



Cross-Border Impact Assessment 2020

Summary



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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 five such regulatory impact assessments. The present report is the latest edition of the Cross-Border Impact Assessment.¹

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 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'.² 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.³ Awareness of the relevance of Cross-Border Impact Assessments is also growing at the national level. For example, the Dutch Secretary of State Knops has not only repeatedly recognised the importance of assessments related to potential cross-border effects in communications to the House of Representatives.⁴ The Dutch Ministry of the Interior and Kingdom Relations has also issued guidelines on assessing border effects in the context of the Dutch Integrated Impact Assessment Framework (IAK) for policy and legislation (see Annex).⁵

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.

1 All ITEM Cross-Border Impact Assessments may be consulted via the ITEM Cross-Border Portal:

<https://itemcrossborderportal.maastrichtuniversity.nl/link/id/U8rHnsyQU5BsF9bj>.

2 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.

3 Ibid.

4 See most recently Kamerbrief over Voortgang grensoverschrijdende samenwerking van de Staatssecretaris Binnenlandse Zaken en Koninklijke Relaties van 9 maart 2020, 2020-0000119834.

5 Dutch government "guidelines on cross-border effects" (*leidraad grenseffecten*), 2019:

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



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.⁶ 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 recently 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. When looking at the national level in the Netherlands, ITEM is further assisting the Dutch government in reviewing how to improve its own policy assessments with regard to border effects. 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.⁷ To advance this idea, the 2020 Cross-Border Impact Assessment for the first time includes a study that was jointly conducted with three TEIN partners (see more below).

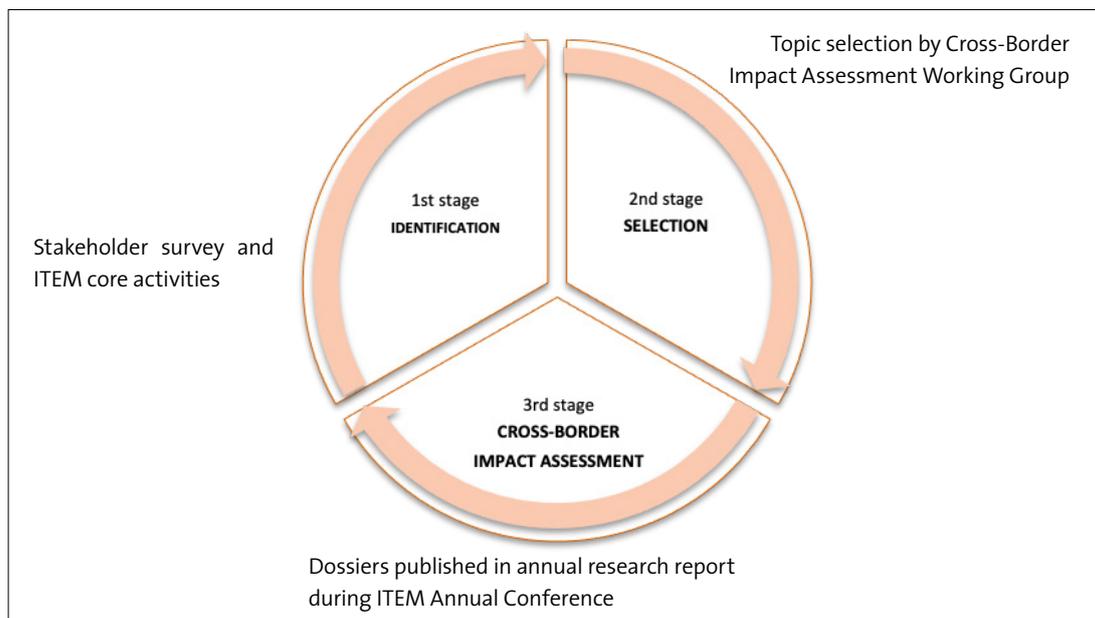


Figure 1: The ITEM Cross-Border Impact Assessment Cycle

6 SWECO et al., Collecting solid evidence to assess the needs to be addressed by Interreg cross-border programmes (2015CE16oATo44) Final Report 2016, European Commission.

7 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. The ITEM Cross-Border Impact Assessment 2020 welcomes the contribution of the following three TEIN partners: Euro-Institut, the Centre for Cross Border Studies/CCBS and the Viadrina B/ORDERS IN MOTION Research Centre (see Dossier 1).



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.⁸ 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 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 2020 ITEM Cross-Border Impact Assessment. This year’s impact assessment consists of six dossiers covering a wide range of topics and researching both existing as well as prospective legislation and policy, including the joint impact assessment with TEIN. Topics range, for instance, from the *ex post* assessment of the Coronavirus crisis management measures, and the impact of European and national legislation on access to training in cross-border job placement to the *ex ante* assessment of the Dutch NOVI-Strategy on Spatial Planning and the Environment, and the German *Grundrente*.

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 above). 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, among others, when conducting scientific research, undertaking counselling activities, knowledge exchange and trainings. During the second stage, the ITEM Cross-Border Impact Assessment 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.

8 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> (last accessed 4 August 2020). See also: <https://www.oecd.org/governance/regulatory-policy/>.



2.2 Applying the Method

Demarcating the Research - What is a Border Region?

Researchers taking part in the Cross-Border Impact Assessment follow the same methodology developed by ITEM, which begins with the definition of the border region. As mentioned above, ITEM aims to fill the existing gap calling for more border specific impact assessments. The borders forming the topic of analysis of the ITEM Cross-Border Impact Assessment are the cross-border areas surrounding the borders of the Netherlands, Belgium and Germany. This concerns a broad definition relating to the whole of the impact assessment. Different topics may call for a different definition of the border. Therefore, this definition will be refined further in the individual dossiers of this report, as appropriate to the subject. The idea underlying this dossier-based definition of the border is that general observation reveals few if any generic causes of the cross-border effects. These issues are rooted in the national implementation of European law, the level of coordination between the neighbouring countries and the way in which certain national legislation or policy is shaped.



Figure 2 Cross-border partnerships BE/NL/DE/LU

Furthermore, it is important to stress that ITEM strives to maintain a truly cross-border perspective in relation to the border region (as opposed to a national one). The choice for such a perspective is a deliberate one, as it avoids the focus being placed on the national perspective. The rationale behind this choice is to avoid a bias favouring one nation’s perspective on a certain matter as opposed to representing a genuinely cross-border perspective. In order to represent this perspective as much as possible the starting point for the ITEM Cross-Border Impact Assessment is not only the border region 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. As indicated above, ITEM is discussing to establish a network of partners who will also conduct assessments in their own cross-border territories. Therefore, this year, for the first time ITEM has joined forces with TEIN partners to study cross-border effects on four different cross-border regions in Europe. Next to mapping the impact on these regions’ citizens, businesses and society, the common “Corona-dossier” has thus offered 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 those partners equally specialised in cross-border research.



In illustration of this cross-border dossier-based definition of the border region, this year's Cross-Border Impact Assessment indeed focuses on a number of different borders within the Netherlands, Belgium and Germany border region. For example, the regional study of the effects of cross-border coordination during the Coronavirus crisis focuses directly on the tri-border area covered by the Euregio Meuse-Rhine. (Based on joined indicators this is compared with the TEIN partners' studies on their respective cross-border regions.) The ex ante assessment of the NOVI-strategy investigates the effects on the cross-border area of the Euregio Rhine-Meuse-North and the Euregio Meuse-Rhine. Their Dutch territories are stretching the Province of Limburg, which is the most encapsulated between the two neighbouring countries and has, in fact, been designated by the Dutch government as one the "NOVI-areas". For the SGA-dossier, both a regional demarcation and a demarcation by type of activation measure was chosen to examine the effects on cross-border job placement. The geographic focus is on the Dutch-German border region of South Limburg with a sizeable number of frontier workers compared to the rest of the Netherlands. The substantive focus is on cross-border access to training for jobseekers in the context of the Dutch Unemployment Act (WW) and the German Act on Employment Promotion (SGB III). In the dossier on the German basic pension (*Grundrente*), in turn, the border region is the defined broadest sense of the word based on the populations of Dutch and Belgian residents (frontier workers) working in Germany.

Apart from this territorial demarcation of the border region, researchers also apply any other demarcation relevant to their research.

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:

1. **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);
2. **Socioeconomic/sustainable development:** the cross-border impact of legislation and policy on the development of the economy in the border region;
3. **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 the principles of non-discrimination and free movement. The dossier on the border effects of decentralisation under the Dutch Youth Act is an example of a dossier focusing on European integration and with emphasis on the free movement of workers and their family members, the rights of children and the free movement of patients. Another example is the dossier on the *Grundrente* and its consequences for cross-border workers.

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. This year's assessment of the German structural reinforcement programme connected to the *Kohleausstieg* analyses the potential for spill-over effects from the programme for the Rhenish district on euregional economic development. Another example is the ex ante impact assessment of cross-border spatial planning in the framework of the NOVI-strategy. It might offer considerable development potential for tackling broad societal challenges that know no border, such as the energy transition, in a euregional context.

Finally, researchers may also ask what cross-border effects a certain measure has on Euregional cohesion, meaning cooperation between institutions, business contacts, and the mindset 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 and the Euregional mindset of citizens. This year, the quality and efficiency of cross-border governance structures play a crucial role in almost all the dossiers. From pandemic crisis management, structural reinforcement and spatial planning to labour market services and youth care provisions, the researchers assess to what extent the measures under examination will strengthen cooperation within the identified border region and help foster the cross-border networks in a sustainable manner.



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 2020 Cross-Border Impact Assessment not only focused on sources stemming from legislation and policy, but also on empirical data, in-depth 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 below provides examples for principles, benchmarks and indicators for the three research themes of the ITEM Cross-Border Impact Assessment.

Table 1: Examples of principles, benchmarks, and indicators

Research themes	Principles	Benchmark	Indicators
1. European integration	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.
2. Socioeconomic /Sustainable development	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
3. Euregional cohesion	Cross-border cooperation/ Good Governance, Euregional cohesion	Functioning of cross-border services, cooperation with organizations, coordination procedures, associations	The number of cross-border institutions, the quality of cooperation (in comparison to the past), development of Euregional governance structures, quantity and quality of cross-border projects

2.3 The Dossiers of the 2020 ITEM Cross-Border Impact Assessment

The survey for this year’s impact assessment was conducted between December 2019 and January 2020 and was set out among ITEM stakeholders and other interested parties. ITEM received written responses to this questionnaire from various partners. Additionally, a number of topics were proposed and/or specifically requested (e.g. the SGA-dossier) in the context of ITEM’s day-to-day activities. Another route for topical identification is the conduct of a quick scan of policy initiatives or programmes (such as the Dutch coalition agreement 2017) conducted by ITEM. After the dossiers and subjects submitted were screened, six dossiers were ultimately selected by the Cross-Border Impact Assessment Working Group. The final dossiers are the result of a fruitful cooperation of ITEM, its researchers and its partners. As was the case for the 2016, 2017, 2018 and 2019 impact assessments, the research in some dossiers was rendered possible by the efforts of several students. Table 2 below provides an overview of the topics and research of the ITEM Cross-Border Impact Assessment 2020 dossiers. As indicated earlier, two of these dossiers represent exploratory analyses aiming to enhance methodological aspects to conduct more purpose-oriented impact assessments in the future.



Table 2: Themes of the ITEM Cross-Border Impact Assessment 2020

No.	Subject	Specification
Dossiers		
1.	The impact of the Corona crisis on cross-border regions (TEIN study)	This joint study provides an ex post assessment of the question what effects the national approach to crisis response and cross-border coordination has had on cross-border regions and their inhabitants. To what extent did the focus on national figures, national capacities in healthcare and national measures influence the situation? How intensive was the cross-border coordination and what consequences did it have for the development and combating of the crisis? The dossier zooms in on four different European cross-border regions (BE-DE-NL, CH-DE-FR, DE-PL, IE-NI/UK) and provides a comparative analysis.
2.	Implementation and possible effects of the Dutch Strategy on Spatial Planning and the Environment (NOVI) from a Euregional perspective	This dossier evaluates ex ante to what extent the Dutch NOVI strategy-in-the-making and the associated implementation instruments create opportunities for better cross-border cooperation within the physical domain. Among the indicators examined are participation from neighbouring countries (European integration), existing cross-border governance structures within spatial planning (for socio-economic competitiveness) and the scope for integrated cross-border vision formation (as a prerequisite for Euregional cohesion).
3.	Ex-ante evaluation of the (potential) cross-border impact of the structural reinforcement programme to end coal-based power generation in Germany (Kohleausstieg)	In July 2020, the German Bundestag adopted the Act on the Structural Reinforcement of Coal Regions formalizing the phase-out of coal-based power-generation. Significant subsidies have thereby been made available for the socio-economic transformation of Germany's four "coal regions", including the <i>Rheinische Revier</i> (Rhenish mining district with seven municipalities between Aachen, Köln and Düsseldorf). Given the proximity to the Dutch border and the size of the Rheinisches Revier Programme (RRP), this dossier probes what influence the RRP may have on cross-border cooperation and better governance.
4.	The (im)possibility of cross-border training budgets to tackle long-term unemployment?	As the full impact of the Coronavirus crisis on the labour market still remains to be seen, at EU level one generally agrees about the desirability of Active Labour Market Policies (ALMP): including targeted training can facilitate job placement. In a cross-border setting, however, legal and administrative differences may affect the matching of job seekers and training measures and therefore potentially hinder the work of Cross-Border Job Placement Service Points (SGA). This ex post assessment studies the impact of European and national legislation on access to training in cross-border job placement in the Southern parts of the Netherlands-German border region.
5.	The cross-border effects of the proposed German "basic pension" (Grundrente)	This ex ante assessment of the <i>Grundrente</i> illuminates both its general conditions and the cross-border aspects specifically. The theme of 'European integration' is central to the extent that border effects have been taken into account in the making of the law. Can the Grundrente 'cross the border' and what are the eligibility criteria for frontier workers? The authors examine to what extent (former) frontier workers residing in the Netherlands or Belgium could claim the allowance and its meaning for cross-border employment.
6.	The cross-border effects of decentralisation in social security: case study on Dutch youth care	This ex post assessment studies the impact of the Dutch Youth Act (<i>Jeugdwet</i>) on the border region between the Netherlands and Germany, with a case study on the Euregio Meuse-Rhine. In 2015, the Youth Act put Dutch municipalities in charge of providing youth care. Through this decentralisation youth care in the Netherlands is no longer covered by the EU regulation that coordinates social security. Access to adequate youth care provisions therefore become an issue for families living in the border region on the border's one side while having their centre of life (work, school etc) on the other.



3. The Dossiers of 2020



3.1 Dossier 1: The impact of the Corona crisis on cross-border regions (TEIN study)

An ex-post assessment of cross-border coordination, or non-coordination, of crisis response

Joint research collaboration with the Transfrontier Euro-Institut Network (TEIN)

Martin Unfried (ed.)

Dr. Nina Büttgen (ed.)

Saskia Marks

General Introduction

The (continued) impact of the COVID-19 pandemic can hardly be overstated. As the virus spread (during the first wave), entire regions and countries were quarantined, and borders were closed overnight. This dossier focuses on what impact early crisis management has had on (cross-)border regions. To gain insights into how that impact was felt in different regions across Europe, the research has been conducted in close collaboration with several TEIN-partners.

The Dossier provides an *ex post* impact assessment of the various “Corona-measures” on cross-border regions, when the virus first ‘hit’ the European continent. Specific regard is had to the (non-) coordination of crisis management measures and border controls. To what extent did the focus on national figures, national capacities in healthcare and national measures influence the situation? How intensive was the cross-border coordination and what consequences did it have for the development and combating of the crisis? Such questions are key in reflecting on the extraordinary impact that the “Corona-crisis” has had on selected cross-border regions, when many basic European principles and freedoms seemed virtually thrown overboard from one day to the next.

Besides studying the effects on the cross-border region between Belgium, Germany and the Netherlands (Euregio Meuse-Rhine / EMR), this ITEM Cross-Border Impact Assessment will - for the first time - investigate the border effects on several European regions simultaneously. The COVID-19 research project is a collaboration between ITEM and various partners of the Transfrontier Euro-Institut Network (TEIN), a unique network consisting of universities, research institutions and training centres dedicated to cross-border cooperation in Europe.⁹ This Dossier showcases the results of this fruitful cooperation between ITEM and the following TEIN-members: the Euro-Institut (Upper Rhine region covering the cross-border region between Germany, France and Switzerland), the Centre for Cross Border Studies/CCBS (the cross-border region between the Republic of Ireland and Northern Ireland/the United Kingdom (UK)) and the B/ORDERS IN MOTION Research Centre from European University Viadrina Frankfurt Oder (the German-Polish border region and the Twin Towns Frankfurt Oder Słubice). In the following, each regional report will provide a more elaborate definition of the respective cross-border area outlining the geographical scope of the particular investigation.

Methodology

This joint research initiative between ITEM and the TEIN-partners provides a welcome opportunity to apply the Cross-Border Impact Assessment-method, as developed by ITEM since 2016, in a broader setting for the first time. Hence, this Dossier serves to test the method’s applicability in other cross-border regions across Europe. Still, given its pilot character, the research collaboration has been kept deliberately limited to a small selection of cross-border

9 See <http://www.transfrontier.eu/>. This research cooperation started off in early 2020 with the plan to conduct a joint cross-border impact assessment on the proposed EU Directive to discontinue the seasonal change of time (DSCT) (COM (2018) 639 final). However, as the Corona-crisis began to spread across the whole globe and the researchers involved in this cooperation were experiencing first-hand the impact of the nationally and even regionally diverging approaches towards containing the (further) spread of the virus, the research team quickly shifted its focus of investigation to the on-going crisis itself where it could be even more fruitfully employed.



regions. Meanwhile the unprecedented scale and impact of the Coronavirus crisis forms a very apt and intriguing subject for conducting Cross-Border Impact Assessment research in such a broad setting - especially, considering the great variations in the gravity of the pandemic's impact throughout the EU. In fact, the European Commission has already informally expressed its appreciations for this type of joint research initiative, and encouraged the organisation to further such joint work to investigate pan-European cross-border issues within the context of the TEIN-network in the future.

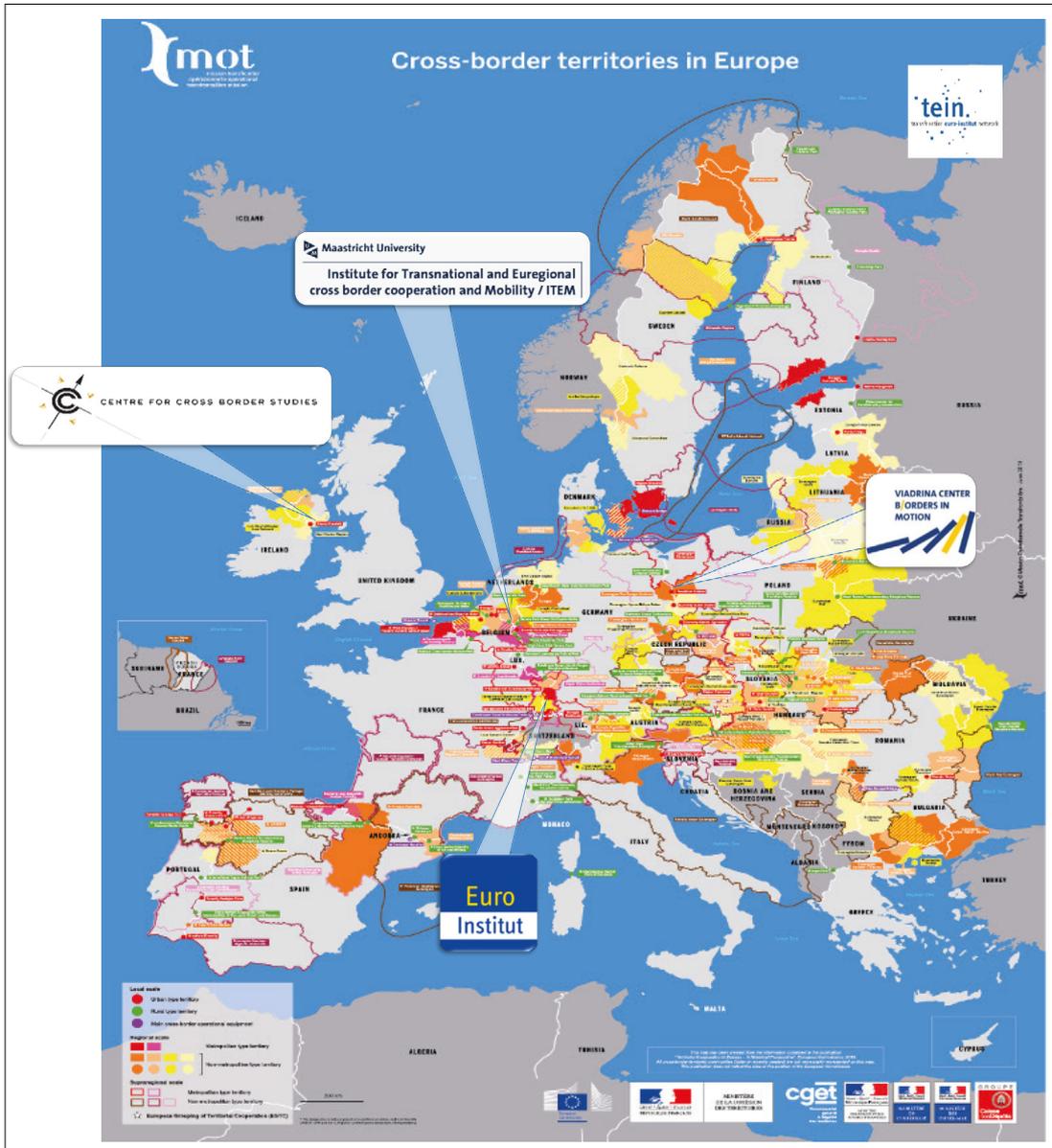


Figure 3: The four cross-border areas of Dossier 1, own indication in MOT's illustration of cross-border territories (MOT, 2018).

The wide geographical scope and the relative recent effects of the COVID-19 pandemic have important consequences for the data collection. For practical reasons, the period for data collection has been set from 1 March to 30 June 2020. However, not all data necessary for assessing the impact of the COVID-19-pandemic may have been published by the time of writing (July 2020). Based on the experience of the ITEM Cross-Border Impact Assessment of previous years,¹⁰ difficulties in data collection - particularly at the lower level or to highlight specific cross-border 'flows' - have been anticipated from the start. The authors will signal the specific limitations of data collection per region.

10 J. van der Valk, 'Dossier 5: Cross-border monitoring-a real challenge', ITEM Cross-Border Impact Assessment 2019: <https://itemcrossborderportal.maastrichtuniversity.nl/link/id/U8rHnsyQU5BsFqbj>.



On the one hand because of these expected constraints regarding quantitative data but, on the other, also to test qualitative indicators, ITEM and its TEIN-partners agreed to acquire further relevant information through 'background talks' with stakeholders in their respective regions. This conversational evidence has been used to finetune the analysis and narrative of each research report. This approach, too, pays respect to potential (political) sensitivities pertaining to the problems discussed, highlighting that the informality of the provided information time and again lies in the interest of the respondent.

Summary Thematic Approach

The multifaceted nature of this topic is reflected in the fact that all three central research themes - European integration, socioeconomic/sustainable development and Euregional cohesion - are covered extensively.

In light of the theme of European integration, the assessment focuses on the existence and duration of border controls and travel bans; considering the consequences for frontier workers, businesses, students and others. The impact the crisis has had on EU citizens' basic freedoms of movement will be analysed and, thus especially, on daily life in a cross-border region.

In respect of the socioeconomic/sustainable development of these regions, following the Corona-induced lockdown measures one of the greatest recessions since World War II is facing Europe (and the world).¹¹ Hence, it will be examined to what extent the Corona measures can be linked to a reduction of cross-border economic activities by companies or to worse economic difficulties. What has (lack of) coordination of these measures meant for the trade and economy in the selected cross-border territories? Possible repercussions for cross-border regions' economic development in the future will also be considered.

More critical questions arise when approaching the topic from the perspective of Euregional cohesion: if and how did cross-border cooperation function during the crisis? Were national measures coordinated in a way to avoid frictions for the border regions? How was cooperation in the health sector structured and how can it be structured in the future? What was the impact of the closing of borders on the perception of citizens with respect to the cohesion of the cross-border territory? Accordingly, the analysis will focus on what lessons can be drawn for European/cross-border crisis-management in the future and for dealing with the recovery from the Corona-crisis. In the following, the main findings of each regional report will be summarised.

3.1.1 The effects of COVID-19 crisis management on the Euregio Meuse-Rhine

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Saskia Marks

Objective of the study

The Belgian border was closed to all residents in the border region on 20 March 2020. Only people with a reason explicitly stated on a list of exceptions - such as cross-border work, transport - were permitted to cross. For a Euroregion in the Germany, Netherlands, Belgium border triangle, this was a drastic measure. Blockades were suddenly erected across streets where previously people had lived 'open Europe' every day. Suddenly, even some family visits across the border were no longer permitted. On the German side too, such as at the Belgian-German border in Aachen, North Rhine-Westphalia imposed an entry ban on people without good reason to cross in accordance with federal legislation, which applied from 16 March 2020 until it was lifted on 15 June 2020. The Dutch government did not adopt official entry restrictions, although it did seek to prevent people crossing into the country from Germany and Belgium by making appeals and recommendations.

¹¹ European Commission, Spring 2020 Economic Forecast, press release, 6 May 2020: (accessed 27 July 2020).



Impact on questions of European integration

There appears to have been an imbalance in the Euregio Meuse-Rhine in terms of restrictions on border crossings and the rights of citizens and companies. This was owing to the different strategies used by the three countries to fight the pandemic using different national measures, which were not always coordinated in terms of timing or substance. The key difference was that while Germany and Belgium imposed a statutory entry restriction (and in Belgium, an exit restriction as well) for several weeks, the Dutch government opted merely for recommendations. While Belgium introduced structural checks of the restrictions at the border, this was not the case in North Rhine-Westphalia (Germany). Citizens in Belgium were also fined for violating (cross-border) travel restrictions, unlike citizens in Germany and the Netherlands. Consequently, the regulations in place at the Dutch-German border did not give rise to specific questions of discrimination, but instead to ambiguity about the difference between recommendations (Netherlands) and rules (Germany, NRW) relating to entry. At the height of the crisis, between March and June 2020, the Germany-Netherlands border was one of the most open internal borders within the EU. By contrast, the border with Belgium was one of the most strictly controlled.

There was a clear question of legal discrimination in respect of the Belgian measures concerning (cross-border) family visits, while these were judged differently in neighbouring countries. Cross-border commuters, however, were not affected by entry bans at any time. For those in the group of cross-border commuters who were required to work from home, national governments agreed bilateral exemptions on tax liability at different times. In terms of social security contributions, the competent authorities in the three countries promised exemptions after just a few weeks - for some combinations more clearly than for others.¹²

In terms of certain national financial support measures, the question of the extent to which these (e.g. the Dutch temporary bridging regulation for the self-employed, *Tozo*, or the payment restriction of the German reduced hours compensation to an available workplace in Germany) did not lead to discrimination of cross-border commuters and business people remains contentious. In both cases, the question is whether the German and Dutch practices were in accordance with Regulation (EC) No 883/2004. According to ITEM analyses, the matter is considered questionable and requires clarification before the courts.

Impact on the Socio-economic Development of the Euregio Meuse-Rhine

What has proved to be a problem in many ITEM impact assessments is also apparent in the light of the Coronavirus crisis - for the cross-border region of the Euregio Meuse-Rhine: there is no consistent monitoring of economic data. Data are available at national level and, in some cases, at regional level. Economic development is still being surveyed at regional/local level in different sectors by chambers of industry and commerce in the form of surveys and evaluations. However, the fundamental difficulty becomes apparent when attempting to evaluate the border-related effects, which cannot be separated from the general effects of national measures, such as the shutdown of parts of public life. In some areas, such as public transport, the size of the overall decline in revenue domestically indicates that the restriction on the few cross-border routes had only a marginal role.

For the Netherlands, initial studies have been released which show that the structure of the respective regional economy is a decisive factor for the effects of the crisis. As an example, the Dutch province of Limburg is expected to suffer particularly negative effects not because of its border location, but because of the high proportion of trade, transport and catering in its economic output. In terms of employment, national measures such as reduced hours (short-time working) and financial support for businesses have prevented a mass wave of redundancies. However, even if those redundancies were to come in autumn, it is scarcely possible to determine the effects of restrictions in cross-border travel on account of the figures. In addition, there is a lack of regularly collected cross-border data on employment by businesses operating cross-border in the Euregio, or surveys of businesses on the conditions and barriers to cross-border activities. Indications of the economic effects of border restrictions tend to come from evaluations by chambers of commerce and industry in Belgium and Germany: in spite of the border restrictions, they do not consider that the free movement of goods and services was particularly hindered during the crisis. Furthermore, obstacles to the movement of goods caused by lengthy traffic jams were also avoided in the Euregio Meuse-Rhine. In this sense, the Belgian border controls did not have any serious negative effects.

¹² An accurate observation of the dynamic development can be found in the ITEM Cross-Border Portal.

See: <https://itemcrossborderportal.maastrichtuniversity.nl/p/news/50946970784628837>.



Impact on Cross-border, Euregional Cohesion

Perhaps the most interesting impact arises from the question of what the crisis means for the quality of future cross-border cooperation and Euregional cohesion. The results indicate that the existing cross-border governance structures were insufficient for crisis management. At the onset of the crisis in particular, cross-border structures and instruments were found to be lacking considering the cross-border nature of the health crisis.

Background discussions with stakeholders suggest that the stricter entry and exit restrictions on the part of the Belgian government were a consequence of the lack of coordination of national measures, especially with those of the Netherlands. In addition, the Belgian federal government emerged as a stakeholder that had not previously been represented in the various committees dedicated to cross-border cooperation. Conversely, the Benelux Union, in view of those cross-border aspects where it usually plays a crucial role, was not used by either government as an organisation for coordination. A lack of coordination meant that when stricter rules were already in force in Belgium in March, they were - in the eyes of stakeholders in Belgium - thwarted in the Euregio by the open border. One result of the study is that the irritation and disgruntlement between Belgium and the Netherlands could have the potential to create negative effects on the Euregio Meuse-Rhine as a whole. This would be particularly true if political support for compromises on cross-border matters were to be damaged in the longer term as a result.

No protocol for pandemics - health policy hardly cross-border

Unlike in areas of civil protection (accidents in industrial plants close to the border), there were no protocols or agreements in place for mutual assistance in the border region or between the neighbouring countries in the event of a pandemic. This was in spite of the fact that, when compared to other border regions, the Euregio Meuse-Rhine has a functioning network of cross-border emergency care facilities (EMRIC). The limited extent to which this area was harmonised in the EU or coordinated binationally was illustrated by the problem of different monitoring systems in neighbouring countries of the Euregio Meuse-Rhine (no uniform counting method). There was also a lack of available data to evaluate cross-border infection rates. Euregional stakeholders could not, therefore, use Euregional data to argue against entry restrictions. Since there were no overarching bilateral or trilateral agreements on the exchange of medical capacity or patients, policy was nationally oriented. Although a small number of Dutch patients were treated in German hospitals, this was largely down to ad hoc cooperation and less to do with advance agreements between governments.

The study has shown that systemic national orientation occasionally even jeopardised Euregional solidarity. Cross-border networks were slowed down by national regulations, rather than promoted. Consequently, an important effect of the crisis has been to emphasise the need to develop cross-border protocols and agreements for pandemics in the Euregio, and to structure cross-border cooperation between stakeholders in the healthcare sector. This will only be possible with the active support of national and regional governments.

Task Force had positive effects on the Euregio Meuse-Rhine

As it was politically impossible to coordinate the national measures in advance, a trinational Task Force was established during the crisis as an initiative of the North Rhine-Westphalian state government (with effect from 20 March 2020) to resolve pending problems. Representatives of the Belgian federal government, the national government of the Netherlands, their embassies, police forces, and North-Rhine Westphalia's state government began meeting in April. Lower Saxony was also represented and, later on, Rhineland-Palatinate. This had positive effects on the Euregio Meuse-Rhine. Together with other Euroregions and cross-border information points (*GrensInfoPunten*), the Euregio Meuse-Rhine participated as one organisation and provided problem analyses and recommendations for action. This ensured that anticipated problems, e.g. the legal issues of cross-border workers working from home, could be identified and alleviated early on. Another positive was that the Euroregions and cross-border information points were taken together as one stakeholder by the Task Force and were able to speak together. In the future, this could strengthen political lobbying to the advantage of the Euroregions.



Negative public perception of cross-border cooperation

A major problem in the period that follows crisis management will be a negative public perception of cross-border cooperation in the Euregio Meuse-Rhine. Obstacles to freedom of movement, barriers at the border, border controls, and fines could potentially damage trust in a future of 'open borders' and, in turn, the belief in a 'Euregio' as common living space. Consequently, it is conceivable that promoting cross-border work and business will become much more difficult. For example, the problems surrounding financial support have been widely publicised and could give rise to a reduction in cross-border activity. Systemic national reflexes in pandemic management in particular have hampered cross-border thinking. As such, healthcare also appears to be a key sector: robust structures for cooperation in healthcare already exist in the Euregio Meuse-Rhine. A pilot model for cross-border pandemic management could, for example, be forward-focused and trigger positive effects.



3.1.2 The effects of Corona-crisis management on the German-Polish border region

Viadrina Center B/ORDERS IN MOTION

Dr. Peter Ulrich

Objective of this study and summary

This summary provides an overview of the effects of the Coronavirus crisis and how the crisis was handled in the Germany-Poland border region. In more concrete terms, this territorial impact assessments assesses short-term and medium-term effects of the Coronavirus crisis management in the border area along the 470-km German-Polish border in relation to the border closures between March and June 2020. The territorial focus is on the entire Germany-Poland border, with particular focus on the 'centre section of the border line', namely the regions of Brandenburg, Germany and Lubuskie, Poland and the German-Polish twin city of Frankfurt an der Oder and Słubice. The cross-border impact assessment is 'gauged' using various factors relating to European integration processes, socio-economic and sustainable development, and Euregional cohesion.

In the German-Polish context, the sudden border closures not only hit the economic sector hard. They also exposed economic interdependencies (such as congestion by heavy goods vehicles on the motorway, absence of staff, and shop closures) and impacted cross-border, social, and interpersonal relationships, while at the same time (in)directly strengthening social cohesion.

European Integration in the German-Polish border area

The Germany-Poland border was closed in mid-March and remained closed until mid-June. Therefore, the border was partially closed for almost exactly three months, with its 'permeability' changing over time: in response to the Coronavirus pandemic, the Polish government introduced temporary health and passenger checks at the border on 15 March 2020. Germans and other foreign nationals without permanent residence in Poland were turned away at the border. Polish nationals arriving from abroad were required to go into quarantine for fourteen days. At the beginning, cross-border commuters who crossed the border on a daily basis were exempt, but the exemption was scrapped on 27 March, making the border an impenetrable barrier.

It was not until 4 May that the Polish Ministry of Health reopened the border, partially, to commuters and students, before opening it in full on 13 June. Consequently, there were two different border closure processes: 89 days between the two countries (excluding commuters and residents of the border area) and a tightened border closure of 37 days, which included residents of the border area. During those 37 days, exemptions with certificates of employment were not possible, so for 37 days, neither private nor professional border crossings were permitted. Waiting times at the border were as much as four hours at the height of the closure, resulting in traffic queues from Berlin towards Poland of up to 60 to 70 km. Many students and employees were unable to go to work or attend school/university for more than one month.



Socio-economic Development

The socio-economic situation in the German-Polish border region deteriorated significantly during the Coronavirus crisis. In economic terms, the border area is highly interconnected, which is evidenced by the numerous businesses that have been established at the border and with cross-border operations, such as in logistics. The lengthy queues on the motorways showcase the strong economic ties and trade links between the two countries. As a result of the border closures, many businesses had to cease operations in the border area and were unable to employ their staff in the short-term. In addition, many cross-border traders, such as those in Polish markets in the immediate border area, as well as retail businesses on the German side of the border (for example, in the major border towns of Frankfurt an der Oder, Schwedt, and Görlitz), had to survive without customers from the other country. Another relevant economic factor is seasonal work, such as in agriculture, catering, tourism, and the healthcare sector. German businesses operating in these industries were without many of their staff from Poland for a considerable period of time. Statistical information on these economic effects was not always available. Accordingly, it also seems likely that the economic effects of the Corona-crisis on businesses and employees in this border region will only be measurable and noticeable in the long-term.

Euregional Cohesion

Euregional cohesion in the Germany-Poland border region, such as in the four Euroregions (e.g. the Pro Europa Viadrina Euroregion) or the Frankfurt-Stubice Cooperation Centre, proved to be highly robust, cooperative, and integrated with citizens throughout the Coronavirus crisis and in terms of border closures. The cooperation centre became something of a control centre for cross-border cooperation between the two cities and a point of contact with a bilingual hotline where citizens at communal and regional level could report cross-border issues.

The cooperation centre proactively encouraged support in cross-border economic, social, and private matters and itself received more than 500 enquiries to its citizen hotline. Many other cross-border institutions, such as Euroregions, set up bilingual citizen hotlines. The East Brandenburg Chamber of Industry and Commerce received more than 600 enquiries in Polish and German from businesses or Polish employees. Enterprise Europe Network Brandenburg also received more than 150 enquiries specifically relating to border entry conditions during the COVID-19-related closures.

During the crisis, the Polish side reoccupied the long-orphaned position of Special Representative for relations with Germany to the Polish national government. This shows that in spite of limited national and, at the beginning, sub-national cross-border coordination during the pandemic, the political link between the two sides should be maintained.

Several civil-society, cross-border institutions and networks were involved in organising protests against the border closures (e.g. on 24 April 2020) between the two countries at different locations on both sides of the border. These were also an expression of 'living' Euregional social and interpersonal cohesion. Ultimately, these demonstrations were a likely contributing factor to the partial re-opening of the border for a few groups of people, such as students, on 4 May. The final opening of the border from 12 to 13 May occurred a few days before border openings in other EU countries and is hopefully linked to the future development of Euregional and regional strategies for cross-border coordination of pandemic management.



3.1.3 The impact of the Corona-crisis on the Upper Rhine region

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*Clarisse Kauber
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Objectives

Following an increase in COVID-19 cases in the French region of Alsace, mutual border controls or entry conditions were imposed in the border region between Germany, France and Switzerland from mid-March until mid-June. Suddenly bridges over the Rhine were closed, by crossing them people normally live the idea of an “open Europe” in practice every day. After a moment of surprise and helplessness, the actors of cross-border cooperation on the Upper Rhine¹³ jointly organised themselves to reduce the impact of border controls and to preserve territorial cohesion.

This impact assessment examines the deviations from the free movement of persons, mobility in the socio-economic environment and cohesion in the common living area, as well as cross-border crisis management.

Effects on European Integration

Even though Switzerland is not part of the European Union, freedom of movement and fundamental rights apply there within the framework of the Schengen Agreement and the bilateral agreements between the EU and Switzerland. Regarding the term European integration, we understand above all the equality between the citizens* and the freedom of movement in the trinational area.

After the borders closed, between mid-March to mid-May, national restrictions on entering and leaving a country (Lock-Down and reduction of contacts, border controls) were in force everywhere, temporarily restricting the movement and freedom of movement of services. Meanwhile 97,100 commuters were still able to cross the border in principle exclusively for work-related purposes and to retain their social security cover.

At a later point, for all other citizens crossing the border for valid reasons was often left to the discretion of the police, not seldom causing a sense of discrimination amongst those affected. In practice, it was often easier for nationals to enter their country of origin, although the rules were based on residence. Free movement of goods remained guaranteed, but there were restrictions on the provision of services in the neighbouring country.

The border closure was most felt by families who were literally torn apart for up to two months, so that, for example, shared custody could no longer be exercised, unmarried couples of two nationalities could not meet each other, or relatives in need of care in the neighbouring country could no longer receive visits or assistance (at least to the extent/during those times when this was permitted for the general population).

Furthermore, access to education was legally possible, but in some cases, there was no public transport available for pupils and students. Regulations for medical treatment in the neighbouring country were unclear, while access to culture, sports, post office and bank was only possible in the country of residence.

Effects on Socio-economic Development

The main issue identified by employers' representatives was the restrictions on cross-border commuting. Commuters are an indispensable economic factor, especially in Switzerland and for certain employers. Even professions that were considered to be of systemic importance during the crisis are partly carried out by cross-border commuters. Although there were only isolated cases of border congestion on the Upper Rhine, the

¹³ The Upper Rhine region includes Alsace (FR), the Rhine districts of Baden-Württemberg (DE), the districts of Rhineland-Palatinate (DE), the five cantons of north-western Switzerland (CH)



presentation of a large number of necessary papers on entry and exit was considered disturbing, as was the interruption of cross-border public transport. Until the end of June, however, cross-border commuters were not affected by short-time work or unemployment to a greater extent than other employees.

For the future, negative economic effects on the Upper Rhine region are feared. Most figures refer to regional or state levels at the start of the crisis. Particularly affected sectors are therefore tourism, gastronomy, retail and industry (in Germany and Switzerland). In the border region, the loss of turnover in retail, gastronomy or trades of craftsmanship due to the restricted freedom of movement has not yet been documented.

It is too early (July 2020) to measure the final impact of the COVID-19 crisis on the economy of the Upper Rhine region. However, it is already known that financial state aid played an important role in mitigating the economic losses.

Moreover, cross-border mobility was severely restricted, so that traffic across the border decreased sharply during the crisis.

Effects on Cross-Border Cohesion

Coordination between states and (sub)regions began mainly in response to the reintroduction of border controls, but not as a joint effort to control the pandemic. After the lock-down, different regulations applied. Existing legal frameworks and agreements were not applied. Instead, need induced innovative solutions to achieve a joint response quickly and outside the existing legal frameworks (e.g. in the form of intergovernmental agreements or verbal arrangements). The political executive, members of parliament and cross-border bodies and their experts, as well as the newly established Franco-German Committee on Cross-Border Cooperation showed great commitment. In fact, the use of existing networks proved to be particularly helpful.

In addition, successful transfer of patients from France to Germany and Switzerland helped to build trust and strengthen mutual solidarity. The existing 'EPI-Rhin' working group organised cross-border tracing of infection chains from the third week of May onwards.

Cross-border crisis management was characterized by the institutional networks and the intensification of personal contacts at political level. The mixture of ad hoc and digital working methods initially began as an experiment and was continued and further developed in the ongoing cooperation from May onwards. In the case of national subjects, there was a need for bilateral agreements concerning one border. Here the area of the Upper Rhine region was not always as relevant. The bodies in contact with citizens (Infobest, European Consumer Centre, Eurodistricts, Frontaliers Grand Est...) also do an excellent job of providing information, analysing the specific obstacles and demonstrating the need for action.

Since life in the Upper Rhine region is strongly interwoven in all areas and can rightly be considered a "*basin de vie commun*" (common living space), it was essential to take the realities of life into account in overcoming the crisis in the common living environment. This aspect ought to be taken into account through adequate preparation for a joint and more integrated crisis response in the event of a next pandemic.



3.1.4 The impact of the Coronavirus crisis on the Northern Ireland-Ireland border region

Centre for Cross-Border Studies / CCBS

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Objectives

This report offers an initial assessment of the impact of the Coronavirus pandemic on the Northern Ireland-Ireland border region, and of the extent and effectiveness of cross-border collaborative approaches in addressing the spread of the virus. It does so in order to highlight what this tells us of the degree of integration of the Northern Ireland-Ireland border region in terms of its functionality as a cross-border territory, how socio-economic development has been affected by the pandemic, and whether it has had any impact on cross-border cohesion.

Integration of the Northern Ireland-Ireland cross-border territory

There have been no effective closures of the border between Northern Ireland and Ireland during the pandemic, although there have been instances of police checking on the purposes of movement of traffic at or near the border, particularly during holiday periods. Nevertheless, the “open” border regime could neither prevent a significant fall in cross-border traffic nor could it be interpreted as an intentional move on the part of the authorities towards treating the cross-border territory as a functional or integrated region. The geographical reality of the island of Ireland has not necessarily resulted in close and ongoing coordination between the two governments. This has left an estimated 23,000 to 29,000 cross-border commuters, citizens and businesses in the border region in the front-line in terms of negotiating differences in the introduction and lifting of public health measures by the governments in Dublin and Belfast, while neither set of measures could be enforced on a cross-border basis. Fractures between the introduction and subsequent lifting of public health measures in the two jurisdictions on the island of Ireland presented citizens in the border region with unintended opportunities to access services in the other jurisdiction that were no longer or not yet available in their own. However, in the absence of significant cross-border enforcement of measures, it has generally been left to citizens to police themselves and to refrain from exploiting fractures between the approaches taken by the authorities in the two jurisdictions. Moreover, differences in approaches have also at times led to resentment among certain communities in the border region as citizens from the other jurisdiction continued to travel across the border. They, too, have sometimes provoked confusion and feelings of being unfairly treated as cross-border workers made unemployed as a result of the pandemic have found that they are not entitled to certain financial supports.

Socio-economic Development

The nature of the business demography of the Northern Ireland-Ireland border region means it is likely to be economically impacted by the Coronavirus pandemic to a significant degree. Sadly, this would represent a repetition of previous external shocks, such as the international financial crisis of 2008, which affect the cross-border region more deeply than many other parts of the island of Ireland, and from which the region takes longer to recover than elsewhere. While the three Regional Assemblies in Ireland have concluded that the Border sub-region is the most exposed to economic disruption caused by Covid-19, Ulster University’s Economic Policy Centre has estimated that two of the four local government districts in Northern Ireland to see the sharpest decline in terms of both gross value added (GVA) and employment are located in the border region. With the significant presence of economic activities such as accommodation and food services, construction, retail (non-food), and manufacturing at a higher risk of disruption due to social distancing measures, the labour market in the Northern Ireland-Ireland border region will undoubtedly be negatively affected. Businesses in the border region have also been particularly sensitive to differences between the two jurisdictions in terms of the easing of public health measures and of the level of detailed timings contained in the two governments’ roadmaps to recovery. The ability of businesses on one side of the border to reopen is seen by businesses on the other side who are unable to do the same as offering them a competitive advantage, and as evidence that their own government is not offering them the same levels of support.



Cross-border Cohesion

While the pandemic provoked a significant reduction in levels of cross-border traffic and cross-border public transport services, thereby denoting a fall in cross-border commuting for the purposes of work or study, it did not necessarily lead to an equivalent reduction in the frequency of meetings of cross-border institutions and organisations involved in cross-border cooperation activities. Indeed, cross-border institutions reported that the frequency of meetings increased in order to consider the pandemic's operational impacts, although meetings were carried out online. A number of such institutions and cross-border organisations were also able to rapidly divert their activities, particularly those involving health and social care, in order to directly support citizens in the border region in dealing with effects of the pandemic. Arguably, this would indicate that intermediate and lower level institutions and organisations already involved in cross-border cooperation activities (a significant proportion of which are in receipt of EU funding) have demonstrated significant resilience in terms of maintaining their cross-border channels of communication, as well as their capacity to offer practical support to communities in the border region. However, while the Departments of Health of the two jurisdictions signed a Memorandum of Understanding to provide a framework for cooperation in addressing the pandemic, there has been little evidence of examples of successful joint procurement of medical equipment, nor did the two governments consider it necessary to call a plenary or sectoral meeting of the North South Ministerial Council.

Summary conclusions

The current pandemic has highlighted the urgent need to provide citizens with timely, clear and accessible information on the cross-border dimensions of public health measures introduced in the two jurisdictions, with a particular emphasis on the implications of any differences between those measures. It has also, once again, revealed the economic fragility of the border region to external shocks, and the crucial importance of ensuring that this time sufficient attention is given to the region in order that it does not take longer than other regions to recover. However, the Coronavirus crisis has also shown that institutions and organisations experienced in cross-border cooperation are not only resilient, but also capable of quickly addressing the needs of citizens in the border region. Above all, perhaps, the crisis has underlined the need to "border-proof" proposed measures or legislation to be introduced by one or other jurisdiction, thereby giving legislators a clearer cross-border understanding of their impacts.



3.2 Dossier 2: Implementation and possible effects of the Dutch Strategy on Spatial Planning and the Environment (NOVI) from a Euregional perspective

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Martin Unfried
Saskia Bisschops

Introduction

The Dutch Environment and Planning Act is an integral law bringing together and modernising 26 existing regulations and laws concerning the physical environment (*leefomgeving*). The environmental strategy (*omgevingsvisie*) is an important tool that gives expression to this law. The environmental strategies that ought to be drawn up by the central government, provinces, and municipalities must ensure greater coherence in policy with regard to the physical living environment. The national government has been developing a National Strategy on Spatial Planning and the Environment (*Nationale Omgevingsvisie*, NOVI) since 2017 and delivered a draft version in June 2019. The NOVI concerns spatial planning in the Netherlands in the long term and was created in an open process, in which civic participation played an essential part. The final NOVI is expected to be published after the summer of 2020.

Although the NOVI is a national strategy, thinking about the living environment does not stop at the national border. Cross-border spatial planning is an important theme in the NOVI, partly because changes in the physical living environment in the border regions can have consequences for the physical living environment in the neighbouring country. It, too, is relevant because cooperation can lead to qualitatively better solutions when it comes to themes such as infrastructure, energy, nature, and water.

Purpose and method

Based on the current state of affairs, this study evaluates to what extent the NOVI and the related implementation instruments, such as the regional “environment agendas” (*omgevingsagenda's*) and designated “NOVI areas”, create opportunities for improved cross-border cooperation within the physical domain. Several indicators were considered, such as participation from neighbouring countries (as a strengthening of European integration), existing cross-border governance structures within spatial planning), common spatial tasks on both sides of the border (to strengthen socio-economic competitiveness, and the scope for the formation of integrated cross-border strategy (as a prerequisite for Euregional cohesion).

Since the Province of Limburg is nestled between the two neighbouring countries, the investigation focused on the cross-border area of the Euregio Rhine-Meuse-North and the Euregio Meuse-Rhine. By means of document analysis and in-depth interviews with German, Dutch, and Belgian stakeholders, data were collected on the current challenges in the physical living environment in these border regions and the possible effects of the NOVI on these regions.

Results and conclusions

All layers of government are involved with the design of the physical living environment. At the European level various types of spatially related guidelines have been developed in recent decades. This includes guidelines related to nature conservation and agricultural policy. This ‘spatial’ European policy is implemented vertically, meaning that, depending on the differences between the objectives pursued and the current situation, each Member State implements policy according to its own requirements. However, there is a lack of horizontal coordination between the Member States. Moreover, European directives often come with an ‘assessing’ disposition, which is not directly in line with Dutch development planning.

In addition, the cross-border networks along the Dutch-German and Dutch-Belgian borders pay little attention to the theme of spatial planning. This theme is especially relevant to Interreg projects, such as the construction of a cross-border cycling route. When it comes to spatial planning, interview partners quickly refer to concrete area development plans, such as the redevelopment of a business park. However, joint activities to develop a cross-border spatial strategy are virtually non-existent and only a limited number of examples can be given. A cross-border approach to economic developments such as housing or the spatial dimension of the energy transition are not yet part of the process. Economic clusters such as agriculture or industry/chemicals have not yet been described in terms of a cross-border approach.



One of the possible causes of the limited cross-border cooperation is the mismatch between the spatial planning culture of the Dutch planning system and that of North Rhine-Westphalia. The Dutch system, and certainly the NOVI, is characterised by its integral, informal, and participatory character. In contrast, the planning system in North Rhine-Westphalia is sectoral, hierarchical, and formal, and formulating a long-term strategy is not part of the approach to spatial planning in Germany, let alone thinking about it in co-creation with citizens. Instead, everyone is restricted to their own jurisdiction and territories.

However, this does not mean that there is no horizontal cooperation at all. Various cross-border cooperation meetings, such as about the catchment areas of rivers, take place mainly at the sectoral level. Still, a clear connection between sectoral cross-border cooperation (GROS) consultations and the existing cross-border spatial planning bodies, such as the German-Dutch Spatial Planning Committee (DNLCRO) and the Euregions does not (yet) exist. Moreover, the consultations within the German-Dutch Spatial Planning Committee do not take place on a structural basis, despite the fact that this was agreed when the Committee was established in 1967. This forum is therefore also being insufficiently used for a structural exchange between those involved on the German and Dutch sides of the border.

Since the planning systems differ considerably and the existing cross-border spatial planning forums are not used optimally, we regard NOVI primarily as an opportunity for better cross-border cooperation within the spatial domain. The formulation of a joint strategy might still be a step too far. The designation of the NOVI area South Limburg could be an interesting pilot for this purpose.

Nevertheless, the NOVI currently appears to be relatively unknown in the neighbouring countries. Only sporadically were representatives from the neighbouring countries involved in the development of the NOVI in the preliminary phase, during which, for example, various workshops were organised to share ideas and input for the NOVI. For example, a one-off workshop was organised for Dutch stakeholders active in cross-border cooperation, and a one-off workshop was organised for both German and Dutch stakeholders, as well as Dutch and Belgian stakeholders. During the development phase of the NOVI, the Dutch Ministry of the Interior and Kingdom Relations informed the State Chancellery of North Rhine-Westphalia about progress and the draft plans. Through the State Chancellery, this information was further distributed to the *Bezirksregierungen* (district governments) in North Rhine-Westphalia. Despite these attempts and the long preparation process of the NOVI, which does not even compare to the even longer preparation processes of many German plans, we note that the NOVI is not yet a generally known concept in our neighbouring countries. Above all, also the citizen participation process pertaining to the NOVI has so far failed to take into account the citizens across the border.

Our research furthermore shows that, despite the cross-border ambitions, there is no clear vision on the further implementation of the cross-border cooperation theme, including governance. Different environmental agendas are being drawn up for the implementation of the NOVI, including for the provinces of Noord-Brabant and Limburg. However, it is not yet clear what actions will be taken concretely in the area of cross-border cooperation. Possibly the cross-border dimension will be included more actively within the various NOVI areas along the border, including South Limburg. This ambition has been declared - nonetheless, in essence there seems to be a national focus on priorities regarding the Dutch physical living environment. In fact, the definition of a clear role for cross-border working groups or organisations is missing. To date, existing structures such as the German-Dutch Spatial Planning Committee have not been able to play a special role in this. Similarly, the Euregions have so far had a very limited role in the field of spatial planning, although they are the only stakeholders that formulate strategies for the cross-border area.

In short, the NOVI is still a strategy in the making, in which attention is paid to cross-border cooperation but neighbouring countries have only had limited involvement so far. The potential opportunities of the NOVI for cross-border cooperation on both sides of the border have yet to be recognised. Meanwhile, also the strategic objectives contained in the various implementation instruments have yet to be specified. The question is whether the NOVI will be a catalyst for better cross-border cooperation. On the one hand, relating to the different approaches to the physical environment represented by the NOVI and the planning system in North Rhine-Westphalia and, on the other, regarding the major issues at stake, such as sustainability, economic growth, and population shrinkage, which are being approached from a national perspective.



3.3 Dossier 3: Ex-ante evaluation of the (potential) cross-border impact of the structural reinforcement programme to end coal-based power generation in Germany (Kohleausstieg)

Folkert de Vries

Introduction

On July 3rd, 2020 the German Bundestag adopted the Act on the Structural Reinforcement of Coal Regions (*Strukturstärkungsgesetz Kohleregionen*) formalizing the beginning of the end of German coal-based power-generation.¹⁴ Accordingly, significant subsidies have been made available for the structural socio-economic transformation of four regions in Germany that are economically and socially dependent and environmentally affected by brown coal, its extraction and usage.

One such regions is the border-region of the “*Rheinisches Revier*” (the Rhenish mining district) situated between the metropolitan areas of Aachen, Köln and Düsseldorf. It is formed by the municipalities of Düren, Euskirchen, Heinsberg, Rhein-Erft-Kreis and the Rhein-Kreis Neuss, the Städteregion Aachen and the city of Mönchengladbach.

The Rheinisches Revier Programme (RRP) is managed through the “Innovationsregion Rheinisches Revier GmbH” (IRR) and its executive agency, the “Zukunftsagentur”. On 12 December 2019 the IRR, published the overall vision, *Wirtschafts- und Strukturprogramm für das Rheinische Zukunftsrevier 1.0*.¹⁵ On the basis of this vision the RRP’s focus will be on specific thematic clusters that are organised under six so-called “*Revierknoten*” (nodes).¹⁶

These clusters base their policies and selection of projects on a two-pronged participation approach. That approach entails consultation rounds with experts on selected themes from governmental organizations, knowledge centres and the private sector. These expert consultations will translate the overall vision into more concrete proposals, some of which are then put to the region’s citizens through different platforms such as public meetings and online consultation. In order to launch the entire programme, a first wave of 83 projects has already been approved.¹⁷

Cross-Border Rheinisches Revier?

Approach

Within the framework described above, the proximity to the Dutch border and the size of the RRP (compared to other investment programmes in the region) the main research question is: what influence will the RRP have on cross-border cooperation such as joint special planning, joint economic specialisation, better coordination of investment programmes and better governance?

This dossier will focus on the influence of the RRP on the border region with the Dutch Province of Limburg, in particular Zuid Limburg. The research conducted for this analysis is qualitative of nature due to the maturity of the RRP. In that sense the dossier presents an ex ante evaluation of possible border effects of the RRP. Therefore, it will mainly focus on the different interviews conducted with stakeholders on both sides of the border. This analysis will cover the design phase, the selection of the first projects and the programme’s future. In relation to the three themes of the ITEM Cross-Border Impact Assessment, mainly aspects of socio-economic/sustainable development and Euregional cohesion, with a focus on cross-border cooperation will be discussed.

Currently

To date the RRP’s stakeholders have steered clear from any cross-border ambitions in their vision, participation process and selection of projects. The RRP’s visionary document¹⁸ mentions the international context of the RRP. However, those few references mostly do not specifically pertain to the border-region as such¹⁹ except for a

14 This Structural Reinforcement Act accompanies the Federal Act on the Phasing-out of Coal-Based Power Generation (*Kohleausstiegsgesetz*). See: <http://dipbt.bundestag.de/extrakt/ba/WP19/2525/252514.html>

15 See: https://www.rheinisches-revier.de/media/wsp_1-o_web.pdf

16 These themes include: agrobusiness and resources; energy; industry; infrastructure and mobility; spatial planning and infrastructure; innovation and education. See for more information: <https://www.rheinisches-revier.de/themen/uebersicht>

17 See: <https://www.rheinisches-revier.de/projekte>

18 See: https://www.rheinisches-revier.de/media/wsp_1-o_web.pdf

19 Idem: p. 14, p. 37, p. 49, p. 50, p. 77.



mention of mobility as a cross-border theme and a mention of the strength of the network of Euregional universities.²⁰ During the different public consultations the IRR did not involve actors from networks from the border region and it is barely mentioned in its communications. This is also reflected in the current list of 83 projects selected in this first phase. None have a truly cross-border component.

During interviews with different stakeholders who were involved in the process of designing the vision, setting-up and accompanying public consultations and selecting projects it was clear that, during those early stages of the RRP, any reference to cross-border collaboration needed to be avoided in order to not jeopardize its fragile public support. This is emphasized by the fact that municipal elections will be held in the Rhenish District in September 2020. Within this context, the perception of money floating away to other regions, especially across the border, is to be avoided.

Another argument used to exclude cross-border components from the RRD is the complexity of including stakeholders from across the border. This is a recurring issue in cross-border collaboration. Public authorities and project initiators generally find it difficult to identify the relevant stakeholders and to understand how to activate their participation. Besides, the perception and fear of those interviewed from within the IRR is that adding partners from across the border, especially governmental organizations, might slow-down the programme's pace.

The future

On several occasions those interviewed within the IRR mentioned that, in the longer term, some themes that the RRD focuses on will inevitably have cross-border components because of their nature and effects or because expertise from across the border is necessary.

A very concrete example concerns spatial planning, infrastructure and mobility. Those in charge of this cluster have planned an extensive spatial planning research on Zuid-Limburg with the specific aim of linking it to a mirror-research on the Rhenish mining district. The aim is to ensure that the vision on these subjects and the ensuing projects will always be placed in the wider context. To that end, certain Dutch governmental organizations have joined the research concerning Zuid-Limburg and will therefore be (indirectly) involved in the RRD.

This cross-border component also includes other themes such as those covered by the energy and industry clusters. These are fields in which Zuid-Limburg possesses certain unique strengths (Chemelot, for instance) or fields in which Dutch border municipalities can serve as living labs (exchanging excess energy and heat from one border town to another, for instance).

At this stage, through interviews with Dutch stakeholders, it is worth noting that these stakeholders, especially the Province of Limburg and the main municipalities in Zuid-Limburg, are struggling to find a common strategy towards being involved, influencing, seeking cooperation and adapting their own policies and visions towards the RRD. The initial research on this topic shows a clear lack of efficient cross-border governance. Future research could focus on its development and whether common socio-economic visions and strategies ensue.

²⁰ Idem: p. 115 (mobility) and p. 96 (universities).



3.4 Dossier 4: The (im)possibility of cross-border training budgets to tackle (long-term) unemployment?

Pieter van Goinga
Dr. Nina Büttgen

Problem definition

This dossier assesses the impact of European and Dutch legislation and policy with regard to the use of training for cross-border job placement in the Dutch-German border region. It focuses on the role of SGAs (service desks for cross-border job placement, *Servicepunt Grensoverschrijdende Arbeidsbemiddeling*), which are located in the Dutch-German border region (in South Limburg). This dossier therefore differs somewhat from other cross-border impact assessments. It evaluates legislative impact in the context of the 'SGA-policy' and 'its' demand for implementing 'activation measures in kind' (training) in a cross-border setting. Accordingly, it analyses the presence of factors that may hinder cross-border access to training for jobseekers in a Euregion. The analysis is structured on the basis of the three common themes.

The 'SGA-policy'

Promoting service desks for cross-border job placement

The creation of a Euregional labour market is a central objective in the long-term strategy of the Euregio Meuse-Rhine.²¹ Local, regional, and supra-regional authorities and partners have a strong interest in seeing their geographical location at the border not as a constraint but as an opportunity to match supply and demand on the labour market. Since 2016, the cooperation within the SGA-setting has been supporting better match-making on both sides of the border. In the Euregio Meuse-Rhine, two Cross-border Job Placement Services are currently operational - "SGA Kerkrade-Herzogenrath" has been since 2016 and "SGA Maastricht" since 2018.²² The SGA-approach has provided a framework of cooperation between all relevant partners from the Euregion and the subregions - namely the municipalities, employer service desks, the Dutch Employee Insurance Agency (UWV), the Flemish Service for Employment and Vocational Training (VDAB), the German Agentur für Arbeit and Jobcenter, as well as the knowledge partners of EURES and the Cross-Border Information Points (*Grensinfopunten / GIP*).

The basic assumption behind this SGA-policy is that a transparent, Euregional labour market leads to an internationally attractive business climate and socio-economic benefits. Practice shows an important first step is that a good cross-border information and advice structure helps reduce the barriers that borders present. Next to the Cross-Border Information Points (*Grensinfopunten / GIPs*), the SGAs thus represent a logical next step as they help allocate and match labour supply and demand in a regional, cross-border setting.²³ It is therefore not surprising that there are plans for further strengthening and deepening the structural cooperation between the Public Employment Services (PES) in the (cross-)border regions along the Dutch and North-Rhine Westphalian border in that way.²⁴ Moreover, this policy is in line with the common European objective of a high level of quality employment.²⁵

21 See EMR 2020. In the context of the EMR, 'when we add North Rhine-Westphalia, Flanders, and Wallonia to South Limburg, there are no fewer than four million residents and some 2.2 million jobs within an hour's travelling time'. With reference to L. Soete, *Strategische Agenda Zuid-Limburg*, ESZL, 2018, pp. 13-14; quoted in D. Schneider and R. Corsius-Corvers, 'Grenzarbeit/Grensarbeit - Euregionale Dienstverleningstructuur inbouw - AANZET VANUIT Zuid-Limburg', Position paper Toekomst SGA Euregio Maas Rijn, Round table discussion permanent committee for Home Affairs, The Hague, 4 March 2020, p. 3.

22 'Both projects [SGA Herzogenrath-Kerkrade and SGA Maastricht] have each demonstrated in their own way that they are able to break down the boundaries of the Euregional labour market. This is to the benefit of employers and their demand for competent employees, the residents of the Euregion - including in terms of benefits or assistance - and the international business climate. [...] Since the start of the SGAs, some 3,000 'citizens' have been informed about job opportunities across borders through activities such as workshops. As many as 550 jobseekers have entered into an employment contract in the neighbouring country.' Position Paper Toekomst SGA EMR, p. 2. Since 2019, a third SGA is being set up on the Belgian-German Border between Kelmis-Aachen in the framework of the Interreg-EMR VA youRegion project.

23 Position Paper Toekomst SGA, 2020, p. 3.

24 Also see 'Grenslandagenda 2019-2020'.

25 The EU is also striving for increased cooperation 'to facilitate the exercise of the right to free movement of workers within the Union in accordance with Article 45 TFEU.' See Article 1 of the EURES Regulation (EU) 2016/589. Also see the EaSI Regulation (EU) 1296/2013 and the European Pillar of Social Rights.

Obstacles to cross-border training measures

To strengthen SGA cooperation structures, it is particularly important that cross-border job placement can make use of the regular instruments of active labour market policy.²⁶ Successful placement would then also include the allocation of adequate training measures. However, due to differing national legislations cross-border access to training and education is proving rather problematic in the day-to-day work of the SGA-service desks. It appears to be particularly difficult to make national training funds available to finance training in a cross-border context. Figure 4 provides a simplified overview of the various levels where (national) legislation plays a role in the process of job placement as a public service.

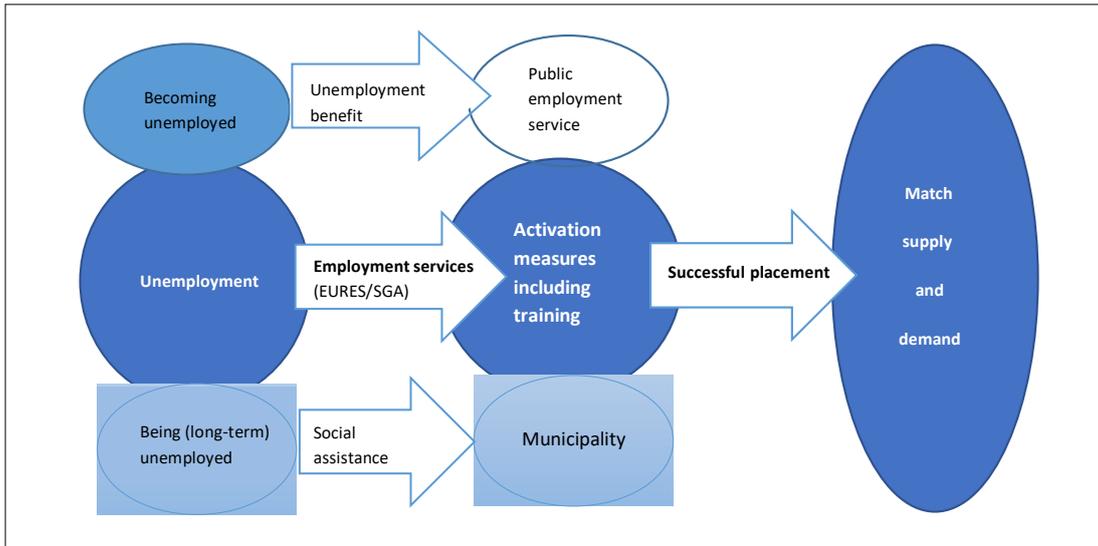


Figure 4: The role and stakeholders of active labour market policies

In fact, resolving the impending legal and administrative conflicts could help rendering these Euregional labour market services (even) more effective and the cooperation structures more durable. However, as the project leaders of the Maastricht and Kerkrade SGAs have observed, in particular:

‘an important instrument that combines national training funds into Euregional and regional training funds is lacking. As a result, cross-border labour market projects (PPPs) aimed at Euregional and regional sectoral development do not stand a chance of succeeding, even though they do have an important strength in terms of sustainability.’²⁷

It would be necessary to better align the different working methods of the various national employment services involved to facilitate access to employment opportunities (allocation function) in the neighbouring country further. Regarding the currently deteriorating labour market situation following the Coronavirus crisis and lockdown, a boost to this allocation function could be particularly desirable.

Research results

Within the chosen regional delimitation - the cross-border region between the Netherlands and Germany in South Limburg, the study is (further) limited to jobseekers receiving unemployment benefits²⁸ and the role of the PES'es in coordinating cross-border training. The research methodology included literature research and interviews.

26 cf. European Commission, European semester thematic factsheet - active labour market policies, 11 November 2017. https://ec.europa.eu/info/sites/info/files/file_import/european-semester_thematic-factsheet_active-labour-market-policies_nl.pdf

27 D. Schneider and R. Corsius-Corvers, 'Grenzarbeit/Grensarbeid - Euregionale Dienstverleningsstructuur in opbouw - AANZET VANUIT Zuid-Limburg', Position paper Toekomst SGA. Euregio Maas Rijn, Round table discussion permanent committee for Home Affairs, The Hague, 4 March 2020, p. 4.

28 Further research into the target group of jobseekers with social assistance benefits goes beyond the scope of this research. This does not exclude the possibility that some general conclusions about cross-border access to training in the job placement process may not also apply to this target group.



The component of socio-economic development plays an important role in this dossier. After all, stimulating inter-regional mobility of (future) cross-border workers/training placements could contribute effectively to the common European goals of a high employment rate and combatting poverty and unemployment - especially in cross-border areas (e.g. Euroregions). Cross-border coordination and inter-regional allocation of vocational training measures therefore provide the benchmarks for the assessment of Dutch and German regional labour market figures and cross-border data (to the extent they are available in this specificity). This initial analysis could naturally only provide a snapshot/first impression of labour market potential to be gained by enabling an efficient “allocation function”, i.e. placing jobseekers into available training measures across the border. It provides a fruitful basis for further research.

In view of the European Integration-objective, the free movement of workers (including the right to cross borders for finding work) is a central principle in this dossier. It is one of the fundamental freedoms constitutive of the EU system/Internal Market and must therefore not be restricted, save for exceptional public policy reasons. It is also constitutive of the idea of matching labour supply and demand in a Euregional labour market. By extension, then, the ideal situation for such a cross-border labour market - and for the effective use of the right to move freely to look for work (jobseeker’s perspective) - would be that access to activation measures (such as job training) across the border would also have to be unimpeded. On the one hand, such access ought not be frustrated by obstacles created unintentionally by (impact of) national activation provisions. On the other, gaining access to training across the border must not lead to the loss of social security rights, in particular of former frontier workers (impact of Regulation (EU) 883/2004). The dossier assesses to what extent these criteria can be regarded as fulfilled (or not) in the Dutch-German context, including references to pertinent EU case law (*ITC case, C-208/05*). A range of legal factors and administrative practices seem to stand in the way currently of achieving this ideal of “cross-border labour market *activation*”.

With respect to Euregional cohesion - last but not least - the dossier analyses the nature and extent of cross-border coordination of activation measures in kind. A well-functioning coordination of jobseeker/training allocation requires close cooperation between the competent PES, local and regional authorities on each side of the border. The discussion also touches upon issues of certification and the bodies authorized with such certification and the qualification of trainers. Based on a number of informal interviews with experts in the field (EURES, SGA), the examination could finally also bring to light delicate aspects regarding the (politically) more sensitive topic of financing cross-border access to activation measures/training.



3.5 Dossier 5: The cross-border effects of the proposed German “basic pension” (*Grundrente*)

Dr. Bastiaan Didden

Pim Mertens

Introduction

International, European, and Dutch lawmakers are currently addressing the theme of a decent provision for old age. This is also the case in Germany, where various measures have been taken in recent years to strengthen old-age provision. The most recent measure that can be mentioned in this context is the legislative proposal adopted by the German parliament in July 2020 that will make the *Grundrente* possible with effect from 1 January 2021.²⁹ The *Grundrente* can be seen as a supplement to the German statutory pension benefit (part of the *Rentenversicherung*). The amount of the German statutory pension benefit is based on the insured period (contribution years) and the contributions paid by an employee, which partly depend on the amount of the salary.³⁰ This system may result in employees with a long employment history but a low earned income receiving a low statutory pension benefit.³¹ With the *Grundrente*, which was one of the key points of the coalition agreement of 2018, the German government aims to achieve a *stärkere Anerkennung der Lebensleistung*, freely translated to mean a better recognition of work performance.³²

Structure of the dossier: European integration is key

This dossier constitutes an ex ante assessment of the *Grundrente*. To this end, both its conditions in general and the cross-border aspects have been specifically taken into account. European integration is the central theme in this context, which means that it has been examined to what extent the cross-border impact of the *Grundrente* was taken into account when the legislative proposal was drafted. On the basis of an initial assessment of the conditions for eligibility for the *Grundrente*, it was examined what the *Grundrente* could possibly mean for socio-economic development and cohesion in the border region. In this dossier, the border region is fairly broad and concerns former cross-border workers who live in the Netherlands or Belgium and have worked in Germany.

The *Grundrente* in a nutshell

The *Grundrente* and its conditions are implemented in the *Sechsten Buch Sozialgesetzbuch (SGB VI)* by means of the *Grundrentengesetz*. This emphasises the fact that the *Grundrente* is not a separate payment, but a supplement to the *Rentenversicherung*, as the aforementioned SGB VI also regulates the *Rentenversicherung*.³³ One of the most important conditions to be able to claim the *Grundrente* is the requirement of long-term insurance. This means that at least 33 years of *Grundrentenzeiten* are fulfilled in Germany. In order to qualify for full *Zuschlag*, 35 years of *Grundrentenzeiten* must have been fulfilled. In addition to the necessary duration of the insured period, the objective of the *Grundrentenzeiten* is also linked to both earned and current income. In order to be entitled to the *Grundrente*, the value of the *Entgeltpunkte* must be at least 30% and at most 80% of the average gross income.³⁴ Upon final payment of the *Grundrente*, it will also be considered whether there is any other income, which may lead to a deduction on the amount of *Grundrente* received. It goes beyond the scope of this summary to go into more detail about the *Grundrente* calculation system, although it is worth mentioning that the *Grundrente* can, depending on the situation, lead to an increase in income of more than 400 euros per month.

29 Entwurf eines Gesetzes zur Einführung der Grundrente für langjährige Versicherung in der gesetzlichen Rentenversicherung mit unterdurchschnittlichem Einkommen und für weitere Maßnahmen zur Erhöhung der Alterseinkommen (*Grundrentengesetz*), *BT-Drs.* 19/18473 (Gesetzentwurf).

30 This is reflected in the calculation of the level of the German statutory pension benefit by means of the *Entgeltpunkte*. For the sake of completeness, it should be noted that if there is an income below the subsistence level, a social assistance benefit in the form of the *Grundsicherung im Alter* can be used. The legislative proposal regulating the entry into force of the *Grundrente* also includes a concession regarding the *Grundsicherung im Alter*, see Gesetzentwurf, *BT-Drs.* 19/18473, p. 25.

31 It is important to note that the first pension pillar, namely the statutory pension, is the ‘dominant pillar’ in Germany, which means that most German residents depend on the German statutory pension for their old-age provision.

32 Gesetzentwurf, *BT-Drs.* 19/18473, p. 1.

33 To this end, § 76g is added to the list of benefits in the SGB VI.

34 Gesetzentwurf, *BT-Drs.* 19/18473, p. 23.



European Integration: taking borders into consideration?

The *Grundrente* is thus aimed at long-term insured persons - especially women - who, as a result of a low average employment income, receive a low statutory pension benefit.³⁵ A cross-border worker must therefore also meet the conditions briefly outlined above. From the point of view of European law, no specific details can be identified here. This also applies to the question whether the *Grundrente* can also be received across the border. At a relatively early stage in the legislative process, a study of the *Fachbereich Europa* of the German parliament investigated whether the *Grundrente* is exportable. On the basis of the aspects of the *Grundrente*, the study indicates that because of the *Beitragsunabhängigkeit* (not being dependent on contributions), the *Grundrente*, as well as the German statutory pension benefit, falls within the material scope of Regulation (EC) No 883/2004.³⁶ The *Grundrente* can therefore be received across the border. However, the final explanatory memorandum to the legislative proposal does not explicitly address this issue.

When receiving the *Grundrente*, the application of a tax treaty also comes into play. The explanatory memorandum to the legislative proposal pays no attention to treaty application, despite the likelihood that the *Grundrente* will receive the same treatment as the German statutory pension benefit. For the application of the tax treaty between Germany and the Netherlands, this means that the state of residence has tax jurisdiction on the basis of Article 17(1). As regards the tax treaty between Germany and Belgium, the source state has jurisdiction under Article 19(3).

The number of cross-border workers who will receive the *Grundrente* is difficult to estimate. Whether and to what extent a cross-border worker will receive *Grundrente* obviously depends on whether the conditions of the *Grundrente* are met while the final amount paid in *Grundrente* also depends on the income of the former cross-border worker. This requires very detailed statistics, which are not yet available. Nevertheless, an initial estimate can be made (see Figure 5 below) on the basis of the German government's estimates in the *Grundrentengesetz*³⁷, the Border Data from Statistics Netherlands (CBS)³⁸, and the *Rentenatlas* of the *Deutsche Rentenversicherung* (DRV) for 2019³⁹.

35 This target group is explicitly mentioned in the *Gesetzentwurf, BT-Drs. 19/18473*, p. 27.

36 *Fachbereich Europa* (Bundestag), *Ausarbeitung; Nationale Maßnahmen zur Bekämpfung der Altersarmut im Lichte des unionsrechtlichen Exportgebots von Leistungen der sozialen Sicherheit*, 2019, <<http://www.bundestag.de/resource/blob/669656/do2032ebbe6d4e08a525f3f9de4c123d/PE-6-047-19-pdf-data.pdf>>, p. 32.

The characteristics of the *Grundrente* have been examined in the light of Article 70 of Regulation (EC) No 883/2004, which refers to a 'special non-contributory cash benefits'.

37 *Gesetzentwurf, BT-Drs. 19/18473*, p. 29, and p. 59. However, no distinction has been made for cross-border workers.

38 Can be consulted via the 'Border Data' (Grensdata) data bank of Statistics Netherlands: <https://opendata.grensdata.eu/#/InterReg/nl/dataset/22027NED/table?ts=1594905725337>.

39 *Deutsche Rentenversicherung, Rentenatlas 2019; Die Deutsche Rentenversicherung in Zahlen, Fakten und Trends*, <http://www.deutsche-rentenversicherung.de/SharedDocs/Downloads/DE/Statistiken-und-Berichte/Rentenatlas/2019/rentenatlas_2019_download.pdf?__blob=publicationFile&v=6>, p. 14. Data relating to Belgium are unfortunately not included in the *Rentenatlas*, which may be due to the fact that relatively few recipients of a German *Rentenversicherung* benefit live in Belgium compared with the other countries mentioned in the *Rentenatlas*.

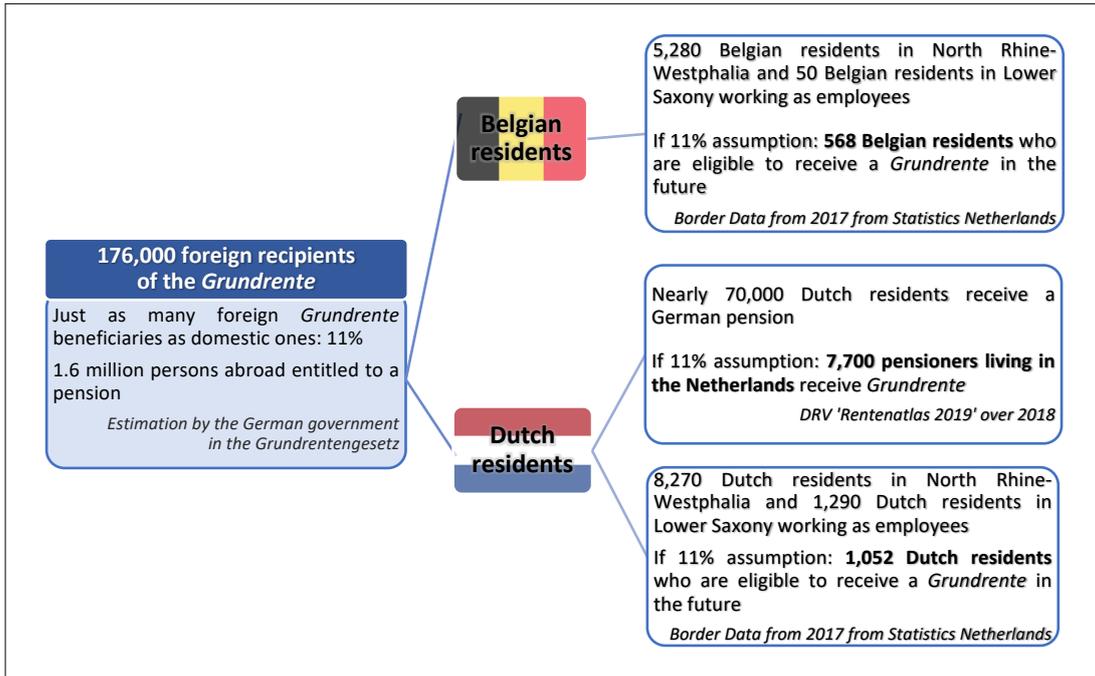


Figure 5: estimation of current and potential foreign Grundrente beneficiaries

It is important for the former cross-border worker that their income is also known to the DRV, which acts as the administrator of the Grundrente.⁴⁰ The question that can be raised with regard to the administrative burden is whether the former cross-border worker should take action to this end and proactively inform the DRV. An information website of the DRV about Grundrente appears to indicate that the DRV will be the first to take action in this respect.⁴¹

Does Grundrente contribute to socio-economic development in the border region?

In the German government's decision of November 2019 initiating the legislative process, it was stated that combating Altersarmut should be an important primary objective of the Grundrente.⁴² The legislative proposal adopted in July 2020 no longer explicitly includes this objective and states that the main purpose of the Grundrente is '(...) das Vertrauen in die Leistungsfähigkeit der gesetzlichen Rentenversicherung und den Sozialstaatsgedanken bei einer Zielgruppe zu stärken' (freely translated: '... to strengthen confidence in the efficiency of statutory pension insurance and the idea of the welfare state among a target group').⁴³ With the shift in emphasis in the objective and the strict conditions of the Grundrente, the first expectation is that the Grundrente will not be able to contribute significantly to the income of the former cross-border worker and thus neither to the socio-economic development in the border area. In order to properly analyse this cross-border impact, an ex post assessment by means of monitoring should take place.

40 See § 97a, third paragraph, SGB VI.

41 For the information page of the DRV, see <http://www.deutsche-rentenversicherung.de/SharedDocs/FAQ/grundrente/grundrente_faq_liste.html#d6607877-2849-469d-9f00-54f97a14706f> and more specifically the question Wird auch das angerechnet?".

42 See: Koalitionsbeschluss 10. November 2019, can be consulted at <http://www.portal-sozialpolitik.de/uploads/sopo/pdf/2019/2019-11-10_Grundrente_Koa_Beschluss.pdf>

43 Gesetzentwurf, BT-Drs. 19/18473, p. 56.



3.6 Dossier 6: The cross-border effects of decentralisation in social security: case study on Dutch youth care⁴⁴

Dr. Nina Büttgen
Aleyna Hezer
Pim Mertens

Introduction

This dossier is an ex-post assessment of the impact of the Dutch Youth Act (*Jeugdwet*) of 2015 on the border region between the Netherlands and Germany. More precisely, it studies what consequences the decentralisation triggered by this Act, has had for cross-border child protection and cooperation. The legislative impact will be assessed in the light of the objectives of European Integration, Sustainable/Socio-economic Development and Euregional Cohesion. In the latter case, the area covered by the Euregio Meuse-Rhine (cross-border area between Germany, Netherlands and Belgium) serves as a case study.

Decentralisation of Dutch youth care

The Youth Act has been in force in the Netherlands since 1 January 2015 (*Bulletin of Acts and Decrees*, 2014, 105). This act has been designed to solve the problems of its predecessor. From 2005 until 2014, the Dutch system of youth services was based on the Youth Care Act (*Wet op de jeugdzorg*), whereas various other components of youth care were also covered by the Healthcare Insurance Act (*Zorgverzekeringswet*) and the Exceptional Medical Expenses Act (*Algemene Wet Bijzondere Ziektekosten*). The 2015 Youth Act was to simplify the youth care system by bundling the various components, which had been spread out over different sorts of regulations, into a single legislation to render it more effective and efficient. This was to put an end to the fragmentation of Dutch youth services (including access to these services, provincially financed youth and educational assistance, care for youth with a mild learning disability, youth mental healthcare, youth protection, and youth rehabilitation).⁴⁵

The entry into force of the Youth Act in 2015 initiated a step-by-step approach towards shaping a more integrated system by means of decentralisation.⁴⁶ Municipalities would receive a single budget from the Dutch government's Municipalities Fund to promote *participation* in society.⁴⁷ Nonetheless, soon new criticisms arose - this time as a result of the decentralisation (such as financial deficits at the municipal level and persistently long waiting lists). Following a report about the insufficiencies of youth care provisions by the Inspectorate for Health and Youth Care (2019), the Dutch government recently initiated the amendment of the Youth Act.

Cross-border impact research

Repeated citizens' requests received by the Cross-Border Information Points (GIPs)⁴⁸ - a network of information points for cross-border commuters along the Dutch border - and ITEM's own casuistry show that problems with access to youth care facilities in the neighbouring country do occur.⁴⁹ The dossier therefore examines the role of legislation in cross-border problems with access to youth care services in the neighbouring country. In line with pertinent case requests, the focus is on the situation at the Dutch-German border.

Moreover, it is important to look what consequences the transfer of responsibility for the implementation of youth care to the municipalities has had for cross-border cooperation. This question, however, presupposes that a certain form of cross-border cooperation must already have taken place before 2015 between the Dutch competent authorities and their colleagues across the border. That is why the Euregio Meuse-Rhine (EMR) makes for a useful case study where structured cooperation in the form of the "Euregional Youth Cooperation" (*Euregionale Samenwerking Jeugd*) has been taking place already since 1999. Based on literature research, a questionnaire, and

44 Each year, the research for the ITEM Cross-Border Impact Assessment also involves students. The youth care-dossier has benefitted from the support of and been co-authored by A. Hezer, a third-year BA Legal Studies-student from Zuyd University of Applied Sciences, who completed a six-month internship at ITEM in spring-summer 2020.

45 It also included youth protection and youth rehabilitation into the single Youth Act. Friele et al., 2019, 10.

46 'Decentralisation of youth aid to municipalities is, according to the explanatory memorandum, seen by the legislator as one of the conditions for remedying the shortcomings.' Friele et al., 2019, 10. Explanatory Memorandum to the Dutch Youth Act, 1 July 2013.

47 Next to youth care, the decentralisation put municipalities also in charge of social welfare, and care of the long-term sick and elderly.

48 See www.grenzinfo.eu.

49 See Adamsky (2019): https://ec.europa.eu/futurium/en/system/files/ged/adamsky_winterswijk_municipality.pdf.



informal discussions with members of the Euregional Cooperation working group, the authors thus investigated what impact the Dutch Youth Act has had on the cross-border cooperation in the youth field in the EMR.

Effects of the Dutch Youth Act on European Integration

As a result of the 2015 Youth Act, the legal situation for the provision of youth services in cross-border cases has certainly not become any easier. This complexity often seems to obscure the fact that, in many cases, the issue at stake is who is carrying the costs. With respect to the principles of European integration, the benchmark for assessing cross-border impact is the 'extent that families living in border regions can have unrestricted access to adequate youth (health)care services (including the reimbursement of treatment costs) regardless of which side of the border they are living on'.

For a better understanding of the legal entanglements, it helps to distinguish between different components of youth care (see table 3 below). In fact, the definition of youth care (and what services it implies) differs from country to country. Depending on which interests are being studied (e.g. those of concerned families or those of competent/cooperating authorities) the analysis warrants a different emphasis on which legal aspects are at stake. Accordingly, it is helpful to make the analytical distinction between youth aid (for children in emergencies, neglect, abuse, etc.), on the one hand, and youth 'health' care or, more precisely, youth mental healthcare (psychological treatment of children) on the other. From a legal point of view, youth aid services form part of private international law (such as the Brussels IIA Regulation⁵⁰), meaning that national law plays a predominant role, save for the determination of which national law applies. Youth mental healthcare, i.e. the psychological treatment of children and young people, instead forms part of healthcare.⁵¹ In this case, two pieces of EU legislation (Regulation (EC) 883/2004⁵² and Directive 2011/24/EU⁵³) may apply. This means that access to healthcare is in principle available in the course of exercising one's European fundamental free movement rights, including for cross-border workers and their family members.

Table 3: Selection of applicable legislation related to cross-border youth care along the Dutch-German border

Level of legislation	Youth services (private international law)	Youth healthcare (social security)
EU & international	Brussels IIA Regulation The Hague Convention on parental responsibility and protection of children ⁵⁴	Coordination Regulation (EC) 883/2004 Patients' Rights Directive 2011/24/EU
Germany	SGB VIII Kinder- und Jugendhilfe (German Social Code, book VIII, child and youth care)	SGB V - Leistungskatalog gesetzliche Krankenversicherungen (German Social Code, book V, benefits catalogue of statutory health insurance companies)
Netherlands	Jeugdwet (Youth Act)	The Dutch Youth Act does not fall under the scope of Regulation (EC) 884/2004).

50 Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgements in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 (known as the 'Brussels IIA Regulation'), Article 61 regulates the relationship between this Regulation and the 1996 The Hague Convention on parental responsibility and protection of children.

51 The World Health Organization defines primary healthcare as 'a whole-of-society approach to health and well-being centred on the needs and preferences of individuals, families and communities. It addresses the broader determinants of health and focuses on the comprehensive and interrelated aspects of physical, mental and social health, and wellbeing.'

See: <https://www.who.int/news-room/fact-sheets/detail/primary-health-care>

52 REGULATION (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems ('EU Coordination Regulation').

53 DIRECTIVE 2011/24/EU of the European Parliament and of the Council of 9 March 2011 on the application of patients' rights in cross-border healthcare ('EU Patients' Rights Directive').

54 For a comprehensive overview of the European and international obligations of Member States (UN, Council of Europe, EU) in the field of child protection, see European Union Agency for Fundamental Rights and Council of Europe, Handbook of European Law Relating to the Rights of the Child. Luxembourg, 2015, pp. 263-271:

https://www.echr.coe.int/Documents/Handbook_rights_child_NLD.pdf (5 August 2020)



The right to access health treatment in the competent State (here: country of employment), however, depends heavily on the way social security cover is structured in the individual case and the actual intention to make use of it (i.e. obtaining the treatment in the neighbouring country).⁵⁵ It is therefore determined by the individual circumstances of any particular cross-border family situation (and their respective health insurance coverage) whether or not access rights and benefits can be granted across borders. In addition to this factual dependency, the recent legislative change in the Netherlands seems to have added an additional hurdle: the Dutch Youth Act falls outside the scope of the EU regulation on social security coordination (No 883/2004). The families of cross-border workers may therefore face particular difficulties in (or rather the lack of) obtaining access to (i.e. reimbursement of expenses of) appropriate care if the Netherlands is the competent Member State in a cross-border situation.⁵⁶ In effect, the existing European coordination rules, which are intended to clarify access to care services in another Member State, remain inapplicable - at least when it comes to youth mental healthcare, since they have practically been abrogated by the change in Dutch youth care legislation.

Impact on Euregional Cohesion

Besides this, no notable cross-border legal effect has been detected for now. Instead, practical/administrative gains have been reported *as a result of* the decentralisation. In the last section, the dossier analyses what impact the Youth Act has had on the Euregional Youth Cooperation in the EMR, which exists for more than 20 years.

Since 2015, the municipalities bear the financial responsibility and ultimate responsibility for the well-being of young people. The municipality has thus promoted to a primary care provider/ 'first line service provider', also taking over the role of case reception from the Youth Care Office (*Bureau Jeugdzorg*).⁵⁷ Consequently, new actors from the municipal level (responsible for youth aid provisions in South Limburg) joined the framework of the Euregional Youth Cooperation.

Already before 2015, the members of the Euregional Cooperation had recognised that the existing legal differences between the three youth systems were too big or too complex to be resolved.⁵⁸ To arrive at a *modus operandi* nonetheless, *goal-oriented pragmatism* (the goal of child protection is paramount to every case) and *mutual learning* have grown within the cooperation structure.⁵⁹ These are key reasons why the working group members very much appreciate the Euregional Youth Cooperation and overall consider it to be working well. In fact, the recent legislative changes and the resulting shift in authority on the Dutch side have apparently resulted in an even more pragmatic *content-driven* approach towards/common procedure for dealing with cross-border cases in the EMR built on personal relationships and trust: 'Nobody left, but new [stakeholders] did join. [...] Decision-making has become easier as a result.'⁶⁰ For the Dutch side, it was emphasised that the current predominance of 'tailor-made solutions' is very much owed to the fact that there are only a few cross-border cases per year. The Euregional partners also welcome practical solutions in cases where it is felt that more is possible in Dutch border municipalities with a larger budget than in border municipalities with a smaller budget.

55 Adamsky (2019).

56 In some cases, the EU Patient Directive might offer an alternative solution but only if the child is insured in Germany.

57 Throughout the Netherlands there are several certified youth protection institutions (mostly former Youth Care Offices), among which a new organisation called "Safe Home" (*Veilig Thuis*) created by merging the former Child abuse counselling and reporting centre (AMK) was merged with the Support Centre for Domestic Violence (SHG). Access to youth care is by means of a registration via the local district team or via the court.

58 In 2015, though, apparently there was an attempt to draw up a covenant between the Netherlands, Belgium, and Germany laying down some basic agreements for the cross-border cooperation in the youth field. A member of the Euregional Cooperation working group reported that this attempt failed apparently because eventually the legal differences proved too big to be bridged by such covenant.

59 Regular exchange of knowledge/experiences and mutual workshops characterise the Euregional Cooperation, which holds biennial expert conferences and regular working group meetings, at different administrative levels, throughout the year.

60 Interview with the representative of the South Limburg municipal youth care.



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Annex - The ITEM Cross-Border Impact Assessment as a basis for action: Looking back at the follow-up activities of the 2016 till 2019 ITEM Cross-Border Impact Assessments

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 how existing law and policy affect border regions. Since its creation in 2015 ITEM has effectively conducted five 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 2019 report has been able to provide a solid basis for further action and research aimed at improving cross-border mobility and cooperation.

A milestone for ITEM's activities in the field of regulatory impact assessment for border regions has been the development of a document called "guidelines on cross-border effects" (*leidraad grenseffecten*, see figure 6 below) in 2019. This document has been prepared with the collaboration of several Dutch ministries under the lead of the Ministry of Interior and Kingdom relations. In 2019, it was published on the official site of that ministry to complement the government's Integrated Impact Assessment Framework (IAK) for policy and legislation.⁶¹

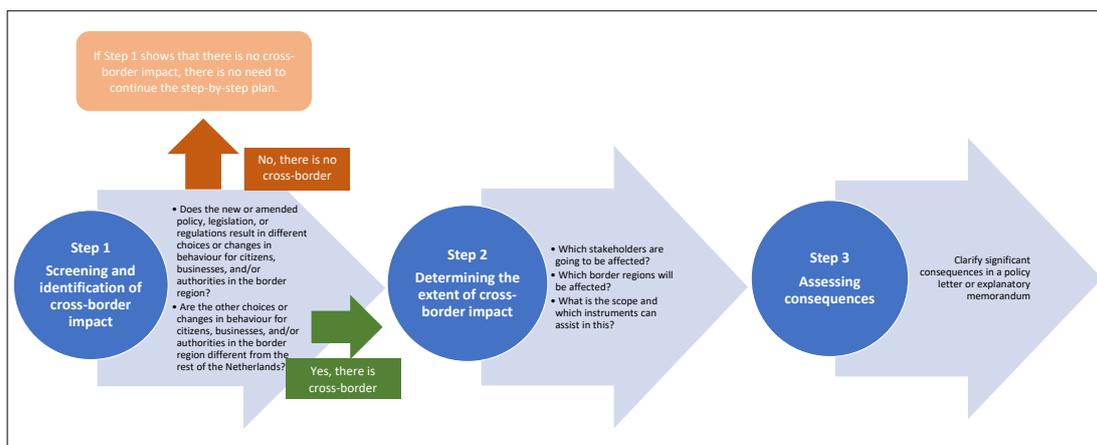


Figure 6: Dutch governmental "Guidelines on cross-border impact assessment" (*leidraad grenseffecten*), IAK 2019.

The issuing of these guidelines also had a political follow-up. So far, the use of the guidelines is voluntary. The different ministries are free to include a Cross-Border Impact Assessment on a specific regulatory proposal or not. On 6 June 2020, however, a motion by the member of the Dutch Parliament Van der Molen (et al.) got a majority of the votes in the plenary, that asked the government to make the inclusion of the border effect guidelines a requirement as part of the Dutch government's "Integrated Assessment Framework".⁶² Therefore, it could be possible that in the near future the ITEM guidelines become an integral part of the official Integrated Assessment Framework.⁶³ It could also be the first official requirement for an EU Member State government to require Cross-Border Impact Assessment.

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

62 See: <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2020Z10007&did=2020D21672>

63 Kamerbrief over Voortgang grensoverschrijdende samenwerking van de Staatssecretaris Binnenlandse Zaken en Koninklijke Relaties van 3 juli 2020, 2020-0000385347.



The concept of ITEM's approach on regulatory government led to an article for the forthcoming handbook on impact assessment edited by Prof. Eduardo Medeiros (Instituto Universitário de Lisboa). The article will be published by Springer in 2020 in the book "Territorial Impact Assessment", edited by Eduardo Medeiros.⁶⁴

And for the first time since the establishment of the annual impact assessment, ITEM will present at its annual conference the results of a first joined impact assessment project. In the first half of the year, ITEM together with three other cross-border research institutes (Euro-Institut Kehl, Centre for Cross-border Studies in Northern Ireland and the B/ORDERS IN MOTION-Center of Viadrina University in Frankfurt/Oder) conducted joint research on the effect of the national Corona-crisis management on particular border regions. As an official event of the European Days of Regions and Cities in Brussels, ITEM organized together with its partner institutes from the TEIN network a workshop on impact assessment, also discussing the first results of its research on the effects of the Coronavirus crisis on cross-border territories.

This analysis is apparently being already keenly awaited. Citing its track record of research dossiers concerning health and social (law) subjects, ITEM's Cross-Border Impact Assessment has caught the attention as a best practice in the field of cross-border health. The source *Europa decentraal* is a knowledge platform that deals with queries concerning European law and legislation by local and regional authorities in the Netherlands. Dutch municipalities are advised that it would be 'very relevant to include this information in the development or improvement of cross-border care pathways', including the latest study on the impact of the Corona crisis and the assessment of cross-border cooperation in the health sector under these exceptional circumstances.⁶⁵

The 2017 and 2018 assessments have provided a broad basis for action. Not only the Dossiers on Social Security led to follow-up actions. For instance, ITEM provided input to the European Parliament rapporteur on the Posted Worker's Directive. In the case of the dossier on different retirement ages, Belgian cross-border workers who worked in the Netherlands, faced a financial gap at the age of 65 in the case of unemployment due to the later retirement age in the Netherlands. The Belgian legislator corrected that in December 2018 and made it possible that affected employees could receive unemployment benefits also after they reached the age of 65 (Koninklijk Besluit d.d. 12 december 2018). ITEM has also developed follow-up activities with respect to the social security of non-standard work in cross-border situations. The Permanent Committee for Social Affairs and Employment (SZW) of the Dutch Parliament's Senate in summer 2019 sent a letter the Dutch Minister for Social Affairs pleading towards the Government for dealing with concrete cross-border problems that specifically frontier workers are facing in daily life. The Committee warns, for instance, about the lack of cross-border coordination between social security- and tax regimes. The ITEM Cross-Border Impact Assessment has provided the backbone to this plea. Additionally, the Administrative Jurisdiction Division of the Dutch Council of State ruled that denying cross-border workers access to DigiD constitutes discrimination. This court case, prepared with the help of the ITEM Expertise Centre, directly contributed to the Dutch government reviewing its access policy to online public services.

Furthermore, the legal analysis included in the ITEM Cross-Border Impact Assessment dossier on the German car toll proposal of 2017, in turn, partly contributed to the decision of the Netherlands to join Austria in a claim against Germany before the Court of Justice of the European Union. In line with ITEM's analysis, in June 2019, the Court found that the infrastructure use charge, in combination with the relief from motor vehicle tax enjoyed by the owners of vehicles registered in Germany, constitutes indirect discrimination on grounds of nationality and was in breach of the principles of the free movement of goods and of the freedom to provide services (Case C-591/17 Austria v German). Following ITEM's conclusion in the 2018 assessment of the German "*Baukindergeld*" (Housing grants for buyers) that it was likely that cross-border workers working in Germany but living abroad would have to be eligible for the German grant. In July 2019, Pascal Arimont, a Belgian Member of the European Parliament, formulated a related question to the Commission (E-002147-19) based on the same assumption. The background was, that on 7 March 2019, the Commission decided to send a reasoned opinion to Germany in response to its refusal to grant another benefit, the *Wohnungsbauprämie* (housing premium) to cross-border workers. Whether these grants may be extended to cross-border workers even if the property is outside Germany became a subject of assessment.

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

65 See <https://europadecentraal.nl/praktijkvraag/wat-is-de-stand-van-zaken-op-het-gebied-van-grensoverschrijdende-samenwerking-in-de-zorg/> (accessed 02 August 2020).



Next to generating political and hands-on follow-up, also the ITEM Cross-Border Impact Assessment methodology has gained publicity. Being an avid supporter of regular, border-specific, bottom-up impact assessments, ITEM has voiced its support and expressed the need for more Cross-Border Impact Assessments to be carried out in the Netherlands at several Dutch Ministries.⁶⁶ Already early on, it has been recognised a best practice by the European Commission's Directorate-General for Regional and Urban Policy (DG Regio) in its communication *Boosting EU border regions (september 2017)*. ITEM continues to cooperate with the European Commission and other EU institutions,⁶⁷ and at national level with the Dutch Government on the implementation and enhancement of a Cross-Border Impact Assessment methodology.⁶⁸

Furthermore, the methodology employed in the ITEM Cross-Border Impact Assessment as well as the findings emanating from its individual dossiers were presented at several events throughout 2019. Presentations were provided, among others, at the CESC 10 - International conference on the 10th anniversary of CESC in Budapest, at meetings with representatives of the Dutch government and Flemish administration, during the European Commission's DG Regio Open Days, at a conference organised by the Euroinstitut in Kehl, at a meeting for representatives of the European Parliament, at a workshop organised by ESPON on Interreg impact assessment in Porto, and at meetings with members of the NRW Landtag and the Benelux Parliament. Due to containment measures against Covid-19, event organisation was drastically reduced. A presentation at the ERSA Web Conference 'Spatial Challenges for the New World' (formerly ERSA congress on Territorial Futures in Bolzano) in August was cancelled.⁶⁹ Still, it was possible to follow the invitation of the Euregio Meuse-Rhine (EMR) to present the latest results of the Cross-Border Impact Assessment to the General Assembly of the EGTC-EMR in late October, providing fruitful ground for preparing the next survey on potential topics for the upcoming research cycle of 2021.

Finally, with an important election year in 2021 coming up, it is noteworthy that ITEM also devotes specific attention to the ex-ante identification of border effects of proposed legislation and policy. In order to determine whether a rule or measure has a certain effect on border regions, ITEM has introduced a quick scan. This initiative employs its own methodology and may be applied to estimate to what extent a certain topic will require further assessment as far as border effects are concerned. In 2017, two quick scans were conducted by ITEM. Whereas one of these quick scans focused on examining the Dutch Coalition Agreement, the other explored the border effects of the increase of the low VAT tariff in the Netherlands. In the 2018 Cross-Border Impact Assessment, two themes from these quick scans (i.e. the increase in the low VAT tariff and the experiment concerning legal cannabis cultivation) were indeed taken up in dossiers.⁷⁰ More recently, in response to a parliamentary question that build on this ITEM research, the State Secretary for Finances, Tax and Customs Administration Vijlbrief quoted ITEM's research to support his conclusion that minimal effects are expected and no additional actions are taken.

Looking to the future, ITEM is dedicated to continue to map the effects of international, European, national and regional legislation and policy in its Cross-Border Impact Assessments. The Expertise Centre furthermore intends to develop its impact assessment and quick scan methodologies further and is looking forward to doing so in cooperation with its partners, stakeholders and researchers.

66 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.

67 N. Büttgen, 'Cross-border impact assessment: a bottom-up tool for better regulation and more cohesion' in "Blížej Brukseli" ("Closer to Brussels") - Special Issue on Cross-Border Cooperation, e-magazine of the Malopolska Region (PL) Brussels Office, No. 26, pp. 10-13: https://issuu.com/blizejbrukseli/docs/26_closer_to_brussels_-_cross-border_cooperation.

68 TEIN-ITEM workshop on cross-border impact assessment (with a special focus on Coronavirus crisis management) as part of the (web) sessions of the DG Regio Open Days in October 2020. Presentation of M. Unfried 'Effects on Cross-border territories: The blind spot of regulatory impact assessment' at the TEIN Annual Conference 'Assessing impact across borders' (incorporating the Centre for Cross Border Studies' Annual Brussels Policy Seminar), Brussels, 10 October 2019.

69 M. Unfried, L. Kortese, A. Bollen-Vandenboorn, and N. Büttgen, 'Cross border impact assessment: practice and experiences', (original paper submission to the Special Session 'Analysing and solving problems of European cross-border regions').

70 Kamerbrief Beantwoording kamervragen btw-verlaging Duitsland van de Staatssecretaris Financiën - Fiscaliteit en Belastingdienst van 07 juli 2020, 2020-0000385347.



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