

Grotefels, Susan et al.

Research Report

Regulation of the European Parliament and of the Council on facilitating cross-border solutions: BRIDGEforEU

Positionspapier aus der ARL, No. 156

Provided in Cooperation with:

ARL – Akademie für Raumentwicklung in der Leibniz-Gemeinschaft

Suggested Citation: Grotefels, Susan et al. (2025) : Regulation of the European Parliament and of the Council on facilitating cross-border solutions: BRIDGEforEU, Positionspapier aus der ARL, No. 156, Verlag der ARL - Akademie für Raumentwicklung in der Leibniz-Gemeinschaft, Hannover, <https://doi.org/10.60683/x2zq-ze16>

This Version is available at:

<https://hdl.handle.net/10419/319079>

Standard-Nutzungsbedingungen:

Die Dokumente auf EconStor dürfen zu eigenen wissenschaftlichen Zwecken und zum Privatgebrauch gespeichert und kopiert werden.

Sie dürfen die Dokumente nicht für öffentliche oder kommerzielle Zwecke vervielfältigen, öffentlich ausstellen, öffentlich zugänglich machen, vertreiben oder anderweitig nutzen.

Sofern die Verfasser die Dokumente unter Open-Content-Lizenzen (insbesondere CC-Lizenzen) zur Verfügung gestellt haben sollten, gelten abweichend von diesen Nutzungsbedingungen die in der dort genannten Lizenz gewährten Nutzungsrechte.

Terms of use:

Documents in EconStor may be saved and copied for your personal and scholarly purposes.

You are not to copy documents for public or commercial purposes, to exhibit the documents publicly, to make them publicly available on the internet, or to distribute or otherwise use the documents in public.

If the documents have been made available under an Open Content Licence (especially Creative Commons Licences), you may exercise further usage rights as specified in the indicated licence.



<https://creativecommons.org/licenses/by-sa/4.0/>

Positionspapier aus der ARL 156

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON FACILITATING CROSS-BORDER SOLUTIONS – BRIDGEforEU

Positionspapier aus der ARL 156

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON FACILITATING CROSS-BORDER SOLUTIONS – BRIDGEforEU

ARL Headquarters:
Dr. Britta Bockhorn, britta.bockhorn@arl-net.de

Positionspapier aus der ARL 156
eISSN 1611-9983
The PDF version is available at <https://www.arl-net.de/shop> verfügbar (Open Access)
CC_BY_SA 4.0 International

Published by the ARL – Hanover 2025
ARL – Academy for Territorial Development in the Leibniz Association
Typesetting and layout: G. Rojahn
Translation and proofreading: K. Thomas

Recommended citation:
ARL – Academy for Territorial Development in the Leibniz Association (Ed.) (2025):
Regulation of the European Parliament and of the Council on facilitating Cross-Border Solutions –
BRIDGEforEU.
Hanover. = Positionspapier aus der ARL 156.
<https://nbn-resolving.org/urn:nbn:de:0156-2505211034385.929456732711>
<https://doi.org/10.60683/x2zq-ze16>

ARL – Academy for Territorial Development in the Leibniz Association
Vahrenwalder Str. 247
30179 Hanover
Tel. +49 511 34842-0
Fax +49 511 34842-41
arl@arl-net.de
www.arl-net.de
www.arl-international.com

This position paper was prepared by members of the ad-hoc Working Group ‘Cross-Border Solutions’ at the ARL – Academy for Territorial Development in the Leibniz Association:

Prof. Dr. **Susan Grotefels**, Central Institute for Spatial Planning at the University of Münster (ZIR), Managing Director

Dr. Estelle Evrard, Luxembourg University, Faculty of Humanities, Education and Social Sciences, Research Scientist, Esch

Dr. Andrea Hartz, agl Hartz – Saad – Wendl, Partner, Saarbrücken

Dr. Marcin Krzymuski, Attorney-at-Law, Słubice (Poland)

Prof. Dr. Franziska Sielker, TU Vienna, Head of Research Unit Urban and Regional Research, Faculty of Architecture and Spatial Planning (Head of ARL Working Group)

Dr. Sabine Zillmer, Spatial Foresight, Luxembourg / Berlin / Paris, Partner and Head of Berlin office (Co-Head of ARL Working Group)

Dr. Britta Bockhorn, Academy for Territorial Development in the Leibniz Association, Hanover, Germany, Head of International Affairs, supported the group in their discussions.

Executive summary

The Treaty on the Functioning of the European Union not only aims to establish a common market guaranteeing the free movement of people, goods, services and capital, but also seeks to promote economic, social and territorial cohesion across the EU. This includes cross-border regions, which face persistent obstacles – especially legal and administrative incompatibilities – that hinder seamless cross-border activities and negatively impact the lives and opportunities of 150 million citizens in these areas. Against this backdrop, the Council of the European Union and the European Parliament have agreed a proposal by the European Commission on a regulation offering a facilitation tool to overcome administrative and legal cross-border obstacles (BRIDGEforEU Regulation¹). Despite the value of this tool for overcoming cross-border obstacles through mechanisms like Cross-Border Contact Points, it remains limited by its voluntary nature, lack of guaranteed outcomes and concerns about clarity, capacity and national sovereignty, making a cooperative and open administrative mindset essential for its success.

Nonetheless, depending on its application in practice, the regulation represents an important regulatory step forward to improve the situation in cross-border regions. Our main messages, as detailed in this position paper, refer to:

- > Establishing of Cross-Border Contact Points (CBCPs) that are efficiently embedded in the governance of cross-border cooperation and potentially relevant sector policies.
- > Furnishing the CBCP with the capacities to assess notifications of obstacles and identify possible solutions as well as good access to the authorities which have to take necessary and relevant decisions.
- > Enhancing understanding of the regulation's terminology e.g. regarding the scope of cross-border interactions.
- > Ensuring a focus on functional cross-border areas rather than general cooperation across borders, and aiming for proximity of the CBCPs to the border contexts.
- > Equal access of cross-border players to the Cross-Border Facilitation Tool independent of their cross-border expertise, the existence of a CBCP and the level of interest in cross-border issues at higher levels of government.
- > Ensuring sufficient resources and a cooperative environment to support CBCPs in dealing with the potentially broad scope of obstacle notifications.
- > Avoiding that the set-up of the CBCPs leads to the duplication of institutional structures or other inappropriate enlargement of public institutions.
- > Overcoming the weaknesses of the initial regulation through close monitoring and evaluation of the actual set up of CBCPs and application of the Cross-Border Facilitation Tool.

Keywords

European border regions, cross-border obstacles, European integration, cross-border functional areas, EU territorial policies

1 Regulation (EU) 2025/925 of the European Parliament and of the Council on a Border Regions' instrument for development and growth (BRIDGEforEU) (OJ L925/1).

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON FACILITATING CROSS-BORDER SOLUTIONS – BRIDGEFOREU

Contents

- 1 Background and objective of the Position Paper
- 2 The BRIDGEforEU Regulation to resolve legal and administrative obstacles
- 3 Highlights, pitfalls and ways out
 - 3.1 Thematic scope – What is covered by the regulation?
 - 3.2 Covering different government levels and territorial perimeters
 - 3.3 Leaving behind less experienced border regions?
 - 3.4 Caught between concretisation, limitations and openness
 - 3.5 A regulation for facilitation?
 - 3.6 CBCPs as an additional institutional layer?
 - 3.7 Voluntariness – need and limitation
- 4 Conclusion
- Bibliography

1 Background and objective of the Position Paper

In the European Union, more than 150 million EU citizens live in European border regions (European Commission, 2017). Persistent border obstacles continue to hamper border regions in their development, despite manyfold EU initiatives aiming to overcome these obstacles (European Commission, 2021). Aside of Interreg and other funding, institutional solutions have also been established. Examples are the European Economic Interest Grouping (EEIG)² for private sector entities and the European Groupings of Territorial Cooperation (EGTC)³ for public sector entities. However, the introduction of a tool to address administrative and legal obstacles was overdue, particularly in light of increasing cross-border activities and interactions. This was first addressed at the political level by member states and European institutions at an informal ministerial meeting under the Luxembourgish Presidency in 2015 (Le Gouvernement du Grand-Duché de Luxembourg, Ministère du Développement durable et des Infrastructures, Département de l'aménagement du territoire, 2015). Following this initiative, the European Commission launched the *b-solutions* initiative and in 2018 proposed a regulation for 'a mechanism to resolve legal and administrative obstacles in a cross-border context'⁴. The negotiations about this initial proposal stalled in 2021 due to constitutional concerns and the necessity for the proposal to comply with the principles of subsidiarity and proportionality. Furthermore, several member states suggested that adopting the proposal would put their constitutional integrity at risk as some wording of the Commission's proposal could be interpreted as quasi-automatism, overruling national legislation. However, in September 2023 and on the initiative of the European Parliament, the ball started rolling again. The European Parliament underlined the importance of the subject for citizens and asked the Commission to become active again, by making concrete proposals which should help overcome the blockage of the negotiations. Following the initiative of the European Parliament of September 2023 (GOZI, 2023), in December 2023 the European Commission suggested an Amended Proposal for a Regulation on a Mechanism to Resolve Legal and Administrative Obstacles in a

2 Council Regulation (EEC) No 2137/85 on the European Economic Interest Grouping (EEIG) (OJ L 199, 31.7.1985, p. 1–9).

3 Regulation (EU) No 1302/2013 on a European Grouping of Territorial Cooperation (EGTC) (OJ L 347/303).

4 Proposal for a Regulation of the European Parliament and of the Council on a Mechanism to Resolve Legal and Administrative Obstacles in a Cross-Border Context (COM(2018) 373 Final).

Cross-Border Context⁵. This was negotiated first with the Member States in dialogue with the Council, resulting in a compromise⁶, which was subject to negotiation with the Parliament in the trilogue. The result of these negotiations is the final and published BRIDGEforEU Regulation⁷.

Followed closely by the professional and academic ‘border-community’, these recent developments were much welcomed, yet with a critical eye concerning suggestions that the amended proposal does not have sufficient ‘teeth’. Given the initial reactions to the regulation’s text, specifically with the European Council’s reservation, this amended proposal, as well as the now adopted regulation, reflect ‘what is currently possible’.

The ad-hoc ARL Working Group was established in spring 2024 with the aim of closely following the ongoing negotiations between the European Commission and the Council on the proposal. Throughout the negotiation process, the Working Group continuously monitored developments up to the adoption of the final regulation by the European Parliament in May 2025. This position paper offers a critical reflection on the final regulation, which is now referred to as the BRIDGE forEU Regulation. The position paper pursues the following objectives:

- > Firstly, to discuss the regulation’s scope and raise questions of aspects that remain unclear to this working group.
- > Secondly, to pinpoint potential challenges with the implementation of the regulation.
- > Thirdly, to propose certain conditions which may support the successful implementation of the regulation.

The following section addresses the first of these three objectives. Section 3 focuses on the other two objectives by differentiating six challenges and detailing recommendations for each of them.

2 The BRIDGEforEU Regulation to resolve legal and administrative obstacles

The goal of the BRIDGEforEU Regulation remained the same as in the initial proposal in 2018 at the beginning of the legislative process: to help border regions to overcome challenges related to technical standards or national administrative and legal provisions that are undermining cross-border interactions in the daily life of cross-border communities and hampering the integrated development of cross-border regions. To find solutions that are as specific as possible, the immediate border areas that represent functional areas should be addressed first and foremost. Tackling the cross-border dimension shall enhance the development of functional areas in regions close to borders, which in turn is expected to support the functioning of the EU Single Market, boost GDP in cross-border regions and reduce risks for these regions.

In essence, the regulation allows member states to establish so-called Cross-Border Coordination Points (CBCPs) or at least provide information on a relevant authority (Article 4). These CBCPs shall act as intermediators between stakeholders who are impacted by a cross-border obstacle and the authorities in charge of possible amendments to overcoming the obstacle (Article 5). The

5 Amended Proposal for a Regulation on a Mechanism to Resolve Legal and Administrative Obstacles in a Cross-Border Context (COM/2023/790 Final).

6 Amended Proposal for a Regulation of the European Parliament and of the Council on a Mechanism to Resolve Legal and Administrative Obstacles in a Cross-Border Context - Mandate for Negotiations with the European Parliament (Interinstitutional File: 2018/0198(COD), October 2024).

7 Regulation (EU) 2025/925 of the European Parliament and of the Council on a Border Regions’ instrument for development and growth (BRIDGEforEU) (OJ L925/1).

impacted stakeholder shall notify the obstacle to the CBCP (Article 7(2)) as defined and detailed in the regulation (Article 8), and the CBCP may coordinate with national, regional and local level authorities in charge of finding solutions for cross-border obstacles (Article 5(2)). The CBCP, or the competent authority in charge of the rules creating the obstacle, checks for an existing solution to the notified obstacle (Article 9). If the CBCP or the competent authority fails to identify procedures, available instruments or an existing agreement or does not find an ad-hoc solution that could be used to overcome the notified obstacle, the 'Cross-Border Facilitation Tool' can be applied. This tool provides a voluntary standard procedure aimed at resolving cross-border obstacles. During negotiations, the terminology 'Cross-Border Facilitation Tool' emerged to replace the originally foreseen 'Mechanism to Resolve Legal and Administrative Obstacles in a Cross-Border Context'. A framework in which the Cross-Border Coordination Points remain in place.

It is important to note that in the regulation that was finally adopted, the establishment of a CBCP is voluntary. Finding a solution is also not obligatory, so the member state or its competent authority can in principle halt the process at any moment, with or without a material reason. Recourse can only be made in procedural terms, however, the demands regarding the procedure are not particularly restrictive.

The voluntary character of the regulation was part of the Councils mandate in negotiations with the Parliament. It was seen as a key parameter: member states can freely decide whether to use the framework of the regulation or not, thus making its application entirely voluntary.

3 Highlights, pitfalls and ways out

The adopted regulation is continuing to put structured support for cross-border interactions centre stage, initially through providing contact points and presenting a broader framework for pathways towards solutions. The regulation, specifically with its clause for voluntariness, complies with the principles of proportionality and subsidiarity. The proposal was considerably amended through the negotiation process and a substantial part of the initial wordiness is now gone, while some clarifications were achieved. In addition, key concerns were addressed in terms of:

- > focusing on a facilitation tool that supports procedural aspects of cooperation, rather than attempting to provide a 'solution'.
- > clearly stating the opportunity to build on existing instruments or make use of ad-hoc mechanisms,
- > including a requirement to only use the cross-border facilitation in cases with a 'cross-border dimension' to exclude this tool's use in the general Schengen Market areas.

In the following sections, we highlight aspects that lack clarity of terms or processes or efficiency of implementation.

3.1 Thematic scope – What is covered by the regulation?

Article 1(1) states 'This Regulation establishes a framework to facilitate identifying and resolving cross-border obstacles that hamper the establishment and functioning of any infrastructure necessary for public or private cross-border activities, or of any cross-border public service that is provided in a given cross-border region and that fosters economic, social and territorial cohesion in that cross-border region'. Questions arise around the scope of application. Specifically, what is covered by the terms 'infrastructure' or 'public service' is not self-evident. Crucial areas of cross-

border interaction that are of relevance for citizens and administrations and may not be covered are, for example, healthcare, nature protection and social security. In general, cross-border obstacles differ between border regions depending on the neighbouring legal and administrative systems. It will be interesting to see the type of cross-border interactions for which this new framework will prove to be most useful, and how this differs between border regions.

Besides this uncertainty regarding the terminology, the role of existing institutions dealing with cross-border obstacles remains unclear. Prominent examples are the Dutch-German spatial planning commission, which was established in 1967⁸, and the cross-border coordination in spatial planning of the Upper Rhine Council agreed upon in 2022⁹. As it is vague in several respects, the regulation does not specify whether there is a need to submit a notification in the cases where obstacles are identified by such an institution and if so, under which conditions. At the other end of the scale, these institutions have well-established communication structures with proven solutions for previous obstacles. This raises the question of whether these institutions could be considered as access points for ad-hoc solutions and how they would be identified by the CBCP.

Our recommendations: Although Article 3(1)1 specifies ‘infrastructure’ by linking it to cross-border interactions and activities and focusing on ‘any cross-border public service’, **we recommend further clarification.** For instance, this could be complementary guidance by the European Commission or a collection of legal and administrative obstacles across all potentially relevant policy areas as hands-on illustrations. Such a collection should go beyond the exclusion of insurance and tax issues according to Article 2(3) and, for example, specify the intended coverage of public services: do they refer to services of economic and/or social interest or beyond that also include blue and green infrastructure and related services? We recommend applying a broad understanding of the scope to allow the greatest possible benefits for citizens and workers in cross-border regions. Stocktaking of existing institutions that could prove helpful in the search for solutions and specifying their roles in this context may be also considered.

3.2 Covering different government levels and territorial perimeters

In contrast to the regulation proposal of 2018, the wording of the adopted BRIDGEforEU Regulation is much broader in terms of territorial coverage: it does not relate to specific territorial units but rather requires cross-border interaction and proof of a cross-border dimension (Article 3(2)). This provision is advantageous in the sense of covering the territorial diversity of the European Union and allowing obstacles with varying territorial perimeters to be addressed. Furthermore, the idea of the regulation is to support any interaction that facilitates the development of cross-border functional areas. The regulation thus seems to be flexible enough to meet the demands resulting from the different territorial perimeters of cross-border interactions. At the same time, there is the risk that the intended focus on the immediate border regions in the sense of functional areas may be lost.

According to Article 4(1), a CBCP can be established at any governmental level. While this allows, in principle, tailor-made approaches in different territorial contexts of the EU, it does not automatically imply that CBCPs are established at the most suitable level. For example, if a CBCP is established at the national level, this CBCP may not be sufficiently aware and sensitive towards notifications concerning obstacles from border regions located far away. This may prevent the CBCP from focusing on a specific regional or local context. In other words: the working environment

⁸ See e.g. https://www.ml.niedersachsen.de/startseite/themen/raumordnung_landesplanung/grenzuberschreitende_raumentwicklung/deutsch-niederlaendische-raumordnungskommission-5124.html.

⁹ <https://www.oberrheinrat.org/de/beschluesse/display/grenzueberschreitende-abstimmung-im-bereich-der-raumordnung-verstaerken.html>.

in national capitals is sometimes physically and mentally distanced from daily challenges in border areas. While this risk is reduced in federal countries, where the federal states can make contracts with neighbouring regions and countries for their territories, it certainly exists for other member states with centralised governance structures.

Having CBCPs in different member states at different levels may mean that different governmental levels must coordinate with one another, which at times may prove challenging in practice, especially in view of the above-mentioned voluntary character of the regulation. Finally, the question of what happens if a CBCP is set up on one side of the border without an adequate counterpart (CBCP or other competent authority) on the other side is not addressed and may cause frustration on the part of stakeholders.

To avoid this potential frustration, all member states shall commit at least to identifying and naming the relevant authorities for a first contact if they decide not to formally set up one or more CBCPs (Article 6(1)). This approach avoids the situation whereby a notification concerning an obstacle submitted to a CBCP on the other side of the border would not be processed due to the lack of a CBCP, and it furthermore minimises the preparatory efforts of member states who currently do not want to commit to the Cross-Border Facilitation Tool while respecting the voluntary character of the regulation.

Our recommendations: We recommend the **clearly focused use of the tool on the functional cross-border areas**, so that it contributes to solving problems in border regions that result from cross-border interactions rather than being misunderstood as a tool for wider and more general cooperation between member states. After setting up CBCPs or specifying the relevant authorities, we suggest an evaluation should obtain a better understanding of how, at what level etc. CBCPs have been set up. This may not only help to obtain a better understanding of CBCPs in all member states but should also provide first lessons on the links between CBCPs. Finally, **to overcome the risk of ‘distanced CBCPs’ in some countries**, we consider the development of a hierarchical system, in which a central CBCP is complemented by decentralised contacts in the border regions as a mitigation measure.

3.3 Leaving behind less experienced border regions?

The regulation in its present form seems to favour application in member states that pay attention to cross-border cooperation. The implementation of the regulation requires an active administration: due to the voluntary nature of CBCPs and the related processes, not all member states may implement the regulation and set up CBCPs. In consequence, the regulation may leave behind border regions with less active cross-border interactions or weaker institutional contexts, or cross-border regions in institutional contexts that are unreceptive to cross-border cooperation interests. There is a certain risk that only very active regions with intense cross-border interactions and active and engaged stakeholders may be able to use the regulation. Furthermore, the current approach of the regulation makes the stakeholders in the cross-border region responsible for justifying the notification of an obstacle and the request for a solution (Articles 7 and 8).

Our recommendations: To mitigate the above-mentioned risks, we recommend strengthening the responsibility or at least **ensuring the support of EU institutions to benefit from their expertise and balance the potential use of the Cross-Border Facilitation Tool across border regions**. The tool should not be considered as a stand-alone option but may either be complementary to or propose the use of other tools such as *b-solutions* or Interreg funding. It also does not replace other activities that aim to enhance cross-border governance to overcome obstacles, as for example the OECD project ‘Building More Resilient Cross-Border Regions’ (OECD, 2024).

3.4 Caught between concretisation, limitations and openness

In certain aspects the regulation is very precise and concrete (e.g. organising the procedures according to Article 9 and mentioning deadlines in Article 10). However, at the same time, the actual application of the regulation and the framework involve a very broad procedure. This procedure and its implementation need to be rather broad to cover the different demands of cross-border cases. Yet this means that the onus is on the CBCPs to adjust the procedure to suit different cases. This requires substantial knowledge and flexibility to involve a diverse set of stakeholders subject to the concrete demands of a notified cross-border obstacle. As a result, actual implementation may depend much on the motivation of individual person(s) taking up the role of the CBCP as well as the institutional culture of vertical and horizontal coordination in the respective governance system. If CBCPs feel overburdened or not adequately positioned to deal with their roles, this may also contribute to frustration and a lack of attendance to notifications of cross-border obstacles.

Our recommendations: To overcome these limitations of CBCPs, which may affect the effectiveness of the whole regulation, we suggest that **member states should clearly express commitment and indicate support for the CBCPs' work**. This may involve giving access to resources upon demand, ensuring a cooperative approach across institutions or other support measures subject to a member state's governance structures. As proven in other cases, a **pilot phase can be beneficial to enhance learning** through initial testing of the tool's implementation to be followed by practical guidance highlighting the main pitfalls and possibilities in practice.

3.5 A regulation for facilitation?

Although this is a voluntary tool, the Commission chose to establish it as a regulation rather than a directive. It is important to note that a regulation is rather a strong legal tool at the European level, as it defines directly applicable law in all member states. In practice, this means in this case that the objective of the regulation is to 'facilitate procedures'. Initially, this may read as a contrast. However, the choice of a regulation may have been a necessity, as a directive would have meant creating up to 27 different transpositions into national law and being confronted with the same number of different implementation frameworks, which would have invalidated the idea of facilitation and moving towards common procedures for cross-border stakeholders. The procedural nature of the regulation, however, remains something of a novelty, at least in the cross-border context, and more broadly the regional and cohesion policy context. We are curious to see how the regulation will be used in practice, by whom and for what type of cross-border interactions.

Our recommendations: Although the regulation foresees monitoring the submissions processed in each member state according to Article 5(3), we see the need for **additional monitoring to better understand the extent to which obstacle notifications may have been submitted without further processing or may not have been submitted due to one of the above-mentioned challenges**. Also, understanding of how the tool has been implemented in terms of the resources used, coordination across the border, etc. could provide useful insights for future action to further facilitate the mitigation of obstacles to cross-border cooperation.

3.6 CBCPs as an additional institutional layer?

As mentioned above, in Article 4(1), the regulation proposes the establishment of at least one CBCP. The question arises as to whether the set-up of CBCPs implies additional institutional structures or not, despite the voluntary character of the regulation. To avoid either a duplication of structures or a further expansion of new public institutions, the functions of the CBCPs may be assigned to existing institutions. This leads to several questions:

- > Can their set-up differ at different borders of one member state and how is this decision taken?
- > If cross-border institutions already exist, would they be considered CBCPs to avoid duplication of structures? Which institutions would be adequate? And what does this imply for their work and resources?
- > What other institutions are suitable to take on additional functions as CBCPs and what are the implications?

Our recommendations: Against this background, **we recommend avoiding the duplication of structures by all means, while ensuring the embeddedness of any CBCPs in the governance of cross-border cooperation**, keeping in mind the need for sufficient capacities and resources mentioned above. Some lessons may also be drawn from the EGTC approval authorities' function following the implementation of the EGTC regulation¹⁰ and their initial experience. These considerations are fundamental to facilitate effective access to the CBCPs and cooperation from the very start.

3.7 Voluntariness – need and limitation

The voluntary implementation of the provisions contained in the regulation was a precondition for the regulation to be passed as legislation at the EU level¹¹. Yet, this voluntariness also means that the regulation risks becoming a 'toothless tiger' and, as discussed above, may only help overcome obstacles in a few European border regions. This involves the risk of further widening disparities in cross-border regions, between those that are advanced in dealing with cross-border obstacles and those still facing initial hurdles.

Apart from the legal aspect of voluntariness, a key limitation is that in this setting there may be limited opportunities to acquire the necessary resources, be it in terms of human resources or institutional support more broadly. We are convinced that the regulation will only be implemented by those in the 'club of willingness', who may be able to find other solutions to the problems intended to be solved with the framework. Nevertheless, the existence of the framework is a good starting point for specifying procedures and identifying obstacles and needs in border regions, and for clarifying the specific task of the CBCPs. In this sense, we acknowledge that the regulation with its voluntariness allows a certain level of experimentation that may pave the way for more targeted amendments in the future. In a sense, this is a similar situation to that pertaining to the EGTC Regulation¹², where several member states were hesitant about the provision but, over time, an increasing number of countries started to use it or to use other legislation with the same purpose.

Our recommendations: We believe that this further supports the potential benefit of **close monitoring and even an evaluation**, similar to that used for the EGTC Regulation¹³, to identify the need for amendments in due time in order to overcome weaknesses of the now initially adopted regulation.

¹⁰ Regulation (EU) No 1302/2013.

¹¹ The voluntary nature is apparent, for example, in Article 1(2), Article 2(4), Article 4(1) and Article 6.

¹² Regulation (EU) No 1302/2013.

¹³ Ibid.

4 Conclusion

Overall, a sense of relief can be felt in the cross-border community that the amended regulation has now been adopted. Yet, during the process leading up to this adoption, the wording of the regulation has become ever softer in scope and force, so that its actual implementation will need to prove its potential. A variety of concerns is already visible in the academic literature, even leading one author to conclude that this regulation ‘might only add to [the already existing] complex web of structures without bringing anything new or effective’ (Sivonen et al., 2024, p. 13).

The good news is that there is finally a regulation to start off with! The bad news is that it is neither compulsory nor strong in its rigidity and will certainly require multiple clarifications of terms and support with interpretation for effective implementation. This is a typical case of a discussion whether the glass is half full or half empty. For the border regions in Europe, the year of 2025 is – despite all the limitations of the regulations – a remarkable stepping stone: the framework allows border regions to intensify their collaboration and to resolve legal as well as administrative obstacles against the background of a regulative framework that pushes member states to support the finding of cross-border solutions.

This brings us to a more dynamic view on the regulation: discussion of the issues observed leaves much vagueness about how things will be implemented in practice. This means that the statutory monitoring imposed by the regulation must be complemented by a close twofold follow-up on what is happening on the ground: in terms of research into actual practice and in terms of disseminating good practices. Furthermore, we can again draw some parallels with the EGTC regulation by reminding ourselves that the EGTC regulation was amended in 2013, seven years after its adoption in 2006. In this sense, we consider the newly adopted regulation as an important transitional solution towards one that is more concrete and possibly of more mandatory nature, if it then may no longer be considered a threat by certain member states but viewed rather as a useful tool to contribute to the wealth and well-being of their border regions.

Bibliography

- European Commission (2017). Boosting growth and cohesion in EU border regions. Communication from the Commission to the Council and the European Parliament. COM(2017) 534 final.
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017DC0534>.
- European Commission (2021). Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. EU Border Regions: Living labs of European integration (COM(2021) 393 final).
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=COM:2021:393:FIN&from=EN>.
- GOZI, S. (2023). European Parliament report with recommendations to the Commission on amending the proposed mechanism to resolve legal and administrative obstacles in a cross-border context (A9-0252/2023).
https://www.europarl.europa.eu/doceo/document/A-9-2023-0252_EN.html.
- Le Gouvernement du Grand-Duché de Luxembourg, Ministère du Développement durable et des Infrastructures, Département de l'aménagement du territoire (2015, November 13). A tool for the attribution and application of specific provisions for the improvement of cross-border cooperation (Action 3 of the IT-LV-LU Trio Presidency). Input paper for the Informal Ministerial Meeting on Territorial Cohesion under the Luxembourg Presidency. Luxembourg, 26 November 2015.
https://amenagement-territoire.public.lu/dam-assets/fr/eu-presidency/Events/26-27-November-2015_-Luxembourg-City/Material/IMM-Territorial-_LU-Presidency_---Input-Paper-Action-3.pdf.
- OECD (2024). Building More Resilient Cross-border Regions (OECD Multi-Level Governance Studies).
https://www.oecd.org/en/publications/building-more-resilient-cross-border-regions_d5fd3e59-en.html.
- Sivonen, S.; Unfried, M.; Mertens, P. (2024). Dossier 2: Proposal for an EU Regulation ‘Facilitating cross-border solutions’ – Cross-Border effects across European cross-border regions (ITEM-TEIN joint study). Maastricht University.
<https://crossborderitem.eu/wp-content/uploads/GREFRAP-2024-D2-Facilitating-cross-border-solutions-EN.pdf>.

Current Position Papers of the ARL

No.

156 Regulation of the European Parliament and of the Council on facilitating Cross-Border Solutions – BRIDGEforEU.

This position paper was prepared by members of the ad-hoc Working Group ‘Cross-Border Solutions’ at the ARL. Hanover, 2025.

<https://nbn-resolving.org/urn:nbn:de:0156-2505211034385.929456732711>

<https://doi.org/10.60683/x2zq-ze16>

155 Raumentwicklung für eine gute Zukunft: Jetzt die große Transformation gestalten – Ergebnisse der ARL-Tagung am 7. und 8. November 2024 in Radolfzell am Bodensee in elf Botschaften (Bodensee-Protokoll).

Dieses Positionspapier enthält Ergebnisse und Empfehlungen von Mitgliedern der Arbeitsgruppe „Große Transformation und nachhaltige Raumentwicklung machen“ der ARL-Foren Baden-Württemberg und Bayern der ARL. Hannover, 2025.

<https://nbn-resolving.org/urn:nbn:de:0156-2505211031157.680912389280>

<https://doi.org/10.60683/1svy-2t56>

154 Güterverkehr, Logistik und Raumentwicklung: Planerischer Handlungsbedarf.

Dieses Positionspapier enthält Ergebnisse und Empfehlungen des Ad-hoc-Arbeitskreises „Güterverkehr, Logistik und Raumentwicklung“ der ARL. Hannover, 2025.

<https://nbn-resolving.org/urn:nbn:de:0156-2503050823586.528634954613>

<https://doi.org/10.60683/mnk2-em11>

153 Aktuelle verkehrsrechtliche Entscheidungen – Neuer Schub für die kommunale Mobilitätswende.

Positionspapier von den Mitgliedern des Ad-hoc-Arbeitskreises „Aktuelle verkehrspolitische Entwicklungen für die kommunale Mobilitätswende nutzen“ der ARL. Hannover, 2025.

<https://nbn-resolving.org/urn:nbn:de:0156-2502131624466.096345908600>

<https://doi.org/10.60683/xm2g-wf30>

152 Freiraumwende – Vom Freiraum her denken, planen und handeln.

Positionspapier von den Mitgliedern des Arbeitskreises „Freiraumsicherung und -entwicklung in der räumlichen Planung“ der ARL. Hannover, 2025.

<https://nbn-resolving.org/urn:nbn:de:0156-01522>

<https://doi.org/10.60683/0d74-gn32>

151 Künstliche Intelligenz in der Raumentwicklung – Impulse für die Praxis und Forschung.

Positionspapier von den Mitgliedern des Arbeitskreises „Künstliche Intelligenz in der Raumentwicklung“ der ARL. Hannover, 2024.

<https://nbn-resolving.org/urn:nbn:de:0156-01518>

<https://doi.org/10.60683/wtz8-1j26>

150 Gleichwertige Lebensverhältnisse implementieren – Empfehlungen für die Raumordnung der drei mitteldeutschen Länder Sachsen, Sachsen-Anhalt und Thüringen.

Dieses Positionspapier enthält Ergebnisse und Empfehlungen der Arbeitsgruppe „Implementierung gleichwertiger Lebensverhältnisse durch Raumordnung“ (IGLRO) der Landesarbeitsgemeinschaft Sachsen/Sachsen-Anhalt/Thüringen der ARL. Hannover, 2024.

<https://nbn-resolving.org/urn:nbn:de:0156-01504>

<https://doi.org/10.60683/vz6n-1r45>

