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Legal Tools for Supporting Cross-Border Cooperation

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This essay is part of the Special Section, ***Border Studies: Past, Present, and Future****, commemorating the fiftieth anniversary of the Association for Borderlands Studies.*

Interreg is possibly one of the best uses of public money. By promoting cooperation among neighbours across borders, it builds trust. Beyond the economic multipliers of regional development, which allow for the exploitation of the potential of natural markets on "the other side" that were once considered inaccessible, Interreg has a multiplying effect in terms of humanism in society. It leads agents (administrations, businesses, organizations, individuals, etc.) to cooperate with their peers across the border while pursuing common goals and addressing shared challenges. Beyond working on these goals and challenges, Interreg generates cross-border trust among individuals and institutions. Having neighbours look at each other as partners or fellow men, rather than strange foreigners, allows us to sew the borders together, promote reconciliation, and remedy the scars from history they so often represent.

But cross-border cooperation in the EU goes much beyond Interreg. By leading agents to cooperate across borders, the funding scheme also triggers the need for cross-border governance structures to manage projects and other forms of interaction. The debate over the most suitable governance structure for a given project or cooperation strategy is a key element to ensure the sustainability of those projects or interactions. On the one hand, these structures should allow for robust vertical and horizontal engagement of actors; on the other hand, they should be seized and formed in more pragmatic ways to allow for operationality.

Vertically, we refer to multilevel governance (MLG). Addressing a common goal or a shared challenge frequently implies the need to bring together different levels of administration (e.g., European, national, regional) as the solutions may imply the involvement of actors with diverse legal competences. Furthermore, in many cases, the same legal competence may be attributed to different levels of administration on two different sides of a border. For example, if in one country public health is managed at the national level, in the neighbouring country, it may be managed at the regional level.

Horizontally, we refer to the engagement of peers from both sides of a border. To properly address cross-border educational opportunities, for example, there is a clear need to engage educational providers and public administrations from both sides of that border.

Europe provides many forms of MLG, which are more or less institutionalized. In some cases, as in several Euroregions, we observe two legal personalities with equivalent names appearing on both sides of the border, united by a common history and strategy. Other forms allow for a single legal personality rooted in international law, as in the Madrid Outline Convention of the Council of Europe (1980), or in European law, as in *Regulation on a European Grouping of Territorial Cooperation* (EGTC) (2006), last amended by Regulation (EU) No. 1302/2013.

The EGTC makes for a remarkable case study (additional information on EGTC, including the EU Regulation and an updated list of existing ones, can be found at the website of the European Committee of the Regions,

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www.cor.europa.eu). It is a legal act under European law to enable the establishment of entities with legal personality (the *Groupings*) that are commonly recognized on both sides of a given border. With these entities, public administrations from both sides of the border can transfer responsibility for carrying out specific tasks to a joint legal person, which carries the flag not of one side or the other, but of the joint territory. Furthermore, by being equally recognized in the legal frameworks of both neighbouring countries, those entities may become fully operational on both sides, as if they were nationals of each of the countries.

The most recent tool made available in the European Union is the *Regulation on Border Regions' Instrument for Development and Growt*h (BRIDGEforEU), Regulation (EU) 925/2025. Its logic rests on the recognition that cross-border interactions are too often hampered by legal obstacles. They can be of diverse nature, for example, incompatible regulatory provisions in two neighbouring legal frameworks (such as different technical standards), or a lack of legal competence in some administrations to act in coordination with peers across the border. After a decade-long debate on its need, the recent adoption of this Regulation, in May 2025, created for the first time an institutionalized process for the formal acknowledgment of those obstacles and the implementation of solutions on a case-by-case approach. This new and quite innovative tool is expected to have a major impact on enhancing the permeability of borders in Europe and the development of those territories.

These three tools: Interreg, EGTC, and BRIDGEforEU complement each other in providing support for cross-border cooperation in the European Union. Interreg, with its financial support, triggers cooperation projects; EGTC allow for the creation of governance structures to operationalize projects or other interactions; and BRIDGEforEU creates the legal framework to overcome legal obstacles that hamper cross-border interactions.

Such a set of EU tools is unique in the world, for the EU's very specific context (single market, monetary union, and the Schengen Agreement). But that should not prevent scholars and policymakers from looking at experiences from other places. The European context can provide learning opportunities on how formally structured forms of cooperation can bring more resilient interactions. At the same time, European actors also have to gain from paying closer attention to experiences in other continents. The potential role of the private sector and the influence of traditional yet informal civil society structures are just illustrations of how much Europe can also learn from elsewhere. A better understanding of cross-border experiences in geographies other than ours can contribute to the collective effort of building a world where borders are flourishing territories of development and reconciliation.

Endnotes

1 The opinions expressed in this text are those of the author alone and cannot be seen as formal position of the European Commission or any other institution.

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