

PROMOTING TRANSNATIONAL ADMINISTRATIVE COOPERATION IN EUROPE

SELECTED ASPECTS OF ADMINISTRATIVE
COOPERATION



EN

INTRODUCTION

This brochure has been produced by the European Confederation of Independent Trade Unions (CESI) as part of the project 'Promoting Transnational Administrative Cooperation in Europe' (November 2011-November 2012), co-financed by the European Commission Directorate-General Employment, Social Affairs and Inclusion.

This document, which is available in five languages and intended for wide distribution amongst public sector employees in the European Union, does not claim to be exhaustive. Rather, it seeks to shed light on certain aspects of administrative cooperation which formed the subject of exchanges at a symposium held in Luxembourg in June 2012.



The process of European integration has led to the establishment of relationships and forms of interaction in a spirit of cooperation and mutual exchange.

Over the course of the last thirty years, we have witnessed in particular the increased number of transnational dealings between public administrations, through which many sectoral actors develop direct communication with their counterparts in other Member States.

Using new technological tools and comparing the performance of different administrations has contributed towards speeding up the development of administrative cooperation.

Promoting this cooperation involves measures which relate, for one thing, to administrative structures and tools and, for another, to staff skills.

For the most part, such measures already exist but they can still be strengthened and extended to other fields.

These measures include:

- improving communication and information exchange systems;
- developing interoperability amongst IT systems, such as data collection;
- setting up/promoting training courses from which public sector officials of different nationalities can benefit;
- providing financial support in order to further mobility amongst officials;
- carrying out 'administrative twinning programmes' aiming for an exchange of experiences and best practice.

The cooperation processes are conducted by the actors involved.

Therefore, it would seem important to make all social actors aware of these issues, more specifically the national unions which organise public employees who can play a vital role as the 'motor' in this development.

Just like other social actors, unions can play their part in promoting forms of cooperation which aim for a greater level of social and economic cohesion in Europe. They are called on to play a predominant role vis-à-vis public service employees in order to develop a better transnational administrative culture, with the latter amounting to a key component in the success of interactions at transnational level.

LEGAL BASIS OF ADMINISTRATIVE COOPERATION

The entry into force of the Lisbon treaty ought to allow for progress to be made with regard to administrative cooperation between Member States. Indeed, according to article 197 TFEU, administrative cooperation features as one of the fields for which Member States may remain competent, but for which the Union may now conduct supporting or coordinating actions, notably in order to facilitate the exchange of information and officials between Member States or to set up training programmes. This approach should make an important contribution to the development of the European Administrative Space as an area and instrument in an effective union between the Member States.

At the heart of the creation of a European Administrative Space resides the desire for a high, homogeneous quality of services, achieved, inter alia, via cooperation between national administrations of the European Union.

Transnational administrative cooperation amongst public services can be used, for one thing, to improve performance within administrations in Europe and improve a service for the user and, for another, to promote mobility for workers and service providers in the European Union.

In this context, the European Union's Charter of Fundamental Rights, annexed to the Lisbon treaty, recognises the right for all to have the right to good administration (Art.41).

Administrative cooperation has an important role to play in the setting up of effective administrations which have the necessary structures, human resources and skills for the implementation of the European Union's 'acquis' (body of legislation).

EUROPEAN TERRITORIAL COOPERATION

In Europe, voluntary forms of cooperation have existed for a long time, having been put in place by border regions. These forms of cooperation were set up as a response to needs detected at local level and in order to tackle issues shared by neighbouring States.

This type of cross-border cooperation is used in different fields, given that cross-border territories are areas of life and jobs which generate large flows of cross-border workers and consumers. Rare are the States who are not involved in some form of cross-border cooperation and even if some do not possess real structures dedicated to cooperation, the latter nevertheless unfolds on the basis of conventions or mutual assistance agreements.

Cross-border cooperation has been fully integrated into the European Union's cohesion policy and is one of the constituents of the 3rd objective of cohesion policy 2007-2013, i.e. 'European territorial cooperation' (the first 2 being 'convergence' and 'regional competitiveness and employment'). This goal is being carried out on a daily basis through the "INTERREG" initiative, which has been in place since 1990, and involves the following constituents:

- **INTERREG A : Cross-border cooperation** (Cross-border cooperation between adjoining zones aims to develop cross-border economic and social centres by implementing common development strategies) ;
- **INTERREG B : Transnational Cooperation** (Transnational cooperation between national, regional and local authorities aims to promote a better degree of territorial integration in the Union facilitated by the setting up of large groups of European regions) ;
- **INTERREG C : Interregional Cooperation** (Interregional cooperation aims to improve the effectiveness of regional development policies and tools via a vast exchange of information and pooling experience).
This constituent also brings together the programmes URBACT (<http://urbact.eu/en/homepage-2/>), INTERACT (www.interact-eu.net) and ORATE (www.espon.eu).

'European territorial cooperation' is financed by the European Regional Development Funds (ERDF).



http://ec.europa.eu/regional_policy/cooperate/index_en.cfm

PERMANENT CROSS-BORDER COOPERATION STRUCTURES

- **Euroregion**

This is an administrative structure for the purposes of cross-border cooperation between one or several territories in different European states. Generally, the Euroregions do not amount to governmental or regional institutions, do not have political powers and their competences are limited to those of the structures which make them up. They are there to promote common cross-border interests. In 2007, the Council of Europe compiled a list of more than 90 Euroregions of different kinds. It was the Council of Europe and the EU who helped to make these regions emerge: the former by encouraging the States to create legal structures in order to make the Euroregions a possibility: the Madrid declaration in 1980 gave legal validity to the Euroregions for the first time, the latter by financing them through initiatives such as those involved in the 'European Territorial Cooperation' Objective (ex-PIC Interreg).

List of Euroregions (Wikipedia page):

 http://en.wikipedia.org/wiki/List_of_Euroregions

- **European Grouping of Territorial Cooperation (EGTC)**

In order to overcome the hurdles that stand in the way of cross-border cooperation, the European Groupings of Territorial Cooperation (EGTC) act as an instrument for cooperation at Community level. Indeed, they allow those groupings which cooperate to implement territorial cooperation projects which are co-financed by the Community or carry out territorial cooperation actions on the initiative of the Member States. The aim of the EGTC is to facilitate and promote cross-border, transnational and interregional cooperation between its members. The grouping is made up of Member States, regional authorities and/or bodies governed by public law, as the case may be.

 Cf. : http://europa.eu/legislation_summaries/agriculture/general_framework/g24235_en.htm

EGTC map, October 2012 (Page of the Cross-border Operational Mission) :

 http://www.espaces-transfrontaliers.org/carte_gect.pdf

AN EXAMPLE OF A COOPERATION TOOL: THE INTERNAL MARKET INFORMATION SYSTEM (IMI)

The Internal Market Information System (IMI) is an electronic tool which is intended to support administrative cooperation in the field of legislation pertaining to the internal market. The IMI helps the competent authorities of the Member States to overcome the practical difficulties linked in particular to differences in administrative culture, the use of different languages and the identification of partners in the other Member States. The IMI is a secure internet application, accessible to all administrations in those countries which are part of the European Economic Area (EEA). It is available in all of the languages of the European Union.

At present, the IMI is used in order to guarantee the exchange of information foreseen by the revised directive on the recognition of professional qualifications (2005/36/EC) and by the services directive (2006/123/EC). The idea behind the IMI was for it to be a 'reusable' assistance system and it can be adapted to the needs of other types of information exchange. The IMI can now be applied to the secondment of workers, within the framework of a pilot phase and to patent rights. In future, its use should be extended to other legislative domains.

 Cf. : http://europa.eu/legislation_summaries/internal_market/internal_market_general_framework/mi0005_en.htm

Internet page of DG Internal Market dedicated to the IMI:

 http://ec.europa.eu/internal_market/imi-net/index_en.html

AN EXAMPLE OF A FIELD OF COOPERATION: COOPERATION ON TAXATION

The smooth running of the taxation system plays a crucial role for all countries and for the European Union as a whole. This is all the more true in times of crisis, which calls for us to redouble our efforts to fight against tax fraud in Europe.

Administrative cooperation in this field involves cooperation and mutual assistance amongst the taxation and customs administrations of the Member States of the EU with a view to sharing information. It is vital that they work closely together in order to detect and reduce taxation fraud and thus guarantee a greater level of tax equity.

For CESI, this involves, inter alia, adapting human resources, which in the first instance translates into boosting numbers of officials and training opportunities and the making available of new IT support to this end.

Legislation on matters of taxation does indeed differ from one country to another, which amounts to one of the major obstacles to cooperation between administrations in Europe. CESI takes the view that readable, transparent rules which are easy to grasp for one thing and a simplification and modernisation of procedures for another, ought to be the prerequisites for the smooth running of taxation systems in the internal market.

In the field of taxation, as in the customs sector, various action programmes at Community level have emerged since the creation of the Single Market at the end of 1992. They aim to improve communication and information exchange systems between administrations in Europe, including different typological classifications of training for the staff concerned (exchanges, seminars, multilateral controls). After an initial pilot initiative entitled 'INTERFISC', carried out from 1991 until 1992, the programme was institutionalised under the name 'MATTHAEUS-TAX'. The European Council and European Parliament went on to endorse the following programme, entitled 'FISCALIS', which was in place until 2002, and prolonged in the form of what is currently 'Fiscalis 2013'. Over the course of 2012, the European Commission approved a draft Fiscalis programme for 2014-2020.

Incidentally, on 1 January 2013 a directive on administrative cooperation in the field of taxation was adopted, with the aim of instilling a greater level of transparency, a better exchange of information and closer cooperation in the framework of the fight against tax fraud.

 Cf.: http://ec.europa.eu/taxation_customs/taxation/tax_cooperation/gen_overview/index_en.htm

Fiscalis 2013 internet page

 http://ec.europa.eu/taxation_customs/taxation/tax_cooperation/fiscalis_programme/fiscalis2013/index_en.htm

Fiscalis 2013 brochure

 http://ec.europa.eu/taxation_customs/resources/documents/taxation/tax_cooperation/fiscalis_programme/brochure.pdf

Administrative cooperation in the field of direct taxation

 http://ec.europa.eu/taxation_customs/taxation/tax_cooperation/mutual_assistance/direct_tax_directive/index_en.htm

Administrative cooperation in the field of VAT

 http://europa.eu/legislation_summaries/fight_against_fraud/protecting_european_communitys_financial_interests/lj0003_en.htm

Computerised VAT Information Exchange System (V.I.E.S.)

 http://ec.europa.eu/taxation_customs/taxation/vat/traders/vat_number/index_en.htm

European platform for tax advisory services

 <http://www.eurofisc.eu/index.php/en/>

TRAINING AND OFFICIAL-EXCHANGE PROGRAMMES

The main hurdle standing in the way of administrative cooperation resides in the need to confront different rights and ways of running things, different practices and cultures and, often, different working languages.

CESI believes that targeted training of the main actors concerned is a prerequisite for administrative cooperation. This is only possible once the staff concerned are able to demonstrate a whole range of key skills, which are functional and decisive when it comes to the success of the cooperation process (hence the importance of the initial and further training of officials).

CESI feels there is a need for the following:

- training specifically targeted at improving knowledge of legislative and regulatory texts both at national and European level, as well as how they are executed in practice;
- language training where necessary in order to facilitate communication and information exchange;
- last but not least, training in new technologies, notably in tools dedicated to co-operation.

In a context of cooperation which has already been established or is yet to be developed, the mobility of public employees is essential when it comes to initial training and lifelong learning over ones professional life, for one thing, according due respect to the principle of non-discrimination of employees with regard to access to training, and for another respecting the preparation phases with the administrations concerned (preparing the stay of those officials participating in the exchange, their replacement during the exchange period, help in 'returning' to the job, request to increase in-house experience in administration).

CESI will be paying close attention to the way national administrations and services that are specialised in promoting geographical mobility strengthen their capacities.

Mobility does indeed play a very important role when it comes to promoting a culture of cross-border administrative cooperation; starting from national administrative cultures and their particularities, and it helps give names to Community policies in the field. There are several objectives involved when it comes to staff exchanges: they allow us to better understand the administrative procedures of other Member States, to increase people's awareness of the European dimension and develop a culture of

cooperation, facilitate the application of Community law and learn how to collaborate within the framework of the internal market.

Exchanges amongst officials are foreseen in the shared areas of competence at Community level within the framework of Community programmes targeted by sector (as is the case in the fields of taxation or customs cited, above, or in the field of education or health care professionals, to give just a few examples).

Other examples of actions aiming to strengthen cross-border administrative culture are:

The Robert Bosch Foundation's BELLEVUE programme is an official-exchange programme involving nine European countries (Germany, Spain, France, Hungary, Italy, Ireland, Poland, Portugal and Slovenia)

 <http://www.bosch-stiftung.de/content/language2/html/975.asp>

The Master of European Governance and Administration (MEGA) aims to train its students in the methods of modern governance within the framework of European and international cooperation. It contributes towards the constitution of a European network of young executives to deal with these questions.

 http://www.mega-master.eu/index.php?article_id=1&clang=1

BODIES WHICH CONTRIBUTED TO THE PROJECT, IN ALPHABETICAL ORDER

- Association Européenne des Régions Transfrontalières (ARFE) www.aebr.eu
- Centre de Recherche CEPS/INSTEAD www.ceps.lu
- European Commission, Directorate-General 'Employment, Social Affairs and Inclusion' <http://ec.europa.eu/social/home.jsp?langId=en>
- European Commission, Directorate-General 'Taxation and Customs Union' http://ec.europa.eu/taxation_customs/index_en.htm
- National IMI Coordinator - Austria http://ec.europa.eu/internal_market/imi-net/contact_en.html
- Ecole Nationale d'Administration (ENA) www.ena.fr
- Fondation Forum EUROPA, Luxembourg www.forum-europa.lu
- Formazione e Servizi per la Pubblica Amministrazione (ForSer) www.forser.it
- GECT 'Galicia-Norte Portugal' www.gnpaect.eu
- Institut Européen d'Administration Publique (IEAP) www.eipa.eu
- Institut pour la coopération transfrontalière (Euro-Institut) www.euroinstitut.org
- INTERact-Sharing Expertise www.interact-eu.net
- Master of European Governance and Administration www.mega-master.eu
- Ministère de la Fonction publique et de la Réforme administrative, Luxembourg www.fonction-publique.public.lu
- Ministère des Affaires sociales et de la Santé, France www.social-sante.gouv.fr
- Network 'Training and Reporting on European Social Committee'(trESS) www.tress-network.org
- Talenacademie Nederland www.talenacademie.nl

CESI would like once again to thank all the experts and participants who were involved in the project and notably the host organisations of the Luxembourg symposium, the la Confédération Générale de la Fonction Publique (CGFP) and the Fédération Générale de la Fonction Communale (FGFC).

Some other internet sites to consult:

-  Europe – Regional policy Info regio http://ec.europa.eu/regional_policy/index_en.cfm
-  EURES, the European Job Mobility Portal <http://ec.europa.eu/eures/home.jsp?lang=en&langChanged=true>
-  EURES in cross-border regions <http://ec.europa.eu/eures/main.jsp?lang=en&acro=eures&catId=56&langChanged=true>
-  MOT, Mission Opérationnelle Transfrontalière <http://www.espaces-transfrontaliers.org/en/>

The European Confederation of Independent Trade Unions (CESI) stands up for the interests of several million workers vis-a-vis the European institutions and brings together more than 50 trade union organisations in 26 countries. Since 2005, CESI has been recognised as a European social partner and, in this capacity, is regularly consulted in the framework of the social dialogue.

The CESI-Europe Academy is CESI's training centre. Through organising seminars which are supported by the European Commission, it offers CESI's members the possibility to find out more about the hot topics hitting the headlines in Europe and exchange their views with political decision makers and international experts.

Amongst the topics dealt with within the framework of previous seminars, one might cite the role of the public service in integrating migrants, promoting diversity within the public service in Europe, mobility of health care workers within the European Union, lifelong learning, health and prevention at work, work/life balance, 'flexicurity', the European Social Model and the issue of the challenges related to demographic change.

CESI would like to thank the European Commission for the financial support it provides. This document reflects the point of view of its author. The European Commission is in no way responsible for any use which may be made of the information contained in this publication.



PICTURES OF CESI SYMPOSIUM IN LUXEMBOURG 2012



With the financial support
of the European Union



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