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REPORT

drawn up on behalf of the Committee on
Regional Policy and Regional Planning

on the strengthening of transfrontier cooperation

Rapporteur: Mrs E. BOOT

At its sitting of 22 May 1980, the European Parliament referred the motion for a resolution tabled by Mr van Aerssen and others on the strengthening of transfrontier cooperation (Doc. 1-188/80) pursuant to Rule 47 of the Rules of Procedure to the Committee on Regional Policy and Regional Planning as the committee responsible and to the Committee on Transport for an opinion.

At its meeting of 28 October 1980, the Committee on Regional Policy and Regional Planning decided to draw up a report and appointed Mrs Boot rapporteur.

The committee considered the draft report at its meetings of 22 January 1981, 24 February 1981, 17 March 1981, 22 April 1981, 27 April 1982, 22 June 1982, 28 January 1983 and 3 February 1984. At the last meeting it adopted the motion for a resolution as a whole nem. con. with one abstention.

The following took part in the vote: Mr De Pasquale, chairman; Mrs Fullet, vice-chairman; Mr Pöttering (deputizing for the rapporteur), Mr Cardia (deputizing for Mrs De March), Mr Gendebien, Mr Hutton, Mr Klinkenborg (deputizing for Mr Griffiths), Mr Kyrkos, Lord O'Hagan, Mr Karl Schön, Mr J.D. Taylor, Mr von der Vring and Mr Ziagas (deputizing for Mr Hume).

The opinion of the Committee on Transport is attached.

The report was tabled on 9 February 1984.

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The Committee on Regional Policy and Regional Planning hereby submits to the European Parliament the following motion for a resolution together with explanatory statement:

MOTION FOR A RESOLUTION

on the strengthening of transfrontier cooperation

The European Parliament,

- having regard to the motion for a resolution tabled by Mr van Aerssen and others on the strengthening of transfrontier cooperation (Doc. 1-188/80) and the motion for a resolution tabled by Mr De Gucht on the setting up of employment zones in frontier, backward and problem areas (Doc. 1-290/82),
- having regard to earlier resolutions of the European Parliament, in particular its resolutions on 'the Community's regional policy as regards the regions at the Community's internal frontiers'¹, on 'the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road'², on 'the siting of nuclear power stations in frontier regions'³, on 'economic and social policy for the benefit of frontier workers'^{3a} and on 'local transfrontier traffic'^{3b},
- recognizing the valuable preparatory work carried out by the Council of Europe and its various bodies, particularly the 'European outline convention on transfrontier cooperation between territorial authorities or communities' and the report on 'Transfrontier cooperation in Europe'⁴,
- having regard to Articles 2, 100 and 104 of Treaty establishing the EEC,
- having regard to the Commission's recommendations concerning transfrontier coordination in the context of regional development⁵,
- having regard to the report of the Committee on Regional Policy and Planning (Doc. 1-1404/83),

1

OJ C 293, 13.12.1976

2

OJ C 140, 5.6.1979

3

OJ C 327, 15.12.1980

3a

OJ C 149, 14.6.1982

3b

OJ C 13, 17.1.1983

4

CPL (15) 6 final of 23 May 1980

5

OJ L 321, 10.11.1981

1. Notes that the economic development of the frontier regions of the Community has been comparatively less favourable than in the central regions. Although such areas frequently occupy a central position in European terms, they are peripheral areas from the point of view of the individual Member States;
2. Notes that the existence of national frontiers is a hindrance to economic growth in some regions in every Member State since they are situated on the periphery of a national market;
3. Points out that as a result, such regions suffer from structural disadvantages, and that their problems are consequently covered by the general structural policy of the Community (Articles 104 et seq of the Treaty establishing the EEC);
4. Emphasizes that all transfrontier problems fall within the terms of reference of the Community;
5. Recognizes that since the frontier regions are orientated exclusively towards the interior of the country they are generally disadvantaged peripheral areas with inadequate infrastructures and communications, relatively low incomes and are frequently areas of net outward migration;
6. Emphasizes that the Community's internal frontiers are seen as a barrier to economic and social development, particularly by the populations of frontier areas;
7. Underlines that the extent and nature of the problems in the frontier regions of Europe are an accurate reflection of the degree of political cooperation, or readiness to achieve integration, shown by the Member States of the Community and are also an accurate reflection of Community policy to date;
8. Stresses that some of the problems of internal frontier regions are caused by divergent technical, administrative, economic, legal, monetary and fiscal provisions which cannot be eliminated until economic and monetary union is achieved. This applies among other things to the border controls, which are regarded as an inconvenience, the differing tax and social security position of frontier workers and the fact that the level of their income is affected by fluctuations in exchange rates;
9. Considers that such cooperation in planning and implementation of policy could be extended to the following areas: coordination of regional policy and regional planning in frontier areas, coordination at regional and local level of measures relating to environmental protection, emergency services for natural disasters, fire services and radio transmissions, energy and water supplies, sewage and waste disposal, transport, education, health and cultural policy, tourism, etc.;

10. Is aware that a great deal of progress has already been made towards cooperation in such fields in certain frontier regions but that a climate of cooperation has yet to be created in other areas;
11. Notes with satisfaction all the existing bilateral agreements between Member States and between Member States and third countries in this area, and in particular the work of the inter-State regional planning committees;
12. Welcomes the Council decision of 11 June 1981 on the conclusion of the Convention on long-range transboundary air pollution but considers that this has solved only some of the transfrontier problems;
13. Supports the Council of Europe's 'European outline convention on trans-frontier cooperation between territorial authorities or communities', which has been in force since 1981 and has been ratified by eleven countries to date, including eight Member States, and calls on the Council to give the Commission a mandate to ratify this convention;
14. Considers that the many day-to-day problems encountered by communities on both sides of frontiers can and should be solved only to a limited extent by the foreign ministries of the countries concerned. As a rule, solutions reached between the local or regional communities and authorities directly concerned, within their areas of responsibility, prove quicker, more effective, more appropriate to the realities of the situation and above all closer to the needs of the population;
15. Notes that in the past local and regional communities and authorities have lacked adequate legal powers to achieve the necessary degree of administrative coordination in respect of transfrontier problems falling within their terms of reference;
16. Calls upon the Commission, therefore, to draw up proposals for a directive obliging the Member States to make the necessary arrangements for an exchange of information and to ensure reciprocal consultation on administrative measures in frontier regions having a direct or indirect effect on the frontier regions of neighbouring countries;
17. Considers that this phase of strengthening frontier cooperation must be accompanied by the application of the principle of the 'right to equal access', in particular with regard to information, monitoring and procedures for registering opposition with respect to measures with transfrontier effects;
18. Emphasizes that a directive imposing a reciprocal obligation to hold consultations should not apply only to regional and local authorities on both sides of the frontier but also to the national bodies responsible for regional policy and regional planning so as to ensure effective coordination of regional development measures in frontier regions;

19. Calls upon the Commission to cooperate with the Study and Information Office on Transfrontier Cooperation established by the Council of Europe to advise interested local and regional authorities in the frontier regions;
20. Considers that alongside efforts to institutionalize transfrontier cooperation, informal transfrontier contacts will continue to be of decisive importance and therefore calls upon Members of Parliament and elected representatives from frontier regions to play their part in strengthening transfrontier cooperation;
21. Instructs its President to forward this resolution and the explanatory statement to the Council, the Commission of the European Communities, the parliaments of the Member States and to the Council of Europe.

EXPLANATORY STATEMENTf. Background to the report

1. This report deals with the problems of regions adjacent to the internal and external frontiers of the EEC.

Frontier regions, like coastal and mountain regions, face similar problems, and their inhabitants often tend to have similar interests.

But, in contrast to coastal and mountain regions, their political boundaries - whether national frontiers within the Community or borders with third countries - are artificial barriers which the local inhabitants frequently regard as obstacles to development.

2. Frontier regions are peripheral from the point of view of national states, although they generally occupy a central position in European terms. They are prevented from extending and developing their full potential by the national frontiers which divide them.

3. It is for these reasons that many frontier regions are economically and socially backward.

4. The Treaties were only concerned with frontiers as obstacles to the free movement of goods, services and persons. It cannot be denied that progress has been made in this area since the Community was set up. The internal frontiers of the Community have become more open, particularly from the point of view of trade.

5. Nevertheless, little or nothing has changed for the frontier regions and their inhabitants, who still look upon the border as a barrier and a hindrance, and often even as a major nuisance. They are still confronted daily with the damaging and pointless effects of such borders. Inhabitants of frontier regions - often unlike the inhabitants of the interior of the country - have a definite interest in eliminating the negative aspects of the frontier. For them it is not a matter of abolishing frontiers but of overcoming the obstacles they represent¹.

6. The extent and nature of the problems in the frontier regions of Europe are an accurate reflection of the degree of political cooperation or readiness to achieve integration shown in the capitals of our continent.

¹ Von Malchus, 'Current problems of transfrontier cooperation in Europe', unpublished paper for the 'Regionalism in Europe' meeting on 4.4.81 in Dülmen.

7. At present the Community's various internal and external frontiers demonstrate a whole range of possible forms of cooperation, from frontier regions engaging successfully in extensive transfrontier cooperation to completely sealed and militarized borders protected by barbed wire, watch-towers and a battery of self-firing devices.

8. The Committee on Regional Policy and Regional Planning is convinced that real progress on cooperation in frontier regions cannot be made unless there is a corresponding political commitment on the part of Member States of the Community and neighbouring third countries.

9. The frontier regions and their elected representatives at national, regional and local level must therefore make it their business to encourage the national governments of the Member States to do everything in their power to eliminate the negative effects of national frontiers.

10. When considering the nature and intensity of possible cooperation, we must distinguish between three categories of national frontier:

- A. internal Community frontiers;
- B. frontiers with democratic third countries;
- C. frontiers with state-trading countries.

11. This report is chiefly concerned with examining possible methods of improving cooperation at the internal frontiers of the Community.

In the committee's opinion, demands for increased cooperation should be addressed primarily to the frontier regions and national governments of the Community, to the Commission and to the Council.

Third countries, particularly those with democratic forms of government, should be encouraged to make similar arrangements at local, regional or national level, if they so wish.

II. Preparatory work by the European Communities

12. The European Parliament has taken an interest in the problems of frontier regions on several occasions in the past.

Special mention should be made of the GERLACH report¹, which was approved by the European Parliament in 1976. This report contained far-reaching proposals for improved cooperation at the Community's internal frontiers. In particular, the report called for 'European Joint Authorities' to be set up by means of a regulation providing them with a legal basis for cooperation.

¹ Report by the Committee on Regional Policy, Regional Planning and Transport on the motion for a resolution by Messrs. GERLACH, MITTERDORFER and WIELDRAAIJER on the Community's regional policy as regards the regions at the Community's internal frontiers (Doc. 5/74) - (Doc. 355/76).

The Commission was unable to support these demands, and did not submit proposals on the subject to the Council.

13. In November 1981, however, the Commission did eventually submit to the Member States a recommendation¹ on transfrontier coordination. These proposals seek to achieve coordination of regional development programmes in frontier regions which are development areas in the context of the ERDF.

The Committee on Regional Policy and Regional Planning welcomes this Commission recommendation, but considers that it does not go far enough, for the following reasons:

- Because the legal instrument chosen is a recommendation without binding force in domestic law, the regional and local authorities with an interest in transfrontier cooperation will continue to lack a legal basis for such action. The practical effects will therefore be slight.
- Limiting the geographical scope of the recommendation to the development areas under the ERDF severely limits the impact of the recommendation. After the planned revision of Fund rules, the recommendation might only apply to the frontier between the Republic of Ireland and Northern Ireland.
- The recommendation makes no mention of cooperation at the Community's external frontiers.

Since approving the GERLACH report, the European Parliament has frequently dealt with specific aspects of transfrontier cooperation:

- The WALZ report² on consultation at Community level on the siting of power stations;
- the SCHYNS report² on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road;
- the VON ALEMANN report² on the siting of nuclear power stations in frontier regions.
- SALISH report² on economic and social policy for the benefit of frontier workers;
- DESOUCHES report² on local transfrontier traffic.

Moreover, a series of motions for resolutions and written questions² have been submitted to the European Parliament, a clear indication of Parliament's marked interest in the subject.

¹ OJ L 321, 10.11.1981

² Doc. 145/77
Doc. 678/78
Doc. 1-442/80
Doc. 1-1095/81

OJ C 13, 17.1.1983
OJ C 93, 23.4.1981
OJ C 100, 4.5.1981
OJ C 345, 31.12.1980
OJ C 347, 31.12.1980
OJ C 335, 22.12.1980
OJ C 329, 16.12.1980
OJ C 41, 18.2.1980
OJ C 74, 24.3.1980
OJ C 126, 27.5.1980
OJ C 150, 18.6.1980

14. Up to now, the Council has only taken limited steps to protect the interests of the inhabitants of frontier regions in response to the European Parliament's various efforts on their behalf.

In this context we should mention first of all the Council Regulation No. 724/75 of 18 March 1975 establishing a European Regional Development Fund¹.

According to Article 5(d) of this regulation, one of the factors the Commission should take into account when granting assistance under the Fund is:

'whether the investment falls within a frontier area, that is to say, within regions adjacent to one or more other Member States.'

15. The regulation establishing the ERDF further specifies that the frontier region of the Member State in question must be a development area. This applies to an estimated 65% of the Community's internal and external frontiers at present.

16. In practice, however, the abovementioned regulation has had little or no effect up to now on the way funds from the ERDF have been allocated.

17. The Council decision of 11 June 1981 on the conclusion of a convention on long-range transboundary air pollution (81/462/EEC)² was a first step towards dealing with one aspect of the problems facing the inhabitants of frontier regions.

It should be pointed out, however, that this convention is not binding on the Member States.

18. Attention should also be drawn to the existence of numerous bilateral agreements between Member States concerning specific aspects of trans-frontier cooperation, for example the German-French agreements of January 1981 on the exchange of information about incidents or accidents which could have radiological effects. Bilateral agreements of this kind have hitherto been the only form of transfrontier cooperation in Europe with a firm basis in law. So far there have been no bilateral agreements dealing with the whole range of transfrontier cooperation, rather than just one aspect of it.

¹ OJ C 36, 9.12.1979

² OJ L 171, 27.6.1981

111. Preparatory work by the Council of Europe

19. The Council of Europe, in marked contrast to the Commission and Council of the European Communities, has always paid great attention to the problems and interests of frontier regions.

This is not the place to go into all the many activities carried out in the context of the Conference of Local and Regional Authorities of Europe.

20. Attention should be drawn, in particular, to the 'European outline convention on transfrontier cooperation between territorial authorities or communities'.

This outline convention, which was drawn up in 1980, has been ratified by eleven countries, including eight Member States, and has been in force since 1981.

The convention could enter into force once it had been ratified by four states, of which at least two must share a common frontier.

21. The basic aim of the outline convention is to give regional and local authorities the right to engage in transfrontier cooperation on their own responsibility, on the basis of bilateral agreements and with due regard to the relevant constitutional provisions.

22. In contrast to the GERLACH report, which proposed that a new kind of legal entity ('European Joint Authorities') should be created in the EC specifically for the purpose of transfrontier cooperation, contracting parties to the outline convention undertake to facilitate and foster transfrontier cooperation with due regard to the different 'constitutional provisions' of each party (Article 1).

23. In other words, the aim is to create a climate of goodwill and mutual tolerance favourable to the promotion of transfrontier cooperation, without restricting the sovereignty of the state by the agreements concerned. Such agreements may be made at national level as well as between local authorities.

24. Annexed to the outline convention are a number of outline agreements covering various forms of transfrontier cooperation.

25. Time will show how wide or narrow an interpretation the signatory states place on the scope of these legal powers.

26. The European Parliament's resolution on the GERLACH report, calling for a legal basis for cooperation in the shape of European Joint Authorities, was doubtless bolder and more far-reaching, but such demands were evidently too ambitious, particularly for those Member States which see a threat to their sovereignty in every form of transfrontier cooperation at local and regional level.

27. In any event, the Committee on Regional Policy and Regional Planning welcomes the Council of Europe's move and requests the Council of the European Communities to ratify the outline convention as soon as possible.

IV. Potential fields for increased cooperation

28. This report will not seek to explain at great length why there is a need for strengthened cooperation at the Community's internal and external frontiers. The inhabitants of such regions are only too aware of the problems arising at frontiers.

29. We shall therefore restrict ourselves to a short and by no means exhaustive list of circumstances which affect, inconvenience and sometimes even anger inhabitants of frontier regions. Listed in no particular order the facts are that:

- Millions of EC citizens spend several hours of their holiday every year in interminable queues at frontier crossing points. The reason is simply that the EC Member States are not prepared to give up the practice of checking individuals crossing borders.

The combination of the differing rates of VAT levied in the Member States and insufficiently generous duty-free allowances has turned private travel into a source of revenue which the fiscal authorities are reluctant to forego.

- Inhabitants of remote frontier regions are obliged to make detours of up to 100 km between midnight and 6 a.m., because the border crossings are closed then. The same reason applies as above.
- Waste water from an industrial plant on one side of a frontier is polluting river and ground-water on the other side. Efforts to stop the pollution and obtain compensation on the 'polluter pays' principle run up against the problem of the frontier itself, for nobody on the opposite side of it, where the damage is being caused, claims to be an injured party. Common rules for the disposal of harmful substances do not exist.
- The inhabitants of a holiday and recreation area learn from the newspapers that a nuclear power station is to be built just over the border. Neither they nor the appropriate local authorities were either informed or consulted by the competent authorities on the other side of the frontier before the decision was taken. There is no possibility of raising objections. As in the days of absolute monarchs, people on the other side of the border who will be affected by this decision can only accept it, and cannot influence it.

- The victim of a traffic accident cannot be taken by ambulance to the nearest hospital, the natural thing anywhere else, because it is on the other side of the border. And no arrangements exist for the reciprocal use of public amenities.
- The regional planning authorities learn from press reports that certain areas on the other side of the border have now been designated as an industrial development zone, which will have detrimental effects on the wildlife reserve adjacent to it on their side of the border. There are no arrangements between the respective local authorities for the exchange of information or consultation in the realm of regional planning, nature conservation, disaster relief, etc.
- Two neighbouring frontier^{es} communes each build, without prior consultation, a sewage purification plant. The authorities on both sides of the border could have been saved considerable sums of public money by building a sewage works in common. No agreement on regional planning existed, however.

30. It should be clear from these examples - of which many more could be cited - what detrimental effects frontiers can have on citizens where there is no cooperation with neighbours on the other side of the border.

31. It should be emphasized, in this context, that there are frontier regions which are models of neighbourly cooperation, and to which the cases mentioned above do not, or only partially, apply. We should mention here - among others - certain provincial and regional governments such as the EUREGIO in the frontier region between the Netherlands and the Federal Republic of Germany, and the REGIO BASILIENSIS at the junction of France, West Germany and Switzerland.

32. In many other regions, there is very little sign of a sense of trans-frontier solidarity or a belief that common problems can be solved in common. It is to such regions that this report is principally addressed.

33. The possible areas of cooperation differ from one frontier region to another according to local interests. In the opinion of the Committee on Regional Policy and Regional Planning, increased cooperation would be of most significance in the following fields:

- regional planning (decisions on industrial development areas, traffic route planning, planning of the provision of public services in the widest sense),
- environmental protection (nature conservation, preservation of rural amenities, water pollution control, etc., including planning),
- fire services (mutual assistance, joint procurement and maintenance of equipment),

- emergency services (reciprocal assistance in natural disasters, epidemics),
- transport infrastructures (construction of through traffic routes, border crossings, public local transport, transport connections, etc.),
- energy supplies (electricity, gas),
- water supplies and waste and sewage disposal,
- public amenities (reciprocal use of schools, adult education facilities, institutions offering vocational training, hospitals, etc.),
- cultural cooperation (agreements on dates of cultural events, local festivals, trade fairs, etc., reciprocal use of sports facilities and training),
- tourism (leisure and recreation, transfrontier long-distance footpaths, nature reserves, etc.),
- frontier workers' problems (problems of the job market, tax and insurance matters).

34. In the opinion of the committee, no one field of transfrontier cooperation can be regarded as being of overriding importance. The various local and regional authorities in the frontier regions know better than anyone their areas' problems, and the urgent need to find solutions to them. Since the problems involved vary from one frontier region to another, we shall refrain from providing any detailed description of specific examples of potential transfrontier cooperation here.

35. It should be pointed out in this context that the division of responsibility for the matters listed above between local or regional authorities and the national government varies greatly from one region to another. For this reason it is often difficult for an authority wishing to hold consultations with its 'opposite number' on the other side of the border to find out who that is. Transfrontier cooperation can only succeed, therefore, if both sides are familiar with the structure of each other's planning authorities.

The Council of Europe has set up a 'Study and Information Office on Transfrontier Cooperation'. The European Parliament welcomes this initiative and calls on the Commission to cooperate closely with this office.

V. New forms of cooperation

36. In nation states, the question of transfrontier cooperation has traditionally been regarded as an aspect of foreign policy. Admittedly, this form of cooperation between two Member States has a firm legal

IV. Domaines dans lesquels il convient de renforcer la coopération

28. Il n'y a pas lieu de s'étendre dans le cadre du présent rapport sur la nécessité de renforcer la coopération aux frontières intérieures et extérieures de la Communauté. Les habitants de ces régions ne sont que trop conscients des problèmes que posent les frontières.

29. C'est pourquoi il sera présenté, brièvement et dans une liste assurément incomplète, une série de faits qui affectent les ressortissants des régions frontalières, qui représentent pour eux une charge et sont même souvent une cause d'irritation. La liste qui suit n'est pas le reflet d'un jugement de valeur :

- Des millions de ressortissants de la CEE passent tous les ans un grand nombre d'heures de leur période de congé dans des files d'attente interminables aux postes frontières, dues au fait que les Etats membres ne sont pas disposés à renoncer aux contrôles des personnes aux frontières.
- Les quantités restreintes de marchandises autorisées en franchise et les différents taux de la taxe sur la valeur ajoutée appliqués dans les Etats membres sont considérés par le fisc comme une source de revenus indispensable dans le cadre des voyages privés.
- De minuit à six heures du matin, des habitants de régions frontalières isolées sont obligés de faire des détours allant jusqu'à 100 kilomètres, parce que les barrières restent fermées pendant cette période. Motif : voir plus haut.
- Les eaux résiduaires d'une entreprise industrielle située de l'autre côté de la frontière polluent les fleuves et nappes souterraines. Les efforts visant à mettre fin à la pollution de l'environnement et à régler les sinistres suivant le principe du pollueur-payeur s'arrêtent aux poteaux frontières, car sur le lieu où a été commis le dommage, personne ne se considère comme lésé. Il n'existe pas de directives communes relatives à l'introduction de substances nocives.
- Les habitants d'une zone de détente située à proximité d'une ville apprennent par le journal que juste de l'autre côté de la frontière une centrale nucléaire est en cours de construction. Ils n'ont pas été informés, ni consultés, pas plus que les collectivités locales compétentes, par les responsables compétents avant que la décision n'ait été prise. Il n'y a aucune possibilité de recours. Comme aux temps de l'absolutisme, la décision prise par les citoyens de l'autre côté de la frontière ne peut être qu'acceptée, mais pas influencée.

- La victime d'un accident de la circulation ne peut, comme c'est normal dans d'autres régions, être transportée en ambulance à l'hôpital le plus proche. Il se trouve de l'autre côté de la frontière. Raison : il n'existe pas d'accord sur l'utilisation réciproque des infrastructures.
- Les autorités compétentes pour l'aménagement du territoire apprennent par la presse qu'il a été décidé de considérer certaines régions situées de l'autre côté de la frontière comme des zones d'implantation industrielle, ce qui met en péril l'existence du parc naturel en deçà de la frontière. Il n'existe pas d'accords entre les collectivités locales compétentes en ce qui concerne l'échange d'informations ou même la consultation dans le domaine de l'aménagement du territoire, de la protection de la nature, de la prévention des calamités, etc.
- Deux communes frontalières voisines construisent chacune leur propre station d'épuration sans se consulter au préalable. Or, la construction d'une station d'épuration commune aurait permis aux pouvoirs publics des deux côtés de la frontière de réaliser des économies considérables. Aucune concertation n'avait été convenue dans le domaine de l'aménagement du territoire.

30. Ces quelques exemples, dont la liste peut être allongée à volonté, illustrent les conséquences néfastes qu'entraîne la présence de la frontière pour les citoyens, dans la mesure où aucune coopération n'a lieu avec les voisins de l'autre côté de la frontière.

31. Il convient de souligner à ce propos qu'il existe au reste des régions frontalières qui coopèrent de manière exemplaire avec leurs voisins, et auxquelles les exemples mentionnés ne s'appliquent pas ou ne s'appliquent que partiellement. On peut citer notamment certains gouvernements de Land ou de provinces tels que EUREGIO dans la région frontalière située entre les Pays-Bas et la République fédérale d'Allemagne, de même que la REGIO BASILIENSIS située aux confins de la France, de l'Allemagne et de la Suisse.

32. De nombreuses autres régions éprouvent encore peu le sentiment de solidarité transfrontalière basée sur le fait que des problèmes communs peuvent être réglés en commun. C'est précisément à ces régions frontalières que s'adresse le présent rapport.

33. Les secteurs possibles de coopération varient d'une région frontalière à l'autre et dépendent des intérêts de chacune. La commission de la politique régionale et de l'aménagement du territoire estime qu'il est souhaitable de renforcer la coopération dans les domaines suivants :

48. This third stage in the strengthening of transfrontier cooperation should be accompanied by a corresponding 'right of equal access', particularly access to information and to procedures for checking or objecting to measures with transfrontier effects. This would enable citizens and local and regional authorities to influence decisions taken by the authorities on the other side of the frontier according to the procedures recognized there, provided that the proposed measures would affect the region on the opposite side of the border.

49. In this way it will be possible for regional and local authorities to counteract some of the negative effects of living near a frontier. But those problems which frontier regions face and which are not within the jurisdiction of regional or local authorities will still be unsolved. These include the difficulties encountered by frontier workers due to variations in their income caused by fluctuating exchange rates, and also the problem of their tax and social insurance contributions. This report also contains no proposals to solve the problem of the irksome process of checking individuals at frontier crossing points.

50. These problems are caused by technical, economic, monetary and fiscal provisions. Where the internal frontiers of the Community are concerned, there is no prospect of introducing measures to eliminate these hindrances, which are regarded as a serious nuisance by the inhabitants of the frontier regions, except in the context of eventual economic and monetary union.

MOTION FOR A RESOLUTION DOCUMENT 1-188/80

tabled by Mr van AERSSSEN, Mrs BOOT, Mr O'DONNELL,
Mr TRAVAGLINI, Mr de KEERSMAEKER, Mr HOFFMANN,
Mr HELMS, Mrs MOREAU, Mr PÜRSTEN, Mr von WOGAU,
Mr VERGEER, Mr PÖTTERING and Mr GROUX

on behalf of the Group of the European People's
Party (Christian-Democratic Group)

pursuant to Rule 25 of the Rules of Procedure
on the question of extending trans-frontier
cooperation

The European Parliament,

- concerned at the reluctance shown by the Commission and the Council purposefully to promote cooperation in frontier regions,
 - dismayed at the increase in barriers to trade and transport at the internal frontiers of the Member States,
 - conscious of the integrating potential generated by economic, cultural and political cooperation in the frontier regions for the whole Community,
 - in view of the widespread need and specific desire on the part of the populations of internal frontier areas to approach their regional, social and other day-to-day problems together on a trans-frontier basis,
 - referring to the solutions proposed in the Gerlach report (Doc. 355/76) and the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road discussed in the Schyns report (Doc. 678/78),
1. Requests the Commission to make a precise assessment of the present situation in the frontier regions and the regions of Europe and to collaborate with the Council in developing new possibilities for closer trans-frontier cooperation;
 2. Asks the Committee on Regional Policy to assume responsibility for suggesting possibilities for cooperation in frontier regions as a follow-up to the proposals contained in the Gerlach report;
 3. Proposes that a special plenary debate should be held at regular intervals to consider matters relating to the frontier regions, the abolition of barriers to trade and transport, the safety problems of nuclear power stations in frontier regions, the problem of trans-frontier pollution, and trans-frontier cooperation at internal frontiers.

OPINION OF THE COMMITTEE ON TRANSPORT

Draftsman: Lord HARMAR-NICHOLLS

At its meeting of 19 June 1980 the Bureau of the European Parliament authorized the Committee on Transport to draw up an opinion for the Committee on Regional Policy and Regional Planning on the motion for a resolution tabled by Mr van Aerssen and others on the question of extending trans-frontier cooperation (Doc. 1-188/80).

On 9 July 1980 the motion for a resolution tabled by Mr Coppieters on the need for closer cooperation among the frontier regions in the Community, particularly the Flemish region in Belgium and the Nord/Pas-de-Calais region in France (Doc. 1-297/80) was referred to the Committee on Transport as the Committee responsible and to the Committee on Regional Policy and Regional Planning for its opinion. On 26 September 1980 the Committee on Transport decided to incorporate its views on that motion for a resolution in its opinion on the motion for a resolution tabled by Mr van Aerssen and others.

On 26 September 1980 the Committee on Transport appointed Lord Harmar-Nicholls draftsman.

The draft opinion was considered at its meeting of 2 October 1981 and adopted unanimously.

Present: Mr Seefeld, chairman, deputizing for the draftsman; Dame Shelagh Roberts, vice-chairman; Mr Albers, Mrs von Alemann, Mr Arndt (deputizing for Mr Gabert), Mr Baudis, Mr Buttafuoco, Mr Cardia, Mr Cottrell, Mr Gendebien, Mr Junot, Mr Klinkenborg, Mr Moorhouse, Mr Ripa di Meana, Mr Veronesi (deputizing for Mr M. Martin).

I. INTRODUCTION

1. At the plenary sitting of 22 May 1980 the motion for a resolution tabled by Mr van Aerssen and others on the question of extending trans-frontier cooperation (Doc. 1-188/80) was referred to the Committee on Regional Policy and Regional Transport.

Since this motion for a resolution refers to 'barriers to..... transport at the internal frontiers of the Member States' and further refers expressly to the report drawn up by Mr Schyns on 'the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road' (Doc. 678/78)¹, the chairman of the Committee on Transport, Mr Seefeld, wrote to the President of the European Parliament on 5 June 1980 requesting authorization to draw up an opinion. At its meeting on 19 June 1980 the Bureau authorized the Committee on Transport to draw up an opinion.

2. On 9 July 1980 the motion for a resolution tabled by Mr Coppieters on 'the need for closer cooperation among the frontier regions in the Community, particularly the Flemish region in Belgium and the Nord/Pas-de-Calais region in France' (Doc. 1-297/80) was referred to the Committee on Transport as the Committee responsible and to the Committee on Regional Policy and Regional Planning for its opinion.

Since this motion for a resolution concerns just one frontier region in the Community, at its meeting of 26 September 1980 the Committee on Transport decided not to draw up a separate report on this matter but to deal with the problems raised by Mr Coppieters in its opinion on Mr van Aerssen's motion for a resolution. Mr Seefeld notified this decision to the President of the European Parliament and Mr De Pasquale, chairman of the Committee on Regional Policy and Regional Planning, respectively in his letters of 30 September and 6 October 1980.

II. GENERAL CONSIDERATIONS

3. Twenty-three years after the establishment of the EEC and four years after the creation of the customs union, trans-frontier transport of passengers and goods within the Community is still seriously hampered by a number of divergent national statutory provisions and

¹ The resolution contained in this report was adopted by the European Parliament on 11 May 1979. OJ No. C 140, 5.6.1979, p. 166.

administrative procedures which result in unnecessary and frequently pointless controls and formalities at the Community's internal frontiers.

4. It will come as no surprise, therefore, that for several years now, this issue more than any other in the transport sector has been the subject of motions for resolutions, oral questions with and without debate, written questions to the Council and the Commission and speeches by Members of the European Parliament¹. A large number of proposals, suggestions and recommendations have been drawn up with a view to simplifying or even completely abolishing frontier controls and formalities.

5. As mentioned in the introduction, on 11 May 1979, immediately before direct elections, the European Parliament adopted a resolution on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road. This resolution forms part of the comprehensive own-initiative report drawn up by Mr Schyns (Doc. 678/78), which not only describes the current situation but also recommends a series of practical measures to solve existing problems at the Community's internal frontiers.

Although the Schyns report is confined to trans-frontier transport by road, this opinion will nonetheless base itself on that report since most aspects are applicable to the other forms of transport.

6. Before summarizing the features and consequences of the current situation regarding trans-frontier transport in the Community, your draftsman would emphasize that this issue is extremely complex and that a number of aspects are involved which have their origin outside the transport sector. Omissions and inadequacies do fall within the scope of a brief opinion - drawn up in line with the recommendation made by the Bureau of the European Parliament - and cannot be avoided in the consideration of this extremely complex and wide-ranging issue.

7. When the EEC was established, the attainment of a customs union was to be the first important step towards European integration. Although this customs union entered into force on 1 July 1977, in practice, it did not create a single homogeneous area in which persons, goods and services could move freely.

¹ At its meeting of 26 June 1981 the Committee on Transport adopted an oral question with debate to the Council on this subject.

We must unfortunately note, as did Mr Schyns in his report, that:

- (i) customs duties and levies with equivalent effect have not yet been totally abolished.
- (ii) no common customs legislation or Community customs law has been established.
- (iii) a number of non-tariff barriers remain, and
- (iv) a number of national protective measures hamper intra-Community transport.

8. In this connection, in an earlier report on the development of the customs union and the internal market (Doc. 557/77) Mr Nyborg rightly compared customs duties with the small, visible part of the iceberg, the remainder of which consists of non-tariff barriers to trade. These barriers are really equivalent to disguised protectionism, and their abolition has naturally met with stiff resistance in the Council¹.

9. Trans-frontier transport in the Community is also affected by:

- (i) divergent national procedures and practices with regard to trans-frontier transport.
- (ii) a lack of cooperation between national customs authorities and officials.
- (iii) a generally inefficient organization of checks at borders,
- (iv) the fact that Community legislation on customs matters is largely enacted in the form of directives, with the result that its practical implementation varies from one Member State to another, and
- (v) the fact that transport operators do not make sufficient use of existing facilities, such as the Community transit procedure.

10. This distressing state of affairs leads to a situation where the individual Community citizen who crosses a frontier understandably becomes frustrated and irritated and seriously questions his belief in the purpose and benefits of European unification.

¹ See the Schyns report, Doc. 678/78, pp. 13, 14 and 15.

In this connection we would recall that on 20 March 1981, on a proposal from Mr Moorhouse, the Committee on Transport unanimously adopted a motion for a resolution on the improvement of the formalities at Brussels International Airport (Doc. 1-91/81).

11. The aforementioned barriers to the trans-frontier transport of goods frequently result in lengthy delays at frontiers with the consequent waste of money, time and fuel which is becoming increasingly scarce and expensive.

In a recent article in a leading transport journal the costs incurred in the transport of goods by road ascribable to delays at the Community's internal frontiers were estimated at DM 2,500 million in 1981¹.

At the plenary sitting of 16 June 1980, Mr Burke, the then Commissioner for Transport, stated that in the case of road freight transport between Member States, the cost of crossing frontiers in the Community could be reduced by 400-800 ~~million ECU~~ million ECU a year².

12. Apart from the irritation felt by the Community citizen travelling on business or as a tourist and the waste of time, energy and money when frontiers are crossed, it is also important for the Community to show its solidarity in practise by ensuring that frontiers may be crossed without difficulty.

13. The Committee on Transport notes, however, with satisfaction that the Council, in its list of priority tasks in the field of transport up to the end of 1983, which was adopted at its meeting of 26 March 1981, has endorsed Parliament's amendment as proposed in the HOFFMANN report adding 'facilitating frontier crossing' to the Commission's initial list of priorities³.

14. However, before going any further we shall make a brief detour to consider the motion for a resolution tabled by Mr Coppieters on the need for closer cooperation among the frontier regions in the Community, particularly the Flemish region in Belgium and the Nord/Pas-de-Calais region in France (Doc. 1-297/80).

¹ 'Deutsche Verkehrs-Zeitung' (DVZ) of 4 June 1981.

² See Debates of the European Parliament of 16 June 1980.

³ See Notice to Members on the Council Meeting of 26.3.1981, PE 72.663 and Mr HOFFMANN's report, Doc. 1-951/80, OJ No. C 77, 6.4.1981

III. OBSERVATIONS ON THE MOTION FOR A RESOLUTION TABLED BY
MR COPPIETERS (Doc. 1-297/80)

15. As regards transport policy, in his motion for a resolution Mr Coppieters urges better communications between the Flemish region of Belgium and the French Nord and Pas-de-Calais départements; in particular he calls for the re-opening of the Ghent-Dunkirk rail link, an effective link between Poperinge and Hazebrouck and the completion of the E5 highway between Veurne and Calais.

16. If we look at the overall situation we must unfortunately admit that a number of frontier regions are at a disadvantage both in terms of the transport infrastructure and of the transport service provided. In many cases, when international highways are being constructed, there is always a delay, sometimes considerably, before the trans-frontier connections are completed. This is true in the case of the links between Arlon and Luxembourg and Luxembourg and Thionville. Alternatively, the roads are built parallel to the frontier. In many cases, too, trans-frontier rail and bus services are abolished with all the adverse effects thereof, in particular for frontier workers.

17. In his report on the present state and progress of the common transport policy, Mr Seefeld said that 'the Community's aim should be not so much to concentrate on the major through-routes as to close the gap that exists at Community frontiers, both major and minor (regional and local links at frontiers)¹.

In his report on the Memorandum of the Commission on the role of the Community in the development of transport infrastructure (Doc. 1-601/80), Mr Klinkenberg called on the Commission to draw up a list of priorities for European projects covering, inter-alia, local border crossings at the internal frontiers of the Community (paragraph 13 of the resolution)².

18. In view of the fact that parliamentary committee responsible for transport questions has repeatedly emphasized the need for appropriate trans-frontier traffic links and services, the Committee on Transport supports the request made by Mr Coppieters to the French and Belgian Governments to improve the aforementioned communications.

¹ Seefeld report, Doc. 512/78, p. 17, para. 41.

² On behalf of the Committee on Transport Mr Moorhouse will shortly be submitting a report on the report by the Commission to the Council on bottlenecks and possible modes of finance (COM(80) 323 final), which will undoubtedly deal with bottlenecks in frontier regions.

IV. RECOMMENDATIONS

19. With a view to reducing delays at the Community's internal frontiers to the strict minimum and to making the crossing of the Community's internal frontiers a great deal easier, the Committee on Transport advocates that the following measures be taken¹.

(a) General measures

20. (i) to begin with, provision for closer cooperation between the national customs and control authorities and between these authorities and the appropriate services of the Community;
- (ii) immediate abolition of all frontier checks and formalities which have lost their raison d'être or which are of no more than marginal significance;
- (iii) the abolition of checks at the frontiers which may equally well be carried out further inland, such as health, veterinary or plant protection checks, provided that these checks are all carried out in one place;
- (iv) greater utilization of the Community transit procedure on the basis of which the requisite customs formalities may be carried out at (inland) customs offices at the place of departure and preferential treatment be accorded at the frontier for vehicles utilizing this procedure over commercial vehicles clearing goods inwards or outwards;
- (v) replacing checks at the Community's internal frontiers by other verification procedures;
- (vi) replacing systematic checks by random checks²;
- (vii) restriction of identity checks at internal frontiers, in trains and airports to certain exceptional police or security operations, and the early introduction of a uniform Community passport³;

¹ Much of what follows is based on the Schyns report, in particular on paragraph 7 of the resolution and points 19, 84 and 85 of the explanatory statement.

² In line with the Commission recommendation of 21 June 1968, OJ No. L 167, 17. 7.1968, p. 17.

³ Although the introduction of a uniform European passport was officially announced at the summit meeting of 9 and 10 December 1974, its implementation has run into a number of practical difficulties. However, the Council 'hopes' that the 'latest date' for its introduction would be 1 January 1985. See the answer by the President-in-Office of the Council, Mr Van der Mei, to an oral question by Mr Berkhouwer at the plenary sitting of 8 April 1981.

- (viii) adjusting the number of staff at frontier posts and the opening hours of customs offices and ancillary services at the frontier to suit local traffic needs and density;
- (ix) mutual recognition of certificates and checks and broad standardization of customs forms, together with encouragement for the use of forms intended for a number of different purposes;
- (x) the introduction of Community legislation designed to simplify current customs formalities and taking the form of regulations to ensure uniform application in all the Member States;
- (xi) the abolition of disembarkation cards for Community citizens travelling within the Community;
- (xii) an early and substantial increase in tax-free allowances for travellers within the Community¹.
- (xiii) the provision of adequate information for the public and, in particular, transport operators with a view to avoiding unnecessary checks and more rapid completion of customs formalities;

(b) Transport Policy measures

21. (i) the stamping of bilateral or multilateral transport authorizations in the customs office at the inland destination and therefore no longer at the internal frontier, any checks to be carried out at a single inland location;
- (ii) the transfer of checks on the registration certificates of motor vehicles and compliance with Community social provisions relating to road transport from the internal frontier to a point further inland;

¹ On 18 April 1980 the Commission proposed that this allowance should be increased to 210 EUA from 1 July 1980. So far the Council has been unable to reach unanimity on this proposal. See also the motion for a resolution tabled by Mr von Wogau on behalf of the Committee on Economic and Monetary Affairs on 2 February 1981 (Doc. 1-861/80).

- (iii) complete tax exemption for fuel contained in the fuel tanks of passenger vehicles and the prompt formulation of rules regarding vehicles used in the transport of vehicles¹.

22. This list of recommended measures is of course, by no means exhaustive. Nonetheless, the Committee on Transport is firmly convinced that the implementation of these measures would considerably improve the transport of passengers and goods within the Community.

V. CONCLUSIONS

23. The Committee on Transport:

- alarmed at the increasing number of formalities and controls at the Community's internal frontiers which waste time, energy and money,
- prompted by the desire to overcome the incomprehension, frustration and irritation felt by Community citizens crossing the Community's internal frontiers,
- aware of the great symbolic significance attached to ease in crossing frontiers, and with a view to providing a practical example of European integration in the daily life of Community citizens,

requests the Committee on Regional Policy and Regional Planning:

- (i) to refer expressly to the resolution and report on the difficulties encountered at the Community's internal frontiers in the transport of passengers and goods by road² in the preamble to its motion for a resolution;
- (ii) to take account of Mr Coppieters' motion for a resolution by incorporating in its motion for a resolution the final comment made in point 18;
- (iii) to incorporate also in its motion for a resolution the measures recommended in Part IV, points 20 and 21.

¹ In 1966 the Commission submitted a proposal to the Council to this effect. On 19 July 1968 the Council adopted a directive limiting the maximum amount of fuel admitted duty-free to 50 litres. In 1974 the Commission proposed that amount be doubled; in its opinion, Parliament advocated that all the fuel contained in a vehicle's normal fuel tanks be admitted duty-free. Seven years have now elapsed, and the Council has still not been able to reach agreement, with the result that at some frontier posts, customs officials regularly go through the time-consuming process of calculating the tank's contents and collecting any duty payable.

² Doc. 678/78, OJ No. C 140, 5.6.1979, p. 166.