6 Territorial institutionalism and the European Administrative Space

As a result of the process of European integration, administrative interaction between the national and European levels has intensified over the years. Both the design and implementation of European policies now depend on collaborative working relationships between the historically evolved national political-administrative systems of the Member States and a supranational system of governance that is constantly evolving and changing. Against this background, the concept of the European Administrative Space (EAS) has attracted increasing interest both in academia and in practice. Originally directly linked to the idea of the ever more intensive integration of a European system of governance and thus the assumption and prediction of a process of increasing convergence and harmonisation of the various national administrative systems towards a more uniform European reference model[293], the discussion and perception of what is to be understood by the European Administrative Space has constantly evolved over time and is now discussed in the perspective of a highly differentiated European governance.

Although the term is frequently used, definitions of EAS in the literature refer to very different things: from the question of the emergence of shared administrative values, some see EAS as a "harmonised synthesis of values emerging from the EU institutions and Member States' administrative authorities in the process of creating and implementing EU law"[294]. Others emphasise the emerging dimension of joint action in the context of the EAS as "an area where increasingly integrated administrations jointly exercise powers delegated to the EU in a system of shared sovereignty"[295]; highlighting issues such as "coordinated implementation of EU law", the Europeanisation of national administrative law"[296] or the creation of a "multilevel Union administration "[297]. Other questions relate to the dimension of the actors involved and focus on the emergence of an increas-

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293 Siedentopf / Speer 2003; Olsen 2003
294 Torma 2001: 1
295 Hofmann 2008: 671
296 Hofmann 2008: 662
297 Egeberg 2006

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ingly differentiated European multi-level governance[298] or the analysis of a new relationship between the governed and the governed, which pays particular attention to the dimension of policy instrumentation within the EAS[299].

Furthermore, Sommermann[300] refers to the procedural dimension from the perspective of administrative law and distinguishes between a process of direct Europeanisation (both at the level of substantive administrative law, administrative procedural law or administrative organisational law) and a process of indirect Europeanisation (functional adaptation of administrative norms and procedures in relation to the principle of cooperation, spill-over effects from EU law into other national legal areas and adaptation due to the competitive phenomena of an increasing transnationalisation of administrative relations).

In an overarching perspective, Trondal and Peters[301] have recently proposed an "EAS II" concept that takes into account the multi-level approach and the idea of loosely coupled inter-institutional networks[302]. The concept is based on a more functional view of the European Administrative Space, which refers to the empirically ascertainable joint development and implementation of public tasks between different administrative levels. On this basis, it is proposed to assess the emergence and functionality of the EAS on the basis of three central criteria: 1. creation of an institutional capacity independent of national administrative systems, 2. integration of actors as task bearers with regard to the fulfilment of European public tasks, 3. co-optation of national actors and structures for the purpose of fulfilling European tasks.

The above dimensions are de facto interlinked, suggesting that the EAS is both influenced by and contributes to European integration at the administrative level. The fundamental question here from a systemic perspective is ultimately to what extent the EAS represents an institutional capacity that supports both the design and the implementation of European policy-making. This question in turn relates to the more fundamental consideration of the functions that institutions generally fulfil in the context of public decision-making. Institutions can be understood as stable, enduring bodies for the production, regulation or im-

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298   Kohler-Koch / Larat 2009
299   Heidbreder 2011: 711- 714
300   Summer man 2015
301   Trondal / Peters 2015: p. 81
302   Benz 2012; similarly already Beck 1997

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plementation of specific purposes[303]. Such purposes may relate to social behaviour, norms and concrete tangible or intangible objects. From an administrative science perspective, institutions can be interpreted as corridors of collective action that play the role of a "structural proposal" for organised interaction between different individual and collective actors. The question of the emergence and changeability of such institutional arrangements in the sense of an "institutional dynamic"[304] is the subject of the academic school of neo-institutionalism, which attempts to integrate various monodisciplinary theoretical premises. According to Kuhlmann / Wollmann[305], three main theoretical lines of argumentation can be distinguished here: Classical-historical neo-institutionalism[306] assumes that institutions as historically evolved artefacts can only be changed very partially. Institutional change ultimately presupposes broader historical, political or technological ruptures. In this interpretation, institutional functions tend to have restrictive effects on actors who try to change given institutional arrangements or develop institutional innovations (thought model of path dependency). In contrast, rational-choice and/or actor-centred neo-institutionalism[307] emphasises the fundamental interest-related configurability of institutions (in the sense of "institutional choice"); institutions are de facto shaped in an interest-driven manner by the respective acting actors and their individual premises of utility maximisation. The rational decisions of the actors, however, depend in turn on the (limited) variability of higher-level social, legal and political framework conditions. The sociological neo-institutionalism approach[308] in turn essentially also recognises the interest-related configurability of institutions, but – while rejecting the institutional economic model of simple individual utility maximisation of homo eoconomicus, which is considered rather limited – emphasises issues such as group membership, thematic identification or cultural imprinting as explanatory variables. When analysing the institutional dimensions of EAS as a dependent variable, it may be promising to refer to such neoinstitutional assumptions as independent variables to explain the form and specific features of identified institutional patterns.

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303 Schubert / Klein 2015
304 Olsen 1992
305 Kuhlmann / Wollmann 2013: 52
306 Cf. Pierson 2004
307 Cf. Scharpf 2000; March / Olsen 1989
308 Cf. Edeling 1999; Benz 2004

In assessing the current state of research on the EAS, three research gaps can be identified. Leaving aside the literature on European spatial planning[309], most social science thinking on the institutionalisation of the EAS follows an exclusively vertical understanding of European integration[310]. This distinguishes between local, regional, national and supranational levels of government and examines the vertical interactions and interdependence between "domestic" and European administrative actors. The aim is to analyse the extent to which a still new, additional administrative level directly linked to the European integration process has been developed at the supranational level and how this affects historically developed administrative systems. However, this vertical thinking carries the risk of ignoring those patterns of inter-agency cooperation that move on a horizontal, partly transnational level: Administrative actors – both at national and sub-national and / or local levels – increasingly cooperate directly with administrative units from another (neighbouring) state. This, as I will elaborate below, represents a significant institutional pattern and should be taken into account when developing a holistic understanding of the EAS. Following the theoretical premises of modern governance concepts[311], which always cover both the vertical and horizontal dimensions of actor constellations, such a horizontal dimension could lead to a complementary view and understanding of the vertically and horizontally differentiated nature of the EAS.

A second research gap can be seen in the lack of inclusion of a spatial dimension: While the temporal and functional definition of the EAS has been recognised[312], its spatial dimension, which is very relevant in practice, has not been reflected in the literature so far. The astonishing "spacelessness" in the previous concepts on the European Administrative Space contradicts the established construction principles and traditions of public administration, for which territoriality, e.g. via the dimensions of (de-)concentration or (de-)centralisation, forms a central configuration criterion[313]. European Territorial Cooperation, as I will show in the following, can add such a spatial connotation to the previous conceptual considerations of EAS and thus lay the foundation for a differentiated understanding of what the term EAS can mean in practical terms (both in terms of design

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309 See e.g. Jensen / Richardson 2004
310 See, for example, the contributions in Part VII of Bauer / Trondal 2015
311 Benz et al 2007
312 Howlett / Goetz 2014
313 König 2008; Schimanke 2010; Kilper 2010

and precisely the administrative implementation of European policies on the ground). The concept of "territorial institutionalism", which I describe in more detail below, can also develop new questions for applied administrative research, following neo-institutionalist concepts.

A third observation is that most of the literature on the EAS focuses on officially established institutions and thus usually focuses on the European Commission, the European Parliament, the European Council, the European agencies and, expert groups, etc. and their formal and / or informal linkages with other institutional equivalents at other levels. Less studied, in contrast, are the patterns of vertical and horizontal administrative interaction within so-called "unsettled administrative spaces"[314]. There are numerous examples of this, such as networks, forums, projects, committees, programmes, etc., which go beyond classic, functionally "closed" European organisational forms. Such "open/non-solidified" administrative spaces can draw researchers' attention to new and even less analysed interactions between European administrative actors and their thematic or sectoral administrative environments at different spatial levels. The example of an emerging European territorial governance system, which is intrinsically intersectoral, may also illustrate the extent to which the study of such "unsettled" institutional patterns could contribute to a more holistic understanding of the EAS.

This chapter relates to European Territorial Cooperation (ETC) and explores three key analytical questions: 1. to what extent can patterns of ETC-related institutionalisation be interpreted as part of a horizontal dimension of the EAS? 2. how can these patterns be conceptualised and what explains the diversity of this type of institutionalisation?, 3. to what extent is reflection on the horizontal dimension of the EAS productive for further research in this field?

This part first assesses the governance model of European territorial cooperation as an example of "open/non-solidified " horizontal transnational policy-making. Based on recent empirical findings from the field of cross-border cooperation and applying the three criteria of the Trondal / Peter concept of EAS II, it is then analysed to what extent the administrative foundations of territorial cooperation can be understood as a horizontal dimension of EAS. On a diioesal basis, it is then examined how the identified institutional patterns can be classified and explained. Finally, a broader theoretical conceptualisation of these findings from the perspective of neo-institutionalist assumptions is developed, which can serve as a basis

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314 Trondal / Peters 2015

for further prospective research on the territorial dimension(s) of the EAS from a transnational perspective.

6.1 *European territorial cooperation as a model of unsettled administrative cooperation*

Territoriality is a central construction principle of public administration. In a classical understanding, administrative territoriality is linked to the concept of the nation state, which is characterised by internal and external sovereignty over its territory[315]. According to this, administrative boundaries, which are usually designed according to spatial criteria such as accessibility, efficiency in the sense of organisational redundancy avoidance or effectiveness in the provision of services, usually not only determine the external competence boundary of an administrative unit, but also define the internal relationships and interfaces between different administrative levels and / or units that exist within a state.

In the context of territorial development, the link between territorialisation processes and institutional change is currently discussed under the theoretical assumption of regional governance[316]. It is assumed that a wide variety of different forms of institutionalism can be observed in the context of territorial development, ranging from rather informal networks to sectoral projects to classical inter-local cooperation or newly established and / or changed regional administrative organisations. The design of a territorial governance mode, and thus the specific form of institutionalism it represents as a corridor (and for) collective regional action, is the result of processes that procedurally link different actors, levels, sectors and decision-making procedures on the basis of given territorial development needs[317]. Unlike approaches developed in the national context of a single legal order, regional governance processes and associated e institutional capacity building in cross-border territories have also been taking place more recently between the different political-administrative, legal and cultural systems of different states. In order to support such forms of cooperation, which are often hampered by a high degree of structural obstacles, the European Commission has promoted cross-border cooperation under a policy concept now known as "European Territorial Cooperation" (ETC).

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315 König 2008: 27
316 Kilper 2010
317 Fürst 2010

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Territorial cooperation has gained importance in Europe over the last 25 years. Two main factors have influenced the emergence of this policy field. First, the fall of the Iron Curtain in Central and Eastern Europe has created more than 27,000 km of new borders[318] and the question of how to manage transnational relations at a decentralised, territorial level has thereby become a very practical challenge for many newly created border regions. Secondly, the long experience from "older" border regions in Western Europe, which initiated territorial cooperation approaches immediately after the Second World War[319], has shown both the necessity and the potentials of territorial cooperation for the process of European integration[320] : Statistics at the NUTS-II level (administrative regions) show that almost 40 % of the territory of the EU can be classified as a border region, which in turn is home to 30 % of the EU population[321]. Moreover, with the official inclusion of the objective of territorial cohesion in the Lisbon Treaty, territorial cooperation has been strengthened in the framework of the European cohesion policy[322], thus also promoting the perception of border regions as laboratories for European integration[323].

In terms of territorial institutionalism, the political approach of European Territorial Cooperation (ETC) can be divided into two interrelated basic patterns: The first and most obvious pattern is the INTERREG funding programmes of the European Commission, which, after an experimental phase between 1988 and 1989, was continuously expanded both conceptually (starting as a Community initiative under INTRREG I and II, then integrated into the Structural Funds regulation under INTERREG II and IV, and finally transferred into its own separate regulation under INTRREG V) and financially (from an initial 1.1 billion euros to 10.1 billion euros, of which almost 7 billion euros exclusively for cross-border cooperation) in five phases. Today, these are characterised by a programmatic differentiation into three programme lines: A-programmes = cross-border cooperation with a focus on neighbourhood relations at contiguity level; B-programmes = transnational cooperation with a focus on planning in strategic areas relevant for European cohesion, C-programmes: Interregional cooperation with a focus on networking and exchange of good

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318 Foucher 2007
319 Wassenberg 2007
320 AEBR 2008
321 MOT 2007; AGEG 2008
322 Bailo / Menier 2012; Ahner / Füchtner 2010
323 Kramsch / Hooper 2004; Lambertz 2010

practices. Although territorial institution building is not the main focus of this approach, it has – as I will show in the next chapter – contributed significantly to the creation of cross-border institutional capacities both at the level of projects and of programme-related governance structures.

The second pattern goes beyond INTERREG-funded programmes and projects and focuses directly on cross-border institution building at the territorial level. The best-known examples of this are the so-called Euregios, which have been established between Germany and its western neighbours since the 1950s, intergovernmental commissions with territorial differentiations such as the Upper Rhine Conference, the Öresund Council / Greater Copenhagen and Skåne Committee, the Greater Region Assembly (formerly SaarLorLux), which have been developed since the 1970s and 1990s, or the relatively new Eurodistricts. Here, territorial actors of directly neighbouring states develop approaches of political and administrative cooperation either to solve specific problems, to jointly develop territorial potentials or to implement European sectoral policies in a coordinated manner with the aim of promoting integrated territorial development across borders. As these bodies usually do not have a specific budget, their functioning nevertheless often depends on EU funding. With the creation of a specific legal form, the EGTC (European Grouping of Territorial Cooperation), the European Commission then also tried to strengthen this form of institutionalised territorial cooperation in 2006[324].

The governance mode of territorial cooperation varies according to these two basic (but in practice quite interdependent) characteristics. The so-called "INTERREG world" is characterised by a pattern in which both the financial and thematic design is negotiated vertically between the Member States and the EU, leading to a specific form of results-oriented framework planning in which core elements, such as strategic objectives, the specifications for financial management and control, or basic principles of cooperation (such as partnership, co-financing and pre-financing, etc.) are set centrally by the Commission but then decided at decentralised level by the Member States.) are defined centrally by the Commission, but then fleshed out at decentralised level by the territorial actors themselves (design of a territorial development strategy, details of eligibility criteria, preparation and selection of projects, co-financing rates, etc.). With regard to the second pattern of territorial cooperation, the absence of European or national programming is characteristic: cooperation approaches between

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324 A revised version of the Ordinance entered into force on 22 June 2014; see for an overview: https://www.interact-eu.net/ (30.03.2022).

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public (and private) actors on both sides of the border are developed on a purely voluntary, bottom-up basis. No legal or financial programme actively determines or demands participation in cross-border cooperation at this level, and competences, roles, procedures and forms have to be negotiated and shaped horizontally individually in each case on the basis of voluntary decisions.

Following René Frey[325], territorial cooperation can be seen as a horizontal subsystem created and operated by the involved (domestic) partners of different levels in order to create a manageable inter-institutional network to realise the joint design and implementation of institutional arrangements for programmes and projects. Since the practical functioning of this subsystem is not guaranteed per se, but rather has to be stabilised by the contributions of the participating domestic partners, and thus depends on them (often even ad hoc), this tends to lead to a more open/non-established mode of governance. Both INTERREG, which is formally established and structured by conventions, and institutional cooperation, which is often also based on bilateral agreements and conventions, are de facto rather fragile creations that can erode very easily as soon as the necessary financial, logistical, administrative or political support services are no longer provided by the partners involved – which can sometimes already be the case after a change of government or personnel at one of the main partners involved, which leads to other political preferences[326].

ETC can be interpreted as a specific form of administrative capacity building based on transnational territoriality with a specific relevance of direct horizontal administrative interaction between sub-national and local actors to address challenges of territorial development and cohesion. Unlike in the domestic context, where this takes place within a single legal order and a European connotation is rather indirect, the territorial dimension of this transnational administrative capacity building is directly linked to the process of European integration. The open/non-established character also distinguishes territorial cooperation from the vertical, multi-level administrative interaction that takes place within the established constellations of the classical European administrative system[327]. However, as I will show in the next chapter, territorial cooperation has nevertheless produced over time a distinct permanent horizontal administrative profile whose

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325 Frey 2003
326 Hooper / Kramsch 2004
327 Farmer / Trondal 2015

administrative integration contribution should be even better recognised within the EAS.

6.2 The administrative dimension of European Territorial Cooperation (ETC)

In order to be able to analyse the administrative dimension of territorial cooperation and its relationship to the EAS in more detail, my analytical approach refers to the concept of EAS II, developed by Trondal / Peters[328]. Accordingly, the ETC would be functionally relevant within the EAS if three main features of the EAS II are fulfilled: 1.) There must be an identifiable institutional capacity for dealing with European affairs that is independent or distinct from national administrative systems. 2.) There must be a structure of integrated administrative action that enables effective coordination of administrative units to fulfil cross-border tasks; 3.) The ETC is characterised by the fact that it is a recognised partner for external actors and knows how to use their potential for its own goals and / or joint task fulfilment.

Independence of institutional capacity[329]

Different indicators for the analysis of the institutional capacities of territorial cooperation in Europe are possible. Since the independence of institutional capacities is a central criterion of the EAS, I will focus my analysis on two main indicators. First, I will identify the total number of transnational institutional arrangements at different functional levels. The relevance of this indicator relates to the path dependency hypothesis of neo-institutionalism[330] and assesses the distinction between the given institutional capacity path of the national partners involved and the specifically created transnational / cross-border capacity path.

The second indicator relates to ETC-related staff capacity, measured in terms of full-time equivalents (FTEs). This indicator is relevant for the identification of an independent institutional capacity in the sense that

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328 Trondal / Peters 2015
329 This following analysis focuses on ETC in the narrower sense of the concept – it leaves out other EU cooperation dimensions such as ENI and TACIS, which exemplify the horizontal dimensions of European external cooperation.
330 Pierson 2004

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FTEs created/provided exclusively for ETC-related issues constitute a specific transnational/cross-border capacity that is distinguishable from the domestic context[331].

To apply both indicators, my first analytical approach is to determine the total number of ETC programmes officially co-financed by the European Union. According to official statistics[332], the number of INTERREG programmes (all sectors) has developed considerably over the last 25 years. Starting with only 14 pilot projects in 1988, 31 programmes were created in the first INTERREG period (1990 – 1993), 59 in the second (1994 – 1999), 79 in the third (2000 – 2006) and 92 in the fourth (2007 – 2013). The current funding period (2014 – 2020) includes 107 ETC programmes, 60 of which focus exclusively on cross-border cooperation. In the last INTERREG IV period, 14,965 projects were financed under programme line A alone and most of them were also fully implemented, resulting in the creation of 50,179 new cross-border partnerships between mainly public actors. Given the average duration of the projects of three years, a permanent annual project capacity of 6,413 and a permanent partnership capacity of 21,505 were thus created in the seven years of this programming period.

In terms of management capacity, it should be recalled that, according to EU rules, each ETC programme must establish a specific management structure at decentralised horizontal level. This management structure consists of a steering committee responsible for defining the programme strategy and selecting projects (usually composed of the programme partners at MS level and / or their designated sub-national representatives), a competent managing authority for the operational management and implementation of the programme (technical representatives of the programme partners), and a joint secretariat responsible for the day-to-day implementation of the programme, project preparation and the production of documents and reports for the meetings of the other structures (programme officials

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331 Other relevant indicators such as the amount of budgets specifically dedicated to cross-border cooperation, the autonomy of cross-border bodies in setting their own policy priorities and / or the autonomous performance of public tasks or the right to regulate policy areas independently in a CBC perspective are discussed qualitatively in the following sections – their quantification would require specific research and thus go far beyond the focus of this paper

332 The following figures were calculated on the basis of statistical information available in the KEEP database at the time of writing at the end of 2019 – they may have changed in the meantime if necessary – (see: https://keep.eu/keep-eu-is-adding-value/ 30.03.2022)

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financed from the overhead of the respective programme). In addition, the programmes and projects create corresponding transnational institutionalisations in the form of legal conventions or agreements committing public partners in terms of financial obligations, thematic contributions and procedural patterns as well as roles in implementation and / or type of decision-making. INTERREG IV has led to the conclusion of more than 15,000 such agreements linking public actors at both Member State and sub-national, regional and local levels (either for the duration of the whole programming period or at least for the funding period of an individual project). These agreements have been instrumental in structuring the model of transnational action in many cross-border areas of Europe.

While both Steering Committee and Managing Authority functions are in practice often carried out by administrative representatives of the programme partners on a part-time basis, the members of the joint secretariats are usually employed on a full-time basis – either in the form of seconded national experts or directly recruited and employed by the programme. It is difficult to quantify the number of civil servants working in the ETC programmes, as the practical implementation of the administrative structures varies considerably between programmes. However, a realistic estimate of the number of civil servants working at programme level can be calculated based on the share of staff costs as part of the overall technical assistance budget (which de facto covers the general overhead costs of a programme). In the absence of valid statistical data, it can be assumed that the average number of officials working at the level of the Managing Authority and the Joint Secretariat is 10 FTE[333], which would mean that a capacity of 1,070 FTE has been created for the management of ETC programmes in Europe in the current INTERREG V funding period. In addition, most INTERREG projects themselves require professional handling of both formal and thematic implementation and therefore usually lead to the development of professional capacities for project management. Such posts can be supported by the programmes themselves. Assuming that the project management capacity per INTERREG project is at least 2 FTEs / project[334], INTERREG IV would have created a permanent project-based capacity of 12,826 FTEs between 2007 and 2013.

My second analytical perspective goes beyond the EU-funded ETC approach. Besides the "INTERREG world", many other forms of horizontal

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333 This figure was already determined in 2017 as part of an internal survey of programme managers within DG Regio initiated by the author (cf. Beck 2018).
334 Cf. Beck 2018

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administrative cooperation have developed in Europe over time, taking place at different transnational territorial levels. In a recent study, Reitel and Wassenberg[335] have developed a classification that distinguishes at the <u>local level between the</u> *urban* spatial dimension (cooperation between two or more neighbouring urban municipalities such as Frankfurt / Oder – Slubice; Eurode Kerkrade-Herzogenrath)), the *rural* spatial dimension (cooperation between neighbouring municipal / inter-municipal bodies in sparsely populated areas such as Pyrenees-Cerdanya or Mont Blanc); on a <u>regional scale, a</u> distinction is made between the cross-border *metropolitan* spatial dimension (cooperation between contiguous territories – NUTS 3 or 4 – with a monocentric or polycentric metropolitan structure such as the trinational Eurodistrict of Basel, the Meuse-Rhine Eurodistrict or the Lille-Kortrijk-Tournai Eurometropolis) and the *non-metropolitan* dimension (cooperation between contiguous territories – NUTS 3 or 4 – without a metropolitan structure such as the Euregios or the Catalan border Eurodistrict); and at the <u>supra-regional level</u> again between the *metropolitan dimension* (cooperation between contiguous territories – NUTS 2 or 3 – with a metropolitan degree such as the Greater Region or the Upper Rhine) and the *non-metropolitan* dimension such as the Channel Arc. According to this typology, Reitel and Wassenberg have identified 364 "official manifestations"[336] of institutional cross-border cooperation in the EU. In addition, there is a macro-regional scale with cooperation approaches that integrate classic cross-border, interregional and transnational levels into a broader territorial space covering more than three member states based on common territorial features (e.g. the Baltic Sea; Danube Region, Adriatic / Ionian Sea or Alps).

In terms of territorial institutional capacity building, the main forms of this type of inter-agency cooperation "beyond INTERREG" are inter-municipal / euroregional (local and regional level) and intergovernmental / network structures (supra- and macro-regional level). The Association of European Border Regions (AEBR) has identified a total of almost 200 euroregional cooperations in Europe, most of which maintain permanent secretariats with full-time staff. Assuming that at least 80 % of these euroregions have a permanent joint secretariat with a minimum average of 3 FTE (without carrying out INTERREG management tasks, but only referring to project and other management tasks related to the euroregional working structures), the horizontal "euroregional" institutional capacity created

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335   Reitel/Wassenberg 2015: 19
336   Reitel/Wassenberg 2015: 18

here would be around 480 FTE. Moreover, most of these euroregional cooperation structures are rights-based and aim at a more binding and sustainable transnational administrative linkage than a simple project convention. In this context, more than 50 European Groupings of Territorial Cooperation (EGTCs) have been created in Europe so far, but most of them do not serve to structure material euroregional tasks, but to fulfil the project-related cooperation and implementation needs of the participating partners themselves[337].

Less well documented are intergovernmental bodies and commissions that have been established between many member states since the 1970s. Based on bilateral agreements, such intergovernmental structures and bodies very often govern the cross-border cooperation of an entire border zone between two or more states. These structures are primarily supported by officials from national ministries or administrative units at the sub-national level (such as ministries of the governments of the German Länder, the prefecture in France, the voivodeship in Poland, etc.). Most of these intergovernmental bodies are organisationally divided into territorial and / or thematic sub-units. The horizontal administrative capacities created and symbolised by these intergovernmental bodies differ greatly between the individual cross-border territorial constellations. For example, while around 600 representatives of the respective state and regional governments of Baden-Württemberg, Rhineland-Palatinate, Alsace and Northwest Switzerland meet on a part-time basis in 12 permanent thematic working groups of the Trinational Upper Rhine Conference, the governance structure created to implement the 6 thematic cooperation agreements concluded between the Republic of Ireland and Northern Ireland under the Good Friday Agreement in 2013 comprises a total of 578 FTEs.

Moreover, recent initiatives to create European macro-regions have given rise to specific transnational governance structures linking the three levels of meta-governance (interaction between the European Commission, the European Council, a high-level group, national contact points and annual fora), thematic governance (focal point coordinators, steering groups, governing bodies, thematic working groups) and implementation governance (project partners and the corresponding funding programmes and institutions)[338]. The hundreds of new project initiatives as well as the annual forums with more than a thousand participants each represent

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337 European Parliament 2015
338 Sielker 2014: 89

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a complex mix of public and private sector and/or third sector actors. However, cooperation between the administrative authorities of the participating countries is also the core of cross-border cooperation here.

The examples presented can certainly give a first impression of the quantities and structural characteristics of cross-border cooperation in Europe. However, they can only provide an incomplete picture of the institutional capacities sought. In order to grasp the overall picture, a superordinate methodological approach is necessary. An established method in applied administrative research for calculating the staffing needs for an administrative unit is to develop a realistic estimate of the administrative burden measured in FTE per million inhabitants of a territorial unit[339]. Applying this method to the context of territorial cooperation, a pilot study of the TEIN network[340] initiated by the author concluded that – in the case of cross-border cooperation – an average administrative burden of 55 FTE per million inhabitants of a cross-border territory can be assumed as realistic[341]. This indicator can then be used in a second step for an extrapolation to determine the administrative capacity for cross-border cooperation at the level of the entire European territory: Based on the assumption that 150 million EU inhabitants (i.e. 30 % of the EU population) live in border areas at NUTS 2 level, a total direct administrative capacity of 8,250 FTE can be determined using the above indicator. Adding the permanent capacity at project level calculated above (12,826 FTE) and the 600 FTE from the 60 INTERREG A programmes, the total independent horizontal cross-border capacity would be 21,676 FTE. However, the total horizontal capacity of the entire European territorial cooperation is certainly likely to

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339 Hopp / Göbel 2008: 329

340 Cf. https://transfrontier.eu/ (30.03.2022)

341 The calculation was made on the following basis: TEIN partners were first asked to calculate for their respective cooperation area the full-time positions for persons working exclusively on cross-border cooperation issues on a full-time basis (covered were secretariats of cross-border bodies, staff of other permanent JCC institutions, management authorities of INTERREG, full-time project managers as well as full-time JCC services at the level of institutional partners). In addition, the extent to which actors from partner institutions contribute to cross-border cooperation but only on a part-time basis, such as civil servants working in local and regional authorities, where thematic cross-border cooperation is only part of their job description, was estimated. Based on an annual capacity of 1575 working hours, the average assumption per employee here was 5 %, which means approximately 10 working days per year. The individual RTD shares thus determined were then added up to an institutional RTD capacity for cross-border cooperation in the entire cooperation area.

be considerably higher, as this figure is only a conservative estimate for the narrower field of cross-border cooperation at the contiguity level.

In order to evaluate the calculated figure in terms of an independent institutional profile, it is necessary to relate it to the total number of all public employees working in the European border regions, who usually do not have an exclusive or explicit cross-border task reference. The basic assumption for this is that in the OECD the active population makes up 47 % of the total population (=OECD average in 217). Thus, with the 150 million inhabitants of the European border regions, an active population of approx. 71,910,000 people can be assumed. Assuming that the public employment rate is on average 15 % of the active population (=OECD average in 2017), the total number of public employment in the European border regions would be approximately 10,786,500. Thus, the specific cross-border staff capacity of 21,700 FTE corresponds to 0.002 % of the total staff administrative capacity in the European border regions.

The analysis of the indicators examined above points to a paradoxical conclusion: On the one hand, they certainly point to the existence of an independent institutional capacity for dealing with ETC matters at the horizontal administrative level. However, the general contextualisation of this finding points to an overall relatively weak profile of the comparatively young transnational / cross-border institutional path compared to the well-established domestic institutional path. I will take up this point later on when interpreting this horizontal ETC profile from the standpoint of neo-institutional theory.

Integrative task performance

With regard to the second criterion of the EAS, which refers to the need for the existence of a distinct administrative and functional integration, the case of territorial cooperation is also very interesting. The main pattern of territorial cooperation is still the project approach. For a long time, the guiding principle in the transnational / cross-border context was ultimately that the project would create the territory and not vice versa[342]. However, project development has changed considerably over the years. While in the early days of INTERREG I and II most territorial cooperation was characterised by a strong bottom-up approach leading to a patchwork of relatively isolated individual projects and associated networks, project

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342 Casteigts 2010: 305

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generation has now become more strategic. Project selection is more often based on expression of interest procedures for the submission of proposals, which in turn serve to implement the strategic development objectives jointly agreed by the programme partners[343]. A typical example is the thematic concentration principle required by the EU Commission under INTERREG V, which has been followed by most territorial programmes, and which represents an attempt at much more integrated policy coordination that has led to new forms of integrated horizontal administrative cooperation between local actors and regional partners on both sides of the border. Besides INTERREG, many Euregios and Eurodistricts, but also territorial cooperation approaches at supra-regional level, such as the Upper Rhine, the Greater Region, Lake Constance, Öresund, not to mention the European macro-regions, have in the meantime formulated integrated territorial development strategies and are increasingly using strategic objectives as selection criteria for identifying such lighthouse projects that are expected to have a positive impact on the entire transnational territory.

The second relevant pattern concerns the role of political leadership. Territorial cooperation is usually supported by political networks of high-level decision-makers who actively demand this policy field[344]. Party political preferences are usually much less relevant here – analogous to international diplomacy – than is the case in the domestic context. The administrative staff responsible for territorial cooperation at the level of the participating partner institutions are also usually very close to the top political leadership of these institutions (cabinets, staff units at local, regional and sub-national level) in terms of organisational connection. This gives such actors "borrowed" power, which enables a relatively strong position both in relation to the classical thematic organisational departments of their domestic administrations (line departments) and in relation to their counterparts from the neighbouring state. In this way, close and functional interpersonal network constellations[345] are created, which lead to functional patterns of informal preliminary decisions at the technical level and thus bring about relatively stable forms of networked transnational executive leadership[346] : The pattern of executive leadership known from the municipal space[347] is once again much more pronounced here, which in the end

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343 Marin 1990
344 Hansen / Serin 2010: 207
345 Jansen / Schubert 1995; Beck 1997
346 Beck et al. 2015
347 Bogumil 2004

contributes to a functionally closed but closely coordinated and integrated cross-border performance of tasks.

A third, closely related pattern is that productive territorial cooperation approaches at the transnational / cross-border level are able to develop interpersonal trust networks that enable formal administrative differences to be overcome[348]. This contributes to the increasing synchronisation of domestic capacities for transnational purposes based on inter-institutional decision-making processes at the informal level. In most transnational spatial planning processes today, there is a high degree of synchronisation and horizontal coordination, as well as an increasing attempt to develop more integrated approaches. While in the past mainly distributive policies were dealt with at the transnational level, today successful transnational territorial cooperation can even allow for redistributive decisions (e.g. joint approaches to a more integrated labour market policy or economic and tourism development[349] or an integrated transport policy[350]. This is an increasing attempt to overcome the classic territorial "location egoism" of the partners in order to promote the development needs of the entire cross-border area.

Finally, a fourth pattern can be pointed out in this context: In contrast to the normal population, which still has a rather national territorial frame of reference[351], actors of transnational territorial cooperation have a particularly strong identification with cross-border issues. A survey conducted by the author in 2015 among 132 cross-border actors in the Upper Rhine region, using the analytical variables of the international GLOBE project[352] at the transnational territorial level[353], identified a strong task-related action orientation based on a culture of cooperation based on shared values and levels of conviction. This leads to the fact that the transnational subsystem of cooperation is de facto a close-knit community of committed actors that clearly differs from the institutional internal context of the partners in terms of variables such as in-group and institutional collectivism, power distance, human orientation, assertiveness orientation or uncertainty avoidance. On the other hand, of course, this finding also indicates that cross-border issues are obviously still far too often a topic for exclusively

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348 Chrisholm 1989
349 Zschiedrich 2011
350 Drewello / Scholl 2015
351 Schönwald 2010
352 Chhokar / Brodbeck / House 2007; Hoppe / Eckert 2014
353 Beck et al 2015

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political-administrative elites, which takes place in the personnel and functionally closed circles of a narrow community of "believers"[354].

Co-optation

As the sub-systems of territorial cooperation in their constituent political-administrative contexts are mostly not yet equipped with their own material competences for action and/or a solid legal basis, co-optation can be understood as a sine qua non for their proper functioning. Territorial cooperation is a constant process of negotiation both between actors coming from different systemic and cultural administrative backgrounds and between actors on the ground who have to convince their institutional, political and legal superiors when more substantive commitments beyond symbols are needed. In this sense, co-optation in the cross-border context means first of all both forging coalitions for "win / win" constellations and also obtaining the necessary institutional and financial support from local partners and national governments in the first place[355].

A second area where co-optation in cross-border cooperation takes place is the strategic approach of obtaining active support from the European level. It is interesting to see how, after long years of decoupling, relevant co-optation approaches from cross-border territories are becoming more and more successful in this respect: from the pilot phase of 1989, when cross-border issues were first drawn into the general orientation of European cohesion policy, followed by the creation of INTERREG as a Community Initiative and then its transformation into a so-called mainstream programme. mainstream programme, the creation of the EGTC regulation, the macro-regions approach, the Green Paper on territorial cohesion, today the Commission's major efforts to remove structural obstacles to cross-border cooperation, or the CoR's proposal to develop a specific territorial impact assessment for border regions – all these developments can ultimately be interpreted as the result of the efforts of cross-border actors trying to obtain support from the European institutions to put pressure on national and sub-national governments in the interest of promoting cross-border cooperation[356].

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354 Decoville / Durand 2018
355 Beck / Wassenberg 2011
356 Cf. Harguindéguy / Sánchez 2017; Keating 1998

A third level of co-optation consists of recent attempts to develop cross-sectoral governance approaches. While cross-border cooperation has been practically the exclusive preserve of administrative actors for the last 40 years, new forms of territorial governance in the cross-border context have recently been increasingly developed. These are inspired by good practices taking place in regional governance in the national context[357]. These are characterised by integrated networks of actors from business, society, research and the public sector, combined with new participatory approaches and forms of collective policy development[358]. For the existing subsystem of cross-border cooperation, such newly conceived approaches offer opportunities to co-opt existing capacities of other sectors and to use them for transnational territorial institution building: newly created bodies and platforms, specific INTERREG projects, steering committees, governing bodies with (or without) a permanent secretariat function, etc. contribute to the horizontal networking of new economic, social, scientific actors and thus strengthen both sectoral and intersectoral capacity building at the horizontal level This leads to new dynamics and growth paths for cross-border policy-making, which in turn strengthen the administrative actors involved on the ground[359].

6.3 Conceptual foundation of European territorial institutionalism

According to the three basic criteria developed by Trondal / Peters, territorial cooperation, as analysed above, can be interpreted as a specific, horizontal pattern of EAS. However, there are features that also clearly distinguish this horizontal from the more classical vertical perspective of the EAS. In particular, the horizontal administrative profile is less pronounced, both quantitatively and qualitatively. With the challenges of an inverted principal-agent constellation, complemented by the lack of both substantial thematic competences at the level of cross-border bodies, but above all with regard to the fulfilment of permanent cross-border tasks[360], the design of both the institutional and functional framework of territorial cooperation is still relatively limited compared to the vertical dimension of the EAS; as this vertical dimension can rely on the institutional context of

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357 Cf. Fürst 2011
358 Cf. Kilper 2010
359 Cf. Jansen / Schubert 1995; Beck 1997
360 Harguindéguy / Sánchez 2017: 257

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the European institutions, characterised by adequate thematic competence and administrative capacity based on European law and specific staff status[361].

In the horizontal dimension of territorial cooperation, on the other hand, the diversity and degree of institutional frameworks is by far more varied than is the case with the more uniform administrative cooperation approaches that are part of the officially established, vertically-networked inter-institutional cooperation relationships. The spectrum of institutional and organisational solutions at the horizontal level includes loosely coupled mono-thematic networks, quasi-institutionalised groups, bodies and organs without legal form/personality, and organisations such as euroregions with their own legal status and permanent staff (seconded or directly recruited)[362].

Based on criteria used in administrative science for the analysis of international public administrations (IPAs)[363], the institutional patterns of cross-border institution-building identified in Part 3 of this paper can be condensed into the following three "ideal types"[364] :

Figure 14: Ideal-types of cross-border cooperation

	Type A	**Type B**	**Type C**
Form	Project / Network	Body	Formal Organization
Temporality	Limited/Short-term	Limited/Mid-term	Unlimited/Long-term
Organizational characteristics	Secondary organisation	Process-Organisation	Primary Organisation
Task assignment	Single-issue / Implementation	Policy-related / Coordination	Multi-issue / Development and Implementation
Resource-attribution	punctually	functional	permanent
Degree of autonomy	low	medium	high
Institutional integration	Very low	medium	Very high

Type A stands for a cross-border cooperation approach that is primarily focused on the joint definition and implementation of individual projects. Actors from both sides of the border create a cooperation structure for a limited time (in the form of a classic project organisation or even still

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361 Demmke 2015
362 Zumbusch / Scherer 2015
363 Ege 2017; Bauer / Ege 2016; Heyduk 2021
364 Beck 2018: 14

at a lower level of institutionalisation in the form of interpersonal or interorganisational networks) to deal with an individual problem. The project partners allocate the necessary resources for the duration of the project, but not necessarily beyond. As only partners with a strong vested interest participate (otherwise they would not co-finance the project) and the content is usually clearly predefined and limited, the overall degree of autonomy is rather low in terms of institutional capacity of the partners involved.

Type B, on the other hand, represents a cross-border cooperation approach manifested through the creation of cross-border bodies. Such bodies do not necessarily have to have a high degree of formal organisation (sometimes they are established around a simple convention, for example) and sometimes they are even set up with a clearly defined time limit (a programme committee, for example); what characterises this form most obviously, however, is its procedural functionality: the bodies created aim to coordinate the decision-making processes between the partners, since in most cases these do not assign any independent thematic competence to the cross-border body. The implementation functions remain with the competent national partners within the legal systems applicable there,, resources are only allocated according to limited functions and not according to thematic tasks. On the other hand, there is a medium degree of autonomy in relation to the spherical cross-border functions for which the bodies were created: Although the actors involved always act on behalf of their institutional home institution, they can develop a relatively pronounced autonomy in terms of informal "preliminary decisions" with regard to preparing and bringing about collective cross-border decisions.

Type C ultimately stands for the creation of a cross-border organisation in the true sense of the word, i.e. the organisation has its own legal personality, which enables it to act independently, and the employment relationships of its (directly recruited or seconded) staff have no time limits, as they have been recruited to fulfil permanent tasks. They can draw on resources that have been permanently provided by the sponsoring institutions for the pursuit of the cross-border tasks and organisational goals. The tasks in question are defined holistically and are completely transferred from the partners to the cross-border organisation, which has the exclusive competence to implement and – if necessary – further develop them. For this reason, such an organisation has a maximum of autonomy vis-à-vis its partners – it acts exclusively on their behalf.

A high degree of institutional organisation and the formal transfer of thematic competences can contribute to the institutional integration of a

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given cross-border territory (Lundquist / Trippel 2009). Regarding the last criterion, i.e. the promotion of "institutional integration" within a given cross-border territory, it is evident that this is increasingly better realised in the evolution from Type A to Type C. Type C ultimately stands for its own cross-border institutional development path, which can be clearly distinguished from the national administrative systems involved through the transfer of task-related autonomy of action.

Taking into account the results of the analysis presented above, the specific institutional pattern of territorial cooperation in Europe is still mainly a Type A and Type B approach, based on (informal) inter-institutional and interpersonal networks, rather than a primary organisation administrative pattern, including a specific thematic or programmatic profile, a differentiated staff and an independent budget, so that identifiable programmatic priorities can be developed in the sense of Type C[365]. In this context, it is striking that even the EGTC, which is supposed to serve as an instrument for the creation of an independent cross-border / transnational administrative capacity, is still relatively sparsely used: only 17 % of all official cooperation areas classified by Reitel/Wassenberg use the EGCT – with a strong geographical concentration on South-Eastern Europe[366]. And even where EGTCs are established, their potential for developing an integrated cross-border approach is obviously not well developed[367]. On the other hand, the three types of territorial institutionalism are not necessarily alternatives, but can even coexist within a given transnational territory, resulting in a "patchwork of local arrangements"[368], which gives European territorial institutionalism a specific characteristic. This in turn can be interpreted as a specific characteristic of the horizontal dimension of the European Administrative Space.

From a neo-institutionalist perspective, this finding can be interpreted in different ways: From the perspective of economic-actor-centred institutionalism, the finding indicates that the (national) partners involved are obviously not interested in the creation of formalised and functional cross-border institutions with adequate thematic and/or resource endowments. The non-formalisation of the transnational corridor for territorial cooperation in the form of a preference for inter-institutional and inter-personal projects and networks ultimately promises greater added value in terms

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365 Dominguez / Pires 2014
366 European Parliament 2015
367 Engl 2016
368 Harguindéguy 2007: 332

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of maximising individual institutional interests: A maximum number of projects can make it possible to tap a maximum of EU funds without having to change given national structures or distributions of competences[369]. A perspective of historical institutionalism, in turn, would argue that the more recent ambitions to create their own approaches to transnational institution-building are simply not compatible with the historically evolved (and de facto non-harmonised) political-administrative systems of the partners involved: In the absence of adequate transnational and / or European administrative law and procedure, even existing European legal forms such as EGTCs ultimately depend on a decision being taken in favour of a national territory (home-country principle) – thus creating obstacles not least with regard to submission to a foreign jurisdiction[370]. Such an interpretation would also be shared by a sociological institutional view, albeit with a different explanation: the different legal and organisational cultures, but also the differentiated group membership of transnational bodies are ultimately not compatible with the political-administrative cultures and institutional competences of the partners involved. Moreover, the formalisation of transnational institutional capacities would jeopardise existing informal and interpersonal networks, which are seen as highly functional in meeting the multiple challenges of finding flexible and informal inter-institutional solutions to specific territorial problems[371].

With regard to the conceptual use of neo-institutionalist thinking, territorial cooperation represents a twofold interesting application area. First it constitutes an object-based framework, to which the three above lines of argument are related: the territorial reference-frame of politics, in which institutional arrangements are de facto materializing themselves. Second, territorial cooperation itself, as dependent variable, can only be understood rightly, if – with regard to its genesis, structural and procedural functioning and material effectiveness – both the historical, actor-centered and sociological factors are considered as explanatory variables, taking into account their respective interdependency. The related research question here would refer to the functionality of different degrees and arrangements of such territorial institutionalism from the point of the partners involved: What institutional functions are delivered and/or expected and where can they be situated within the continuum of loosely coupled (inter-institutional and inter-personal) networks in the sense of a "transnational

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369 Engl 2016; Zumbusch / Scherer 2015
370 Krzymuski / Kubicki / Ulrich 2017
371 Blatter 2004

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governance" on the one hand[372] and more formal, institutionally solidified organisational structures in the sense of a "transnational government" on the other hand[373].

The basic reference points of such patterns of European territorial institutionalism are the related territorial cooperation-needs, which are in turn derived from the different thematic and functional tasks of territorial development itself and which can be understood as intervening variables of such forms of institutionalism: Different degrees of cooperative institutionalization, such would be the related hypothesis, can be interpreted as a territorially influenced function, resulting from the collective adjustment between different historically evolved and thus still rather persisting national systems (public administration, law, political, economic and social order, characterised by diverging functionalities), the interest-related interaction between the actors involved (local communities, territorial governments, enterprises, associations, universities etc.), and the territorial cooperation-needs, which are in turn derived from the different thematic and functional tasks of territorial development itself and which can be understood as intervening variables of such forms of institutionalism. with individual institutional interests), and the cultural and group-related formations (administrative and organisational cultures, norms, leading ideas, mental models etc. of both the collective and individual actors) which are finally, in turn, impacted/influenced by an (interdependent) intervening territorial variables such as geographical location, socio-economic situation, the practical handling of functional development needs, policy-typologies and/or policy-mix, inter-cultural understanding[374].

The fact of different interests and systems meeting each other within the subsystem of cross-border cooperation marks both the complexity and the conditions under which joint institutional solutions can be developed cooperatively. Referring to the above described typology of CBC tasks and functions, in principle, the need of institutionalization would depend on and increase in relation with the expanded level of both the tasks and the functions to be fulfilled. Following Beck[375], Blatter[376] and

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372 Benz at al 2007; Blatter 2006
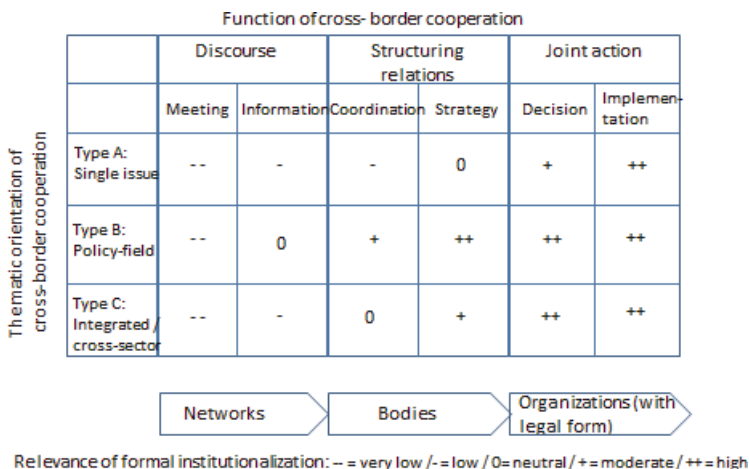373 Fürst 2011; König 2008: pp 767; König 2015: pp. 216
374 for further explanantion see: Beck 2017a
375 Beck 1997; 2017
376 Blatter 2000

Zumbusch/Scherer[377] the following figure suggests a model of territorial institutionalism in cross-border cooperation:

Figure 15: Territorial institutionalism in cross-border cooperation

Function of cross-border cooperation						
	Discourse		Structuring relations		Joint action	
	Meeting	Information	Coordination	Strategy	Decision	Implemen-tation
Type A: Single issue	- -	-	-	0	+	++
Type B: Policy-field	- -	0	+	++	++	++
Type C: Integrated / cross-sector	- -	-	0	+	++	++

(left axis label: Thematic orientation of cross-border cooperation)

Networks ⟩ Bodies ⟩ Organizations (with legal form)

Relevance of formal institutionalization: - - = very low / - = low / 0 = neutral / + = moderate / ++ = high

Such classical neo-institutionalist thinking, however, cannot adequately explain the divergent institutional patterns and in particular the coexistence and specific mix of different types of cooperation, as the three equally important explanatory variables from a territorial point of view cannot capture important causes.... In order to better understand both the form and the causes of the identified horizontal transnational institutional patterns developed within the ETC, it may be promising to include additional dimensions that can serve as intervening variables. Different degrees of cooperative institution-building, the related hypothesis would be, can be interpreted as a territorially influenced function resulting from the collective adjustment between different historically developed and thus still divergent national systems (public administration, law, political, economic and social order),, the interest-based interaction between the actors involved (local actors, territorial authorities, deconcentrated state administration, enterprises, associations, universities etc. with individual institutional interests) and the cultural and group structuring patterns (administrative and organisational culture, norms, guiding ideas, mental models, etc. of both collective and individual actors), which in turn are

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377 Zumbusch/Scherer 2015

influenced by (interdependent) intervening territorial variables[378]. These intervening variables can be classified according to the following five main territorial characteristics[379] :

<u>Geographical location:</u> A very obvious territorial variable is the geographical location of a cross-border region[380]. While most cross-border areas are peripheral rather than central regions – at least from the perspective of the respective national and often even regional capitals – the question arises whether this is also true for areas on both sides of the border. Secondly, natural borders also continue to play an important role: mountains, rivers, seas, etc. can have both a separating (as in the past) and a specific integrating function, as has recently been the case with the macro-regions initiated by the European Union or historically with Lake Constance, where cooperation is largely based on an identification with the respective natural situation. Such constellations differ from types of regions whose landscape, has always been characterised by a continuous topography with permanent territorial accessibility, which a priori tends to be more conducive to an integrated cross-border use of space. As Reitel and Wassenberg (2015) point out, the different territorial scaling of cross-border regions can also have a significant impact on their functionality. Finally, the given settlement structures of a cross-border area can be mentioned as another variable that varies between more monocentric and polycentric cross-border constellations.

<u>Socio-economic situation:</u> Cross-border areas can vary greatly in terms of the dynamics of everyday socio-economic interaction i.e. exchange of people, goods and services, e.g. in the form of cross-border commuters, residents, tourists, etc.[381]. This is an important pattern that very often determines the extent to which cross-border issues are perceived as important / promising from the perspective of both policy actors and relevant target groups[382]. Areas characterised by high cross-border mobility often have a stronger commitment to cross-border cooperation (and are therefore more willing to develop territorial potential) than areas where the level of exchange is still relatively low and both the needs and opportunities for cooperation are less evident. However, this is often closely related to the given socio-economic situation, which is another variable: whether a

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378 De Sousa 2012
379 Cf. Beck 2018: pp.16
380 Jones / Jones / Woods 2004
381 Hamman 2006
382 Zschiedrich 2011

cross-border region is economically either rather prosperous / dynamic, or rather poor l / not dynamic, can respectively be an incentive or even an obstacle for the development of collaborative cross-border cooperation approaches. The same applies to the given economic structure: diversified vs. mono-structured, industrial/agricultural vs. service/innovation-oriented regional economies can have both facilitating and hindering functions. From a cross-border perspective, however, the question of the extent to which a given socio-economic structure is characterised by territorial differences between the respective sub-regions within a given cross-border area can play a decisive role in the way in which identified cooperation needs must be secured – or not – not least also institutionally.

<u>Practical handling of functional development needs:</u> A third set of territorial variables can be derived from the way territorial actors perceive and transform the functional development needs of a given cross-border area[383]. On the one hand, many collaborative cross-border initiatives are mainly characterised by a coordination and / or synchronisation of existing domestic policy approaches across the border and not by a genuine cooperation in the sense of a joint development of new approaches. Whether ultimately only the synchronisation of existing policy approaches of the partners or genuine cooperation in the sense of material reconciliation of interests is practised certainly has an impact on the effectiveness of cross-border policy. Furthermore, the question of whether cross-border cooperation is primarily perceived as a necessity for collaborative policy-making and whether the focus is also on the joint implementation of jointly reflected strategies/goals is an important variable that ultimately also has consequences for the structuring/institutionalisation of cooperation. The content and nature of the cooperation must also be considered: is the primary pattern the development and implementation of individual projects (i.e. secondary organisational solutions to problems with a defined start and end) or should the cooperation also extend to areas with permanent public tasks, such as cross-border shared services, which require a much more robust structuring and institutional safeguarding. Finally, another variable that can be important is the question of the types of actors involved: do thematic technical specialists, who have concrete solutions within a policy field in mind, or rather generalists, who have the overall space with its interdependent relations between different policy fields in mind, cooperate. In the former case, more binding forms of cooperation will be sought (e.g. legal forms for the permanent sponsorship of an insti-

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383   Cf. Benz / Scharpf / Zintl 1992; Beck / Pradier 2011

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tution to be created) and these will also want to be institutionally secured, while in the latter case, institutional solution patterns are more likely to be sought that serve to legitimise the process (open forums, networks, planning cells, working groups, etc.).

Policy typologies treated and / or policy mix: A fourth group of variables can be delineated around the policy typology in question[384] practised in a given cross-border area. The classic dichotomy here is a distributive versus a redistributive policy approach. For example, a financial support programme such as INTERREG can be implemented in a very distributive way, e.g. in the form that projects are developed exclusively bottom-up, a funding objective can ultimately be found for each project and thus – provided the formal requirements are met – funding can be granted for all project initiatives. Or it can be implemented in a redistributive manner, i.e. projects are selected on the basis of project calls that are consistently aligned with the defined strategic goals. However, according to a more classical understanding of policy field analysis[385], the distinction between a distributive vs. redistributive strategy is based on the functional character of a thematic policy for the respective target groups / populations / areas. I.e. a certain policy approach is distributive if its effect benefits all target groups in a delimited area (win-win constellation); if, however, only part of the target group benefits and other groups are disadvantaged and / or they even have to cover additional (direct or indirect) costs, the policy is redistributive. A third policy typology is regulatory policy, which establishes a binding normative framework for the entire target group (e.g. common standards). Finally, a fourth policy type can be called constitutive, which builds institutions and / or organisational structures to either address collective issues or provide services to a specific population – provided that all actors involved have to participate in the financing (either in the form of financial contributions directly related to a specific service used, or in the form of a global contribution with unspecific allocation to concrete services, e.g. taxes for public goods).

In the case of cross-border cooperation, the particularity is that the respective population in the context of a given cross-border territory usually consists of target groups living in sub-regions, which in turn belong to different jurisdictions. Accordingly, policies that are designed as distributive programmes in a domestic context (e.g. programmes to promote the economy) may change their character in the cross-border perspective if it is

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384 Parsons 1995
385 Blum / Schubert 2009

not ensured that the positive effects are actually generated in the same way on both sides of the border. The negative effects of redistributive measures (such as environmental or nature protection) can also be asymmetrical, i.e. one-sided in a cross-border perspective, while regulatory approaches would theoretically (depending on the definition) require clear responsibility for all target groups if they are to go beyond a voluntary and thus usually less effective approach – a prerequisite that de facto does not exist in a cross-border constellation. It can thus be seen that the political character of the thematic approaches developed and implemented in cross-border cooperation plays a decisive role in the effectiveness and efficiency of the common political challenges and problems as well as in the design of the institutional framework[386]. The extent to which "package solutions", which are often developed in the national context to maximise the benefits and compensate for deficits of individual policy approaches, are feasible at all in the cross-border context represents another relevant territorial determinant for the practical design of cross-border cooperation and its policy-related effectiveness.

   Culture: The last group of variables refers to the role culture plays in cross-border cooperation[387]. It is obvious that the diversity of polit-ical-administrative systems and cultures in Europe plays an important role in the functional design of cross-border constellations. Kuhlmann / Wollmann[388], for example, have identified five different basic types of administrative cultures in Europe:t: the Continental European Napoleonic group of countries (France, Italy, Spain, Greece, Portugal), the Continental European group of countries (Germany, Austria, Switzerland), the Scandinavian group of countries (Sweden, Denmark, Norway, Finland), the Anglo-Saxon group of countries (Great Britain, Malta, Ireland), and the Eastern European group of countries (Hungary, Poland, Czech Republic, Bulgaria, Romania). In addition to the challenge of inter-systemic coop-eration (differences between political-administrative systems and cultures meeting at the border must be overcome via functional equivalents), there are always the more classic challenges of intercultural communication (differences in values, formal and informal rules, and norms as well as traditions of society that lead to stereotypes) that influence the interaction between actors across borders. Both factors influence the functioning of

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386   Cf. already Beck 1997
387   Euro Institute 2007
388   Kuhlmann / Wollmann 2014: pp. 56

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cross-border cooperation[389]. In addition, historical experiences obviously also play an important role, as these often shape perceptions (collective memory) and often even motivate cross-border cooperation in the first place[390].

These five types of territorial factors act as (interdependent) intervening variables on the respective manifestation of the independent variables of classical neo-institutionalism. They can explain, for example, the type of actors involved in cross-border cooperation (primarily public or economic and / or social?), the specific interests and strategies they pursue, but also the (diverging) institutional preferences of certain cross-border actors. Furthermore, such territorial factors also affect the sociological structure of cross-border cooperation: What types of networks exist (open / closed), what is the main conceptual orientation of actors,, what patterns / forms / preferences of institutional change exist within networks and to what extent do they represent common (or diverging) cognitive / thematic identifications in terms of "epistemic communities"[391]? Finally, the relative explanatory power of historical institutionalism can also be influenced by these territorial factors: To what extent can a structural persistence and / or a specific path dependency within a cross-border constellation be explained by the compatibility / incompatibility of institutional structures and/or the different administrative cultures of the partners involved, by (negative or positive) experiences in the past or by common traditions and patterns of cooperation that have developed over time (or not yet) and that represent a common understanding of "good practice"?

The following diagram illustrates the conceptual classification of such intervening variables in relation to the configuration of patterns of cross-border cooperation in the context of "territorial institutionalism"[392] :
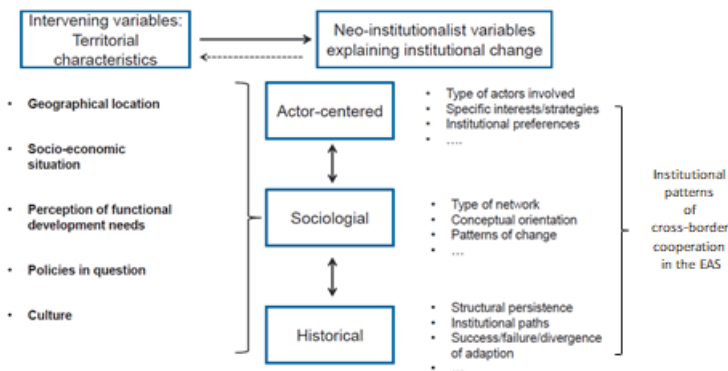
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389 Eisenberg 2007
390 Wassenberg 2007
391 Haas 1992
392 Beck 2918: 19

Figure 16: Conceptual framing of territorial institutionalism within cross-border cooperation

6.4 Territorial institutionalism and the European Administrative Space

This chapter was guided by three research questions; 1. to what extent can patterns of ETC-related institutionalisation be interpreted as a horizontal dimension of EAS? 2. how can these patterns be conceptualised and what explains the diversity of forms of this kind of institutionalisation?, 3. in what way is reflection on a horizontal dimension of the EAS productive for further research in this field?

It could be shown, with reference to the three core elements of the EAS proposed by Trondal / Peters 2015 (independence of institutional capacity, integration, co-optation),, that the institutional patterns developed in the ETC context can indeed be interpreted as a horizontal dimension of the EAS. Based on relevant indicators (total number, types and levels of ETC-related institutionalism representing a specifically created transnational pathway, full-time equivalences representing specific staff capacities).The institutional profile of the ETC represents a horizontal structural capacity for addressing transnational territorial governance issues, directly involving local and regional administrative actors coming from different jurisdictions in a transnational subsystem of cooperation. Finally, although this horizontal profile turns out to be rather modest in quantitative terms compared to the domestic administrative capacities present in border regions without a direct link to the ETC, it complements the other well-established vertical multi-level cooperation taking place within the context of the European administrative space.

The analysis of the identified overall profile allowed an answer to the second research question: Based on criteria used in administrative science, a classification of three ideal types was developed, even though these ideal types usually interact or coexist in practice within a given CBC area. The established explanatory approaches of neo-institutionalism allowed to explain the design of this profile. Moreover, it was shown that a comprehensive conceptual understanding of the different forms of territorial institutionalism requires the addition of intervening territorial variables to the independent variables of neo-institutionalism. A conceptual proposal for further analyses was developed in this context.

With regard to the third question, three conclusions can be drawn from the above analysis:

1. Cross-border institution-building can play an important role for positive integration[393] in Europe in the future by modifying existing institutions and creating new capacities: Border areas can be seen as innovative levels of horizontal European integration, although it might be useful to examine more closely which factors hinder the further development of such positive integration at the horizontal level. Recent studies show that – despite the consequences of supranationalisation – a relatively high number of legal and administrative obstacles remain in many policy areas in Europe, which de facto hinder cross-border / transnational mobility[394]. These have their causes in many cases in the non-coordinated or non-harmonised legal and administrative systems of the member states and point to a still strong dominance of national law in relation to European law. The extent to which transnational territorial cooperation and the associated horizontal institution-building approaches are able to compensate (or not) for the lack of vertical supranationalisation can thus lead to a more comprehensive understanding of the plurality of functional dimensions that de facto characterise the European Administrative Space today. One hypothesis in this regard could be that more bilateral approaches to negative integration (e.g. the removal of structural barriers that restrict the mobility of people, goods and services) at the sub-national level between neighbouring member states may ultimately foster further positive institutional integration at the transnational as well as the European level.

2. A greater focus on patterns of territorial institution-building can help to fill the three research gaps identified in the introduction: Beyond the importance of the horizontal dimension of direct transnational coopera-

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393 Scharpf 1997
394 Decoville / Durand 2018: 2

tion at sub-national and local levels, a more nuanced understanding of the interdependencies between the independent variables of established neoinstitutional theories, as suggested by the proposed set of complementary intervening variables, can also help to make the informal and little established patterns of cooperation at the territorial level, which have been insufficiently captured so far, useful for the analysis of the European Administrative Space. These should be conceptually understood as an integral pattern of the EAS. This may also require that recent academic work on interactions between public institutions and their socio-economic and social environment be better incorporated[395] : While historical institutionalism may explain the persistence of national administrative systems in this respect, a sociological perspective could assess the emergence of a normative framework for new forms of (inter-) administrative cooperation. On this basis, actor-centred and sociological approaches – provided they support them with relevant intervening variables based on different territorial constellations[396] – may allow for a more nuanced understanding of why and how actors develop their specific institutional strategies and in what way they thereby contribute to shaping (or preventing!) the European administrative space.

3. In a context in which the classical "Westphalian" equivalence between territory, power and population seems to be increasingly dissolving in the course of glocalisation[397], such a horizontal focus on the EAS can finally also contribute to which new functional equivalences de facto emerge in a bottom-up perspective or already co-determine the European administrative space in functional terms. Referring back to the concept of territorial institutionalism outlined above can in any case help to differentiate the somehow blurred and very generalising argument according to which a transformation from territory to function is ultimately the new basis for cross-border cooperation in the future[398]. In this respect, the analysis of territorial institutionalism rather points to a renaissance of the relevance of classical territorial factors and issues, whose capture and significance in their horizontal genesis should be even better conceptually appreciated in order to ultimately be able to develop a complete understanding of the institutional dynamics of the European Administrative Space.

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395 Decoville / Durand 2018
396 De Sousa 2012
397 Amilhat Szary 2015
398 Blatter 2003