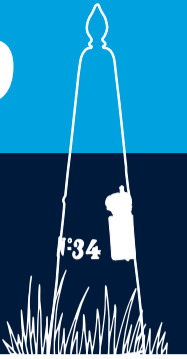


ITEM CROSS BORDER IMPACT ASSESSMENT 2019

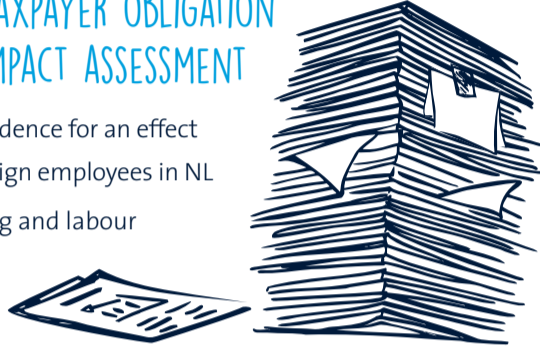


With its annual Cross Border Impact Assessment, ITEM provides more insight into the effects on cross border regions of European and national legislative and policy initiatives. The report is intended as a valuable tool for policymakers at regional, national and European level in making decisions regarding (cross-) border regions. In particular, these impact assessments help to identify existing or future cross-border effects and thus contribute to the political debate. In addition, the results of the examination of individual dossiers allow for timely adaptation of legislative proposals while they are still pending.

1. THE 90% RULE

THE QUALIFYING FOREIGN TAXPAYER OBLIGATION (90% RULE): AN EX POST IMPACT ASSESSMENT

- Follow-up analysis finds no evidence for an effect of 90% rule on number of foreign employees in NL
- No evident changes in housing and labour mobility



NONETHELESS, ADMINISTRATIVE BURDENS FOR NON RESIDENT EMPLOYEES

2. PUBLIC SERVANTS' LEGAL STATUS WNRA

"THE SOCIAL SECURITY AND PENSION SITUATION OF CROSS-BORDER PUBLIC SERVANTS AFTER THE IMPLEMENTATION OF THE DUTCH ACT ON THE LEGAL STATUS OF PUBLIC SERVANTS (WNRA)"

- Ex ante analysis: likely negative repercussions for cross border workers in the Netherlands, especially in education sector
- The new law's future effects (from Jan 2020) on social security and pension situation of cross border civil servants will be considerable, while the extent of its full effects still remains unclear
- Legislator should give more insight



EMPLOYER AND EMPLOYEE INSUFFICIENTLY INFORMED

3. EUROPEAN CROSS BORDER MECHANISM

"EUROPEAN CROSS-BORDER MECHANISM' (ECBM) AN EX ANTE EVALUATION OF CROSS BORDER IMPACT FOR RESOLVING BORDER OBSTACLES IN BELGIAN, DUTCH, AND GERMAN BORDER REGIONS"

- Proposed ECBM aims to remove cross border obstacles (legal and administrative) caused by national legislation conflicts
- New exceptions for adopting legal provisions of another Member State during joint project
- Strengthening legal toolbox for cross-border cooperation considerably, and cross-border governance (Border Coordination Points)
- Empowerment of transnational actors in cross-border cooperation (project initiators)



EXPECTED CONCRETE GAINS FOR JOINT PROJECTS (TIME & COSTS), IMPROVING CROSS BORDER INFRASTRUCTURE AND SERVICES OF GENERAL ECONOMIC INTEREST

4. INTERREG 'GOVERNANCE'

'GOVERNANCE' UNDER THE NEW INTERREG REGULATION 2021-2027

- 'Governance' as a new binding objective in European cross-border cooperation
- Dossier investigates different understandings of broad concept
- Yet, differing views on implementation result in differences in realisation plans - anticipated but more communication needed
- Room for innovation to overcome shortcomings 'project mode' (potentially) towards more enduring cross-border cooperation structures

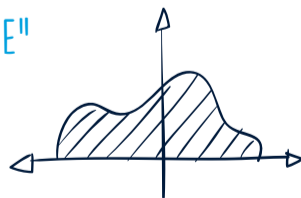


CONSENSUS AMONG STAKEHOLDERS THAT 'GOVERNANCE' IS ABOUT BUILDING CROSS-BORDER INSTITUTIONAL CAPACITY AND SUSTAINABLE COOPERATION STRUCTURES

5. CROSS BORDER DATA MONITORING

"CROSS-BORDER MONITORING A REAL CHALLENGE"

- Lack of data hampers the development of border regions
- Statistical institutes should be mandated and facilitated to provide cross-data on a structural basis
- Supported by a European specialist network based on voluntary participation
- Cooperating with international organisations and coordinated with other cross-border monitoring initiatives



STRUCTURED SUPPLY OF LOW REGIONAL DATA REQUIRED FOR CROSS-BORDER MONITORING

6. EU WATER QUALITY AND MANURE QUOTAS

"CROSS BORDER EFFECTS OF THE EU NITRATES DIRECTIVE AND MANURE QUOTAS BETWEEN THE NETHERLANDS AND GERMANY" (STUDENT DOSSIER)

- Violation of groundwater quality likely to be linked to cross-border manure trade (illegal manure imports might cause/increase groundwater problems)
- Lack of data on cross-border manure trade and fraud
- No changes in nitrates pollution in NL-DE border region despite revisions on the implementation of the EU Nitrates Directive



WATER POLLUTION ACTUALLY INCREASING IN GERMAN PROBLEM ZONES, GOVERNMENT FACING IMMINENT FINES