

Council of Europe
Conseil de l'Europe



Managing old and new frontiers of Europe

Transfrontier co-operation
in regional/spatial planning,
local border traffic and impact assessments

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local border traffic and impact assessments**

Study prepared by

The Select Committee of Experts on Transfrontier Co-operation,
The Directorate of Environment and Local Authorities
of the Council of Europe

Transfrontier co-operation in Europe, No. 7

Strasbourg 1998

French edition:

La gestion des anciennes et des nouvelles frontières de l'Europe: coopération transfrontalière dans l'aménagement du territoire, le trafic frontalier local et les évaluations d'impact

Publications appearing in the same series:

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Introduction

The ever-growing transfrontier movements of goods and people lead to the necessity to expand transport links and to co-ordinate transport infrastructure in the border areas. Moreover, arrangements have to be made to take into account certain activities having an environmental and economic impact across the frontier. There is, hence, an increasing requirement for a joint and co-ordinated approach in the regional and spatial planning of border areas. The territorial authorities at the border which have first-hand information and knowledge of frontier problems, are becoming increasingly involved in the process of transfrontier regional/spatial planning.

The concept of regional and spatial planning is defined in the European Regional/Spatial Planning Charter of the Council of Europe,¹ as follows:

“Regional/spatial planning gives geographical expression to the economic, social, cultural and ecological policies of society” and “it is at the same time a scientific discipline, an administrative technique and a policy developed as an interdisciplinary and comprehensive approach directed towards a balanced regional development and the physical organisation of space according to an overall strategy”.

In the specific objectives appended to the European Regional/Spatial Planning Charter, it is stipulated that border areas need a policy of co-ordination between states, in order to open up the frontiers and institute transfrontier consultation and co-operation and a joint use of infrastructure facilities. Furthermore, it is argued that states should facilitate direct contacts between the regions and localities concerned in accordance with the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities of 1980 in order to promote increasingly close contacts between the populations concerned. The Preamble of the Outline Convention refers to the importance of co-operation in the field of regional, urban and rural development, environmental protection and the improvement of public facilities. Specific model agreements on intergovernmental and interregional co-operation in spatial planning were drawn up by the Council of Europe and appended to the European Outline Convention for guidance to the respective authorities.

Alongside the Council of Europe's Regional/Spatial Planning Charter of 1983, there are several key reference documents which raised awareness in the field of European spatial development. These include, the Regional Planning Strategy endorsed by the CEMAT in 1988, and the European Commission's communications of Europe 2000 (1991) and Europe 2000 plus (1994). Within the framework of the European Union, a Committee on Spatial Development was created in 1994 to prepare an outline on a European Spatial Development Perspective (ESDP). The first official draft of the ESDP was presented at the informal meeting of ministers responsible for spatial planning of the member states of the European Union in Noordwijk, in June 1997. The Council of Europe and the European Union are working in close co-operation in order to make sure that the objectives and principles of the European spatial planning perspective is extended to central and eastern European countries.

¹ The charter was adopted by the European Conference of Ministers responsible for Regional Planning (CEMAT) in 1983 and subsequently endorsed by the Committee of Ministers in its Recommendation No. R (84) 2 to member states.

The European Union also provides financial support for projects concerning transnational co-operation in regional planning covering the frontier areas of the European Union member states (Interreg II C,¹ enclosed as an appendix hereto). Some examples include, the North Sea Region Programme (Sweden, Denmark, Germany, the Netherlands, Norway and United Kingdom), the North-West Metropolitan Area Programme (the Republic of Ireland, France, Belgium, Luxembourg, Germany, the Netherlands and the United Kingdom), the Atlantic Area Programme (France, Spain, Portugal, the Republic of Ireland and the United Kingdom), Baltic Sea Region Programme (Denmark, Germany, Finland, Sweden and the Baltic states) and the Barents Sea Programme (Finland, Norway, Russia, Sweden). Under the TERRA Programme,² the European Commission also gives financial support to regional or spatial planning projects. Some examples include the Northern Periphery Programme (Finland, Sweden and the United Kingdom), Eastern Alps (Austria, Germany and Italy), Central and Eastern Mediterranean Space (Greece and Italy) and Co-operation between Portugal and Spain. The programmes cover areas involving coastal areas, river basins, areas where natural or cultural assets are endangered, rural areas and areas subject to erosion.

It is also worth noting that several conferences were organised on European regional planning. The conferences covered the following topics: transborder co-operation within sustainable regional/spatial planning in central Europe (Vienna, 1993),³ the development perspectives for the wider European territory (Dresden, 1993)⁴ and the regional planning of greater Europe in co-operation with the countries of central and eastern Europe (Prague, 1995).⁵ A recent conference was organised by the CLRAE on the role of regions in European regional/spatial planning from 3-5 April 1997 in Poznan (Poland) and a declaration was adopted in this regard.

This report intends to contribute to the ongoing discussions on transfrontier co-operation between states and local and regional authorities in the field of regional planning. The report is structured so that the first part includes a synthesis of the findings of the survey concerning firstly transfrontier co-operation in regional/spatial planning; changing notions of frontiers and their impact on local border traffic, and the involvement of territorial authorities in the transfrontier impact assessments. The second part includes general conclusions that can be drawn from the survey and concluding remarks.

1 *Official Journal of the European Communities* 96/C 200/07, 10 July 1996.

2 *Official Journal of the European Communities*, No. 96/C 119/08.

3 Reports and Conclusions of the colloquy organised by the Council of Europe within the framework of the European Conference of Ministers responsible for Regional Planning (CEMAT), European Regional Planning Series No. 55, Council of Europe.

4 Conference jointly organised by the Council of Europe and the European Commission, Luxembourg Office for Official Publications of the European Communities, 1995.

5 The proceedings of a joint conference between the Council of Europe and the European Commission, Luxembourg, Office for Publications of the European Communities, 1996.

PART I

Synthesis of the findings of the survey

I. Transfrontier co-operation in regional/spatial planning

This section includes mechanisms established for transfrontier co-operation on regional/spatial planning between states (see item 1) and between local and regional authorities (see item 2). It also provides certain results and achievements that can be considered as exemplary (see item 3).

1. At intergovernmental level: types of intergovernmental commissions, agreements and programmes on regional planning

i. Intergovernmental regional planning commissions based on intergovernmental agreements

Transfrontier agreements on regional planning between western European countries date back to the late 1960s and 1970s. These intergovernmental agreements paved the way for intergovernmental commissions on regional planning. The earliest one was established between the Benelux countries in 1969. Gradually, other regional planning commissions were established between Belgium and Germany (1971); Switzerland and Germany (1973); Austria and Germany (1974); and the Netherlands and Germany (1976). Other intergovernmental commissions which deal with regional planning alongside other topics involve those established between France and Geneva (Switzerland) (1973); France, Germany and Switzerland (1975); France, Germany and Luxembourg (1980); France and Italy (1981); and France and Spain (1994).

In central and eastern European countries some regional planning commissions were established in the mid-1980s and 1990s. These were established between Austria and Hungary (1985); Germany and Poland (1992), the Slovak Republic, Poland and the Czech Republic (1992), Poland and Lithuania (1994), the Slovak Republic and Poland (1994), the Slovak Republic and Hungary (1995), and the Czech Republic and Poland (1995).

ii. Intergovernmental regional planning strategies not based on agreements

The Visions and Strategies around the Baltic Sea 2010 (VASAB) process initiated in 1992 involves Belarus, Denmark, Estonia, Finland, Germany, Latvia, Lithuania, Norway, Poland, Russia, Sweden. The process which seeks to establish a framework for spatial development in the Baltic Sea region is monitored and guided by conferences of ministers responsible for spatial planning from the countries of the Baltic Sea region.

VASAB is not based on an intergovernmental agreement. The implementing body of the VASAB process is the Committee of Spatial Development/Baltic Sea region. The Committee is assisted by a small secretariat in Gdansk (Poland).

iii. Informal working groups and committees

The *Land* of Bavaria has created a working group on regional planning with the Czech Republic. The working group is based on informal contacts and agreements between the Bavarian Ministry for regional development and environmental issues and the Czech Ministry for regional development. Three sets of bilateral and trilateral development concepts were designed and implemented in three different parts of the Bavarian-Czech frontier.

An informal committee was also created between Germany and Poland. The German-Polish Committee for Frontier Questions has the purpose of discussing possible projects. Suggestions for transfrontier projects are sent to this committee. The territorial authorities in charge are the *Land* Brandenburg and the *Voivodship* of Stettin.

iv. Transfrontier bodies established for specific issues

The Council for the International Park of Lower Odertal: an intergovernmental body between Germany and Poland to form a protected area near the lower Oder. Co-operation takes place at the level of national ministries (Federal Ministry for Germany) where the relevant frontier regions also participate.

The Transfrontier Conference on the Mont Blanc was initiated by the Ministries of the Environment of France, Switzerland and Italy. Its statute is currently being defined. One of the priorities of the conference is to establish a transfrontier system of connections among natural areas that are linked or can be linked to the Mont Blanc massif by taking into account environmental considerations. Transfrontier co-operation between local communities is also encouraged.

Another significant instrument of transfrontier co-operation concerning mountainous areas is the Convention on the protection of the Alps signed by Austria, Switzerland, France, Germany, Italy, Slovenia, Liechtenstein and the European Union. Its aim is to draw up a general policy for the preservation and the protection of the Alps on a preventive and co-operative basis taking into account the interests of the Alpine countries. Protocols to the convention envisage transfrontier co-operation on regional planning and sustainable development of the Alpine regions.

v. Transfrontier agreements that will be signed soon and the countries where no such agreements exist

Some transfrontier agreements which concern regional planning questions are expected to be signed. Slovenia, the Slovak Republic and the Czech Republic are expected to sign agreements with Austria in this regard. The Czech republic also envisages signing a similar agreement with Germany.

Among those states having replied to the questionnaire, transfrontier agreements and bodies on regional planning do not exist in Estonia, Ireland, Romania, Portugal, Turkey and the United Kingdom.

2. At local and regional level: decentralised transfrontier co-operation in regional planning

i. Participation of territorial authorities in intergovernmental regional planning commissions

The intergovernmental regional planning commissions are generally split into geographical sub-committees such as the West, Centre, East and South sub-committees of the Benelux or the North-South sub-commissions of the Dutch-German Regional Planning Commission. The territorial authorities do participate in the sub-commissions or expert committees, as in the case of the Austrian-Hungarian Commission. They take part in the working groups which prepare the work of the commissions. The final decisions are taken at intergovernmental level. There is no detailed information, however, on the participation of territorial authorities and their actual impact on the decision-making mechanism of the intergovernmental commissions.

The intergovernmental bodies generally encourage decentralised co-operation for two basic reasons. Firstly, it helps to establish an effective strategy on planning of the border territories where national and local interests are taken into account from the very early stages of planning. Secondly, once local and national consensus is reached, there are fewer misunderstandings or disputes in the implementation of the decisions between the two levels. Some examples are mentioned below.

The Benelux Intergovernmental Commission created a working group for the spatial planning of the frontier cities of Maastricht-Heerlen-Aachen-Lüttich-Haselt-Genk (MHAL) in 1988. The working group works on the establishment of a transfrontier development concept and includes the Benelux states, the Dutch province of Limburg, the Belgian regions of Flanders and Wallonia, the *Land* North-Rhine Westphalia, the district planning authority of Cologne, the city of Aachen and the *Kreis* of Düren.

The representatives of local municipalities situated at the Lithuanian-Polish border are directly involved in the decision-making mechanism of the Lithuanian-Polish Commission on Territorial Planning. They influence the process of planning at an early stage and ensure public participation in decision-making which is demanded by the Law on Territorial Planning. They also participate actively in the project teams. The local co-ordinators representing local municipalities co-operated with national co-ordinators equally effectively, in the case of the cross-border project between Lithuania, Latvia and Belarus.

A concrete example of encouraging decentralised transfrontier co-operation in regional planning concerns the Polish-German Regional Planning Commission. The Intergovernmental Commission encourages co-operation between the cities of Guben (Germany) and Gubin (Poland) where land use plans are co-ordinated.

The signing of the transfrontier co-operation agreement between the Slovak Republic and Poland in 1994 gave rise to co-operation at county level in drawing up urban studies and solving regional/spatial planning problems, notably of the counties of Bardejov and Svidnik and Cadca County.

ii. Bodies established between territorial authorities

Several *Euregios*, working communities or transfrontier councils are established at regional and local level and deal with transfrontier aspects of regional planning.

Among regional co-operation, examples include the Working Communities of Central Alpine Regions (*Arge Alp*), of Eastern Alpine Regions (Alpen-Adria) and of Danube Regions (*Donauländer*). Other examples are the Council for Co-operation of Border Regions (Estonia, Latvia and Russia), the *Euregio* Egrensis (Bavaria and the Czech Republic), *Euregio* Bayerwald/Böhmerwald (Bavaria-the Czech Republic and the Land Oberösterreich), *Euregio* Inn-Salzach (Bavaria-Oberösterreich), the Regional Council of the Austrian *Land* of Burgenland and the Hungarian regional authorities of Győr-Sopron-Moson and Vas, including the cities with regional status Szombathely, Győr and Sopron; the Working Community of Regio Insubrica between the Swiss Canton of Ticino and the Italian Provinces of Como, Varese and Verbano Cuiso-Ossola.

3. **Exemplary achievements and results**

Studies on common development concepts: Some exemplary studies and strategies on transfrontier regional planning and development include, the Second Benelux Structural Outline of 1996; co-ordination of the development along the Polish-Czech and Polish-Slovak border regions; establishing principles of spatial development along the Poland-Belorussian border; and study on the economic development of the *Euregio* Spree-Neisse-Böhr.

Recommendations: Most intergovernmental regional planning commissions adopt recommendations to central government. Some significant recommendations of the Regional Commission Saar-Lor-Lux-Trèves/West Palatinat concern information and co-ordination of spatial planning in border areas (1978) and another one mutual information and harmonisation of local spatial planning (1986).

Concrete projects: A good practice example of transfrontier co-operation in regional planning concerns the creation of the “Transfrontier Agglomeration of the European Development Pole” which was created with the agreement of the Governments of France, Luxembourg and the Belgian region of Wallonia in 1993. It concerns revitalising the regional economy of the transfrontier area by restructuring the transfrontier space.

The VASAB process mentioned above has given rise to several concrete projects between Belarus, Latvia and Lithuania, in the Gulf of Bothnia and in the Tampere-Helsinki-Tallinn-Riga Development Corridor. Moreover, Finland has negotiated with Russia four simultaneous transfrontier spatial planning projects concerning the development of transport corridors from Finland to St Petersburg (and Moscow), Petrozavodsk (Karelia), Archangelsk and Barents Sea (Murmansk).

II. Changing notions of frontiers and their impact on local border traffic

The 1990s will be recalled by the changing nature of the frontiers in Europe. In western Europe, the Schengen Agreement came into effect on 26 March 1995. The Schengen countries currently include Austria, the Benelux states, France, Germany, Italy, Spain and Portugal. Moreover, the five Nordic countries have recently acceded to the treaty.

The Schengen Agreement led to the abolition of control of the so-called “internal frontiers” and strengthened the control of the “external” frontiers of the Schengen countries. The survey reveals that where there are agreements on low volume border traffic across the external borders of the European Union, such as across most of the Polish frontiers or between France and Switzerland, the entry into force of the Schengen Agreement has not altered local circulation of persons.

In central and eastern Europe too, frontiers have gone through some changes. New frontiers have been created to demarcate the boundaries of the newly-formed states. Paradoxically, in some central and eastern European countries simultaneous negotiations with neighbouring countries have started in order to create a policy towards the so-called “low volume traffic” or “local traffic” giving privileges to frontier populations to facilitate the crossing of frontiers.

Facilitating the crossing of borders is an essential factor for establishing social, economic and cultural links across the frontier. This is the reason why arrangements and measures to facilitate local border traffic and the involvement of local authorities on decisions concerning the crossing points play a vital role in the promotion of transfrontier co-operation.

The following is an analysis of the effects of the changing nature of frontiers in western and eastern Europe on local border traffic and the role of local authorities in the opening and closing of crossing points.

i. Arrangements and measures for local border traffic

Special agreements and measures: Several agreements have been signed to enable the free circulation of low volume border traffic. Examples are the agreements between France and Switzerland (1946, recently revised), the Czech Republic and Germany (1994), the Czech Republic and Poland (1995), Latvia and Lithuania (and Latvia's other neighbours), Germany with Poland, Austria and Switzerland, Italy with France, Switzerland, Austria and Slovenia; Spain and Morocco, Turkey with Syria and Iran.

New agreements are envisaged between Poland and the Slovak Republic.

In some countries special agreements or measures granting local border traffic privileges do not yet exist. This is the case with Bulgaria, Estonia, Ireland and the United Kingdom.

Purpose of special agreements and measures: Special crossing points under the name of “green crossing points” or tourist paths are arranged which facilitate the passage of frontier citizens for several purposes such as bicycling and trekking, tourist excursions, for those working daily on the other side of the frontier, for family meetings and other special occasions. In Latvia, residents living in border areas are allowed to cross over the border outside the customs checkpoints. They are controlled by the border guards. In some cases, as in the Slovak Republic, local authorities are entitled to exceptionally request the crossing of the border due to social and sporting events. Moreover special crossing points are reserved for light cross-border motor vehicle traffic as well as local lorries and vans with local registration plates.

The number of special crossing points for frontier populations: There are twenty-seven crossing points between Saxony and the Czech Republic (another one is expected to be opened in 1998), eighteen crossing points exist between Bavaria and the Czech Republic, three between Poland and Germany, twenty-six between Poland and the Czech Republic, nine across the Polish-Slovak frontier, five across the Ukrainian-Polish border, four on the Polish-Belorussian frontier, and three on the Polish-Russian frontier.

The jurisdiction of the special arrangements: The definition of border zones vary according to agreements. In the Polish-Czech Convention of 1995, the crossing of frontier populations is facilitated in border areas which extend to fifteen kilometres, whereas in the case of the agreement between Poland and the Soviet Union of 1985, the border zone has a diameter of fifty kilometres.

ii. The role of local authorities in influencing the opening and closure of crossing points

The decision to open and close international crossing points comes under the exclusive competence of national authorities. In federal states, such as Germany, the regions (*Länder*) are systematically associated with decisions to open or close border crossings and the conclusion of the corresponding agreements with neighbouring countries.

Local authorities can generally exercise political influence in the opening of crossing points and can submit proposals (Austria, Bulgaria, the Czech Republic, Estonia, Germany, Lithuania, Poland, Portugal, the Slovak Republic), and in some cases their informal agreement is required (Austria and Germany). They are most influential in the opening and closing of minor crossing points such as tourist paths, “green crossing points” and those reserved for light motor vehicles (Austria, the Czech Republic and Germany).

In Latvia, border crossing points are opened and closed according to the bilateral agreements and the law on state borders.

Among the Schengen countries, following Article 136, the states party to the agreement have to be informed of the decision to close or open crossing points.

III. The involvement of territorial authorities in the transfrontier impact assessments

The Community Directive 85/337,¹ which has been amended by Directive 97/11/EC of 3 March 1997², on the assessment of environmental impact stipulates that a specific consultation procedure involving the other member state should be applied whenever considerable impact effects on the environment of another member state is expected. The member state in turn informs and consults its citizens. It is envisaged that the citizens of the “affected party” are informed and can express comments or objections to be duly taken account of by the “originating party” when making the final decision after a consultation phase among the parties.

Similarly, the United Nations Convention on Environmental Impact Assessment in a Transboundary Context (25 February 1991) or the Espoo Convention, provides for consultation with frontier citizens, and establishes a procedure for admitting complaints from a foreign country on the transfrontier impact of a construction. It also encourages the conclusion of bilateral and multilateral agreements with a view to setting up institutional arrangements or enlarge the mandate of existing ones in order to give full effect to the convention. The convention, which entered into force on 10 September 1997, has currently been ratified by twenty countries and the European Community³.

The following are some examples of applying the legal obligations mentioned above:

i. Right to be informed and consulted

Legal provisions granting local and regional authorities on the other side of a border the right to be informed about relevant construction do not exist in the Czech Republic and Estonia.

There are various conventions which are binding on Finland that contain provisions for providing information and negotiations concerning the environmental impact of a project. These are the Convention on Environmental Impact Assessment in a Transboundary Context, the Convention on the Protection of the Marine Environment of the Baltic Sea Area, Convention between Finland, Norway, Sweden and Denmark on the Protection of the Environment and various agreements on transboundary waters and on the communication of security matters of nuclear power plants.

1 OJ No. L 175, 5.7.1985, p. 40. Directive as last amended by the 1994 Act of Accession.

2 Council Directive 97/11/EC on the assessment of the effects of certain public and private projects on the environment; OJ of the European Communities L 73 14 March 1997, p.5.

3 According to the state of ratification of 13 May 1998, the following countries have ratified the Espoo Convention: Albania, Armenia, Austria, Bulgaria, Canada, Croatia, Denmark, Finland, Greece, Hungary, Italy, Luxembourg, Netherlands, Norway, Poland, Republic of Moldova, Spain, Sweden, Switzerland, United Kingdom; the European Community.

In Germany, section 4 of the Federal Spatial Planning Act provides for mutual information and discussion in the case of plans and measures affecting neighbouring states. Foreign local authorities have no legal right to information or participation in spatial planning. However, the regional planning departments in the neighbouring state which will be affected by a given plan are supposed to be associated with the planning process and the subsequent voting. These departments are then free to bring in the relevant local authorities, if they see fit.

Irish planning legislation under Article 31 of the Local Government (Planning and Development) Regulations, 1994, obliges local authorities to give the Minister for the Environment notice of any planning application in respect of development which is likely to have significant effects on the environment in another member state of the European Union. For Ireland, this article in practice relates to the transboundary effects in Northern Ireland of development and vice versa. The consultation in such cases is between the Irish local and public authorities and the Northern Ireland Department for the Environment, the planning authority for that jurisdiction.

Public notification procedures in Ireland ensure that territorial communities and authorities are informed of the existence of an environmental impact assessment which may have transfrontier effects. It is open to any individual or community, regardless of where the person(s) live(s) to comment on the application.

In Italy, local authorities participate in the procedure for transfrontier environmental impact assessments by sending written comments to the relevant authorities.

In Luxembourg, the Convention on the Environmental Impact Assessment in a Transboundary Context, is transposed into the Law of 29 July 1993. Hence the provisions of this Convention on Consultation with Frontier Citizens, and the procedure for admitting complaints from a foreign country on the transfrontier impact of a construction, are to be applied.

In the Netherlands, according to the Spatial Planning Act, communities and authorities on the other side of the border have the right to be informed about or participate in spatial planning matters. In the same way complaints from German or Belgian communities or authorities are allowed and taken account of in the planning procedures on the same basis as those from Dutch communities and authorities.

In Portugal, environmental impact studies are made if it implies a large territorial area. Projects such as communication routes, polluting industries and dams require impact studies. In this case, central administration, the Commission for Regional Co-ordination, local authorities, associations for natural protection and citizens play a significant part in initiating and encouraging exchange of information and debates between the two countries.

In Romania, existing regulations require the assessment of the impact of certain projects on the environment, but studies for the transfrontier impact of such projects are not envisaged. There are no explicit regulations to allow the right to direct information by the territorial authorities and communities with regard to projects having a transfrontier impact. However, there are possibilities to inform the foreign authorities about the activities with a transfrontier impact. This is executed by bilateral committees created within the framework of the signed bilateral conventions on the protection of the environment (e.g. the Romanian and Moldavian joint committees).

In the Slovak Republic, the right to be informed and to take part in planning of the relevant construction (building, equipment or any other activity) is laid out by Act 127/1994 Dg concerning the impact on the environment.

Sweden also implements the provisions of the European Union Directive (85/337/EEC) and of the Espoo Convention where the establishment of consultation procedures are required.

In Switzerland, for hydraulic plants, all bilateral agreements envisage responsibility for consultations and for providing of information. A similar principle was adopted in the federal law concerning regional planning.

In Turkey, no legal provisions exist to inform the local authorities of a neighbouring country on the transfrontier impact of a project.

In the United Kingdom, the Department of the Environment (Northern Ireland) has a reciprocal arrangement with the Republic of Ireland whereby notification is given of any proposed development which is likely to have significant environmental effects.

ii. Right to file a complaint

In Bulgaria, complaints can be received from foreign countries due to several international agreements to which Bulgaria is a party, such as those concerning the ozone layer, transfrontier air pollution, industrial accidents, protection and use of transfrontier water currents and international lakes.

In principle, national courts of the Czech Republic may admit complaints from abroad according to the Act on International Private Law and Procedural Rules (No. 97/1963).

In Germany, the national courts admit appeals from neighbouring states on the same terms as those lodged by nationals. No complaint procedure is available for spatial planning decisions, either from “home” or abroad.

The Convention on Environmental Protection signed by Denmark, Finland, Norway and Sweden in 1974 provides that those exposed to an environmental disturbance from another country have the right to complain to courts or authorities in the country of activity, in principle on the same conditions as domestic complaints.

In Romania, legal procedures through which complaints from foreign states concerning transfrontier impact due to specific construction, are not yet in force.

In Switzerland, there is no legal arrangement to allow complaints from a foreign country on issues concerning the environmental impact of certain constructions. However, according to the Swiss law, this right is not excluded.

iii. Transfrontier impact assessments and studies

In Austria, transfrontier studies on the economic, spatial and environmental impact of projects are rare. Recently, studies were conducted concerning transfrontier parks and power stations.

In Bulgaria, transfrontier air pollution studies were made, particularly in the city of Rousse area. Some of the studies are made by regional authorities or by regional inspectorates at the Ministry of Environment.

The county of Pärnu (Estonia) is intending to initiate an impact study concerning the planned harbour construction in Ainazhi (Latvia). It is intended to include: environmental impact assessment, socio-economic impact assessment, analysis of possibilities for participation in the free-trade zone.

An intergovernmental commission was set up between Italy and France in 1996 which is charged with the preparations for the construction of a high-speed train link between Lyons and Turin.

In Germany, participation in a project spanning the Brandenburg border is being planned by the supreme regional planning authority in agreement with its counterpart in the neighbouring country, under Article 4 of the Decree on the Execution of Spatial Planning Procedures. This means that neighbouring Polish *voïvodships* will be involved in preparing and executing spatial planning procedures. This has already happened in the projects concerning a commercial park, a transfrontier ring road and in the creation of a Euro-transport and trade centre. German road-building authorities in the *Land* Brandenburg also select their projects in close co-operation with the Polish road-building departments. This ensures that the Polish and German bodies conduct their environmental impact studies simultaneously. The German road-building authorities extend their impact studies regarding new roads with new border crossings up to the border.

Latvia signed an agreement with Estonia on the Environmental Impact Assessment in a Transboundary Context on 14 March 1997. This agreement covers activities in the area within fifteen kilometres of the common border. Some activities include: thermal power stations, processing and transformation of asbestos, industrial installations, construction of motorways and airports, waste disposal installations, water regulation projects in certain rivers, drainage of wetlands, and extraction of water and mineral resources.

An agreement has been signed by Lithuania, Latvia and Belarus for the monitoring of the Ignalina nuclear power plant. Other transfrontier impact studies are to be included in the transfrontier regional development projects.

PART II

General conclusions of the survey and concluding remarks

I. Different types of institutional and other mechanisms are established to co-ordinate regional planning between the member states

The survey reveals that there are a variety of structures established to co-ordinate regional planning across the border. Some of the observations are as follows:

1. Both in western and in central Europe the intergovernmental regional planning commissions are widespread. They are sometimes divided into sub-committees according to distinct geographical zones (north/south or east/middle/west) and are supported by several specialised working groups. The commissions adopt recommendations and establish common principles and goals for transfrontier regional planning.
2. The creation of regional planning commissions is not a *sine qua non* for co-operation. The meetings and decisions reached between the heads of governments and the relevant ministers can also form a basis for co-operation in the field of spatial planning.
3. Transfrontier co-operation does not have to depend on intergovernmental agreements either. It requires first and foremost a strong political will for co-operation. For instance, the Visions and Strategies around the Baltic Sea Region 2010 (VASAB) was designed on the basis of the conclusions of ministerial meetings and is not based on any international agreement.
4. Bilateral committees may also be established through informal contacts and agreements between the relevant ministries. Several committees were established which have conducted studies to establish a transfrontier development concept. It must be underlined, however, that bilateral or multilateral committees are not essential to undertake a study on the development of transfrontier areas. In some cases, intergovernmental committees are established after a transfrontier study has been made.
5. Some examples show that transfrontier bodies are established for specific purposes, such as to protect and manage a transfrontier nature park, or to protect the environment of a mountain chain

II. The local and regional authorities are involved in transfrontier regional planning in various ways

1. They participate in the work of the intergovernmental commissions (their sub-commissions and working groups);

2. They form Euro-regions and establish working groups on regional planning;
3. They establish informal contacts across the frontier.

III. Good examples of transfrontier co-operation in regional/spatial planning

The findings of the survey point to several good practice examples that can be used for guidance by central, regional and local authorities and for similar purposes in other transfrontier regions:

1. For the purpose of establishing a transfrontier zone of development, that is a zone which has the purpose of creating employment, attracting investment and increasing economic activities, a good example is the European Development Pole based on a joint resolution signed by the Governments of France, Luxembourg and that of the Walloon region.
2. For co-operation across the mountain chains, a good example is the Protocol to the Convention on the Protection of the Alps. The protocol envisages transfrontier co-operation on regional planning and sustainable development of the Alpine regions. Another good practice concerns the Conference on the Mont Blanc which was initiated by the Ministries of the Environment of France, Switzerland and Italy.
3. For transfrontier co-operation in regional planning across a sea, a good example is the Visions and Strategies around the Baltic Sea Region 2010 (VASAB) adopted by the Baltic Sea states (1994).
4. For establishing a common framework of transfrontier regional planning in populated areas, a good example is the 2nd Benelux Structural Outline (1996).

IV. On local border traffic the following conclusions can be drawn from the survey:

1. The Schengen Agreement has considerably eliminated the obstacles for free flow of goods and people between the original Schengen countries.
2. Strengthening of the external Schengen frontiers and the construction of new frontiers of the newly formed states have the effect of slowing down transfrontier passage and, in some cases, blocking the circulation of goods and of people.
3. A degree of tolerance towards low volume border traffic eases the effects of intensified border controls. This concerns special privileges for the transit passage of frontier citizens and vehicles with local registration.
4. Some member states have adopted certain measures to ease congestion. These include:
 - arranging spaces or zones at the frontier where vehicles can wait until congestion has stopped (the German *Stauräume*);

- opening a separate line for difficult and long cases;
 - arranging a special crossing point for light motor vehicles, bicycles and pedestrians (tourists, transfrontier workers, persons visiting their family, and so on).
5. Most of the responses stated that local authorities are most influential in the opening and closure of minor crossing points, such as tourist paths and “green crossing points”.

V. The involvement of territorial authorities in transfrontier impact assessments

1. Generally, information is provided to neighbouring states on the environmental impact of certain projects.
2. Such information is more regular if there is a bilateral or multilateral commission for regional planning.
3. Local authorities generally cannot receive information directly on constructions that will have a transfrontier effect. They can only be informed by their central governments which should be informed by the authorities of the neighbouring state.
4. Most national courts admit complaints from abroad.
5. Transfrontier impact assessments are not widespread.

Concluding remarks

Transfrontier co-operation in regional planning is a long-term learning process. It takes time to move from the initial steps of establishing contacts, exchanging information, preparing joint studies, to reach the more developed stages of co-ordination, harmonisation and establishing common structural plans, in short, forming a planning community.

The transfrontier development studies which are conducted in most of the member states are a step in the right direction. There still remains an immense effort to be made to eliminate obstacles to transfrontier co-operation in regional planning (establishing common strategies, concepts, principles, collecting and harmonising statistical data, overcoming institutional, cultural and political problems).

The involvement of local and regional authorities which have first-hand information and experience of frontier areas, is essential in transfrontier regional planning. Only then can decisions be applied in an effective and efficient way. Following on from this argument, it is clear that a strengthening of local and regional self-government in the field of regional planning is required.

Finally, and most importantly, the fundamental requirement of transfrontier co-operation, in any field, is the freedom to cross the frontiers. Physical frontiers should not be barriers and obstacles to achieving good neighbour relations. With this in mind, establishing special crossing points for frontier citizens and taking steps to increase the efficiency of border controls is essential for the development of transfrontier co-operation, in particular, and for the creation of a tolerant and prosperous Europe, in general.

COMMUNICATION TO THE MEMBER STATES

laying down guidelines for operational programmes which Member States are invited to establish in the framework of a Community Interreg initiative concerning transnational cooperation on spatial planning

(INTERREG II C)

(96/C 200/07)

1. At its meeting on 8 May 1996, the European Commission decided to develop the initiative concerning cross-border cooperation and selected energy networks to include a third strand (hereinafter referred to as Interreg II C) concerning transnational cooperation on spatial planning within the meaning of Article 11 of Regulation (EEC) No 4253/88, last amended by Regulation (EC) No 3193/94, and Article 3 (2) of Regulation (EEC) No 4254/88, amended by Regulation (EEC) No 2082/93, and Article 5 of Regulation (EEC) No 4256/88, amended by Regulation (EEC) No 2085/93.

2. In the context of Interreg II, Community assistance in the form of loans and grants and technical assistance is made available for measures and in areas which respect the guidelines laid down in this notice, and which are included in operational programmes submitted singly or jointly by Member States and approved by the European Commission.

3. In terms of its objectives, as well as its programmes, Interreg II C is entirely distinct from strands A (transnational cooperation) and B (selected energy networks), as much by the extent of the area covered and the types of partnerships which it seeks to promote as by the emphasis it places on the development of a strategic vision for the spatial planning of the areas in question.

In effect, the concept of spatial planning was first introduced in the regulations on the Structural Funds with a view to undertaking exploratory studies (Article 10 of the ERDF). It then developed at the Community level through two Commission communications (Europe 2000 and Europe 2000+), the conclusions of eight successive informal ministerial meetings, in particular in Leipzig (September 1994) and Strasbourg (March 1995), as well as the interest shown in the matter by the European Parliament and the Committee of the Regions.

4. The implementation of the Community Initiative Interreg II C is achieved within the framework of the competence of each Member State as regards

spatial planning. It will not prejudice other actions in this field which are the responsibility of the Member States.

I. DEVELOPMENT AIMS

5. The aims of this strand of the initiative are:

- to help restore the balance between different areas of the European Union through structuring measures that serve Community interests by contributing to the promotion of economic and social cohesion. What is involved is to seek an ordered and optimum allocation of activities in spatial terms, the development of adequate communication networks between these activities, and the correction of disparities and development differences, in a strategy for the sustainable development of the Union's territory, that it is desired to make balanced and competitive,

- to foster transnational cooperation initiated in this field by Member States and other authorities with responsibilities for spatial planning within a framework of common territorial development priorities adopted for continuous geographical entities covering areas in more than one Member State,

- to improve the impact of Community policies on spatial development,

- to help Member States and their regions take a preventive and cooperative approach to the problems of water resources management posed by floods and drought.

6. Interreg II C is thus made up of three elements:

- spatial planning and transnational cooperation measures,

- spatial planning and transnational cooperation against flooding,

— spatial planning and action against drought.

7. Spatial planning and transnational cooperation measures

Several Member States have signed transnational cooperation agreements covering wide geographical areas (e.g. the Alps, Mediterranean sea, Baltic sea) in relation to territorial development and more specifically spatial planning.

Over and above these agreements, what is involved is support for the joint development of other transnational groupings going beyond simple cross-border cooperation and forming groupings involving at least three States (at least two of which are Member States), taking account of the size of possible territories involved in cooperation.

8. Spatial planning and transnational cooperation against flooding

For several years now various Member States have been facing an increase in spatial development problems relating to flooding. The origin of these problems has at least in part been attributed to the lack of planning and development measures for river basins, in particular where the latter run through several Member States.

The objective of Community participation is to promote three types of measures:

- joint drafting and implementation of cooperative plans and programmes for the development of river basins,
- spatial planning measures that help prevent floods,
- cooperation between Member States and local and regional authorities aimed at developing the abovementioned measures, in particular through the pooling of know-how and experience.

9. Spatial planning and action against drought

The regions of the Mediterranean area have been particularly affected for several years by increasingly serious drought conditions.

Over and above climatic factors, the worsening consequences of this phenomenon are generally attributed, at least in part, to a series of inappropriate spatial planning practices, and a lack of

coordination between the partners concerned, in regard to the management of water resources,

The objective of Community participation is to promote two types of measure:

- actions contributing to sustainable territorial development, through the avoidance of excessive water consumption, while encouraging a rational and equitable distribution of water resources,
- cooperation between Member States and local and regional authorities on the abovementioned measures, in particular through the pooling of know-how and experience, including that of European and Mediterranean non-member countries.

II. PRESENTATION OF PROGRAMMES

10. When preparing operational programmes for submission under the Interreg II C initiative, Member States and regional and local authorities will present a joint strategy related to the area in question and proposals derived from it.

11. For each operational programme, a joint management structure will be competent for all the territory in question for implementing the joint strategy of the transnational programme and to facilitate the implementation of the joint projects between the Member States. Its functioning and the management methods should be defined taking into account the peculiarities of each situation, with a pragmatic approach.

Priority will be given to proposals made in cooperation with regional and local authorities which include the creation of development of shared institutional or administrative structures, where possible within existing cooperation frameworks, for implementing broader and deeper transnational cooperation, supported, where appropriate, not only by public institutions but also by private and voluntary organizations and agencies.

In addition, the Commission wishes to develop joint procedures for transnational cooperation where appropriate.

12. Measures assisted under this initiative should be designed to have a global impact so that one Member State can benefit from assistance provided on the territory of another State. Particular attention will be given to measures that

benefit the most remote regions, even if the measures are not implemented on the territory of those regions.

III. DEFINITION OF ELIGIBLE AREAS

13. On the basis of proposals drawn up jointly by the Member States concerned, the Commission will adopt a list of a limited number of transnational groupings of geographically continuous areas involved in cooperation covering in principle at least three States (at least two of which are Member States). One Member State may participate in several transnational cooperation groupings. Within this group of States, cooperation between a smaller number of States on particular aspects will be possible.
14. The regions targeted by the flood mitigation actions are the drainage basins of the rivers in question.
15. In addition, a list of regions eligible for measures conducted at national level concerning the fight against drought will be drawn up by the Commission from the eligible regions, and especially from Objective I regions, on the basis of properly-documented proposals from the Member States concerned (Portugal, Spain, Italy and Greece).
16. Special rules will be adopted by the Commission to promote the participation of European and Mediterranean non-member countries in these transnational cooperation groupings in the Union. In such cases, an application from a minimum of two Member States may suffice to establish the transnational cooperation area with those countries. However, it should be recalled that Community assistance under the Interreg II C initiative can only be granted to those parts of the area situated in the European Union.

IV. ELIGIBLE ACTIONS AND MEASURES

17. (a) *spatial planning and transnational cooperation*

The choice of measures selected for the purpose of preparing an operational programme from the eligibility list defined below will be carried out according to priorities and integrated strategies jointly established by the Member States. All measures should be consistent with a long-term sustainable development of the transnational region in question.

— Preparatory actions for the implementation of transnational strategies, notably the identification (through detailed studies, definition of common criteria and the development of planning methods) of environmentally sensitive areas or areas that may benefit from priority measures to assist spatial planning,

— measures for the improvement of the territorial impact of Community policies, excluding the financing of infrastructures, for example:

— feasibility studies on the improvement of secondary land transport routes,

— measures for the development of sea transport, in particular insofar as they are of interest to the peripheral regions,

— actions for the development of multimodal transport,

— promotion of air links between regional airports for the benefit of peripheral regions,

with a view to promoting sustainable mobility,

— actions to improve the territorial management of the marine areas at the periphery of the Union, from the point of view both of economic development and environmental protection and improvement,

— measures to develop the coastal areas of the European Union, for example:

— integrated coastal development,

— prevention and control of sea pollution,

— protection of the environment,

— development of transnational land administration systems and regulations as a basis for decisions on land-use, planning, economic development and management of land.

Where it is demonstrated that transnational cooperation contributes to their effectiveness and their territorial impact is substantial:

— measures to restore, develop and protect areas affected by permanent geographical

handicaps (e.g. mountains, Arctic areas) and to manage the countryside,

- integrated measures preparing, promoting or accompanying sustainable economic development and the integrated management of resources in given categories of zones (e.g. wetlands, coastal areas, tourist areas) belonging to the same transnational geographical area,
- economic development measures with a view to sustainable development, for example:
 - promotion of high-quality tourism,
 - development of networks of medium-sized towns,
 - diversification in rural areas,
 - cooperation using information and communication technologies, e.g. in tourism,
- measures for sustainable development of the mountainous regions of the Union as living areas, economic areas and natural areas,
- measures for improving transnational cooperation in the field of spatial planning with the non-Member States,
- the promotion of technology transfer and cooperation networks, research and higher education and technology transfer centres, and the creation of information systems benefiting in particular remote areas. This could include ERDF and ESF support for studies, pilot projects and the development of human resources;

(b) *spatial development planning and transnational cooperation against flooding*

and

(c) *spatial development planning and action against drought*

- measures concerning:
 - the identification of sensitive areas or areas that may benefit from priority measures to assist spatial planning [b + c],

- studies on the hydraulic and ecological balance of major river basins, on the cause of flooding, in particular in relation to land use policies and practices, preparation of joint plans feasibility studies, application of expertise, experience and techniques relating to water conservation [b + c],

- drawing up guidelines and measures concerning the definition of priorities and strategies on the use of land and spatial planning for sustainable hydrological management [b + c],

- preparation of joint integrated plans for the sustainable development and improved use of available resources, with a view to avoiding overuse (between relevant authorities, e.g. authorities responsible for spatial planning or water resource management) [c],

- improvement of measures relating to the prevention of flooding in drainage basins (such as improvement of dykes and water management measures), especially when these are attributable to poor physical planning, including [b]:

- measures aimed at lowering water levels through the restoration of natural overflows and the reduction of intensive land use having a negative effect on water retention levels,

- a coherent set of environmentally friendly measures for undyked river systems,

- studies on the water resource and ecological balance in areas with low rainfall [c];

- improvement of irrigation techniques, careful choice of crops and cultivation methods, reduction of consumption, reduction of losses from supply systems, management of seasonal peaks, reuse of used water, identification of measures with quantifiable economic objectives and value as examples, in particular in the agricultural sector [b + c];

- promotion of good practice:
 - systems of supervision, coordination and exchange of information (in particular using computer systems), as well as emergency intervention planning,
 - protection and preparation of the sustainable restoration of sensitive areas,
 - measures to raise the awareness of the groups particularly concerned,
 - joint definition of basic training requirements,
 - promotion of implementation that can be used for demonstration purposes,
 - incentive measures.
18. With regard to technical assistance for all the eligible measures, the Commission will:
- help the Member States and regional and local authorities, particularly in Objectives 1 and 6 regions, to prepare and implement programmes,
 - encourage and facilitate the exchange of information and experience on transnational cooperation,
 - organize multilateral meeting between Member States to facilitate cooperation.
- V. COMMUNITY CONTRIBUTION TO THE FINANCING OF INTERREG II C
19. Interreg II C operational programmes and projects will be jointly financed by Member States and the Community. The total contribution of the Community Structural Funds to strand C of the Interreg II initiative for 1995 to 1999 is estimated at ECU 415 million. Community expenditure in regions not classified as eligible under Objectives 1, 2, 5b and 6 must represent a minority share of the Community contribution. In the case of the countries of Central Eastern and Europe, the CIS and the Mediterranean, transnational activities may be financed under the Phare, Tacis and MEDA programmes respectively.
20. The Commission decision on the amount of Community assistance to be allocated to the various operational programmes will be made on the basis of the population and level of development of the areas concerned, as well as the quality of the programmes submitted. The amounts allocated will be decided in accordance with the provisions of the Regulations governing the Structural Funds and depending on the financial capacity of the national and regional authorities concerned. In evaluating the quality of the programmes, the Commission will consider the following factors in particular:
- the existence of a joint structure covering the whole of the territory concerned and evidence of joint cooperation and financing procedures as well as common modalities for the implementation of the programme,
 - the existence of a coherent strategy for the area concerned, considered as an integrated geographical unit, with an appropriate combination of measures and a clear definition of the development objectives, quantified where appropriate, in which the objectives of the operational programmes have been properly integrated,
 - the forecast impact of the measures proposed within the areas under Interreg II C, taking account of the problems to be solved and the objectives set for this strand,
 - the complementarity of the assistance requested from the Community with the contributions granted by the national and regional authorities to support the operational programme,
 - the forecast efficiency of the arrangements for the implementation, monitoring and assessment of the programmes and the degree of involvement of local and regional authorities in that implementation.
- VI. IMPLEMENTATION
21. Member States wishing to benefit from assistance under this strand of Interreg II are invited to submit detailed operational programme proposals within six months of the date of publication of this notice in the *Official Journal of the European Communities*. Operational programme proposals submitted after that date will not necessarily be

considered by the Commission. The C strand of the Interreg II initiative will be administered separately from the other two strands of the initiative.

22. The costs relating to zones covered by Objective I will be indicated separately in the programme. Where appropriate, expenditure relating to areas not eligible under Objectives 1, 2, 5b and 6 should also be indicated separately.
23. Third countries cooperating in the implementation of a programme and receiving funding under other Community programmes, in particular Phare, Tacis and MEDA, should submit their applications for assistance under the latter following the procedures governing them. To facilitate the implementation of the transnational or cross-border projects or measures the Member States and third countries involved should adopt appropriate coordination procedures in association with the Commission.
24. The proposals should include an assessment of the situation and indicate their objectives. They should

be accompanied by a schedule and a statement of the criteria and procedures for implementation, monitoring and assessment. During and after the programming period, the Commission will assess, in partnership with the Member States, the results of the programmes submitted. The European Parliament, the Management Committee for Community initiatives and the monitoring committees will be informed of the results of the assessment and the measures taken as a consequence.

25. All correspondence relating to this notice should be addressed to:

Mr E. Landáburu
Director-General
Directorate-General for Regional Policy
and Cohesion
European Commission
200 Rue de la Loi
B-1049 Brussels.

Recapitulation of current tenders, published in the *Supplement to the Official Journal of the European Communities*, financed by the European Community under the European Development Fund (EDF) or the European Communities budget

(week: 2 to 6 July 1996)

(96/C 200/08)

| Invitation to tender No | Number and date of 'S' Journal | Country | Subject | Final date for submission of bids |
|-------------------------|--------------------------------|---------|--------------------------------------------------------------|-----------------------------------|
| 4128 | S 125, 2. 7. 1996 | Egypt | EG-Cairo: cutter-suction dredger (additional information) | 24. 7. 1996 |
| I/1 | S 126, 3. 7. 1996 | China | CN-Beijing: office and teaching equipment | 19. 9. 1996 |