

# The contribution of EU *b-solutions* initiative to foster soft and hard territorial governance and how to assess its main cross-border impacts in the EU cross-border regions.

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## Introduction

Territorial governance is embodied by rules and norms and implemented through hard (laws, planning designs and strategies, etc.) and soft (ways of decision-making, participation, co-creation, capacity building, etc.) related processes (Kaufmann & Kraay, 2007). These are related and affected by the European Union (EU) *b-solutions* initiative (Medeiros et al. 2024) adopted by the European Commission (EC) on 20 September 2017 (EC, 2017). By now, (mid-2024), 169 EU *b-solution* cases have been selected, embracing a wealth of main thematic areas (Table 1). These entail policy goals of mitigating persistent cross-border barriers across EU cross-border regions (Medeiros et al. 2023). Moreover, the accepted *b-solution* projects have the potential to positively contribute to the improvement of both hard and soft territorial governance processes in the EU, for instance by contributing to (i) the elaboration of new legislation/regulations related to mitigating cross-border barriers; (ii) the elaboration of cross-border spatial plans; (iii) increasing intensity of cross-border participatory approaches; (iv) increasing implementation of cross-

border multilevel governance processes; and (v) increasing promotion of cross-border administrative capacity levels.

Table 1. EU *b-solutions* cases per main

Employment and Education	52
Institutional Cooperation	41
Public Services	33
Environment	15
Health	11
Transport	10
Multilingualism	3
Evidence and Data	2
e-government	1
Information services	1
Total	169

thematic area

Source: Association of European Border Regions (AEBR) database. Calculations by the author

Likewise, as a result of public investment, the EU *b-solutions* require adequate policy evaluation of its relevance, effectiveness, efficacy, and related outcomes, results, and ultimately impacts (EC, 2013). In this regard, as *b-solutions*-related projects have the potential to have a territorial impact

resulting from their implementation (be that via cross-border socioeconomic development, environmental sustainability, territorial governance, or spatial planning-related processes), it makes it appropriate to use a territorial impact assessment (Medeiros, 2020) tool to assess their impacts. For that, however, there is a need to identify specific analytic dimensions and respective components that can be applied to a tailor-made TIA methodology to assess their potential impacts in mitigating cross-border legal-administrative obstacles. In this stance, this paper proposes to respond to the following main research questions:

A: In which domains has the EU's *b-solutions* initiative contributed to increasing processes of hard and soft territorial governance?

B: How can the EU *b-solutions* initiative-related main impacts in mitigating legal and administrative cross-border barriers be effectively assessed?

## **Cross-border territorial governance cementation via the EU *b-solutions*?**

### ***Hard and Soft governance***

Reviewing the general literature we can identify several main types of governance, which include decentralised governance (Cheema & Rondinelli, 2007), corporate governance (Mallin, 2013), global governance, good and bad governance

and modern governance (Hufty, 2011), among others. Regarding the concept of governance, Hufty (2011), recognises that its definition varies and is widely fuzzy. A wealth of literature, however, proposes operational definitions of governance. For Rose & Peiffer (2019, p. v) for instance, “*Governance is a behavioural relationship between governors and governed. Government is a set of institutions established by a constitution and laws. A narrow definition of governance is that it is about relations within the government between principals, who decide what government institutions do, and public officials who act as their agents in the process of governance (cf. Peters and Pierre 2004).*” Kaufmann & Kraay (2007, p. 8) instead, sustain their understanding of governance as “*the traditions and institutions by which authority in a country is exercised. This includes the process by which governments are selected, monitored, and replaced; the capacity of the government to effectively formulate and implement sound policies; and the respect of citizens and the state for the institutions that govern economic and social interactions among them*”.

According to Schmitter (1997), to the broadest imaginable notion of “*getting things done by mobilizing collective resources*” and, hence, it tends to lose any specificity it might have. In the World Bank's frequently cited definition, governance is equivalent to the manner, in which power is exercised in the management of a country's economic and social resources for development. More specifically, Goodwin (2009) proposes five governance propositions;

(i) governance refers to a set of institutions and actors that are not only drawn from but also beyond government; (ii) governance identifies the blurring of boundaries and responsibilities for tackling social and economic issues; (iii) governance identifies the power dependence involved in the relationships between institutions involved in collective action; (iv) governance is about autonomous self-governing networks of actors; (v) governance recognises the capacity to get things done, which does not rest on the power of government to command or use its authority. It sees the government as able to use tools and techniques to steer and guide.

Among several other analytical perspectives on the governance concept and related components, the United Nations presents an organised set of premises for implementing good governance processes. In detail, the Human Rights Council has identified the key attributes of good governance: (i) transparency; (ii) responsibility; (iii) accountability; (iv) participation; and (v) responsiveness (to the needs of the people). These are all soft governance-related processes. However, when relating good governance and human rights, the United Nations (2007) encompasses hard governance tools as well, to this formula, including the 'rule of law': *"when it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy*

*for legal reform, public awareness-raising on the national and international legal framework, and capacity-building or reform of institutions".* The same entity defines governance as *"the process of decision-making and the process by which decisions are (or not) implemented. Governance can be used in several contexts such as corporate governance, international governance, national governance, and local governance"* (UN-ESCAP).

Another clear distinction within territorial governance processes is the existence of "hard" and "soft" governance, where the former relates to written codes, regulations, plans and legislation, and the latter involves the use of non-binding rules (Trubek et al. 2005). Critically, hard governance is often regarded by the existing scientific literature as a means that directly or indirectly affects the urban and regional planning processes and codes, both by public and private entities (ESPON, 2018). Instead, soft governance is linked to processes that facilitate the access to information to the public, and its effective participation in shaping public policies via participatory and multi-level and co-creation processes. Indeed, the past decades have seen a rising concern in embracing public opinions in the design phase of several public policies. Moreover, there is general agreement on the advantages of a bottom-up, multi-level, and place-based approach when implementing public policies, strategies, programmes, and projects (EC, 2001; Lawn, 2006; Marginson & Keune, 2015; Oberthür, 2019). Moreover, soft governance entails institutional capacity-

building and efficient public administration as a pre-condition to increase the effectiveness of EU-financed policies, programmes, and projects (Surubaru, 2017; Polverari et al. 2024; Potluka &

Medeiros, 2024). In this context, Table 2 proposes an analytical framework to assess the territorial (hard and soft) governance processes affected by the implementation of the EU *b-solutions* projects.

Table 2. Governance main domains and analytical components for policy evaluation adjusted to the EU *b-solutions* initiative

Governance Domain	Components
Hard Governance	<ul style="list-style-type: none"> <li>• Rule of law: Legislation and Regulations fostering the reduction of cross-border barriers in all the <i>b-solutions</i> policy domains.</li> <li>• Strategic Planning Guidance: Public guidance on funding cross-border planning processes and entities focused in reducing legal-administrative cross-border barriers.</li> </ul>
Soft Governance	<ul style="list-style-type: none"> <li>• Participatory Approaches: Type and level of involvement in the design, decision-making and implementation of cross-border processes leading to the mitigation of legal cross-border barriers.</li> <li>• Multi-level and Co-Creation: Level of multi-level engagement by agents potentially involved in implementing processes leading to the reduction of cross-border legal and administrative barriers.</li> <li>• Administrative Capacity Building: Level of knowledge, training, and expertise of stakeholders leading to increasing effectiveness in implementing cross-border cooperation projects fostering the mitigation of legal and administrative barriers.</li> </ul>

Source: own elaboration

One eloquent example of an EU *b-solutions* project contributing to solidifying hard governance processes in an EU cross-border region is the project ‘Legalise border crossings

for French-Spanish rescue services’, aimed at mitigating different legal and organisational models of civil protection in each country as well an insufficient regulatory framework on rescue

assistance along the French-Spanish border area. Here, if the potential solution towards modifying or completing the legal texts that are currently limiting cooperation is implemented. At the level of increasing cross-border planning, the EU *b-solutions* project “Cross-border public transport” can be presented as an example of a project contributing to the reinforcement of integrated and coordinated planning of cross-border transport services.

Related to the *b-solutions* contribution to the reinforcement of cross-border soft governance processes, one can point out, for example, the conclusion from one of the EU *b-solutions* compendium stating that “*one essential element to enhance the establishment of cross-border networks of public transports, is the mobilisation of competent actors on a multilevel scale (national, regional, municipal). It was evident from these cases that even small-scale projects for public transport networks developed by local stakeholders require the approval and engagement of national authorities*” (AEBR & EC, 2020a, p. 32). In a complementary manner, another project compendium (AEBR & EC, 2021, p. 155) concludes that “*the knowledge gained through b-solutions also indicates that other solutions help solve obstacles that hinder cross-border cooperation. This is especially true when such hurdles originate in diverging administrative procedures or are due to a lack of knowledge*”, an issue that can be solved, for instance, via increasing “*co-managing and coordinating actions between the various actors participating in a given project*” (AEBR & EC, 2021, p. 155).

In sum, one way or the other, with more or less intensity, basically all EU *b-solutions* projects contribute to fostering soft territorial governance processes by promoting cross-border co-creation and multi-level engagement. At the same time, in many instances indirectly, these projects are contributing to reinforcing levels of administrative capacity, knowledge sharing and institutional trust (Medeiros et al. 2024), which are key aspects of soft territorial governance. At the same time, by focusing on amending existing legislation from both sides of the border, all EU *b-solution* projects are also contributing to increasing hard-related territorial governance processes within affected EU cross-border areas.

## **How to perform an effective cross-border impact assessment of *b-solutions*?**

A detailed analysis of the EU *b-solutions* project database highlights a wealth of its potential policy impact areas (Table 3). These are mostly included, however, within institutional, environmental, social, and accessibility-related analytical dimensions of policy evaluation (Figure 1). These provide a good starting point to associate several related components associated with the reduction of cross-border areas in a TIA matrix (Table 4). Here, the presented components would have to be assessed in terms of their impact, via the implementation of *b-solutions* projects, to reduce the legal and administrative barriers related to each of these components. The presented

TIA matrix is adapted to the TARGET\_TIA methodology (Medeiros, 2020) but can also be used by other TIA methodologies adjusted to assess cross-border impacts like the cross-border impact methodology created by Maastricht University (Unfried et al. 2020). On a positive note, there is a wealth of information

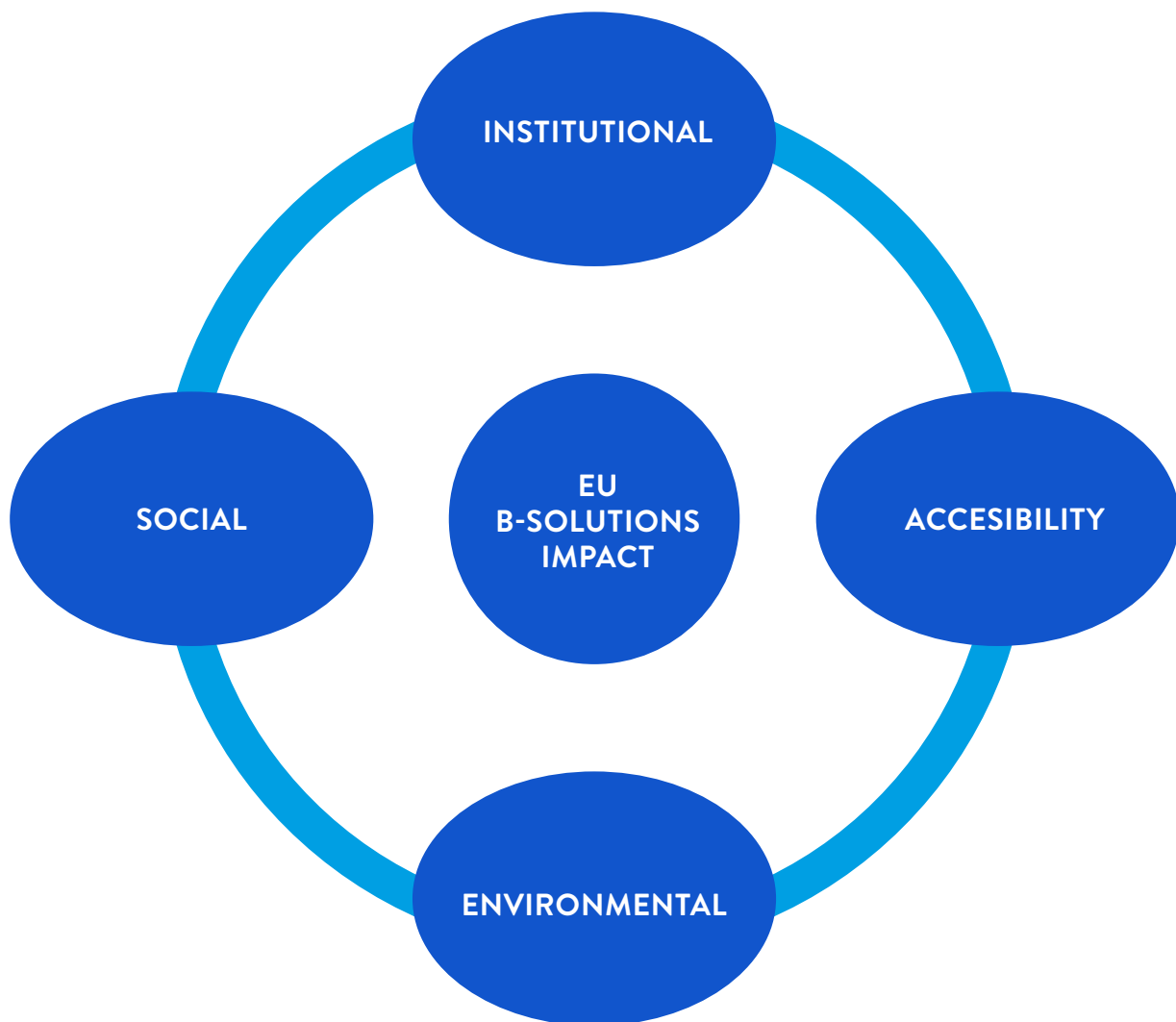
on the implementation of the EU's b-solution projects in several published compendiums (AEBR & EC, 2020a, 2020b, 2021, 2024), which can be used to assess how far they have contributed to mitigate cross-border barriers in all selected dimensions and respective components of a cross-border TIA matrix.

Table 3. *B-solutions* cases per intervention area in detail

Institutional Cooperation	41
Labour Markets and Education: labour mobility	20
Employment	14
Public Services: Health services	12
Employment and Education	10
Transport	10
Labour Markets and Education: education and training	8
Public Services	8
Health Care	7
EU Green Deal: circular economy	5
Public Services: transport planning & regulation	5
Health	4
Public Services: Tourism	4
Multilingualism	3
EU Green Deal: energy	3
EU Green Deal: biodiversity	3
Evidence and Data	2
Environment	2
EU Green Deal: food system	1
EU Green Deal: smart mobility	1
e-government	1
Information services	1
Public Services: University: awarding a joint diploma recognised by 2 countries	1
Public Services: provision of funds and grants	1
Public Services: Cross border management of fresh water	1
Public Services: Cross-border road Closures	1

Source: Association of European Border Regions (AEBR) database. Calculations by the author

Figure 1. Main analytical domains for assessing the main impacts of b-solutions



Source: own elaboration

If the intention is to assess cross-border policy impacts beyond the *b-solutions* scope, an additional analytical dimension can be included: the economy and related cross-border barrier components (Medeiros, 2015). Another important alert to anyone willing to perform a cross-border impact assessment is that the selected methodology must balance

a thorough analysis with simplicity. This balance is difficult to achieve. Another rule to select an appropriate impact assessment methodology is never to consider the ones that propose a quick and dirty method to assess policy impacts, like the ESPON QUICK TIAs. They do not provide adequate and sound impact scores (Medeiros, 2020).

Table 4: TARGET\_TIA matrix to assess the main impacts of the EU *b-solutions* initiative.

		Type of Impacts (-4 to 4)					0 to 1			TC 0 to 1	
Dimension	Component	Pos/ Neg	End/ Exo	Sust/ Shor	Mul/ Sub	Aver- age	Pol/ Int	Reg/ Sen	2013	2023	
Social	Health	0	0	0	0	0	0	0	0	0	
Social	Education	0	0	0	0	0	0	0	0	0	
Social	Language	0	0	0	0	0	0	0	0	0	
Social	Labour markets	0	0	0	0	0	0	0	0	0	
Social	Education	0	0	0	0	0	0	0	0	0	
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Institutional	Cross-border structures	0	0	0	0	0	0	0	0	0	
Institutional	Legal standardisation	0	0	0	0	0	0	0	0	0	
Institutional	Multilevel governance	0	0	0	0	0	0	0	0	0	
Institutional	e-government	0	0	0	0	0	0	0	0	0	
Institutional	Information services	0	0	0	0	0	0	0	0	0	
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Accessibility	Railway transport	0	0	0	0	0	0	0	0	0	
Accessibility	Road transport	0	0	0	0	0	0	0	0	0	
Accessibility	Transport planning and regulation	0	0	0	0	0	0	0	0	0	
Accessibility	Green and Smart Mobility	0	0	0	0	0	0	0	0	0	
Accessibility	Border closures	0	0	0	0	0	0	0	0	0	
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
Environmental	National Parks Collaboration	0	0	0	0	0	0	0	0	0	
Environmental	Energy	0	0	0	0	0	0	0	0	0	
Environmental	Water	0	0	0	0	0	0	0	0	0	
Environmental	Circular Economy	0	0	0	0	0	0	0	0	0	
Environmental	Biodiversity	0	0	0	0	0	0	0	0	0	
Environmental	Heritage Protection	0	0	0	0	0	0	0	0	0	
	Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	
	General Average	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	0,00	

Note: Pos/Neg: Positive-Negative; End/Exo: Endogenous-Exogenous; Sus/Shor: Sustainable-Shortcoming; Pol Int: Policy Intensity; Reg Sens: Regional Sensibility; TC: Territorial Cohesion Index.

## Conclusion

In a continent like Europe, largely divided by national boundaries, several persisting cross-border barriers of all sorts negatively affect the lives of millions of cross-border commuters. Among these barriers, those of a legal and administrative nature are considered to have larger implications in the lives of EU citizens. Given this reality, the EU has supported *b-solutions* as a concrete initiative that targets identification and implementation of concrete solutions which can effectively mitigate the effects of cross-border legal and administrative barriers across the EU border regions. In this context, this paper has analysed the potential contributions of *b-solutions* to foster improved territorial governance processes and identification of concrete analytical dimensions and respective components to be considered for an adequate cross-border impact assessment of the implementation of the EU *b-solutions*-funded projects.

As regards the analysis of territorial governance, the research concluded that the EU's *b-solutions* initiative has had a positive impact in fostering both hard and soft types of territorial governance-related processes. In the domain of hard governance, for example, this initiative has contributed to the amendment of several pieces of national and regional legislation that help mitigate as much as possible several persisting legal and administrative barriers. Likewise, in the domain of soft governance, a large part, if not all, of the *b-solution* projects have

contributed to solidifying processes of cross-border co-creation and multilevel governance, as well as to increasing administrative capacity levels in certain domains. It is not clear, however, how far the *b-solutions* project has contributed to promoting the objective of enhancing participatory governance across borders, for instance by including cross-border dwellers in the discussion of the design of these *b-solution* projects.

Finally, the research presented a case to establish a cross-border impact assessment methodology based on three analytical dimensions and respective components: (i) social; (ii) institutional; (iii) environmental; and (iv) accessibility. This selection was based on the identification of the main policy areas covered by the EU's *b-solutions* initiative. To better illustrate the implementation of a potential cross-border impact assessment process, a concrete TIA matrix is presented with the four mentioned dimensions a respective component, which would need to be scored according to their contribution to mitigating related cross-border barriers. In this regard, we propose the use of TIAs to assess the impact of *b-solutions* and/or related cross-border cooperation projects, as they tend to have a territorial impact in several development dimensions and cross-border barriers. Indeed, as in any projects funded by public funds, the impact of the *b-solutions* project needs to be adequately assessed in a sound and simple as possible manner, and also in a place-based and via a tailor-made impact assessment methodology, covering its main policy intervention goals.

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