Inspire policy making by territorial evidence

Cross-border Public Services (CPS)

spatial
foresight
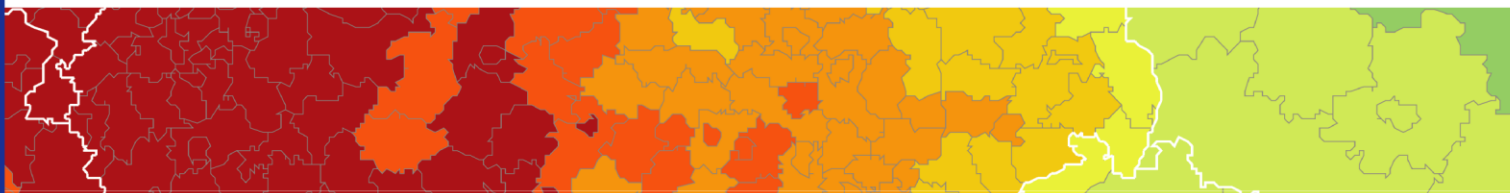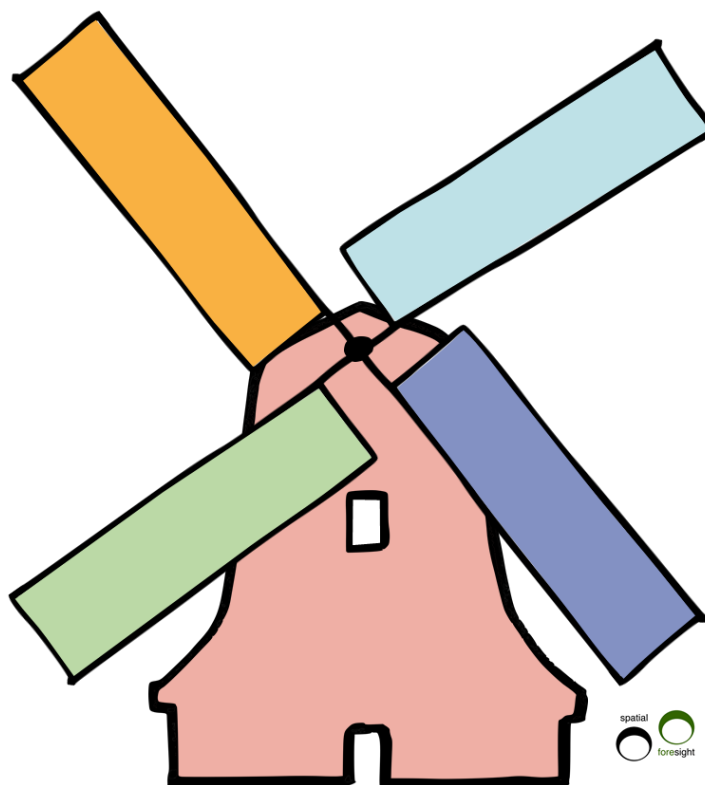
Targeted Analysis

Final Report
Practical Guide for Developing Cross-border Public Services

Version 14/01/2019

Cross-border Public Services (CPS)

Final Report
Practical Guide for Developing Cross-border
Public Services

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1
Introduction

Freedom of movement of EU citizens across borders in Europe is a cornerstone of the EU. People cross national borders on a daily basis for education, work or leisure. At the same time, border regions are often among the less advanced regions in their national context, implying for example relatively large distance to regional centres or other disadvantages for regional development.

Supporting cross-border flows is one means to improve border regions' perspectives. Public authorities can do so by considering the cross-border context rather than their own region only when deciding about public service provision. They may seek to cooperate across national borders for their public service provision to address some typical challenges of border regions. In other words, public authorities may explore possibilities for cross-border public service (CPS) provision.

1.1   What is a CPS?

CPS are public services in a wide variety of policy fields that are provided or made available jointly by public authorities on both sides of a border for an undefined time and with a target group across the border. CPS address joint problems or development potentials of border regions in a clearly defined cross-border territory. Thereby, CPS generate benefits for the general public or a specific target group in this territory, without excluding any person or organisation from the respective scope of services provided. CPS may be delivered using existing or newly established infrastructure. The mere setting-up of new infrastructure does not represent a CPS.

1.2   Objective of the practical guide

This practical guide addresses any public authorities or other stakeholders interested in developing and setting-up a CPS. The guide provides recommendations to public authorities that highlight the main elements to consider when establishing, developing and implementing CPS.

The windmill metaphor in below figure helps structuring and simplifying the requirements for developing CPS. It consists of a solid **foundation that builds the grounds for four consecutive 'building blocks'**. These four building blocks may be addressed in any order. They may be readdressed if decisions of one building block require adjustments in other building blocks. Once foundation and all building blocks have been consistently addressed, the CPS can deliver.

Figure 1
Overview of conceptual model for CPS development
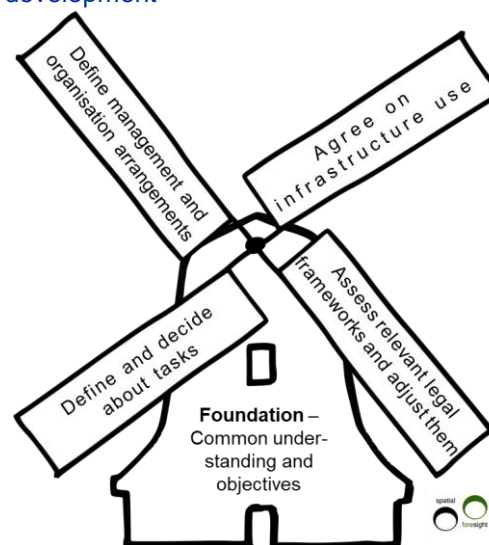
Source: ESPON CPS project team, 2018

1.3 How to use the guide?

Any stakeholder intending to implement a CPS may read the chapters and sections of the practical guide independently. The reading should be guided by the unresolved issues, which depend on the stakeholder's specific needs, interest and prior knowledge and experience.

In addition to general information and recommendations on how to develop a CPS, readers may be inspired by examples. Each chapter includes some examples for illustrating possible solutions to the issues respectively addressed.

Before detailing the various issues of how to develop a CPS, the following **Chapter 2 highlights the benefits** of CPS by

- answering why implementing a CPS could be useful and
- summarising possible effects of CPS.

Chapters 3 and 4 look into the details of the windmill metaphor. Recommendations for the individual issues are highlighted in *italics*. Foundation and each building block consist of several issues to be addressed in the course of CPS development. While principally all building blocks are relevant, not all sub-issues matter equally for all kinds of CPS.

Chapter 3 addresses how to build the **foundation for CPS development**. The foundation requires a common understanding of the cross-border situation, taking into account various cross-border relations and conditions. This leads to identifying the needs and, ideally, a joint formulation of objectives for a CPS.

Chapter 4 is dedicated to the four windmill blades, i.e. the **building blocks of a CPS**. Each section in Chapter 4 addresses one building block.

Section 4.1 is about what to consider when **detailing the tasks of a CPS**. This includes more than the activities to be performed but deals also with whom to target, how to finance, where to provide the service and related aspects.

Section 4.2 reviews potential questions related to the **required infrastructure**. For CPS some specifics have to be considered since norms, rules and standards (soft infrastructure) differ between countries and interfaces, not required for domestic services, may be relevant.

Section 4.3 includes recommendations on potentially relevant **legal frameworks** and how to deal with their cross-border differences.

Section 4.4 addresses finally several issues regarding the **management and organisational set-up of a CPS**. This includes, inter alia, the choice of institution, formalisation and how to deliver the service.

Chapter 5 brings together the different building blocks of the foundation and the blades. It presents the complete and detailed picture of CPS development as a windmill.

Chapter 6 closes with a reference guide for frequently occurring **challenges and solutions** when developing CPS.

When browsing the practical guide, keep in mind:

- Every CPS consists of an individual combination of the various features detailed in the guide. So, **design your own tailor-made CPS**.
- **Anything is possible!** Existing CPS examples across Europe show this despite various obstacles.

2
Added value and benefits

2.1 Why developing a CPS?

Ensuring affordable and accessible public services is an important political objective and inherent to the European social model. National borders hamper achieving this objective. CPS provision provides a solution to overcoming these border issues and has specific advantages in favour of affordable and accessible public services in border regions.

CPS contribute to reducing negative border effects, for example by enhanced cultural integration, increased understanding of the neighbours or a common understanding on shared issues or needs.

CPS contribute to better connections, not only between people but also by increasing the accessibility to services, provision of missing resources, or by offering a one-stop-shop and thus a simplification in dealing with a variety of border challenges. By increasing the accessibility and the scope of services, the quality of the services can be improved as knowledge and resources from both sides of the border can be better exploited.

CPS support cross-border flows of people, for example by offering better information on complementarities of two neighbouring regions or by better labour market matching.

CPS contribute to raising awareness of cross-border possibilities in terms of work, health care, recreation, education etc. This may have a positive effect on the image of the cross-border region and can support regional economic development.

Easing cross-border use of local and regional public transport – Elbe-Labe Ticket
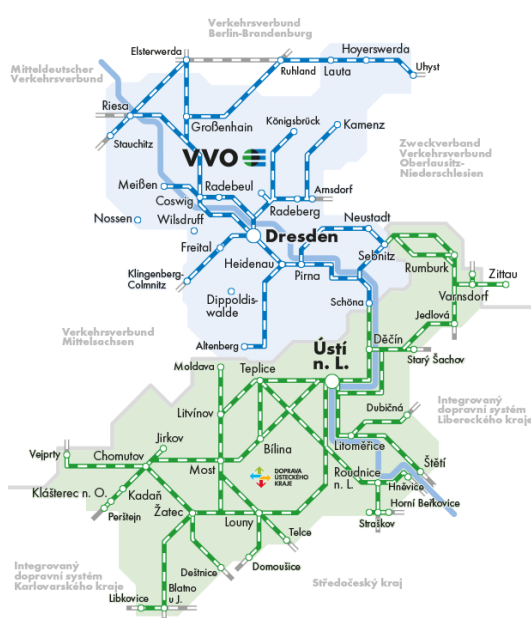
A single ticket system for public transport has been introduced in the Euregion Elbe-Labe. The ticket simplifies public transport use for tourists who wish to explore the national parks on both sides of the border between Germany and the Czech Republic. In addition, shopping and leisure activities have a strong cross-border dimension. Transport associations from both sides of the border took the initiative to jointly offer a service in favour of these cross-border flows.

Users can buy a single ticket on either side of the border and make use of domestic public service lines and cross-border connections.

More information: https://www.vvo-online.de/de/tarif-tickets/tickets/elbe-labe-129.cshtml

2.2 Expected results of CPS provision

CPS bring different benefits to cross-border regions.

Improving service quality **They can address a gap in domestic service provision.** A CPS can overcome a shortage of service provision on one or both sides of the border. Such shortage may result from a peripheral location of the border region, from low demand on each side, or may be specific to cross-border flows, for which usually no domestic services exist.

Improving service effectiveness **CPS can bring about change in the cross-border region.** A CPS can contribute to more effective service provision in the border area. They may address shared problems more effectively rather than individual and non-cooperative activities. Change can be brought about also by ex-tending existing domestic services across the border, for example to achieve faster rescue responses in peripheral areas.

Improving service efficiency **CPS can make service provision less costly.** A CPS can generate efficiency gains and cost reductions for the service provider as compared to domestic service provision. In this sense CPS development can ensure a critical mass for affordable and accessible public service by building on

- economies of scale by covering a wider service area than domestic services and thus increase the demand for the service; or
- economies of scope, making better use of infrastructure investments and operating costs shared among stakeholders in the cross-border region.

Making best uses of diminishing human resources by establishing a joint fire station

A joint fire station has been established on the Belgian-Dutch border in Kieldrecht - Nieuw-Namen, in the Euregio Scheldemond. Prior to the establishment of the CPS two fire stations existed in this cross-border village. Securing sufficient and well trained staff became increasingly challenging for both fire stations due to population decline and ageing trends in the area.

Following an existing cooperation agreement in the field of firefighting, stakeholders decided to merge the two individual fire stations situated only 2 km away from each other. The merger of the two fire stations allowed to make better use of the scarce resources. The new joint fire station has sufficient staff to cover the full area and to cover different shifts.

More information: www.euregioscheldemond.be

3
Develop a common understanding of the needs

Any CPS development requires first a common understanding of the framing conditions, needs and objectives for CPS provision. This understanding provides the grounds for all following CPS development activities.

Foundation – Common understanding and objectives
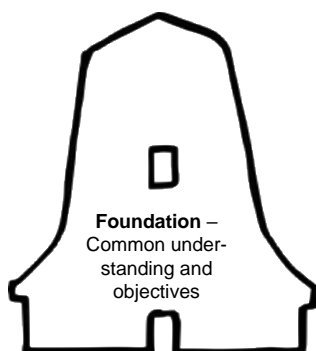
3.1 Identifying and assessing the need for CPS provision

Domestic public service provision is embedded in national regulatory and administrative frameworks. Public authorities use taxes to address the population's needs and provide public services directly or through concessions. Cross-border public services cannot build on this framework but require a different justification.

The nature of CPS implies activity and possibly use of public resources beyond the authority's territorial border. *Authorities on both sides of a border thus need to assess their needs jointly and to align a future CPS with their political objectives.*

National borders have opening and closing effects that define a need for CPS development. Assessing these effects from four different points of view allows to develop a comprehensive overview of the main border realities and supports a common understanding. Moreover, this helps to identify the key challenges and opportunities for CPS development.

- **The political and administrative reality** entails the presence

Administrative / legal reality

of existing cooperation structures and agreements. Relevant is not only the level of integration in the EU internal market but the existence of bilateral agreements, cross-border strategies, cooperation initiatives and administrative traditions and cultures.

- **The physical and geographic reality** are crucial

Natural / physical reality

for the potential demand for and future provision of a CPS. It entails the presence of geographic specificities, accessibility and connectivity of the cross-border area and population characteristics, such as population density, age structures and growth.

- **The economic reality**

Economic reality

provides incentives for cross-border flows. It entails the overall economic performance and the presence of economic discontinuities, for instance in terms of GDP/capita, employment and unemployment, income and productivity. The economic reality is also framed by specific economic aspects such as taxation, relevance of economic branches and R&D intensity as well as characteristics of current (domestic) service provision such as funding through service fees or free of charge delivery.

- **The socio-cultural reality**

Socio-cultural reality

describes target group requirements. It requires assessing the level of a common identity that support builds mutual trust, for instance through a common language, habits and traditions of service provision and use and the understanding of the role of public vs. private services.

Depending on the combination of local characteristics, the same effect may have a closing effect in one region and an opening effect in another.

Table 1
Examples of opening and closing effects for CPS provision

	Closure effects for CPS provision	Opening effects for CPS provision
Political and administrative	• Different currencies used on either side of a border make CPS provision more complex or costly. • Asymmetric competences of policy-relevant actors on both sides make the development of CPS more complex.	• Common (EU) regulations, directives etc. provide common ground to overcome possible differences of national rules. • Strong, long-lasting and trustful cooperation of public authorities creates a positive climate for political and administrative cooperation when developing a CPS.
Physical and geographic	Natural obstacles and limited border crossing possibilities • restrict economic and inter-personal exchanges (incl. commuting) and reduce the demand for CPS provision; • reduce the critical population size for cost-efficient CPS provision.	• Natural obstacles and long travel times to urban centres in the domestic hinterland favour CPS provision. • Environmental conservation areas or geographical specifics as such may create opening effects for environmental CPS.
Economic	• Scarce budgetary resources of public authorities on one side of a border imply difficulties for joint CPS funding. • Discontinuities lead to unilateral commuter flows, which make the conceptualisation of CPS more complicated or CPS provision less cost-efficient.	• Strong residential migration of individuals from one side to the other side of a border requiring new or adapted CPS provision. • Balanced economic development on both sides of the border with different sector specifics (labour market matching) induces commuting and raises need for information and transport services.
Socio-cultural	• Historical prejudices, mistrust / misinformation, lack of mutual knowledge/understanding hamper the establishment of CPS. • Different languages requires specific measures that make CPS provision more complex or costly, e.g. bi-lingual service design, or specific promotional measures.	• A common socio-cultural history with the existence of mutual trust, a sense of belonging together facilitates the establishment of CPS. • A linguistic barrier opens the need for specific CPS provision, e.g. enhancing foreign language proficiency of specific population groups such as cross-border workers.

Political strategies **_Alignment with political and strategic plans supports CPS development._** Coherence with existing political and strategic plans has different advantages when developing a CPS. It is useful (1) to get a better understanding of the current cross-border issues and policy responses, (2) to increase commitment among different stakeholders involved and (3) to raise awareness and interest among decision makers or politicians and obtain political backing. Existing plans may even outline already identified objectives and scope of services of potential CPS.

Relevant documents and plans to be considered include

• sectoral development plans of the relevant policy field;

• national or regional strategic documents;

• programmes of possible funding possibilities, such as Interreg,

• EU policy documents.

If such policy framework is missing, stakeholders may develop a CPS specific joint strategy based on the identified needs to ensure commitment or raise awareness.

3.2 Defining objectives and processes

Identified needs should directly feed into formulating the objectives for CPS provision and facilitating a process with the most relevant players for the CPS development. All three elements of the initial stage – needs, objectives, processes – may affect each other.

Agreeing on the expected results

Translating the needs for CPS provision into expected results should clarify what quality, effectiveness or efficiency objectives and what other benefits shall be achieved (see Chapter 2 above).

A step-wise approach to CPS development is recommended. CPS provision can take place at different levels of complexity. This depends on the number of stakeholders, financing requirements or the need for legal frameworks. The more complex a CPS the more time may be needed to achieve the results aimed for. It is recommended to *start CPS development from small voluntary initiatives* and to gradually work towards long-term results. This way, benefits of CPS provision become visible faster.

Process facilitation

Clear and transparent stakeholder processes support CPS development. This entails clarity of relevant stakeholders to be included in decision-making procedures and for implementation and transparency of priorities and decision-making procedures.

Differentiate roles and tasks of stakeholders. The process may require service providers, legislators, drivers and supporters, and potential users. Stakeholders may represent different levels of government and private organisations cooperating for the provision of relevant services or holding concessions.

In particular, public authorities may adopt different roles. On the one hand, public authorities act in the capacity of decision-makers and legislator, setting the institutional frames for the functioning of public services. On the other hand, public authorities may be service providers, users or contribute otherwise to actually developing and implementing public services.

The following main roles should potentially be considered. Sometimes, one stakeholder holds more than one role.

Figure 2
Step-wise approach to CPS development
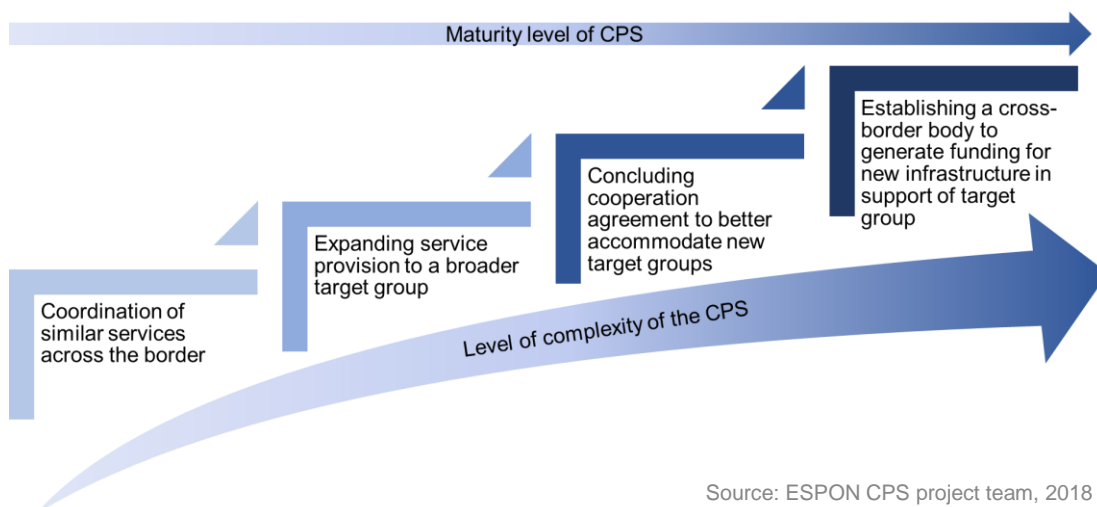
Source: ESPON CPS project team, 2018

- **Initiator/driver.** Individuals or institutions acknowledging a cross-border need or potential for CPS development are suitable to drive the full process. They should be able to benefit from a wide network.
- **Leader/decision maker.** Stakeholders that have the capacity to take decisions are needed to progress the CPS development and to ensure legitimate cooperation and service provision.
- **Service provider.** Stakeholders with knowledge on service delivery and the needs of the target group are key for the functioning of the CPS.
- **Legislator.** If services require legal adjustments, additional stakeholders may be required.
- **Supporter.** CPS development benefits from external stakeholders assessing the process or providing new insights based on experience elsewhere.
- **Potential user.** Public authorities may also be a user of the future CPS. Generally, user involvement can be useful for meeting demand best.

Apply appropriate mechanisms to ensure commitment and ownership. Suitable cooperation routines depend on the involved stakeholders and cooperation traditions. Formulating a shared vision may be as appropriate for ownership development as setting up an internal agreement.

The elements depicting expected results and needs together define the foundation and rationale for CPS development.
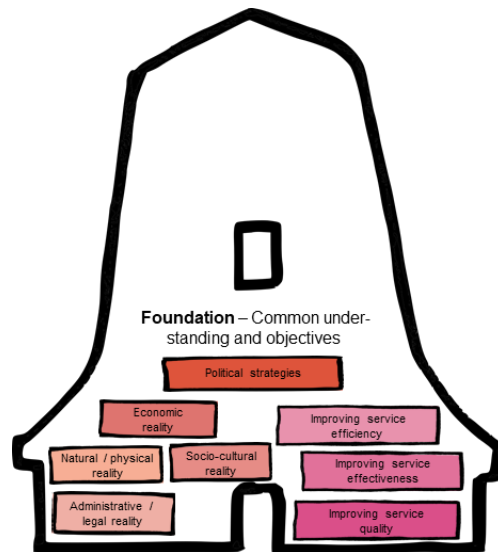
Step-wise approach to establish cross-border health care services – Healthacross

To improve health care service accessibility and affordability for the Czech citizens from České Velenice municipality close to the Austrian border, a step-wise CPS development has been initiated. The step-wise approach is required not least due to significant cost and income differentials between both sides of the Czech-Austrian border.

Stakeholders started with an Interreg project that allowed to elaborate a structure and service index, guidelines for action and a feasibility study. In addition, it resulted in a strong network of engaged stakeholders and initiation of a pilot phase for out-patient care. The pilot helped illustrating the benefits to a Czech health insurance, who subsequently secured funding for future health care. Based on these initiatives and experience cross-border health care services shall be further extended, inter alia, by building a cross-border health care centre.

More information: www.healthacross.at

Stakeholder involvement via an advisory board for the UK-Irish online citizens platform

The online information platform "Border People" is a one-stop-shop for citizens commuting for living, working and studying between Northern Ireland and Ireland. Different public authorities and agencies on either side of the border provide information and advice relevant for "Border People". To ensure continued information provision, an advisory board including all these organisations has been established. National public authorities and agencies feel engaged via the participation in the advisory board. In addition, the board provides an opportunity to make the benefits of the CPS directly visible.

More information: www.borderpeople.info

4
Building blocks for CPS development

Following the definition of context, specific needs for and objectives of a CPS, service set-up and delivery have to be detailed. Following the windmill image, after laying the foundation (Chapter 3), the four blades need to be attached. After developing the content of the four blades the CPS can start working. Each blade contains several elements. Not all elements are required for each CPS. Which elements are needed depends on the specific CPS and the characteristics of the border region.

4.1   Define and decide the tasks

Define and decide about tasks

Deciding about the tasks of a CPS may consist of several aspects. This includes the service as such, the target groups addressed, the geographical area in which the service is to be provided, its frequency and how it shall be financed. A precise task description helps elaborating all other building blocks of the CPS.

Service tasks' specification **Service specification** can be deducted directly from the definition of CPS' objectives. This describes the envisaged activities. Sometimes this is straightforward, sometimes different alternatives exist.

Service area ***Specify the service area.*** A CPS may be provided at certain locations in a border area, it may cover parts or the whole of a certain border region. Area specifications depend on the type of CPS. For example, for "improving public transport connections" this entails specification of the start and ending point of the connection(s), stops of the transport connection, and coordination with other transport connections. It may also affect decisions about ticket validity. The service area defines the potential demand for the CPS, that is relevant for assessing the target group and financing aspects.

Target groups ***Define potential target group(s).*** CPS can be provided to public authorities, tourists, pupils, students and apprentices, cross-border workers, enterprises, people requiring medical care, researchers etc. A CPS may address one or several target groups. Besides naming the target groups, for CPS design some target group features matter:

* size of the potential current and future target group(s);
* relation of the size of the target group on both sides of the border;
* requirements to reach the target group (e.g. information in multiple languages).

Service provision frequency ***Assess the frequency of service supply.*** Service provision frequency depends on, inter alia, type of service and target group. Typical alternatives are

* permanent and continued supply;
* regular service, with a specified number of services per day, week, etc.;
* occasional services (accidents, disasters);
* on-demand service upon request by the target group.

Budget, costs, fees ***Decide about financing of the service.*** CPS provision is subject to a realistic budget and decisions about the distribution of costs or possible fees for service provision. Financing decision depend on the type of service and traditions and rules for (similar) domestic service delivery. Services may be offered

* free of charge;
* for a small fee but with public co-funding;
* against a fee covering the costs.

Current (domestic) service provision and these specified task characteristics are decisive for whether to

- establish a completely new CPS;
- extend an existing (domestic) public service;
- increase coordination of existing (domestic) public services on both sides of the border.

Objectives and tasks may gradually change in accordance with changing needs and CPS use. A CPS may start

simple, e.g. covering a limited number of stakeholders or a small area, based on existing infrastructure and without the need for complex legal structures. This may gradually change over time. With changing maturity levels of the CPS, objectives and tasks may require adjustments.

The different elements together allow to define and decide about the tasks of the CPS.

Define and decide about tasks
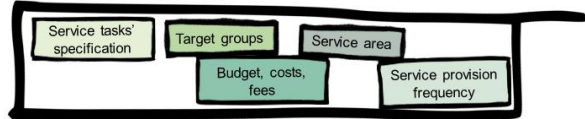
A transport service task definition including specific funding and area specifications

Bus line 983 regularly connects the border towns of Frankfurt/Oder (Germany) and Słubice (Poland). It serves as single cross-border public transport connection in the functional area of the two cities and links to the regional train service. Many commuters and students benefit from this service. This is supported by a single tariff for the cross-border connection that is embedded in the public transport fare system of Frankfurt/Oder. The services is financed by combining ticket prices, public co-funding from the cities and the university.

The single tariff was possible by including Słubice in the tariff zone of the transport association Berlin-Brandenburg (VBB) under which Frankfurt's public transport operates. This implies that the same service provision characteristics apply for regular lines in Frankfurt/Oder as for the cross-border connection.

More information: www.frankfurt-slubice.eu/

Step-wise task development for joint cross-border nature park services

The Trilateral Nature Park Goričko-Raab-Őrség in the Pomurje border region is a joint service of the three individual parks Goričko Nature Park (Slovenia), Nature Park Raab (Austria) and Őrség National Park (Hungary). It builds on a long-lasting cooperation that aims to coordinate protection and management of the Trilateral Park area.

CPS provision currently focuses on the Trilateral Park development with offering common tourist services, whereas preservation tasks are still mainly conducted individually, even though in an increasingly harmonised manner. Thus, domestic services of the three parks have become more coordinated and harmonised using the financial resources of the individual parks.

In the future, the collaboration between the three parks could eventually lead to the establishment of a common management plan.

More information: ESPON CPS Case study report Pomurje

4.2 Agree on infrastructure use

Infrastructure is crucial for providing a public service. A CPS may require different types of infrastructure. Principally, four types can be differentiated, namely, hard, soft, green/blue and system interface infrastructure.

Agree on infrastructure use

Different types of infrastructures System interface infrastructures aim to alleviate existing cross-border information asymmetries. They are cross-border specific. The other three types of infrastructure are equivalent to those of domestic public services, namely hard, soft, green and blue infrastructures.

CPS provision requires some specific infrastructure related decisions regarding the use, development and financing.

Use of existing infrastructures. CPS can use existing infrastructure or may require establishing new infrastructure. In particular new hard infrastructure is usually very costly and time consuming to build. If possible, using existing infrastructures is thus prevailed and supports a fast CPS implementation.

Utilising existing infrastructure requires to agree upon usage and maintenance costs. When agreeing on the use of hard infrastruc-

ture, answers to the following questions affect further CPS design.

- **Who owns the infrastructure?**
- **Who shall be responsible for maintenance of (different parts) of the infrastructure?**
- **Does the existing infrastructure require further development for CPS provision?**

Normative frameworks *Specific locations matter for the rules applied.* Hard infrastructure has a fixed location on one side of the border and solutions are required to use the infrastructure on both sides of the border. Similarly, for blue or green infrastructure national, regional or local rules of the area concerned, e.g. in terms of protection standards, often differ between both sides of a border. Finally, soft infrastructure in terms of quality norms and standards required for public services may differ. In all cases, agreement on the rules applied is required. Answering the following questions may help.

- **(How) Can the rules of the (hard) infrastructure location be applied across the border?**
- **Is a harmonisation of rules necessary or can different rules apply?**
- **How can norms and standards be combined so as to comply with requirements on both sides of the border?**

System interface infrastructures for facilitating cross-border traffic flows

The mobile border crossing application for traffic fluency of the Imatra-Svetogorsk border crossing point in the Finnish-Russian border region of South Karelia addresses information asymmetries across the border. It is an example of a modern, digital and multifunctional public service that uses a system interface infrastructure. The CPS is an IT-based mobile application with practical information on accurate travel and waiting time at the border crossing point.

More information: ESPON CPS Case study report on South Karelia

Familiarising stakeholders and service providers with national traditions via training

A bilateral agreement at national levels allows to deal with crime more efficiently at the Dutch-German border. The agreement enables to use police forces of one country in the other country, if assistance is required or for organising joint actions.

To address the challenges of different legal and administrative settings in the two countries, the agreement obliges the "assisting" police force to adopt the law and judicial procedures of the "host" country. Thus, in case a Dutch officer assists or obtains training on German territory, German law applies. For an effective CPS provision different courses and trainings were organised to familiarise the police forces with each other's procedures and rules, culture and language.

More information: ESPON CPS Good practice factsheet "German-Dutch policy cooperation"

Soft skills

CPS require adequate human resource management. CPS provision may have to deal with different languages and traditions for service supply and demand. This does not only matter for the CPS task description but the human resources required to provide the CPS. Different human resource management aspects may be considered.

- **Capacity building and training** support to better understand different systems and habits. Developing a common terminology may also be required. This also supports coordinated service delivery.
- **Information and communication** support general service provision and coordinated service delivery. Agreements may be required on the means of communication and joint working languages used and relates to internal and external communication.
- **Specific staff rules and practical provisions** may be necessary for the work with a) colleagues from the other side of the border, b) clients from the other side of the border and c) institutions from across the border. This may also entail the consideration of available and required insurances. Experience shows that these provisions may require later updates once the CPS is delivering.

- **Service delivery.** The service itself should be designed to appropriately account for language issues and traditions. Examples are bi-lingual signposts and staff.

Financing

Infrastructures for CPS provision may require financing. In addition to actual service provision funding may be needed for new, modernised or extended etc. infrastructure. This holds in particular for hard infrastructure investments. Financing decisions can be settled in different ways, inter alia, depending on the governance model (see Section 4.4.). Typical alternatives are

- **joint resources** managed by a cross-border legal body;
- **shared contribution** by the stakeholders on both sides of the border according to expected benefits or similar;
- contribution of each stakeholder according to their part of infrastructure used **("user pays"-model).**

Taking the different elements together support agreeing on infrastructure use

Agree on infrastructure use
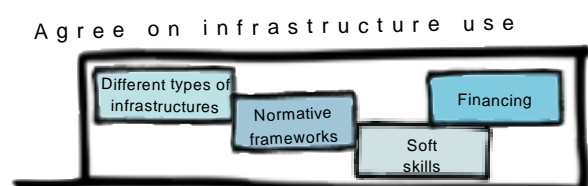
4.3   Assess relevant legal frameworks and adjust them

Legal frameworks legitimise public service provision. Cross-border public services are usually provided on a voluntary basis. Nevertheless, CPS need to respect European, national or regional legal frameworks as well as sector specific frameworks. While relevant, these frameworks may not always be sufficient to legitimise a certain CPS and frameworks of the neighbouring countries may be conflicting.

> Assess relevant legal frameworks and adjust them

Legal frameworks usually become more relevant the more complex and comprehensive the CPS. This holds in particular for CPS using hard infrastructure or requiring large (infrastructure) investments.

General provisions *Availability and appropriateness of available frameworks at different levels should be assessed.* Obtaining an overview of possible legal frameworks early in CPS development processes is recommended, regardless the envisaged level of complexity.

Answering the following questions helps assessing the current legal framework and possibly required amendments:

- What are the relevant legal frameworks currently in place?
- Do these frameworks allow cross-border service provision?
- What are the relevant proceedings, standards, service quality, etc. defined in the frameworks and are they compatible?
- Are these frameworks sufficient for the intended CPS or are new or amended frameworks or agreements required?

Relevant EU level provisions **At EU level,** CPS relevant provisions refer to a few policy fields only. Most relevant are the frameworks for

- the labour market (Regulation 884/2004);
- health care (Regulation 883/2004 and Directive 2011/24/EU);
- wastewater treatment and water management (Urban Waste Water Treatment Directive (UWWTD), Drinking Water Directive (DWD) and the Water Framework Directive (WFD); and
- local public transport (Regulations 1370/2007 and 2016/2338 and Directive 2008/8/EC on VAT-related matters).

CPS of any other policy field may only be ruled by national and/or regional legislation or by interstate agreements.

National / regional legal basis **General interstate agreements** establish overarching legal frameworks for cross-border cooperation. They support the provision of services in other jurisdictions and allow the establishment of cross-border bodies for their management. Such agreements have been established along many Western European border areas.

Sector / service Specific provisions **Sector specific legal frameworks** provide generally more detail on minimum requirements and norms for service provision. They comprise national and regional sector rules as well as sector specific interstate agreements. Especially the latter provide a legal basis for CPS provision. If required but not available, CPS development may also have to consider activities facilitating such agreements.

Assess relevant legal frameworks and adjust them

Relevant EU level provisions	General provisions
National / regional legal basis	Sector / service specific provisions
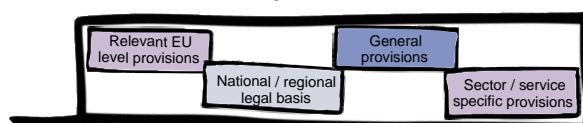
Reducing administrative challenges from EU health care legislation through organised zones for cross-border access to health care (ZOAST)

Even though EU Regulation 883/2004 and Directive 2011/24/EU support cross-border health care for both unplanned (emergency) and planned care, some challenges remain. This includes, inter alia, different rights to access health care services of cross-border workers and other citizens living in the border area.

The ZOASTs between France and Belgium address this issue. Establishing them required two types of additional agreements. Firstly, a Belgian-Franco framework agreement on health care cooperation that provided, secondly, the grounds for the conventions developed for the different ZOAST. Based on this agreement and the conventions, patients in these zones who wish to access health care across the border do not need prior medical authorisation from their domestic health insurance. They obtain reimbursement for their health care costs from their health insurance by applying the tariff for care services of the country where the care is provided.

More information: http://ofbs.dims.fr/les-zoasts.html

Applying a general interstate agreement for establishing a legal entity providing cross-border transport

The joint transport authority for the Geneva cross-border metropolitan area has been established on basis of the "Karlsruhe Agreement" on cross-border cooperation, which is one example for a general interstate agreement. The Karlsruhe Agreement has been concluded in 1997 between France, Germany, Luxembourg and Switzerland and provides for the foundation of public-law based "Local Groupings for Cross-border Cooperation" (i.e. Groupement Local de Coopération Transfrontalière GLCT) in certain parts of these countries.

In 2006, the "GLCT Cross-border Public Transport" has been established for the Geneva cross-border metropolitan area. The "GLCT Cross-border Public Transport" is a joint public body based on French law. This legal structure should allow authorities on both sides of the border to launch joint public procurement for the operation of cross-border bus lines thereby contributing to a stable cross-border public transport system.

Within its area of competence, the GLCT plans, coordinates and develops cross-border public transport services. This includes, inter alia, implementing the development strategies on public transport and dealing with various operational aspects related to cross-border bus lines such as common fares, joint tendering and signing of service provision contracts.

More information: http://www.grand-geneve.org/

4.4 Define management and oganisation arrangements

CPS provision benefits from adequate management and organisation arrangements. These arrangements shall support effective and efficient CPS provision. ***Depending on tasks and objectives, regional and legal framework conditions requires an individual combination of formalisation, institutions providing the CPS and organisation.***

Define management and organisation arrangements

Organisational model

CPS may be delivered either via a network of institutions, centrally by an institution on either side of the border or in an integrated way via a joint institution. In addition, actual service provision points may differ from the managing institution. The chosen type of organisation usually affects the alternatives available for the degree of required formalisation and the institutional set-up for CPS provision.

In a network model stakeholders may deliver the CPS decentrally using their existing institutions and structures. The CPS is then provided based on domestic regulatory frameworks. Joint tourism marketing is a typical example of such CPS delivery.

CPS may be delivered centrally based on domestic law of one side of the border. This may be done using either of two arrangements:

- **unilateral delivery & one-sided management**, i.e. delivered and managed by an existing service provider on one side of the border but for the benefit of both sides;
- **unilateral delivery & joint management**, i.e. delivered by a service provider on one side of the border for the benefit of both sides but involving stakeholders from the other side.

Structures to be used or set-up

CPS may be delivered in an integrated way based on interstate agreements or EU regulatory frameworks. The joint CPS tasks may be transferred to a cross-border legal body, e.g. a "supra-municipal" or "supra-regional" structure or entity. Different interstate agreements (see Section 4.3) and European instruments, such as the EGTC instrument, can deliver CPS. This can be either an existing institution or a newly established cross-border body.

Such institutions benefit from their legal status allowing them to manage and fund the CPS jointly across the border in a stable way. Their set-up may be, however, require more prior agreements and negotiations than other organisation models.

Figure 3
Possible organisation models for CPS provision

Network model

Centrally based on domestic law

Centrally based on international law
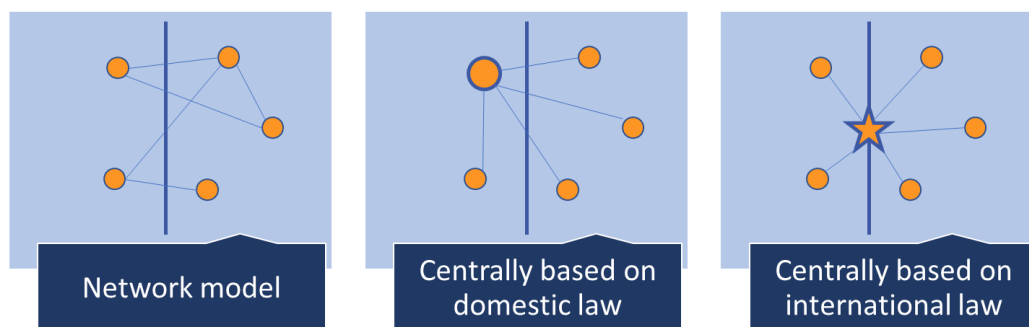
 Degree/type of formalisation

Notwithstanding special requirements of some forms of institutionalisation, some degree of formalisation is recommended for stable CPS provision. This may be cooperation agreements or contracts. Or different documents can be complemented such as

- **a cooperation agreement** that details the organisation and the responsibilities of the involved partners;
- during CPS preparation **an action plan** for describing single actions, the relations between them and providing a timeframe for CPS development;
- a business plan, detailing expected results of the CPS and implementation steps to monitor and evaluate and achieve them.

If the CPS shall be (partially) be delivered by private entities the same variety of public-private partnerships are available as for corresponding domestic services, such as operating contracts, leases and concessions. Formalisation between public stakeholders on both sides of the border helps to

- **stimulate commitment** of all stakeholders involved in CPS provision;
- **raise awareness** of border area needs and provide the grounds to initiate agreements at higher administrative levels if required.
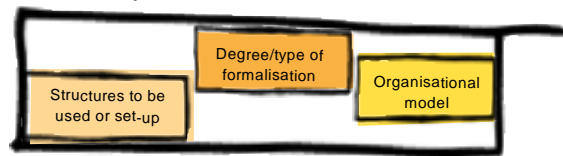
Define management and organisation arrangements

Hospital care provided by a newly founded institution based on the EGTC regulation

The "EGTC Cerdanya Cross-Border Hospital" is one of the most advanced initiatives of cross-border cooperation in health care in Europe. The hospital located on the Spanish side of the border is subject to Spanish law and provides access to specialised health care services for French and Spanish citizens in the area.

Creating a single cross-border legal body, in this case applying the EGTC regulation, allowed stakeholders to coordinate and smoothen service provision for French patients. As legal body the hospital has own responsibility over resources and could build the hospital.

More information: http://www.hcerdanya.eu/en

Local contracts for one-sided centralised waste water treatment

The Greater Salzburg wastewater treatment association is cleaning sewage from four Bavarian municipalities located close to the border at its plant "Siggerwiesen". Sewage transfer and treatment is based on bilateral local contracts between the Bavarian municipalities and the sewage receiving wastewater treatment associations. These contracts are usually concluded for 20 to 30 years.

Without any further specific legal framework agreement between Bavaria and Salzburg they stipulate the precise conditions of the sewage transfer-arrangement.

More information: https://www.umweltschutzanlagen.at/de/rhv/aufgaben.html

5
Overview of building blocks

The different building blocks together build the complete windmill. The individual elements to consider when developing a CPS detailed in the text (chapters 2 to 4) form the foundation for the windmill and the four blades. The foundation ensures that the CPS is grounded and supports relevant contributions to the development of the cross-border region. Each of the four blades contains the elements required to make the windmill function. The combination of the four blades ensures that the CPS is operational and fully functional.

Figure 4
Conceptual model for CPS development
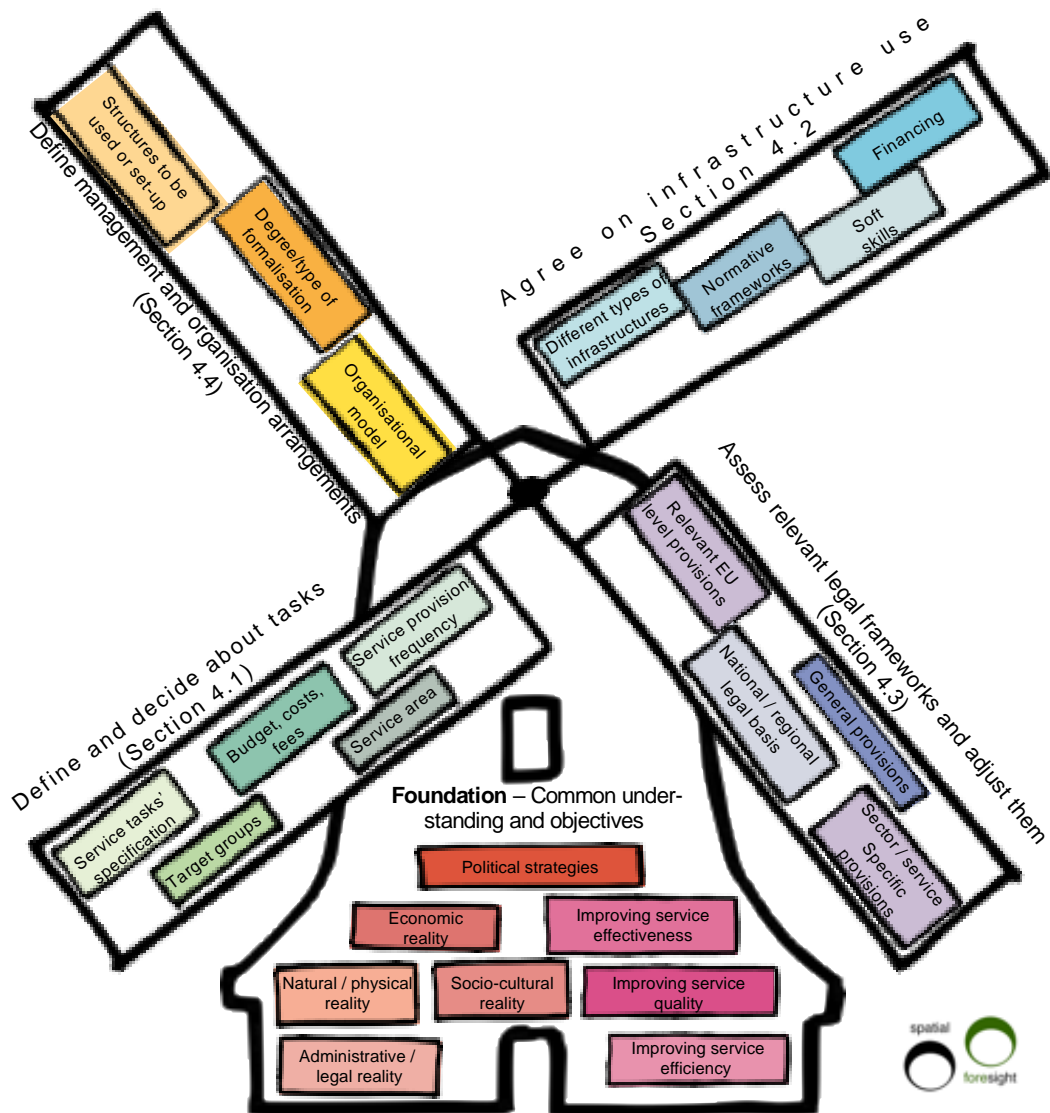
6
Typical Challenges and solutions

Sometimes CPS can be developed without considerable challenges. In other cases CPS development may face few of several challenges. This chapter offers advice for solving frequently observed challenges. It starts with a general advice regarding the use of other CPS experience, which may help for different types of challenges.

Learning from other examples

Other experiences of CPS development and provision are a valuable source of information. They may inspire, give food for thought and help to avoid starting challenges or typical errors. Examples can be from the own and from other regions.

Learning from **examples in the own region** allows comparing examples of CPS provision in similar settings and border realities.

Examples from other regions and countries may provide different approaches to implement a similar CPS. The approach adopted for a single CPS depends on the envisaged function of the CPS and the multidimensional border reality. Thus, *examples can only highlight general approaches that may be useful, they cannot be copied but need adaptation and change.* It is therefore recommended to focus on practical aspects of the CPS. Many solutions to CPS development are case specific, however, concrete measures or elements can be transferred to other contexts.

Learning from other examples requires a *dialogue with stakeholders involved in the example's* development and provision to understand not only how the CPS is operating but to see similarities and differences of the respective socio-economic and territorial context.

Learning from cross-border hospital care services with a comparable economic setting

Specialised health care services are not equally accessible at the Czech-German border area of the Euroregion Elbe/Labe. Opening the German hospital in Sebnitz, directly located at the border to residents of neighbouring Czech municipalities could improve health care accessibility for Czech citizens and avoid possible capacity reductions of the hospital in Sebnitz in view of population decline.

The economic cross-border reality is similar to that of the Austrian-Czech border, where outpatient hospital care is provided by an the Austrian hospital in Gmünd to Czech citizens from České Velenice, a municipality across the border (see example in Section 3.2). So far, unbalanced income and cost levels and a lack of political interest at higher administrative levels have hampered the cross-border hospital care provision in Sebnitz. To overcome these obstacles, local stakeholders in the Euroregion Elbe/Labe have initiated an exchange with the representatives of Gmünd. This exchange shall create knowledge on how to initiate a stepwise and convincing process for CPS development.

More information: ESPON CPS Case study report "Euroregion Elbe/Labe"

Challenges and solutions at different stages of CPS development

	Common challenges encountered	Possible solutions found
Needs, objectives and tasks (Sections 3 & 4.1)	Identifying and mobilising all required stakeholders	• **Start with a few key stakeholders** who can then collaboratively address additional stakeholders through their individual networks. • **Develop an overview of benefits** of the future CPS (see also the next two rows).
	Unequal distribution of benefits (even though target groups exist on both sides of the border)	• **Take a long-time perspective** to assess non-immediate benefits. Changing macro-economic conditions may alter the encountered benefits after a certain period of time. • **Start off with small, non-formalised** but clearly defined volunteer actions, serving as a "testbed" for ideas and services. • **Look at the overall border area**. Benefits may be reversed at other parts of the border area or possibly for other services. Across the full border and across sectors benefits may be balanced. • **Consider indirect and occasional benefits.** Some CPS benefits become only visible once services are provided. This holds, for instance, for civil protection and disaster management CPS that are required only in case of large incidents.
	Assessing closing and opening effects of the border reality appropriately	• **To fully understand closing and opening effects** it is important to consider the border reality from both sides of the border and with a few to the policy field for which the CPS is envisaged. The same border reality can have closing and opening effects for different policy fields. • **Advocate opening effects.** Often closing effects mirror obstacles or challenges that endanger the CPS development process if they are at the centre of attention.
	Lack of comparability of information and data, particularly on the demand for CPS provision	• **Use existing cross-border documents**. • **Use ESPON or Eurostat data** to develop proxies that help to build an argument. • **Develop a joint harmonised information system** that takes into account different needs. This may evolve in a spatial monitoring system CPS that supports the development or improvement of other CPS.
	Different domestic price systems or service levels	• **Implement a fee system** (e.g. transport tickets) for cross-border transport that **considers income differentials**. • **Combine different funding sources** according to the expected benefits of the target groups. • **Extend an existing fee system** across the border.
Infrastructure use (Section 4.2)	Domestic legal frameworks for CPS provision with different quality standards or norms	• **Assume the 'stricter' rules** from either side of the border. • **Lobby for border area interests** to initiate required legal adjustments at higher levels. • In the future **the cross-border mechanism** proposed by the European Commission may support easier adoption of relevant national rules.
	One-sided scarce budgets or costs differentials	• **Step-wise service development** building on pilot actions to test budget effects and to make it easier for the other partner to join the CPS.

	Common challenges encountered	Possible solutions found
Legal frameworks (Section 4.3)	Lack of a clear legal basis for CPS provision	• **Use existing cross-border documents** to start CPS development on a voluntary basis that are politically supported. • **Develop the CPS bottom-up** with structures as simple as possible. Formalise the CPS gradually in accordance with increasing success of CPS and as required. • **Establish a cross-border structure with legal personality**.
Management and organisation (Section 4.4.)	Cultural and language barriers	• Involve staff with required **language skills and different domestic backgrounds**.
	Different or unclear responsibilities and competences or changes of responsibility at key stakeholders	• **Actively involving existing cross-border structures**, such as Euroregions. • **Develop a relatively wide network** and intensive communications with relevant players. • **Identify the added value of each partner**, taking into account comparative advantages of partners. • **Define clear interim steps and milestones** in the implementation process. • **Assign clear tasks to all partners involved** in the implementation, to share work and to generate ownership. • **Partners should implement rules of conduct** as to how the implementation process should continue in case of a change of key personnel.
	Readjustments required due to changing external factors	• **CPS providers** must constantly **monitor** their offerings and **adapt** them to changing conditions. • **CPS providers** should **continuously inform** the general public and/or target groups of the border region about the **added value** of the CPS to maintain or even increase acceptance and demand levels.
	Need to clearly differentiate services provided domestically and cross-border	• **CPS** should be **clearly separated from domestic services** (no overlaps, rather complementing) and **providers** of related **domestic service should be involved** (at least consulted) **in the development and implementation** of the CPS (ideally they even take over CPS delivery)**.

Sharing costs for a joint tourist office

The border towns of Haparnanda (Sweden) and Tornio (Finland) share a single tourist office to better accommodate the needs of tourists in the Bothnian Arc region. The establishment of the CPS required adopting practical solutions for the coordination of activities and resources. The two local authorities agreed to share the administrative costs for the tourist office. This implied keeping two separate budgets for wages, marketing, printed material etc. Some activities are covered solely by the side on which the costs are born, in case the activity does not have a cross-border value. This approach further stabilised the cooperation between the two border towns. New opportunities to expand the activities are explored and may be presented in a new tourism master plan to be published end of 2018.
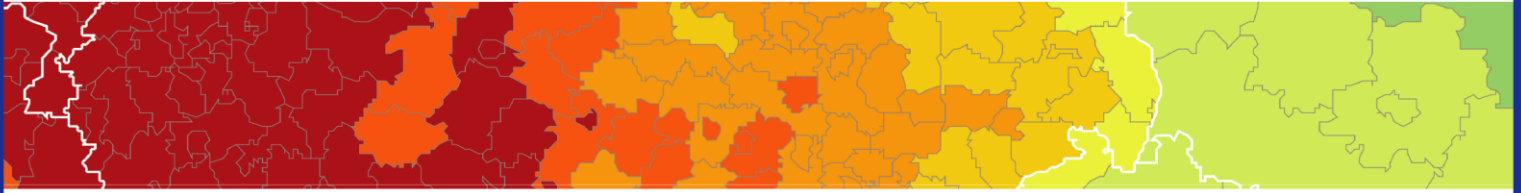
More information: www.haparandatornio.com/en

Making use of an existing cross-border structure to support cross-border job placement services

The cross-border region of Sønderjylland-Schleswig (Denmark and Germany) has the long-term vision to creating a single, harmonised labour market. However, job agencies on either side of the border focus on job placements in their own territory. Therefore, the Region Sønderjylland-Schleswig filled the job placement service gap by establishing the CPS "Job over grænsen". The CPS provides job placement related services across the border for job seekers. It acts as mediator between job seekers companies as well as between existing job agencies in the Danish and German border regions. Job over grænsen is located in the Regionskontor and information centre of the Region Sønderjylland-Schleswig, allowing to utilise existing office spaces, capacities and infrastructure of the overall centre.

More information: www.pendlerinfo.org