

## 2. Cross-border cooperation within the process of European integration

Europe without borders is the core and finality of the European integration process: central milestones of European integration such as the creation of a single internal market, the monetary union, the various rounds of enlargement, as well as the Lisbon and "Europe 2020" strategies aim at this. The focus of this European integration process – also in its academic analysis – is usually in the vertical perspective: the realisation of integration through supranationality in the form of a transfer (or preservation) of nation-state tasks to the European level in order to be able to better solve common problems and to ensure the *level-playing field* necessary for many economic and political actors.

Practitioners and also the European institutions themselves are of course very aware that despite the postulate of a Europe without borders, in fact many borders still do exist. On the one hand, because only partial areas of the spectrum of public tasks have so far been "zoned up" to the supranational level, on the other hand, because not all member states participate in some European tasks and areas of competence (key words: monetary union and Schengen) and because the historically grown political-administrative and economic systems of the member states want to secure their specific national policy approaches in a number of public task areas. For this reason, "subsidiarity-friendly" directives have long dominated over "integration-friendly" regulations at the level of the European legislator, and the Commission of the European Union (EU) is constantly striving for better or more intelligent legislation<sup>51</sup>.

Moreover, the phenomenology of the border itself has a multidimensionality that is particularly relevant for cross-border cooperation as part of the European integration process. In addition to the political-administrative dimension, this also includes the legal, economic, cultural and linguistic dimensions<sup>52</sup>. The respective degrees of European integration can also and especially be determined by the relevance of these dimensions in the

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51 See for example " Smart Regulation in the European Union ", Commission communication – COM (2010)543 (8.10.2010).

52 Beck 2010

everyday practice of cross-border exchanges and relations within Europe<sup>53</sup>. In this respect, cross-border territories represent a specific subject for the analysis of the European integration process. They have specific functions that can be understood as horizontal contributions to integration and are referred to in the literature as "European laboratories" or "Europe in miniature". Thereby, in the practice of cross-border cooperation, the European overlaps with very specific territorial, transnational and substantive functional levels<sup>54</sup>.

This chapter will attempt to examine more closely the specific connections and mutual influences between European integration on the one hand and cross-border cooperation on the other, and to outline some action-oriented perspectives for the further development of this policy field.

## 2.1 *Cross-border cooperation from the perspective of European integration theories*

It seems to be in need of explanation and at first also paradoxical to want to apply European integration theories to the subject area of cross-border cooperation – because no specific integration in the European sense takes place in the border regions: It is not about the transfer of competences to higher levels, the absorption of individual elements in the interest of a better and greater whole, the transfer of at least partial sovereignty to a higher level or the creation of an institutional framework comparable to that of the European system of government. Rather, cross-border cooperation is transnational or subnational cooperation within a European framework designed externally by the member states. The objective of most cross-border cooperation approaches is to increase the cohesion of the respective cross-border area. With the concept of cohesion, a conceptual bridge can be built to the "neighbouring" concept of integration, especially as this is increasingly used in the current European integration debate: In any case, a direct reference to the current European integration debate is quite possible via the concept of cohesion. Integration and thus also European contributions to integration in and through cross-border regions take place on many levels. In order to be able to grasp, correctly classify and assess these in perspective, the premises and theorems of the different European integration theories open up interesting insights.

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53 Beck/Thevenet/Wetzel 2009

54 Beck/Pradier 2011; Lambertz 2010; AGEG 2008

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Four basic academic currents have accompanied the European integration process and have decisively shaped the related schools of thought and academic lines of discourse: structuralist explanatory approaches (federalism and neo-institutionalism), functionalist approaches (functionalism and neo-functionalism), nation-state-centred approaches (realism and intergovernmentalism) and interaction-problem-solving-oriented approaches (transactionalism, multi-level politics). In the following, the essential premises of the respective schools of thought are recapitulated in a nutshell<sup>55</sup>.

### 2.1.1 Structuralist approaches

Structuralist approaches see the necessity of advancing the process of European integration primarily through the establishment of performance-based institutions at the supranational level. Without a real transfer of competences and institutional decision-making powers to the supranational level, symbolising a new form of cooperation beyond a confederation of states, no real integration can ultimately take place. This position was primarily advocated immediately after the end of the Second World War by the school of thought of the federalists, who – following the example of the USA – proclaimed the creation of the United States of Europe as a new federal state. The normative concept of federalism is based on the assumption that all other forms of integration (such as the international legal form of cooperation in intergovernmental organisations) are less effective in terms of securing lasting peace. All real integration steps and measures of the European unification process are evaluated exclusively from the perspective of their suitability for realising the goal of a European federal state.

Classical federalism can thus be interpreted as an early form of European constructivism, according to which the direction of development of European integration is not given *per se*, but must be constructed on the basis of social interactions, i.e. through conscious, goal-oriented setting within the framework of complex processes. Interestingly, this line of thought received renewed attention in the 1990s in connection with (neo-) institutionalist approaches, which emphasised the importance of the existing (and to be developed!) institutional framework for the procedures and content of European policy development and thus the material progress of

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55 The following is based on Beck 2011a; Eppler/Scheller 2913; Schwok 2005

integration. Institutions, according to the premises, are not only results of historical developments that lead a life of their own over time and thus construct social realities: They are themselves created on the basis of more or less rational decisions in anticipation of specific functions (e.g. reduction of transaction costs for the member states) for the further integration process.

The premises of the structuralist approach can be simplified to the formula "*function follows structure*", based on a well-known guiding principle of management theory: Progress in European integration depends to a large extent on how efficiently and ultimately autonomously European institutions are equipped in relation to the member states.

### 2.1.2 Functionalist and neo-functionalist approaches

Functionalist and neo-functionalist approaches, on the other hand, see the real motor for the European integration process not primarily in the European institutions themselves, but in the realisation of functional-sectoral integration processes. Based on the so-called "Monnet method", the assumption is made that political integration can be achieved primarily through the greatest possible economic integration within the framework of a common market. This principle was codified at the European level in the Treaty of Rome in 1957.

The basic assumption of the (neo-) functionalist school of thought is based on the thesis that the discrepancy between the socio-economic problem space (i.e. social and economic disparities between the member states) and the political action space (national competences) almost automatically results in a necessity to improve the ability to control at the supranational level. The stronger the functional cross-border interdependencies, especially between economic actors in Europe, the more willing the member states will be to jointly regulate technical, i.e. regulatory competences that are remote from sovereignty, at the European level. This area of "*low politics*" would then automatically lead to the necessity of gradually harmonising more and more policy areas at the European level (so-called *spill-over effect*). From this point of view, it is easy to explain, for example, the so-called "internal market method" or the approach to the creation of monetary union. According to this theory, European integration is "...ultimately the result of the activities of those actors who are particularly active in the search for new structures of cooperation, quasi an *avant-garde of integration*. According to the neo-functionalist view, the competences of the

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organs of the European Community (EC)/EU increase quasi-automatically because in all member states the policy areas are so closely intertwined that the integration of one policy area at the supranational level has a pull effect on other functionally closely related policy areas"<sup>56</sup>.

Mirroring structuralism, the premises of (neo-) functionalist theories can be simplified to the formula "*structure follows function*": The intensity and structure of European integration are determined by the functionality of the underlying socio-economic interdependencies and not vice versa.

### 2.1.3 Nation-state-centred approaches

Unlike the structuralist and functional integration theories, whose levels of finality both refer to the expansion of the supranational level, the nation-state-centred approaches emphasise the role of the member states in the European integration process. Their most extreme manifestation is the so-called realist school, which was very much influenced by the early premises of the international relations schools of thought. After the end of the Second World War, the "realists" – in diametrical contrast to the federalists – sought closer cooperation between the states of Europe according to the classical principle of intergovernmental cooperation: The aim was to create a confederation of states without transferring sovereign rights to a supranational level, as this would never be possible from a realist point of view.

In the tradition of this school of thought, intergovernmentalism established itself from the 1970s onwards, which decisively shaped the academic debate until the 1980s and can be interpreted as an anticipation of or reflex to the so-called Eurosclerosis. The starting point of this theory is the thesis of sovereign nation states as the only actors actually shaping policy at the European level. These tend to resist the transfer of policy-making competences to supranational institutions. If they are prepared to do so, this is primarily motivated by the fact that this benefits their own nation-state interests or that they can enforce them better in this way. Intergovernmentalism sees the nation state as a single actor. Economic, political or financial power is recognised as the primary means of asserting interests in the European system. Core areas of national sovereignty such as defence, foreign policy, internal security, taxation, labour market and social policy etc. or – in the case of the German Länder – cultural and educational

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<sup>56</sup> Lang 2011: 73

policy are systematically withdrawn from the European integration process by the member states.

According to the premises of intergovernmentalism, the progress of the European integration process is determined solely by the sovereign decisions of the governments of the member states; progress in integration is thus the result of negotiations between autonomous states, with their economic and geostrategic interests dominating the European idea in practice. Competence is only transferred if there are concrete benefits for the member state context. The postulate "*I want my money back*" attributed to the then British head of government Margaret Thatcher can be considered characteristic of this. Neo-intergovernmental approaches also follow this view of the primacy of the nation state, but differentiate the explanation of its motives for action with regard to the need for greater consideration of organised interests within the respective member state.

#### 2.1.4 Interaction: problem-solving approaches

One school of thought that is important for the conception and interpretation of the European integration process, albeit one that has received little attention for a long time, is transactionism. This theory, which is strongly influenced by sociology (Karl Deutsch), assumes that the integration progress is influenced by the intensity and structure of the communication and interaction relationships between political/institutional, economic, social and individual actors. Mutual learning and cooperation relationships result from consolidated communication and interaction relationships, which not only reduce transaction costs, but also promote common action orientations that ultimately contribute to integration. Many practical approaches to promoting intercultural communication, European encounters (such as EU programmes like *Leonardo*, *Tempus*, voluntary services, town twinning, etc.) or the transfer of good practices (*Interact*, *Interreg IV C*) follow these theoretical premises.

Interest-led interaction and communication in the form of negotiation systems also form the theoretical basis of the theory of European multi-level politics and its conceptual formulation as *multi-level governance*<sup>57</sup>. This school of thought, developed strongly from political science network and *policy research*<sup>58</sup>, views European integration as the result of a highly net-

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57 Scharpf 1994; Jachtenfuchs/Kohler-Koch 1996; Grande 2000

58 Windhoff-Heritier 1990, 1993; Jann 2009

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worked process of interaction and cooperation in which actors from different vertical (local, regional, national, supranational) and horizontal (state, economy, society, science, etc.) levels of action are functionally linked with each other in order to define collective problems and solve the resulting need for action based on a division of labour. The actions of the actors are determined on the one hand by the institutional context within which they (can) act within their own framework of action, and on the other hand by the reconciliation of individual interests and variable modes of decision-making. There is no hierarchical subordination structure between the levels; decision-making competences are ultimately determined by situational-strategic rather than *per se* structurally defined actor qualities. The functional logic, degree and finality of European integration are thus differentiated and ultimately seen as variable – which in turn leads to normative questions regarding the legitimacy and acceptance of such a highly complex European negotiation system.

### 2.2 Which interlinkages between EU-integration and cross-border cooperation?

Just as the European integration process itself can be interpreted historically and conceptually by alternative schools of thought, different patterns of interpretation or levels of evaluation are also possible for the analysis of cross-border cooperation as part of this overarching integration process. The difficulty, however, lies in the fact that cross-border cooperation has never been treated as a separate subject area in the relevant academic theories, which means that the necessary conceptual bridging must be done interpretatively and on the basis of cross-border practice itself. On the other hand, cross-border cooperation has a primarily horizontal dimension, which is why the vertical view (supranationality), that predominates in most integration theories, can only be indirectly transferred to the cross-border context.

A first level of reference to the European integration theories and the historically variable meanings of their respective schools of thought can be established by analysing the genesis of cross-border cooperation<sup>59</sup>. Interesting parallels emerge here, although they are offset in time. Whereas the Treaty of Rome relatively quickly and permanently established functionalist views at the European level, the early days of cross-border cooperation in Europe were characterised by transactionist and then structuralist

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59 Wassenberg 2007

attitudes on the part of the actors involved. In the first decade of cooperation, the moment of mutual encounter between former wartime enemies, the establishment of direct, decentralised communication and interaction relationships across national borders, and the identification of common issues and problems through mutual information about each other's policy concerns were of central importance. This first phase then led directly at the beginning of the 1960s and until the end of the 1970s to an intensive phase of cross-border institution building: first at the inter-communal level in the form of *Euregios*, then at the inter-state level through the creation of mixed government commissions with mostly decentralised/deconcentrated working structures.

At the end of the 1980s/beginning of the 1990s, on the other hand, when nation-state-centred approaches gained in importance at the European level, a paradigmatic shift towards a more functionalist self-understanding can be observed at the level of cross-border cooperation with the implementation of the first *Interreg programmes*: Territorial cohesion of cross-border areas, according to the premises, can be better realised through concrete projects in whose development, financing and implementation partners on both sides of the border actively cooperate, rather than within the framework of institutionalised bodies. This paradigm shift was in turn superimposed and strengthened by one of the largest functionalist projects of European integration: the realisation of the internal market. At the end of the last century, a certain convergence between the European and cross-border levels can be observed, in which approaches of *multi-level governance* are favoured at both levels.

However, a clear difference can be identified with regard to an interpretation of the intergovernmental view. While at the European level, despite the assumptions of the realist and then nation-state-centred schools of thought, an ever greater transfer of tasks and competences to the supranational level can in fact be observed over time, at the level of cross-border cooperation a proportionally ever greater increase in the importance of the participating states can be assumed over the same period. It is true that in the cross-border context, due to the high territorial cross-sectional character, more and more thematic fields of action have been developed, and decentralised actors have been activated and motivated on a broader level to participate concretely in projects and measures of cross-border cooperation. So far, however, this has in fact taken place within a constantly narrow corridor of national sovereignty. Today, it can by no means be said that border regions are in a position to compensate for the lack of integration at the supranational level with their own cooperation approach-



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es in relevant policy fields. As far as the development of approaches of "horizontal subsidiarity"<sup>60</sup> is concerned, the nation-states have so far been rather reserved and have generally rejected the corresponding requests of the border regions for a material transfer of competences with the – quite understandable! – argument, that any cross-border exception (e.g. in tax law, labour law, social law, administrative law, etc.) is not compatible with the principle of equal treatment within the state. So far, there are hardly any genuine cross-border experimental clauses at the level of specialised laws or the corresponding administrative regulations.

From the European integration theories outlined above, some interesting conclusions can also be drawn that concern the interpretation of the basic philosophy of cross-border cooperation and its specific *governance*<sup>61</sup>. These relate first to the question of which functional logic cross-border cooperation primarily follows or should follow. In the field of tension between the functionalist premise of "*structure follows function*" and the structuralist view of a "*function follows structure*", the former seems to dominate in cross-border cooperation. Unlike the European reality, which manifests itself through actual functional interconnections and as a veritable core project on the international/global agenda, a broader cross-border reality (beyond selective phenomena such as cross-border commuters) is not given *per se*, but must be constructed. Institution building, beyond the respective purpose-related justification in the cross-border context, always also entails a superordinate symbolisation related to tasks and political fields<sup>62</sup>. It is not without reason that the sustainable cross-border structure building is one of the most important goals of the *Interreg programmes*, because with each permanent project a new cross-border reality is established, which did not exist before in this form. In this way, cross-border functions and functionalities are always established through the structures. Against this background, the fact that many border regions today complain about the great diversity of and sometimes confusion between these structures must give cause for concern.

Furthermore, cross-border cooperation differs from European integration in its much stronger transnational character, which contributes to a specific, more intergovernmental functionality. The transnational dimension of cross-border *governance* as a negotiation system<sup>63</sup> is a specific

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60 Beck et al 2010

61 Beck/Pradier 2011.

62 Cf. Edelman 1990

63 Benz/Scharpf/Zintl 1992

characteristic that contributes quite significantly to explaining the specific functions and functionalities of this cooperation approach. Unlike "classic" regional or European governance, cross-border governance is characterised by the fact that decision-making arenas of a few, but directly neighbouring and usually very different political-administrative systems are directly linked to each other. The resulting cross-border negotiation systems are characterised by a – in comparison to national, regional and European *governance* – significantly stronger *principal-agent* problem. Here, it is not only a matter of the clash or functional coordination of different system characteristics, but also of the specific challenge of back-mediation and thus of the possibilities and limits of the functional "*embeddedness*" of a cross-border territorial sub-system in its respective constitutive national political-administrative systems<sup>64</sup>.

In addition, there is the intercultural mediation and communication function<sup>65</sup>, which is also closely linked to the transnational dimension of cross-border *governance* and which, due to its bi- or tripolarity, is significantly more complex than that of the European level – especially since this is increasingly overlaid in institutional practice by its own European administrative culture<sup>66</sup>. This refers not only to the interpersonal but also to the inter-institutional components of the cross-border negotiation system and explicitly includes the question of the compatibility of divergent European administrative cultures, which is open in principle<sup>67</sup>.

Furthermore, features such as the consensus principle, the delegation principle, the non-availability of hierarchical conflict resolution options, the rotation principle in the committee chair, the tendency to postpone decisions or the structural implementation problem can also be explained by this transnational dimension. Cross-border *governance* thus obviously shares to a large extent those general features that have been elaborated in international regime research with regard to the functionality of transnational negotiation systems<sup>68</sup>.

Finally, European integration theories can also be made useful for the cross-border context in the form of questions about the field of tension between persons (pioneers) and institutions, about the connection between functional interdependencies made possible by the European level (espe-

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64 Frey, R. 2003

65 Beck 2008a

66 Georgakakis 2008

67 Thedieck 2007

68 Hasenclever et al 1997; Müller 1993; Kohler-Koch 1989; Epfinger et al 1990

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cially the internal market effect and the monetary union) and the concrete results of cross-border cooperation processes or the practical shaping of the role of cross-border actors<sup>69</sup> are addressed in connection with European *multi-level governance*<sup>70</sup>. It is not the place here to conduct an in-depth interpretation of cross-border cooperation from the perspective of European integration theories. But already these very general points of view have made it clear that from the point of view of integration-related theorising, Europe's cross-border territories can represent a promising subject of scientific analysis. In particular, the combination of structuralist and transactional theory approaches, as developed in political science in the form of so-called actor-centred institutionalism, appears to hold special potential<sup>71</sup>.

### 2.3 Cross-border territories: Objects or subjects of European policy?

In addition to the interpretation from the perspective of European integration theories, the European function of cross-border territories can also be developed from their policy field-specific perspective. Border regions and the cooperation processes that take place in them can be defined as a policy field of their own, whose constitutive characteristics and functionalities are co-determined by the European level in addition to their characteristic as a sub-system of national and regional *governance*. From the perspective of European integration and the multi-level perspective associated with it, the question arises as to whether cross-border *governance* in this context is more of an object (= scope of application) or also already a subject (corporate actor) of European policy.

It is obvious that cross-border territories have benefited more than perhaps any other type of region from the progress of the European integration process<sup>72</sup>. Through the major European projects such as the Schengen Agreement, the Single European Act (SEA), the Maastricht Treaty or the introduction of the euro within the framework of monetary union, important integration steps have been realised that have had a significant and lasting positive influence on the lives of the population in border regions. However, the border regions within these projects do not represent a real

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69 Long 2010

70 Benz 2009

71 Scharpf 2006

72 Beck/Thevenet/Wetzel 2010

object area, but must rather be regarded as symbolic fields of application or "background foils" of higher-level European policy strategies.

As an object area of European policy in the proper sense, however, cross-border cooperation at the European level is defined on the one hand as a specific dimension of cohesion policy and on the other hand as a general type of area within the framework of European spatial development policy.

Within the European Cohesion Policy, only relatively small amounts of EU funds were available for the promotion of cross-border cooperation until the end of the 1980s. However, the introduction of the Community Initiative *INTERREG* as its own funding framework led to a real boost. 75 cross-border programme regions have been formed, and a European funding volume of almost 8 billion euros was made available for cooperation at European borders between 2007 and 2013 alone, and another 9.4 billion under the cross-border component of the Neighbourhood Policy (*IPA-CBC* and *ENPI-CBC*)<sup>73</sup>. In these territorial cooperation fields, not only were a large number of concrete development projects conceived and implemented in partnership, but the general action model of European regional policy also led – beyond the narrower project reference – in many cases to optimised structuring in the functional and procedural organisation of the cross-border territories themselves.

Between 2000 and 2006, the *INTERREG* III programme also contributed to the creation or maintenance of 115 200 jobs and the creation of almost 5800 new businesses, and supported a further 3900 businesses. More than 544 000 people participated in events dealing with cooperation issues. It also supported cooperation through almost 12 000 networks, which led to the development of some 1285 sections on cross-border or transnational issues and the conclusion of almost 63 000 agreements. More than 18 000 km of roads, railways and paths in border areas were built or repaired, along with investments in telecommunications and environmental improvements, and more than 25 000 specific local and regional initiatives were supported<sup>74</sup>. With the fourth funding period since 2007, *INTERREG* became a so-called "*mainstream programme*" of European structural policy by generally upgrading cross-border cooperation in the new Objective

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73 Instrument of Pre-Accession (IPA) or European Policy Neighbourhood Instrument (ENPI)

74 Cf. the detailed results of the ex-post evaluation of Interreg III at [http://ec.europa.eu/regional\\_policy/sources/docgener/evaluation/expost2006/inter-reg\\_en.htm](http://ec.europa.eu/regional_policy/sources/docgener/evaluation/expost2006/inter-reg_en.htm) (2.1.2011).

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3 "European Territorial Cooperation" alongside interregional and transnational cooperation. Cross-border cooperation processes are thus seen as explicit experimental fields for European territorial *governance* and are given a direct cohesion-related mandate for action, which was further strengthened in connection with the new objective of territorial cohesion introduced in the Lisbon Treaty.

The European Spatial Development Perspective (ESDP) also focuses on the importance of cross-border cooperation as part of an integrated spatial development policy that seeks to overcome national borders and administrative barriers. Together with the Territorial Agenda of the EU (TAEU) and the Green Paper on Territorial Cohesion, it forms the foundation for a future territorial orientation of Community policies.

However, this is by no means a self-fulfilling process. Cross-border cooperation as an object area of European cohesion and spatial planning policy has suffered greatly in the past from the fact that the classical European sectoral policies have so far often been conceived and implemented in isolation from the objectives of social and economic (and now territorial) cohesion. It is true that according to the Union Treaty, the design and implementation of all EU policies should take into account their impact on economic, social and territorial cohesion. Moreover, as for instance the 5th Cohesion Report pointed out, some policies – for example transport, environment, fisheries – currently have a relatively clear territorial dimension. Other policies – for example, research, information society, employment, education, agriculture, climate change policies – tend to have only a partial territorial dimension<sup>75</sup>. "Still other policies – for example, internal market and trade policies – do not or cannot make a distinction between different parts of the EU in their implementation"<sup>76</sup>. Common to all EU sectoral policies is the relatively low level of horizontal coordination and harmonisation between the individual Directorates General and their sectoral interventions at the territorial level in Europe.

This general finding concerning cohesion policy as a whole is even more relevant for cross-border cooperation: Here, it is not only the classic questions of coordination and demarcation between *INTERREG* funding on the one hand and other Structural Fund interventions (*ERDF*, *ESF*, *EAFRD*) in the national sub-areas of the cross-border territories that pose a challenge. From the perspective of cross-border territorial cohesion, far more problematic are the regularly differing implementations of EU law

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75 European Commission, Directorate General Regional Policy 2010.

76 Ibidem, p.XIX.

by neighbouring states, which lead to asymmetries in sectoral policy and thus often increase rather than level out structural, sectoral policy or procedural differences. It must appear more than alarming that the extensive annual work output of the European Commission (on average several hundred proposals for directives, directives, regulations, decisions, communications and reports, green papers, infringement proceedings per year)<sup>77</sup> refers at best in a very indirect form to the cross-border territories, both on the target and on the object level, but directly affects them in its implementation! Within such a national and European sectoral policy framework, which is still largely "externally" defined and thus independent of the cross-border territorial development needs and objectives, *INTERREG programmes* and cross-border spatial planning approaches can ultimately only develop a structurally reduced effectiveness.

Four developments, however, illustrate that in recent times the European level has increasingly taken up the field of cross-border cooperation and begun to develop it as a strategic object area beyond the classic "*INTERREG world*".

On the one hand, with the European Grouping of Territorial Cooperation (EGTC)<sup>78</sup>, the European legislator has created a European legal instrument which, from the EU's point of view, was primarily intended to ensure integrated cross-border programme management, but which in fact was quickly developing into a strong symbol for strengthening integration within cross-border territories as a whole. On the other hand, new explicit cross-border policy dimensions in territorial cohesion at the European level can be identified in the framework of the European Neighbourhood Policy (especially the *IPA programme*) as well as in the EU strategies for the promotion of so-called macro-regions. Furthermore, the strategy documents "Europe 2020, the flagship initiative for the creation of an "Innovation Union"<sup>79</sup> or the flagship initiative "Resource-efficient Europe" also contain explicit references to cross-border territorial cooperation, e.g. by calling for reducing the bureaucratic burdens of cross-border activities

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77 See, for example, the European Commission's 2022 work programme "Making Europe Stronger" (COM(2021) 645 final) with its numerous strategic and sectoral initiatives. In addition, there are the so-called catalogue projects of the individual directorates-general as well as a multitude of rather technical decisions of the almost 400 administrative committees (so-called comitology).

78 Regulation (EC) No1082/2006 on a *European Grouping of Territorial Cooperation*.

79 Communication from the Commission to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions: *Europe 2020 Strategy Flagship Initiative, Innovation Union* SEC(2010) 1161, 6.10.2010.

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within markets that are still highly fragmented by 26 different legal systems, promoting cross-border cooperation in those cross-border areas that can create innovative EU added value and reducing bottlenecks in cross-border sections and intermodal hubs. Finally, the 5th Cohesion Report itself already confirmed the explicit anchoring of cross-border cooperation as part of the third cohesion objective, and saw this as an important future field of action of a more territorially oriented European cohesion policy from 2013.

A different picture emerges with regard to the question of the extent to which cross-border territories are also subjects of European policy, i.e. actors who proactively or at least reactively influence the emergence and shaping of European policy. In the absence of empirical studies on this topic, some experience-based aspects will be addressed in the following.

First of all, it is interesting to note that the European border regions have had a common interest platform, the Association of European Border Regions (AEBR), with its headquarters in Gronau, North Rhine-Westphalia, since the early 1970s<sup>80</sup>. Over the years, this institution has carried out very targeted lobbying not only at the level of the participating member states, but also directly at the level of the European institutions, and has been pushing this forward especially in recent times through a variety of activities. In addition to AEBR, the Committee of the Regions (CoR) as well as the Representations of the Regions in Brussels have established themselves as further players in recent years, while at the level of the European Parliament there are hardly any *intergroups* or specific committees or they are still in the process of being established – primarily promoted by reflections on the design of macro-regional EU strategies.

The central challenge of a European representation of interests and thus the foundation of a subject function capable of action and articulation for European politics is the difficulty of defining cross-border territories as a single actor. The wide range of cross-border territories in Europe<sup>81</sup> (old and new border areas, areas with urban cores and rural areas, border areas with strong and weak geographical/natural borders, border regions on the internal and external borders of the community, border regions with high and low conflict intensity, border regions that lie outside the EU, etc.)<sup>82</sup> makes it difficult to identify common interests and thus to articulate European interests.

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80 See for a detailed presentation of this topic Guillermo-Ramirez 2010

81 Ricq 2006

82 Lambertz 2010

In addition, in European multi-level *governance* it is primarily the member states and then their sub-state units (countries, regions) themselves that represent the interests of the border regions. Joint initiatives by the border regions themselves have only taken place in recent times. From the perspective of the cross-border regions, this shows the problem of vertical and horizontal subsidiarity of a European representation of interests: The professional communication relations in Europe (Council of Ministers, Conferences of Ministers, etc.) are still being constituted by the Member States and then their sub-state units (Länder, regions, etc.). Cross-border coordination with regard to the conception and implementation of European policy approaches related to cross-border territories hardly takes place at the level of the member states and the EU (at least beyond the negotiations on securing the continuation of *INTERREG* or the further development of European spatial planning policy).

This explains why the representation of interests to date – and thus indirectly also the European subject function in question – of the cross-border territories is very narrowly limited to specific aspects of cross-border cooperation and thus also reflects the reception of the topic to date at the European level: The interests regarding the creation of the EGTC, the securing of the continuation of the *INTERREG* programmes and of *Inter-act* or the corresponding contributions to the Green Paper on Territorial Cohesion etc. were very effectively, but ultimately rather related to less significant sub-sections of European policy development.

Finally, this may also be related to the general difficulty of getting the "cross-border argument" heard at all, because the specific situation of cross-border areas is usually regarded as a very marginal problem by higher levels. This can be explained by the fact that border regions have for a very long time been portrayed and perceived as disadvantaged peripheral regions and not as potential regions for innovation and growth. In addition, there is the so-called "5 % phenomenon" and the "grey zone" of cross-border cooperation: 90,000 cross-border commuters in a border region, for example, initially seem to represent a significant factor for territorial development. However, they are quickly relativised from the perspective of the cross-border area itself, since they represent only 3 % of an active population of 3 million! How can structural exceptions be justified for this comparatively small percentage of the total population with an actual cross-border lifestyle? In many areas (tourism, education, transport, health, social affairs, etc.) the actual cross-border reality in relation to the



respective total territorial size often seems to be hardly larger than 5 %<sup>83</sup>! The situation is aggravated by the fact that, on the other hand, reliable figures on the real potentials that could be realised through optimised cross-border cooperation are still not available in most cross-border territories due to the lack of comparability of statistical data and the absence of suitable prospective methods. Thus, beyond political and theoretical desirability, there is a lack of resilient facts that quasi automatically lead to a weakening of cross-border areas in relation to comparable areas of the domestic context. Therefore, cross-border cooperation is perceived at the higher decision-making level – at least in tendency – as something very sensible, and everyone is anxious and well-intentioned to move things forward, the only thing missing are concrete examples and approaches for action that can form the basis for political decisions and integrated representation of interests. Moreover, cross-border problems are often also located in a grey area<sup>84</sup> : for the locally acting actors, these are often too "big" due to a de facto lack of competence to act, while from the perspective of higher levels (nation states), these in turn are too "small" due to their supposedly selective character to justify a nation-state approach to solving them.

In summary, the hypothesis can be formulated that Europe's cross-border territories – despite all the positive developments that have emerged in recent years and that are already discernible for the future – are, at least so far, neither real objects nor actual subjects of European policy. This is all the more surprising since the quantitative and qualitative importance of cross-border territories for the success of European integration is obvious: 30 % of the European population lives in this type of territory, almost 40 % of the European territory has a more or less direct connection to the border situation, and of the only about 7 % of the European population who actually make active use of mobility rights in a united Europe, 80 % are found in European border regions. Beyond the simple hinge function between the different political-administrative systems, this type of territory also stands for a new form of integrated territorial potential development, which can be seen symbolically not only for the further shaping of the future cohesion policy as a specific object area, but also for the impact-oriented European policy and integration development as a whole.

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83 The exception, however, is the area of cross-border consumption, where there are sometimes significantly higher cross-border interdependencies in areas close to the border.

84 Lamassoure 2005

*2.4 Prospects for cross-border cooperation within the process of European integration*

So how can cross-border cooperation in Europe in future be given the status it should actually have as a horizontal dimension of European integration?

From the tension between the potential integration contribution of the European border regions on the one hand and the factual status of their object/subject reference in European policies on the other hand, the necessity of an expansion and re-accentuation of the corresponding integration-specific laboratory function arises: In addition to economic and social cohesion dimensions, cross-border territories stand like no other type of territory in Europe above all for the possibilities of a better realisation of territorial cohesion. New opportunities arise from the direct reference to the Lisbon Treaty, which were already explicitly pointed out in the 5th Cohesion Report. Admittedly, the report still showed an overall tendency to subsume border regions only under the category of "special areas with particular geographical features". At the same time, however, it was emphasised in the introduction that the new objective must be covered even better in the new programmes, "with a particular focus on the role of cities, functional territorial units, areas with special geographical or demographic problems and macro-regional strategies"<sup>85</sup>.

In this respect, it is important that general reform tendencies of the cohesion policy are constantly taken up by the cross-border territories at an early stage and implemented in an exemplary manner for their respective territorial references. On the one hand, it is a matter of strengthening and differentiating the cross-border partnership on the basis of the specific territorial contextual factors. This refers to the structure of the actors involved in cross-border cooperation itself, with a stronger horizontal expansion into the areas of economy and civil society. On the other hand, the partnership should ensure a greater implementation orientation of the initiatives, programmes and measures in question in the future<sup>86</sup>. In addition to the elaboration of integrated territorial development concepts at the cross-border level, concrete cooperation agreements should be concluded between all relevant territorial actors, in which roles, co-financing and material contributions to action are bindingly regulated for a medium-term period.

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<sup>85</sup> Cf. 5th Cohesion Report, p.XXVIII.

<sup>86</sup> Casteigts 2010

## 2. Cross-border cooperation within the process of European integration

Furthermore, within cross-border cooperation, a stronger concentration is required on those focal points in which innovations and development impulses can actually be developed through targeted cooperation/networking of the actors ("Strengthening strengths"). This means that, with regard to project generation, *top-down* procedures that serve the targeted development of strengths must be added to the still important *bottom-up* processes. This can be done in the form of so-called *project calls* for which, in turn, flexibly manageable budget lines should be set up within the existing programme lines, which should be implemented, if possible, in the form of lump sums. In this context, there is also a general need for a greater impact orientation with regard to cross-border development management in the future: consistent impact analyses in planning and project selection as well as in implementation and evaluation on the basis of transparent goals and real impact indicators must become the standard procedure for future cross-border initiatives and projects.

In addition to these rather instrumental-procedural optimisations, which refer to cross-border policy within a specific area itself, it seems necessary that in the future cross-border areas also participate more strongly in the development of European policy approaches within the framework of new multi-annual European strategies, against the background of their specific laboratory function. In European system of *impact assessment*<sup>87</sup> related to this, a specific cross-border impact category is currently still missing. If there is a tendency to generally better assess the territorial impacts of sectoral policies of the European level in an *ex ante* perspective, in order to promote synergies and minimise contradictory impact effects in this way<sup>88</sup>, this should also apply to the cross-border level of this territorial dimension<sup>89</sup>. Cross-border regions could thus become ideal test areas for the *ex-ante* evaluation of future EU policies, as here, in an integrated analytical view, effects on the various political-administrative systems of the Community (e.g. assessment of bureaucratic burdens and so-called *compliance costs*), effects on the spatial situation of various Member States as well as on the cross-border, i.e. sub-European level itself can be recorded in an exemplary manner. Border regions also cover the spectrum of all European territorial typologies. Impacts on new and old member states, urban and rural areas as well as internal and external borders could thus

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87 European Commission (dir.), *Impact Assessment Guidelines*, 15.1.2009, SEC(2009) 92; in: [http://ec.europa.eu/governance/impact/index\\_en.htm](http://ec.europa.eu/governance/impact/index_en.htm) (2.1.2011).

88 Renda 2006

89 Unfried/Kortese 2019

be simulated in parallel through the integrated approach of a cross-border impact analysis of future European policy approaches, which should be a great attraction for the European Commission services entrusted with this task<sup>90</sup>.

However, at the level of the actors in the cross-border territories, this presupposes that they are actively involved in the consultation processes at EU level at a very early stage, if possible as a single point of contact, and that they are prepared to contribute resources and *know-how*, but above all cross-border technical impact reflections, to the *impact assessment studies* of the European Commission. This will not be possible for all EU initiatives and – due to the relatively high transaction costs – probably not even for the most important ones, if only for reasons of capacity and coordination (corresponding cross-border procedures still have to be established and practised). However, at least for those areas in which a different implementation of EU policy within national sectoral policy would lead to contradictory or even conflictual effects in a cross-border perspective, the cross-border actors should already show corresponding motivations out of their institutional and functional self-interest.

Furthermore, lobbying and coordinated representation of interests at EU level should be further strengthened<sup>91</sup>. The European macro-regions have shown how the interests of specific types of cross-border territories can be incorporated into European strategies. Now it will certainly be unrealistic to believe that every single cross-border territory can develop direct lobbying functions towards Brussels and be heard individually. However, the annual European Week of Regions and Cities in Brussels has already shown how rich and exciting a joint presentation and reflection of one's own development approaches in relation to specific typologies and issues of cross-border cooperation can be.

Finally, as *Karl-Heinz Lambertz*, shows, besides the "may" (active support by the member states) and the "will" (*commitment* and willingness to take risks of the political-administrative actors themselves), above all the "ability" for cross-border cooperation will become a strategic challenge for the future development and positioning of cross-border territories in Europe<sup>92</sup>. The more institutions, policy approaches and procedures of cross-border governance functionally differentiate, specialise and network across sectors

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90 Beck 2014a, 2015b

91 Guillermo-Ramirez 2011

92 Lambertz 2010

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and levels, the more new actors will be involved in this field<sup>93</sup>. In the future, beyond the promotion of the necessary foreign-language communication skills, which is already very important in itself, the focus will have to be on the even better teaching of key cross-border skills (knowledge of institutions, intercultural action skills, procedural management skills) so that the desired learning and innovation approaches can actually be realised in cross-border areas and are not hindered by mutual blockades and lengthy interpersonal and inter-institutional learning loops<sup>94</sup>: Innovative cross-border cooperation presupposes the existence of and the ability to engage in "reflexive learning" (so-called "*double loop* learning"<sup>95</sup>) at the level of the actors involved, and this can and must be taught and trained precisely in cross-border terms<sup>96</sup>.

Not least in this context, the Euro-Institut Kehl/Strasbourg has initiated the creation of a network of future Euro-Institutes in Europe (TEIN)<sup>97</sup>, involving national partners from different European border regions (including France, Germany, Denmark, Austria, Italy, Spain, Slovenia, Poland, Czech Republic, Ireland). The aim is to develop quality standards for future cross-border further education and qualification programmes and the creation of corresponding training facilities, among other things, on the basis of a reflection of good practices. The European level can thus have an efficient partner for all questions of cross-border education and training.

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93 Beck/Pradier 2011

94 Eisenberg 2007.

95 Argyris/Schön 1996; Schimanke et al 2006

96 Euro Institute 2007

97 <https://transfrontier.eu/>