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FROM BARRIERS TO OPPORTUNITIES: THE ROAD TO THE ADOPTION OF THE BRIDGEforEU REGULATION IN THE EU

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Abstract

In its 9th Cohesion Report, the European Commission emphasised the importance of border regions and cross-border cooperation, as well as the substantial progress that has been made in reducing economic, social, and territorial disparities within the European Union. Although border regions have a high innovation potential and contribute to cooperation that benefits all, they often represent barriers to harmonious development, symbolising a less unified Europe.

Cross-border cooperation has become an integral part of EU Cohesion Policy, serving as a vital tool for developing border regions and fostering European territorial cohesion. While progress has been made in recent years to facilitate cross-border interactions, many border obstacles remain.

This study addresses two research questions. Firstly, it focuses on increasing awareness of and recognition for cross-border cooperation within EU Cohesion Policy, particularly with regard to the future of Interreg. Secondly, it examines how legal and institutional barriers that hinder the everyday lives of people living in border regions can be eliminated, alongside EU efforts, such as Interreg (funding) and the European Grouping of Territorial Cooperation, EGTC (legal-institutional instrument). The main methods employed in this study were historical analysis of the legal and institutional processes of cross-border cooperation, assessment of empirical data from EU policy papers and evaluation of EU legal documents. After providing an overview of the legal and institutional evolution of cross-border cooperation, the paper focuses on the European Union's attempts to establish an effective regulatory and governance framework for such cooperation. Finally, the study analyses the recently adopted BRIDGEforEU Regulation, which could provide a new governance mechanism for eliminating border obstacles. It summarises the Regulation's potential benefits and relevance for cross-border cooperation within the EU.

Keywords: cross-border cooperation, EU Cohesion Policy, Interreg, European Grouping of Territorial Cooperation (EGTC), B-solutions, BRIDGEforEU

INTRODUCTION

On 27 March 2024, the European Commission published the 9th Cohesion Report, presenting an assessment of the state of cohesion in the European Union and highlighting the significant progress made in narrowing economic, social and territorial disparities across the EU. According to the report, border regions account for "more than 40% of the EU's landmass, 30% of its GDP and 30% of its population, some 150 million people. Almost 2 million people live in one country in the Schengen area and work in another, and some 3.5 million people cross one of the 38 internal borders of the EU every day" (European Commission, 2024, p. 105).

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At the same time, the Treaty on the Functioning of the European Union (TFEU, Art. 174) refers to the challenges faced by cross-border regions and states that the Union should pay particular attention to these regions when developing and implementing actions to strengthen the EU's economic, social and territorial cohesion.

Although border regions have a high innovation potential and can contribute to cooperation that benefits all, across and beyond borders, they often represent barriers to harmonious development, symbolising a less unified Europe. Many border regions are peripheral and distant from metropolitan centres, with limited access to essential services. In addition, border regions face the specific challenge of multiple crises, such as the migration crisis in 2015, the Covid-19 pandemic, Brexit in 2020 and Russia's war with Ukraine in 2022. These crises have resulted in the rediscovery of borders (Hajdú & Rácz, 2020; Hardi et al., 2023), which have been further exacerbated by disparities in governance, administrative systems and legal systems.

The year 2025 is fundamental for the implementation of the 2021-2027 Cohesion Policy programmes and for preparing for the next programming period. For over 35 years, Interreg has been instrumental in promoting solidarity, reconciliation, trust-building and strategic cooperation, particularly in cross-border regions. It has played a vital role in mitigating the divisive effects of borders and stimulating the local economies of border regions. However, measures beyond European funding are required to address the ongoing difficulties, which cannot be solved through financing alone. The European Commission also emphasises the need to provide legal and institutional tools to eliminate cross-border obstacles.

This study addresses two research questions. Firstly, it focuses on increasing awareness of and recognition for cross-border cooperation within EU Cohesion Policy, particularly with regard to the future of Interreg. Secondly, it examines how legal and institutional barriers that hinder the everyday lives of people living in border regions can be eliminated, alongside EU efforts, such as Interreg (funding) and the European Grouping of Territorial Cooperation, EGTC (legal-institutional instrument).

After providing an overview of the legal and institutional evolution of cross-border cooperation, the paper addresses the European Union's efforts to establish an effective regulatory and governance framework for such cooperation. It builds on the premise that legal and administrative barriers and discrepancies arise at the internal borders of the EU and are difficult for individual Member States to address alone. Consequently, a clear, comprehensive and effective regulatory and governance framework should be piloted at the EU level to facilitate cross-border cooperation and coordination between Member States. Finally, the study analyses the recently adopted BRIDGEforEU Regulation, which could serve as a new

governance mechanism for eliminating border obstacles. The paper summarises the Regulation's potential benefits for cross-border cooperation within the EU.

DATA AND METHODS

In order to achieve the objectives of the study, the author analysed official EU documents, including primary and secondary sources of EU law, as well as EU policy papers and strategies relating to European territorial cohesion and cross-border cooperation.

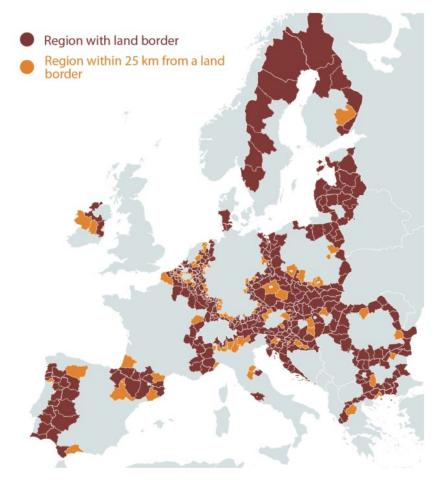
The main method employed in this study was historical analysis of the legal and institutional processes of cross-border cooperation within the context of EU Cohesion Policy. The paper examines the evolution of the European approach to cross-border cooperation and the changes to its institutional structure. Additionally, it assesses empirical data from EU policy papers and evaluates EU legal documents, focusing on alternative mechanisms to enhance the regulatory and governance framework for cross-border cooperation. Beyond legal analysis, the author takes a practical approach to investigating the legal institutions most relevant to everyday legal practice.

The study adopts the definition of a border region as defined in the EU's 9th Cohesion Report. According to this definition, a border region is a NUTS 3 statistical region that shares an international land border or a region in which more than half of the population lives within 25 km of such a border (Fig. 1). The report distinguishes two categories (see Tab. 1):

- "external border regions those sharing a border with countries that are not in the EU, which are mostly located along its eastern border and the border with the western Balkans;
- internal border regions those sharing a border with other EU Member States or the four members of EFTA, Iceland, Liechtenstein, Norway and Switzerland" (European Commission, 2024, p. 109).

As one of the main components of EU cohesion policy, Interreg provides a framework for joint actions and policy exchanges between adjacent NUTS 3 border regions in at least two EU Member States, with the aim of promoting harmonious economic, social and territorial development across the EU. Interreg is based on three types of cooperation: cross-border (Interreg A), transnational (Interreg B) and interregional (Interreg C) (European Commission, 2020, p. 8). The present study focuses on cross-border cooperation (Interreg A) in the following.

Figure 1 NUTS3 regions with land border



Source: 2023. Jancova et al, 2023, p.3.

Table 1 Main characteristics of regions with specific territorial characteristics, 2021

| | No of NUTS 3 | Population, | GDP million | GDP/head EUR |
|-----------------|---------------|-----------------|--------------------------------------|--------------|
| | regions | million | EUR | PPS |
| | (% EU-27) | (% EU-27) | (% EU-27) | (% EU-27) |
| EU-27 | 1166 | 446,5 | 14 524 809 | 32 524 |
| | (100) | (100) | (100) | (100) |
| Border regions | 384 | 124,6 | 3 412 107 | 27 923 |
| | (33.0) | (27.9) | (23.5) | (85.9) |
| Internal border | 332 (28.5) | 108,7 (24.3) | 3 147 885 (21.7) 28 998 (89.2) | |
| External border | 81 | 25 | 392 579 | 20 059 |
| | (7.0) | (5.6) | (2.7) | (61.7) |

Source: European Commission, 2024, p. 110.

THEORETICAL BACKGROUND

Institutionalisation process of cross-border cooperation in the EU

Since its foundation, the European Union has had a considerable impact on the internal and external borders of its Member States, based on the four freedoms. The Treaty of Rome aimed to "reduce the differences between the various regions and the backwardness of the less favoured regions", helping to mitigate the disadvantages of state borders and overcome the peripheral status of border regions within countries, thereby improving the living conditions of their populations.

Due to the process of European integration, internal border regions have transformed from peripheral areas into areas of growth and opportunity, demonstrating the importance of their impact on physical, mental, and narrative spaces. The process of (de)bordering and the development of different forms of cross-border cooperation have strengthened the ideals of solidarity and democratisation, as well as the economic and social cohesion of Europe (Rácz, 2017). This process has gradually replaced the earlier divisive nature of borders with an increasingly unifying role (Nárai & Rechnitzer, 1999). Thus, borders and border regions have become "privileged areas of study for European integration mechanisms", in which "the European project is constructed" (Durand & Decoville, 2018, p. 230). As Scott highlights, "cooperation across the borders did not come from the European Union but from the grassroots, from local level initiatives, basically from the battlefields of World War II. Since then, the European Union has gradually and systematically incorporated CBC into its own repertoire of integration policies" (Scott, 2019, pp. 51-52). This process has led to two parallel phenomena: supranational integration and European territorial cohesion (Fejes, 2023).

The establishment of DG XVI for Regional Policy within the European Commission in 1968 and the launch of the European Regional Development Fund in 1975 marked the first steps towards the institutionalisation of Regional Policy within the European Community (Fejes & Ocskay, 2023, pp. 48-49). The European Union's rhetorical practice related to regions, especially the idea of the 'Europe of regions', the use of the NUTS classification in governance and the support to these regions in the form of Structural Funds led to the further strengthening of EU regional policy (Paasi, 2019, p. 84). Within the Structural Funds, Interreg was developed in 1990 with the aim of ensuring that borders are not barriers, bringing Europeans closer together by helping them to tackle common challenges and create permanent links and networks of cooperation across borders. At the same time, cross-border development programmes differ from 'mainstream' programmes in that they must also comply with the cross-border factor.

Besides justifying the possibility of cooperation in the selected priority areas, the added value of cooperation must also be demonstrated. Thus, in order to make proper strategic choices that take the cross-border factor into consideration, the intensity of cooperation must be addressed in certain development areas or types of projects (Pámer, 2021, p. 129).

In 2007, the Interreg Community Initiative was replaced by the third, and, in 2013 by the second objective of Cohesion Policy, called European Territorial Cooperation. This enabled local and regional actors to design joint visions for their shared future, exploit untapped growth potential in border areas and enhance cooperation for the harmonious development of the European Union (Guillermo-Ramirez, 2018). Cross-border cooperation has gradually become an integral part of the EU Cohesion Policy, fostering territorial cohesion processes across the borders. Nevertheless, its impact varies significantly across the different border areas (see Brucker & Finta, 2023), depending on factors such as "policy design and implementation efficiency, as well as the broader socio-economic context" (Medeiros et al., 2024, p. 3).

At the same time, Fogarasi emphasises the importance of moving beyond "funding-driven cooperation to establish genuinely collaborative frameworks based on shared regional goals" (Fogarasi, 2024, p. 139). However, for cross-border cooperation – both local and regional, as well as international – to fulfil its real role, there must be a common institutionalised form capable of harmonising the different legal structures and competencies of neighbouring countries (Peyrony, 2020, pp. 219-240).

For a long time, no uniform rules existed for governing the institutionalisation of cross-border cooperation. Initially, cooperation beyond borders took place within different informal and formal institutions (see Perkmann, 2003), due to differences in legal and administrative environments, competencies, and resources. Furthermore, institutional diversity has led to various operational difficulties in cross-border cooperation. This study will examine the evolution of cross-border cooperation from a legal and governance perspective, addressing institutionalised cross-border cooperation (EGTCs) as a "legal solution" tool (Krzymuski, 2020).

Legal framework for institutionalised cross-border cooperation in the EU

In 1980, the Council of Europe was the first organisation to play a significant role in dismantling barriers to regional and international cooperation, as well as strengthening cross-border cooperation, by adopting the European Outline Convention on Trans-frontier Cooperation between Territorial Communities or Authorities (Madrid Convention, 1980) and its Additional Protocols (1995, 1998 and 2009). The Convention aspired to establish a comprehensive legal

framework and defined the concept of trans-frontier cooperation, offering patterns and proposals to facilitate cooperation between neighbouring countries, regions and settlements for the Contracting Parties. The purpose of the Convention was to promote cross-border agreements between subnational authorities; however, cooperation has taken place within the limited powers of territorial communities or authorities as defined in domestic law (Madrid Convention, 1980, Art. 2).

For a long time, the legal framework of cross-border cooperation was mainly defined by the Council of Europe, while the European Union interpreted cross-border cooperation in the context of Structural Funds implementation. After creating the financial framework (Interreg), a legal tool was required to provide an institutionalised framework for cross-border cooperation under EU law.

More than 25 years after the Council of Europe passed the Madrid Convention, the European Union adopted Regulation (EC) No 1082/2006 of the European Parliament and the Council on European Groupings of Territorial Cooperation (EGTC Regulation). This Regulation was intended to respond to the lack of legal and institutional instruments, ensuring cooperation facilities across the borders for local and regional authorities and Member States under EU law. There are three forms of EGTC [Regulation (EC) No 1082/2006, Art.1(2)]:

- 1) cross-border cooperation between adjacent border regions in neighbouring countries;
- 2) transnational cooperation between groups of countries and regions; and
- 3) inter-regional cooperation between regions or cities in various countries.

As a general rule, EGTCs have members in at least two Member States, although special rules apply when neighbouring and overseas countries and territories (OCTs) are involved. The applicable law is that of the country in which the EGTC's registered office is located [Regulation (EC) No 1082/2006, Art.1(5) and Art.2(1)]. The EGTC demonstrates that the initial intention was to create a stable legal solution applicable in every Member State, including those that have not signed the Madrid Convention and its Additional Protocols, or special bilateral or multilateral agreements (Krzymuski, 2020; Spinaci & Vara-Arribas, 2009). Consequently, it can supplement existing initiatives and forms of cooperation built on years of experience with Euroregional cooperation (Medve-Bálint & Svensson, 2013).

EGTCs are a unique and successful form of cooperation between regional and local authorities, allowing them to establish a legal entity and deliver joint services. EGTCs have specific budgets and the capacity to employ staff without interfering with the division of competences between state and regional levels (Durand & Decoville, 2020; Evrard, 2016). By

providing European borderlands with the legal capacity to act in their own interest, EGTC represents a "paradigm shift in European regional policy" (Evrard, 2020, p. 246).

The EGTC Regulation facilitates the participation of EGTCs in various European territorial cooperation programmes and projects, as well as in the implementation of other cohesion policy programmes. An EGTC can implement programmes co-financed by the EU, as part of any other cross-border cooperation project, with or without EU funding. EGTCs and other associations have served as instruments of EU policy, sharing roles (not always equally) with regional and national governments in channelling cohesion funds into border regions. Consequently, "within EU-linked and funded policy realms, multilevel governance reflects processes of Europeanisation" (Scott, 2020, p. 75).

The horizontal dimension of the EGTC facilitates interaction between actors at the same level, thus creating a European network whose operating principle is autonomy based on vertical and horizontal partnerships in accordance with multilevel governance (Evrard, 2016; Medeiros, 2020; Noferini et al., 2019; Peyrony, 2019). EGTCs are "new governance 'contracts' of multilevel cross-border cooperation" that can stimulate local development and deeper European integration (Spinaci & Vara-Arribas, 2009, p. 2). In other words, a shift from an economic EU approach through territorial cooperation to a legal and governance-based approach can be observed through the EGTC tool (Ocskay, 2020, p. 54). EGTCs therefore represent a novel approach to establishing bonds and mechanisms for enhanced cross-border governance, thereby stimulating development in ways that are not seen elsewhere. However, they may "also pose a challenge to the traditional perception of territoriality and sovereignty" (Janczak, 2016, p. 64).

Despite the EGTC's positive developments and revolutionary nature, the EGTC regulation was revised and amended in 2013 to clarify, simplify and improve the establishment and functioning of cross-border cooperation. Following the revision, however, it became clear that there was room for improvement, as the potential of EGTCs was not being fully exploited. This may be partly due to a reluctance among regional and local authorities to cooperate with each other, and partly to a fear of transferring competences and a lack of awareness of their respective competences (Perony & Svensson, 2020). Furthermore, the EGTC does not appear to be a sufficient tool for overcoming all of the existing legal obstacles to cross-border cooperation and ensuring that border citizens can fully exploit the opportunities available on both sides of the border. Neither European territorial cooperation funding, which is provided in particular in the context of 'Interreg' programmes, nor institutional support for cooperation from EGTCs is

sufficient to resolve some of the administrative and legal obstacles that hinder effective cooperation (European Commission, 2018b; European Parliament, 2018).

RESULTS – FROM BARRIERS TO OPPORTUNITIES

The European Commission's survey on cross-border cooperation in the EU

In 2015, the European Commission launched a survey to improve the understanding of trust and cooperation issues in border regions and their potential impact on Interreg programmes. In 2020, the Directorate-General for Regional and Urban Policy (DG REGIO) requested a follow-up survey, which was conducted by the Gallup International network in the border regions of the 27 European Union Member States, Andorra, Liechtenstein, the United Kingdom, Norway and Switzerland. The survey explored a range of topics (European Commission, 2020, pp. 8-9): awareness of cross-border cooperation programmes; cross-border mobility; general trust in others; attitudes towards citizens of neighbouring countries in certain social categories or situations (e.g. work, family or neighbours); and obstacles to cross-border cooperation between border regions. The analysis covered 54 Interreg A programmes and considered 41,091 respondents from different social and demographic groups (European Commission, 2020, pp. 10-11).

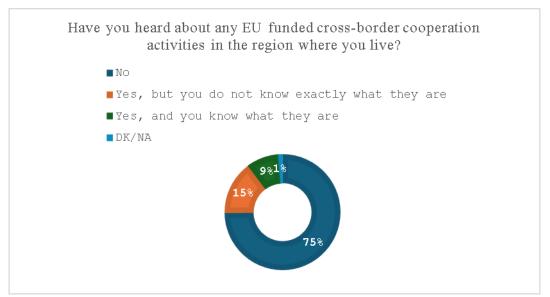
Awareness of cross-border cooperation programmes

From the point of view of the future of cross-border cooperation, two important findings from the European Commission's 2020 survey should be highlighted.

Regarding this study, the first relevant question asked from respondents residing in border regions covered by Interreg cross-border cooperation programmes was whether they had heard of any EU-funded cross-border cooperation activities in their area.

Remarkably, only 24% of respondents had heard of any such activities. Of these, 9% said they knew what the activities involved, while 15% were unsure. Overall, three-quarters (75%) of respondents were unaware of EU-funded cross-border activities in their region (Fig. 2). Furthermore, awareness decreased by seven percentage points since the previous survey in 2015 (European Commission, 2020, p. 15).

Figure 2 Awareness of EU regional policy-funded cross-border cooperation activities



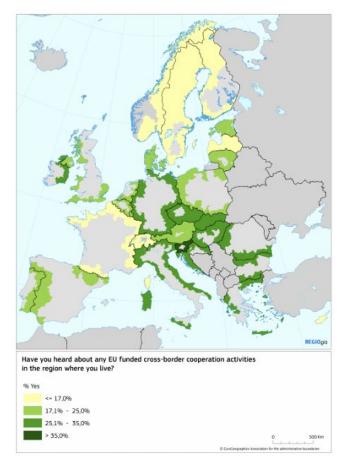
Source: European Commission, 2020, p. 15.

The average across all 54 programmes covered by the survey masks significant disparities at the national level (Fig. 3). Awareness is comparatively higher among residents of border regions in the Central and Eastern European countries: 49% in Slovenia, 35% in Hungary, 34% in Bulgaria, and 33% in Croatia and Slovakia. By contrast, in the 'old' EU Member States and the Nordic countries, less than one in six respondents have heard of such activities: 19% in Denmark and Belgium, 14% in France, and 16% in Finland and Sweden (European Commission, 2020, p. 16). The survey clearly shows that Interreg is much better known in countries that joined the EU more recently than in long-standing Member States. But even in these countries, there is still not much awareness about Interreg and how the EU actively supports cross-border local and regional projects. As a result, "much of the knowledge generated by CBC activities – and hence the diffusion of a 'European message' is often restricted to direct beneficiaries and actors involved" (Scott, 2020, p. 75).

In addition, Central and Eastern European countries show significant territorial disparities and more support is needed for border areas (Lados et al., 2024). However, Interreg has strengthened cross-border cooperation only where the decentralisation process has already been implemented, and where consistent, competent management has been established through existing programmes (see Pámer et al., 2025; Suchaček & Urminský, 2024). While "cross-border cooperation in Europe has gradually created stable and formal institutions achieving a high level of autonomy from governmental institutions, accompanied by legitimacy in cross-border developments; in parallel, these structures have lost their social basis, the strength of

informality and spontaneity. Consequently, EGTCs can represent the cross-border territory covered by their members – but not the people living there (Ocskay, 2020, p. 57).

Figure 3 Map on awareness of EU regional policy-funded cross-border cooperation activities



Source: European Commission, 2020, p. 17.

The bottom-up nature of Interreg programmes and the support they provide for cross-border initiatives, partnerships, long-standing consortia and cross-border structures has remarkably enhanced the democratic spirit at local and regional levels (Pámer et al., 2024). In these areas, Interreg programmes have made a positive contribution to common goals. Nevertheless, it should undoubtedly become more place- and people-based, with meaningful simplification and a viable budget (TEIN, 2024, pp. 4-9).

Obstacles to cross-border cooperation between border regions

The other relevant questions of the survey addresses the obstacles to cross-border cooperation between border regions. It is a promising result that respondents are more likely to consider living in a border region as an opportunity (38%) than an obstacle (3%), however, according to 55% of the respondents, borders have no impact (Fig. 4).

Would you say that living near the border with [COUNTRY FROM PROGRAMME] represents:

• More of an obstacle • More of an opportunity • It has no impact • DK/NA an opportunity • 38%

Figure 4 Living in a border region as an opportunity or an obstacle

Source: European Commission, 2020, p. 53.

In addition, respondents were asked whether they perceive a range of factors (legal or administrative differences, accessibility, language differences, social and economic differences and cultural differences) as problems affecting cooperation between their country and partner countries. In general, one in six respondents (17%) consider none of the suggested factors as a problem for cooperation between their country and its partner country or countries. On the other hand, the majority (83%) perceive at least one of them as a problem (European Commission, 2020, p. 59).

Of the six potential obstacles tested, languages differences (52%) and legal and administrative differences (44%) remain the most frequently mentioned obstacles to cross-border cooperation. This indicates that more than four respondents in ten (44%) consider legal or administrative differences to be a major (14%) or minor (30%) problem for cooperation between their country and its partner country or countries (Fig. 5). Furthermore, according to 41% of respondents, social and economic differences represent a problem for cooperation, while 32% mentioned the cultural differences, and for 30% accessibility represents a problem for cooperation between their country and its partner country or countries (European Commission, 2020, p. 61).

Despite the obstacles to cross-border cooperation, such as linguistic, cultural, legal, institutional, economic and social differences, border regions tend to show reluctance or even fear toward accelerating cross-border integration in line with the possibilities offered by legal

Instruments (Durand & Decoville, 2018). However, experience shows that, while Member States have undertaken individual, bilateral or multilateral initiatives to overcome cross-border obstacles, effective tools are not available in all Member States or for all their borders. Over the past few decades, several initiatives have been taken in Europe with a view to eliminating the remaining legal and administrative barriers between European countries. Many EU reports and documents have explored existing approaches to creating a flexible legal cross-border mechanism to complement the EU's legal toolbox. This could be achieved by piloting a clear and comprehensive EU-level framework that would encourage Member States to cooperate and coordinate their efforts, by establishing a "Europe of crossborder regions" (Ulrich, 2024, p. 93).

Thinking about the cooperation between the (OUR COUNTRY) and [COUNTRY FROM PROGRAMME], to what extent are any of the following a problem? Language differences Legal or administrative differences Social and economic differences Cultural differences Accessibility 20 40 120 ■A maior problem ■A minor problem ■Not a problem at all DK/NA

Figure 5 Perceived obstacles to cross-border cooperation

Source: European Commission, 2020, p. 61.

EU proposals for a better regulatory framework for eliminating cross-border obstacles

Based on the survey mentioned above, the European Commission launched the 'Cross-Border Review' project between 2015 and 2017. The project aimed to collect evidence on the legal and administrative obstacles that still persist in border regions despite more than 30 years of funding through the Interreg programme and the EGTC legal tool. The Cross-Border Review consisted of three elements: 1) a study entitled Easing Legal and Administrative Obstacles in EU Border Regions, which inventoried 239 legislative and administrative obstacles and analysed three general categories of border obstacles emerging from local, regional, national or EU legislation,

as well as different administrative practices (Pucher et al., 2017); 2) a public consultation; and 3) four workshops with key stakeholders.

In 2017 the European Commission adopted its Communication 'Boosting Growth and Cohesion in EU Border Regions', which also highlighted the legal and other obstacles that persist in border regions. More than 90% of these obstacles were considered to be related to the labour market, education, social security and health, transport and mobility, industry and trade, and the planning and provision of public services (Jančová et al., 2023, p. 5). The document outlines how the EU and its Member States can simplify, shorten and reduce the costs of cross-border interactions, and encourage the sharing of services across internal borders. It considers what improvements are needed to enable border citizens to take full advantage of the opportunities offered on both sides of the border (European Commission, 2017, p. 4).

Despite the significant impact of border obstacles on European cross-border regions, there is no uniform EU-level procedure to resolve such barriers. In 2018, the European Commission explored how borders could be transformed from barriers into opportunities, proposing a Regulation on a European Cross-border Mechanism (ECBM) as part of the Cohesion Policy package for 2021-2027. Engl and Evrard (2019) documented how the Commission, the Committee of the Regions, and cross-border associations jointly promoted the ECBM to mitigate legal and administrative asymmetries. The ECBM sought to establish a procedure by which one member state could temporarily apply the legal framework of its neighbour for a specific cross-border project.

The ECBM would allow legal provisions to be applied in another Member State in order to overcome legislative conflicts when delivering joint cross-border projects. In other words, the ECBM regulation would enable a member state to apply the law of a neighbouring state to facilitate cross-border projects. However, this results in that the proposal was ultimately blocked by the Member States due to concerns about its compatibility with the principles of subsidiarity and proportionality, its legal basis, and the competences of the EU and the constitutional law of the Member States (Sivonen et al., 2024, p. 4).

Based on the Commission's ECBM proposal, the European Parliament Resolution in 2023, entitled 'Amending the proposed mechanism to resolve legal and administrative obstacles in a cross-border context', examined existing legal instruments and practical tools related to eliminating cross-border obstacles, as well as their implementation and application in practice. Drawing on available evidence and best practices in Member States, the analysis emphasises two significant obstacles:

- diverging national rules and standards, and legal competences at national or regional level;
- divergent transposition of EU laws by Member States, which contributes to barriers and obstacles in cross-border situations.

As cross-border obstacles are of a similar nature across the EU, they can be most effectively tackled at the EU level. The study compares three options, assesses their potential impact, and identifies the added value of regulatory action at the European level: 1) the status quo; 2) a set of soft-law tools to address administrative obstacles; and 3) adoption of a streamlined ECBM proposal combining legislative and non-legislative tools with the highest potential to address a wide range of obstacles and contexts in border regions.

Based on data from 2014 to 2019, the study highlights the substantial advantages of eliminating obstacles for border regions and the EU economy as a whole. Eliminating all legal and administrative barriers would therefore generate an estimated gross value added (GVA) benefit of around EUR 457 billion annually, equivalent to 3.8% of the EU's total GVA in 2019 (Jančová et al., 2023, pp. I-III). However, this corresponds to an ideal scenario that does not appear achievable in the short term, with some existing barriers likely to persist. A more realistic 10-year scenario involving the removal of 20% of cross-border obstacles across all border regions could generate €123 billion in economic benefits per year. This would represent around 1% of the EU's total GVA in 2019 and create over 1 million new jobs, accounting for around 0.5% of total EU employment (Jančová et al., 2023, pp. I-III; 47-50) (Tab. 2). This confirms the significant economic potential of removing the remaining legal and administrative barriers. EU action is therefore justified in overcoming obstacles where other instruments are not suitable. Furthermore, a positive impact on social rights, including fundamental rights, is anticipated due to greater equality of opportunity (Jančová et al., 2023, pp. 50-51).

At the same time, DG REGIO established the 'Border Focal Point' to assist local actors in sharing expertise relating to obstacles. A platform for exchanges of best practices was also opened on the EU's 'Futurium' portal, and the 'b-solutions' initiative was also launched.

In 2021, the European Commission adopted a report describing border regions as "living labs of European integration" and demonstrating the positive effects of resolving cross-border obstacles on cross-border regions and the European Union as a whole (European Commission, 2021). The report highlights the success of b-solutions, which are promoted by DG REGIO and managed by the Association of European Border Regions, AEBR (https://www.b-solutionsproject.com/library). Through the b-solutions initiative, to date, a total of 165 distinct border obstacles have been collated and are elaborated in several publications. The purpose of

these documents is to provide stakeholders, policymakers, and other relevant actors at various levels with information regarding the daily challenges faced by citizens and local authorities in border regions. As emphasised by Themis Christophidou, Director-General for Regional and Urban Policy at the European Commission: "These stories are not just anecdotes; they contribute to overcoming border blindness by spotlighting various cross-border experiences in the European Union. As such, they serve as unique sources of data and knowledge for better policies and for EU integration, working seamlessly across the borders" (AEBR & European Commission, 2024, p. 4).

Table 2 Overview of policy options and their impacts on border obstacles

| | Policy option 1: Status quo | Policy option 2: Soft-law measures | Policy option 3: Soft law measures + Adoption of ECBM 2.0 |
|------------------------------------|---|--|---|
| Quantitative assessment | Lost potential benefits amounting to €457 billion per year and 4 million potential jobs | Potential benefits of addressing administrative obstacles of €41 billion per year | Potential benefits of addressing both administrative and legal obstacles could reach €123 billion per year and more than 1 million jobs |
| Qualitative assessment | Existing legal instruments are sector-specific, while obstacles in other areas remain largely unaddressed Limited potential to address existing and new obstacles Existing government agreements, e.g. Nordic Council, also show shortcomings | Potential reduction in administrative obstacles, but legal obstacles continue to hamper cross-border cooperation Addressing fewer than half of the existing obstacles | Could help to unleash the potential of single market, with greater opportunities for businesses in border regions Streamlining of procedures in cross-border cooperation and capacity building |
| Impact for citizens and businesses | Negative economic and social impact, for example in form of discrimination in access to healthcare in border regions | Potential to lower negative impact via more efficient cooperation between public administration bodies and higher awareness of existing provisions or possible solutions at administrative level | Highest possible impact due to the potential to address both administrative and legal obstacles Removal of obstacles would help facilitate access for citizens and businesses to public services in border regions Potential to better channel cohesion instruments to border regions Increased attractiveness of border regions: more incentives for businesses to attract and retain talent Increased attractiveness of border regions: more incentives for businesses and attracting and retaining talent |

Source: Jančová, 2023, p. 47.

Moreover, the accepted b-solution projects have the potential to contribute positively to legislation and regulations related to mitigating cross-border barriers (Medeiros, 2024). Although b-solutions address obstacles in various European policy areas related to cross-border interaction, active subsidiarity and citizens' rights have not yet been equally realised and implemented across this broad spectrum of policy areas, including "transport, health, and energy where subsidiarity is particularly challenging to achieve" (Zillmer, 2024, p. 103).

In response, the European Parliament adopted a resolution, calling and encouraging the European Commission to compile an amended proposal on the ECBM tool (European Parliament, 2023). This resulted in an amended proposal for a Regulation on Facilitating Cross-Border Solutions (FCBS), adopted by the Commission in December 2023. A final agreement was subsequently reached on the BRIDGEforEU Regulation [Regulation (EU) No 2025/925] at the end of 2024.

BRIDGEforEU: A new governance mechanism to eliminate border obstacles

Following more than ten years of negotiations between the Commission, the Parliament and Member States, the Regulation on the Border Regions' instrument for development and growth (BRIDGEforEU) was adopted on 6 May 2025 and entered into force on 8 June 2025. The BRIDGEforEU Regulation establishes a new instrument to facilitate identifying and resolving cross-border obstacles [Regulation (EU) No 2025/925, Art.1].

The Regulation differs from other tools, such as Interreg (funding) and EGTC (institutions), introducing a governance-based tool, which aims to empower border stakeholders to propose and negotiate solutions to legal or administrative barriers, fostering a more integrated approach to European territorial governance. It enables Member States to complement their existing tools by providing an additional governance-based framework established by EU law. The new Regulation is unique in that it enables a process to be developed that will have a concrete impact on border regions without creating unnecessary burdens for national and regional administrations, and without directly affecting state sovereignty.

One of the Regulation's most significant institutional innovations is the establishment of Cross-Border Coordination Points (CBCPs). Under the Regulation, Member States are encouraged to establish Cross-Border Coordination Points (CBCPs) to assess local stakeholder requests regarding potential obstacles and relay them to the relevant national authorities [Regulation (EU) No 2025/925, Art. 4-6]. These are designed as single national entry points responsible for receiving notifications of cross-border obstacles, coordinating with relevant authorities, and, where appropriate, applying the Cross-Border Facilitation Tool (ARL, 2025,

pp. 4-6). According to this mechanism, local actors submit obstacles to the newly created CBCPs, which then assess them and coordinate with the relevant authorities to find legal solutions. CBCPs are voluntary entities: each Member State may decide whether to set them up and how to integrate them into its national administrative system, while retaining control over their structure and scope. A CBCP can cover the whole country or specific regions and can be managed by national authorities or incorporated into existing cross-border organisations, such as Euroregions.

Once an obstacle has been assessed, Member States and regions can use the Cross-Border Facilitation Tool, a voluntary standard procedure designed to resolve administrative and legal obstacles. While each request must be addressed, the decision on whether to resolve an obstacle remains at the discretion of the competent national authorities [Regulation (EU) No 2025/925, Art. 11-12], which retain full control over the decision to address or solve any specific obstacle (ITEM, 2025).

The key benefit of the Regulation is its ability to establish a coordination point that collects and analyses administrative and legal cross-border obstacles for the first time, alongside a governance framework for addressing these obstacles. This mechanism is expected to generate real impact "especially in border regions where coordination infrastructures were previously weak or non-existent" (Sivonen et al., 2024). Sivonen et al. (2024) identifies European border regions where these structures already exist and demonstrates how the Regulation can enhance cohesion and improve the quality of cooperation. This is achieved by legitimising the functions of existing institutional frameworks and providing them with a more permanent basis, as exemplified by the Schakelpunt. "A 'Schakelpunt' in this sense refers to the place where one can switch from one system to another: between knowledge and policy, between governance levels and across borders. That is briefly also the essense of a joint initiative at the Dutch-Belgian border" (Unfried & Mertens, 2024, p. 107). Although the Schakelpunt initiative emerged from the bottom up, driven by decades of cross-border cooperation and the desire to address border obstacles more effectively, it shares many similarities with the Facilitation Tool proposal and its cross-border coordination points (ITEM, 2025).

From a spatial-planning perspective, the Regulation resonates with contemporary research that highlights the need to coordinate planning frameworks across functional border regions. The case of Galicia-Northern Portugal highlighted that "cross-border spatial planning cannot be effective without legal and administrative coordination" (Vila-Lage et al., 2025, p. 542). This confirms the Regulation's potential relevance beyond administrative governance, extending to spatial, infrastructural, and social cohesion policies.

However, the ARL Position Paper also highlights the Regulation's limitations, pointing out the voluntary nature of participation as a major weakness, that the Regulation lacks a binding obligation to establish a Coordination Point, which may create disparities among border regions depending on their institutional capacities (ARL 2025, pp. 7-8). Furthermore, the scope of eligible cross-border obstacles remains vague: the Regulation does not clearly define which types of infrastructures or public services fall under its remit. The same document warns that the effective functioning of CBCPs depends on sufficient human and financial resourcesconditions that are not automatically guaranteed in every Member State (ARL, 2025, p. 7).

CONCLUSIONS

In summary, the Treaty of Lisbon officially recognised European territorial cohesion as a purpose of the European Union. Cross-border cooperation has significantly contributed to the development of EU Cohesion Policy and a more cooperative and integrated future of the European project. Furthermore, cross-border cooperation is vital for a variety of other EU policy agendas. This study highlights that efficient cross-border cooperation is shaped by Europeanisation and decentralisation processes from two directions: EU-funded regional development programmes and effective legal and institutional frameworks.

European Territorial Cooperation (Interreg) has become the most effective tool for preserving the key values and achievements of European integration; however, its full potential has not yet been fully unlocked. Interreg programmes "have spent a remarkable share of their total budget so far (30 billion euros since 1989) on inter-institutional and inter-personal cooperation", (TEIN, 2024, p. 3) and on strengthening the principle of subsidiarity and the development of European multi-level governance and local democracy by promoting long-standing, institutionalised cross-border cooperation, and by involving Euroregions and European Groupings of Territorial Cooperation (EGTCs) in the management of cross-border programmes (TEIN, 2024, pp. 1-4). In order to maintain open borders, cooperation and mutual trust are required, and the newly adopted BRIDGEforEU can be a powerful legal tool to sew together borders in Europe, promoting the development of these laboratories of European integration.

Although the European Union has created financial programmes (Interreg) and a legal-institutional framework (EGTC), as well as tools for removing legal obstacles (ECBM and BRIDGEforEU), administrative barriers still undermine the effectiveness of cross-border cooperation. Although cross-border regions play a significant role in EU territorial cohesion,

their residents often encounter administrative obstacles when commuting, working or accessing public services across the border.

1. The first critical insight is the need for greater awareness of Interreg in cross-border areas, as well as greater recognition within EU cohesion policy.

Despite the Interreg programme's success over the past 35 years, a 2020 EU survey highlights the low level of public awareness of Interreg. Only 24% of respondents were aware of any EU-funded cross-border cooperation activities in their area. This can be explained by the fact that institutionalised cross-border cooperation often loses its social basis and the informality and spontaneity that characterise it. Such cooperation only represents the cross-border territory covered by its members rather than the people living there. Consequently, knowledge gained through cross-border activities, and thus the dissemination of the 'European message', is often limited to direct beneficiaries and participating actors.

Interreg represents "no more than 2.5% of the Cohesion Policy budget. However, its impacts on European economic, social and territorial cohesion are much larger" (TEIN, 2024, p. 5). By the end of 2024, nearly 90 EGTCs had been established in the EU and authorised to realise cross-border projects and establish and manage cross-border institutions.

Nevertheless, from the perspective of the Member States, Interreg has never played a significant role in defining the multi-annual financial framework due to its small budget and peripheral nature. Due to the multiple crises facing the EU today, the priorities of EU policies are changing, while Member States show no willingness to increase their financial contributions to joint border projects. However, without Interreg funding, it is almost impossible to ensure the realisation of cross-border developments, as mainstream operational programmes are bound to national jurisdictions and rules. Cross-border cooperation structures can guarantee the sustainable cross-border nature of projects that reach beyond national borders, paving the way for innovative regional cooperation models and facilitating the realisation of the European multi-level governance project (TEIN, 2024, pp. 2-4).

The main question to be answered is whether the lack of knowledge and underutilisation of institutionalised cross-border cooperation indicate that "behind the cooperation difficulties often stated by the actors of border territories, the most important factor remains the lack of political will" (Durand & Decoville, 2020, p. 119).

2. Secondly, the study identifies the legal and administrative obstacles that already exist and affect the 150 million citizens living near borders. Although several legal tools exist at the intergovernmental, national, regional and local levels to resolve cross-border issues, they do not cover all border regions in the EU. Furthermore, they do not necessarily address issues

related to the development and strengthening of territorial cohesion in a consistent manner [Regulation (EU) No 2025/925 (8)].

These challenges and problems have been identified by the European Union in reports published over the last 10 years. Eventually, in May 2025, the EU adopted the BRIDGE for EU Regulation, designed to address border obstacles via a common governance structure in the specific form of Cross-border Coordination Points (CBCPs).

The BRIDGEforEU Regulation represents a qualitative step forward in European cross-border governance. It establishes a legal platform through which local and regional actors can communicate directly with national administrations to address border obstacles. However, the instrument's effectiveness still relies heavily on political commitment and administrative cooperation. Given that the implementation of CBCPs and the resolution of border obstacles are voluntary, the success of the new Regulation will likely vary significantly across the EU, depending on the political will, financial resources and institutional capacity of the Member States (ITEM, 2025). In the national context, however, the success of the new Regulation will depend heavily on Member States' willingness to establish these coordination points. At the same time, the EU's role in sharing solutions, creating a database of obstacles and ensuring accountability is essential. Without strong multi-level governance and genuine engagement from the Member States, the Regulation risks remaining a procedural rather than transformative mechanism.

According to Sivonen et al. (2024), several cross-border regions may already be familiar with similar practices for addressing and solving border obstacles. However, there are differences in existing tools and structures which may only apply to certain land borders and not to all of a given Member State's borders. Regarding the BRIDGEforEU Regulation, therefore, several questions arise:

- what impact will the new regulation have on different cross-border regions;
- what will it add to existing practices; and
- how will it bring more favourable outcomes for some regions than others? (Sivonen et al., 2024, p. 5).

In summary, BRIDGEforEU embodies a new generation of European cross-border governance, moving from project-based cooperation towards structural, legal facilitation. Its success, however, will depend on the willingness and capacity of Member States to operationalise the CBCPs, invest resources, and maintain sustained dialogue with regional actors. Transparent governance, adequate resourcing, and cooperative mindsets at all levels constitute the decisive factors of success.

In conclusion, the history of the European project has been defined by cohesion and solidarity. The success of the European project depends on the EU's border policy: how can funding (Interreg), institutionalised cooperation (EGTC) and the elimination of border obstacles (BRIDGEforEU) be ensured in parallel? This will be a challenge for the future.

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