

AUTOSAISINE



CROSS-BORDER LIVING AREAS,
LABORATORIES FOR
EUROPEAN INTEGRATION

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CESER OPINION AND REPORTS

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01. REPORT

INTRODUCTION

Facilitated by the disappearance of physical borders, close cross-border relations have been forged in many places in the European Union, and in particular in the French Grand Est region. Territories with a high level of cross-border integration have thus formed naturally, overriding cultural and linguistic differences. In 2020 the public health crisis due to Covid-19 suddenly and completely threw the status quo into turmoil, with far-reaching consequences on the daily lives of the inhabitants of these areas. The existence of cross-border living areas thus became a fact obvious to all.

Yet, whereas a full third of the inhabitants of the European Union (some 150 million people) live near a border, these geographical areas and their specific features are still not officially recognised as such. And their inhabitants continue to be confronted with obstacles of all kinds that their fellow citizens who do not live in the vicinity of a border do not have to deal with.

However, the importance of these areas for the future of European construction is being increasingly recognised within the European institutions. They have acknowledged that access to public services, such as transport, education or healthcare, is often more limited in these areas than in central and capital regions. Pooling services for inhabitants within a cross-border living area would therefore constitute a move towards better, more accessible and better value services.

At national level also, cross-border territories are now being paid particular attention. Thus, the Franco-German Treaty of Aachen (2019) includes a cross-border dimension which did not feature in its predecessor, the Élysée Treaty (1963). Similarly the Franco-Italian Quirinal Treaty (2021) mentions "common public services" and "cross-border living areas". As for the France's 3DS Law*¹ of February 2022, it devotes a specific section to cross-border cooperation.

In the same vein CESER Grand Est, in its 100 Proposals for a Refoundation adopted in January 2021², it emphasises the pressing need to reinforce cross-border cooperation, a major issue in a region with 700 km of international borders with four countries and where more 250,000 workers cross the border to go to work.

That is why, although it is well aware that the notions of "living area" (the original French terms is *bassin de vie*) - and "public service" have specifically French connotations, the CESER wished to study under what conditions a true recognition of cross-border living areas and their public services can take place, in order to make them the spearheads of European integration in the daily lives of the inhabitants of the Grand Est.

¹ Words followed by an asterisk are explained in the glossary on pages 33-34

² <https://e-ceser.grandest.fr/wp-content/uploads/2021/01/2021-01-07-avis-refondation-adopte.pdf>

I. The notion of public service

"In all the European countries, the national, regional or local public authorities have come to consider that certain activities cannot be left to competition law and market rules alone, but that they require specific forms of organisation and regulation [...]. These aims and general interest objectives are at the heart of a value system that characterises all of the European States." (Pierre Bauby – Service public, services publics – La Documentation française – 2011).

Over the course of its history, each State has defined and constructed its own mode of organisation and regulation for "public service" activities. But all the European countries share the same basic public service objectives:

- to guarantee access to essential services (right to education, healthcare, security, transport, energy, etc.) to every inhabitant;
- to implement relations of solidarity and economic, social, territorial and generational cohesion;
- to prepare for the future and long-term economic, social and environmental sustainable development.

1. The French concept of public service

The foundations underpinning the French concept of public service are summarised in the Memorandum **presented by the French Government** at the Intergovernmental Conference held to prepare the Treaty of Amsterdam in 1996:

*"In a market-led economy, the response to the different needs of individuals or businesses is generally provided by private initiative. It is expressed within the framework of the competition rules and different social, tax and technical legislation. The result is an offer adapted to the diversity of demand, with good quality services and appropriate prices. **Certain general interest needs, however, require particular provisions due to their specific nature and the natural limits on the effectiveness of the market.**"*

In France, the expression "public service" can refer to two different things:

- a mission (functional concept), which relates to a general interest activity,
- and a mode of organisation (organic concept) consisting, directly or indirectly, of having these general interest activities carried out by either by public entities (the State, local authorities, public institutions) or private entities subject to the control of a public entity.

Only the functional concept is common to all the European States. The specifically French approach lies in emphasising the organic concept: in France, the term "public service" refers both to the service rendered and to the status of the provider of the service. There is an implicit confusion between status and mission. Thus, **more than other nationalities, the French associate public service with public sector**, even though some of the activities concerned, such as water supplies and cleansing, are provided by private companies.

In French law, a distinction is traditionally made between administrative public services (SPAs) which are entirely subject to public law, and industrial and commercial public services (SPICs) which are subject to a mixed regime and are often the descendants of the great national public services created just after the Second World War. **SPA or SPIC: three principles are common to all the public services, the principles of continuity, mutability and equality.**

- **Principle of continuity of public services**

Public services must continuously satisfy the collective needs. Since the purpose of the activity is to work in the general interest, it may be interrupted only by force majeure, and in accordance with the provisions of the law or regulations. Thus, for example, the workers have a right to strike, but a "minimum service" must be maintained.

- **Principle of mutability of public services**

Public services have to adapt to changes in what is in the general interest and therefore to the needs of the community. The principle of mutability - or adaptation - is linked to that of continuity: as the service has to be continuous, it necessarily has to change to take account of the new circumstances of its exercise. This need to evolve also applies to users, who have to accept changes in the public services.

- **Principle of equality and fairness in the delivery of public services**

All users must enjoy the same benefits; there can be no discrimination within a public service (requirement of neutrality and impartiality). All users in the same objective situation can demand the same services. Nevertheless, the uniform application of this egalitarian principle must not have the effect of increasing social inequality. This means that the most disadvantaged must benefit from special rates so that equality and fairness in the public services are guaranteed.

2. Public service in the countries bordering on the Grand Est

- **In Germany**

Strictly speaking, the notion of public service is absent from German legal terminology. And yet, there are of course activities in Germany that meet the objectives of general interest. These are referred to under the term "Daseinsvorsorge", which first appeared in 1930s. There is no direct translation for this notion in French, but it covers everything that is necessary to the meet the needs of an individual's existence and, often, by extension all that is needed to live a decent modern life in society. The idea of changing needs is therefore present from the outset in this concept, which would be developed with the "Social State" enshrined in the new German constitution of 1949.



Pierre Pflimlin bridge between France and Germany - © Leonid Andronov

The notion of "Daseinsvorsorge" does not refer to a mission of the State. The services it covers can just as well be provided by the State as by public companies or private or semi-public companies, operating

on a competitive playing field. These are often local companies since it was the local authorities that started to provide public services at the beginning of the 19th century. This has meant that the organisation of public services in Germany tends to be geographic rather than sector-based. Whereas in France it generally a national entity that centrally manages the public service in a given sector, in Germany it is often municipal utility companies (*Stadtwerke*) that manage a range of public services across several different sectors (water, electricity, gas, local transport). Certain national services (railways, post, telecom), however, were provided by the State for a long time before being privatised in recent years.

- **In Switzerland**

The public service generally covers all the activities whose aim is to serve society. The goal is the satisfaction of certain needs of the national community from a general interest perspective. It therefore has a function of collective and social usefulness. The public service depends on the State, which bears responsibility for it.

According to the Federal Council in 2004, public service should be understood as *"an offer of quality basic services, consisting of infrastructure, goods and services, accessible to all categories of the population and offered in all the regions of the country at affordable prices and subject to the same conditions"*.



Basel-Huningue-Weil am Rhein Trinational Greenway - © Stadler RGE

At the federal level, these services concern basic services in sectors such as postal services, telecommunications, electronic media (radio and television) and public transport. But a large share of public services are provided by the cantons (education, healthcare, the police, culture) and/or the municipalities (*communes*) (refuse collection, water treatment, sport, etc.).

- **In Belgium**

Both the notion and the institutions and activities it traditionally encompasses go back a long way in Belgium. But it was after the Second World War that they were given a legal basis based on the French theory of public service. In particular the three principles of continuity, mutability and equality are mentioned.

The term public services refers to the missions or activities of general interest that justify the actions of the public authorities. A distinction is made between:

- organic public services: when the general interest mission is carried out directly by a legal person governed by public law created and controlled by the public authorities and the service is carried out by public workers;
- functional public services: when the public authorities delegate the job of carrying out the general interest mission, under their control, to private entities.

- **In Luxembourg**

As in many other countries, in Luxembourg the public services play an important role in terms of economic, social and territorial cohesion. They have a wealth sharing and territorial development role. Even so, the notion of public service does not play a structural role as a criterion of the application of a particular right or as a factor triggering the jurisdiction of the administrative court. The expression "service of general interest" most often refers to the administrative structures in charge of the service.

3. Public service according to the European Union

The fundamental objectives of public service are not discussed and do not feature in the basic values of the European Union. However, the public services according to the EU differ significantly from the French concept. Thus, while France is attached to the involvement of a public entity in charge of implementing the public service mission, the European concept places the emphasis on the ultimate aim of the service of general interest.

- **The notion of service of general interest**

The expression "public service" only appears once in the 1957 Treaty of Rome, when it refers to public service obligations in the field of transport (Article 77). In European jargon, the term is not public services but **services of general interest** (SIGs). However, although European law mentions services of general interest, there is no precise definition of what they are. This is because the EU considers as SIGs the services that the Member States themselves consider as being of general interest.

Thus, in a White Paper on SIGs in 2004, the European Commission describes them as "*both market and non-market services which the public authorities class as being of general interest and subject to specific public service obligations*". And it points out that they are an essential component of the European model of society, which can improve the quality of life of all citizens and combat social exclusion.

Services of general economic interest (SGEIs) are a subcategory of SIGs. Close to the French concept of "industrial and commercial public services", this term refers only to services of an economic nature subject to specific public service obligations (e.g. transport, postal services, energy and communications). They appear from the beginning of the EU, in Article 14 of the Treaty on the Functioning of the European Union (TFEU), the original version of which came into force on 1 January 1958: SGEIs are elevated to the rank of the shared values of the Member States, playing a central role in the "*promotion of the social and territorial cohesion of the Union*".

- **Services of general interest and competition**

EU law having been built around the principles of free trade and competition with the good of the end consumers as its objective, SGEIs are in principle subject to the rules of competition and state aid is prohibited. In fact, in the Treaties on the European Union (TEU) and on the Functioning of the European Union (TFEU), the few stipulations dealing with public services are only presented as exceptions to this cardinal rule and are envisaged in a very restrictive way.

By this importance given to free competition, the European concept of public services differs substantially from the French tradition, which applies a specific branch of the law (administrative law) to them by nature. Furthermore, in France the public services are often organised as monopolies. This organisation did not seem to pose a problem during the first thirty years of the European Union. Then, from the middle of the 1980s onwards, the debate on the completion of the internal market started to question the specific nature of public enterprises. From a perspective marked by neo-liberal ideology, the Commission became more and more critical of the public monopolies, considering that this form of organisation is "*based on a market divided along national lines and is therefore intrinsically incompatible with the Community competition rules*" (22nd Report on Competition Policy – 1992).

This attitude resulted in several Directives that brought an end to the monopolies in certain public services. Begun in the early 1990s, the liberalisation of the telecommunications sector started the ball rolling for this dismantling of the public monopolies. It would be followed a few years later by the liberalisation of the internal electricity and gas market, then by the progressive opening up to competition of postal services and rail transport.

Beyond the specific characteristics of each sector, these processes of liberalisation follow a common set of principles: abolition of the statutory monopolies and territorial exclusivities, allowing third parties access to the networks, accounting separation between the different activities of the monopolies and setting up of regulatory bodies separate to the operators as supervisory authorities.

4. Digitalisation of public services

Digitalisation offers new ways of accessing public services and can simplify access to information and administrative documents for the majority of users. But, as a report of the French Defender of Rights (*Défenseur des droits*) emphasised in January 2019³, it includes a risk of a decline in access to rights and exclusion for many citizens. Indeed, the shrinking number of physical access points as services move online is posing a problem of accessibility for a substantial proportion of the population⁴, who have difficulties using digital tools.

The inhabitants of cross-border areas, for their part, can also face extra difficulties in accessing their rights due to their specific tax and social security regimes.

³ [Report "Dématérialisation et inégalités d'accès aux services publics", 16 January 2019](#)

⁴ 13 million, according to a 1922 Report by the Defender of Rights

In response to this issue of access to public services, the French government has set up a network of public service centres (*Maisons France Services*). All over the country, some 2,000 of these local one-stop shops grouping together several different authorities receive and support the public in their everyday formalities (healthcare, family, retirement, taxes, housing, etc.), in particular in rural areas and the priority neighbourhoods identified in the government's urban policy. On the French-German border, a specific initiative, the "*Maison des services du Rhin supérieur*" (Upper Rhine services centre), plans to create a link between the *Maison France Services* and the German authorities, in conjunction with the INFOBEST* network and an association, *Frontaliers Grand Est*.

In addition, the INTERREG* VI Upper Rhine 2021-27 programme also intends to address the challenges of digitalisation by aiming to make public services more agile and capable of delivering faster and more accurately targeted, visible political, economic and social effects. That is the goal of Administration 4.0.

II. What do we mean by "living area"?

"Living area" is a loose translation of a specifically French term "**bassin de vie**", which was coined by the French statistics office (INSEE) some years ago and has now entered common parlance as well as occurring frequently in political discourse. Indeed, as the setting for political action is necessarily a geographical zone, decision-makers and public authorities need to be able to define the territories where they will implement public policies. Locally, within the inter-municipal structures, the notion of the *bassin de vie*/living area often serves as a communication tool for a project concerning the local area. It is used to demonstrate the will to use divisions that have meaning in the everyday reality of their inhabitants.

In 2003 the *bassin de vie*/living area became a statistical category used by the INSEE to better characterise the "predominantly rural space".

1. The INSEE definition

According to the INSEE, whereas the *bassin d'emploi* (or *zone d'emploi*) - which can be translated as "employment area" - is an area where most of the inhabitants live and work, **the *bassin de vie*/living area constitutes the smallest territorial unit in which the inhabitants have access to basic amenities and services.**

Classified in six main categories (services to individuals, shops, education, healthcare, sport-recreation-culture, transport), these amenities and services are divided into three ranges: local amenities, which are present in a large number of municipalities (e.g.: post office, pharmacy, etc.), those of the "intermediate range" (supermarket, junior high school, etc.) and those of the "higher range" (senior high school, hospital, railway station, etc.).



The INSEE living areas

Living areas are mainly characterised by the intermediate range of amenities. To identify them, the INSEE uses units called "service poles" (municipality (*commune*) or urban unit⁵) which have at least 16 of the 31 intermediate-range amenities. Once these "poles" have been defined, their zones of influence are delimited by grouping the closest municipalities together, proximity being measured by travel time - by road at off-peak times of day. Thus, for each municipality and for each amenity (whether local or intermediate-range) not present in the municipality, the nearest municipality offering that amenity is determined. The result is the outline of the *bassins de vie*/living areas.

Since the zoning system was overhauled in 2012, there have been 1,666 *bassins de vie*/living areas in France (overseas departments (DOMs) included), and 169 in the Grand Est, of which 136 are structured around a medium-sized town or town in the "*bourg-centre*" category (a town/village offering food shops and services to individuals). In 2022 the INSEE started to rework its notion of the *bassin de*

⁵ An urban unit is a municipality or set of municipalities with a continuous built-up area (no gap of more than 200 metres between two buildings) and which has least 2,000 inhabitants.

vie/living area based on the European population density grid. The amenity database will still be used, but this new approach should also allow living areas to be identified in the large urban areas. For it is true that, currently, the *bassins de vie*/living areas only really serve to describe areas that are not densely populated, i.e. represented by urban units with fewer than 50,000 inhabitants. They cannot be used to divide up larger conurbations where all the municipalities making them up have at least 15 amenities and could therefore claim "pole" status.

2. The notion of the living area in our neighbour countries

As we have said the *bassin de vie*/living area is a specifically French notion. However, it does exist in Belgium, or at least it does in Wallonia, where ten living areas have been identified. Thus, the 2012 Walloon Regional Spatial Development Perspective (SDER) defined the *bassin de vie* as "*a reference territory which underpins spatial development issues and projects that go beyond the boundaries of the municipality. It is based in particular on the preferred trips the inhabitants make to access services and infrastructure and shops serving semi-current consumption needs as well as on the regional and local political will to develop a project for that territory. Each living area consists of diverse, hierarchically structured urban and rural poles organising balanced spatial development*".

In **Switzerland**, the Federal Statistical Office defined what it called "*régions MS*" (MS standing for *mobilité spatiale* - spatial mobility) at the beginning of the 1980, then renamed them "*bassins d'emploi*" (employment areas) in 2019. There are now 101 employment areas in Switzerland. Their definition is the same as in France: territories where most of the active population lives and works. They allow analyses to be carried out at an intermediate level, between the cantons and the municipalities (*communes*). In addition, the Franco-Swiss Cross-border Statistical Observatory (OST) and the Franco-Geneva Regional Committee (CRFG) have defined what they call "*territoires de vie*" (living territories), with a view to conducting a study on living conditions in the Geneva area⁶. These living territories are quite close to the French concept of the *bassin de vie*/living area. The main difference is that they include areas with more than 50,000 inhabitants. On the Swiss side, ten living territories have been specifically constructed for this study. It is also worth noting that the term "*bassin de vie*" is used in Switzerland specifically to refer to "border living areas" (or "cross-border"), in particular in connection with the pandemic and its consequences in those areas.

There is no equivalent to the concept of the *bassin de vie*/living area in Germany. It could be translated by the term "*Lebensraum*", literally "biotope" or "living space". But this term has negative connotations: it was used by the Nazis to justify the expansion of Germany towards the East, where the German *Volk* could be united in pursuit of "blood and soil" (*Blut und Boden* ideology). The use of the term "*Verflechtungsraum*", which means something like "intertwined space", will therefore be the most appropriate term.

As for **Luxembourg**, it is something of a special case. Due to its size, the equivalent of half a French Department, and its being wide open to its neighbours, there are few living areas and most of them are cross-border areas.

⁶ (https://www.ge.ch/statistique/tel/publications/2017/hors_collection/ost/Fiche_1_2017.pdf)

3. The living area called into question

Among other objectives, the notion of the *bassin de vie*/living area was intended to be used as the basis for the drawing of the boundaries of the French inter-municipal bodies around 2010. The idea was also that the Prefects would use the *bassins de vie*/living areas to draw up the Departmental inter-municipal cooperation plans provided for by the Law of 16 December 2010.

However, legislation passed more recently, in particular the MAPTAM Law (2014) (clarifying the scope of the different levels of local government) and the NOTRe Law (2015) (on the new territorial organisation of the country), has preferred the notion of "relevant territory". In a report dated January 2015 published prior to the adoption of the NOTRe Law, the General Commission for Territorial Equality (CGET)* pointed out that the notion of the *bassin de vie*/living area was unsuitable for use as the territorial basis of the inter-municipal authorities. Indeed, as it relies only on the existence of amenities accessible within a certain radius, the INSEE definition does not take account of effective



means of access (transport) to these amenities and the uses that the inhabitants make of them. This report therefore suggested a pragmatic approach based on what it calls "*territoires vécus*" (lived territories), relying on the logic of commuting to work and the catchment areas of certain specific amenities (junior and senior high schools, crèches, care homes for the elderly).

Regiolis cross-border train - © Stadler RGE

Even aside from this semantic evolution acknowledged by the State, the *bassin de vie*/living area has been widely questioned for some years. It is accused of inducing a spatial rigidity that is reassuring, but less and less relevant in a more and more fluid society, operating more on the basis of networks. Borrowing a concept from the IT world, some now talk rather of "**scalability**". In other words, the ability to change scale. This means acknowledging that today organisations and individuals are multi-scale, that they are developing (although at a very unequal pace) a new spatial competency which we could call "scalability".

III. Cross-border living areas

1. A tangible reality, but one that defies precise objective definition

As the concept of the *bassin de vie*/living area is inoperative in most of France's neighbouring countries, the INSEE has not developed a statistical approach to cross-border living areas. And yet they definitely exist. As exchanges over the border and relations maintained on either side of the border have developed, these living areas have been formed naturally over the years, encouraged by the

disappearance of physical borders following the Schengen agreements, which in many cases has allowed a high degree cross-border interdependency to develop. In spite of recurrent obstacles, Grand Est has many of these areas of high cross-border integration given its 700 km of borders.



And yet, it would appear to be difficult to objectively determine the perimeter of a cross-border living area. Firstly, because it may vary for each individual, according to the exchanges and activities (work, consumption, leisure activities, family relationships, friends) that they engage in on either side of the border. Secondly, because the spatial practices induced by these activities (going to such and such a place) are not enough to get a clear idea of the representations people have of the living area, i.e. their cognitive model of it. Do they have a feeling of belonging

(This is where I'm from)? Are they attached (I feel good here) to this living area?

It is therefore both practices (activities) and representations (belonging, attachment) that make a transnational area into a cross-border living area. That being the case, we could define the latter as an area experienced and perceived as such by people living near the border. As those people all have different practices and perceptions, the precise geographical outline of cross-border living area becomes something of an illusion, and secondary; more than its exact perimeter, what is more important is the flows that we see there.

2. Official recognition since the Covid crisis

The public health crisis and the way it was managed posed a serious challenge to the functioning of the cross-border living areas. The closure of numerous border crossings and the reintroduction of border controls hit inhabitants who worked across the border or crossed it to do their shopping or visit people close to them hard. For them, day to day the border no longer exists, even if they know it does on a legal and political plane. The sudden breaking off of these daily exchanges was therefore a major shock, especially after decades of public policies in favour of integration and cross-border exchanges. In addition, the closure of the borders was surely seen as a failure of the European idea of free movement of goods and people.

Since January 2021, the French government has recognised the notion of the "cross-border living area", a step taken to exempt the residents of these living areas from certain restrictive measures introduced to fight the Covid-19 pandemic (e.g. need for a negative Covid test to cross the border). The aim was to allow them to continue with the essential acts of everyday life (working, shopping, going to the doctor's, visiting family, etc.) which they do in the neighbouring country, within a radius of 30 km (or 20 km for Belgium) around their home.

Subject to reciprocal measures being taken by the neighbouring countries, this recognition constitutes a significant step forward due to the pandemic. Of course, there were already taxation agreements that dealt with border worker status. But the border worker is also a resident, consumer, user of public

services, which are all aspects of their daily life that are marked by the cross-border situation. Covid-19 led to the official recognition, for the first time, of the reality of a cross-border living area not limited only to cross-border workers. As Christian Dupessey, Mayor of Annemasse and President of the Pôle Métropolitain du Genevois Français (the French Greater metropolitan authority), *"the crisis has reinforced the identity of the cross-border area"*.

3. But multiple and persistent obstacles remain

Cross-border living areas are therefore seeing the beginning of a timid official recognition. But for their inhabitants, the existence of these specific areas is manifested first and foremost by the concrete obstacles that they encounter within them. Whatever the spheres we consider (working and remote working, transport, healthcare, consumption, access to services, and so on), the "cross-border citizen" is regularly confronted with difficulties in their particular situation. And these difficulties are even growing. In fact, the increase in flows and different forms of mobility in more and more integrated border regions has led to a corresponding increase in the hindrances to those same flows and mobility.

The Covid-19 pandemic brought this situation to light and to a head. The interdependency of the areas on either side of the borders was demonstrated clearly and sometimes painfully. For cross-border workers first of all, but also for all the citizens who regularly cross the border for a necessary, even indispensable activity (studies, treatment, visits to family). Today, although the health crisis seems to have passed, the obstacles remain.

E.g. In Germany employees residing in France are banned from working from home due to the risks incurred by the German company, in particular concerning income tax (Franco-German tax agreement not adapted to the situation).

E.g. Due to the lack of a cover agreement (as this exists in the ZOASTs (organised cross-border care access zones)), numerous French patients residing in Belgian social/healthcare institutions or receiving regular treatment in hospitals in Saarland, Luxembourg or Belgium, have difficulty getting their complementary health insurance schemes to pay the portion not paid by the state scheme. To be reimbursed they need to obtain invoices marked paid, which can take a very long time and even prove impossible.

E.g. A student registered in a foreign university but residing in France cannot receive an ERASMUS grant for studies in France, as this grant is conditional on producing a certificate of residence abroad.

To remove these harmful obstacles to mobility and economic development, the stakeholders who met at the first Cross-border Economic Forum (FET) held in Strasbourg on 20 June 2022 demanded various improvements to the tax and legal situations, in particular concerning the rules on working from home, short-time working benefits and social security. More generally, they argued for economic convergence and the adoption of a European Business Code that could overcome the differences between the national legal systems.

IV. Living areas and cross-border public services, a subject being addressed at every level

The issue of cross-border living areas is not new. But, by bringing these areas to the forefront of the news, the 2020-21 health crisis exposed the truth. It showed that they concern a large portion of the population, trade and the production of wealth in Europe. It was therefore no longer possible to ignore them, or even to consider them as secondary. Thus, whether at European, national or regional level, there has been a plethora of recent reports, opinions, law and other official texts emanating from various bodies dealing with the cross-border phenomenon.

1. At European level

- The notion of cross-border public services (CPSs) was highlighted by an **ESPON study**⁷ in 2018. It listed 559 CPSs in the European Union, across a variety of fields (transport, healthcare, the environment, training, etc.). This overall vision served to put a spotlight on the problems involved in setting them up, on future needs and on the solutions found.
- **The Opinion of the European Committee of the Regions* of 5 February 2021**⁸ called for the reinforcement of cross-border public services, which it considers as essential to improve daily life in the European border regions: *"Access to public services in border regions, especially those seriously depopulated, is often more limited in comparison to central and capital regions [...] and constitutes a strong determinant of the quality of life. Providing cross-border public services (CPS) could not only be beneficial for citizens, but could be both more profitable, as these services would become more widely available and cost-efficient. [...] Having more widely available CPSs could contribute to reducing negative border effects and increasing the quality of life of citizens living in border regions."*
- **In its special report dated July 2021**⁹, the **European Court of Auditors** calls for more to be done "to unlock the potential of the European Union's cross-border regions" as part of the INTERREG programmes.
- As for the **European Commission**, it proposes in **its report of 14 July 2021**¹⁰ ("*EU Border Regions: Living labs of European integration*"), to develop "*more and better cross-border public services*"



⁷ ESPON, the European Observation Network for Territorial Development and Cohesion, is a research programme focusing on European territorial development.

⁸ <https://cor.europa.eu/fr/our-work/Pages/OpinionTimeline.aspx?opId=CDR-2615-2020>

⁹ https://www.eca.europa.eu/Lists/ECADocuments/SR21_14/SR_cross-border_FR.pdf

¹⁰ https://ec.europa.eu/regional_policy/fr/information/publications/reports/2021/eu-border-regions-living-labs-of-european-integration

and to support their digitalisation to ensure that they are "*are interoperable and cross-border by default*". It is therefore thanks to the cross-border issue that the term "public service" finds itself enshrined in a European text.

- The European Commission also intends to learn the lessons of Covid-19. Thus the **reform of the Schengen Borders Code*** is intended to "*limit the prejudicial consequences of the reintroduction of internal border controls [...]. Measures should in particular be identified with a view to ensuring the uninterrupted functioning of the Single Market and safeguarding the interests of cross-*



*border regions and of 'twin cities' including for instance authorisations or derogations for the inhabitants of cross-border regions."*¹¹ The latter should be formally designated by the Member States as needing to be the subject of exemptions in the event of crises at the internal borders. Furthermore, in July 2022 the European Commission also published a report¹² assessing two years of border management linked to the pandemic and their impact on border regions. In it, it finds that this management needs to be reinvented, considering borders more as zones than as lines. Making recommendations for their management in the future, the Commission raises in particular the need for better understanding of flows and cross-border functional areas, as well as a clarification of national and European policy objectives vis-à-vis cross-border work and economic development, and their social and territorial consequences.

Following directly on from this report and at the invitation of the European Parliament, the Commission has undertaken a pilot project to meet the specific needs of cross-border regions and reinforce their resilience in the future. To this end, in July 2022 it put out a call for expressions of interest seeking cross-border legal entities involved in cross-border issues wishing to improve their multi-level governance* and establish (or improve) co-developed, cross-border strategies.

- **The INTERREG VI 2021-27 programme** lists among its objectives the emergence of forms of cross-border governance and the setting up of integrated strategies in functional areas, with the explicit aim of "*overcoming the legal and other obstacles in border regions*".

¹¹ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2016/399 on a Union Code on the rules governing the movement of persons across borders (general approach – 9 June 2022): <https://data.consilium.europa.eu/doc/document/ST-9937-2022-INIT/fr/pdf>

¹² Analysis of the impact of border-related measures taken by Member States in the fight against Covid-19, 28/07/22: https://ec.europa.eu/regional_policy/en/information/publications/studies/2022/analysis-of-the-impact-of-border-related-measures-taken-by-member-states-in-the-fight-against-covid-19

2. At national and bilateral level

- On 9 March 2022, drawing on the lessons learned from the measures taken in response to the public health crisis, the French **National Assembly** adopted a European resolution "*aimed at increasing remote working among cross-border workers and conducting a European reflection on their status*".
- The **3DS Law of 9 February 2022** finally devoted a section to cross-border cooperation. Thus, included in particular thanks to the lobbying of the Transfrontier Operational Mission (*Mission opérationnelle transfrontalière, MOT*)* and the members of parliament concerned, there are provisions concerning, among other things, health cooperation, cross-border apprenticeships and the participation of foreign local authorities in the capital of French SPLs (local public companies). They mark a major step forward in the taking account of cross-border issues in national policies.
- **The Treaty of Aachen (TA)**: signed on 22 January 2019, it came into force a year later and is intended to mark a new stage in Franco-German cooperation. Unlike its predecessor, the Élysée Treaty (1963), which ignored the cross-border dimension, the TA provides in particular for the creation of a cross-border cooperation committee in charge in particular of "*monitoring on an ongoing basis difficulties encountered in border regions and elaborate proposals to address them*¹³". Thus in a reversal of previous practice which mainly consisted of passing problems on to the next level up, the idea is now to involve local stakeholders in the search for solutions to everyday "irritants".

In connection with the TA and following a resolution of the Cross-border Cooperation Committee (CCC) in October 2021, the French and German authorities decided to set up a barometer of the complexity of cross-border formalities, which would be followed by the simplification of the three administrative procedures seen as the most complex and irritating by the inhabitants of border areas. For this project planned for 2023 or 2024, they have jointly filed a Technical Support Instrument application to the European Commission. In March 2022, the Commission approved this technical support for the project as a whole.

- **The Quirinal Treaty**: signed on 26 November 2021, it lays down the principles of enhanced bilateral cooperation between France and Italy. In Article 10 on cross-border cooperation, the Treaty introduces the notions of "*joint public services*" and "*cross-border living area*¹⁴". The latter, however, is not precisely defined.

¹³ Aachen Treaty: <https://www.diplomatie.gov.fr/fr/dossiers-pays/Allemagne/rerelations-bilaterales/le-traite-d-aix-la-chapelle-sur-la-cooperation-et-l-integration-franco/>

¹⁴ Quirinal Treaty: <https://www.diplomatie.gov.fr/fr/dossiers-pays/Italie/rerelations-bilaterales/le-traite-du-quirinal/>

Extract from Article 10-2 of the Quirinal Treaty:

The Parties encourage dialogue between public authorities and parliaments on the transposition of European law in order to avoid any potentially prejudicial practical consequences for exchanges in the cross-border living areas due to significant differences between measures adopted at national level.



- On 19 September 2022, the MOT (Transfrontier Operational Mission) launched an experimental project intended to "devise a living area agreement for a pilot cross-border territory". Based on an analysis of the needs and expectations of the area concerned and of the legal and regulatory opportunities or barriers, the aim was to arrive at an objective definition of the concept of the cross-border living area and to put forward some recommendations for these areas.

3. At regional level

- In connection with a recommendation on changes to the status of cross-border workers adopted at its plenary session on 10 June 2022, the **Interregional Parliamentary Council of the Greater Region*** called for "*[the] border territories to be considered and dealt with as functional areas constituting true cross-border living areas, which cannot be seen solely as artificial spaces covering an area 30 km wide on either side of the borders.*"
- As for the Summit of the Executives of the **Greater Region**, in a report dated 30 June 2022 on the management of the public health crisis¹⁵ it asks "*that border areas be conceptualised as integrated and interdependent living areas*" and in particular that a "*a set of basic rights be guaranteed for [their inhabitants], and even that a reality of the "cross-border citizen" be recognised*". Furthermore, the Interreg SDTGR project conducted between 2018 and 2021 as part of the Greater Region Interreg V A programme, led to the adoption of the **Greater Region Spatial Development Scheme (SDTGR)**, which is intended to guide the collective strategy of the stakeholders in the Greater Region until 2040¹⁶. This Scheme should help the cross-border functional areas, as defined in the new Interreg VI cooperation programme, to initiate integrated spatial development actions by reducing the economic, social or environmental barriers in their territories.



¹⁵ <https://www.granderegion.net/Actualites/2022/Rapport-sur-la-gestion-transfrontaliere-des-crisis-les-Executifs-de-la-Grande-Region-force-de-proposition-pour-une-gestion-de-crise-amelioree-en>

¹⁶ <https://amenagement-territoire.public.lu/fr/grande-region-affaires-transfrontalieres/SDT-GR.html>

- Finally, the **Grand Est State-Region planning contract for 2021-27** includes under Focus 13 the desire to *progressively eliminate the borders in terms of transport, spatial planning and access to public services by providing citizens with answers to their everyday problems.*"¹⁷

¹⁷http://far.regions-et-formation.fr/far/documents/far/grand_est_document_cadre_du_cper_grand_est_2021_2027_2021-03-31.pdf



02. OPINION

INTRODUCTION

As explained in the Report, the *bassin de vie* ("living area") is a specifically French concept and "public service" has a particular meaning in our country, which may be different to the countries neighbouring the Grand Est. That does not mean, however, that the validity of these concepts stops at the border, and in fact they have a non-negligible cross-border dimension. Indeed, a third of the European Union's population lives in the vicinity of a border. That means some 150 million people, and for them cross-border living areas really do constitute a long-standing and daily reality. They live in these living areas, they work in them, they consume in them, and they use public services there that are - and sometimes have been for decades - cross-border public services.

However, in these ever more integrated areas where the areas on either side of the borders are interdependent, flows and mobility have increased considerably but without erasing the hindrances faced by their inhabitants, far from it. In fact, living near a border or crossing it regularly means facing on a daily basis obstacles that other citizens do not have to deal with. In 2022, although the European Union has been an area of free movement for people, goods and services for several decades, **a cross-border living area can still be defined as flows encountering obstacles due to the presence of a border.**

These obstacles and the potential for development of these living areas if they were removed have been the subject of growing awareness for some years. But it is the Covid-19 public health crisis, with the profound consequences it had on the daily lives of millions of individuals that revealed the full scale of the importance of cross-border areas. Today they are a cause of great concern, both for governments and parliaments in the different countries of the European Union and within the supranational, European (European Commission, Committee of the Regions) or regional bodies (Upper Rhine, Greater Region).

The current context therefore seems to be particularly favourable to an official recognition of the cross-border living areas and their specific features and issues, as well as to the development of public services accessible to all of their inhabitants. Furthermore, with more than 700 km of borders, the Grand Est region has many areas with a high level of cross-border integration. That is why the CESER Grand Est has deemed it opportune to make its own contribution to the reflection on this subject.

Accordingly, taking up some of the ideas that have come out of recent reports produced by the bodies of the Greater Region¹⁸, the CESER Grand Est wishes to make the following recommendations.

¹⁸ - Greater Region Economic and Social Committee (CESGR) healthcare seminar on avenues for creating greater resilience in the Greater Region's healthcare systems ("*Les axes de résilience des systèmes de santé en Grande Région*") - 28/04/2022
- Recommendation of the Interregional Parliamentary Council (CPI) on changes to the status of cross-border workers – 10/06/2022
- Opinion of the CESGR on working towards coherent development of the Luxembourg cross-border metropolitan area ("*Pour un développement cohérent de la métropole transfrontalière du Luxembourg dans la Grande Région*") – 29/06/2022

I. Knowing the cross-border living areas

1. Context and issues



For the citizens concerned, cross-border living areas are an undeniable reality, whose existence and specific features were put under the glare of a harsh spotlight by the Covid-19 public health crisis. But the concept of the *bassin de vie*/living area is a specifically French one unknown elsewhere, apart from in Wallonia. Furthermore, as it is defined by the INSEE, the living area stops at the border, and its cross-border dimension constitutes a statistical blind spot. In addition, the perimeter of a cross-border living area may vary from one individual to

another, depending on their activities, but also their representations of it. That being the case, the cross-border living area can be defined as an area experienced and perceived as such by its inhabitants.

2. The CESER's position

In light of that fact, the CESER considers that a precise and objective geographical delineation of the cross-border living area is out of reach. What is more, it is probably not desirable either as it would involve re-creating new borders within the States. Yet it is still important not to abandon the idea of trying to outline the boundaries of cross-border areas.

To do so, it is necessary to develop shared means and tools of observation on both sides of the borders with the aim of getting a better knowledge of these areas and especially the flows we see in them.

3. The CESER's recommendations

* Concerning the support by the 2021-2027 INTERREG programmes for **strategies for "cross-border functional areas (CBFAs)"**, the CESER appreciates this innovative element and hopes that these CBFAs will serve as tools for policies adapted to the needs of cross-border territories.

* The CESER encourages the INSEE and the statistics offices of the neighbouring countries to **collaborate to produce shared statistical data** in order to define as precisely as possible, "cross-border living areas" understood as areas where the inhabitants have access to the same offer of amenities and routine services.

* The CESER **supports efforts to create cross-border geographic information systems** (GIS – Greater Region, GéoRhéna), which should provide better knowledge of these cross-border living areas.

* The CESER calls on the Region authority to **carry out or coordinate general mobility surveys in the cross-border areas**, in order to better evaluate the cross-border flows of citizens overall, which are not limited to commuting to work. It would be useful to begin this process, on an experimental basis, in an area with a high level of daily flows, for example the scope of the Alzette-Belval EGTC (European Grouping of Territorial Cooperation*).

* The CESER calls on the bodies responsible for employment and training to **exchange on the areas where there are workforce shortages on both sides of the borders**, in order to achieve a better balance between labour supply and demand.

* The CESER proposes the **creation of healthcare observatories at the level of the large cross-border authorities** (Greater Region, Upper Rhine, France-Wallonia-Flanders), in order to provide input to aid coordinated decision-making by health authorities on either side of the borders.

II. Recognising the cross-border living areas

1. Context and issues

The citizen living and working in a border area is regularly confronted with obstacles and impediments that other citizens do not face. In times of crisis, it is all the aspects of their daily life that can be durably and seriously affected. This amounts to discrimination and is therefore a breach of equality between citizens who are supposed to have the same rights and opportunities.

In terms of employment, the acceleration of the development of remote working has been one of most marked effects of the public health crisis. This is a profound and apparently lasting change, with generally positive consequences on the lives of those who practise it. However, for cross-border workers, this practice, which is particularly beneficial in terms of reducing commuting times, has run into administrative difficulties due to differences between the tax and social security systems in different States and restrictive inter-State agreements. This has especially been the case since 30 June 2022, which was the cut-off date for some of the exemptions that applied during the pandemic. However, at every level and for several months, the subject of cross-border workers and remote working and the corresponding tax regime has been the subject of numerous official documents¹⁹ calling on the national and European authorities to adopt a harmonised, long-term solution.

2. The CESER's position

The CESER considers that the cross-border living area should be permanently recognised once and for all at all levels of governance in Europe. However, it considers that the concept of the border area should be appreciated in a flexible manner. Indeed, a strict distance from the border (for example the 30 km limit mentioned in the tax agreements and which was adopted during the pandemic) is clearly artificial and too restrictive, in fact leading to a moving of the border rather than its removal.

Furthermore, the CESER considers that the situation of the population living near the border should not be addressed only through the prism of employment. The inhabitants of the cross-border areas are not only workers, they are consumers, users of public services, citizens. For many of them, all the

¹⁹ - French National Assembly European Resolution calling for an increase in remote working for cross-border workers and a European reflection on their status – 9 March 2022

- Opinion of the European Economic and Social Committee (EESC) on the taxation of cross-border teleworkers and their employers – 13 July 2022

- Call of the Greater Region's Task Force on Cross-border Workers 3.0 for political decision-makers to rapidly address the issue of teleworking in a cross-border context in order to answer the questions remaining unanswered after 30 June 2022

- Resolution of the Bureau of the Eurodistrict PAMINA EGTC on the taxation of cross-border teleworkers and their employers – 13 September 2022

aspects of daily life are affected by the cross-border phenomenon. That being the case, it is important to develop a feeling of belonging to the cross-border living area.

3. The CESER's recommendations

* The CESER calls on the institutions of the European Union (Commission, Parliament, Council of Ministers) to **formally recognise the concept of the "cross-border living area" and, more widely, the status of "border citizen"**.

* The CESER asks the Regional authority to **propose one or more pilot areas to try out crisis protocols**, in connection with the revision of the Schengen Borders Code.

* The CESER asks that the **status of cross-border workers be revised to allow greater flexibility**, in particular with regard to remote working.

* Considering that any individual living in the vicinity of a border must be able to benefit automatically from "border citizen" status, the CESER proposes that a **"border citizen's card"** be issued to anyone requesting it and justifying its granting. Using a QR code, this card could be both digital and issued in a printed form and would guarantee the holder, including in times of crisis, unhindered mobility, the right to telework without restrictions and access to services on both sides of the border. Coupled with the European Health Insurance Card, the holder would no longer need an A1 certificate²⁰.

* The CESER supports the **development by Baden-Württemberg and the Grand Est Region of the citizens' portal (Bürgerportal/Portail citoyen)**, which aims to boost cross-border citizen participation. It would like to see this initiative extended to the Greater Region and reminds the reader that in 2020 it issued a specific opinion on cross-border civil society and the ways of involving it in public decision-making²¹.

* With the aim of reinforcing its inhabitants' feeling of belonging and attachment to the cross-border area, the CESER is pressing for the **creation of cross-border schools and the teaching of the neighbour's language in all schools**; it supports the **development of cross-border exchanges** (e.g. school twinning) and calls for the organisation of **experiments with cross-border civic service and a vocational Erasmus scheme** and for cross-border apprenticeships (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposals nos. 75, 76 and 77*).

III. Promoting and developing cross-border public services

Like the European Committee of the Regions (opinion of 5 February 2021) and the European Commission (report of 14 July 2021), the CESER sees public services as playing an essential role in improving the lives of citizens in the cross-border living areas. Beyond its reflection on public services in general, it has chosen to focus its attention and its recommendations on two areas where the public

²⁰ The A1 certificate is a European portable document which certifies the social security legislation applicable to you when you pursue activities in several EU Member States.

²¹ Cross-border civil society - In favour of participatory democracy close to citizens, at living area level ("*La société civile transfrontalière – Pour une démocratie participative proche des citoyens, à l'échelle des bassins de vie*" – 8 October 2020

health crisis had a particularly strong impact: citizens' cross-border mobility and their access to healthcare.

1. On public services in general

a. Context and issues

In two official documents published in 2021, the European Committee of the Regions (opinion of 5 February) and the European Commission (report of 14 July) acknowledged that access to public services is often more limited in border areas than in central or capital regions and that it was therefore necessary to develop and reinforce cross-border public services.

Although digitalisation offers new ways of accessing public services for a majority of users, there is also a risk of a decline in access to rights and of many citizens being left behind because they have difficulties using digital tools. This risk is even greater for the inhabitants of cross-border areas, who have to deal with specific tax and social security regimes.



The cross-border job centre building in Kehl - © Stadler RGE

b. The CESER's position

By revealing the inadequacy of cross-border cooperation, the Covid-19 public health crisis simultaneously underscored how much it is needed. With this in mind, the CESER attaches particular importance to proximity. The governance of cross-border areas must be exercised as close as possible to the citizen, in order to provide the best possible solutions to their specific needs. To that end, the institutional territory must be as close as possible to the functional area in which the inhabitants lead their daily lives, i.e. the living area.

c. The CESER's recommendations

* Considering that cross-border public services should be organised and run at local level, the CESER proposes to **give the EGTCs a new legitimacy**. Endowed with real powers of cross-border governance, these would merge functional area and institutional territory to pass from a logic of a "project area" to that of an "area of power". These EGTCs could, for example, manage cross-border solidarity and stimulus funds with the participation of all the neighbouring authorities (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposal no. 3*)

* Based on the cross-border job placement service (*Services de Placement Transfrontalier –SPT*, which is run by Pôle Emploi), which already exists on the French-German border, the CESER proposes to **adapt the public employment service to the needs along each of the other borders** in the Grand Est Region.

* The CESER calls upon the Regional authority to:

- ➔ support the **trinational *Maisons de services du Rhin Supérieur* project (France-Germany-Switzerland)**;
- ➔ make sure that it cooperates with the *Maisons France Services* and all the partners (INFOBEST, associations, etc.) involved in facilitating cross-border administrative formalities;
- ➔ extend this project to the Greater Region.

* In order to ensure their accessibility to as many people as possible and to guarantee the maintaining of human relations, which are particularly important in dealing with the specific administrative situations faced by inhabitants of cross-border areas, the CESER calls on all organisations running public services to:

- ➔ **maintain means of access other than digital means,**
- ➔ **guarantee that users can meet someone who speaks the language of the neighbour country.**

* The CESER recommends a **cross-border harmonisation of the process of digitalisation** in the public authorities concerned (tax, retirement, organisations responsible for pensions, health cover and social benefits such as the CARSAT, MSA, CPAM, CAF etc.).

2. On citizens' cross-border mobility

a. Context and issues

In certain cases, cross-border flows and access to services can be complicated by a physical obstacle (e.g. a river like the Rhine) and by the lack of infrastructure to cross it. In other places, the infrastructure exists but lacks the capacity to cope with ever bigger flows (e.g. the A31 motorway into Luxembourg). Or it may be the national public transport services that are not coordinated or interoperable. A counter example would be the Strasbourg-Kehl tram service, whose success since it opened in 2017 demonstrates the importance of regular public transport services to confirm and consolidate the existence of a cross-border living area.

b. The CESER's position

Given that cross-border living areas are characterised by flows, transport and citizens' mobility in particular are crucial to their functioning. For the CESER, the approach to cross-border mobility must be organised with several aims in mind:

- to reduce mobility - "demobility" - by promoting remote working;
- to encourage more sustainable mobility: incentives to induce modal shift, increase use of public transport, soft and shared mobility solutions (car sharing, carpooling, etc.);
- joint development of infrastructure and smart mobility services.

c. The CESER's recommendations

* The CESER recommends **interconnecting, including digitally, public transport systems (trains, buses) on either side of the** Franco-Belgian, Franco-German and Franco-Swiss borders, with a view to harmonising timetables and introducing common pricing.

* Subject to the evaluation of the 6-month long experiment on bus line 323 (from Roussy-le-Village), the CESER requests that **free travel be extended to all buses crossing the Luxembourg border** from the last stop on the French side.

* The CESER calls on the Grand Est Region to bring all its weight to bear move forward the plan to **re-open the railway line between Colmar and Freiburg**, and to speed up the **reactivation of the Rastatt-Haguenau line**, which is actually an obligation under the Aachen Treaty. These two projects must be added to the European Commission's trans-European transport network (TEN-T) map, like the Givet-Dinant line.



Cross-border bus on the Kandel-Lauterbourg-Berg route - © Eurodistrict PAMINA

* As it noted recently in a dedicated opinion²², the CESER regrets *"that the cross-border dimension is absent from the different actions proposed"* in the regional Cycling Plan. It also recommends *"that the future regional roving tourism plan should take full account of the cross-border dimension and involve the neighbouring countries and regions in its preparation"*.

3. On citizens' health and safety

a. Context and issues

A public asset shared on both sides of the borders, the healthcare sector was particularly hard hit by the mobility restrictions imposed during the Covid-19 crisis. Whether for emergency care, regular treatment or medical examinations, a one-off operation or simply to visit family members in hospital or care homes, crossing the border for healthcare-related reasons had become a common occurrence for many inhabitants of border areas, in particular in the ZOASTs (organised cross-border care access zones). During the pandemic, the re-establishment of border controls and even the outright closure of the borders caused more than just inconvenience and stress; for some patients these measures actually set back their treatment and affected their chances.

b. The CESER's position

The Covid-19 public health crisis put huge strain on all the national healthcare systems. In emergencies, cross-border solidarity came into play on a case-by-case basis and helped to save lives. But the different and non-coordinated reactions of the health authorities of the countries concerned revealed a need for joint reflection across the borders on the major issues in healthcare: state of health of the populations, status of the healthcare offer available, patient flows, coordination of emergency services, etc. For the CESER, this reflection must draw on existing experiences that have proved their worth and effectiveness and should be extended to all border areas.

c. The CESER's recommendations

* The CESER wishes to see **the introduction of cross-border free movement** of patients without administrative or financial obstacles and the reinforcement of cross-border healthcare and solidarity

²² Opinion on the regional Cycling Plan (*Plan Vélo régional*) – 16 June 2022

cooperation mechanisms (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposal no. 74*). Based on a model like the ZOAST (organised cross-border care access zone), this free access to healthcare should be based on:

- ➔ a secure, digital system for managing information flows shared by the health authorities and social security organisations on either side of the borders;
- ➔ the European Health Insurance Card to identify patients in healthcare facilities and with social security organisations, in order to set up an automatic cross-border third-party payer system to allow direct payments by the social security system with which the mobile patient is affiliated.

* The CESER supports **the opening of cross-border multi-disciplinary health centres** to limit "medical desertification" in certain rural areas (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposal no. 73*). These facilities should be part of cross-border healthcare areas, which the Grand Est Regional Health Agency (ARS) is encouraged to set up on an experimental basis.

* The CESER recommends **experimenting with cross-border local healthcare contracts as well as cross-border territorial hospital groupings**.

* The CESER calls for the cooperation that took place between hospitals near the Franco-German or Franco-Luxembourg borders during the peak of the public health crisis to be made permanent (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposal no. 71*).



French and German emergency medical services vehicles
- © Eurodistrict PAMINA

* The CESER recommends the **development of collaboration in the field of emergency medical assistance on each of the Grand Est's borders**, based on the European cross-border emergency medical assistance agreement between the SMUR emergency ambulance service in Mont-Saint-Martin (Meurthe-et-Moselle, France) and the service in Arlon (Belgium), which has proved its effectiveness since 2009.

* Along the lines of the practices in force in the Upper Rhine area (Alsace, Baden-Württemberg, Switzerland), **agreements should be reached between States to allow the emergency services (fire brigade and ambulance) to intervene over the border**, whilst ensuring the equipment they use is technically compatible.

* The CESER reiterates the importance of drawing up **cross-border training plans, especially for the medical and paramedical professions where there are shortages of qualified staff**, taking account of the differences in professional practices in neighbouring countries (*The CESER Grand Est's 100 proposals "for an economic, social and environmental refoundation" - 2021 - Proposal no. 72*). These plans must be organised around training courses whose content, methods and qualifications are harmonised on either side of the border. They could follow the example of the Franco-German course

for special needs support workers (*moniteur-éducateur*) run since 2018 by a school in Schiltigheim, France (ESEIS) and one in Kork, Germany (Evangelische Fachschule für Heilerziehungspflege). This bilingual course delivers a dual qualification allowing those who qualify to work in both countries.

CONCLUSION

Given Grand Est's geographical situation, with its four national borders, cross-border areas are obviously an issue of concern to it. Whether from the point of view of the region's economic health or its inhabitants' quality of life, the Grand Est region has every interest in maintaining fluidity of movement and smooth relations with its neighbours. But, beyond that and as long as they are treated as true cross-border living areas, with public services benefiting all of their inhabitants regardless of place of residence or nationality, these territories can and must also be laboratories for better European integration.

Furthermore, cross-border issues not being the preserve of the Grand Est, the Regional Council should make them a major focus of its reflections, so that it can share its experiences and pool resources with the other French regions concerned. For its part, the CESER Grand Est intends to raise the subject and treat it as a priority in its relations with its counterparts in other regions, in particular those with which Grand Est shares a national border (Bourgogne-Franche-Comté, Hauts-de-France).

In this opinion, the CESER Grand Est wanted to prioritise the areas of healthcare and mobility, which the public health crisis placed under the glare of a harsh spotlight in the cross-border regions. However, this crisis and its consequences have also highlighted other subjects, such as short food supply chains, labour shortages in certain sectors and the changes currently occurring in the world of work, most notably the move towards remote working. On these subjects, as for the others, we look forward to hearing the thoughts of organised civil society, including from the point of view of cross-border relations.



03. ANNEXES

GLOSSARY

* **European Committee of the Regions (CoR)**

Created in 1994, the European Committee of the Regions (CoR) is the European Union's assembly of local and regional representatives. It gives a direct voice to the subnational powers (regions, counties, provinces, Departments, municipalities, cities, etc.) within the institutional system of the EU.

* **Multi-level governance**

This refers to the coordinated action of the European Union, the Member States and local and regional authorities aimed at drawing up and implementing EU policies in line with the principle of subsidiarity.

* **Greater Region**

The Greater Region comprises the German *Länder* of Saarland and Rhineland-Palatinate, the Lorraine part of the Grand Est region in France, the Walloon region, the French and German communities in Belgium and the Grand-Duchy of Luxembourg. Covering an area of 65,400 km², it has 11.3 million inhabitants, of whom over 250,000 are cross-border workers.

The Greater Region's role is to deal with issues common to its **partners** and territories and to promote a better shared quality of life for its inhabitants. It acquired legal personality by becoming an EGTC (European Grouping of Territorial Cooperation) in 2010.

* **European Grouping of Territorial Cooperation (EGTC)**

This is a form of legal entity that is an instrument of cross-border cooperation whose establishment was defined by the European Parliament and the Council of the European Union in a Regulation adopted in July 2006. With legal personality and made up of legal entities from at least two Member States (governments, local authorities, public institutions, universities, etc.), ECTGs aim to facilitate and promote cross-border, transnational and interregional cooperation within the European Union. Their tasks consist, among other things, of implementing the programmes co-funded by the EU or any other European cross-border cooperation project.

* **Schengen Area**

Created by the Schengen Agreement (1985) and the Schengen Convention (1990), the Schengen Area is an area of free movement of people without internal border controls. It includes 26 States: 22 of the 27 members of the European Union, plus associated States (Iceland, Norway, Switzerland and Liechtenstein).

Introduced in 2006 and first amended in 2016, the Schengen Area Borders Code lays down the rules on the crossing of the EU's external borders and internal border controls.

* **INFOBEST**

This is a network of four Franco-German or Franco-German-Swiss information centres covering all of the border with Baden-Württemberg, Rhineland-Palatinate and Switzerland. INFOBEST (acronym of the German *INFORMATION und BERATUNGSSTELLE*, public information and advice bodies) disseminates information about Germany, France and Switzerland and can be consulted free of charge on a vast range of subjects, including social security, employment, taxation, moving to a neighbouring country, car registration formalities, etc.

*** INTERREG**

Part of the European Union's Cohesion Policy, specifically the European territorial cooperation objective, the INTERREG programmes aim to promote cooperation between European regions and the development of joint solutions in the fields of urban, rural and coastal development, economic development and the management of the environment. The current programme is called INTERREG VI and it covers the period 2021-27. It consists of four strands: the cross-border cooperation between adjacent regions (INTERREG A), transnational cooperation (INTERREG B), interregional cooperation (INTERREG C) and cooperation in the outermost regions (overseas), with each other and with third countries (INTERREG D).

*** 3DS Law**

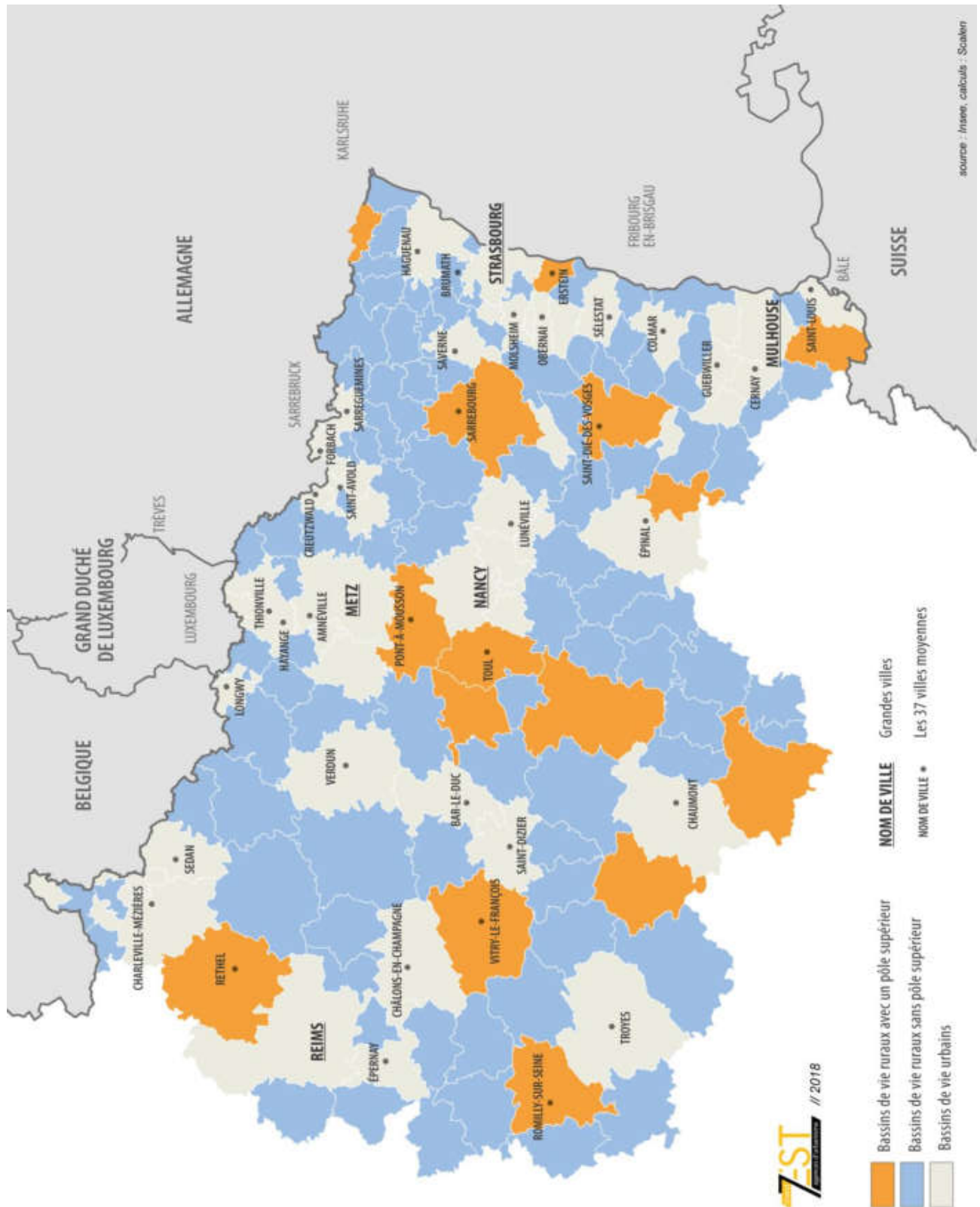
The objectives of France's 3DS Law (differentiation, decentralisation, deconcentration and simplification) of 21 February 2022 are to meet the concrete and operational needs of local authorities, to enable them to implement public actions better adapted to the particularities of each area, with greater flexibility and effectiveness. It includes various technical measures in fields such as housing, healthcare, mobility, urban planning and the ecological transition.

*** Transfrontier Operational Mission (*Mission opérationnelle transfrontalière, MOT*)**

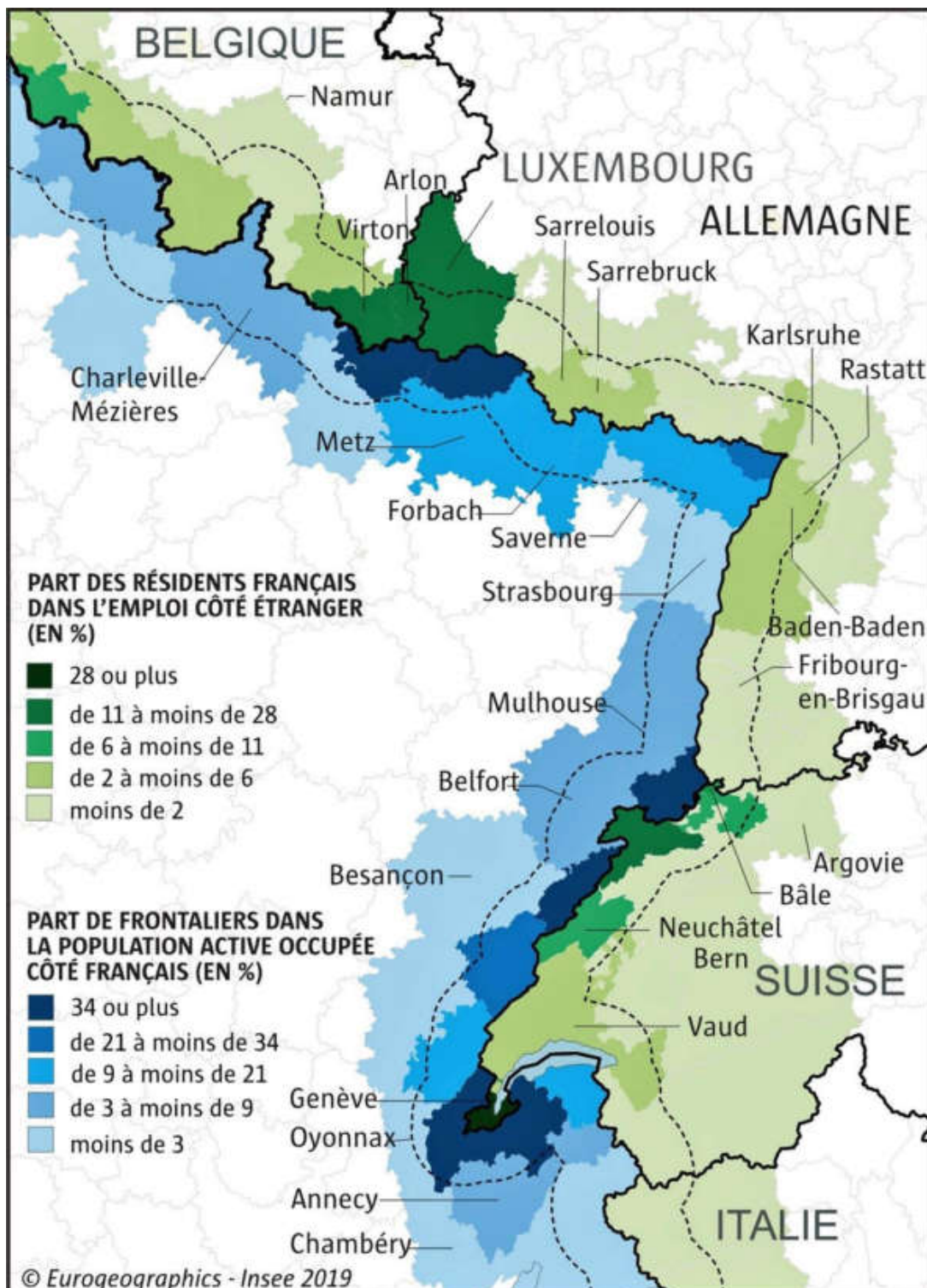
An association set up in 1997 by the French government, the Transfrontier Operational Mission brings the players in cross-border cooperation together in a network of more than sixty members in ten countries. It forms a platform for exchanges and reflection on cross-border cooperation, and aims to look after the interests of cross-border areas, to assist project developers and facilitate the sharing of experiences.

MAPS:

1. The living areas in the Grand Est (Agences d'urbanisme Grand Est – 2018)



2. Cross-border working: French workers crossing the Belgian, Luxembourg, German and Swiss borders



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Ms Virginie CAYRE	Director of the Grand Est Regional Health Agency (<i>Agence Régionale de Santé</i>)
Mr Michel FOURNIER	President of the Association of French Rural Mayors (<i>Association des maires ruraux de France</i>)
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Mr Philippe VOIRY	Ambassador – Ministry of Foreign Affairs
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