

WHAT FUTURE FOR THE CONCEPT OF BORDERLESS EUROPE?

INTERNATIONAL SEMINAR ON THE PERSPECTIVES
OF BORDER POLICIES AND TERRITORIAL
COOPERATION IN AN AGE OF MULTIPLE CRISES

Panel 2: Functionality overwriting administrative division of space – a
legal perspective



NATIONAL RESEARCH, DEVELOPMENT
AND INNOVATION OFFICE
HUNGARY

PROJECT FINANCED
FROM THE NRDI FUND

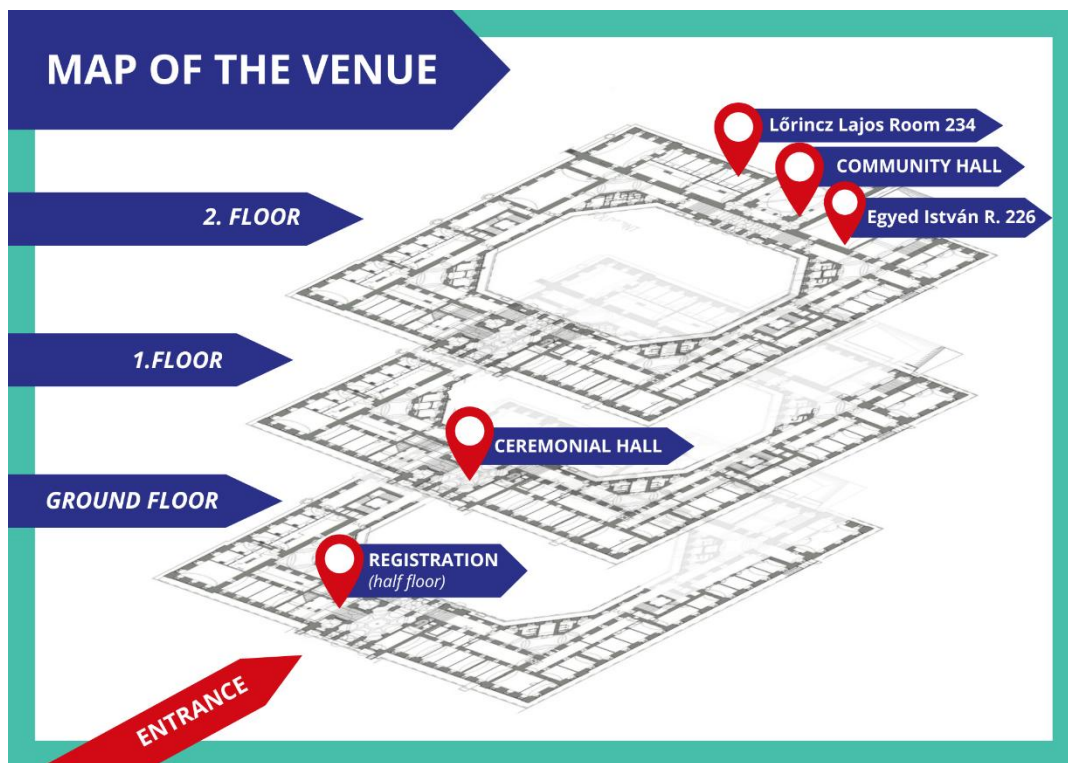


Time

13 May 2025: 13.00 to 14.30

Venue

The venue of the panel is Ludovika University of Public Service, Ludovika Main Building, 2nd floor, Egyed István Room 226



Topic

The panel aims to analyse cross-border functional and living areas and their role in dismantling border barriers and diminishing the separating effects of the borders. The speakers will focus on functionality, governance and the legal frames facilitating cross-border integration.



Speakers and presentations

Loth Van der Auwermeulen

Universiteit Hasselt, Belgium

Loth Van der Auwermeulen is a postdoctoral in the field (European) administrative law at the Hasselt University. Her research focuses on cross-border cooperation and more in general cross-border interaction. She frequently advises on the establishment of cross-border legal entities and cross-border legal management in general. Long-term projects she is involved in are EURECA-PRO, Einstein Telescope, and the two recent strategic Interreg projects aimed at lifting legal obstacles at the border with the Netherlands (Schakelpunt Grensbelemmeringen Vlaanderen-Nederland, 2024) and France (LIM-EX, 2025). Apart from participating in long-term cross-border projects, she frequently acts as a B-Solutions expert.

Maarten Vidal*

Flanders Chancellery and Foreign Affairs, Belgium

Maarten Vidal is currently coordinator for cross-border cooperation at the Flanders Chancellery and Foreign Affairs and involved in the two aforementioned strategic Interreg projects Schakelpunt Grensbelemmeringen Vlaanderen-Nederland and LIM-EX. In the past he was legal advisor at the same department, policy secretary at the Taalunie - Union for the Dutch Language (a Dutch-Flemish-Surinamese intergovernmental organization), and researcher at the KU Leuven Institute for International Law (focusing on cross-border cooperation and Benelux). The views contained in this paper are his own and do not necessarily reflect the position of the Government of Flanders.

1. Creating a sustainable legal infrastructure to provide solutions for cross-border obstacles in today's European Union: debordering against the current?

Public authorities in Flanders (and more in general in Belgium) have a longstanding tradition of cross-border cooperation with their counterparts in France and the Netherlands: the facilitation of solutions to legal, administrative and practical hindrances in the border region has always been among the objectives of cross-border groupings (Euregios and EGTCs, but also border information points) and of intergovernmental cooperations at these two borders. Some specific cross-border projects including Flemish territory, such as the creation of North Sea Port – Europe's first integrated cross-border port authority resulting from the merger of the Port of Ghent in Flanders and Zeeland Sea Ports in the Netherlands – and the preparation of the EMR candidacy for the Einstein Telescope, have only increased the sense of urgency to tackle so called 'cross-border obstacles' encountered in case of cross-border interactions. However, within the context of the European Union it becomes clear that recent and ongoing crises have made States more willing to maintain – or even regain – control over their borders.



For example, it can be observed that the European legislator is acting rather reluctantly to further instrumentalise law in order to overcome them. The transformation of the mainly procedural approach of the ECBM proposal to a mainly interconnective approach of the BRIDGEforEU regulation, can indeed be perceived as a transformation towards a ‘soft law’ approach of solving cross-border obstacles. The aim of our paper is to provide an in-depth analysis of both the theoretical and the practical impact of the current EU policy on cross-border obstacles on the potential of law to serve as an instrument enabling solutions for cross-border obstacles and by doing so, to assess more in general the impact of the rebordering effect on the debordering ambitions of different border regions. The central research question “How does the EU approach of cross-border obstacles impact the ambitions of creating a sustainable legal infrastructure applicable to cross-border obstacles at the border of Flanders / Belgium with the Netherlands and France?” aligns with this dual aim. The methodology that will be applied consists of 2 clearly distinguishable techniques, being theoretical desk research and an impact assessment based on practical examples.

A theoretical assessment of the potential of law in providing solutions for cross-border obstacles, is the starting point of this paper. This theoretical analysis is interdisciplinary in nature. It is based on the principles of legal geography, a discipline at the intersection of law and geography, focusing on the exchange between law, space and time. The multi-dimensional approach of legal geography is of added value for research because it allows us to assess the impact of the rebordering effect on the debordering ambitions aimed at a specific border region which is characterised by a specific identity and tradition, shaped by space and time. Besides conducting a theoretical analysis, based on two recent cross-border projects aimed at providing solutions for cross-border obstacles in the Belgian-French and Flemish-Dutch border regions, the practical impact of the aforementioned EU approach of law as an instrument to solve cross-border obstacles will be assessed. The Flemish tradition in cross-border cooperation, which has resulted in several well established cross-border governances and the current ambition to further develop towards a sustainable legal infrastructure applicable to cross-border obstacles form the touchstone for this practical assessment since it will take into account the dynamics and interactions between the new ‘infrastructuring’ projects and the existing structures for functional cross-border areas.

Michael Frey

University of Applied Sciences Kehl, Germany

Prof Dr Michael Frey is Professor of Public Law at the University of Applied Sciences Kehl and Head of its Institute for Applied Research. His research focuses on the area of cross-border cooperation, in which he has extensive expertise due to his previous work in the staff unit for cross-border cooperation and European affairs and as German Delegation Secretary of the German-Franco-Swiss Conference of the Upper Rhine, as well as in the field of renewable energies.



Rahel Alia Müller

University of Applied Sciences Kehl, Germany

Rahel Alia Müller is a research assistant at the Kehl Institute for Applied Research and previously worked as a student assistant at the Chair of Prof Dr Michael Frey during her public management studies at the University of Applied Sciences Kehl.

2. Towards a borderless Europe. Legal tools enabling a cross border cooperation without geographical borders

The contribution answers the research question of which legal tools can be used to further develop cross-border cooperation away from cross-border cooperation in geographically or functionally defined border areas towards ubiquitous cross-border cooperation, i.e. applicable everywhere on the territory of the Member States. The contribution, which is based on jurisprudential methodology, discusses the possibility of non-territorial experimental and opening clauses and, by further developing the rights developed from EU citizenship, considers how the border can ultimately be overcome as an element of the offence, but at the same time also as an exclusionary element for the application of EU law. Cross-border mobility as a cause and justification for cross-border cooperation no longer only takes place in geographical or functional border regions. Today, for example, a citizen entitled to freedom of movement can not only be active across borders, for example on foot or by bicycle between Strasbourg (F) and Kehl (D), but also between Stuttgart and Strasbourg or between Kehl and Paris (by high speed trains such as TGV), but also between Paris and Berlin (by plane) or even digitally from any location within the EU to any other location, for example in a home office. As a result, geographical or functional border areas are becoming useless as a justification for cross-border cooperation and exemptions developed for this purpose. The contribution shows how such exceptional provisions (such as the opening or experimental clauses popular at the political level) can be developed in the legislative process (by means of a cross-border impact assessment) in such a way that they do not require geographical differentiation criteria. With a view to overcoming the limits of the current legal system, the article considers whether a further development of EU citizenship might not also enable the ubiquitous application of EU law without a cross-border element, i.e. without the (internal) border as a point of reference, to create a legal system that is cross border friendly. A conclusion and an outlook resolve this contribution.

Yaroslav Lazur

Uzhhorod National University, Ukraine

Yaroslav Lazur, Dean of the Faculty of Law, Uzhhorod National University, Doctor of Sciences (Law), Professor. Has over 250 publications. Over the past five years 110 works have been published, including 7 monographs in co-authorship, 10 scientific articles in foreign publications indexed in the Web of Science Core Collection and/or Scopus databases, 55



scientific articles in professional publications of Ukraine and foreign countries, co-author of 10 textbooks and manuals, including regarding legal regulation of European integration processes; legal regulation of relations between Ukraine and the EU, legal regulation of cross-border cooperation in Ukraine. Involved as an expert in the field of cross-border cooperation in more than 10 national and international projects.

Yuliia Fetko

Uzhhorod National University, Ukraine

Yuliia Fetko, Director of the Research Institute of European Territorial Cooperation, Associate Professor of the Department of International Law, Uzhhorod National University, Doctor of Philosophy in Law, Associate Professor. Over the past five years, more than 55 scientific works have been published, including 5 co-authored monographs, 35 scientific articles in professional publications of Ukraine and foreign countries regarding EU law; legal regulation of European integration processes; legal regulation of EU territorial cooperation (transnational cooperation, interregional cooperation and cross-border cooperation); Legal regulation of relations between Ukraine and the EU, legal regulation of cross-border cooperation in Ukraine. Involved as an expert in the field of cross-border cooperation in more than 15 national and international projects.

3. Adaptation of Ukrainian legislation to EU legislation regarding cross-border cooperation on the path of Ukraine's integration into the EU

Strengthening good-neighborly relations and deepening cross-border cooperation are especially relevant for Ukraine in the context of current challenges and external threats, considering the European vector of Ukraine's development. Cross-border cooperation is one of the most effective tools for deepening the interaction of local and regional authorities for the joint implementation of tasks related to local and regional development, supporting economic growth, and stimulating and implementing innovations, which contributes to the acceleration of the processes of bringing the standard of living of the population of the regions of Ukraine closer to the average European level and the implementation of European integration measures at the regional level. Ukraine's desire for EU membership led to the conclusion of the Association Agreement in 2014 and the granting of EU candidate status to Ukraine on June 23, 2023. Today, the development of cross-border cooperation between European and Ukrainian local and regional authorities, and legal entities is an important step toward Ukraine's membership in the EU. Adaptation of Ukrainian legislation to EU legislation is one of the main components of the process of Ukraine's integration into the EU, which is a priority direction of Ukrainian foreign policy. This is the process of bringing Ukrainian laws and other regulatory legal acts into line with the *acquis communautaire*. Adaptation of Ukrainian legislation to EU legislation on cross-border cooperation in the context of Ukraine's integration into the EU is important for the development of sustainable and systematic cross-



border cooperation. The prerequisites for the development and formation of Ukrainian legislation on cross-border cooperation, the adaptation of Ukrainian legislation to EU legislation on cross-border cooperation, the development of a new law and the factors that influenced the adoption of the Law of Ukraine “On International Territorial Cooperation of Ukraine” in the context of Ukraine’s integration into the EU are analyzed. Amendments to the Laws of Ukraine “On Local Self-Government in Ukraine” and “On Local State Administrations” on cross-border cooperation, as well as other legal and administrative obstacles are highlighted.

Hynek Böhm

University of Opole Poland, Technical University of Liberec, Czechia

Dr. Hynek Böhm is affiliated with the University of Opole, Poland, and the Technical University of Liberec, Czechia. His research interests include political and cultural geography, with a focus on cross-border cooperation and regional development in Central Europe.

Marie Cviková

University of Ostrava, Czechia

Marie Cviková is associated with the University of Ostrava, Czechia. Her work involves studying the provision of emergency services in cross-border regions, particularly between the Czech Republic and Germany.

4. Provision of Emergency Services in European Borderlands: On the Way Towards Cross-border Functional Areas? Example from Czech-German Borderlands

Cross-border cooperation of emergency services (CBES) is a crucial aspect of potential functional cross-border regions. While political agreements and institutional frameworks aim to facilitate integration, practical implementation often encounters legal, administrative, and technical challenges that hinder the emergence of a fully functional cross-border emergency services region. Our research, focusing on the Czech-German borderlands, identifies legal discrepancies, divergent national regulations, and incompatible administrative structures as primary barriers to cross-border functionality. Differences in rules governing the deployment of emergency personnel, resource allocation, and financial compensation lead to delays and inefficiencies, restricting the operational flexibility of rescue teams. Additionally, technical incompatibilities, such as differing communication systems, further complicate coordination and response efforts. Despite these systemic challenges, our findings highlight that interpersonal trust and direct professional cooperation play a vital role in mitigating institutional and legal barriers. Through qualitative research, including interviews with emergency responders, regional actors, and cross-border coordination bodies, we demonstrate



that informal networks, joint training exercises, and shared operational protocols significantly enhance practical collaboration. These bottom-up strategies contribute to the emergence of cross-border functional emergency services regions, where operational efficiency increasingly transcends national divisions. This study underscores the importance of fostering strong cross-border relationships at the operational level alongside efforts to harmonize legal frameworks. While legislative barriers persist, direct engagement and mutual trust among emergency personnel enable the functionality of cross-border emergency services to evolve in practice. Our findings suggest that future policy efforts should not only focus on legal alignment but also actively support initiatives that enhance direct interaction between rescue services. Strengthening these functional cross-border networks can lead to more resilient and effective emergency response systems in European border regions.

Mitja Durnik

University of Ljubljana, Slovenia

Dr. Mitja Durnik is an associate professor of Public Policy and Public Administration at the University of Ljubljana. His research interest shapes analyses of natural hazards from the perspective of public policy, EU public policy process, EU foreign policy issues, comparative politics.

Maša Lemajić

University of Ljubljana, Slovenia

Maša Lemajić is a PhD student at the Faculty of Public Administration, University of Ljubljana, Slovenia. Her research centers on governance of natural disasters and public policy, with an emphasis on cross-border cooperation in crisis management.

5. Cross-Border Cooperation in Crisis Management of Natural Disasters: The Case of Floods and the Wildfire in Kras, Slovenia

Natural disasters, such as floods and wildfires, present significant challenges for crisis management, especially in cross-border regions. Slovenia faces various natural disasters, including frequent floods and wildfires, which have cross-border effects due to its borders with Austria, Italy, Hungary, and Croatia. This paper analyzes two significant cases: the floods of 2023 and the Kras fire of 2022, which affected both Slovenia. The Kras fire was one of the largest challenges for cross-border crisis management, as it threatened lives, infrastructure, and the environment on both sides of the border. Cooperation between Slovenian and Italian authorities, as well as international organizations, was crucial in coordinating efforts for firefighting, evacuations, and the protection of natural resources. This incident also highlighted the importance of focusing events in shaping cross-border crisis management strategies, where certain key incidents require tailored responses and often catalyze improvements in long-term disaster preparedness. On the other hand, floods that affected Slovenia and some neighboring countries required close coordination of efforts for managing floodwaters, evacuations of



affected areas, and restoring infrastructure. Cross-border exchange of hydrological data and coordinated measures to protect citizens enabled faster and more effective responses to the situation. In line with punctuated equilibrium theory, the situation of these floods can be viewed as a system where, after periods of stability, crisis events (such as natural disasters) lead to sudden and dramatic shifts in policies, cooperation mechanisms, and organizational structures. This theory suggests that crisis management systems may evolve in fits and starts, with periods of relative stability disrupted by periods of intense adaptation in response to focal events. In both cases, public policies played a central role in shaping the response and recovery efforts. The agenda-setting process was evident in how both national and cross-border actors prioritized these natural disasters in their policy frameworks. The focus on preparedness, risk mitigation, and improving response capacities was directly influenced by the political attention garnered by such focal events, which catalyzed a reevaluation of existing crisis management policies and mechanisms. This paper will examine how Slovenian and foreign authorities coordinated crisis measures, exchanged key information, and involved international organizations in disaster protection. We will focus on the importance of permanent cross-border cooperation mechanisms, applying punctuated equilibrium theory to understand the shifts in crisis management strategies, and analyzing how public policies and the agenda-setting process shape responses to cross-border natural disasters. Additionally, we will explore how focal events influence the design of disaster management strategies and the need for long-term collaboration to better manage these complex challenges.