



**From the European Cross-Border Convention (ECBC)  
to the European Cross-Border Mechanism (ECBM)**  
*Overcoming cross-border obstacles*

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LE GOUVERNEMENT  
DU GRAND-DUCHÉ DE LUXEMBOURG  
Ministère de l'Énergie et de  
l'Aménagement du territoire

Département de l'aménagement  
du territoire



- November 2015: First reference to the ECBC in the “Presidency Conclusions” of the Informal Ministerial meeting on Territorial Cohesion in Luxembourg.
- June 2017: Publication of the [Final report](#) of the Working Group on Innovative Solutions to Cross-Border Obstacles co-chaired by LU+FR.
- September 2017: Publication of the European Commission’s Communication “*Boosting growth and cohesion in EU border regions*” {[SWD\(2017\) 307 final](#)}.
- May 2018: Publication of the European Commission’s “*Proposal for a Regulation on a mechanism to resolve legal and administrative obstacles in a cross-border context (ECBM)*” {[COM\(2018\) 373 final](#)} as part of the Cohesion Policy package.
- October 2018: Council – Orientation debate in the Structural Measures Working Party.
- November 2018: Parliament – REGI Committee report tabled for plenary, 1<sup>st</sup> reading {[A8-0414/2018](#)}.
- February 2019: Parliament – Decision by plenary, 1st reading {[T8-0118/2019](#)}.
- Currently: Waiting for Opinion of Council Legal Service (regarding institutional balance, review of legality, choice of legal instrument, voluntary nature, proportionality and subsidiarity) and Council 1<sup>st</sup> reading position.



- A procedure **and** tool:
  - initiated **bottom-up**
  - involving the local/regional actors to solve an **obstacle**
  - in a **defined border area**
  - **by derogation from a national norm/rule** by accepting a rule /norm of the neighboring state.
  
- **Voluntary** nature:
  - The **option of the such procedure/tool** should exist in every Member State – what if already comparable procedures and tools exist?
  - What is the **procedural part** and what is the **legal tool**?
  - The **nature of the commitment / statement** – bilateral or self-commitment
  - Member States must always be able to **choose which is the most appropriate instrument/solution** for an obstacle on a **case-by-case basis**.
  - **Competent authorities according to national law** must be in **control of the process and the outcome** and choose whether to use the ECBM or not.



- Limits to the **thematic scope** of mechanism – necessary or not?
- The role of the **Coordination Point** as
  - **coordinator**
  - **facilitator**
  - **provider of information**
  - Due to the wide range of obstacles, normally not in the position to represent a competent authority.
- **Cooperation and mutual information** of authorities on both sides of the border are crucial.
- The norm - “**transferring**” **Member State may not need to agree**, in particular, when a **issue can be dealt with unilaterally** (e.g. simply accepting a norm).
- Formulation of “**pulling a norm over a border**” may be misleading.



- Differences in technical standards for tramways crossing the border.
- Differences regarding the minimum distance between wind turbines and houses (that might also be located on the other side of the border).
- Differences in the qualifications required for teaching in a school located in a border region with children from both countries.
- Question of insurance of ambulance drivers crossing the border.
- Question of insurance and membership in a medical association for doctors working in a hospital located in a border region.
- Different criteria used in environmental impact assessments on both sides of the border.
- Nationality of babies born in a hospital located in a border region: automatically country of birth?
- Transport of corpses across the border.
- More examples from the [projects of the b-solutions programme](#).



*Thank you for your attention*

*For further information,  
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