The Drielandentrein, operated by Arriva, initially ran between Aachen and Maastricht, but expansion to Liège was hindered by Belgium's refusal to allow trains without the European Train Control System (ETCS). After installing ETCS and conducting tests, the service is expected to extend to Liège, offering hourly connections without the need for transfers at Maastricht.

The project involves multiple stakeholders from Germany, Belgium, and the Netherlands, requiring frequent coordination. The benefits of the Drielandentrein include more frequent service, direct connections, new trains with improved amenities, and increased safety due to the European Rail Traffic Management System (ERTMS). However, the project faced significant hurdles, such as the implementation of ERTMS, financial negotiations, and technical compatibility of trains with different national systems. Overcoming these challenges necessitated language training for staff, technical solutions for ticketing, and intergovernmental cooperation. A memorandum of understanding was signed to formalize the service's commencement, but integrating ticketing systems remains complex due to differing national systems.

Figure 2: Current state of the complexity of ticketing in the Drielandentrein. Source: Arriva



## Recommendations for a Euregional Perspective

The CBPT in the Euregio Meuse-Rhine is fraught with challenges that impede its efficiency. There is a noticeable disconnect in coordination among the numerous stakeholders involved, leading to operational inefficiencies. Public perception of international public transport is often negative, signaling a need for greater transparency and communication about the efforts to improve the system. The slow pace of decision-making and a lack of prioritization in regional development contribute to persistent delays and slow progress. Additionally, technical discrepancies, such as differences in voltage and signaling systems across borders, complicate the integration of transport operations, highlighting a misalignment between EU directives, national policies, and their actual execution on the

ground. Despite existing regulations and national laws, transport operators find it difficult to adapt and upgrade their systems to comply with these requirements.

To address these issues, a comprehensive approach is necessary. Establishing a standardized framework for CBPT projects, supported by EU resources, could significantly enhance coordination. This framework would include guidelines and regulations to ensure seamless cross-border operations, harmonized ticketing systems, aligned human resource planning, and compatible schedules and routes, thereby facilitating smoother administrative processes and operations. It is important to transparently communicate the benefits and progress of CBPT effectively to garner trust and support from passengers, businesses, and the broader community. Regular updates, public consultations, and awareness campaigns can help in building a more supportive environment for CBPT initiatives. Acknowledging and openly discussing the challenges faced in developing cross-border public transport can lead to a better understanding and support from the public. Adequate resources must be allocated for staffing, funding, and prioritizing CBPT infrastructure. Investments in infrastructure, technology, and human resources are vital to speed up processes, resolve capacity issues, and enhance the quality of service. Harmonizing infrastructure across borders can alleviate logistical challenges. Coordinating the development and maintenance of transport infrastructure, such as roads, railways, and terminals, is crucial for efficient cross-border connectivity. Standardizing signage, information systems, and facilities will improve the passenger experience and facilitate navigation.

By confronting these challenges and implementing these measures, the CBPT system within the Euregio Meuse-Rhine can be significantly improved, leading to enhanced coordination, efficiency, and regional integration. Such improvements are instrumental in promoting sustainable mobility across borders, economic growth, and an improved quality of life for residents and visitors alike.

### 3.6. Dossier 6: Impact Internationalisation higher education in balance

Amy Azhar  
Pim Mertens

#### Introduction

At the end of 2022 the House of Representatives in the Netherlands passed several motions whereby the government has been instructed to take actions regarding the internalisation of higher education. The motions over the last period among others concern the English language in educational programmes, the balance between Dutch and international students, the need for legislation to control the influx of international students and the call for an end to the active recruitment of foreign students.<sup>57</sup> In reaction to the latter, the Minister Dijkgraaf (Education, Culture and Science; OCW) wrote a letter to the higher education institutions in the Netherlands, with the urgent request to act in accordance with the following:

- 1) “a general halt to active recruitment of international students by the institutions through large general and physical scholarships, until renewed agreements are reached with the umbrella organisations (via an addendum to the already existing Administrative Agreement) in the context of the letter I promised to the House in February;
- 2) only proceed to very limited and targeted recruitment for specific programmes targeting (regional) shortage sectors in healthcare, STEM and education with the permission and under the responsibility of the Executive Board. In doing so, I expect institutions to make an effort to facilitate these international students to find their way to the Dutch labour market in these shortage sectors after graduation;
- 3) the Executive Board is accountable and willing to account for any recruitment activities for these (regional) shortage sectors.”<sup>58</sup>

On 21 April 2023, the Letter that was announced earlier on was shared by the Minister.<sup>59</sup> While international students contribute to science, economy and labour market in the Netherlands, it is emphasised that the increasing flows cause increasing risks, mainly regarding the quality, accessibility, absorption capacity (e.g. housing), funding of the system. In the Letter, the principles of a balanced strategic approach are laid down:

1. Internationalisation is and remains of strategic importance for the Netherlands. We should therefore maximise the added value of internationalisation for the system.
2. We ensure a sustainable and affordable higher education system.
3. We guarantee good and accessible education for students in the Netherlands.
4. We preserve and strengthen Dutch as a language in higher education.
5. We educate students to participate well in an internationally connected society and economy.
6. We educate primarily for Dutch society, but with attention to the broader international context.

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<sup>57</sup> Letter to the Parliament, ‘Beheersing internationale studentenstromen in het hoger onderwijs’, 21 April 2023.

<sup>58</sup> Letter to the Parliament, ‘Afschrift van brief aan instellingen voor hoger onderwijs over stopzetting wervingsactiviteiten internationale studenten’, 22 December 2022.

<sup>59</sup> Letter to the Parliament, ‘Beheersing internationale studentenstromen in het hoger onderwijs’, 21 April 2023.

To do so, five elements are mentioned for the package of new measures: method of funding, central steering, recruitment and accessibility, language and making better use of the benefits of internationalisation. Resulting from these cornerstones, also five more concrete actions are announced from central direction of internationalisation in higher education and administrative agreements with the educational field to also policy adjustments and legal frameworks. Regarding the latter, a legislative proposal has been published: the Act on internationalisation in balance ('Wet internationaliseren in balans').<sup>60</sup> The bill has measures regarding language, numerus fixus and direction. A most debated aspect is the proposal that at least two third of a track or programme in Associate Degree- and Bachelor education should be taught in the Dutch language. The other one third can be a foreign language, not being specified. However, an exceptional clause is foreseen, allowing deviations from the 'two third-rule'. Next to the bill, also the administrative arrangements will form the policy on the longer term. Until the bill enters into force current administrative agreements regarding the stop of active recruitment of international students.

For border regions, the question rises what the effects are of aforementioned policies regarding controlling the influx of international students. Indeed, Maastricht University (UM) for example presents itself as the European university, firmly advocating the internationalisation of education and research.<sup>61</sup> Part of this identity is the English-language: *"This starts with our international students and staff, who represent more than 100 nationalities. But it is also reflected in the content of our programmes, most of which are taught in English. We see ourselves as a 'living lab' and a centre of expertise for Europe."* The UM also reflects on its position in a border region, central in Europe and the Euregio Meuse-Rhine, but also more or less peripheral from the *Randstad* and demographically shrinking and ageing.<sup>62</sup> Other educational institutions in the border area, such as Zuyd University of Applied Sciences<sup>63</sup>, UTwente<sup>64</sup> en Fontys also refer to the border-specific situation. Comments also come from other institutions and authorities in the border area.<sup>65</sup>

This dossier is targeted the cross-border effects and dimension of current policy plans. In the *Beleidskompas* (an assessment framework for new policy and legislation) the mandatory requirement of border effects has been noted and answered in the case of this bill, also the Explanatory Memorandum elaborates on the position of border regions. According to its own border effect assessment, the Ministry of OCW expects possible consequences of the language regime as it can limit the influx of students across the border. However, the effect is estimated to be limited, also because the assessment framework for the foreign-language education test should consider regional aspects and specificities together with the higher education institution. In this regard, a reference is made to the letters from Economic Boards and higher education institutions from Dutch regions.<sup>66</sup> This dossier

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<sup>60</sup> <https://internetconsultatie.nl/internationaliseringho/b1>

<sup>61</sup> Maastricht University, UM and the World, <https://www.maastrichtuniversity.nl/um-world>

<sup>62</sup> See for example R. Letschert, Een eigenzinnige maar logische route. Internationale koers als randvoorwaarde. *Thema* (2) 2023. Maastricht University, Internationalisation in Balance bill submitted for consultation, <https://www.maastrichtuniversity.nl/news/internationalisation-balance-bill-submitted-consultation> (21 July 2023).

<sup>63</sup> <https://www.zuyd.nl/over-zuyd/nieuws/2022/12/brandbrief-aan-onderwijsminister-over-belang-internationaal-onderwijs>

<sup>64</sup> <https://www.internetconsultatie.nl/internationaliseringho/reactie/b768098e-c842-4901-9953-aaff14dcddc3>

<sup>65</sup> See for example [Economic Board Zeeland](#); [Euregio Rijn-Maas Noord](#); [gemeenten Maastricht, Heerlen, Sittard-Geleen, Roermond, Venlo en de vier Brightlands campussen](#).

<sup>66</sup> See for example [Economic Board Zeeland](#); [Zuyd Hogeschool](#), [Maastricht University](#), [VISTA college](#), [municipalities of Maastricht, Heerlen, Sittard-Geleen, Roermond, Venlo and the four Brightlands campuses](#).

investigates the possible effects a bit further. What role does internationalisation and international students play in the cross-border region? How does this Dutch bill align with European developments, but also across the border in neighbouring regions? What is the perspective from the Euregion?

### **Process**

For the bill, the consultation ran until 15 September 2023.<sup>67</sup> This consultation received 210 responses, including from the Universities of the Netherlands as an umbrella organisation and higher education institutions individually. However, in the meantime, the Dutch cabinet fell - before the bill was submitted to the House of Representatives. The further course of the legislative procedure is still unknown, belied by the fall of the cabinet and the early Lower House elections. Nevertheless, most of the important aspects and details, such as the exception clauses and derogation options, are still unknown and depend on the further handling and processing of the consultations as well as the advice of the Council of State. Given the current uncertainty surrounding the progress of the legislative dossier, and the possible (fundamental) changes that may still take place, the completion of the study has been postponed. In doing so, ITEM aims to best contribute to current affairs and policy discussions.

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<sup>67</sup> <https://internetconsultatie.nl/internationaliseringho/b1>

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#### **4.1. Annex – The ITEM Cross-Border Impact Assessment as a basis for action: Looking back at the follow-up activities of the ITEM Cross-Border Impact Assessments 2016 till 2022**

Border effects affecting living and working in cross-border regions in Europe have in recent years rarely been so hard felt as during the COVID-19 pandemic and the national containment measures that were imposed. The descent into pro-longed crisis mode has underlined the value of mapping and analysing these effects regarding their repercussions for cross-border mobility and cooperation.<sup>68</sup> The demand for such analysis as a basis for furthering cross-border projects, the transnational cooperation between public authorities and facilitating cross-border work and business is growing. As the European Commission has recently highlighted “Living labs of European integration”-character of the EU Border Regions:

*‘Although border regions are often geographically peripheral and rural, they are places with a high potential for economic growth, encouraged by their cultural and linguistic diversity, complementary competitive advantages, unspoilt nature and less trodden tourism destinations. Their distance from the core can often be compensated by cross-border exchanges with neighbours, cooperation and joint action. For this to happen, border regions need to be at the forefront of and fully benefit from European integration.’<sup>69</sup>*

One of ITEM’s core tasks is to carry out yearly Cross-Border Impact Assessments. With these assessments, ITEM strives to give insight into the effects of new legislation and policy on border regions and on how existing law and policy affect border regions. Since its creation in 2015 ITEM has effectively conducted seven such impact assessments, the latest of which you are now reading. The successful completion of these Cross-Border Impact Assessments is for the most part owed to the efforts of the Maastricht University researchers (and partner institutes) involved, providing valuable research on the effects of legislation and policy on border regions.

Besides this, the impact and success of the ITEM Cross-Border Impact Assessments is not exclusively limited to providing a useful contribution to the scientific debate surrounding border regions. ITEM’s impact assessment targets policy makers at the regional, national and European level who make decisions concerning (cross-)border regions. The Cross-Border Impact Assessment contributes to the political debate by supporting the identification of existing or future border effects. In this context, also the 2022 report has been able to provide a basis for further action and research aimed at improving cross-border mobility and cooperation. A concrete example of a follow-up regards the

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<sup>68</sup> See, for example, Online ITEM & HNP Side Event “How to prevent the return of national borders in a future pandemic and crisis situation – Multilevel governance in a practical way”, Brussels, 13 October 2021.

<sup>69</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ‘EU Border Regions: Living labs of European integration’, COM(2021) 393 final, Brussels, 14 July 2021 at 14.

theme Brede Welvaart in border regions for which ITEM will continue to endeavour mapping out the cross-border region.

A milestone for ITEM's activities in the field of regulatory impact assessment for border regions<sup>70</sup> has been the fact that the Dutch Government has made the "Guidelines on cross-border effects" (*leidraad grenseffecten*) an obligatory quality requirement integral to the official Integrated Impact Assessment Framework (IAK) (now: Beleidskompas) for policy and legislation.<sup>71</sup> The Ministry of Interior and Kingdom Relations had already drawn up this document (with recommendation status) in 2019 following the advice and input by ITEM in collaboration with several Dutch ministries. It is published on the web page of the Beleidskompas.<sup>72</sup> Meanwhile, the quality requirement has been pointed out several times by both Parliament and the Council of State.

From a European perspective, this seems to be the first official requirement to conduct structural cross-border impact assessments incumbent on an EU Member State government. Already early on, ITEM's methodology had been recognised a best practice by the European Commission's Directorate-General for Regional and Urban Policy (DG Regio) in its 2017 Communication *Boosting growth and cohesion in EU border regions*.<sup>73</sup> As ITEM keeps advising the Dutch Government and other authorities on the implementation and enhancement of the Cross-Border Impact Assessment methodology, it also continues to cooperate with the European Commission and other EU institutions. Recently, the European Commission has recognised this working group as well as the Dutch governmental guidelines as a best practice, too, for improving the legislative process in the context of enhancing policy on border regions.<sup>74</sup> In the same report, the Commission also promotes adopting a 'single' territory-perspective on cross-border labour markets, a view that ITEM has been advocating for many years.<sup>75</sup>

The experiences in conducting cross-border impact assessments are now being used and deployed by ITEM to inspire and inform other regions and institutions. In the context of Franco-German cooperation, more specifically the Aachen Convention, ITEM has, together with the Euro-Institut and MOT, published an advice for a border impact assessment and a cross border process in the fall of 2022. Now that in October 2023 the Ausschuss für Grenzüberschreitende Zusammenarbeit (AGZ) has decided to follow up on the advice, the report represents an important step in the further rollout of border impact assessments across European border regions. The Flemish government has shown interest in the method as well during the Flemish-Dutch summit of January 2023.

As to the research results of the Cross-Border Impact Assessment of 2021, ITEM's COVID-19 dossier on crisis management and its effects on the Euregio Meuse-Rhine received a lot of media attention and generated written questions to the Provincial Government as to the development of the crisis

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<sup>70</sup> ITEM has long voiced its support and expressed the need for more Cross-Border Impact Assessments to be carried out in the Netherlands at several Dutch Ministries. M. Unfried and L. Kortese, 'Cross-border impact assessment as a bottom-up tool for better regulation' in: J. Beck (ed.), *Transdisciplinary discourses on cross-border cooperation in Europe*, EUROCLIO vol. 107, Peter Lang, Brussels, 2019, pp. 463-481.

<sup>71</sup> On 6 June 2020, a motion to that effect by Dutch Parliamentarian Van der Molen (et al.) got a majority of the votes in the plenary. See the respective Parliamentary letters on Progress of cross-border cooperation from the State Secretary for the Interior and Royal Relations (April 2021) on <https://www.tweedekamer.nl/kamerstukken/detail?id=2021D16100>; and <https://www.tweedekamer.nl/kamerstukken/detail?id=2021D11846> (last accessed 31 August 2021).

<sup>72</sup> See <https://www.kcwj.nl/kennisbank/integraal-afwegingskader-beleid-en-regelgeving/7-wat-zijn-de-gevolgen/76-grenseffecten>.

<sup>73</sup> COM(2017) 534 final, Brussels, 20 September 2017.

<sup>74</sup> COM(2021) 393.

<sup>75</sup> Ibid. at 9.

response. The dossier derives from ITEM's research efforts together with colleagues from Leiden University and the Ockham IPS Institute as part of the INTERREG Pandemic project. The Pandemic project produced three in-depth studies, on cross-border crisis response, cross-border ambulance transport and cross-border procurement.<sup>76</sup> The research resulted in multiple contributions in articles, essays, and presentations. Worthy of mentioning is for example the working visit of the Temporary Committee Corona of the Dutch House of Representatives in January 2023 during which ITEM presented and discussed the results of the COVID-19 dossier.<sup>77</sup>

One dossier that received particular attention is the 2021 dossier on working from home. Several media reports covered the dossier.<sup>78</sup> In addition, the dossier study was published and cited in several professional journals and magazines.<sup>79</sup> The dossier also received political and policy follow-up. As a result of the publication, Parliamentary questions were raised, with responses indicating that the report would be used in shaping future policy.<sup>80</sup> The ITEM study was also cited in the SER Opinion on the Future of Hybrid Work, which also forms the basis of Dutch policy.<sup>81</sup> ITEM Expertise Centre itself has also taken several follow-up actions on this issue, not only in 2022 but also in 2023. On 14 June 2023 the B-Solutions workshop took place, organised by ITEM, GIP Aachen/Eurode and AEBR, in cooperation with the Benelux Union, in the context of a B-Solutions project financed by DR REGIO. With a focus on the border regions between Germany, the Netherlands and Belgium, the workshop examined solutions in the field of teleworking, cross-border working, taxes and issues regarding social security, examined how these issues can be solved within new frameworks on both an EU and national level and discussed the role of the most important organisations for implementing earlier made recommendations.<sup>82</sup>

Dossiers from 2022 were also followed up sufficiently. The dossier on the cross-border energy transition for example resulted in multiple mentions in news articles. It furthermore constituted the beginning for follow-up in multiple projects such as the Euregional Sustainability Center<sup>83</sup> with Fontys Venlo and a scientific Horizon Europe application. The fireworks dossier from 2022 also attracted media attention and the provided directions of solutions are now on the list of bottlenecks to be solved of the Administrative Border Region Consultation between the Netherlands and Flanders.

Next to political and hands-on follow-up that the ITEM Cross-Border Impact Assessment methodology generates, it also provided publicity and further traction for ITEM's border impact assessment

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<sup>76</sup> The studies can be found here: <https://pandemic.info/wp3-studies-and-legal-advice/>

<sup>77</sup> <https://www.tweedekamer.nl/nieuws/kamernieuws/tijdelijke-commissie-corona-brengt-werkbezoek-aan-zuid-limburg>

<sup>78</sup> Such as Zoals L1 (27-12-2021), L1mburg Centraal: thuiswerkproblemen voor grenswerkers, <https://1.nl/l1mburg-centraal-thuiswerkproblemen-voor-grenswerkers-168630/>; FD (19-11-2021), Grenswerkers de klos als zij ook na corona blijven thuiswerken, <https://fd.nl/economie/1420109/grenswerkers-de-klos-als-zij-ook-na-corona-blijven-thuiswerken>.

<sup>79</sup> Verschuieren H. The Application of the Conflict Rules of the European Social Security Coordination to Telework During and After the COVID-19 Pandemic. *European Journal of Social Security*. 2022;24(2):79-94.

doi:[10.1177/13882627221107042](https://doi.org/10.1177/13882627221107042); Mertens, P. (2022). De veelzijdige impact van thuiswerken voor

grensarbeiders. *Pensioen Magazine*, 2022(3), 11-15; Weerepas, M. J. G. A. M. (2021). Grenswerkers na de crisis: aanpassing regelgeving vereist? *Vakblad Grensoverschrijdend Werken*, 2021(43), 3-9; Mertens, P. (2022). Grenzen aan grensarbeid. *Thema Hoger Onderwijs*, 2022 (3).

<sup>80</sup> <https://www.tweedekamer.nl/kamerstukken/kamervragen/detail?id=2021Z21404&did=2021D50692>

<sup>81</sup> <https://www.ser.nl/-/media/ser/downloads/adviezen/2022/hybride-werken.pdf>, p. 88.

<sup>82</sup> <https://crossborderitem.eu/succesvolle-workshop-wegwerken-van-belemmeringen-voor-grensoverschrijdend-telewerken/>

<sup>83</sup> <https://sustainabilitycenter.eu/>

methodology.<sup>84</sup> The concept of ITEM's approach on regulatory government led to an article for the latest handbook on "Territorial Impact Assessment" edited by Prof. Eduardo Medeiros (Instituto Universitário de Lisboa) and published by Springer in 2020.<sup>85</sup> In 2022, the peer-reviewed publication of "Cross-Border Impact Assessment for EU's Border Regions" appeared in the European Journal of Law Reform, discussing ITEM's methodology, border effects and implications for EU policy.<sup>86</sup> Furthermore, ITEM has co-organised a EU Regions Week workshop on "Evaluation and assessment of EU policies: how to strengthen the voice of cross-border regions?", together with the European Committee of the Regions (CoR) on 13 October 2021. It thus actively promotes the development of the Committee's "Fit for Future platform" as an essential tool for regional input into EU policy assessment and evaluation. On the same line, the CoR's Regional Hub network (RegHub) is a recent approach to better integrating the expertise of regional administrations. The workshop served to examine how RegHub can include cross-border perspectives.<sup>87</sup>

Looking ahead, ITEM will continue to map the effects of international, European, national and regional legislation and policy in its Cross-Border Impact Assessments. The Expertise Centre is dedicated to developing<sup>88</sup> its impact assessment methodologies further and is looking forward to doing so in cooperation with its partners, stakeholders and researchers.

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<sup>84</sup> N. Büttgen, 'Cross-border impact assessment: a bottom-up tool for better regulation and more cohesion' in "Bliżej Brukseli" ("Closer to Brussels") – Special Issue on Cross-Border Cooperation, e-magazine of the Malopolska Region (PL) Brussels Office, 2019, No. 26, pp. 10-13: [https://issuu.com/blizejbrukseli/docs/26\\_closer\\_to\\_brussels\\_-\\_cross-border\\_cooperation](https://issuu.com/blizejbrukseli/docs/26_closer_to_brussels_-_cross-border_cooperation).

<sup>85</sup> E. Medeiros (ed.), Territorial Impact Assessment, Springer International Publishing, 2020: <https://www.springer.com/de/book/9783030545017>.

<sup>86</sup> Martin Unfried, Pim Mertens, Nina Büttgen e.a. , 'Cross-Border Impact Assessment for EU's Border Regions', (2022) European Journal of Law Reform 47-67

<sup>87</sup> See <https://cor.europa.eu/en/events/Pages/ewrc-evaluation-eu-policies.aspx>.

<sup>88</sup> In this context, ITEM has collaborated with UHasselt, RWTH Aachen and ULiège in the INTERREG EMR Crossquality project, which is developing a border effects methodology to understand the effects of the INTERREG programme on the quality of cross-border cooperation.