



## Cross-Border Impact Assessment 2021

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 six such regulatory impact assessments. The present report is the latest edition of the Cross-Border Impact Assessment.<sup>1</sup>

## 1.1. European Integration through Better Regulation

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

The ITEM regulatory Cross-Border Impact Assessment serves a dual purpose, namely to recognise potential negative or positive effects of planned legislative or policy initiatives ex ante and to identify negative or positive cross-border effects of existing policy or legislation in an ex post manner (see below). By fulfilling this purpose, the report can contribute to a better ex ante and ex post evaluation of legislation and policy for the Member States and regional legislators. Furthermore, the method employed in these impact assessments may be of added value to the European Commission's ex ante impact assessment and the evaluation of existing legislation. In this context, the European Commission's Directorate-General for Regional and Urban Policy (DG Regio) considered the Cross-Border Impact Assessments carried out by ITEM a good practice in its Communication 'Boosting growth and cohesion in EU border regions'.<sup>2</sup> In that same Communication, the Commission stressed the importance of identifying cross-border impacts in legislative and policy processes and made their assessment an explicit action point.<sup>3</sup> 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 repeatedly recognised the importance of assessments related to potential cross-border effects in communications to the House of Representatives.<sup>4</sup>

## 1.2. Need for Cross-Border Impact Assessments

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

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

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

<https://itemcrossborderportal.maastrichtuniversity.nl/link/id/U8rHnsyQU5BsFgbj>.

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 for example Kamerbrief over Voortgang grensoverschrijdende samenwerking van de Staatssecretaris Binnenlandse Zaken en Koninklijke Relaties van 9 maart 2020, 2020-0000119834.

Conducting in-depth and border-specific impact assessments may be difficult at the European and even at the national level due to the great differences that exist among European border regions. A 2016 study commissioned by the European Commission highlights the needs of border regions according to their particular features and shows the extent to which border regions differ from one another.<sup>5</sup> Therefore, the existing differences in border regions complicate the exercise of European level Cross-Border Impact Assessments. At the same time, suggesting that in-depth and border specific impact assessments be carried out at the national level by line ministries may also be a difficult proposition, as the diversity of border regions may also be large at the national level. Germany, for example, has nine neighbouring countries comprising numerous cross-border territories.

Despite these challenges, plenty of action is undertaken at the European and the national levels to tackle them. For example, ITEM experts have 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. Since 2021, the assessment of border effects is an obligatory part of the general Dutch regulatory assessment scheme.<sup>6</sup> Commissioned by the Ministry of Interior, ITEM has developed a guidance document and will conduct in 2021/22 workshops with governmental officials to discuss the methodology and practical aspects of a cross-border impact assessment.

Together with partners of the TEIN network of cross-border institutes, ITEM has been discussing possibilities to establish a network of partners who will also conduct assessments in their own cross-border territories.<sup>7</sup> To advance this idea, the 2020 Cross-Border Impact Assessment included an ITEM-TEIN joined study on border effects in several cross-border regions in Europe for the first time. This year's edition also contains the fruits of such a productive collaboration. The ITEM Cross-Border Impact Assessment 2021 welcomes the contribution of the following TEIN partners: Euro-Institut and the Viadrina B/ORDERS IN MOTION Research Centre *et al.* (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.<sup>8</sup> This implies that an impact assessment focuses on the prospective effects of the intervention, i.e. what the effects might be, whereas an evaluation is rather likely “to cover a wider range of issues such as the appropriateness of the intervention design, the cost and efficiency of the intervention, its unintended effects and how to use the experience from this 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.

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

6 The guidance document can be found on the official site of the Dutch government, i.e. the Integrated Impact Assessment Framework (IAK) for policy and legislation (see Annex): [www.kcwj.nl/kennisbank/integraal-afwegingskader-voor-beleid-en-regelgeving](http://www.kcwj.nl/kennisbank/integraal-afwegingskader-voor-beleid-en-regelgeving).

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.

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/>.

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 2021 ITEM Cross-Border Impact Assessment. The assessment consists of four 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. This year there is an emphasis on ex-post analyses with two dossiers studying the effects of existing laws and policies (the Coronavirus crisis management and the EU Patients’ Rights Directive). One dossier (working at home after the Corona crisis) is the ex-ante assessment of national regulations or bilateral treaties in combination with effects of EU law. Another dossier (regarding the proposed EU Minimum Wage Directive) assesses the potential consequences of a binding European framework for minimum wages on cross-border regions.

## 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 Cross-Border Impact Working Group assesses the suggested topics. During this assessment phase, the working group (consisting of representatives of partner organisations) focuses on the topicality of the issue, the relationship to ITEM’s research focus, the number of requests submitted and the frequency of the issue. Once the topics have been identified, the third step will commence with the selected researchers embarking on their respective impact assessment studies. This research is documented in separate dossiers, which together form the ITEM Cross-Border Impact Assessment of that year.

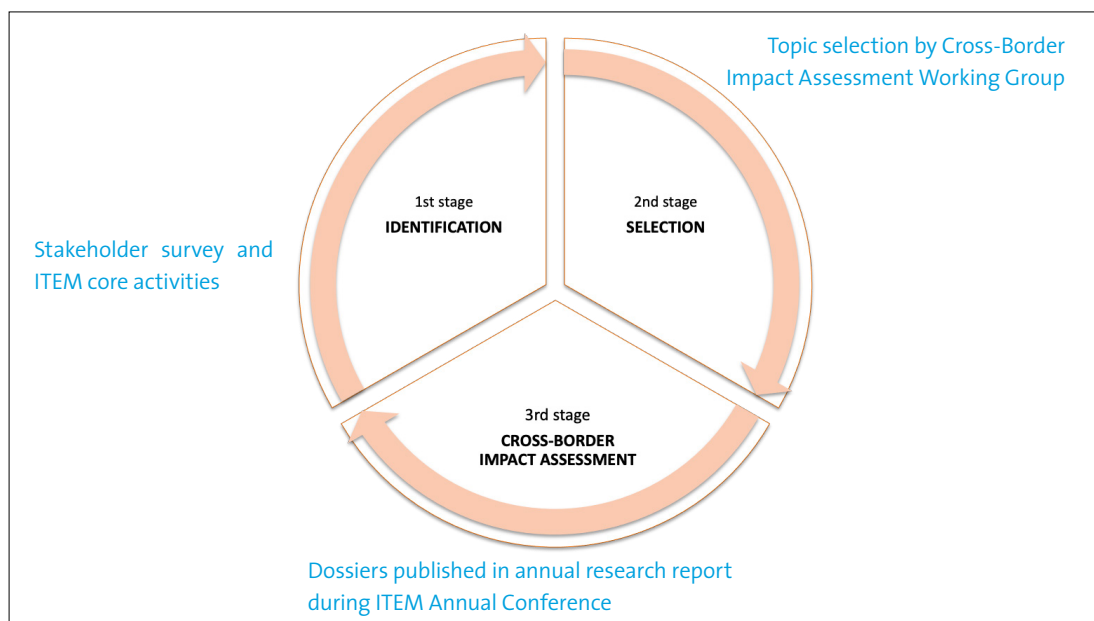


Figure 1: The ITEM Cross-Border Impact Assessment Cycle

## 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 illustration of the dossier-based definition of the border region, this year's Cross-Border Impact Assessment indeed focuses on a number of 'different border areas', notably within the Netherlands, Belgium and Germany border region. Three of the dossiers have European and thus national (implementation) legislation as their starting point. Therefore, their definition of the border region is necessarily broad. It comprises all border areas shared by these countries and possibly even beyond (since cross-border workers and patients do not necessarily stay only within a pre-defined geographical radius along the national border). Instead, the regional study of the Coronavirus crisis management and its effects on cross-border coordination focuses rather on the confined tri-border area covered by the Euregio Meuse-Rhine.

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

In view of the successful initiation of this method, ITEM remains keen to advance the Cross-Border Impact Assessment-methodology. One ambition is to apply the method also in other border regions across Europe and, thereby, enhance its complementary role vis-à-vis regulatory impact assessments conducted at EU level. Whilst endeavouring to establish a network of partners conducting assessments in their own cross-border territories, already for the second time ITEM has joined forces with TEIN partners to study cross-border effects on three different cross-border regions in Europe. This year the collaboration targets for the first time an ex-ante assessment of a legislative proposal by the EU, notably the Minimum Wage Directive. The dossier maps its potential impact on the various cross-border regions' citizens, businesses, economy and society. These joined studies offer a unique opportunity to apply and test the methodology of the ITEM Cross-Border Impact Assessment throughout other parts of Europe in close collaboration with our partners equally specialised in cross-border research.

Another avenue to engage more regions in border assessment is ITEM's cooperation with the Committee of the Regions. The CoR has established a Reghub network. The intention is to gather a group of regions that are ready to evaluate EU legislation and policy and assess the impact on regional policies. In cooperation with the Reghub secretariat, ITEM contributes to the development of a Reghub questionnaire where it formulates specific questions in relation to border effects. During the European Week of Regions and Cities 2021, ITEM and the CoR organised a workshop on the topic.

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

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

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

The first theme concerns the potential impact of legislation on individuals living and working in cross-border regions. Dossiers focused on European integration consider questions such as the extent to which certain legislative or policy measures violate the principles of non-discrimination and free movement. The dossier on introducing a European standard for adequate minimum wages is a good example, emphasising the potential effects on cross-border workers and businesses. Another example is the dossier on the future of homeworking and its consequences for frontier 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. From this perspective, this year's assessment illuminates, on one hand, the (potential) effects of harmonised procedures for legislative minimum wage setting and, on the other, discusses the hindrances and needs of well-functioning healthcare in cross-border regions. It also uncovers the sizeable economic effects and administrative burden of future policy shifts in workplace legislation that in cross-border situations become subject to international and European conflict rules.

Finally, researchers may also ask what cross-border effects a certain measure has on Euregional cohesion, meaning cooperation between institutions, business contacts, and the mind-set of cross-border activities amongst citizens. Such aspects play an important role in the assessment of the relationships between the institutions and governance of Euroregions and the Euregional mind-set of citizens. The dossier concerning the impact on Euregional crisis management provides an excellent example. Namely, it focuses on the consequences of *national* crisis management on cooperation in the cross-border region in the realm of the various local and regional crisis teams.



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 2021 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
<b>European integration</b>	European integration, European citizenship, Non-discrimination	No border controls, open labour market, facilitated recognition of qualifications, adequate coordination of social security facilities, taxes	Number of border controls, cross-border commuting, duration and cost of recognition of diplomas, access to housing market, etc.
<b>Socioeconomic / Sustainable development</b>	Regional competitive strength, Sustainable development of border regions	Cross-border initiatives for establishing companies, Euregional labour market strategy, cross-border spatial planning	Euregional: GDP, unemployment, quality of cross-border cluster, environmental impact (emissions), poverty
<b>Euregional cohesion</b>	Cross-border cooperation/ Good Governance, Euregional cohesion	Functioning of cross-border services, cooperation with organizations, 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

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

### 2.3. The Dossiers of the 2021 ITEM Cross-Border Impact Assessment

The survey for this year’s impact assessment was conducted between December 2020 and January 2021 and was set out among ITEM stakeholders and other interested parties. ITEM received numerous written responses to this questionnaire from various partners. Additionally, topics may also arise in the context of ITEM’s day-to-day activities. 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, the final selection of dossiers was made based on the advice of the Cross-Border Impact Working Group.

The final dossiers are the result of a fruitful cooperation of ITEM, its researchers and its partners. This year’s dossier summaries have a more descriptive character because the annual research cycle experienced some delay due to the crisis containment measures against the COVID-19 pandemic. As was the case for the 2016, 2017, 2018, 2019 and 2020 impact assessments, the research in some dossiers was rendered possible by the efforts of several students. Table 2 below provides an overview of the research topics of the ITEM Cross-Border Impact Assessment 2021 dossiers.

Table 2: Abstracts of the ITEM Cross-Border Impact Assessment 2021

No.	Subject	Specification
<b>Dossiers</b>		
1.	<b>Ex ante study on the cross-border effects of the EU's proposed Minimum Wage Directive (TEIN study)</b>	Together with partners of the Transfrontier Euro-Institut Network (TEIN), ITEM has studied the potential cross-border effects of the proposed Directive on adequate minimum wages in the European Union. The dossier assesses the possible impact of creating a (binding) common European framework for minimum wages on cross-border regions and their inhabitants. The geographical focus will be on several (cross-)border regions adjacent to Germany - namely those which it shares with Belgium and the Netherlands, the one shared with France, and the one shared with Poland.
2.	<b>Impact analysis into the future of working from home for cross-border workers post-COVID-19</b>	During the COVID-19 crisis, working from home has increasingly become the norm, with homeworking encouraged or even required, including for frontier workers. It will likely continue in some form after the crisis, as both employees and employers alike have recognised its advantages. Political pleas are also rising for making homeworking structural. However, for cross-border workers (partial) homeworking has consequences for the applicable tax and social security regulations due to the physical shift in workplace. Following the temporary suspension of these rules during the crisis, this dossier analyses what effects a formal homeworking policy may have on cross-border workers and their employers in the future.
3.	<b>The effects of national Corona crisis management on cross-border crisis management in the Euregio Meuse-Rhine (follow-up study)</b>	Following up on the 2020-study (in collaboration with TEIN), the impact of the Coronavirus crisis has also been examined as part of this year's Cross-Border Impact Assessment. This dossier focuses on the ex-post impact on Euregional crisis management. More precisely, it assesses the consequences of national crisis management on cooperation in the cross-border region in the realm of the various local and regional crisis teams. The report is based on a study carried out in 2020/2021 in the framework of the INTERREG project Pandemic. ITEM, together with colleagues from Leiden University and the Ockham IPS Institute, investigated the cross-border management of the crisis, in particular with regard to the tension between national governance and Euregional needs.
4.	<b>Is the EU Patients' Rights Directive fit for providing well-functioning healthcare in cross-border regions? An ex-post assessment</b>	What amounts to well-functioning healthcare in cross-border regions? Systematic discrepancies between the health systems of Belgium, Germany and the Netherlands, combined with limited European legislation regarding cross-border healthcare, provide ground for hindrances to develop when it comes to access to healthcare in the border regions. Considering the extent and severity of hindrances between these three countries, this dossier analyses if the EU Patients' Rights Directive is fit for this purpose.

### 3. The Dossiers - in summary

#### 3.1. Dossier 1: Ex-ante study on the cross-border effects of the EU's proposed Minimum Wage Directive (TEIN study)

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



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#### General Introduction

This dossier studies the impact a binding common European framework for adequate minimum wages might have on cross-border regions in the EU and their inhabitants. With its proposal for a Minimum Wage Directive (October 2020), the European Commission aims to provide all workers in the Union with access to adequate minimum wages. Since the proclamation of the European Pillar of Social Rights (hereafter the Pillar) by the European Parliament, the Council and the Commission in November 2017, legislative action on strengthening “Social Europe” has been on the rise. After all, the Pillar is ‘to deliver on the EU’s promise of prosperity, progress and convergence, and make social Europe a reality for all.’ More precisely, the pillar postulates:

*‘Principle 6 of the Pillar on “Wages” calls for adequate minimum wages as well as for transparent and predictable wage setting to be put in place, according to national practices and respecting the autonomy of the social partners.’<sup>9</sup>*

Just recently, the European Commission has highlighted (once more) the need for ‘Vibrant cross-border labour markets’ as one of its four priority clusters, which it will focus future policy actions on to strengthen EU Border Regions.<sup>10</sup> The reality is, though, that many border regions continue to be characterised by socioeconomic asymmetries on both sides of the national border. For businesses (particularly SMEs), employees and job seekers to benefit from the advantages, which genuine cross-border labour markets may present, the Commission underlines that

*‘cross-border regions should be seen as a “single” territory when it comes to education and training, skills and competences, employment, and access to social security. This [however] is not yet the case [...]’<sup>11</sup>*

9 Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union, COM(2020) 682 final, Brussels, 28.10.2020. The Strategic Agenda for 2019-2024, agreed at the European Council in June 2019, called on the implementation of the Pillar at EU and national level.

10 Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on ‘EU Border Regions: Living labs of European integration’, COM(2021) 393 final, Brussels, 14.7.2021. ‘Cross-border regions need tailor-made solutions and policies that can maximise their potential, remove existing barriers and boost their economic recovery and resilience.’ (COM(2021) 393 at 5).

11 Ibid. at 9.

From this perspective, a vibrant cross-border labour market would - according to the Commission - provide businesses with access to a larger pool of skills and competences, facilitate the retention of (international) talent and enable job seekers' access to more job vacancies.

Against this background, it seems timely to ask what effects the proposed EU Minimum Wage Directive may have on cross-border regions and their inhabitants. Minimum wages can be a sensitive topic in labour market policy (thinking back of the vivid discussions held in Germany before introducing the country's first national statutory minimum wage in 2015). The topic implies important economic and social considerations. Given the European aim of connecting and 'boosting' border regions through cross-border labour markets and promoting Euregional development and cohesion, it is interesting to see if national minimum wages commonly aligned by a European framework for adequacy would play any role in this.

To gain insight into how that impact will be felt in different regions across Europe, the research has been conducted in close collaboration with several TEIN-partners. The analysis provides an ex ante assessment of the Directive's possible effects on the cross-border territory between Belgium, the Netherlands and Germany (ITEM), the cross-border area between France and Germany (Euro-Institut) and the cross-border area between Germany and Poland (Leibniz/BTU-Cottbus/Viadrina), see figure 3 below.

### **Methodology**

Following up on the successful cooperation on the "Corona-dossier" of last year, the partners are pleased to continue the joint research initiative between ITEM and other TEIN-members. The 2020-dossier has offered thorough insights into sometimes far-reaching and dire border effects of policy and legislation, particularly accentuated by the crisis caused by the COVID-19 pandemic.

This year, for the first time, the collaborative study deals with a 'traditional' piece of EU legislation, albeit in preparatory stage. Hence, both the Commission's proposal (October 2020) as well as the initial draft report of the European Parliament (April 2021) with potential amendments will provide the source legal texts for this analysis. Minimum wage setting - which is, in principle, a national prerogative - makes for a potentially controversial topic and goes to the heart of socio-economic development and citizens' social rights. To consider the law's potential (cross-)border effects, one must therefore first gain a picture of what the Directive's implementation would mean for the concerned Member States individually. Would the minimum wage standards, as proposed by the Commission or the European Parliament, (have to) result in changes in national legislation? These Member States are Belgium, France, Germany, the Netherlands and Poland.<sup>12</sup>

12 So far (September 2021), 13 Member State Parliaments have submitted a contribution or a reasoned opinion. Among them were none of the countries under review. However, several Member States, such as Sweden, expressed fundamental concerns about the compatibility of the Commission's proposal with the subsidiarity principle. Wage formation is an exclusively national matter and the Directive therefore conflicts with this principle. See Procedure File: [2020/0310\(COD\)](#) | Legislative Observatory | European Parliament (europa.eu).



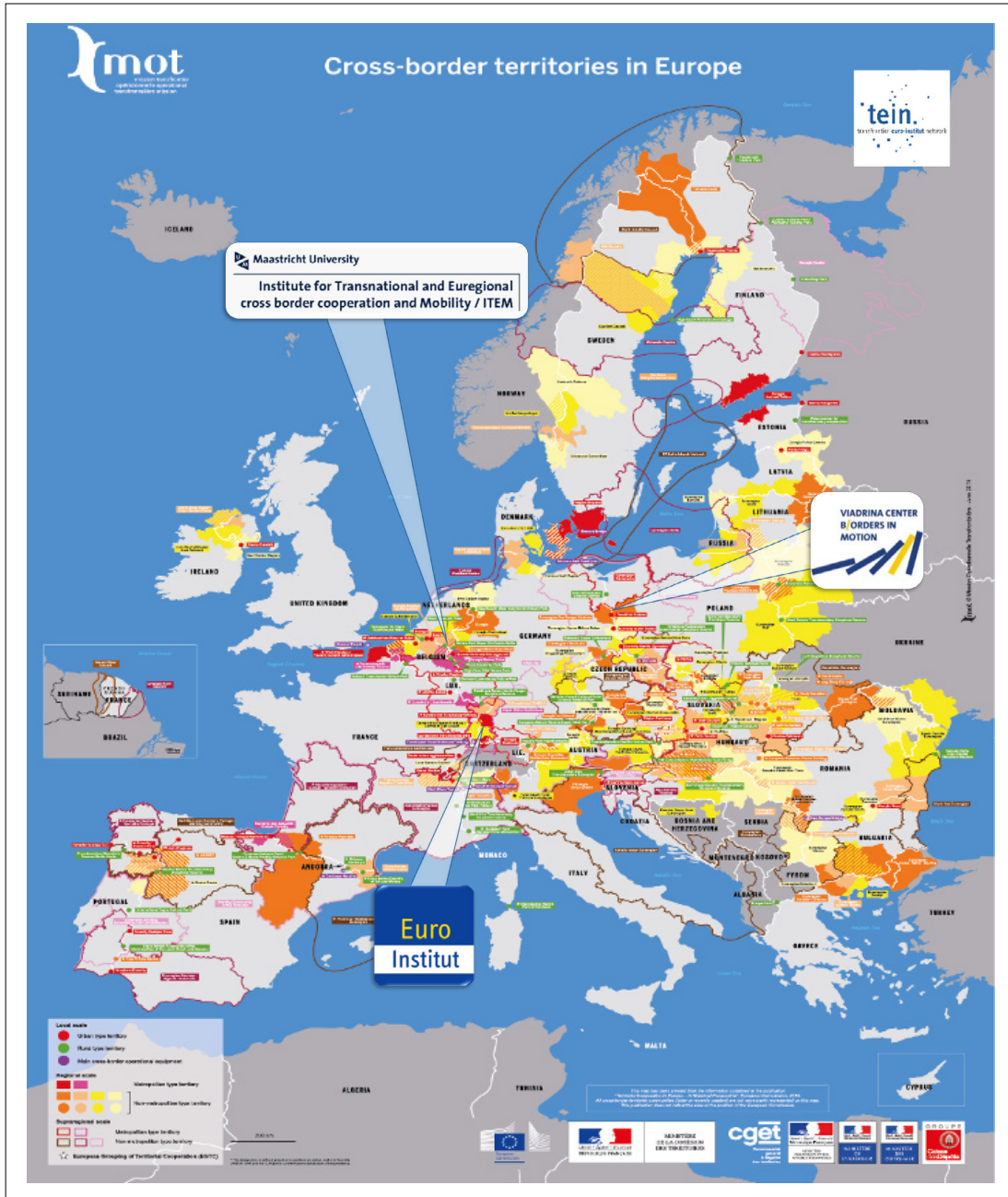


Figure 3: The three cross-border areas of Dossier 1, own indication in MOT's illustration of cross-border territories (MOT, 2018 - [www.espaces-transfrontaliers.org](http://www.espaces-transfrontaliers.org).)

Second, we examine the role of minimum wages in the three cross-border border areas mentioned above in general, including a sectoral perspective. Based on this, we analyse what would be the cross-border impact of the directive in those regions in particular. This includes questions such as how (many) cross-border workers and businesses/sectors would be affected on either side of the border (Socio-economic/Sustainable Development and European Integration). Last but not least, we conclude with an evaluation discussing the proposed concept of adequacy on which the views of Commission and Parliament diverge markedly. The discussion will illuminate this topic in the context of the theme of Euregional cohesion, i.e. the idea of creating an joined cross-border economic and social space.

Based on the experience of the ITEM Cross-Border Impact Assessment of previous years,<sup>13</sup> 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. When quantitative data are lacking, conversational evidence from 'background talks' with stakeholders is used to test qualitative indicators. ITEM and its TEIN-partners agreed to acquire relevant information in their respective regions. This has been used to fine-tune the analysis and narrative of the research report.

### Summary of the thematic approach

All three research themes of the ITEM Cross-Border Impact Assessment are covered in this dossier. Under the themes of European integration and Socio-economic Development, the Minimum Wage Directive and its expected effects will analyse the existing national legislation (or alternative manners of wage setting, e.g. collective labour agreements as in Belgium) compared to the standards established by the directive. Here, both the Commission's proposal and the potential amendments as contained in the first draft Committee report of the European Parliament (April 2021) serve as standard of comparison.<sup>14</sup> For example, do the national legislations correspond to the indicated threshold of adequacy of the Directive, which according to the EP rapporteurs' view would require the minimum wage to meet both 50% of the gross average wage in a country and 60% of the gross median wage? The comparison with the latest national values for median and mean gross wages reveals that only France has consistently met these thresholds. The rate of minimum wage in all other Member States studied has not even come close to the proposed rates in recent years.

Table 3: Overview of mean and median gross minimum wages compared to the thresholds demanded in the proposed Directive, as interpreted by the draft EMPL report of 6 April 2021. Own calculations.

Country	Average (2014-2018) - Mean threshold	Average (2014-2018) - Median threshold
Belgium	44%	49%
France	51%	61%
Germany	41%	47%
Netherlands	43%	49%
Poland	42%	52%

Under the theme of Euregional/Cross-border cohesion, the findings from the previous sections will be accumulated, compared and tested for the three (cross-)border regions. Here, the analysis considers if cross-border interaction/ relationships will be diminished due to changes caused by the Directive. The cross-border regions thus take centre stage here. In addition, will the EU Directive have an impact as a measure against income inequality across the border/in the Euregional context? To what extent are relevant administrative data (e.g. the type and extent of social and employment services) already collected at the Euregional/cross-border context?

In addition to studying the effects of the cross-border regions between Belgium, Germany, France, the Netherlands and Poland, this dossier continues the partnership established 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. In doing so, this study serves to further the fruitful cooperation of regional studies on border effects in the aforementioned countries.

13 J. van der Valk, 'Dossier 5: Cross-border monitoring-a real challenge', ITEM Cross-Border Impact Assessment 2019: <https://itemcrossborderportal.maastrichtuniversity.nl/link/id/U8rHnsyQU5BsF9bj>.

14 The EMPL Committee was due to send its report to the General Assembly for first reading in November 2021, after the Committee vote on almost 900 amendments was scheduled for October.

## 3.2. Dossier 2: Impact analysis of the future of working from home for cross-border workers after COVID-19

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### Introduction

Working from home increasingly became the norm during the COVID-19 pandemic. With working from home being encouraged and in some cases made compulsory, the huge increase in people working in this way should come as no surprise. According to EU figures, employees worked approximately 40% of paid hours from home during the pandemic.<sup>15</sup> In the case of the Netherlands, 49% worked from home all or part of the time.<sup>16</sup> Cross-border workers were no exception to this phenomenon. It is expected that workers will continue to work from home to some extent after the crisis, and a large number of them also want to work from home to a certain degree post-COVID.<sup>17</sup> While employers are striving to facilitate working from home and adjusting their policies accordingly, politicians are vividly debating the topic of working from home and plans to legislate on it. Various initiatives have been developed to formalize working from home.

### Policy for the Netherlands, Germany, and Belgium

In the Netherlands, MPs Van Weijenberg<sup>18</sup> (D66) and Smeulders<sup>19</sup> (GroenLinks) submitted a private member's law entitled *Wet werken waar je wil* (Work Where You Want Act) on 21 January 2021.<sup>20</sup> By amending the *Wet flexibel werken* (Wfw, Flexible Work Act),<sup>21</sup> the proposed legislation aims to bring the right for an employee to change their location of work in line with their existing right to adapt their working hours. The potential impact of that law on cross-border workers was commented on during the internet consultation of the Council of State, with reference being made to the 'Leidraad Grenseffecten' (guideline on effects of Dutch central government legislation on border regions): '*Problems of this nature must also be sufficiently addressed as part of proper preparations for a legal amendment.*'<sup>22</sup> More specifically, such an amendment may affect tax and social security arrangements for cross-border workers if they choose to work from home. As a result, the initiators are calling on the Dutch government to enter into talks with neighbouring countries in order to relax the rules on tax and contributions.

Also Members of the German Bundestag have recently proposed a new law to promote and facilitate mobile working at a federal level.<sup>23</sup> However, this initiative has been postponed until after the elections. In Belgium, instead, a Ministerial Decree has already made working from home during the COVID-19 pandemic compulsory, with employers having a duty to register the number of workers present at their workplace. With the entry into force of the final step of the Belgian 'Zomerplan 2021' (2021 summer plan), the joined governmental Consultation Committee of Belgium (*Overlegcomité*<sup>24</sup>) has called on all employers to adopt mobile working as a standard practice.<sup>25</sup>

15 Eurofound, *Report Living, working and COVID-19*, 2020, p. 59. According to TNO, 49% of employees in the Netherlands were working from home some or all of the time by March 2021.

16 TNO, *De impact van de COVID-19 pandemie op werknemers*, TNO, Leiden: 2021.

17 See also Eurofound, *Report Living, working and COVID-19*, 2021, p. 3:73%

18 Replaced by De Jong (D66).

19 Replaced by Maatoug (GroenLinks).

20 *Parliamentary Papers II*, 2020-21, 35 714, no. 2, last updated in *Parliamentary Papers II*, 2020-21, 35 714, no. 5

21 *Parliamentary Documents II*, 2020-21, 35 714, no. 3.

22 *Parliamentary Documents II*, 2020-21, 35 714, no. 4, p. 8-9.

23 Referentenentwurf des Bundesministeriums für Arbeit und Soziales eines Gesetzes zur mobilen Arbeit.

24 The Overlegcomité is a body in which the minister-presidents and government members of the various Belgian governments consult each other in order to maintain a degree of coherence in policy and prevent or settle conflicts. As a result of the latest state reform, Belgium currently has six governments.

25 Info-coronavirus.be, Overlegcomité - Many restrictions will be lifted from 1 September onwards, <https://www.info-coronavirus.be/nl/news/occ-2008/>

## Socio-economic impact of working from home

Whether cross-border workers work from home on a full or partial basis, this has consequences for the question, which national regulations and legislation applies to them. This is because of relocating the physical place of work from the Member State of employment to the Member State of residence. This relocation primarily affects tax and social security allocation rules, but also has other consequences. It should be noted that bilateral (tax) or unilateral (social security) decisions temporarily neutralized these effects during the COVID-19 pandemic.

### Tax

EU Member States designed their bilateral tax treaties in emulation of the OECD Model Tax Convention on Income and on Capital, with Article 15 of the Tax Convention Netherlands-Belgium, Article 14 Netherlands-Germany, and Article 15 Belgium-Germany largely following Article 15 of the OECD Convention. The allocation rules often assign the Member State of residence the right to levy tax when the employee is working from home, as that is the location at which the work is performed. Exceptionally, the Belgium-Germany Tax Convention has a protocol on cross-border workers under which the income of a cross-border worker who lives in a border area, works in the other Member State and returns to the Member State of residence on a daily basis is taxed in the Member State of residence.<sup>26</sup>

In many ‘classic’ cases of frontier work, working from home some or all of the time would therefore lead to a full or partial shift of the right to levy taxes from the Member State of employment to the Member State of residence.<sup>27</sup>

### Compulsory insurance

An important principle of Regulation (EC) No 883/2004 is that the worker is subject to the legislation of only one Member State.<sup>28</sup> If a person is working from home by choice or by requirement, they are performing work in fact in both the Member State of residence and the Member State of employment. This means that the worker performs work simultaneously in two or more Member States, a situation regulated by Article 13(1)(a) of Regulation (EC) No 883/2004 in conjunction with Article 14(8) of Regulation (EC) No 987/2009. The allocation rules state that the legislation of the Member State of residence applies to the worker if they spend 25% or more of their working time in the Member State of residence or receive 25% or more of their salary in the Member State of residence. Therefore, for many ‘classic’ cases of cross-border workers, the applicable social security cover shifts again from the Member State of employment to the Member State of residence if the worker works from home for a considerable amount of time (for example, two out of five working days).

### Mismatch between tax and social security

Working from home can result in a mismatch between tax and social security contributions, see table 4. For example, the right to levy taxes may be allocated to a Member State that is not the State in which the worker must take out compulsory social insurance.

Table 4: Allocation of the right to levy taxes and contributions dependent on how much the worker works from home.

Working from home	Tax contributions	Social insurance contributions
<b>100% working from home</b>	Member State of residence	Member State of residence
<b>100% Member State of employment</b>	Member State of employment	Member State of employment
<b>4 days/week working from home, 1 day in Member State of employment</b>	Member State of residence/ Member State of employment	Member State of residence
<b>4 days/week in Member State of employment, 1 day working from home</b>	Member State of residence/ Member State of employment	Member State of employment

26 Article 11, Final Protocol Belgium-Germany Treaty: ‘The border area of each signatory Member State is defined on both sides of the common border of the two States by an imaginary line drawn twenty kilometres from the border, on the understanding that the municipalities intersected by this imaginary line are included in the border area.’

27 Please note that if the employer is a government institution, for example a Dutch university, then according to the Dutch position the State of employment, i.e. where that institution is located, is entitled to tax the frontier worker’s income, even if she/he works from home.

28 For example in Article 11 of Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.



This mismatch between tax and social security contributions can be either disadvantageous or advantageous depending on the differences in tax and contribution rates in different Member States. If contributions in the Member State of residence are higher than in the Member State of employment, this may also result in higher financial burdens for the employer. Additional consequences may occur in the form of an increased administrative burden, loss of tax credits, decoupling of non-statutory social security, and a shift in health insurance cover.

From a financial and administrative point of view, working from home can therefore have major consequences for both employer and employee. This is also reflected in table 5 below, which shows a simplified example of a single cross-border worker with an average income.<sup>29</sup>

Table 5: Consequences of working from home (example of a single cross-border worker)

<b>Social security in Member State of residence</b>	<b>Resident in BE Employed in NL 60% of time worked in NL, 40% in BE</b>	<b>Resident in BE Employed in BE 100% of time worked in BE</b>	<b>Resident in NL Employed in BE 60% of time worked in BE, 40% in NL</b>	<b>Resident in NL Employed in NL 100% of time worked in NL</b>
Gross salary	€ 36.500	€ 36.500	€ 36.500	€ 36.500
Tax in NL	€ 77	€ 0	€ 0	€ 2.282
Tax in BE	€ 3.065	€ 7.299	€ 2.212	€ 0
Contributions	€ 4.771	€ 4.771	€ 6.661	€ 6.661
Rebate in compensation scheme	€ 0	€ 0	€ 0	€ 0
Net	€ 28.587	€ 24.430	€ 27.627	€ 27.557
Employer contributions	€ 9.125	€ 9.125	€ 6.290	€ 6.290
Wage costs	€ 45.625	€ 45.625	€ 42.790	€ 42.790
<b>Social security in Member State of employment</b>	<b>Resident in BE Employed in NL 100% of time worked in NL</b>	<b>Resident in BE Employed in BE 100% of time worked in BE</b>	<b>Resident in NL Employed in BE 100% of time worked in BE</b>	<b>Resident in NL Employed in NL 100% of time worked in NL</b>
Gross salary	€ 36.500	€ 36.500	€ 36.500	€ 36.500
Tax in NL	€ 2.282	€ 0	€ 0	€ 2.282
Tax in BE	€ 332	€ 7.299	€ 7.299	€ 0
Contributions*	€ 6.661	€ 4.771	€ 4.771	€ 6.661
Rebate in compensation scheme	€ 0	€ 0	€ 0	€ 0
Net	€ 27.225	€ 24.430	€ 24.430	€ 27.557
Employer contributions	€ 6.290	€ 9.125	€ 9.125	€ 6.290
Wage costs*	€ 42.790	€ 45.625	€ 45.625	€ 42.790

29 Derived from the work for the b-solutions report *Working from home*.

**Alongside the personal financial consequences, the increased costs and associated complexity of working from home can be an obstacle to working as a cross-border worker, employing cross-border workers, and facilitating working from home for this category of worker.** This has implications for the sustainable socio-economic development of the cross-border labour market as a whole.

### **European integration: a ban on working from home?**

In order to avoid financial consequences, employers could conceivably make a distinction between resident and non-resident workers and thereby deny cross-border workers the opportunity to work from home. The proposed laws raise the important question of whether employers are permitted to make this distinction. The Dutch act provides for an exception for a 'compelling business or service interest': the explanatory memorandum to the legislation refers to, among other things, serious problems of a financial or organizational nature. It is not known whether these cross-border effects of working from home fall under this category; however, this could impede the free movement of workers. In addition, the question arises whether, if working from home is qualified as a right, it should be considered a 'social advantage' under Regulation (EU) 492/2011. In that case, it is likely that the non-discrimination provisions would prevent such a social benefit from being conditional on residence.

### **Cross-border policy on working from home**

In view of both European integration and the socio-economic development of both cross-border workers and border regions, it is not desirable to allow the cross-border effects of working from home to occur or to deny cross-border workers the opportunity to work from home. Especially from the perspective of cohesion within the Euregion, these effects do not do justice to the equality between cross-border workers and their colleagues (or neighbours) who are not cross-border workers. It is therefore encouraging that a working-from-home tax protocol for cross-border workers is being explored bilaterally. The Netherlands and Germany are investigating such an arrangement, in line with an commitment undertaken by the Dutch state secretaries of finance towards the Dutch House of Representatives.<sup>30</sup>

In order to avoid mismatches, holistic action should be taken with regard to both tax and social security. The chances of success in the short term by reviewing Regulation (EC) No 883/2004 are minimal. More promising are the possibilities offered by Article 16 of Regulation (EC) No 883/2004 for cross-border workers as a group or by Article 8(2) of Regulation (EC) No 883/2004 via bilateral or multilateral treaties. Such solutions can be integrated into existing governance structures.

<sup>30</sup> See, inter alia, the Spring Letter on Tax Motions and Commitments 2021 of the Dutch House of Representatives, Kst-35570-IX-45 (parliamentary paper) - Voorjaarsbrief fiscale moties en toezeggingen 2021 Tweede Kamer, kst-35570-IX-45.

### 3.3. Dossier 3: The effects of national coronavirus crisis management on cross-border crisis management in the Euregio Meuse-Rhine (follow-up study)

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#### **Introduction**

As in 2020, the effects of the coronavirus crisis have again been investigated as part of the ITEM Cross-Border Impact Assessment. This year, the investigation focused on the consequences of national crisis management on collaboration in the border region in the areas of the various local and regional crisis teams. It remains too premature to make any fundamental statements on the socio-economic effects in the border region. This became clear in 2020 due to a lack of data. After the first wave of coronavirus in spring 2020 was characterised by impairments to cross-border mobility with associated problems for residents in the Euregio Meuse-Rhine, national governments, together with the regional government of the State of North Rhine-Westphalia, succeeded in preventing similar impairments from occurring in subsequent waves. Consequently, fewer questions have since been raised regarding European freedom of movement rights and the potential discrimination of border residents, which is examined within the context of impact assessments in respect of EU integration. In terms of cross-border coordination of financial assistance for groups such as the self-employed, there has been no significant change since the first wave either. Accordingly, the focus of the investigation was, as stated, on the effects for Euregional crisis management. The report is based on a study carried out in 2020/2021 as part of the INTERREG project 'Pandemic'.<sup>31</sup> In this context, ITEM worked with colleagues from Leiden University and Ockham IPS to assess cross-border crisis management, particularly with regard to areas of tension between national governance and Euregional necessities.

#### **Effect on Euregional crisis management as an expression of Euregional cohesion**

As in the first wave, it did not prove possible to coordinate national (regional) measures as the crisis progressed. In practice, this meant that there was no synchronisation in the closure and opening of shops, schools, and other facilities or in the rules regarding curfews in the cross-border region. Specifically, it was not possible to coordinate exceptions from certain regulations for residents in that region. This led to complexity with regard to the various rules, demonstrated by the fact that on 24 August 2021, the EMRIC Network<sup>32</sup> sent out the 111th edition of its regular overview of measures.<sup>33</sup> This meant that details or key principles underpinning Covid measures in the three Member States (or the corresponding regions of North Rhine-Westphalia, Flanders, and Wallonia) were changed every few days. Characteristic for this development is the statement by representatives of EMR and EMRIC that there was so much to do to resolve the practical problems arising from the different measures that actual cooperation in the healthcare sector suffered as a consequence.

One indicator for the coordination of measures is the occurrence of infection. It could be assumed that cross-border coordination of policy and geographical proximity could cause some convergence in the progression of infections. The persistently differing infection rates for the sub-regions of the EMR, however, reflect the extent to which crisis management in the Euregio Meuse-Rhine was characterised by national measures. The respective regional figures (see Figure 4 below), in fact, attest to the fact that the occurrence (and recording) of infections was influenced by national measures alone, whilst geographical proximity played a lesser role.

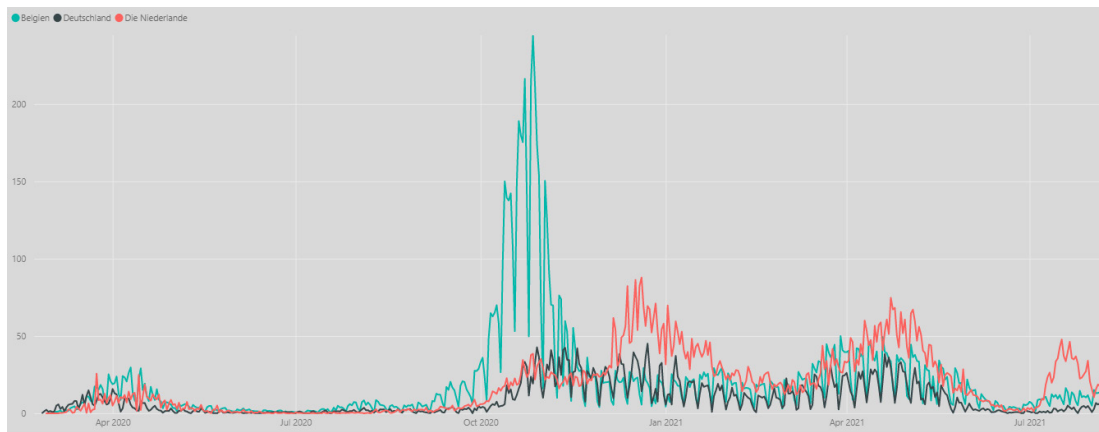
In this respect, the national measures also dominated the regional progression of infections in the sub-regions of the EMR. For example, the noticeable spike in infection rates for Belgium around October 2020 are also reflected in the Belgian areas of the EMR. The same is true of the spike in figures for the Netherlands during the second and third waves when compared with North Rhine-Westphalia/Germany. The unique spike in July 2021 - following political decisions in the capitals in spring - when compared with Belgium and Germany again is visible in the Dutch areas of the EMR. We can, therefore, conclude that the sub-regions of the EMR follow the national figures over time.

<sup>31</sup> See [www.pandemic.info](http://www.pandemic.info).

<sup>32</sup> See [www.emric.info](http://www.emric.info).

<sup>33</sup> See <https://pandemic.info/nl/maatregelenoverzicht-nl/> (only available in Dutch, German and French).

Figure 4: Covid-19, 7-day incidence for the Euregio Meuse-Rhine, March 2020 to August 2021 (Red - Dutch area, green - Belgian area, black - German area).



Source: Pandemic

A further indicator for integrated crisis management is the exchange of medical capacities, particularly intensive care beds. The alignment of national strategy to national capacities in the healthcare sector, as established in the first report issued in 2020, also manifested in subsequent waves. The exchange of patients in need of intensive care remained the exception in the second and third waves as well. It was dominated by national/regionally overarching agreements and coordination and not by structural cooperation between Euregional partners in healthcare (as represented in the EMR by the EMRIC Network). In effect, the relevant actors in the EMR viewed the overarching coordination of cross-border intensive care beds rather as a hindrance, as it was centrally coordinated from Münster in NRW, for example. This form of coordination was not designed geographically to ensure cross-border care of patients closer to home in the EMR, but it was more emergency-oriented and designed to cushion national capacity problems. In the second and third waves, too, political agreements on the exchange of patients were motivated by concerns about national bottlenecks and much less by structural cooperation.

For this prolonged crisis, then, it is characteristic for cross-border solidarity to play a positive role only in emergency situations. When hospitals in the town of Liège were nearing their capacities in October 2020, it was possible to transfer patients to North Rhine-Westphalia, to Uniklinik Aachen, for example. This was made possible thanks to positive relationships between players at the political level of the EMR and existing cross-border cooperation between hospitals. Nevertheless, it cannot be said that there was any structural exchange of patients close to the border during the second and third waves.



### **Quality and responsibilities of cross-border crisis teams**

In terms of the organisation of crisis management, further questions addressed the quality and responsibilities of different cross-border bodies. Indicators here were their tasks, working methods, and the practical results.

As in the first wave, the Coronavirus Taskforce, set up at governmental level between Belgium, the Netherlands, and North Rhine-Westphalia (Lower Saxony and Rhineland-Palatinate were affiliated), was able to support the exchange of information. It became clear that the proactive coordination of national measures was not one of the responsibilities, but that information and consultation were in the foreground. In this respect, it was not possible to prevent the problems and uncertainties that arose for commuters, such as testing, quarantine, and registration requirements, because of the introduction of national measures at short notice. Most noticeable was how the introduction of obligations at short notice caused a lack of information and uncertainty among citizens and authorities alike. This in turn led to situations in which, as an example, cross-border information points (*GrenzInfoPunkte*) were unable to sufficiently inform border residents of which rules were in force and when. The reason behind this was an often uncertainty regarding applicable information. border information points and Euroregions were able to signal these problems through direct access to the Taskforce, but delays in the provision of information repeatedly caused uncertainty.

The unreliability of information provision clearly demonstrated the importance of the contacts in the EMRIC Network and EMR, which the partners had built up over many years. During the crisis, experts at crisis team level were therefore able to rely on the structures of EMRIC. Its office effectively turned into a headquarter for the exchange of information, also because the weekly overview of national measures represented a wealth of cross-border knowledge. In the process, EMRIC and the EMR Secretariat took on tasks in the area of local cross-border crisis management that were not actually provided for in their terms of reference. This was achieved mainly through informal contacts, due to a lack of formal authority. Consequently, there was informal crisis management at expert level.

What was missing, however, was a place for Euregional crisis management at the political level. The political leaders of the crisis teams (such as Dutch security region [*Veiligheidsregio*, NL] or the district/city crisis teams) did not have a platform of regular political exchange and anticipated coordination of measures. Accordingly, In this sense, there was also a lack of Euregional political coordination with regard to the work of the Taskforce. Likewise, the investigation revealed a lack of vertical integration of the regional crisis teams with the Taskforce. This means that although EMRIC and EMR were able to communicate with the Taskforce at the technical level, there was no structural exchange within the Taskforce's respective national framework to the respective regional or local crisis teams. This meant that politicians at regional level had little contact with the Taskforce. In short, there was both a lack of vertical connection from national to regional crisis management at national level as well as a lack of a political Euregional crisis team at Euregional level.

Surprisingly, further unprecedented complexity of rules, which were subject to frequent change, also characterised the second and third waves of the pandemic for residents in the cross-border region of the EMR, and particularly for cross-border commuters. As late as July/August 2021, the rules on border crossings changed weekly, and the quality of information provision on the part of the national authorities showed considerable deficits.

## Classification of the individual phases

The full report is dedicated to the different problem situations during the various waves of the coronavirus pandemic, as summarised below.

Table 6: Characteristics of the various waves in the Euregio Meuse-Rhine

	Time	Characteristics
<b>First wave</b>	March 2020 to June 2020	Restrictions on cross-border mobility, especially along the Belgian border. Establishment of national processes. First (ad hoc) exchange of patients. Establishment of Coronavirus Taskforce at ministry level (NRW/BE/NL). Lack of harmonisation of national measures (time of shop closures, travel recommendations, enforcement, and fines). Resolution of some occurring problems and maintenance of cross-border mobility for cross-border commuters (e.g. in the healthcare sector), resolution of problems relating to cross-border mobility of families and in other cases.
<b>Second wave</b>	October 2020 to February 2021	Avoidance of cross-border restrictions. During the second wave, borders remained open, but neighbouring countries implemented many uncoordinated, restrictive measures such as mandatory negative test results, mandatory quarantine, and travel bans or negative recommendations for non-essential cross-border travel. The second wave was also marked by an extraordinarily high peak in infections in Belgium, which led to a critical situation in intensive care capacities in the province of Liège and to ad hoc exchange of patients from Eupen and Liège to hospitals in Belgian Limburg and Aachen. During the wave, misunderstanding arose around the different rules on curfews, etc.
<b>Third wave</b>	March 2021 to June 2021	Continued lack of harmonisation of restrictive measures such as mandatory negative tests for arriving travellers and quarantine regulations. Inconsistencies in the timing and legal framework of regulations. Inconsistencies in the rules on exceptions for short trips over the border (24-hour rule applied in Germany only). Quarantine requirements were also introduced in the Netherlands. Implementation of the regulations was not, however, regulated by law and enforceable until the legal regulations were amended in June 2021. A lack of information amongst cross-border commuters on the regulations when Germany classed the Netherlands as a high-risk country on 5 April and problems arose as a result of the costs of tests. Downgrade of Germany by the Netherlands from a high-risk country to a low-risk country with effect from 10 June. Starting on 27 June, Germany ceased to consider the Netherlands as a high-risk country. Later in July, the opening policy in the Netherlands did not match German or Belgian restrictions and at the end of July resulted in a rapid fourth wave of infections and in Germany again upgrading the Netherlands to a high-risk country with stricter measures, including quarantine and testing requirements. Infection rates in the Netherlands fell quickly at the beginning of August, resulting in a loosening of measures by Germany.
<b>Fourth wave</b>	August 2020 to present	Figures for BE and DE began to rise steadily at the beginning of August. Figures for the Netherlands stabilised at the level of Belgian infection rates, with its downward trend coming to an end around 15 July. Infection rates in North Rhine-Westphalia were rising more quickly than in Germany as a whole. Higher figures in the German area of the Euregio Meuse-Rhine at the end of August when compared to Dutch areas. <sup>34</sup>

34 Positive tests per week and 100,000 residents on 24 August 2021: city region of Aachen 107, Heinsberg district 116, Düren district 93, South Limburg 70, Province of Limburg (BE) 70, Province of Liège 100. Source: <https://www.coviddashboard.nl/covid-19-in-nederland-belgie-duitsland/>.

## Conclusions

As was the case with the investigation into the first wave, the follow-up study showed that the systemic national orientation of measures sometimes counteracted the Euregional solidarity. Euregional actors, such as the EMRIC Network, were not set up for a crisis of this scale and for this length of time, primarily because of a lack of protocols and detailed agreements for a pandemic crisis. Consequently, an important task once the crisis is over will be to develop cross-border protocols and agreements for pandemics in the Euregion, and to structure cross-border cooperation between players in the healthcare sector. This is the only way to ensure flexibility for cross-border cooperation in the future, in spite of national crisis management. This will only be possible with the full support of national and regional governments.

- The active role of crisis management was taken over by national authorities, overlaying the role of Euregional players.
- In the second and third waves, too, the joint NRW/NL/BE Taskforce did not contribute to joint decision making and coordination of measures, but served only as a point of information/advice. EMRIC/EMR supplied input for the Taskforce, but there was no direct vertical political coordination between the regional crisis management teams and the Taskforce.
- In many cases, regional and local players at political level often did not know their contact persons (responsibilities/mandate).
- There was also a distinct lack of a joint narrative/framework concept for cross-border pandemic management at national government level (except that, after the first wave, the borders remained open).
- EMRIC did manage to succeed in the exchange of information on national measures, but there was a lack of joint analysis and follow-up measures.
- With support from EMRIC and EMR, many practical problems that could be attributed to a failure to coordinate national measures were tackled and resolved ('repair efforts').
- Differences in data, data systems, and dashboards hampered communication.
- During the crisis, there was no joint reflection with respect to experiences (with the exception of the two Pandemic mini conferences).

## Key recommendations

- There was and remains a need for a joint, cross-border map/dashboard with joint definitions for the Euregio Meuse-Rhine.
- There is a need for a future cross-border Taskforce at government level with a genuine mandate for proactive coordination of national measures and with clear vertical integration with crisis management teams in different Euregions.
- There is a need for a current inventory of relevant contacts in each region/country in the respective crisis teams.
- There is a need for a Euregional crisis management structure, a location, a mandate, and personnel with a limited number of relevant experts and decision makers (under the umbrella of EMR or BENELUX).
- There is a need for an EMRIC unit with authority that can act as an information platform. Development of new agreements or protocols for cooperation in pandemic situations - e.g. cross-border solidarity mechanisms for intensive care capacities.

### 3.4. Dossier 4: Is the EU Patients' Rights Directive fit for providing well-functioning healthcare in cross-border regions? An ex-post assessment

*Susanne Sivonen*

#### **Introduction**

Although cross-border healthcare is essential especially for border regions, the differences among Member States and, in particular, among their health systems, may cause barriers to its citizens in accessing healthcare or other services in a cross-border setting. In the light of the objectives of Socio-economic/Sustainable Development, European Integration and Euregional Cohesion, this dossier examines the current challenges in cross-border healthcare and the mismatches of public health systems in the (cross-)border regions of Belgium, Germany, and the Netherlands. Since the Patients' Rights Directive 2011/24/EU provides legislation on the access to cross-border healthcare in the European Union, the analysis focuses on an ex-post assessment of this law's border effects. The underlying assumption is that cross-border healthcare is an essential element in cross-border regions to provide adequate living conditions for its citizens, since otherwise the individual national border regions suffer from shortcomings due to its remote geographical situation from national centres.

From this perspective, this dossier is an exploratory study and seeks to examine various obstacles arising in cross-border healthcare based on the benchmark of what amounts to well-functioning healthcare in cross-border regions (see table 7 below). Under the objective of Socio-Economic Development, the dossier assesses which mismatches between the respective public health systems have an effect on the mobility of citizens of (cross-) border regions. In relation to the European Integration objective, this dossier examines the state of play of the EU-level framework on cross-border healthcare. The dossier will analyse whether Directive 2011/24 is fit for purpose in light of the special characteristics and needs of cross-border regions. Considering the Directive's potential for providing solutions to the border obstacles to the peculiar needs of patients' mobility in cross-border regions, the dossier will conclude with a discussion on cross-border cooperation under the objective of Euregional cohesion. It will thus identify best practises of organising healthcare in a cross-border context.

As regards the geographical delimitation of the analysis, it is relevant that healthcare is a national prerogative. Therefore, the relevant border region under examination here comprises all the border regions shared between Belgium, the Netherlands and Germany.

#### **Socio-economic/Sustainable Development: Mismatches between the public health systems**

In these border regions, citizens often seek healthcare services across the border due to their geographical proximity. Access to well-functioning healthcare in cross-border regions not only contributes to the well-being of its population, but also is of essence from the aspects of economic, social, and territorial development and sustainability of these regions. However, due to their peripheral location and rising difficulties such as aging population, cross-border regions may be more vulnerable and face additional obstacles than non-border areas. Moreover, the COVID-19 crisis has reaffirmed the importance of cross-border cooperation in healthcare.<sup>35</sup>

In the field of public health, the European Union has a mere coordinating role. The organisation, delivery and financing of healthcare remains the competence of EU Member States<sup>36</sup>, leading to diversity and differences between the respective health systems. The high mobility of citizens in border regions combined with the differences in health systems is nevertheless not always without obstacles. The casuistry of ITEM and the Border Information Points (GIP) is rich in examples that illustrate barriers to people's free movement in a cross-border fashion resulting from the structural mismatch of national public health systems. Therefore, this dossier seeks to explore which (type of) mismatches between those public health systems adjacent to the Dutch border may commonly cause obstacles to cross-border use of healthcare provision.

35 Communication from Commission: Guidelines on EU Emergency Assistance in Cross-Border Cooperation in Healthcare related to the COVID-19 crisis, C(2020) 2153 final. See also Dossier 3.

36 Article 168 TFEU.



An illustrative example of these obstacles is provided by the region Zeeuws-Vlaanderen, located in the Netherlands on the border with Belgium. The shrinking and aging population of the region brings a unique set of problems causing the deterioration of (available) public healthcare. Habitually, Belgian inhabitants have been seeking care across the border in the Netherlands due to its territorial proximity. However, it has been reported that there is an obstacle hindering the cross-border access of Belgian residents to Dutch healthcare services. Often residents of and insured in Belgium are unable to receive reimbursements for their planned medical care in the Netherlands, for which they need a permission from their Belgian health insurance company. As a result, the cross-border access to healthcare for inhabitants of the border region is limited and may further contribute to the deteriorating availability of healthcare on that side.<sup>37</sup>

This example is one among many daily situations that demonstrate the diversity of healthcare systems and the numerous challenges that can arise from them in a cross-border setting. It follows the question to what extent the EU's system of enhancing the free movement of patients addresses these challenges, which are peculiar to cross-border territories.

### **European Integration: Cross-border healthcare within the EU legislative framework**

Although the organisation of healthcare is the competence of the Member State, there is nonetheless EU level-legislation that deals with cross-border healthcare. One can find, on the one hand, the European social security coordination Regulations (Regulation 883/2004 and Implementing Regulation 987/2009), and on the other hand the Patients' Rights Directive 2011/24 (based on case law from the Court of Justice of the EU). These instruments both regulate a variety of situations, laying down rules and conditions under which cross-border healthcare may be sought and reimbursed.<sup>38</sup> In contrast to the Regulations<sup>39</sup>, the Directive furthermore strengthens co-operation in prescriptions, rare diseases and on health technology matters.<sup>40</sup> It, too, provides rules on complaint procedures and sets the rights of patients: the right to receive information and the right to medical follow-up.<sup>41</sup> As its main objective, the Directive aims to ensure patient mobility, facilitate access to safe and high-quality cross-border healthcare, and promote cooperation on healthcare between the Member States.<sup>42</sup>

Ten years after its adoption, the EU Patient Directive is currently under evaluation by the European Commission. Next to assessing whether the Directive operates efficiently, the Commission also focuses on mutual assistance and cooperation in healthcare in border regions.<sup>43</sup> In a similar vein, this dossier evaluates the effect of the Directive on patients' rights and cross-border cooperation between Member States. The practical cases under the theme of Socio-Economic Development provide useful examples to classify the type of border obstacles that affect cross-border regions in particular and compare them with the Directive's provision. It is important to evaluate whether these obstacles of cross-border healthcare arise from shortcomings of the EU legal framework: some do, whilst others occur in a purely national legal setting.

### **Euregional Cohesion: The EU Patients' Rights framework fit for purpose?**

Eventually, the dossier seeks to answer how the Directive could pay more attention to the needs of cross-border regions and furthermore promote the establishment of well-functioning healthcare in border regions. Are its provisions apt to meet the particular requirements of border regions' residents? Can it, in its current design, accommodate the special characteristics of cross-border regions? These questions go hand in hand with the question if and how the type of border obstacles, mentioned at the beginning, could be solved in a structural rather than the usual ad hoc manner, which is often dependent on the involved authorities' good will. More specifically, then, the dossier will also examine how these obstacles could be overcome by the regional authorities and identifies the best practises of organising healthcare in a cross-border context.

37 B-solutions: Final Report by the Expert, 'Cross-border healthcare and the reimbursement of cross-border healthcare costs - Provincie Zeeland' 2021.

38 See Chapter 1 Regulation 883/2004, Chapter III Directive 2011/24.

39 Compared to the Directive, the Regulations have a broader scope on facilitating free movement of persons. The Regulations coordinate also other benefits than those related to cross-border healthcare, such as unemployment and family benefits.

40 See Chapter IV Directive 2011/24.

41 See Chapter II Directive 2011/24.

42 Recital 10 Directive 2011/24.

43 European Commission Roadmap: Evaluation of patients' rights in cross-border healthcare, 14 January 2021.

Table 7: Research themes, principles, benchmarks, and indicators for the evaluation of cross-border healthcare and the mismatches between the public health systems in border regions between BE-DE-NL

Theme	Principles	Benchmarks	Indicator
<b>Sustainable Development/ Socio-Economic Development</b>	<p>Sustainable development</p> <p>Art. 3(3) TEU</p> <p>Internal market</p> <p>Art. 114 TFEU</p> <p>Free movement of persons and services</p> <p>Art. 21 TFEU</p> <p>Art. 56 TFEU</p>	<p>Well-functioning healthcare in border regions from the aspects of economic, social, and territorial development and sustainability</p>	<p>Which type of mismatches exists between the public health systems of BE-DE-NL that commonly cause obstacles to cross-border healthcare provision?</p> <p>What are the special characteristics of cross-border regions and their inhabitants in terms of healthcare?</p> <p>Which are the most common obstacles of cross-border healthcare in border regions?</p>
<b>European Integration</b>	<p>Public health</p> <p>Art. 168 TFEU</p> <p>Art. 35 EUCRF</p> <p>Free movement of patients</p> <p>Regulation 883/2004</p> <p>Regulation 987/2009</p> <p>Directive 2011/24</p>	<p>Citizens of border regions have access to (cross-border) healthcare</p>	<p>When are persons entitled to receive healthcare in another Member State?</p> <p>Are the obstacles identified under the theme Socio-economic development a result of shortcomings of the EU legal framework?</p>
<b>Euregional Cohesion</b>	<p>Strengthening economic, social, and territorial cohesion</p> <p>Art. 174 TFEU</p> <p>Mutual assistance and cooperation between Member States</p> <p>Art. 4(3) TEU</p> <p>Art. 10 Directive 2011/24</p> <p>Rec. 50 Directive 2011/24</p> <p>Art. 76 Regulation 883/2004</p>	<p>Organisation of well-functioning healthcare provision in border regions supported by cooperation of the regional authorities</p>	<p>Is the Directive fit for purpose in light of the special characteristics of cross-border regions?</p> <p>What are the best practises of organising healthcare in a cross-border context? What are the factors of their success?</p> <p>Could the obstacles identified in the themes above be overcome by cooperation of the relevant authorities?</p>

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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 2020 ITEM Cross-Border Impact Assessments

Border effects affecting living and working in cross-border regions in Europe have in recent years rarely been so hard felt as last year during the first lock-down from March until June for the containment of the COVID-19 pandemic. The descent into pro-longed crisis mode has underlined the value of mapping and analysing these effects regarding their repercussions for cross-border mobility and cooperation.<sup>44</sup> The demand for such analysis as a basis for furthering cross-border projects, the transnational cooperation between public authorities and facilitating cross-border work and business is growing. As the European Commission has recently highlighted “Living labs of European integration”-character of the EU Border Regions:

*‘Although border regions are often geographically peripheral and rural, they are places with a high potential for economic growth, encouraged by their cultural and linguistic diversity, complementary competitive advantages, unspoilt nature and less trodden tourism destinations. Their distance from the core can often be compensated by cross-border exchanges with neighbours, cooperation and joint action. For this to happen, border regions need to be at the forefront of and fully benefit from European integration.’<sup>45</sup>*

One of ITEM’s core tasks is to carry out yearly Cross-Border Impact Assessments. With these assessments, ITEM strives to give insight into the effects of new legislation and policy on border regions and on how existing law and policy affect border regions. Since its creation in 2015 ITEM has effectively conducted six 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 2020 report has been able to provide a 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<sup>46</sup> has been the fact that the Dutch Government has made the “Guidelines on cross-border effects” (*leidraad grenseffecten*) an **obligatory** quality requirement integral to the official Integrated Impact Assessment Framework (IAK) for policy and legislation.<sup>47</sup> The Ministry of Interior and Kingdom Relations had already drawn up this document (with recommendation status) in 2019 following the advice and input by ITEM in collaboration with several Dutch

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

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

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

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

ministries. It is published on the web page of the IAK.<sup>48</sup> As dossier 2 (on homeworking) above shows, it is already possible to see this requirement “in action”, as also long-term societal and economic effects of the Coronavirus crisis are having (continuing) cross-border (legislative) repercussions.

From a European perspective, this seems to be the first official requirement to conduct structural cross-border impact assessments incumbent on an EU Member State government. Already early on, ITEM's methodology had been recognised a best practice by the European Commission's Directorate-General for Regional and Urban Policy (DG Regio) in its 2017 Communication *Boosting growth and cohesion in EU border regions*.<sup>49</sup> As ITEM keeps advising the Dutch Government and other authorities on the implementation and enhancement of the Cross-Border Impact Assessment methodology, it also continues to cooperate with the European Commission and other EU institutions. For example, the Netherlands and Belgium (Flanders) have set up an administrative working group on border barriers to seek solutions on legislative bottlenecks in the development of cross-border infrastructure, following an ITEM inventory of cross-border bottlenecks regarding the development of the Dutch-Belgian cross-border harbour North Sea Port in 2019.<sup>50</sup> Recently, the European Commission has recognised this working group as well as the Dutch governmental guidelines as a best practice, too, for improving the legislative process in the context of enhancing policy on border regions.<sup>51</sup> In the same report, the Commission also promotes adopting a 'single' territory-perspective on cross-border labour markets, a view that ITEM has been advocating for many years.<sup>52</sup>

As to the research results of the Cross-Border Impact Assessment of 2020, ITEM organised three (online) workshops in the second half of the year. The first joined impact assessment project conducted 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 - gained particular prominence. This joined study examined the effects of the national COVID-19 crisis management on particular cross-border regions. It also served as a successful test of applying the methodology developed by ITEM in other cross-border regions in the EU. First results were presented at an official event of the European Days of Regions and Cities in Brussels, co-organized by ITEM and its partner institutes from the TEIN network.<sup>53</sup> ITEM and the TEIN-partners later presented the full study in an international workshop in November 2020, discussing the results amongst others with the European Commission and a member of the Provincial-Executive of the Dutch Province of Limburg.<sup>54</sup> A third online workshop also gathered several dozen participants, with whom ITEM discussed the research results of the remaining 2020 dossiers.<sup>55</sup>

As a direct follow-up to the media attention generated by the COVID-19 dossier, ITEM's Coronavirus crisis management report regarding the impact on the Euregio Meuse-Rhine, the cross-border region between Belgium, the Netherlands and Germany generated written questions to the Provincial Government as to the development of the crisis response. Already earlier in the year, ITEM's research endeavours on this dossier had led to a much bigger study. Collaborating with colleagues from Leiden University and the Ockham IPS Institute, in the INTERREG project Pandemic ITEM investigated the cross-border management of the crisis more deeply, in particular with regard to the tension between national governance and Euregional needs. Another dossier, too, generated immediate follow-up last year: The study on the implementation and possible effects of the Dutch Strategy on Spatial Planning and the Environment (NOVI) from a Euregional perspective (dossier 2, ITEM Cross-Border Impact

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

49 COM(2017) 534 final, Brussels, 20 September 2017.

50 See Vlaanderen en Rijksoverheid, 'Niet aanpassen, maar afwijken', Verslag van de bestuurlijke werkgroep grensbelemmeringen, 20 oktober 2020, <https://www.rijksoverheid.nl/documenten/rapporten/2020/10/20/niet-aanpassen-maar-afwijken>; and <https://www.parlementairemonitor.nl/9353000/1/j9vvijsepjmjeyo/vlo8fgwr8uy8>.

51 COM(2021) 393.

52 Ibid. at 9.

53 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. See also the 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.

54 See <https://www.maastrichtuniversity.nl/events/item-online-workshop-20nov2020-crisis-border-regions-first-wave>.

55 See <https://www.maastrichtuniversity.nl/nl/events/item-online-workshop-04dec2020-item-grenseffectenrapportage-2020?view=overlay>.



Assessment 2020). Continuing the collaboration with our partners at Fontys, ITEM followed suit with a research on the potential cross-border options for informing the Dutch Province of Limburg's strategic planning in relation to the NOVI. This in turn has led to ITEM's membership in a corresponding thematic working group chaired by the Limburg Province and the city region Parkstad.

Next to generating political and hands-on follow-up, also the ITEM Cross-Border Impact Assessment methodology has gained publicity and further traction.<sup>56</sup> The concept of ITEM's approach on regulatory government led to an article for the latest handbook on "Territorial Impact Assessment" edited by Prof. Eduardo Medeiros (Instituto Universitário de Lisboa) and published by Springer in 2020.<sup>57</sup> In September 2020, ITEM contributed a presentation to the online version of the Centre for Cross Border Studies' Annual Conference, located on the isle of Ireland.<sup>58</sup> Furthermore, this year ITEM has co-organised a EU Regions Week workshop on "Evaluation and assessment of EU policies: how to strengthen the voice of cross-border regions?", together with the European Committee of the Regions (CoR) on 13 October 2021. It thus actively promotes the development of the Committee's "Fit for Future platform" as an essential tool for regional input into EU policy assessment and evaluation. On the same line, the CoR's Regional Hub network (RegHub) is a recent approach to better integrating the expertise of regional administrations. The workshop served to examine how RegHub can include cross-border perspectives.<sup>59</sup>

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

56 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, 2019, No. 26, pp. 10-13: [https://issuu.com/blizejbrukseli/docs/26\\_closer\\_to\\_brussels\\_-\\_cross-border\\_cooperation](https://issuu.com/blizejbrukseli/docs/26_closer_to_brussels_-_cross-border_cooperation).

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

58 M. Unfried, Presentation "Healthy co-dependencies: Coordination across borders in response to COVID-19 and beyond Brexit", 25 September 2020. See <https://crossborder.ie/conferences/ccbs-21st-annual-conference/>.

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

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

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